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

RESOLUTION NUMBER 21-10.11

**REGARDING A CHANGE IN ZONING CLASSIFICATION
FROM R-3A, LIBERAL MULTIPLE FAMILY DISTRICT AND B-2, BUSINESS-
WHOLESALE DISTRICT, TO WGC, WATERFRONT GENERAL COMMERCIAL
DISTRICT FOR AA MARINA, LLLP**

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

1. AA Marina, LLLP submitted an application for a change in zoning district classification from the current R-3A, Liberal Multiple Family District and B-2, Business-Wholesale District to WGC, Waterfront General Commercial District, for the property described in Exhibit A, attached hereto.
2. The Local Planning Agency considered the application at a public hearing on October 7, 2021, and its recommendation was forwarded to the Board of County Commissioners.
3. This Board has considered such recommendation.
4. Upon proper notice of hearing this Board held a public hearing on the application on October 19, 2021.
5. At the public hearing, all interested parties were given an opportunity to be heard.
6. All conditions precedent to granting the change in zoning district classification have been met.

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

A. The zoning district classification of the property described in Exhibit A is hereby changed from R-3A, Liberal Multiple Family District and B-2, Business-Wholesale District to WGC, Waterfront General Commercial District

B. Pursuant to Section 5.32.B.3.f., Land Development Regulations, Martin County Code, this rezoning action is hereby determined to meet the requirements for a Certificate of Public Facilities Exemption.

C. Pursuant to Section 14.1C.5.(2), Comprehensive Growth Management Plan, Martin County Code, regarding preliminary development approvals, the property described in Exhibit A is subject to a determination of level of service capacity at final site plan approval and no rights to obtain final development orders, nor any other rights to develop the subject property have been granted or implied by this Board.

D. 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 19TH DAY OF OCTOBER 2021.

ATTEST:

BY: 
CAROLYN TIMMANN, CLERK OF
THE CIRCUIT COURT AND
COMPTROLLER

BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

BY: 
STACEY HETHERINGTON, CHAIR

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:

BY: 
KRISTA A. STOREY
SENIOR ASSISTANT COUNTY ATTORNEY

ATTACHMENTS:

Exhibit A, Legal Description

Exhibit A

FOUR FISH MARINA

LEGAL DESCRIPTION

P.I.=26-37-41-000-000-00040-3

P.I.=26-37-41-000-000-00050-0

P.I.=26-37-41-000-000-00060-8

Official Record Book 1870, Page 0251

Parcels 5 and 6

All that property in Government Lot 1, Section 26, Township 37 South, Range 41 East, Martin County, Florida, lying South of the North line of Lot 3 of Racey's Subdivision of Government Lot 1, Section 26, Township 37 South, Range 41 East, as set out in Plat Book V, page 700 of the Public Records of Brevard County, Florida, and lying East of Sewalls Point Road and North of the North line of the A.J. Milazzo tract, said North line being established by a boundary line agreement recorded in Official Record Book 97, page 115, of the Public Records of Martin County, Florida and West of the channel of the intracoastal waterway of the Indian River; excepting the tract set out in Deed Book 64, page 206, of the Public Records of Martin County, Florida, deeded by W.L. Bailey, joined by his wife Marion Bailey to C.R. Konst and Velma N. Konst, his wife.

TOGETHER WITH riparian rights and submerged land rights thereunto appertaining, which submerged lands were deeded to Walter L. Bailey and wife by deed recorded in Official Record Book 49, page 226, of the Public Records of Martin County, Florida.

Source of Legal Description based on boundary survey by Aslan, Inc. for J. Michael Stetson, on trustee, Anchor's Aweigh Marina, dated 9/13/2004, Job Number: 1175.01.01

Begin at the Northwest corner of Government Lot 1, Section 26, Township 37 South, Range 41 East, Martin County, Florida, thence run South 00 degrees 35 minutes 38 seconds West, along the West line of said Lot 1, 506.88 feet to the Northwest corner of Lot 3 of Racey's Subdivision of Government Lot 1, Deed Book V, Page 700, Public Records of Brevard County, Florida; thence run South 89 degrees 23 minutes East, along the North Line of said Lot 3, 447.1 feet to a concrete monument located on the Easterly right of way lone of Sewall's Point Road, for the Point of Beginning; thence run South 24 degrees 02 minutes East, along said right of way 151.63 feet to a concrete monument; thence run North 84 degrees 09 minutes East, 201.84 feet to a concrete monument; thence run North 5 degrees 53 minutes West 96.18 feet to a concrete monument that is located on a line that is parallel to and 25 feet Southerly of the said North line of Lot 3; thence run South 89 degrees 23 minutes East, along said line

Exhibit A Continued

parallel to the North line of Lot 3, 163.8 feet to the Westerly shore line of the Indian River, thence meander said shore line Northerly 25 feet, more or less, to the point of intersection with the said North line of Lot 3, thence run North 89 degrees 23 minutes West along said North line of Lot 3, 403.3 feet to the Point of Beginning

Source of Legal Description based on boundary survey by Aslan, Inc. for AA Marina, LLLP, Regatta Grill, dated 3/18/2004, Job Number: 1154.01.01

(Official Records Book 49, Page 226)

Submerged Land Parcel

A parcel of submerged land in the Indian River in Section 26, Township 37 South, Range 41 East, Martin County, Florida, more particularly described as follows:

From the Southwest corner of Government Lot 1 of said Section 26, thence run South 89°34' East a distance of 828.45 feet to the centerline of Sewall's Point Road; thence run North 22°57' West along the said centerline of Sewall's Point Road a distance of 10.75 feet; thence run North 57°02' East a distance of 330.55 feet, more or less, to the Westerly shoreline of the Indian River for the **POINT OF BEGINNING**; thence continue North 57°02' East a distance of 250 feet; thence run North 3°02'21" West a distance of 157.83 feet; thence run North 13°29'30" West a distance of 176.66 feet; thence run North 29°44'19" West a distance of 227.64 feet; thence run South 75°17' West a distance of 250 feet to the aforesaid Westerly shoreline of the Indian River; thence meander said Westerly shoreline South 28°14' East a distance of 240 feet; thence South 13°47' East a distance of 225 feet; thence South 3°36' East a distance of 169.94 feet to the POINT OF BEGINNING.