

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
MARTIN COUNTY, FLORIDA**

**RESOLUTION NUMBER**

**A RESOLUTION RELATED TO HERITAGE OAKS  
APPROVING A RETAINING WALL LOCATED IN MARSH AREA**

**WHEREAS**, this Board has made the following determinations of fact:

1. Gregory S. Porter is the owner of Lot 83, a portion of Lot 84 and a portion of the Marsh located in Heritage Oaks as further described in composite Exhibit A attached hereto.
2. Paragraph 7 of the Certificate of Ownership and Dedication for Heritage Oaks prohibits alterations or structures within the Marsh or Preservation areas except for erosion control or access approved by the Board of County Commissioners.
3. Mr. Porter constructed a retaining wall within a portion of the Marsh and has obtained the required building permit.
4. Mr. Porter has requested approval of the retaining wall by the Board of County Commissioners as required by Paragraph 7 of the Certificate of Ownership and Dedication.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MARTIN COUNTY, FLORIDA, THAT:**

1. Approval is hereby granted for the retaining wall described in Permit Number BLD2018051566, a copy of which is attached hereto as Composite Exhibit B. No further alteration or structures beyond those described in Permit Number BLD2018051566 are authorized.
2. This resolution shall be recorded in the Public Records of Martin County after payment of the recording fee by Mr. Porter. A copy of this resolution shall be forwarded to Mr. Porter subsequent to recording.

**DULY PASSED AND ADOPTED THIS 24TH DAY OF JULY, 2018.**

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
MARTIN COUNTY, FLORIDA

\_\_\_\_\_  
CAROLYN TIMMANN, CLERK OF THE  
CIRCUIT COURT AND COMPROLLER

BY: \_\_\_\_\_  
EDWARD V. CIAMPI, CHAIRMAN

APPROVED AS TO FORM AND  
CORRECTNESS:

\_\_\_\_\_  
KRISTA A. STOREY  
SENIOR ASSISTANT COUNTY ATTORNEY

Composite Exhibit A

INSTR # 2555353  
OR BK 2831 PG 1633  
(2 Pgs)  
RECORDED 01/25/2016 02:23:52 PM  
CAROLYN TIMMANN  
MARTIN COUNTY CLERK  
DEED DOC TAX \$11,900.00

This Document Prepared By and Return to:

**Secure Land Title & Escrow Services, Inc.**  
**712 U.S. Highway One, Ste 230**  
**North Palm Beach, FL 33408**  
**Karen Flynn-Meisel**

Parcel ID Number: 23-40-42-001-001-00830.3000

## Warranty Deed

This Indenture, Made this **22nd** day of **January, 2016** A.D., **Between**

**Harvey Montijo and Gladys Z. Montijo, husband and wife**

of the County of **Martin**, State of **Florida**, **grantors**, and

**Gregory S. Porter, a single man**

whose address is: **10482 SE BanyanWay, Tequesta, FL 33469**, of the County of **Martin**, State of **Florida**, **grantee**.

**Witnesseth** that the GRANTORS, for and in consideration of the sum of

-----**TEN DOLLARS (\$10)**----- DOLLARS,

and other good and valuable consideration to GRANTORS in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, have granted, bargained and sold to the said GRANTEE and GRANTEE'S heirs, successors and assigns forever, the following described land, situate, lying and being in the County of **Martin** State of **Florida** to wit:

**Lot 83 Block A, HERITAGE OAKS, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Martin County, Florida, recorded in Plat Book 7, Page 10. TOGETHER WITH the following described portion of Lot 84, according to said plat; BEGIN at a point on the East line of said Lot 83, said point being 136.34 feet Southerly from, as measured along said East line, the Northeast corner of said Lot 83; thence continue Southerly and radially along said East line, a distance of 43.66 feet to the Southerly corner common to said Lots 83 and 84, said corner also being the beginning of a non-tangent curve, concave to the North, having a radius of 180.00 feet and a central angle of 16° 23' 26"; thence continue Easterly along the arc of said curve and Southerly line of said Lot 84 a distance of 51.49 feet to a point; thence departing said Southerly line, North 75° 00' 52" West, a distance of 62.46 feet to the POINT OF BEGINNING.**

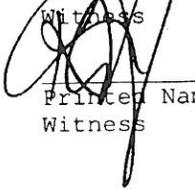
**Subject to restrictions, reservations and easements of record, if any, and taxes subsequent to 2015.**

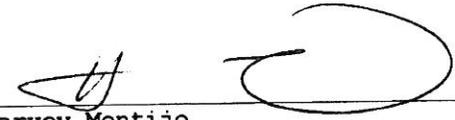
and the grantors do hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

MONTIJO-PORTER

**In Witness Whereof**, the grantors have hereunto set their hands and seals the day and year first above written.

**Signed, sealed and delivered in our presence:**

  
Printed Name: Pam Seals  
Witness  
  
Printed Name: Karen Flynn-Meisel  
Witness

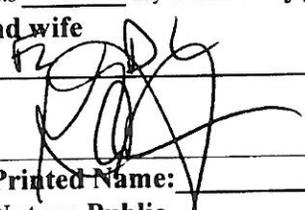
 (Seal)  
Harvey Montijo  
 (Seal)  
Gladys Z. Montijo

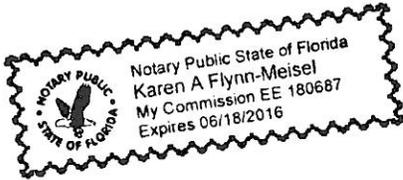
**STATE OF Florida**  
**COUNTY OF Palm Beach**

The foregoing instrument was acknowledged before me this 22nd day of **January, 2016** by

**Harvey Montijo and Gladys Z. Montijo, husband and wife**

who are personally known to me or who have produced their identification.

  
Printed Name: \_\_\_\_\_  
Notary Public  
My Commission Expires: 11



MONTIJO-PORTER



This Instrument Prepared by:  
Tim B. Wright  
Wright, Ponsoldt & Lozeau  
Trial Attorneys, L.L.P.  
1002 SE Monterey Commons Boulevard  
Suite 100  
Stuart, Florida 34996

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SPACE ABOVE LINE FOR PROCESSING AND RECORDING INFORMATION

“THIS DEED PREPARED WITHOUT BENEFIT OF TITLE EXAMINATION”

**QUIT-CLAIM DEED**

THIS QUIT-CLAIM DEED, executed this 3<sup>rd</sup> day of April, 2018, by The Heritage Oaks Home Owners, Inc. a/k/a Heritage Oaks Home Owners, Inc. a/k/a The Heritage Oaks Homeowner's Association a/k/a Heritage Oaks Homeowners Association, whose post office address is 18000 SE Heritage Drive, Tequesta, Florida 33469, first party, to Gregory S. Porter, a single man, whose post office address is 10482 SE Banyan Way, Tequesta, Florida 33469, second party\*:

WITNESSETH, that the said first party, for and in consideration of the sum of ten dollars (\$10.00) and other good and valuable consideration to the said first party in hand paid by the said second party, the receipt of which is hereby acknowledged, does hereby remise, release, and quit-claim unto the said second party forever, all the right, title, interest, claims and demand which the said first party has in and to the following described lot, piece or parcel of land, situate, lying and being in Martin County, Florida, to wit:

**See attached Exhibit “A.”**

Subject to restrictions, reservations, easements, and limitations of record, and all taxes and assessments.

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said first party, either in law or equity, to the other proper use, benefit and behalf of the said second party.

\* (Wherever used herein, the terms “first party” and “second party” shall include singular and plural, heirs, legal representative, and assigns of individuals, and the successors and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

The preparer of this instrument was neither furnished with, nor requested to review, an abstract of title on the described property and therefore expresses no opinion as to the condition of title.

IN WITNESS WHEREOF, the said first party has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered  
In the presence of:

[Signature]  
Witness #1 Signature

WILLIAM SAVARISE  
Witness #1 Printed Name

[Signature]  
Witness #2 Signature

Rob Totolo  
Witness #2 Printed Name

The Heritage Oaks Home Owners, Inc.  
a/k/a Heritage Oaks Home Owners, Inc.  
a/k/a The Heritage Oaks Homeowners'  
Association a/k/a Heritage Oaks  
Homeowners Association

By: Walter Hackenjos  
Its: PRESIDENT

(Corporate Seal)

STATE OF FLORIDA  
COUNTY OF MARTIN

The foregoing Quit-Claim Deed was acknowledged before me this 3<sup>rd</sup> day of April, 2018, by Walter Hackenjos as President of The Heritage Oaks Home Owners, Inc. a/k/a Heritage Oaks Home Owners, Inc. a/k/a The Heritage Oaks Homeowner's Association a/k/a Heritage Oaks Homeowners Association., who  is personally known to me, or ( ) has produced \_\_\_\_\_ as identification, and who did (not) take an oath.



Diane Mangold  
Notary  
Printed Name: Diane Mangold  
I am a Notary Public of the State of Florida  
having a commission number of 96136116  
and my commission expires: 11/12/21

**DESCRIPTION & SKETCH  
PREPARED FOR:  
HERITAGE OAKS  
HOMEOWNER'S ASSOCIATION**

**HERITAGE OAKS  
"MARSH"**

**LEGAL DESCRIPTION**

A PARCEL OF LAND, LYING IN A PORTIONS OF "MARSH", AS SHOWN ON THE PLAT OF HERITAGE OAKS, RECORDED IN PLAT BOOK 7, PAGE 10, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 83, BLOCK A, AS SHOWN ON SAID PLAT; THENCE SOUTH 23° 35' 35" WEST, ALONG THE SOUTHERLY PROLONGATION OF THE WEST LINE OF SAID LOT 83, BLOCK A, A DISTANCE OF 15.25 FEET; THENCE SOUTH 59° 34' 52" EAST, A DISTANCE OF 142.99 FEET; THENCE NORTH 86° 30' 23" EAST, A DISTANCE OF 30.26 FEET; THENCE NORTH 57° 42' 41" EAST, A DISTANCE OF 27.76 FEET; THENCE NORTH 28° 47' 25" EAST, A DISTANCE OF 75.70 FEET TO A POINT ON THE NORTH LINE OF SAID "MARSH"; THENCE ALONG SAID NORTH LINE, SOUTH 69° 24' 00", A DISTANCE OF 41.55 FEET TO A POINT BEING ON A CURVE CONCAVE NORTHERLY, HAVING A RADIUS OF 180.00 FEET, A CENTRAL ANGLE OF 44° 11' 35"; A DISTANCE OF 138.84 FEET TO THE POINT OF TANGENCY; THENCE NORTH 66° 24' 25" WEST, A DISTANCE OF 36.08 FEET TO THE POINT OF BEGINNING.

CONTAINING 7,815 SQUARE FEET, MORE OR LESS.

**SURVEYOR'S NOTES:**

1. THIS DRAWING IS NOT A SURVEY.
2. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THIS OFFICE.
3. THE DESCRIPTION SKETCH AND THE DESCRIPTION TEXT COMPRISE THE COMPLETE LEGAL DESCRIPTION. THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH ACCOMPANY EACH OTHER.
4. THIS LEGAL DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER EMPLOYED BY LIDBERG LAND SURVEYING, INC.
5. DATE OF LEGAL DESCRIPTION: SEPTEMBER 20, 2017

LIDBERG LAND SURVEYING, INC.

BY: DAVID C. LIDBERG  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA CERTIFICATE NO. 3613

**ABBREVIATIONS:**

- POB - POINT OF BEGINNING
- POC - POINT OF COMMENCEMENT
- ORB - OFFICIAL RECORD BOOK

12/19/17 REVISE LEGAL & SKETCH 16-082-303A L.J.C.



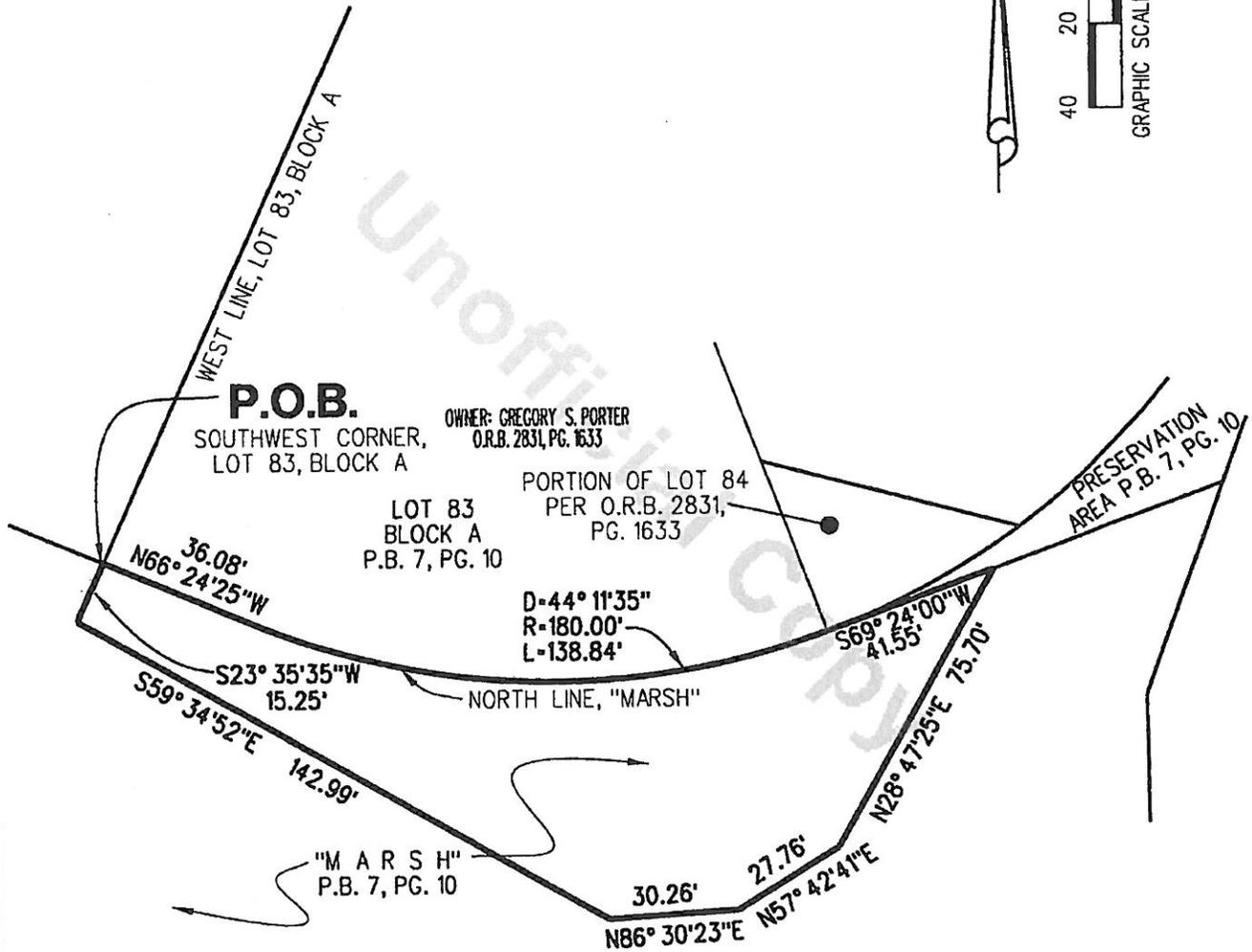
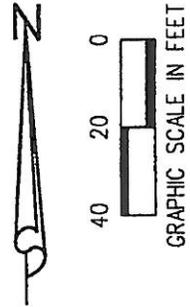
**LIDBERG LAND  
SURVEYING, INC.**

LB4431 675 West Indiantown Road, Suite 200,  
Jupiter, Florida 33458 TEL. 561-746-8454

CAD. K:\MST \ 234042 \ 07-10 \ 16-082-303 \ 16-082-303.DGN			
REF.			
FLD.	FB.	PG.	JOB 16-082-303
OFF. L.J.C.			DATE 09/20/17
CKD. D.C.L.	SHEET	1 OF 2	DWG. A16-082A

**DESCRIPTION & SKETCH  
PREPARED FOR:  
HERITAGE OAKS  
HOMEOWNER'S ASSOCIATION**

**HERITAGE OAKS  
"MARSH"**



ABBREVIATIONS:  
POB - POINT OF BEGINNING  
POC - POINT OF COMMENCEMENT  
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**LIDBERG LAND  
SURVEYING, INC.**

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675 West Indiantown Road, Suite 200,  
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CAD. K:\JUST \ 234042 \ 07-10 \ 16-082-303 \ 16-082-303.DGN

REF.

FLD.

FB.

PG.

JOB 16-082-303

OFF.

L.J.C.

DATE 09/20/17

CKD.

D.C.L.

SHEET 2

OF 2

DWG. A16-082A



**MARTIN COUNTY**  
**Residential Miscellaneous Structure**  
**PERMIT**

**CARD MUST BE POSTED IN A CONSPICUOUS PLACE ON THE FRONT OF THE PREMISES WITHIN VIEW OF THE STREET BEFORE WORK IS STARTED.**

<b>Permit Number:</b>	<b>BLD2018051566</b>
<b>Date Issued:</b>	
<b>Permit Type:</b>	<b>Residential Miscellaneous Structure</b>
<b>Permit Name:</b>	
<b>Project Name:</b>	<b>N/A</b>

<b>Scope of Work:</b>	<b>Four foot landscape wood wall built in 2016</b>
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**Applicant/Contact:** GREGORY S PORTER /  
**Address:** 10482 SE BANYAN WAY, TEQUESTA, FL 33469 **Phone:**

**Owner Name:** PORTER GREGORY S  
**Address:** 10482 SE BANYAN WAY, TEQUESTA, FL 33469 **Phone:**

**Property Location:**

**Parcel Control Number:** 234042001001008303  
**Subdivision:**  
**Address:** 10482 SE BANYAN WAY , TEQUESTA, FL 33469-1419

**Prime Contractor:** \_\_\_\_\_ **License No:** \_\_\_\_\_

In consideration of the granting of this permit, it is agreed that in all respects the work will be performed and completed in accordance with the permitted plans, which must be on site and readily available to the inspector, and the applicable codes for Martin County, Florida. This permit may be revoked at any time upon the violation of any of the provisions of said laws, ordinances or rules and regulations or upon any change in the plans and specifications unauthorized by this department. Permit expires one hundred eighty (180) days from the date of issuance if work is not started or if work is suspended for a period of six months. Per FBC Section 3305, sanitary facilities shall be provided during construction, remodeling, or demolition activities.

"NOTICE: IN ACCORDANCE TO THE REQUIREMENTS OF THIS PERMIT, THERE MAY BE ADDITIONAL RESTRICTIONS APPLICABLE TO THIS PROPERTY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THE COUNTY AND THERE MAY BE ADDITIONAL PERMITS REQUIRED FROM OTHER GOVERNMENTAL ENTITIES SUCH AS WATER MANAGEMENT DISTRICTS, STATE AGENCIES, OR FEDERAL AGENCIES."

**WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT.**

ALL REINSPECTIONS OR ADDITIONAL INSPECTIONS WILL BE CHARGED AT A RATE ESTABLISHED BY THE BOARD OF COUNTY COMMISSION.

**NOTICE: DO NOT ORDER CONCRETE UNTIL INSPECTION IS APPROVED.**

UPON COMPLETION OF WORK, A FINAL INSPECTION MUST BE CALLED FOR BY THE CONTRACTOR. FAILURE TO DO SO WILL RESULT IN A DENIAL OF FUTURE BUILDING PERMITS TO THE CONTRACTOR.



**MARTIN COUNTY**  
**Residential Miscellaneous Structure**  
**PERMIT**

**CARD MUST BE POSTED IN A CONSPICUOUS PLACE ON THE FRONT  
OF THE PREMISES WITHIN VIEW OF THE STREET BEFORE WORK  
IS STARTED.**

**INSPECTIONS**

The inspections listed below may not represent all necessary required inspections for the scope of work.  
Phone 288-5489 for inspections. 24 hour notice is required.

<b>Inspection</b>	<b>Date</b>	<b>Status</b>	<b>Inspector</b>
1 DEADMEN		Pending	
3 TIEBACK		Pending	
2 RESIDENTIAL FINAL		Pending	



# MARTIN COUNTY

## Residential Miscellaneous Structure

### PERMIT

**CARD MUST BE POSTED IN A CONSPICUOUS PLACE ON THE FRONT OF THE PREMISES WITHIN VIEW OF THE STREET BEFORE WORK IS STARTED.**

#### CONDITIONS

**1 NOTICE OF COMMENCEMENT**  
**NOTICE OF COMMENCEMENT**  
**COMMENT:**

A copy of the recorded Notice of Commencement must be submitted to the Inspections' office prior to scheduling the first inspection. The form can be found under Building Forms at [www.martin.fl.us](http://www.martin.fl.us) -> Building Department -> Building Department Forms and faxed to 772-419-6934.

**ACTION/RESOLUTION:**

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**2 INFORMATIONAL PLAN REVIEW COMMENT**  
**INFORMATIONAL PLAN REVIEW COMMENT**  
**COMMENT:**

Independent of any regulations of Martin County, there may be restrictions applicable to this property in private restrictive covenants, homeowners' association covenants or other private land use arrangements. Such private controls are not enforceable by the County but may affect the use and development of the property. It is the responsibility of the applicant/owner to seek and receive approval from those jurisdictions.

**ACTION/RESOLUTION:**

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**3 HANDRAILS REQ PER FBC/R311.7.8**  
**6th ed (2017) FBC/Residential R311.7.8**

Handrails shall be provided on at least one side of each continuous run of treads or flight with four or more risers. Provide either Type I (Round 1-1/4" to 2" diameter) or Type II Handrails per R311.7.8.3.

**COMMENT:**

The survey provided indicates stairs at two location within the retaining wall. Please demonstrate compliance to the following:

6th ed (2017) FBC/Residential R311.7.8

Handrails shall be provided on at least one side of each continuous run of treads or flight with four or more risers. -

**ACTION/RESOLUTION:**

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**4 SIGNED & SEALED PLANS**

Plans must be signed, dated, and sealed by the Architect of Record (F.S. 481.221(2)) or the Engineer of Record (F.S. 471.025(1)). 6th edition (2017) FBC/Residential 107.3.

**COMMENT:**

Please submit engineered drawings demonstrating compliance with 6th Edition (2017) FBC

R404.4 Retaining walls.

Retaining walls that are not laterally supported at the top and that retain in excess of 48 inches of unbalanced fill, or retaining walls exceeding 24 inches in height that resist lateral loads in addition to soil, shall be designed in accordance with accepted engineering practice to ensure stability against overturning, sliding, excessive foundation pressure and water uplift. Retaining walls shall be designed for a safety factor of 1.5 against lateral sliding and overturning.

**ACTION/RESOLUTION:**

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# MARTIN COUNTY

## Residential Miscellaneous Structure

### PERMIT

**CARD MUST BE POSTED IN A CONSPICUOUS PLACE ON THE FRONT OF THE PREMISES WITHIN VIEW OF THE STREET BEFORE WORK IS STARTED.**

- 5 GUARDS REQ'D 30 INCHES OR MORE  
GUARDS REQ'D 30 INCHES OR MORE

**COMMENT:**

Guards shall be built in compliance with the current 6th edition (2017) FBC/Residential R312.R312.1.1 Where required. Guards shall be located along open-sided walking surfaces, including stairs, ramps and landings, that are located more than 30 inches (762 mm) measured vertically to the floor or grade below at any point within 36 inches (914 mm) horizontally to the edge of the open side. Insect screening shall not be considered as a guard. R312.1.2 Height. Required guards at open-sided walking surfaces, including stairs, porches, balconies or landings, shall be not less than 36 inches (914 mm) high measured vertically above the adjacent walking surface, adjacent fixed seating or the line connecting the leading edges of the treads. R312.1.3 Opening limitations. Required guards shall not have openings from the walking surface to the required guard height which allow passage of a sphere 4 inches (102 mm) in diameter. \*\*Please provide per above

**ACTION/RESOLUTION:**