

FILED FOR RECORD
COMMISSIONER
MARTIN CO., FL

2019 DEC 13 AM 11:36

CAROLYN TIMMANN
CLERK OF CIRCUIT COURT

Prepared By:
Martin County Growth Management Department
2401 S.E. Monterey Road
Stuart, FL 34996

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

RESOLUTION NUMBER 19-8.15

**[REGARDING A MASTER SITE PLAN AND PHASING PLAN APPROVAL
FOR THE CREATIVE LAND MANAGEMENT PROJECT
WITH A DEFERRAL OF PUBLIC FACILITIES RESERVATION]**

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

1. Creative Land Management, LLC, submitted an application for master site plan and phasing plan approval for the Creative Land Management project, located on lands legally described in Exhibit A, attached hereto.
2. The Local Planning Agency (LPA) considered the application at a public hearing on August 15, 2019. The LPA's recommendations were forwarded to the Board of County Commissioners for consideration.
3. This Board has considered such recommendations.
4. Upon proper notice of hearing this Board held a public hearing on the application on August 27, 2019.
5. At the public hearing, all interested parties were given an opportunity to be heard.

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

- A. The master site plan and phasing plan, attached hereto as Exhibit B, for the Creative Land Management project, are approved. Approval of the master site plan and phasing plan authorizes the applicant to submit final site plan(s) consistent with the approved master site plan, approved phasing plan, and any conditions of approval of the master site plan, in accordance with the Comprehensive Growth Management Plan and Land Development Regulations. Approval of the master site plan shall not constitute approval to build or construct any improvements and is not the final approval necessary for construction of Creative Land Management.

- B. All final site plans for the Creative Land Management project must be obtained in accordance with the sequencing set forth in the approved phasing plan and within five years, by August 27, 2024. All development must be completed within seven years, by August 27, 2026.
- 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 unity of title to be maintained by the owner of the property with the sole exception being that a portion of said 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 approval.
- E. Failure to submit the required documents, plans and fees as required by Section 10.11, Land Development Regulations, Martin County, Fla. (2019), shall render approval of the master site plan and phasing plan for the Creative Land Management project null and void.
- F. The Unity of Title entered into by the property owner and recorded in Official Records Book 2934, Pages 1458-1462, Public Records of Martin County, Florida., is hereby released.
- G. In consideration of the approval of the master site plan development order for Creative Land Management (hereinafter referred to as "the project") the undersigned applicant, being the owner(s) of the project, located on lands described in attached Exhibit A, does hereby covenant and agree that final 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 Policy 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 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 Policy 14.1C.4 of the Comprehensive Plan and Section 5.32.C., LDR; therefore, the County's approval of the master site 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 Policy 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.

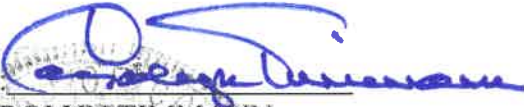
The undersigned further agrees that the attached Affidavit Deferring Public Facilities Reservation shall be deemed a covenant running with the land and shall remain in full force and effect and be binding on the undersigned, its successors and assigns, until such time as the same may be released in writing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

H. 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 27TH DAY OF AUGUST, 2019.


ATTEST:

BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

BY: 
CAROLYN TIMMANN
CLERK OF THE CIRCUIT COURT
AND COMPTROLLER

BY: 
EDWARD V. CIAMPI, CHAIRMAN

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 and Phasing Plan


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

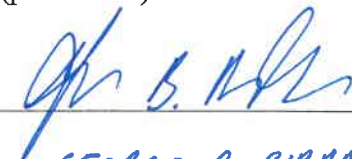
Creative Land Management, LLC

a Florida Limited Liability Company

Witnesses:


BY: Jason Pepitone, Manager of
JSP Family Holdings, LLC, an Authorized Member


HOWARD L. FREEMAN
(print name)


GEORGE B. RIBAROVSKIY
(print name)

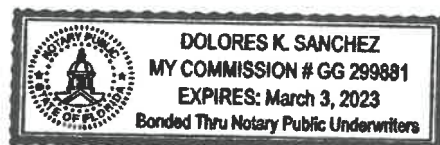
COUNTY OF BROWARD

STATE OF FLORIDA

The foregoing Affidavit Deferring Public Facilities Reservation was acknowledged before me this 29th day of October, 2019 by Jason Pepitone, Manager of JSP Family Holdings, LLC who is known to me personally or who has produced _____ as identification


Notary Public

Print Name: DOLORES K. SANCHEZ



**A PORTION OF PARCEL 1 OF O.R.B. 1198, PAGE 1143,
SECTION 30, TOWNSHIP 38 S., RANGE 40 E.,
PARCEL CONTROL NO.:
OVERALL PROPERTY
30-38-40-000-000-00040-0
MARTIN COUNTY, FLORIDA**

PARCEL 1

A PARCEL OF LAND LYING IN PARCEL 1 OF THOSE LANDS DESCRIBED IN EXHIBIT 'A' OF THAT CERTAIN WARRANTY DEED RECORDED IN OFFICIAL RECORD BOOK 1198, PAGE 1143, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA. ALL LYING IN SECTION 30, TOWNSHIP 38 SOUTH, RANGE 40 EAST, MARTIN COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 28 OF THE PLAT OF POLO CLUB AS RECORDED IN PLAT BOOK 16, PAGE 67 OF THE PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA; THENCE NORTHWESTERLY FOR THE NEXT THREE COURSES ALONG THE NORTHEASTERLY LINE OF THE PLAT OF DRESSAGE ESTATES AS RECORDED IN PLAT BOOK 16, PAGE 24 OF THE PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA; THENCE N40°54'40"W A DISTANCE OF 517.38 FEET; THENCE N32°45'58"W A DISTANCE OF 1259.59 FEET; THENCE N30°50'55"W A DISTANCE OF 318.29 FEET; THENCE DEPARTING FROM SAID NORTHEASTERLY BOUNDARY OF THE PLAT OF DRESSAGE ESTATES N59°09'05"E A DISTANCE OF 2202.53 FEET TO THE SOUTHWESTERLY RIGHT OF WAY LINE OF ACCESS ROAD 'A' FOR INTERSTATE 95 PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION NO. 89095-2414, FOR INTERSTATE 95, SHEET 12 OF 17, LAST UPDATED ON 6-14-84; THENCE S55°50'57"E ALONG SAID SOUTHWESTERLY LINE OF ACCESS ROAD 'A' A DISTANCE OF 247.80 FEET TO THE WEST LINE OF AN 60 FOOT ACCESS EASEMENT; THENCE SOUTHEASTERLY ALONG THE WEST SIDE OF SAID 60 FOOT ACCESS EASEMENT FOR THE NEXT SIX COURSES; THENCE S10°50'15"E A DISTANCE OF 277.79 FEET; THENCE S14°57'04"E A DISTANCE OF 454.03 FEET; THENCE S16°49'52"E A DISTANCE OF 272.01 FEET; THENCE S26°50'48"E A DISTANCE OF 720.42 FEET; THENCE S27°06'17"E A DISTANCE OF 95.85 FEET; THENCE S16°59'12"E A DISTANCE OF 197.96 FEET TO THE NORTHERLY LINE OF THE PLAT OF POLO CLUB AS RECORDED IN PLAT BOOK 16, PAGE 67; THENCE WESTERLY ALONG SAID NORTHERLY LINE FOR THE NEXT THREE COURSES; THENCE S52°33'22"W A DISTANCE OF 382.90 FEET; THENCE S73°33'30"W A DISTANCE OF 949.43 FEET; THENCE S49°05'14"W A DISTANCE OF 493.08 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 100.00 ACRES MORE OR LESS.

PARCEL 2

A PARCEL OF LAND BEING A PORTION OF PARCEL 1 OF THOSE LANDS DESCRIBED IN EXHIBIT 'A' OF THAT CERTAIN WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 1198, PAGE 1143, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA. ALL LYING IN SECTION 30, TOWNSHIP 38 SOUTH, RANGE 40 EAST, MARTIN COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF LOT 27 OF THE PLAT OF 'POLO CLUB', AS RECORDED IN PLAT BOOK 16, PAGE 67, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA; THENCE S52°33'22"W ALONG SAID NORTH LINE OF SAID LOT 27 A DISTANCE OF 741.79 FEET; THENCE N16°59'12"W, A DISTANCE OF 197.96 FEET; THENCE N27°06'17"W, A DISTANCE OF 95.85 FEET; THENCE N26°50'48"W, A DISTANCE OF 720.42 FEET; THENCE N16°49'52"W, A DISTANCE OF 272.01 FEET; THENCE N14°57'04"W, A DISTANCE OF 454.03 FEET; THENCE N10°50'15"W, A DISTANCE OF 277.79 FEET TO AN INTERSECTION WITH THE SOUTHWESTERLY RIGHT OF WAY LINE OF ACCESS ROAD 'A' FOR INTERSTATE 95 PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION NO. 89095-2414, FOR INTERSTATE 95, SHEET 12 OF 17, LAST UPDATED ON 6-14-84; THENCE S55°50'57"E ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE, A DISTANCE OF 646.60 FEET; THENCE S34°07'45"E, A DISTANCE OF 1299.01 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 21.91 ACRES, MORE OR LESS.

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

SAID PARCELS CONTAINING A TOTAL OF 121.91 ACRES, MORE OR LESS.

LESS AND EXCEPT

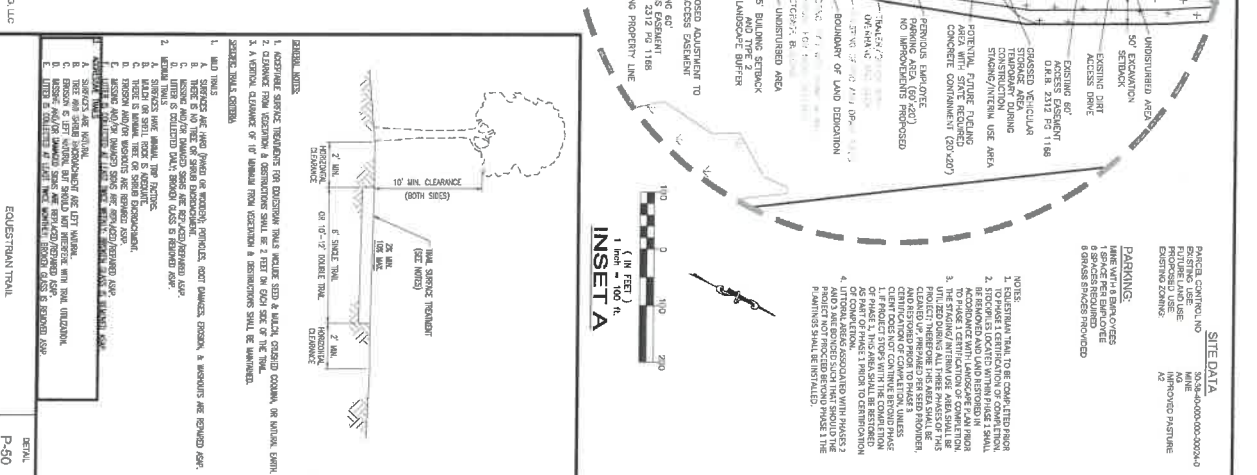
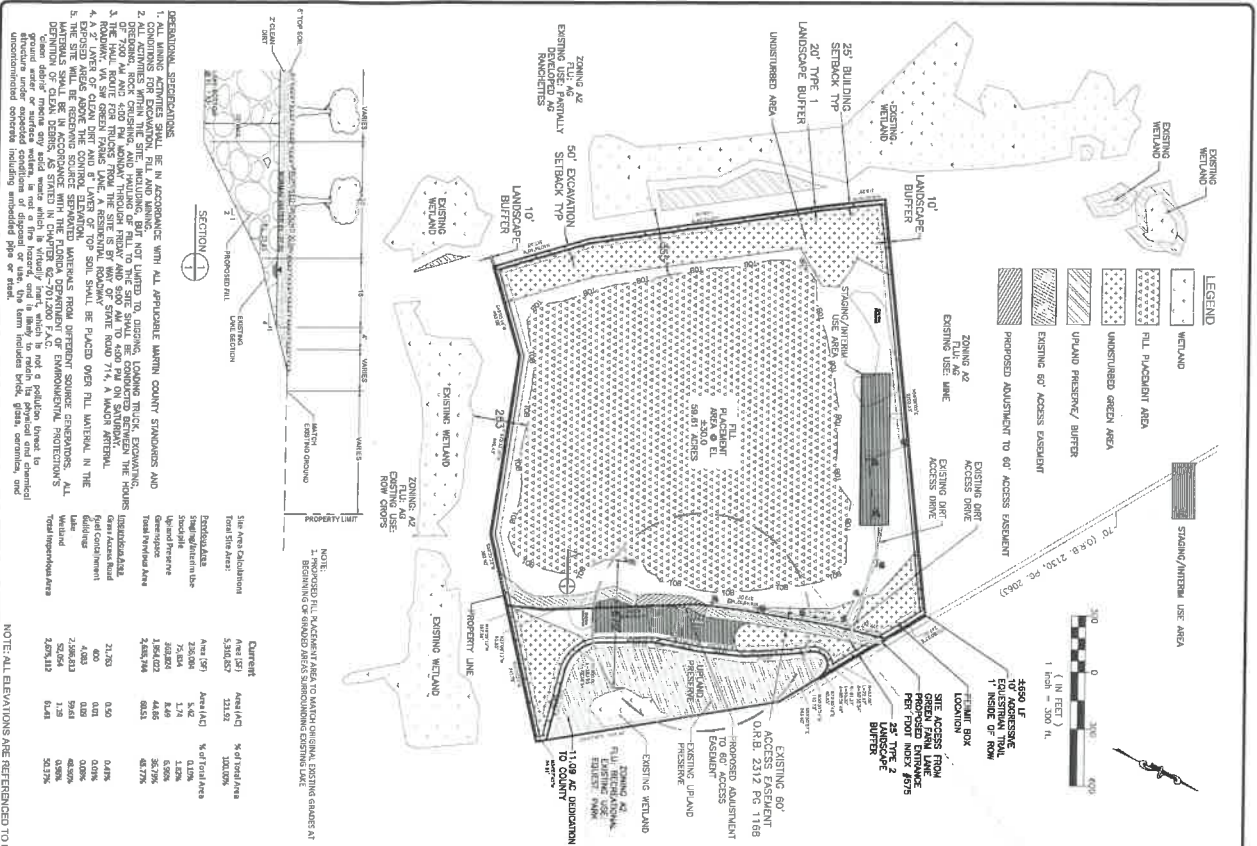
A PARCEL OF LAND LYING IN PARCEL 1 OF THOSE LANDS DESCRIBED IN EXHIBIT 'A' OF THAT CERTAIN WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 1198, PAGE 1143, MORE PARTICULARLY DESCRIBED IN PARCEL 2 OF OFFICIAL RECORDS BOOK 2793, PAGE 2036, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA. ALL LYING IN SECTION 30, TOWNSHIP 38 SOUTH, RANGE 40 EAST, MARTIN COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID PARCEL 2 AS DESCRIBED IN OFFICIAL RECORDS BOOK 2793, PAGE 2036; THENCE N 34°07'45" W, ALONG THE EASTERLY LINE OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 1198, PAGE 1143, SAID LINE ALSO BEING THE EASTERLY LINE OF SAID PARCEL 2 OF OFFICIAL RECORDS BOOK 2793, PAGE 2036, A DISTANCE OF 54.61 FEET TO THE POINT OF BEGINNING; THENCE S 79°23'07" W, A DISTANCE OF 376.65 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 200.00 FEET AND A CENTRAL ANGLE OF 75°36'54"; THENCE NORTHWESTERLY ALONG THE ARC A DISTANCE OF 263.95 FEET; THENCE N 24°59'59" W, A DISTANCE OF 275.98 FEET; THENCE N 13°08'18" W, A DISTANCE OF 239.36 FEET; THENCE N 18°32'36" W, A DISTANCE OF 249.82 FEET; THENCE N 27°53'05" W, A DISTANCE OF 243.44 FEET; THENCE N 30°51'24" W, A DISTANCE OF 110.73 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 82.08 FEET AND A CENTRAL ANGLE OF 50°55'54"; THENCE NORTHERLY ALONG THE ARC A DISTANCE OF 72.97 FEET TO A POINT OF COMPOUND CURVE TO THE RIGHT HAVING A RADIUS OF 61.37 FEET AND A CENTRAL ANGLE OF 88°59'48"; THENCE NORTHEASTERLY ALONG THE ARC, A DISTANCE OF 95.32 FEET; THENCE S 70°55'42" E, A DISTANCE OF 40.85 FEET TO AN INTERSECTION WITH THE SOUTHWESTERLY RIGHT OF WAY LINE OF THE 70 FOOT ACCESS ROAD 'A' FOR STATE ROAD 9 (I-95) PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION NO. 89095-2414; THENCE S 55°50'57" E ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE, A DISTANCE OF 243.60 FEET TO AN INTERSECTION WITH THE EASTERLY LINE OF SAID PARCEL 1; THENCE S 34°07'45" E ALONG SAID EASTERLY LINE, A DISTANCE OF 1,244.40 FEET TO THE POINT OF BEGINNING.

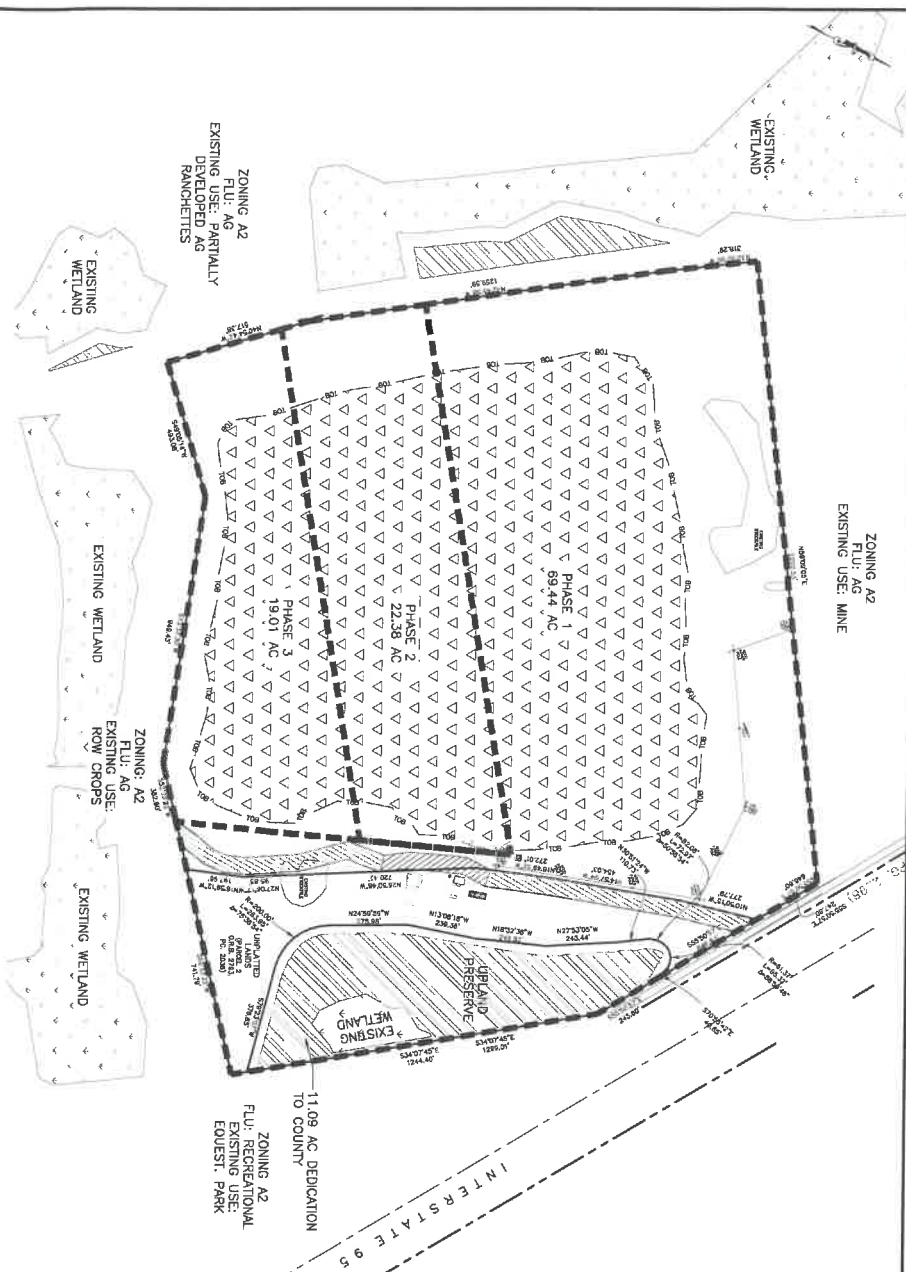
SAID PARCEL CONTAINING 483,088 SQUARE FEET OR 11.09 ACRES, MORE OR LESS.

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

| | | | |
|---|-----|--|-----|
| 811 | | CALL 411 HOURS BEFORE YOU DIG | |
| DATE | NO. | DATE | NO. |
| THE MILCOR GROUP, INC. | | | |
| CIVIL ENGINEERS 10075 SE FEDERAL HIGHWAY HOBE SOUND, FL 33455 | | | |
| PH: (772) 223-4860 FAX: (772) 223-4861 WWW.THEMILCORGROUP.COM | | | |
| CERTIFICATE OF AUTHORIZATION 2820 | | | |
| LEGAL DESCRIPTION MASTER PLAN | | CREATIVE LAND MANAGEMENT DEVELOPMENT MARTIN COUNTY, FLORIDA | |
| EXHIBIT | | | |
| A | | | |



SECTION 30, TOWNSHIP 38 S., RANGE 40 E.



| SITE DATA | |
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- NOTES:
1. EQUESTRIAN TAIL TO BE COMPLETED PRIOR TO PHASE 2.
2. STOCKPILING/ACTIVITY WITHIN PHASE 1 SHALL BE REMOVED AND/OR DESTROYED IN ACCORDANCE WITH LANDSCAPE PLAN PRIOR TO PHASE 2.
3. THE GRASSED VEHICULAR STORAGE AREA SHALL BE UTILIZED DURING ALL THREE PHASES OF THE PROJECT. THEREFORE THIS AREA SHALL BE MAINTAINED THROUGHOUT THE PROJECT.
4. THE COMPLETION OF PHASE 1 SHALL BE VERIFIED BY THE COMPLETION OF THE COMPLETION OF PHASE 1 SHALL BE RESTORED AS PART OF PHASE 1 PRIOR TO CERTIFICATION OF COMPLETION.
5. PHASES 2, 3 AND 4 ARE BIDDING LOTS THAT SHOULD BE COMPLETED PRIOR TO PHASE 1. THE PHASING SHALL BE INSTALLED.

- LEGEND**
- | | |
|--|--|
| | WETLAND |
| | FILL PLACEMENT AREA |
| | UNLAND PRESCRIBED BUFFER |
| | EXISTING or ACCESS EASEMENT |
| | PROPOSED ACQUISITION to or ACCESS EASEMENT |
| | PHASE LIMITS |

PHASE I SHALL INCLUDE THE FOLLOWING WORK OF THE DEFINED PLAN. BOUNDARIES ARE APPROVED WITH THE REDEMPTION PLAN ATTACHED AS EXHIBIT 1. THE CHAIRMAN AND MEMBERS OF THE COMMITTEE FOR THE REDEMPTION OF MINING SITES DATED MAY 2, 2017 AND REQUIRED BY STIPULATION AND AGREED PLAN, ORDER CASE NUMBER 14-01219.

ALL AREAS OF EXCAVATION FOR THE APPROVED LANE SHALL BE REAPPORTED TO NATURAL GROUND.

THE BOTTOM OF THE ENTIRE LANE SHALL BE FILLED TO A DEPTH NO GREATER THAN 36 INCHES BELOW THE CONTROL ELEVATION OF 7.57 HUND.

ALL SLOPES SHALL BE SLOPED IN ACCORDANCE WITH THE APPROVED REDEMPTION PLAN.

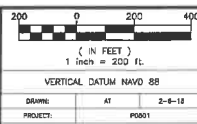
SHEET NO








PHASING PLAN

CREATIVE LAND MANAGEMENT DEVELOPMENT

MARTIN COUNTY, FLORIDA

CIVIL ENGINEERS
10975 SE FEDERAL HIGHWAY
HOBE SOUND, FL 33455
PH: (772) 223-8850
FAX: (772) 223-8851
WWW.THEMILCORPGROUP.COM



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|  | | | |
|  | 4-4-19 | REVISED PER MARTIN COUNTY STAFF REPORT & CUDIT | DN |
|  | 1-5-19 | REVISED PER MARTIN COUNTY STAFF REPORT | AT |
|  | 10-1-18 | REVISED PER MARTIN COUNTY STAFF | DN |
|  | 3-25-17 | REVISED PER MARTIN COUNTY BOGG | AT |