

FILED FOR RECORD  
COMMISSION RECORDS  
MARTIN CO., FL

2019 DEC 13 AM 11:36

Prepared By:

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

CAROLYN TIMMANN  
CLERK OF CIRCUIT COURT

BY

D.C.

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

**RESOLUTION NUMBER 19-8.16**

**[REGARDING A FINAL SITE PLAN APPROVAL  
FOR PHASE 1 OF THE CREATIVE LAND MANAGEMENT PROJECT  
WITH A CERTIFICATE OF PUBLIC FACILITIES RESERVATION]**

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

1. Creative Land Management, LLC, submitted an application for final site plan approval for Phase 1 of 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 final site plan, attached hereto as Exhibit B, for Phase 1 of the Creative Land Management project is approved. Development of Phase 1 of the Creative Land Management project shall be in accordance with the approved final site plan.
- B. All required applicable state and federal permits and approvals shall be submitted to Martin County prior to the commencement of any construction.
- C. No permits for construction or development activity shall be issued until all required documents, plans and fees are received and approved as required by Section 10.11, Land Development Regulations, Martin County, Fla. (2019).

- D. 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 final site plan for Phase 1 of the Creative Land Management project null and void.
- E. Within sixty (60) days of approval, the Owner shall dedicate to Martin County an 11.09-acre parcel of land, located in the southeast area of the site, to Martin County to provide access to Hawk's Hammock Park, as depicted on the Phase 1 final site plan.
- F. This application is hereby determined to meet the requirements for and shall serve as a Certificate of Public Facilities Reservation as set forth in Section 5.32.B, LDR, Martin County Code.
- G. All permits for the Creative Land Management Phase 1 final site plan must be obtained within one year, by August 27, 2020. Excavation/filling must be completed within two years, by August 27, 2021. Reclamation must be completed within three years, by August 27, 2022. No rights to obtain development orders are herein conveyed beyond the two (2) year reservation period except as permitted in Section 5.32.D.8., LDR, Martin County Code. All remaining impact fees and capital facility charges shall be paid in full within sixty (60) days of an approval of a requested extension pursuant to Section 5.32.D.4.c.(3), LDR, Martin County Code.
- H. No land clearing is authorized prior to the mandatory pre-construction meeting for the project. Property corners and preservation areas shall be located by a licensed land surveyor and clearly marked in the field prior to the pre-construction meeting. Authorization for clearing to install erosion control devices and preserve barricades will be granted at the pre-construction meeting. No additional land clearing shall commence until a satisfactory inspection of the required control structures and barricades has been obtained. Authorization for the relocation of gopher tortoises within the development, as provided for on state agency permits, may be granted by the Growth Management Department upon review of required permit materials.
- I. An annual progress report shall be submitted to the Engineering Department within 30 days of the anniversary date of the permit for all filling or mining permits that have a duration of more than one year. The report shall be prepared by a Florida registered engineer, shall demonstrate that the permit criteria have been met to date and that the project is in compliance with all other applicable permits. The annual progress report shall include record ("as-built") drawings of all work done to the date of the report. The following certification statement must also appear with the annual certification report [MARTIN COUNTY, FLA., LDR SECTION 4.349. (2001)]:  
I hereby notify Martin County of the completion of all excavation and filling for the above referenced project and certify that they have been constructed in conformance with the plans and specifications permitted by the county including, but not limited to, all area and quantities of vegetated littoral and upland buffer zones, all excavation and fill material quantities, excavation depths, and natural resources protection. (A copy of the approved permit drawings is attached.) I hereby affix my seal this \_\_\_\_\_ day of \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_, 20\_\_\_\_.
- J. Within 30 days of the completion of the excavation and/or filling or mining, a Florida registered professional engineer, a Florida registered professional surveyor and mapper, or a Florida registered professional landscape architect shall certify that the excavation was constructed in substantial conformance with the plans and specifications approved by the county. A certification statement must also appear on the certification report. MARTIN COUNTY, FLA., LDR SECTION 4.351. (2001)
- K. All disturbed mining/excavation/fill areas shall be reclaimed, and reclamation shall begin immediately following excavation/fill or each phase of excavation/fill, whichever occurs first.

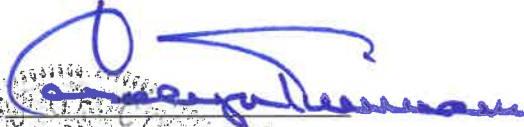
All disturbed and reclaimed areas shall be planted or seeded with a permanent native ground cover to reduce the loss of topsoil due to water and wind erosion, to prevent the establishment of prohibited plant species and to provide adequate growing conditions for reclamation planting requirements. MARTIN COUNTY, FLA., LDR SECTION 4.348.C. (2001)

- L. A three-year performance bond/security and executed commitment is required to ensure that restoration of the excavation and/or fill or mining site shall be completed, including items such as, but not limited to, general clean-up, grading, and vegetation of the lake banks littoral zones, and upland transition zone. The amount of the security shall be approved by the County Engineer and shall be based on 110 percent of a cost estimate prepared by a Florida registered Engineer of the general clean up, grading, and site restoration include in the required littoral zone and upland planting by an environmental professional. The guarantees for phased project may be bonded separately. MARTIN COUNTY, FLA., LDR SECTION 4.350. (2001)
- M. A hauling operations report, and payment of associated hauling fees shall be submitted quarterly to the County Engineering department. MARTIN COUNTY, FLA., LDR SECTION 4.343.C. (2001) See also Section M, Engineering.
- N. 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:

- Exhibit A, Legal Description
- Exhibit B, Phase 1 Final Site Plan

**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**

**CONSTRUCTION AREA - PHASE 1**

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 1 AND 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 LOT 3 OF THE PLAT OF DRESSAGE ESTATES AS RECORDED IN PLAT BOOK 16, PAGE 24 OF THE PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA; THENCE N 32°45'58" W ALONG THE NORTHEASTERLY LIMITS OF SAID PLAT OF DRESSAGE ESTATES, SAID LINE ALSO BEING THE SOUTHWESTERLY LIMITS OF PARCEL 1 OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1198, PAGE 1143, AND THE SOUTHWESTERLY LIMITS OF SAID PARCEL 1 OF OFFICIAL RECORDS BOOK 2793, PAGE 2036, A DISTANCE OF 350.18 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID NORTHEASTERLY LIMITS OF DRESSAGE ESTATES FOR THE FOLLOWING TWO (2) COURSES: (1) N 32°45'58" W, A DISTANCE OF 850.32 FEET; (2) N 30°50'55" W, A DISTANCE OF 318.29 FEET TO AN INTERSECTION WITH THE NORTHWESTERLY LINE OF SAID PARCEL 1 AS DESCRIBED IN OFFICIAL RECORDS BOOK 2793, PAGE 2036; THENCE N 59°09'05" E ALONG SAID NORTHWESTERLY LINE, A DISTANCE OF 2,202.53 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 894.40 FEET TO AN INTERSECTION WITH THE EASTERLY LINE OF SAID PARCEL 1 OF SAID LANDS 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; THENCE S 34°07'45" E ALONG SAID EASTERLY LINE, A DISTANCE OF 1,299.01 FEET TO AN INTERSECTION WITH THE SOUTHEASTERLY LIMITS OF PARCEL 1 OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1198, PAGE 1143, AND THE SOUTHEASTERLY LIMITS OF SAID PARCEL 1 AND PARCEL 2 OF OFFICIAL RECORDS BOOK 2793, PAGE 2036; THENCE S 52°33'22" W ALONG SAID SOUTHEASTERLY LIMITS, A DISTANCE OF 915.18 FEET; THENCE N 18°23'42" W, A DISTANCE OF 307.63 FEET; THENCE N 19°08'56" W, A DISTANCE OF 870.33 FEET; THENCE S 55°59'32" W, A DISTANCE OF 1,963.10 FEET TO THE POINT OF BEGINNING.

CONTAINING 3,507,780 SQUARE FEET OR 80.53 ACRES, MORE OR LESS.

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

**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.

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|------------------------------------|-----|------------------------------|-----|
| 811                                |     | CALL 48 HOURS BEFORE YOU DIG |     |
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| CERTIFICATE OF AUTHORIZATION 28240 |     |                              |     |
| LEGAL DESCRIPTION                  |     | PHASE 1                      |     |
| CREATIVE LAND                      |     | MANAGEMENT                   |     |
| DEVELOPMENT                        |     | MARTIN COUNTY, FLORIDA       |     |
| EXHIBIT                            |     |                              |     |
| A                                  |     |                              |     |

