



SPACE ABOVE THIS LINE FOR RECORDING DATA

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BEFORE THE BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

RESOLUTION NO. 20-6.17

WHEREAS, Martin County needs a Utility Easement from Forestar (USA) Real Estate Group Inc., a Delaware corporation, to allow for water and sewer services and utility related equipment, including a lift station, for the Ocean Breeze West project, south of NE Skyline Drive, east of NE Hickory Ridge Avenue and west of FEC Railway in the Town of Ocean Breeze; and

WHEREAS, by document entitled "Utility Easement" executed on March 20, 2020, Forestar (USA) Real Estate Group Inc. 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 Forestar (USA) Real Estate Group Inc., a Delaware corporation.

DULY PASSED AND ADOPTED THIS 16TH DAY OF JUNE, 2020.

ATTEST:


CAROLYN TIMMANN, CLERK OF THE
CIRCUIT COURT AND COMPTROLLER

BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA


HAROLD E. JENKINS II, CHAIRMAN

Stacey Hetherington, Vice Chair

APPROVED AS TO FORM & LEGAL SUFFICIENCY:


SARAH W. WOODS, COUNTY ATTORNEY



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

Project Name: Forestar USA – Lift Station UE
Project No: RPM #3356
PCN: 22-37-41-034-000-00002-0

SPACE ABOVE THIS LINE FOR PROCESSING DATA

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UTILITY EASEMENT

THIS EASEMENT granted and executed this 20th day of March, 2019²⁰, by FORESTAR (USA) REAL ESTATE GROUP INC., a Delaware corporation, whose mailing address is 10700 Pecan Park Boulevard, Suite 150, Austin, Texas 78750, 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, a utility and lift station easement is hereby dedicated to Grantee as a permanent, exclusive 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, and ingress and egress in, under, across, and through tract LS-2 as may be reasonably necessary for utility lift station purposes, 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" and Exhibit "B" 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.

Accepted Pursuant to Resolution

No 20-6-17
On 6-16-2020

Grantor further warrants that there are no mortgages encumbering the Easement Premises except for that certain Mortgage and Security Agreement in favor of D.R. Horton, Inc., a Delaware corporation, whose mailing address is 6123 Lyons Road, Coconut Creek, Florida, 33073, dated March 16, 2018, and recorded March 19, 2018 in Official Records Book 2981, page 1096, 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:

GRANTOR:

Forestar (USA) Real Estate Group Inc.,
a Delaware corporation

Witness

Print Name

Witness

Print Name

BY:

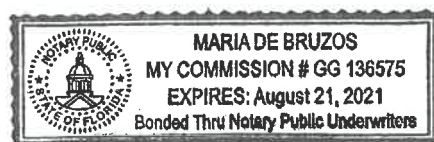
Print Name

Title: DIRECTOR OF DEVELOPMENT

State of FLORIDA }
County of BROWARD }

The foregoing Utility Easement was acknowledged before me this 20TH day of MARCH, 201⁹ by FRANK COVELLI, as DIR OF DEV. of Forestar (USA) Real Estate Group Inc., a corporation existing under the laws of the State of Delaware, on behalf of the corporation. He/she is (☒) personally known to me or has produced _____ as identification.

Notary Public



Project Name: Forestar (USA) Real Estate Group Inc., Utility Easements
Project Number: RPM #3356
PCN: 22-37-41-034-000-00002-0

CONSENT OF MORTGAGEE

D.R. Horton, Inc., a Delaware corporation, (hereinafter referred to as "Mortgagee") under that certain Mortgage and Security Agreement dated March 16, 2018, and recorded March 19, 2018 in Official Records Book 2981, page 1096, Martin County, Florida, public records (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 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 Mortgage by Mortgagee to any other easements now existing or that may exist or arise in the future.

SIGNATURE PAGE TO FOLLOW

KRISTEN L. NORTHUP
MY COMMISSION # FF 984800
EXPIRES: June 20, 2020
Bonded Thru Budget Notary Services

Exhibit "A"

Legal Description

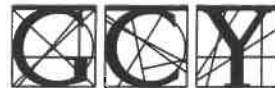
Lift Station Easement

An parcel of land for Lift Station use lying in Section 22, Township 37 South, Range 41 East, Martin County, Florida and being more particularly described as follows:

Commencing at monument marking the center of said Section 22; Thence along the East line of Southwest 1/4 of said Section 22, South 00°19'03" East, a distance of 153.38 feet; Thence departing said line, South 89°40'57" West, a distance of 12.18 feet to the **Point of Beginning**; Thence South 55°47'38" West, a distance of 30.00 feet; Thence North 34°12'22" West, a distance of 45.00 feet; Thence North 55°47'38" East, a distance of 30.00 feet; Thence South 34°12'22" East, a distance of 45.00 feet to the Point of Beginning.

Containing 1,350.00 Square feet, more or less.

NO.	REVISIONS	DATE	BY



INCORPORATED
PROFESSIONAL SURVEYORS AND MAPPERS
CERTIFICATE OF AUTHORIZATION LB 4108

CORPORATE OFFICE
PO BOX 1469 • 1505 SW MARTIN HWY.
PALM CITY, FL 34991
(800) 386-1066 • WWW.GCYINC.COM

Sketch & Legal

D.R. Horton Inc.

MARTIN COUNTY,

FLORIDA

Scale:	Date:
N.A.	Jul 2019
Drawn By:	Checked:
M.F.M.	P.A.

File & Drawing No.:
17-1010-01
Sheet
1 OF 3

Exhibit "A"

Surveyor's Notes:

- 1) This sketch and legal description is based on office information only and does not represent a boundary survey.
- 2) This legal description shall not be valid unless:
 - A) Provided in its entirety consisting of 3 sheets, with sheet 3 being the sketch of description.
 - B) Reproductions of the description and sketch are signed and sealed with an embossed surveyor's seal.
- 3) Bearings shown hereon are referenced to the State Plane Coordinate System, Florida East Zone, North American Datum 1983, adjustment of 2011 and are further referenced to the East line of the Southwest quarter of Section 22, Township 37 South, Range 41 East, Martin County, Florida. Said line bears N00°19'03"W.

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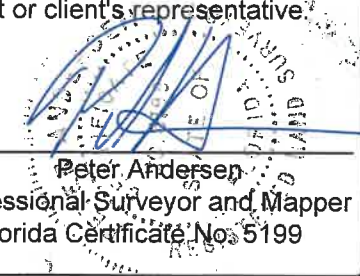
Certification

(Not valid without the signature and original raised seal of a Florida licensed Surveyor and Mapper)

I hereby certify that the Sketch and Legal Description of the property shown and described hereon was completed under my direction and said Sketch and Description is true and correct to the best of my knowledge and belief.

I further certify that this sketch and description meets the Standards of Practice for Surveys set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027 Florida State Statutes. The Sketch and Description is based on information furnished by client or client's representative.

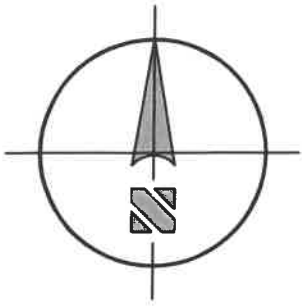
7/9/2019
Date of Signature


Peter Andersen
Professional Surveyor and Mapper
Florida Certificate No. 5199

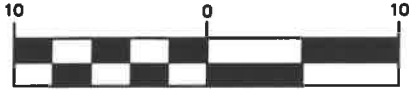


Sketch & Legal	
D.R. Horton Inc.	
MARTIN COUNTY, FLORIDA	
Scale: N.A.	Date: Jul 2019
Drawn By: M.F.M.	Checked: P.A.
File & Drawing No.: 17-1010-01	
Sheet 2 OF 3	

Exhibit "A"



GRAPHIC SCALE



(IN FEET)
1 inch = 10 ft.

POINT OF COMMENCEMENT
"CENTER OF SECTION 22, T37S, R41E"

N89°58'28"W 998.56'

SOUTH LINE OF UNRECORDED PLAT 4 OF JENSEN HIGHLANDS
& SOUTH LINE NW 1/4, SECTION 22

EAST LINE OF SW 1/4, SECTION 22

S00°19'03"E (BEARING BASIS)
153.38'
P.I.=22-37-41-000-000-00380-0
O.R.B. 2780, PAGE 2299

N55°47'38"E 30.00'

S34°12'22"E 45.00'

LIFT STATION EASEMENT
1,350.00 SQ.FT.

P.I.=22-37-41-034-000-00002-0
P.B. 18, PAGE 1

POINT OF BEGINNING

S89°40'57"W
12.18'

N34°12'22"W 45.00'

S55°47'38"W 30.00'

D=25°52'31" R=100.00' L=45.16'
CB=N30°11'52"W CD=44.78'
NE Skyhigh Terrace 50'
wide right-of-way
P.B. 18, Page 1
(private road)

Easterly Right-of-Way

LEGEND

(aka) = ALSO KNOWN AS
O.R.B. = OFFICIAL RECORDS BOOK
P.B. = PLAT BOOK
P.I. = PARCEL IDENTIFICATION
SQ.FT. = SQUARE FEET

NOTE:

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a boundary survey and is based
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Sketch & Legal

D.R. Horton Inc.

MARTIN COUNTY,

FLORIDA

Scale:
1"=10'

Date:
Jul 2019

File & Drawing No.:

17-1010-01

Drawn By:
M.F.M.

Checked:
P.A.

Sheet

3 OF 3

NO.	REVISIONS	DATE	BY

Exhibit "B"

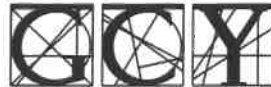
Legal Description

Utility Easement

An parcel of land for easement uses lying in Section 22, Township 37 South, Range 41 East, Martin County, Florida and being more particularly described as follows:

Commencing at monument marking the center of said Section 22; Thence along the East line of Southwest 1/4 of said Section 22, South 00°19'03" East, a distance of 153.38 feet to the **Point of Beginning**; Thence continuing along said line, South 00°19'03" East, a distance of 28.60 feet; Thence departing aforesaid line, North 89°59'10" West, a distance of 49.20 feet; Thence North 61°45'59" West, a distance of 3.59 feet to the Easterly Right-of-way line of NE Skyhigh Terrace, also being the beginning of an non-tangent curve concave to the Southwest having a radius of 100.00 feet; Thence Northwesterly along the arc of said curve through a central angle of 25°52'31", a distance of 45.16 feet; said curve having a chord bearing of North 30°11'52" West and chord distance of 44.78 feet to a point on said Right-of-Way line; Thence departing said line North 55°47'38" East, a distance of 15.06 feet; Thence South 34°12'22" East, a distance of 45.00 feet; Thence North 55°47'38" East, a distance of 30.00 feet; Thence North 89°40'57" East, a distance of 12.18 feet to the Point of Beginning.

Containing 1,617.21 Square feet, more or less.



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Sketch & Legal

D.R. Horton Inc.

MARTIN COUNTY,

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Scale:
N.A.

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File & Drawing No.:
17-1010-01

Drawn By:
M.F.M.

Checked:
P.A.

Sheet
1 OF 3

NO.	REVISIONS	DATE	BY

Exhibit "B"

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7/9/2019

Date of Signature

Peter Andersen

Professional Surveyor and Mapper
Florida Certificate No. 5199



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17-1010-01

Drawn By:

M.F.M.

Checked:

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Sheet

2 OF 3

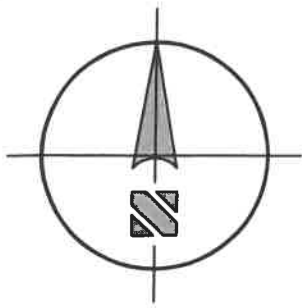
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REVISIONS

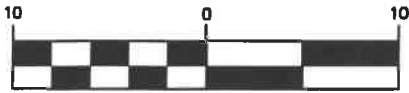
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BY

Exhibit "B"



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POINT OF BEGINNING

N89°40'57"E
12.18'

N55°47'38"E
30.00'

UTILITY EASEMENT
1,617.21 SQ.FT.

S00°19'03"E
28.60'

N89°59'10"W
49.20'

P.I.=22-37-41-034-000-00110-0
P.B. 18, PAGE 1

N61°45'59"W 3.59'

D=25°52'31" R=100.00' L=45.16'
CB=N30°11'52"W CD=44.78'
NE Skyhigh Terrace 50'
wide right-of-way
P.B. 18, Page 1
(private road)

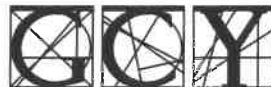
Easterly Right-of-Way

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