

Pursuant to Sec. 695.26, F.S.
Prepared by:
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Gunster, Yoakley & Stewart, P.A.
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Stuart, Florida 34996

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**FIRST AMENDMENT TO THREE LAKES GOLF CLUB
PLANNED UNIT DEVELOPMENT ZONING AGREEMENT**

THIS FIRST AMENDMENT TO THREE LAKES GOLF CLUB PLANNED UNIT DEVELOPMENT ZONING AGREEMENT, made and entered into this _____ day of _____, 2024, by and between THREE LAKES GOLF CLUB, LLC, a Delaware limited liability company, hereinafter referred to as OWNER, and MARTIN COUNTY, a political subdivision of the State of Florida, hereinafter referred to as COUNTY.

WITNESSETH:

WHEREAS, after appropriate notice, and public hearing, the COUNTY approved, on the 20th day of February 2024, a Planned Unit Development Zoning Agreement for the development of a project known as THREE LAKES GOLF CLUB PUD. The THREE LAKES GOLF CLUB PLANNED UNIT DEVELOPMENT ZONING AGREEMENT was recorded in Official Records Book 3428, Page 2743 of the Public Records of Martin County, Florida hereinafter referred to as the “PUD Agreement”; and

WHEREAS, OWNER desires to amend the PUD Agreement to revise Exhibit A – Legal Description, Exhibit D – Master Site Plan, Exhibit E – Timetable for Development, and Exhibit E-1 – Phasing Plan (the “First Amendment”).

NOW, THEREFORE, the parties do hereby agree as follows:

1. Exhibit A – Legal Description as shown on Exhibit A of the PUD Agreement is replaced by and modified, as shown on Exhibit A – Revised Legal Description of this First Amendment to include an updated Legal Description.

2. Exhibit D - Master Site Plan as shown on Exhibit D of the PUD Agreement is replaced by and modified, as shown on Exhibit D – Revised Master Site Plan of this First Amendment. Exhibit D – Revised Master Site Plan reflects the following changes:

- a. Revise and expand the golf course lake configurations in Phase 1 and Phase 2;
- b. Relocate 6 of the 8 golf cottages from Phase 2 to Phase 3;
- c. Add 2 acres of native landscape/tree protection near Founder’s House in Phase 2;
- d. Revise cottage design, access and parking in Phases 1, 2 and 3;
- e. Revise east clubhouse building including access and parking in Phase 3;
- f. Revise pool, spa and tennis club facilities in Phase 3;
- g. Expand short course golf building and parking in Phase 3 to include clubhouse/pool and related amenities for south cottages in Phase 3;
- h. Replace river club facilities in north cottage area of Phase 3 with standard access to boat dock per Army Corps of Engineer (ACOE) permitting requirements;
- i. Replace the proposed tunnel under Kanner Highway in Phase 3 with a rural bridge design per the Florida Department of Transportation permitting requirements;
- j. Remove gated entrance at SW Apogee Way and associated turn lane improvements on Kanner Highway and create a temporary stabilized “emergency access/delivery” road connection from SW Delivery Street to SW Apogee Way until a bridge over Kanner Highway is completed;
- k. Add helipad in Phase 3 per the Federal Aviation Administration (FAA) and FDOT permitting requirements; and
- l. Move the employee housing facilities from Phase 3 into a new Phase 4.

3. Exhibit E - Timetable for Development as shown on Exhibit E of the PUD Agreement is replaced by and modified by Exhibit E – Revised Timetable for Development of this First Amendment.

Exhibit E – Revised Timetable for Development reflects the following changes:

- a. Clarification that 14 golf cottages in Phase 1 are detached;
- b. Clarification of extension of potable water and wastewater lines for all buildings in Phases 1 and 2;
- c. Reduction of 8 golf cottages to one golf cottage in Phase 2;
- d. Addition of short course golf clubhouse building, pool amenity and racquet club including utility extensions and supporting infrastructure for lake golf cottages and the addition of 5 golf cottages on the east side of Kanner Highway including utility extensions in Phase 3;
- e. Deletion of access tunnel under Kanner Highway and addition of bridge over Kanner Highway in Phase 3;
- f. Construction of helipad on North Course subject to FAA/FDOT permitting requirements in Phase 3;
- g. Removal of gated entrance at SW Apogee Way and Kanner Highway and creation of temporary stabilized emergency access/delivery road connection from SW Delivery Street to SW Apogee Way until construction of bridge over Kanner Highway in Phase 3; and
- h. Addition of Phase 4 regarding the construction of employee housing, for up to 70 beds, and supporting infrastructure.

4. Exhibit E-1 – Phasing Plan as shown on Exhibit E-1 of the PUD Agreement is replaced by and modified, as shown on Exhibit E-1 – Revised Phasing Plan of this First Amendment to include a revised Phasing Plan.

5. All defined terms in this First Amendment shall have the same meaning as in the PUD Agreement, except if otherwise noted herein. All of the terms and conditions of the PUD Agreement which are not specifically amended or revised by this First Amendment shall remain in full force and effect. In the event of any conflict between the provisions of the PUD Agreement and the provisions of the First Amendment, this First Amendment shall control.

IN WITNESS WHEREOF, the parties hereto have caused this First Amendment to be made and entered into the day and year first written. The date of this First Amended PUD Agreement shall be the date on which this First Amendment was approved by the Board of County Commissioners.

OWNER

WITNESSES:

THREE LAKES GOLF CLUB, LLC, a Delaware limited liability company

Name: _____

By: _____
Peter I. Cavallaro, Vice President

Address: _____

Address: _____

Name: _____

Address: _____

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me by means of physical presence or online notarization this _____ day of _____, 2024, by Peter I. Cavallaro, as Vice President of Three Lakes Golf Club, LLC, a Delaware limited liability company, on behalf of said company, who is personally known to me or has produced _____ as identification.

Signature of Notary Public

Printed Name: _____

(Notary Seal)

COUNTY

ATTEST:

BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

CAROLYN TIMMANN
Clerk of the Circuit Court and Comptroller

By: _____
Harold E. Jenkins II, , Chairman

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

(COMMISSION SEAL)

Elysse A. Elder
Deputy County Attorney

EXHIBIT A

REVISED LEGAL DESCRIPTION

Exhibit A

LEGAL DESCRIPTION THREE LAKES PUD (APOGEE CLUB) MARTIN COUNTY

A parcel of land lying in sections 14, 23, 24, and 26, Township 39 south, range 40 east, Martin County, Florida. Said tract being parcel 1 as described in official records book 2951, page 1233, and parcel 1, parcel 2, parcel 3 and parcel 5 as described in official records book 3251, page 1093 of the public records of said Martin County, Florida and being more particularly described as follows:

TRACT 1

COMMENCE at the Southwest corner of Section 24, thence run N00°00'04"W along the West line of said Section 24 a distance of 10.00 feet to the northerly maintained right-of-way line of SW Bridge Road (County Route #708) and the point of beginning;

Thence N89°45'41"W along said right-of-way line a distance of 629.00 feet to the southeasterly maintained right-of-way line of SW Kanner Highway (State Route #76); Thence along a curve, curving to the left having a radius of 3,250.36 feet, a delta angle of 14°13'46" along said right-of-way line, an arc length of 807.24 feet; Thence N49°52'51"E along said right-of-way line a distance of 2,540.70 feet; Thence N49°52'51"E a distance of 3,516.22 feet; Thence along a curve, curving to the left having a radius of 2,989.93 feet, a delta angle of 22°10'00", an arc length of 1,156.75 feet; Thence N27°42'51"E, a distance of 3,428.55 feet; Thence S89°36'30"E a distance of 939.23 feet; Thence S04°01'57"W a distance of 332.29 feet to the North line of the East 1/2 of the Northwest 1/4 of the Southeast 1/4 of the Northeast 1/4 of said Section 18; Thence S04°02'34"W a distance of 2,661.96 feet to the North line of the East 1/2 of the Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 of said Section 19; Thence S00°02'21"W, a distance of 5,246.52 feet to the northerly right-of-way line of SW Bridge Road; Thence N89°36'08"W along said right-of-way line a distance of 2,339.27 feet to the West line of the West 1/2 Southwest 1/4 of the Southwest 1/4 of the Northeast 1/4 of said Section 19; Thence S89°26'13"W along said right-of-way line a distance of 2714.86 feet to the East line of the West 1/2 of the Southwest 1/4 of the Southeast 1/4 of the Northeast 1/4 of said Section 24; Thence S89°27'38"W along said right-of-way line a distance of 654.92 feet; Thence S89°27'38"W along said right-of-way line a distance of 2008.61 feet to the point of beginning.

Containing 722.95 Acres, more or less.

TRACT 2

COMMENCE at the Southwest corner of Section 24, thence run N89°45'41"W along the South line of Section 23 a distance of 1182.36 feet to the northwesterly maintained right-of-way line of SW Kanner Highway (State Route #76) and the point of beginning;

Thence S69°45'36"W along said right-of-way line a distance of 1182.55 feet; Thence N00°18'52"E a distance of 413.72 feet to the south line of Section 23; Thence N00°06'28"W a distance of 2571.06 feet; Thence N89°49'46"W a distance of 1740.26 feet to the southeasterly right-of-way line of St. Lucie Canal; Thence N31°15'29"E along said right-of-way line a distance of 4040.19 feet; Thence N31°14'53"E along said right-of-way line a distance of 3737.78 feet to the East line of Section 14; Thence South 00°00'42"W along the East line of Section 14 a distance of 3896.32 feet to the Southeast corner of Section 14 and Northeast corner of Section 23; Thence South 00°00'04"E along the East line of Section 23 a distance of 2699.05 feet to the West 1/4 corner of Section 24; Thence N89°22'20"E along the South line of the West 1/2 of the Southwest 1/4 of the Northwest 1/4 of the Northeast 1/4 of said Section 24 a distance of 1342.57 feet to the Southwest corner of East line of the West 1/2 of the Southwest 1/4 of the Northwest 1/4 of the Northeast 1/4 of said Section 24; Thence S00°37'40"E a distance of 40.00 feet; Thence N89°22'20"E a distance of 972.81 feet to the northwesterly right-of-way line of SW Kanner Highway; Thence S49°52'51"W along said right-of-way line a distance of 3136.18 feet; Thence along a curve, curving to the right having a radius of 3050.36 feet, a delta angle of 19°52'45" along said right-of-way line, an arc length of 1,058.34 feet; Thence S69°45'36"W a distance of 201.87 feet to the point of beginning.

Containing 493.79 Acres, more or less.

TOTAL AREA=1,216.74 Acres, more or less

Subject to easements and deed restrictions of record, if any.

EXHIBIT D

REVISED MASTER SITE PLAN

The Revised Master site plan as approved by Martin County Board of County Commissioners to be attached as Exhibit D.

EXHIBIT E

REVISED TIMETABLE FOR DEVELOPMENT

- A. The Three Lakes Golf Club PUD shall be constructed in accordance with this timetable for development and the phasing plan attached as Exhibit E-1.
- B. Final site plan approval for Phase 2 of the Three Lakes PUD development plan must be obtained within one year of the master site plan approval.
- C. Construction must commence within one (1) year of each final site plan approval.
- D. The development of Three Lakes PUD infrastructure must be completed within seven (7) years of approval of the master site plan approval.
- E. Each phase of the development of the Three Lakes PUD shall be sequentially completed and shall be self-supportive prior to proceeding to the next phase. The core infrastructure improvements, consisting of the required stormwater management system, the appropriate NPDES components, stabilized roadways, and adequate fire protection must be completed before issuance of building permits. All required improvements, including but not limited to roads, sidewalks, stormwater and drainage facilities, utilities, landscaping, recreational amenities and those identified on the final site plan for the applicable phase, must be substantially completed, as determined by the County Engineer, prior to the issuance of any certificate of occupancy and prior to the timetable set forth below.

The phases to be constructed and the time period after the date of the approval of the PUD Agreement within which final site plan approval of each phase must be obtained are as follows:

**Maximum period after date
of approval of PUD agreement**

Elements of Phase to be constructed

Phase 1 – (approved/under construction)

Construction of entrance and service roads on Bridge Road and Kanner Highway; Construction of all lakes and site excavation and grading activities for the South (East) 18-hole golf course and West 18-hole golf course including practice facilities, comfort stations, founder's residence (existing house), West golf course clubhouse, 14 detached golf cottage buildings, maintenance facility and parking on West course; Construction of performance center parking on the South course; Construction of drainageways, irrigation pumps and sheds, lake littoral zones and lake upland transition areas; Installation of required landscaping including a minimum 50' wide native landscape buffer along the frontage of Kanner Highway and Bridge Road; Preparation of Preserve Area Management Plan for

entire site; Maintenance of designated preserves areas in accordance with the approved Preserve Area Management Plan (PAMP).

Phase 2 – (approved/under construction)

Extension of Martin County potable water and wastewater lines for all buildings in Phase 1 and 2; Construction of 1 pool/spa cottage building; golf training building and supporting infrastructure; Construction of North 18-hole golf course including golf shelters and a minimum 50' wide native landscape buffer along Kanner Highway, construction of all lakes, littoral zone and upland transition zone areas on North course; Construction of East golf maintenance facility and access road from Kanner Highway including FDOT turn lane and ROW improvements; Construction of performance center building(s) on South course practice range including required drainage, utilities and landscaping.

Phase 3 – (2 years)

Construction of short course on west side of Kanner Highway (south of West course) and short course clubhouse building, pool amenity and racquet club including utility extensions and supporting infrastructure for 18 palm cottages, 16 forest and pool/spa cottages and West golf course pool, spa and fitness club facilities; Construction of permanent golf clubhouse, cart storage buildings, 5 east club golf cottages on east side of Kanner Highway including utility extensions, supporting roads, parking, sidewalks, drainage and landscaping; Construction of private bridge over Kanner Highway subject to FDOT permit requirements; Construction of helipad on North Course subject to FAA/FDOT permitting requirements. Remove gated entrance at SW Apogee Way and Kanner Highway and create temporary stabilized emergency access/delivery road connection from SW Delivery Street to SW Apogee Way until bridge over Kanner Highway is constructed.

Phase 4 – (3 years)

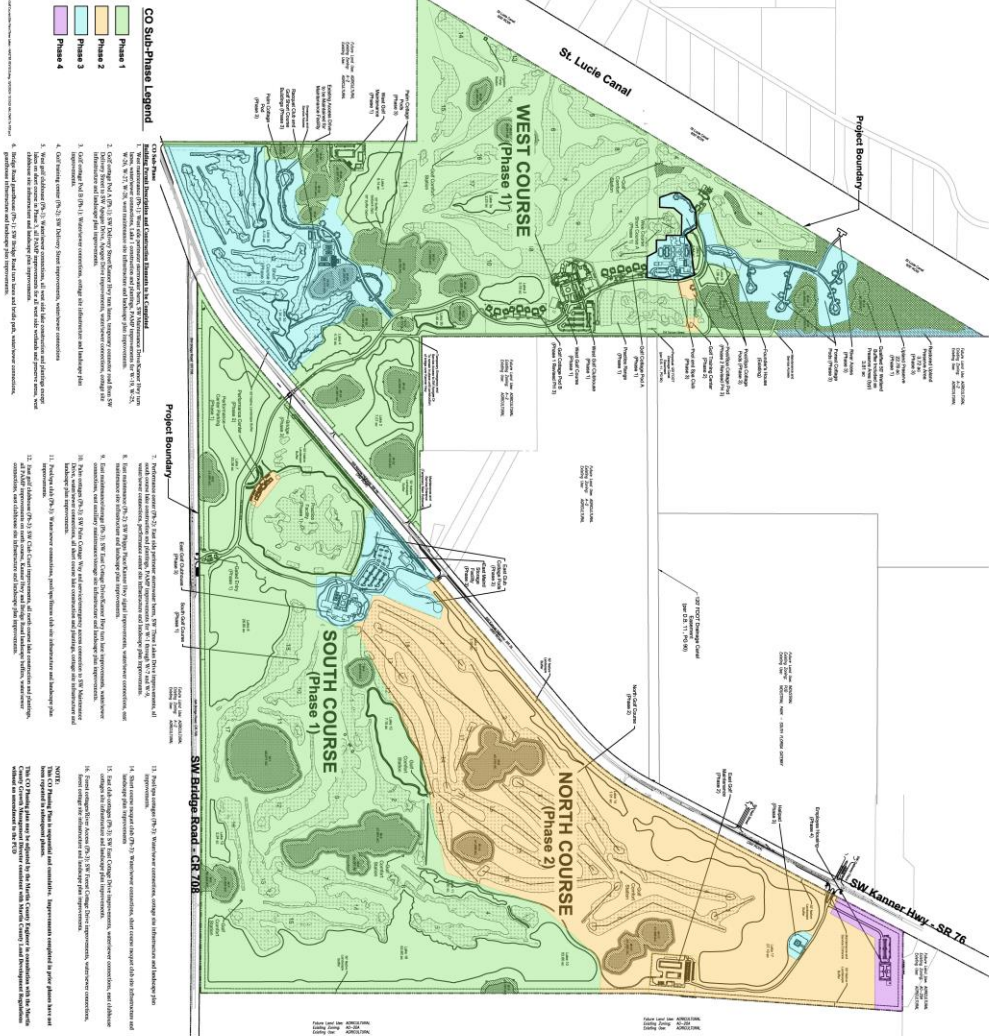
Construction of employee housing (up to 70 beds) and supporting infrastructure.

Unless otherwise specified below, construction of each phase shall be completed within two (2) years after the date the phase received final development plan approval.

EXHIBIT E-1

REVISED PHASING PLAN

Drawing Name: J:\Projects Active\21-390 Three Lakes Golf Course\Site Plan, Oct 07, 2024 - 10:15am Three Lakes - MASTER REVISED.dwg



Phasing Summary

Phase 1 - (approved under construction)
Construction of clubhouse and service roads on Bridge Road and Kanter Highway. Construction of all lakes and site excavation. West 1-hole golf course including practice facilities, clubhouse, and parking. West 1-hole golf course including practice facilities, clubhouse, and parking. West 1-hole golf course including practice facilities, clubhouse, and parking.

Phase 2 - (approved under construction)
Extension of Kanter County grade water and sewerage lines through the site. Construction of North 1-hole golf course including clubhouse, golf training building and supporting infrastructure. Construction of North 1-hole golf course including clubhouse, golf training building and supporting infrastructure.

Phase 3 - (2 years)
Construction of clubhouse and service roads on Bridge Road and Kanter Highway. Construction of all lakes and site excavation. West 1-hole golf course including practice facilities, clubhouse, and parking. West 1-hole golf course including practice facilities, clubhouse, and parking.

Phase 4 - (10 years)
Construction of clubhouse and service roads on Bridge Road and Kanter Highway. Construction of all lakes and site excavation. West 1-hole golf course including practice facilities, clubhouse, and parking. West 1-hole golf course including practice facilities, clubhouse, and parking.

Land Use Legend

- Wetland Preserve
- 30' Wetland Buffer
- 30' Wetland Buffer as Preserve
- Upland Preserve
- 20' Buffer Strips
- Revised Lighted Preserve
- Integrated Golf Cart

NOTES:

1. All construction shall be in accordance with the approved plans and specifications.
2. All construction shall be completed within the specified time frame.
3. All construction shall be subject to the approval of the local authorities.
4. All construction shall be subject to the approval of the local authorities.
5. All construction shall be subject to the approval of the local authorities.
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19. All construction shall be subject to the approval of the local authorities.
20. All construction shall be subject to the approval of the local authorities.

Project Facts:

Project Name: Three Lakes Golf Club PUD Revised Phasing Plan

Location: Mainly County, Florida

Scale: 1" = 100'

North Arrow

Three Lakes Golf Club PUD Revised Phasing Plan

Mainly County, Florida

PH1

NOT Location

Map showing the location of the project within the county and state boundaries.

LEVO & ASSOCIATES

Professional Seal and Signature

PH1

Project Name: Three Lakes Golf Club PUD Revised Phasing Plan

Scale: 1" = 100'

North Arrow