

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

RESOLUTION NUMBER 21-4.5

**[REGARDING MASTER SITE PLAN AND PHASING PLAN APPROVAL FOR PALM PIKE
CROSSING WITH A DEFERRAL OF PUBLIC FACILITIES RESERVATION]**

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

1. Palm Pike Crossing, LLC and Palm City Wagas VIII, LLC submitted an application for master site plan and phasing plan approval for the Palm Pike Crossing project, located on lands legally described in Exhibit A, attached hereto.
2. The Local Planning Agency considered the master site plan and phasing plan application at a public hearing on March 18, 2021. The LPA's recommendations were forwarded to the Board of County Commissioners.
3. This Board considered such application at a public hearing on April 13, 2021.
4. At the public hearing, all interested parties were given an opportunity to be heard.
5. The master site plan and phasing plan is consistent with the Comprehensive Plan and the Land Development Regulations.

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

A. The master site plan, attached hereto as Exhibit B, and the phasing plan attached hereto as Exhibit C for Palm Pike Crossing is approved. Development of the Palm Pike Crossing project shall be in accordance with the approved master site plan and phasing plan.

B. All final site plans for Palm Pike Crossing must be obtained within 5 years, by April 13, 2026. All development must be completed within seven years, by April 13, 2028.

C. The property owner shall provide an executed unity of title in a form acceptable to the County Attorney for the property that is the subject of the approved master site plan. Included shall be a provision that requires the unity of title to be maintained by the owner of the property with the sole exception being that a portion of the property may be sold, transferred, devised or assigned to a governmental agency.

D. The property owner shall provide annual status reports to the county administrator to ensure that development occurs according to the terms of the development order. The monitoring report shall be due on the anniversary date of the master site plan and phasing plan approval.

E. In consideration of the approval of the master site plan development order for the Palm Pike Crossing project, the undersigned applicant(s), being the owner(s) of the project, located on lands described in attached Exhibit A, does hereby covenant and agree that master site plan development orders for the project are subject to a determination and reservation of adequate capacity of Category A and Category C public facilities (water, sewer, solid waste, stormwater management, arterial and collector roads, parks and public transportation) pursuant to Section 14.1C.4, Comprehensive Growth Management Plan (Comprehensive Plan) and Section 5.32.D., Land Development Regulations (LDR), Martin County Code.

No rights to obtain final site plan development orders, nor any other rights to develop the project have been granted or implied by the County's approval of this master site plan and phasing plan development order without a determination and reservation of adequate capacity of Category A and C public facilities.

The applicant is voluntarily electing to proceed under Section 14.1C.4 of the Comprehensive Plan and Section 5.32.C., LDR; therefore, the County's approval of the master site plan and phasing plan development order for the project grants no rights to obtain final site plan development orders, nor shall the approval be interpreted by the undersigned, or its successors in title, in any way whatsoever as committing the County legally, through the theory of equitable estoppel or any other legal theory, to approve any final site plan development order for the project without a determination and reservation of adequate capacity of Category A and C public facilities, pursuant to Section 14.1C.5 of the Comprehensive Plan and Section 5.32.D., LDR.

The undersigned acknowledges the risk that subsequent development projects may reserve capacity of Category A and C public facilities in the same service area as the project and necessitate construction of additional capital facility improvements for this project to meet concurrency and/or prevent this project from going forward in accordance with its timetable of development.


The undersigned further agrees that the attached Affidavit Deferring Public Facilities Reservation shall be deemed a covenant running with the land and shall remain in full force and effect and be binding on the undersigned, its successors and assigns, until such time as the same may be released in writing by the Board of County Commissioners of Martin County, Florida.

F. This resolution shall be recorded in the public records of Martin County. A copy of this resolution shall be forwarded to the applicant(s) by the Growth Management Department subsequent to recording.

DULY PASSED AND ADOPTED THIS 13TH DAY OF APRIL 2021.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

BY: 
CAROLYN TIMMANN
CLERK OF THE CIRCUIT COURT
AND COMPTROLLER

BY: 
STACEY HETHERINGTON, CHAIR

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:

BY: 
KRISTA A. STOREY
SENIOR ASSISTANT COUNTY ATTORNEY

ATTACHMENTS:

Affidavit Deferring Public Facilities Reservation
Exhibit A, Legal Description
Exhibit B, Master Site Plan
Exhibit C, Phasing Plan

Resolution # 21-4.5

Affidavit Deferring Public Facilities Reservation

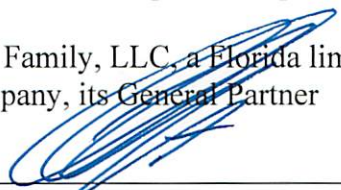
IN WITNESS WHEREOF, the parties hereto have executed these presents on the dates indicated below.

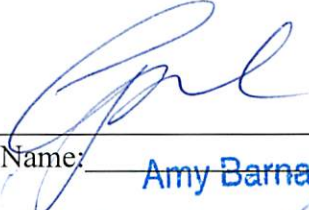
PALM PIKE CROSSING, LLC, a Florida limited liability company


By: Unicorp Investors III, LLC, a Florida Limited liability company, its Manager

By: CW Family, LLLP, a Florida limited liability limited partnership, its Manager

By: CW Family, LLC, a Florida limited liability company, its General Partner

By:  Charles Whittall, its Manager

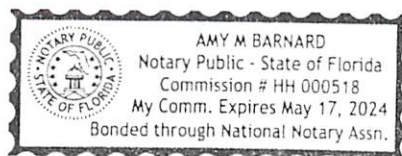

Print Name: Amy Barnard

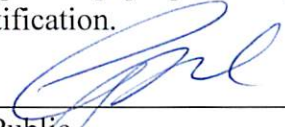

Print Name: Nelly Soto

STATE OF FLORIDA

COUNTY OF ORANGE

The foregoing Affidavit Deferring Public Facilities Reservation was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 23rd day of April, 2021, by Charles Whittall, as Manager of CW Family, LLC, a Florida limited liability company, General Partner of CW Family, LLLP, a Florida limited liability limited partnership, Manager of Unicorp Investors III, LLC, a Florida limited liability company, Manager of **PALM PIKE CROSSING, LLC**, a Florida limited liability company, on behalf of the company. Said person ☒ is personally known to me or ☐ has produced _____ as identification.



Notary Stamp/ Seal 
Signature of Notary Public
Print Name: Amy Barnard
Notary Public - State of Florida
My Commission Expires: 5/17/2024

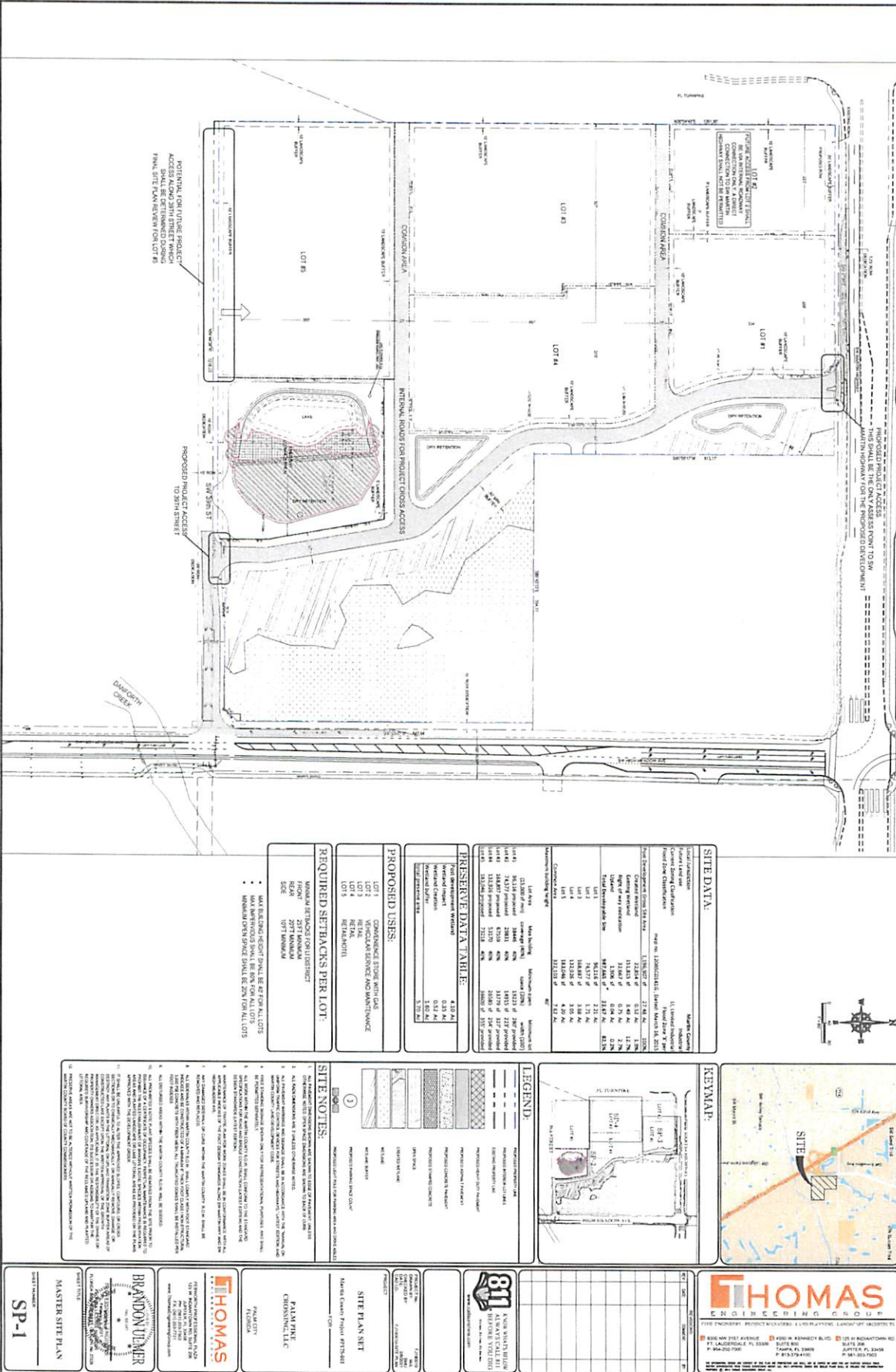
Legal Description (Master)

A PARCEL OF LAND, BEING A PORTION OF TRACTS 7, 10 AND 11, AS SHOWN ON THE PLAT OF PALM CITY FARMS, RECORDED IN PLAT BOOK 6, PAGE 42, PUBLIC RECORDS OF PALM BEACH (NOW MARTIN) COUNTY, FLORIDA, LYING IN SECTION 24, TOWNSHIP 38 SOUTH, RANGE 40 EAST, MARTIN COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID TRACT 7; THENCE ALONG THE WEST LINE OF SAID TRACT 7, SOUTH 00°04'49" WEST, A DISTANCE OF 50.00 FEET TO A POINT ON THE EXISTING SOUTH RIGHT OF WAY LINE OF S.W. MARTIN HIGHWAY (COUNTY ROAD 714), AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION 89000-2602 AND THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL OF LAND;

THENCE ALONG SAID EXISTING SOUTH RIGHT OF WAY LINE OF S.W. MARTIN HIGHWAY, SOUTH 89°41'46" EAST, A DISTANCE OF 664.19 FEET TO A POINT ON THE EAST LINE OF SAID TRACT 7; THENCE ALONG SAID EAST LINE OF TRACT 7, SOUTH 00°05'17" WEST, A DISTANCE OF 613.17 FEET TO THE NORTHWEST CORNER OF SAID TRACT 11; THENCE ALONG THE NORTH LINE OF SAID TRACT 11, SOUTH 89°43'13" EAST, A DISTANCE OF 554.11 FEET TO A POINT ON THE EXISTING WEST RIGHT OF WAY LINE OF S.W. HIGH MEADOWS AVENUE, A 100 FOOT RIGHT OF WAY, AS DESCRIBED IN OFFICIAL RECORD BOOK 665, PAGE 754, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA; THENCE ALONG SAID WEST RIGHT OF WAY LINE, SOUTH 00°05'45" WEST, A DISTANCE OF 647.94 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF S.W. 39TH. STREET, A 30 FOOT RIGHT OF WAY, AS SHOWN ON SAID PLAT BOOK 6, PAGE 42, PUBLIC RECORDS OF PALM BEACH (NOW MARTIN) COUNTY, FLORIDA; THENCE ALONG SAID NORTH RIGHT OF WAY LINE OF S.W. 39TH. STREET, NORTH 89°44'39" WEST, A DISTANCE OF 1218.03 FEET TO A POINT ON THE WEST LINE OF SAID TRACT 10; THENCE DEPARTING SAID NORTH RIGHT OF WAY LINE AND ALONG SAID WEST LINE OF TRACTS 10 AND 7, NORTH 00°04'49" EAST, A DISTANCE OF 1261.90 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,196,906 SQUARE FEET OR 27.477 ACRES, MORE OR LESS.





- ALL REQUIRED PRESERVE WORK SHALL BE COMPLETED IN PHASE I AND SHALL FOLLOW THE PAMP
- ALL EXOTIC VEGETATION SHALL BE REMOVED AS PART OF PHASE I DEVELOPMENT

SITE PLAN SET

Martin County Project #7175401

**PALM PIKE
CROSSING, LLC**

PALM CITY
FLORIDA

THOMA

ALBERTO, A. J. 2008.
DOI: 10.1016/j.2008.07.003
E-mail: 2008.07.003
DOI: 10.1016/j.2008.07.003

BRANDON III M

PROFESSIONAL ENGINEER[illegible]

PH-01