



Inst. # 2752657  
Bk: 3056 Pg: 1906 Pages: 1 of 1  
Recorded on: 5/3/2019 2:43 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. 19-4.11

WHEREAS, Martin County needs a Utility Easement from Jeffrey and Marian J. Duckworth for the construction of vacuum sewer system components and utility related equipment facilities to service their property on east side of NW Pine Lake Drive in North River Shores; and

WHEREAS, by document entitled "Utility Easement" executed on March 4, 2019, Jeffrey and Marian J. Duckworth 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 Jeffrey and Marian J. Duckworth.

DULY PASSED AND ADOPTED THIS 23TH DAY OF APRIL, 2019.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
MARTIN COUNTY, FLORIDA

  
CAROLYN TIMMANN, CLERK OF THE  
CIRCUIT COURT AND COMPTROLLER

  
EDWARD V. CIAMPI, CHAIRMAN

APPROVED AS TO FORM & LEGAL SUFFICIENCY:

  
KRISTA A. STOREY, ACTING COUNTY ATTORNEY

This instrument prepared by:  
Ellen MacArthur, Real Property  
Martin County  
2401 SE Monterey Road  
Stuart, FL 34996



Inst. # 2752656  
Bk: 3056 Pg: 1899 Pages: 1 of 7  
Recorded on: 5/3/2019 2:43 PM Doc: EAS  
Carolyn Timmann  
Clerk of the Circuit Court & Comptroller  
Martin County, FL  
Rec Fees: \$61.00

Project Name: Duckworth Utility Easement  
Project No: RPM #3263  
PCN: 30-37-41-010-011-00110-5

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### UTILITY EASEMENT

THIS EASEMENT granted and executed this 4<sup>th</sup> day of March, 2019, by Jeffrey Duckworth and Marian J. Duckworth, his wife, whose address is 1215 NW Pine Lake Drive, Stuart, FL 34994, 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 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 related equipment, including, but not limited to 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:

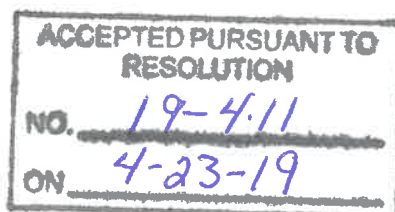
See Exhibit "A" attached hereto and made a part hereof.

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, that said land is the homestead premises of the Grantor.

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.

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[www.martin.fl.us/accessibility-feedback](http://www.martin.fl.us/accessibility-feedback)



Grantor further warrants that there are no mortgages encumbering the Easement Premises except for that certain Mortgage in favor of Third Federal Savings & Loan Association of Cleveland whose address is 7007 Broadway Avenue, Cleveland, OH, 44105 (Mortgagee), dated April 23, 2013 and recorded in Official Records Book 2647, Page 1407; Open-End Mortgage (With Future Advance Clause) also in favor of Third Federal Savings & Loan Association of Cleveland, whose address is 7007 Broadway Avenue, Cleveland, OH, 44105 (Mortgagee), dated December 14, 2016 and recorded in Official Records Book 2897, Page 1775; and Master Mortgage Form Recorded Pursuant to §695.02, Florida Statutes By Third Federal Savings and Loan Association of Cleveland by Deborah A. Racheck also in favor of Third Federal Savings and Loan Association of Cleveland whose address is 7007 Broadway Avenue, Cleveland, OH, 44105 and recorded in Official Records Book 1949, Page 2496, all in Martin County, Florida, public records.

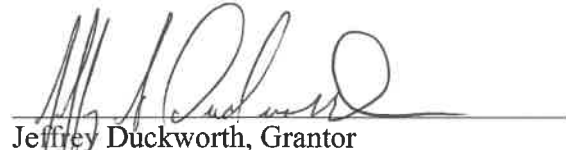
**SIGNATURE PAGE TO FOLLOW**

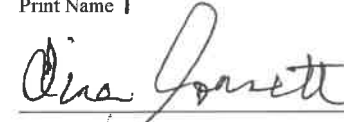
IN WITNESS WHEREOF, the Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

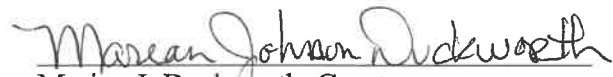
WITNESSES:


  
Emily Rose Duckworth  
Print Name

  
Jeffrey Duckworth, Grantor

  
Tina Bennett  
Print Name

  
Valerie Wickham-Dixon  
Print Name

  
Marian J. Duckworth, Grantor


  
Deborah L. Bisbano  
Print Name

State of Florida }

County of Martin }

The foregoing Utility Easement was acknowledged before me this 4<sup>th</sup> day of March, 2019 by Jeffrey Duckworth and Marian J. Duckworth who are ( ) personally known to me or \_\_\_\_\_ has produced FL/DL as identification and \_\_\_\_\_ has produced FL/DL as identification.



  
Notary Public  
SEAL/STAMP

Project Name: Duckworth Utility Easement  
Project Number: RPM #3263  
PCN: 30-37-41-010-011-00110-5

### **CONSENT OF MORTGAGEE**

Third Federal Savings & Loan Association of Cleveland (hereinafter referred to as "Mortgagee") under that certain Mortgage dated April 23, 2013, and recorded April 30, 2013 in Official Records Book 2647, Page 1407; Open-End Mortgage (With Future Advance Clause) dated December 14, 2016, and recorded December 21, 2016 in Official Records Book 2897, Page 1775; and Master Mortgage Form Recorded Pursuant to §695.02, Florida Statutes By Third Federal Savings and Loan Association of Cleveland by Deborah A. Rachek also in favor of Third Federal Savings and Loan Association of Cleveland whose address is 7007 Broadway Avenue, Cleveland, OH, 44105 and recorded in Official Records Book 1949, Page 2496, all in Martin County, Florida, public records (hereinafter referred to as the "Mortgages"), 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 Mortgages and in the property to which the Mortgages encumbers. This consent is given on the express condition that it shall in no way affect the lien of the Mortgages on the property described in the Mortgages, 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 Mortgages by Mortgagee to any other easements now existing or that may exist or arise in the future.

### **SIGNATURE PAGE TO FOLLOW**

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SIGNATURE PAGE TO CONSENT OF MORTGAGEE

Signed, sealed and delivered in the presence of

Third Federal Savings & Loan Association  
of Cleveland, a federal corporation

Witnesses:

Dawn Sargent

DAWN SERGENT

Print Name

Carolyn Gentile

Carolyn Gentile

Print Name

By: Beverly Bailey

Name: Beverly Bailey

Its: Officer

STATE OF OHIO }  
COUNTY OF CUYAHOGA }

The foregoing instrument was acknowledged before me this 19<sup>th</sup> day of  
February, 2019 by Beverly Bailey, as Officer  
of Third Federal, on behalf of said entity, who is personally known to me or has produced  
\_\_\_\_\_ as identification.

Ladawn Walker  
Notary Public, State of Ohio

Print Name: Ladawn Walker

My Commission Expires: Aug 29, 2023



**LADAWN WALKER**  
Notary Public, STATE OF OHIO  
My Commission Expires  
**AUGUST 29, 2023**

## EXHIBIT "A"

### LEGAL DESCRIPTION

A 15.00 FOOT WIDE STRIP OF LAND LYING WITHIN THE SOUTH 100 FEET OF THAT PROPERTY MARKED AS "NOT INCLUDED" LYING SOUTH OF BLOCK 11, NORTH RIVER SHORES, SECTION 4, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 78, MARTIN COUNTY, FLORIDA, PUBLIC RECORDS, SAID STRIP LYING 7.5 FEET EACH SIDE OF AND ADJACENT TO THE FOLLOWING DESCRIBED CENTERLINE:

FOR A POINT OF REFERENCE, COMMENCE AT THE SOUTHWEST CORNER OF THE AFORESAID SOUTH 100 FEET OF THE "NOT INCLUDED" PARCEL; THENCE NORTH 00°00'00" EAST, ALONG THE WEST LINE OF THE SAID SOUTH 100.00 FEET OF THE "NOT INCLUDED" PARCEL, BEING ALSO THE EAST RIGHT-OF-WAY LINE OF NW PINE LAKE DRIVE, A DISTANCE OF 25.00 FEET TO THE **POINT OF BEGINNING**; THENCE DEPARTING SAID WEST LINE OF THE SOUTH 100 FEET OF THE "NOT INCLUDED" PARCEL AND SAID EAST LINE OF NW PINE LAKE DRIVE, SOUTH 85°36'33" EAST, A DISTANCE OF 65.19 FEET; THENCE SOUTH 72°39'14" EAST, A DISTANCE OF 41.91 FEET TO AN INTERSECTION WITH A LINE LYING 7.50 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE SAID SOUTH 100.00 FEET OF THE "NOT INCLUDED" PARCEL; THENCE NORTH 89°59'31" EAST, ALONG SAID PARALLEL LINE, DISTANCE OF 165.00 FEET TO THE **POINT OF TERMINUS**.

CONTAINING 4081.44 SQUARE FEET OR 0.09 ACRES MORE OR LESS.

### SURVEYOR'S NOTES

1. BEARING BASIS IS THE EAST RIGHT-OF-WAY LINE OF NW PINE LAKE DRIVE HAVING A BEARING OF NORTH 00°00'00" EAST.
2. THIS IS NOT A SURVEY. NO FIELDWORK WAS PERFORMED
3. THIS LEGAL DESCRIPTION SHALL NOT BE VALID UNLESS PROVIDED IN ITS ENTIRETY CONSISTING OF THREE SHEETS, WITH SHEET THREE BEING THE SKETCH OF DESCRIPTION.

### LEGEND

ORB = OFFICIAL RECORDS BOOK  
PCN = PARCEL CONTROL NUMBER  
PG = PAGE  
----- = PERPENDICULAR DIMENSION LINE

### SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS SKETCH AND LEGAL DESCRIPTION COMPLIES WITH THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 5J-17.050 - 17.052.

  
GREGORY S. FLEMING, P.S.M.  
FLORIDA REGISTRATION NO. 4350

11/4/19  
DATE



**NORTHSTAR  
GEOMATICS**

617 NW BAKER ROAD  
PO BOX 2371, STUART, FLORIDA 34995  
(772)781-6400 (772)781-6462 FAX  
LICENSED BUSINESS NO. 7217

SKETCH AND LEGAL DESCRIPTION OF  
15' UTILITY EASEMENT  
FOR MARTIN COUNTY UTILITIES

DUCKWORTH PARCEL

SHEET NO.  
1  
OF 2  
PROJECT NO.  
18-062



# NW PINE LAKE DRIVE

ORB 1741, PG 2901  
PCN: 30-37-41-010-011-00100-7  
NORTH 100' OF "NOT INCLUDED" PARCEL

NORTH LINE OF SOUTH 100'  
OF "NOT INCLUDED" PARCEL

WEST LINE OF SOUTH 100'  
OF "NOT INCLUDED" PARCEL

ORB 1334, PG 981  
PCN: 30-37-41-010-011-00110-5

POINT OF  
BEGINNING

EAST RIGHT-OF-WAY LINE

4006.68 SQUARE FEET  
OR 0.09 ACRES

S85°36'33"E - 65.19'

S72°39'14"E - 41.91'

DESCRIBED  
CENTERLINE

SOUTH LINE OF SOUTH 100'  
OF "NOT INCLUDED" PARCEL

N89°59'31"E  
165.00'

7.50'

50.00'  
CENTERLINE OF 100'  
RIGHT-OF-WAY

POINT OF COMMENCEMENT

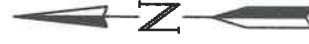
SOUTHWEST CORNER OF SOUTH 100.00'  
OF THE "NOT INCLUDED" PARCEL

LOT 16, BLOCK 2, SECTION 1, COCOANUT PARK  
(PB 2, PG 70)

PCN: 30-37-41-010-011-00110-5

MATCH LINE - SEE BELOW LEFT

GRAPHIC SCALE



MATCH LINE  
SEE ABOVE RIGHT

4006.68 SQUARE FEET  
OR 0.09 ACRES

ORB 1334, PG 981  
PCN: 30-37-41-010-011-00110-5

N89°59'31"E - 165.00'

DESCRIBED  
CENTERLINE

LOT 16, BLOCK 2, SECTION 1, COCOANUT PARK  
(PB 2, PG 70)

PCN: 30-37-41-010-011-00110-5

SOUTH LINE OF SOUTH 100'  
OF "NOT INCLUDED" PARCEL

POINT OF  
TERMINUS

**NORTHSTAR  
GEOMATICS**

617 NW BAKER ROAD  
PO BOX 2371, STUART, FLORIDA 34995  
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LICENSED BUSINESS NO. 7217

SKETCH AND LEGAL DESCRIPTION OF  
15' UTILITY EASEMENT  
FOR MARTIN COUNTY UTILITIES

DUCKWORTH PARCEL

SHEET NO.

2

OF

2

PROJECT NO.

18-062