

INSTR # 1789096
OR BK 01951 PG 1474
RECORDED 11/01/2004 10:58:14 AM
MARSHA EWING
CLERK OF MARTIN COUNTY FLORIDA
DEED DOC TAX 0.70
RECORDED BY L Wood

This instrument prepared by:

Project Name: _____
Parcel No: _____
PCN: _____

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR RECORDING DATA

UTILITY EASEMENT

THIS EASEMENT granted and executed this 26th day of October, 2002, by Wal-Mart Stores East, LP, a corporation existing under the laws of the State of Delaware, whose address is 2001 SE 10th St.; Bentonville, AR 72716, Grantor, to MARTIN COUNTY, a political subdivision of the State of Florida, whose address is 2401 SE Monterey Road, Stuart, Florida 34996, Grantee.

(Wherever used herein the terms "Grantor" and "Grantee" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

WITNESSETH, that the Grantor, for and in consideration of the sum of \$1.00 and other good and valuable consideration paid by the Grantee, the receipt whereof is hereby acknowledged, does hereby grant unto the Grantee forever, a permanent non-exclusive Easement on certain lands located in Martin County, Florida as more particularly described in Exhibit "A" attached hereto and made a part hereof (the "Easement Premises") for the construction, reconstruction, replacement, operation, maintenance, and repair of utility related equipment, including, but not limited to lift stations, pumps, pipelines, fences, structures, and powerline hookups, if required, and for ingress and egress in, under, over, across, and through the Easement Premises as may be reasonably necessary, to carry out the purposes of this Easement.

The Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of the Easement Premises in fee simple and that Grantor has good right and lawful authority to grant and convey this Easement, and that Grantor fully warrants the title to the Easement Premises, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has caused these presents to be executed in its name by its duly authorized officer and caused its corporate seal to be affixed the day and year first above written.

Signed, sealed and delivered
in the presence of:

ATTEST:

Deborah K Mager
Assistant SECRETARY

Deborah K Mager
Type or Print Name

Wal-Mart Stores East, LP
Name of Corporation

BY: Robert M. Bedard
Assistant Vice President - Wal-Mart Stores East, LP

Robert M. Bedard
Type or Print Name

Federal Tax No. 710862119

(Corporate Seal)

STATE OF Arkansas,
COUNTY OF Benton,

The foregoing instrument was acknowledged before me this 26th day of October, 2004 by Robert M. Bedard, as President, and Deborah K Mager, as Secretary of Wal-Mart Stores East, LP a limited partnership existing under the laws of the State of Arkansas, on behalf of the corporation. Robert M. Bedard, is (☒) personally known to me or has produced as identification and Deborah Mager is (☒) personally known to me or has produced as identification.

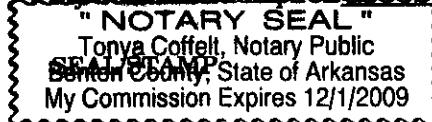
NOTARY PUBLIC

Tonya Coffelt
Signature

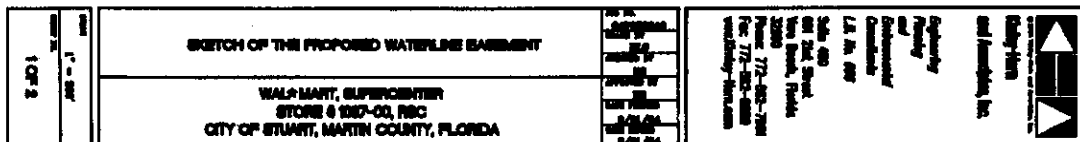
Tonya Coffelt
(Print or Type Name)

Commission No: NP-000-99024

My Commission Expires: 12-1-2009



Approved as to legal terms only
by Adeline
WAL-MART LEGAL DEPT.
Date: 10-26-04



This instrument prepared by:
Martin County Property Management Division
2401 SE Monterey Road
Stuart, Florida 34996

Project Name: Utility Easement at Walmart
Corrects OR 1951, Pg1474
Parcel No: _____
PCN: 88-88-41-020-001-00010-0

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SPACE ABOVE THIS LINE FOR RECORDING DATA

CORRECTIVE UTILITY EASEMENT

THIS EASEMENT granted and executed this 3rd day of January, 2007, by WAL-MART STORES EAST, LP., a Delaware limited liability company, whose address is 2001 SE 10th St., Bentonville, AR 72716, Grantor, to MARTIN COUNTY, a political subdivision of the State of Florida, whose address is 2401 SE Monterey Road, Stuart, Florida 34996, Grantee.

(Wherever used herein the terms "Grantor" and "Grantee" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

WITNESSETH, that the Grantor, for and in consideration of the sum of \$1.00 and other good and valuable consideration paid by the Grantee, the receipt whereof is hereby acknowledged, does hereby grant unto the Grantee forever, a permanent non-exclusive Easement on certain lands located in Martin County, Florida as more particularly described in Exhibit "A" attached hereto and made a part hereof (the "Easement Premises") for the construction, reconstruction, replacement, operation, maintenance, and repair of utility related equipment, including, but not limited to lift stations, pumps, pipelines, fences, structures, and powerline hookups, if required, and for ingress and egress in, under, over, across, and through the Easement Premises as may be reasonably necessary, to carry out the purposes of this Easement.

The Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of the Easement Premises in fee simple and that Grantor has good right and lawful authority to grant and convey this Easement, and that Grantor fully warrants the title to the Easement Premises, and will defend the same against the lawful claims of all persons whomsoever.

That certain "Utility Easement" recorded on 11/01/2004 in OR Book 1951, Page 1474, public records of Martin County, Florida, purporting to grant a utility easement to Martin County is erroneous due to scrivener's errors in the legal description thereof, and is ineffective because it was never accepted and approved by resolution of the Martin County Board of County Commissioners in

Accepted Pursuant to Resolution
No 07-3.6
on 3.13.2007

accordance with Sec. 139.31 and 139.32, General Ordinances, Martin County Code.

IN WITNESS WHEREOF, the Grantor has caused these presents to be executed in its name by its duly authorized officer and caused its corporate seal to be affixed the day and year first above written.

Signed, sealed and delivered
in the presence of:

WAL-MART STORES EAST, LP., a
Delaware limited liability company.

ATTEST:

By: Frances Cobelly
Title: Director of Realty Management
FRANCES COBELLY
Type or Print Name

By: Barri Tulgethke
Title: Senior Realty Manager
Barri Tulgethke
Type or Print Name

(Corporate Seal)

Federal Tax No. _____

STATE OF Arkansas)
) ss.
COUNTY OF Benton)

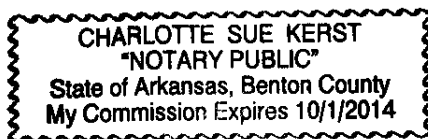
Approved as to legal terms only
by JW
WAL-MART LEGAL DEPT.
Date: 1/3/2007

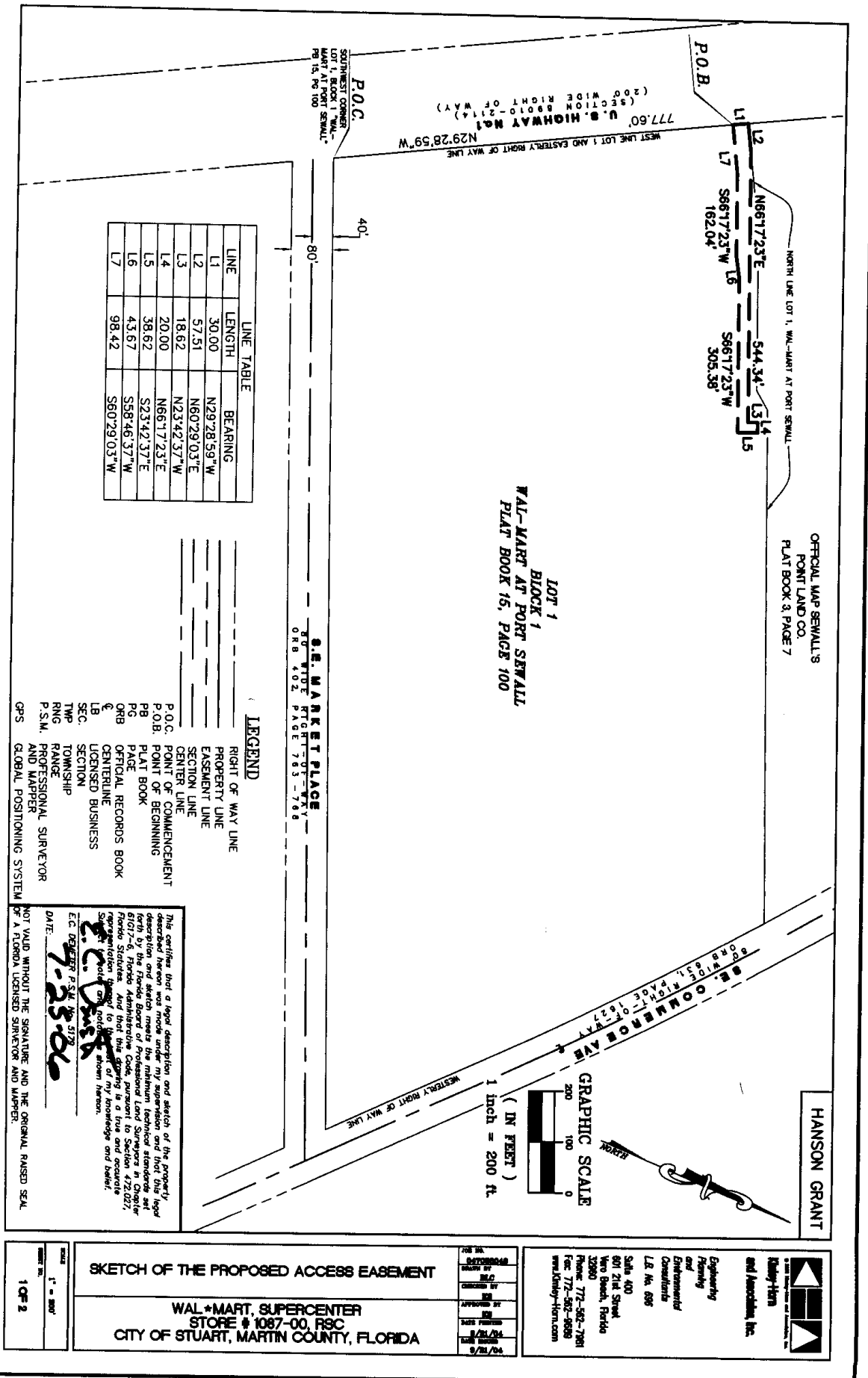
The foregoing instrument was acknowledged before me this 3rd day of January, 2007, by Barri Tulgethke, as Senior Realty mgr. and _____, as _____, of WAL-MART STORES EAST., a Delaware limited liability company, on behalf of the company. _____ is (X) personally known to me or () has produced _____ as identification. _____ is () personally known to me or () has produced _____ as identification.

NOTARY PUBLIC

Charlotte Sue Kerst
Signature
CHARLOTTE SUE KERST
(Print or Type Name)
Commission No: _____
My Commission Expires: _____

SEAL/STAMP





LEGAL DESCRIPTION:

HANSON GRANT

ALL THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND SITUATE, LYING AND BEING A PORTION OF LOT 1, BLOCK 1, WAL-MART AT PORT SEWELL ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 15, PAGE 100, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT:

COMMENCING FOR REFERENCE AT THE SOUTHWEST CORNER OF SAID LOT 1;
THENCE, BEARING NORTH 29°28'59" WEST, ALONG THE WEST LINE OF LOT 1 AND THE EASTERLY RIGHT OF WAY LINE OF US HIGHWAY No. 1 (A 200' WIDE RIGHT OF WAY) AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION No. 89010-2114, A DISTANCE OF 777.60 FEET TO THE POINT AND PLACE OF BEGINNING OF THE HEREIN DESCRIBED PARCEL;

THENCE, BEARING NORTH 29°28'59" WEST, ALONG THE WEST LINE OF LOT 1 AND SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 30.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 1;

THENCE, LEAVING THE WEST LINE OF LOT 1 AND SAID EASTERLY RIGHT OF WAY LINE, BEARING NORTH 60°29'03" EAST, ALONG THE NORTH LINE OF LOT 1, A DISTANCE OF 57.51 FEET TO A POINT;

THENCE, LEAVING SAID NORTH LINE, BEARING NORTH 66°17'23" EAST, A DISTANCE OF 544.34 FEET TO A POINT;

THENCE, BEARING NORTH 23°42'37" WEST, A DISTANCE OF 18.62 FEET TO A POINT;

THENCE, BEARING NORTH 66°17'23" EAST, A DISTANCE OF 20.00 FEET TO A POINT;

THENCE, BEARING SOUTH 23°42'37" EAST, A DISTANCE OF 38.62 FEET TO A POINT;

THENCE, BEARING SOUTH 66°17'23" WEST, A DISTANCE OF 305.38 FEET TO A POINT;

THENCE, BEARING SOUTH 58°46'37" WEST, A DISTANCE OF 43.67 FEET TO A POINT;

THENCE, BEARING SOUTH 66°17'23" WEST, A DISTANCE OF 162.04 FEET TO A POINT;

THENCE, BEARING SOUTH 60°29'03" WEST, A DISTANCE OF 98.42 FEET TO THE POINT OF BEGINNING;

THE ABOVE DESCRIBED PREMISES CONTAIN AN AREA OF 14.537 SQUARE FEET OR 0.334 ACRES, MORE OR LESS, SUBJECT TO ALL EASEMENTS, CONDITIONS AND RESTRICTIONS AS CONTAINED WITHIN THE CHAIN OF TITLE.

SURVEYORS NOTES

- 1) THIS IS A SKETCH OF LEGAL DESCRIPTION ONLY, NOT A BOUNDARY RETRACEMENT SURVEY.
- 2) REFER TO THE BOUNDARY SURVEY PERFORMED BY KIMLEY-HORN AND ASSOCIATES, INC. SHEET S-1, DATED OCTOBER 18, 2004 PROJECT NUMBER 047053048
- 3) THE BEARING BASE FOR THIS SURVEY IS BASED UPON GRID NORTH, UTILIZING THE PUBLISHED MARTIN COUNTY GPS CONTROL POINTS GS 30 AND GS 31.
- 4) THE SCALE OF THIS DRAWING MAY HAVE BEEN DISTORTED DURING REPRODUCTION PROCESSES.

LEGAL DESCRIPTIONS OF THE
PROPOSED ACCESS EASEMENT

WAL-MART, SUPERCENTER
STORE # 1087-00, RSC
CITY OF STUART, MARTIN COUNTY, FLORIDA

**Kimley-Horn
and Associates, Inc.**
Engineering
Planning
and
Environmental
Consultants
L.B. No. 695
Suite 400
601 2nd Street
Vero Beach, Florida
32960
Phone 772-583-7961
Fax 772-583-4839
www.kimley-horn.com

DATE: 7/14
DRAWN BY: JVA
2 OF 2

BEFORE THE BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

RESOLUTION NO. 07-3.6

WHEREAS, the Martin County Utilities and Solid Waste Department needs three Utility Easements across portions of the property owned by Wal-Mart Stores East, LP., a Delaware limited liability company for the installation and maintenance of certain utility facilities, and

WHEREAS, by three Corrective Utility Easements, each dated January 3, 2007, Wal-Mart Stores East, LP. granted the needed utility easements to Martin County, and

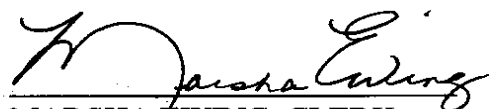
WHEREAS, Sec. 139.31 and 139.32, General Ordinances, Martin County Code require that any conveyance of land for any public purpose shall be accepted and approved by resolution by the Board of County Commissioners of Martin County.

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

The Martin County Board of County Commissioners hereby accepts the foregoing described three Corrective Utility Easements conveyed to Martin County by Wal-Mart Stores East, LP.

DULY PASSED AND ADOPTED THIS 13th DAY OF MARCH 2007.

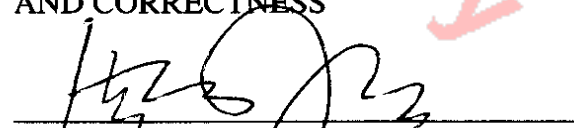
ATTEST:


MARSHA EWING, CLERK

MARTIN COUNTY BOARD
OF COUNTY COMMISSIONERS


MICHAEL D'AMICO, CHAIRMAN

APPROVED AS TO FORM
AND CORRECTNESS


STEPHEN FRY, COUNTY ATTORNEY

INSTR # 2004475 DR BK 02236 PG 2443 RECD 04/05/2007 03:46:19 PM
Pg 2443 (1pg)
MARSHA EWING MARTIN COUNTY DEPUTY CLERK C Burke