Inst. # 2769681
Bk: 3076 Pg: 1382 Pages: 1 of 1
Recorded on:8/12/2019 3:15 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. 19-7.4

WHEREAS, Martin County needs a Utility Easement from TC 789 LLC, a Florida limited liability company, to allow for water and fire service and utility related equipment on Lots 2 and 3 within the Treasure Coast Commerce Center south of SW Mckay Way and east of SW Jack James Drive; and

WHEREAS, by document entitled "Utility Easement" executed on May 15, 2019, TC 789 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 TC 789 LLC.

DULY PASSED AND ADOPTED THIS 30TH DAY OF JULY, 2019.

ATTEST:

CAROLYN TIMMANN, CLERK OF THE CIRCUIT COURT AND COMPTROLLER

BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

EDWARD V. CIAMPI, CHAIRMAN

APPROVED AS TO FORM & LEGAL SUFFICIENCY:

SARAH W. WOODS, COUNTY ATTORNEY

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Inst. # 2769680
Bk: 3076 Pg: 1375 Pages: 1 of 7
Recorded on:8/12/2019 3:15 PM Doc: EAS
Carolyn Timmann
Clerk of the Circuit Court & Comptroller
Martin County, FL
Rec Fees: $61.00

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

Project Name: Treasure Coast Commerce Center Lots 2 & 3
Project No: RPM #3167
PCN: 55-38-41-302-000-00001-0

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UTILITY EASEMENT

THIS EASEMENT granted and executed this 15th day of MAY, 2019, by TC 789 LLC, a Florida limited liability company, whose mailing address is 13777 E. Yucca Street, Scottsdale, AZ, 85259, 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.

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.

Grantor further warrants that there are no mortgages encumbering the Easement Premises except for that certain Construction Mortgage in favor of Triad Bank, a Missouri banking corporation, whose address is 10375 Clayton Road, St. Louis, MO, 63131, (Mortgagee), dated May 18, 2018, and recorded in Official Records Book 2995, Page 1282; Modification of Mortgage dated September 26, 2018 and recorded in Official Records Book 3022, Page 351; and

ACCEPTED PURSUANT TO RESOLUTION
NO. 19-7.4
ON 7-30-19

Assignment of Rents dated September 26, 2018 and recorded in Official Records Book 3022, Page 354, all in Martin County, Florida, public records.

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:

Witness

Brenda Scharnow
Print Name

Witness

Erica Schmidt
Print Name

GRANTOR:

TC 789 LLC,
a Florida Limited Liability Company

BY: _____

JEFFREY B. IKEN
Print Name

Title: MANAGING Member

State of Arizona }

County of Maricopa }

The foregoing Utility Easement was acknowledged before me this 15 day of May, 2019 by Jeffrey. Iken, as Managing member of TC 789 LLC, a corporation existing under the laws of the State of Florida, on behalf of the corporation. He/she is ( ) personally known to me or has produced Arizona Drivers License w/ photo as identification.

RENEE WILSON
NOTARY PUBLIC - ARIZONA
Maricopa County
Commission # 547715
My Commission Expires
June 17, 2022

Notary Public

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www.martin.fl.us/accessibility-feedback

Project Name: Treasure Coast Commerce Center Lots 2 & 3 Utility Easement
Project Number: RPM 3167
PCN: 55-38-41-302-000-00001-0

CONSENT OF MORTGAGEE

TRIAD BANK (hereinafter referred to as "Mortgagee"), a Missouri banking corporation, the owner and holder of a Construction Mortgage dated May 18, 2018, and recorded May 30, 2018 in Official Records Book 2995, Page 1282; a Modification of Mortgage dated September 26, 2018, and recorded October 17, 2018 in Official Records Book 3022, Page 351; and Assignment of Rents dated September 26, 2018, and recorded October 17, 2018 in Official Records Books 3022, Page 354, all in the Public Records of Martin County, Florida, (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 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

IN WITNESS WHEREOF, the said corporation has caused these presents to be executed in its name and its corporate seal to be hereunto affixed, by its proper officers hereunto duly authorized, the 15th day of May, 2019.

Signed, sealed and delivered in the presence of:

Print Name: Mark Barrett

Print Name: Joe Bean

TRIAD BANK,
a Missouri banking corporation,

By:

Name: Thomas C. Anstey

Title: Sr. Vice President

STATE OF Missouri

COUNTY OF St. Louis

The foregoing instrument was acknowledged before me this 15th day of May, 2019, by Thomas Anstey, as Senior Vice President of Triad Bank, on behalf of the company, who is personally known to me or has produced _____ as identification.

Notary Public, State of Missouri

Print Name: Matthew S. Tobben

My Commission Expires: 6/12/21

Matthew S Tobben
Notary Public Notary Seal
State of Missouri County of St. Louis
My Commission Expires 06/12/2021
Commission # 17967204

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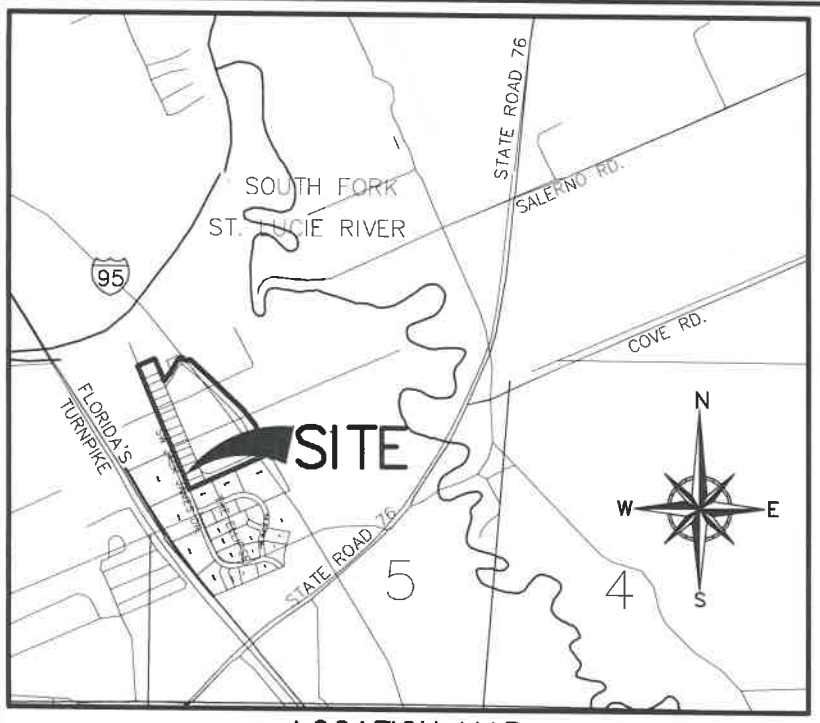

LOCATION MAP
(NOT TO SCALE)

SURVEYOR'S NOTES

1. THE BEARINGS AS SHOWN HEREON ARE BASED ON STATE PLANE COORDINATES, NORTH AMERICAN DATUM OF 83/90, FLORIDA EAST ZONE, REFERENCE A BEARING OF N23°13'38"W ALONG THE EASTERLY RIGHT OF WAY LINE OF S.W. JACK JAMES DRIVE.

2. THIS IS NOT A BOUNDARY SURVEY.

3. THIS SKETCH AND LEGAL DESCRIPTION SHALL NOT BE VALID UNLESS PROVIDED IN ITS ENTIRETY CONSISTING OF SHEETS 1 THROUGH 3.

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE "SKETCH TO ACCOMPANY LEGAL DESCRIPTION" AS SHOWN HEREON WAS PREPARED UNDER MY DIRECTION AND CHARGE ON JULY 10, 2018, AND THAT SAID "SKETCH TO ACCOMPANY LEGAL DESCRIPTION" IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. IT IS FURTHER CERTIFIED THAT THIS "SKETCH TO ACCOMPANY LEGAL DESCRIPTION" COMPLIES WITH THE STANDARDS OF PRACTICE FOR "SKETCH TO ACCOMPANY LEGAL DESCRIPTION" SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

BETSY LINDSAY, INC.
SURVEYORS AND MAPPERS

ELIZABETH A. LINDSAY, P.S.M.
FLORIDA REGISTRATION NO. 4724

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF FLORIDA LICENSED SURVEYOR AND MAPPERS

SHEET NO. 1 OF 3 SHEETS PROJECT NO. 02-08 S	DATE / REVISIONS 07/20/2018 REVISE PER MARTIN COUNTY COMMENTS	A PORTION OF LOT 2, TREASURE COAST COMMERCE CENTER TWO & THREE, MARTIN COUNTY, FLORIDA SKETCH AND LEGAL DESCRIPTION UTILITY EASEMENT	DATE 07/10/2018 SCALE NOT TO SCALE FIELD BK. DRAWING BY D.B. CHECKED BY E.A.L.	BETSY LINDSAY, INC. SURVEYING AND MAPPING 7997 S.W. JACK JAMES DRIVE STUART, FLORIDA 34997 (772)286-5753 (772)286-5933FAX LICENSED BUSINESS NO. 6852

LEGAL DESCRIPTION

EXHIBIT "A"

UTILITY EASEMENT

A PARCEL OF LAND BEING A PORTION OF LOT 2, SECTION TWO, OF THE PLAT OF TREASURE COAST COMMERCE CENTER TWO AND THREE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 15, PAGE 65, OF THE PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA. SAID PARCEL BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 2; THENCE NORTH 66°46'22" EAST ALONG THE NORTHERLY LINE OF SAID LOT 2, A DISTANCE OF 20.00 FEET TO AN INTERSECTION WITH A LINE BEING 20.00 FEET EASTERLY OF, AS MEASURED AT RIGHT ANGLES, AND PARALLEL WITH THE EASTERLY RIGHT OF WAY LINE OF S.W. JACK JAMES DRIVE; THENCE SOUTH 23°13'38" EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 15.10 FEET TO AN INTERSECTION WITH A LINE BEING 15.10 FEET SOUTHERLY OF, AS MEASURED AT RIGHT ANGLES, AND PARALLEL WITH THE NORTHERLY LINE OF SAID LOT 2, AND THE POINT OF BEGINNING; THENCE NORTH 66°46'22" EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 14.10 FEET TO AN INTERSECTION WITH A LINE BEING 34.10 FEET EASTERLY OF, AS MEASURED AT RIGHT ANGLES, AND PARALLEL WITH THE EASTERLY RIGHT OF WAY LINE OF S.W. JACK JAMES DRIVE; THENCE SOUTH 23°13'38" EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 12.00 FEET TO AN INTERSECTION WITH A LINE BEING 27.10 FEET SOUTHERLY OF, AS MEASURED AT RIGHT ANGLES, AND PARALLEL WITH THE NORTHERLY LINE OF SAID LOT 2; THENCE SOUTH 66°46'22" WEST, ALONG SAID PARALLEL LINE A DISTANCE OF 14.10 FEET TO AN INTERSECTION WITH A LINE BEING 20.00 FEET EASTERLY OF, AS MEASURED AT RIGHT ANGLES, AND PARALLEL WITH THE EASTERLY RIGHT OF WAY LINE OF S.W. JACK JAMES DRIVE; THENCE NORTH 23°13'38" WEST ALONG SAID PARALLEL LINE, A DISTANCE OF 12.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 169.20 SQUARE FEET OR 0.004 ACRES, MORE OR LESS.

SAID PARCEL BEING SUBJECT TO ANY/ALL EASEMENTS, RESERVATIONS, DEDICATIONS OR RESTRICTIONS.

ABBREVIATIONS

NO.	NUMBER
O.R.B.	OFFICIAL RECORDS BOOK
P.B.	PLAT BOOK
PG.	PAGE
P.L.S.	PROFESSIONAL LAND SURVEYOR
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
R/W	RIGHT OF WAY

SHEET NO. 2
OF 3 SHEETS
PROJECT NO. 02-08 S

DATE	REVISIONS
07/20/2018	REVISE PER MARTIN COUNTY COMMENTS

A PORTION OF LOT 2, TREASURE COAST COMMERCE CENTER TWO & THREE, MARTIN COUNTY, FLORIDA

SKETCH AND LEGAL DESCRIPTION
UTILITY EASEMENT

DATE 07/10/2018
SCALE NOT TO SCALE
FIELD BK.
DRAWING BY D.B.
CHECKED BY E.A.L.

BETSY LINDSAY, INC.
SURVEYING AND MAPPING
7997 S.W. JACK JAMES DRIVE STUART, FLORIDA 34997
(772)286-5753 (772)286-5933FAX
LICENSED BUSINESS NO. 6852

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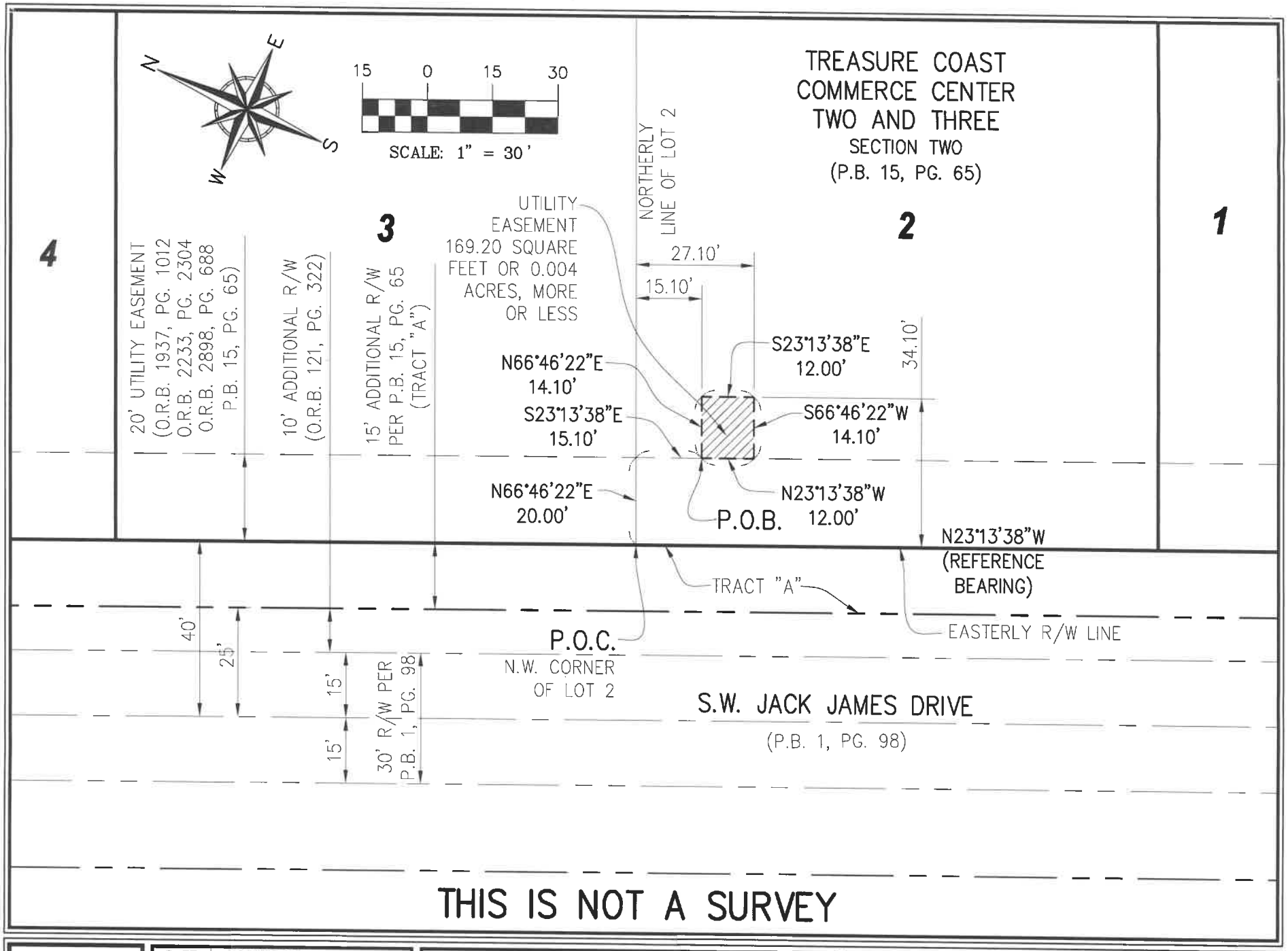

THIS IS NOT A SURVEY

SHEET NO. 3 OF 3 SHEETS PROJECT NO. 02-08 S	DATE / REVISIONS 07/20/2018 REVISE PER MARTIN COUNTY COMMENTS	A PORTION OF LOT 2, TREASURE COAST COMMERCE CENTER TWO & THREE, MARTIN COUNTY, FLORIDA SKETCH AND LEGAL DESCRIPTION UTILITY EASEMENT	DATE 07/10/2018 SCALE 1" = 30' FIELD BK. DRAWING BY D.B. CHECKED BY E.A.L.

BETSY LINDSAY, INC.
SURVEYING AND MAPPING
7997 S.W. JACK JAMES DRIVE STUART, FLORIDA 34997
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