



Inst. # 2895573
Bk: 3233 Pg: 23 Pages: 1 of 1
Recorded on: 6/14/2021 4:08 PM Doc: GOV
Carolyn Timmann
Clerk of the Circuit Court & Comptroller
Martin County, FL
Rec Fees: \$10.00

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BEFORE THE BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

RESOLUTION NO. 21-6.3

WHEREAS, Martin County needs a Utility Easement from Plantation Storage of Stuart, LLC, a Virginia limited liability company, to allow for water, fire, and sewer services adjacent to the right-of-way, located on the east side of SE Commerce Avenue in Stuart; and

WHEREAS, by document entitled "Utility Easement" executed on April 23, 2021, Plantation Storage of Stuart, LLC, grants to Martin County a perpetual Utility Easement; and

WHEREAS, Sec. 139.31 and 139.32, General Ordinances, Martin County Code require that any conveyance of an interest in land to Martin County 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:

Martin County hereby accepts and approves the Utility Easement conveyed by Plantation Storage of Stuart, LLC, a Virginia limited liability company.

DULY PASSED AND ADOPTED THIS 8th DAY OF JUNE, 2021.

ATTEST:

CAROLYN TIMMANN, CLERK OF THE
CIRCUIT COURT AND COMPTROLLER

BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

STACEY HETHERINGTON, CHAIR for

APPROVED AS TO FORM & LEGAL SUFFICIENCY:

SARAH W. WOODS, COUNTY ATTORNEY



This instrument prepared by:
Brigitte Wantz for
Martin County, Real Property
2401 SE Monterey Road
Stuart, FL 34996

Project Name: Plantation Storage UE
Project No: RPM #3627
PCN: 38-38-41-002-105-00000-9

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UTILITY EASEMENT

THIS EASEMENT granted and executed this 23 day of April, 2021, by PLANTATION STORAGE OF STUART, LLC, a Virginia limited liability company, whose mailing address is 94 North Main Street, Kilmarnock, VA, 22482, Grantor, to MARTIN COUNTY, a political subdivision of the State of Florida, whose address is 2401 SE Monterey Road, Stuart, FL 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 considerations, in hand paid by the Grantee, the receipt and sufficiency whereof is hereby acknowledged, does hereby grant unto the Grantee forever, an easement for the construction, reconstruction, replacement, operation, maintenance, and repair of utility and fire related equipment, including, but not limited to hydrants, lift stations, pumps, pipelines, fences, structures, and powerline hookups, if required, in, under, over, across, and through the following described land, situate, lying and being in the County of Martin, State of Florida, to-wit:

See Exhibit "A" and Exhibit "B" attached hereto and made a part hereof.

AND further, the right of reasonable ingress and egress over and across subject property as is necessary to the Grantee's use of the rights granted herein.

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

The Grantor agrees that it will not alter or obstruct or allow the alteration or obstruction of the Easement Premises in any way without the express written consent of the Grantee. Grantee, its contractors, agents and employees shall have free access to the Easement Premises and every part thereof, at all times, for the purpose of exercising the rights granted herein; provided however in making any excavations on the Easement Premises, Grantee shall make the same in such manner as will cause the least injury to the surface of the ground and restore any improvements within such excavation to as near the same condition as it was prior to such excavation as soon as is practicable.

Accepted Pursuant to Resolution

No 21-6.3

On 6-8-2021

Grantor further warrants that there are no mortgages encumbering the Easement Premises except for that certain Mortgage in favor of Chesapeake Bank, a Virginia stock corporation, whose address is Post Office Box 2256, Kilmarnock, VA 22482, (Mortgagee) dated May 21, 2020, and recorded in Official Records Book 3130, Page 2826 in Martin County, Florida, public records, said Mortgagee has executed a "Consent of Mortgagee" which is attached to this Easement.

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

Signed, sealed and delivered in presence of:

WITNESSES:

[Signature]
Witness
Thomas Richardson
Print Name
[Signature]
Witness
Elizabeth Barton
Print Name

GRANTOR:

PLANTATION STORAGE OF STUART,
LLC, a Virginia limited liability company

By:

[Signature] Manager
Charles C. Chase II
Print Name
Manager
Title

STATE OF Virginia
COUNTY OF Lancaster

The foregoing Utility Easement was acknowledged before me by means of (x) physical presence or () online notarization, this 23 day of April, 2021, by Charles C. Chase II, as the Manager of PLANTATION STORAGE OF STUART, LLC, a limited liability company existing under the law of the Commonwealth of Virginia, on behalf of the company, who (x) is personally known to me or () has produced _____ as identification.

Lori Ann Bell
Printed Name: Lori Ann Bell
Notary Public, State of: Virginia
My Commission Expires: 06/30/2022



Project Name: Plantation Storage UE
Project No: RPM #3627
PCN: 38-38-41-002-105-00000-9

CONSENT OF MORTGAGEE

CHESAPEAKE BANK, a Virginia stock corporation (hereinafter referred to as “Mortgagee”) under that certain Mortgage dated May 21, 2020, and recorded on May 22, 2020, in Official Records Book 3130, Page 2826, in Martin County, Florida public records (hereinafter referred to as the “Mortgage”), hereby executes this document to evidence its consent to the granting and recording of that certain Easement to which this Consent of Mortgagee is attached and which is being recorded simultaneously herewith (hereinafter referred to as the “Easement”), further Mortgagee agrees that the Easement shall be an interest, superior to the Mortgage and in the property to which the Mortgage encumbers. This consent is given on the express condition that it shall in no way affect the lien of the Mortgage on the property described in the Mortgage but shall only be construed as a Subordination to the Easement.

This consent by Mortgagee is not intended to be and shall not be construed to be a waiver by Mortgagee of the maturity date of the principal, accrued interest or other amounts due under the terms of the note, mortgage or other loan documents, even though this consent may be executed subsequent to any maturity date or any other term or condition of the note, mortgage or other loan documents. This consent is not and shall not be construed to be an agreement or consent to a subordination of the lien of the Mortgage by Mortgagee to any other easements now existing or that may exist or arise in the future.

SIGNATURE PAGE TO FOLLOW

SIGNATURE PAGE TO CONSENT OF MORTGAGEE

Signed, sealed and delivered in presence of:

Stacey Smith

Witness

Stacey Smith

Print Name

Linda G. Conway

Witness

Linda G. Conway

Print Name

STATE OF Virginia

COUNTY OF Hanover

The foregoing instrument was acknowledged by means of (☒) physical presence or () online notarization, before me this 5th day of May, 2021, by Thomas H. Richardson, as the Vice President of CHESAPEAKE BANK, on behalf of said entity, who is (☒) personally known to me or () has produced _____ as identification.

CHESAPEAKE BANK,
a Virginia stock corporation

Thomas Richardson

Thomas Richardson

Print Name

Vice President

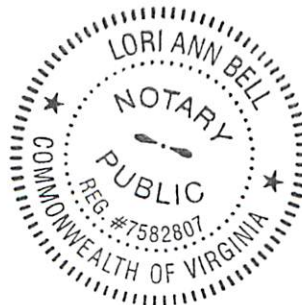
Title

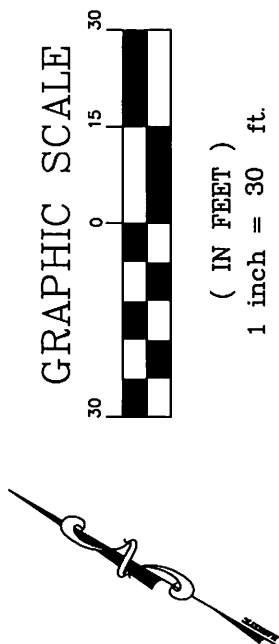
Lori Ann Bell

Printed Name: LORI ANN BELL

Notary Public, State of: Virginia

My Commission Expires: 06/30/2022





SKETCH & DESCRIPTION WATER LINE EASEMENT

SURVEY NOTES:

- 1) THIS IS A UTILITY EASEMENT. THIS IS NOT A
BOUNDARY SURVEY.
2) BEARINGS, DISTANCE, COORDINATES REFER TO STATE
PLANE, NORTH AMERICAN DATUM 1983 (NAD83(90)) F.L.E.
ZONE 901.

CHRISTIAN FENEX AND ASSOCIATES, LLC
PROFESSIONAL SURVEYING AND MAPPING
ENVIRONMENTAL CONSULTING
3401 SW 72ND AVE., PALM CITY, FLORIDA
P.O. BOX 2533, PALM CITY, FL 34991
PH. (772) 283-2977 EMAIL FENEXC@BELLSOUTH.NET
LICENCED BUSINESS # 6858

LEGAL DESCRIPTION:

A UTILITY EASEMENT LYING AND BEING IN A PORTION OF TRACT 105 AND TRACT 106, SEWELL'S POINT LAND COMPANY SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 7, PUBLIC RECORDS OF PALM BEACH (NOW MARTIN) COUNTY, FLORIDA, SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

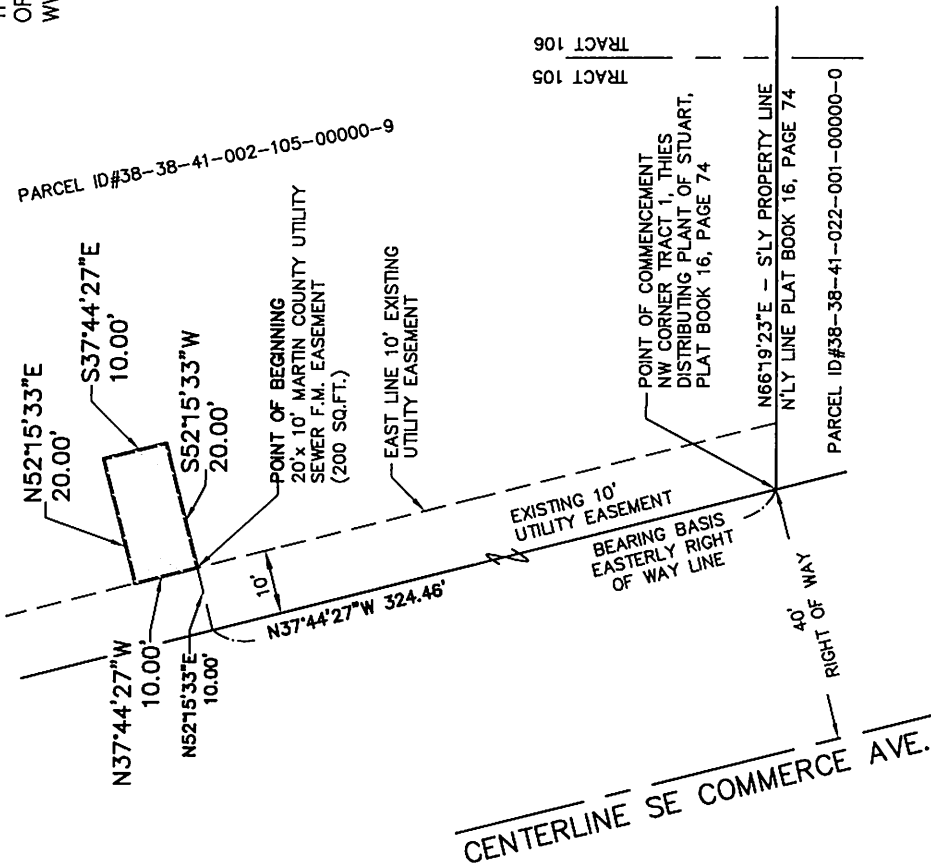
COMMENCE AT THE NORTHWESTERLY CORNER OF TRACT 1, THIES DISTRIBUTING PLANT OF STUART, AS RECORDED IN PLAT BOOK 16, PAGE 74, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA; THENCE NORTH 37°44'27" WEST, ALONG THE EASTERLY RIGHT OF WAY LINE OF SE COMMERCE AVE, A DISTANCE OF 423.02 FEET; THENCE DEPARTING SAID EASTERLY RIGHT OF WAY LINE, NORTH 52°15'33" EAST, A DISTANCE OF 10.00 FEET TO A POINT ON THE EASTERLY LINE OF AN EXISTING 10 FOOT WIDE UTILITY EASEMENT, SAID POINT BEING THE POINT OF BEGINNING OF HEREIN DESCRIBED WATER LINE UTILITY EASEMENT; THENCE NORTH 37°44'27" WEST ALONG THE EASTERLY LINE OF SAID EXISTING UTILITY EASEMENT, A DISTANCE OF 15.00 FEET; THENCE NORTH 52°15'33" EAST, A DISTANCE OF 20.00 FEET; THENCE SOUTH 37°44'27" WEST, A DISTANCE OF 20.00 FEET; THENCE SOUTH 52°15'33" WEST, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING. CONTAINING 300 SQUARE FEET.

FLORIDA REGISTRATION #5102
CHRISTIAN FENEX

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL
RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

DRAWING DATE	F.B.	PG.	SCALE	W.O.#
03/30/2021	NONE		1" = 30'	220077

THIS DOCUMENT MAY BE REPRODUCED UPON REQUEST IN AN ALTERNATIVE FORMAT BY CONTACTING THE COUNTY ADA COORDINATOR (772) 320-3131, THE COUNTY ADMINISTRATION OFFICE (772) 288-5400, FLORIDA RELAY 711, OR BY COMPLETING OUR ACCESSIBILITY FEEDBACK FORM AT WWW.MARTIN.FL.US/ACCESSIBILITY-FEEDBACK



SKETCH & DESCRIPTION SEWER FORCE MAIN EASEMENT

SURVEY NOTES:

- 1) THIS IS A UTILITY EASEMENT. THIS IS NOT A BOUNDARY SURVEY.
- 2) BEARINGS, DISTANCE, COORDINATES REFER TO STATE PLANE, NORTH AMERICAN DATUM 1983 (NAD83(90)) F.L.E. ZONE 901.

CHRISTIAN FENEX AND ASSOCIATES, LLC
PROFESSIONAL SURVEYING AND MAPPING
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3401 SW 72ND AVE., PALM CITY, FLORIDA
P.O. BOX 2533, PALM CITY, FL 34991
PH.(772)283-2977 EMAIL FENEXC@BELLSOUTH.NET
LICENSED BUSINESS # 6858

FLORIDA REGISTRATION #5102
CHRISTIAN FENEX

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL
RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

DRAWING DATE	F.B.	P.G.	SCALE	W.O.#
03/30/2021	NONE	1" = 30'	220077	

SKETCH NO.
220077_WATER-SEWER
EASEMENTS.dwg

LEGAL DESCRIPTION:

A UTILITY EASEMENT LYING AND BEING IN A PORTION OF TRACT 105 AND TRACT 106, SEWELL'S POINT LAND COMPANY SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 7, PUBLIC RECORDS OF PALM BEACH (NOW MARTIN) COUNTY, FLORIDA, SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWESTERLY CORNER OF TRACT 1, THIES DISTRIBUTING PLANT OF STUART, AS RECORDED IN PLAT BOOK 16, PAGE 74, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA; THENCE NORTH 37°44'27" WEST, ALONG THE EASTERLY RIGHT OF WAY LINE OF SE COMMERCE AVE, A DISTANCE OF 324.46 FEET; THENCE DEPARTING SAID EASTERLY RIGHT OF WAY LINE, NORTH 52°15'33" EAST, A DISTANCE OF 10.00 FEET TO A POINT ON THE EASTERLY LINE OF AN EXISTING 10 FOOT WIDE UTILITY EASEMENT, SAID POINT BEING THE POINT OF BEGINNING OF HEREIN DESCRIBED SEWER FORCE MAIN UTILITY EASEMENT; THENCE NORTH 37°44'27" WEST ALONG THE EASTERLY LINE OF SAID EXISTING UTILITY EASEMENT, A DISTANCE OF 10.00 FEET; THENCE NORTH 52°15'33" EAST, A DISTANCE OF 20.00 FEET; THENCE SOUTH 37°44'27" EAST, A DISTANCE OF 10.00 FEET; THENCE SOUTH 52°15'33" WEST, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING.
CONTAINING 200 SQUARE FEET.