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MARTIN CO., FL

2020 SEP 11 AM 10:43

CAROLYN TIMMANN
CLERK OF CIRCUIT COURT

BY _____

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MAGNOLIA RIDGE OF PALM CITY

PLANNED UNIT DEVELOPMENT ZONING AGREEMENT

THIS AGREEMENT, made and entered into this 16th day of June, 2020, by and between PALM CITY GA HOMES, LLC, a Florida limited liability company, hereinafter referred to as OWNER, and MARTIN COUNTY, a political subdivision of the State of Florida, hereinafter referred to as COUNTY.

WITNESSETH:

WHEREAS, OWNER is the fee simple title holder of the property situated in Martin County, Florida, and more particularly described in Exhibit A, attached hereto and made a part hereof; and

WHEREAS, it is the desire of OWNER to develop a Planned Unit Development (hereinafter sometimes referred to as PUD) to be known as Magnolia Ridge of Palm City consisting of: a maximum of twenty-eight townhome units, together with a clubhouse, detention area, landscaping and other improvements and amenities, all as more particularly shown on the Master/Final site plan attached hereto; and

WHEREAS, Magnolia Ridge of Palm City Homeowners' Association, Inc., a Florida corporation not-for-profit, hereinafter referred to as ASSOCIATION, will be formed to provide for the maintenance of the roads, streets, rights-of-way, and common areas within Magnolia Ridge of Palm City; and

WHEREAS, this type of consolidated development is permitted in Martin County subject to a PUD Zoning Agreement; and

WHEREAS, it is the desire of the COUNTY to encourage this form of development, to prevent and discourage urban sprawl, promote compatible, consistent, and effective usage of land within the COUNTY's primary urban service district, to protect, preserve, and manage natural resources, and to implement the COUNTY's growth management plans.

NOW, THEREFORE, the parties do hereby agree as follows:

1. UNIFIED CONTROL

The OWNER hereby warrants that it has, as a result of fee simple ownership, unified ownership of all real property included in this PUD. Documents certifying title are attached hereto and incorporated herein as Exhibit B. A Covenant of Unified Control by the OWNER is attached hereto and incorporated herein as Exhibit C.

2. DEVELOPMENT

The OWNER agrees that this PUD will be undertaken and carried out in accordance with the following:

- 2.1 The Master/Final site plan approved by the COUNTY, a copy of which is attached hereto as Exhibit D and by reference made a part hereof. Approval of the Master/Final site plan shall authorize the OWNER to submit a subdivision plat in accordance with the terms and conditions of the approved Master/Final site plan.
- 2.2 The subdivision plat to be approved by the COUNTY shall be in accordance with such laws, ordinances and regulations as may be in effect at the time of such approval.
- 2.3 The Timetable for Development as shown in Exhibit E, attached hereto and by reference made a part hereof.
- 2.4 The conditions and requirements agreed to by the COUNTY and the OWNER as set forth in Exhibit F, attached hereto and by reference made a part hereof.

2.5 Permits and authorizations granted in accordance with such laws, ordinances and regulations as may be in effect at the time of such approval.

2.6 The Preserve Area Management Plan agreed to by the COUNTY and the OWNER as set forth in Exhibit G, attached hereto and by reference made a part hereof.

3. VESTED RIGHTS

The OWNER shall have the right to develop the PUD in accordance with applicable laws, ordinances and regulations, the provisions and requirements of this PUD Agreement, the approved Master/Final site plan and the subdivision plat, hereinafter sometimes collectively referred to as development orders.

4. COMMON AREAS, COVENANTS, CONDITIONS AND RESTRICTIONS

4.1 The OWNER shall create a Declaration of Covenants, Conditions and Restrictions for Magnolia Ridge of Palm City, hereinafter the Covenants and Restrictions, which shall be submitted as part of the application for the subdivision plat. A copy of the Covenants and Restrictions shall be recorded at the time of the recording of the subdivision plat. As part of said Covenants and Restrictions, the ASSOCIATION shall be established for the maintenance, operation and management of the common areas as defined therein. The common areas of the PUD shall be designated as such and shown on the approved Master/Final site plan and subdivision plat. The Covenants and Restrictions shall be in conformity with such laws, ordinances and regulations as may be in effect at the time of the approval of the subdivision plat.

4.2 Except for conveyances to governmental entities, it shall be deemed a breach of this PUD Agreement for any land to be conveyed by the OWNER by way of an instrument which does not contain the Covenants and Restrictions or incorporate them by reference thereto.

4.3 The ASSOCIATION shall not be dissolved nor shall it dispose of any common areas, by sale or otherwise, except to an organization conceived and organized to own and maintain

the common areas, without first receiving approval of the COUNTY. The COUNTY, as a condition precedent to the dissolution or disposal of the common areas, may require dedication of the common open areas, utilities or road rights-of-way to the public as are deemed necessary.

- 4.4 In the event that the COUNTY determines that the ASSOCIATION, or any successor organization, has failed at any time to maintain the common areas of the PUD in reasonable order and condition in accordance with the approved development orders and applicable laws, ordinances, and regulations, then the COUNTY shall serve written notice by certified mail, return receipt requested, upon such organization and upon each owner of real property within the PUD, which notice shall set forth the manner in which the organization has failed to maintain the common areas in reasonable order and condition, and shall demand that such failure be remedied within thirty (30) days of the sending of such notice or, in the alternative, that such organization appear before the COUNTY at a specified time (at least ten (10) days but not more than thirty (30) days after the sending of such notice) either to contest the alleged failure to maintain the common areas or to show cause why it cannot remedy such failure within the thirty (30) day period. If such failure has not been remedied within the thirty (30) day period or such longer period as the COUNTY may allow, then the COUNTY, in order to preserve the taxable values of the real property within the PUD and to prevent the common areas from becoming a public nuisance, shall hold a public hearing to consider the advisability of the COUNTY entering upon such common areas and maintaining them for a period of one (1) year. Notice of such hearing shall be sent by certified mail, return receipt requested, to the organization involved and to each owner of real property within the PUD and shall be published in a newspaper of general circulation published in Martin County, Florida. Such notice shall be sent and published at least fifteen (15) days in

advance of the hearing. At such hearing, the COUNTY may determine that it is advisable for the COUNTY to enter upon such common areas, take non-exclusive possession of them and maintain them, according to COUNTY standards, for one (1) year. Such entry, possession and maintenance shall not be deemed a trespass when done in accordance with the procedures set forth above. In no event shall any such entry, possession and maintenance be construed to give the public or the COUNTY any right to use the common areas.

- 4.5 The COUNTY may, upon public hearing with notice given and published in the same manner as above, return possession and maintenance of such common areas to the organization, or successor organization, abandon such possession and maintenance, or continue such possession and maintenance for an additional one (1) year period. The cost of such maintenance by the COUNTY shall be assessed ratably against the real properties within the PUD, the owners of which have the right to the use and enjoyment of the Common Areas and shall become a charge or lien on said properties if not paid within thirty (30) days after the receipt of a statement therefor.

5. DESTRUCTION

In the event that all or a portion of the PUD should be destroyed by a storm, fire, or other common disaster, the OWNER, its grantees, successors or assigns and/or the ASSOCIATION, shall have the right to rebuild and/or repair so long as there is strict compliance with the approved Master/Final site plan and subdivision plat.

6. CHANGE OR AMENDMENT

There shall at all times be a strict adherence to the provisions of the PUD Agreement and the approved development orders. Any change or amendment to the PUD Agreement and/or the approved development orders shall only be made in accordance with Section 10.15, Amendments to Approved Development Orders, Land Development Regulations, Martin County, Fla. (2019) ("LDRs").

7. BREACH OF AGREEMENT

- 7.1 Development of Magnolia Ridge of Palm City PUD shall at all times be in compliance with the PUD Agreement and the approved development orders. Failure to comply with a development order may result in the suspension of that development order, the cessation of COUNTY processing of all applications for development on the subject property and any associated phases, or termination of the development order pursuant to Section 10.14.G., Failure to Comply with Conditions of an Approved Development Order, LDRs.
- 7.2 Any person, including the Board of County Commissioners, hereinafter sometimes referred to as Board, or any member of the Board of County Commissioners, may file a complaint with the county administrator alleging that a development order has been violated, that unauthorized development has occurred, or that misrepresentation, fraud, deceit, deliberate error or omission, or a material omission that should have been disclosed regarding information required in a development application has occurred. In the event that such a complaint is filed, it shall be addressed as set forth in Section 10.14.G., Failure to Comply with Conditions of an Approved Development Order, LDRs.
- 7.3 The above provisions shall not be interpreted to provide an exclusive remedy, and COUNTY may pursue any appropriate remedy at law or equity in the event OWNER or his successors in interest fail to abide by the provisions of this PUD Agreement.

8. JURISDICTION

This PUD Agreement shall be governed by the laws of the State of Florida, and any and all legal action instituted because of this PUD Agreement shall be instituted in Martin County, Florida.

9. SUCCESSORS AND ASSIGNS

This PUD Agreement shall be binding upon the parties hereto, their successors in interest, heirs, assigns and personal representatives.

10. NOTICE

Any notice, request, demand, consent, approval, or other communication required or permitted by this PUD Agreement shall be given or made in writing and shall be served as elected by the party giving the notice by any of the following methods: (i) hand delivery to the other party; (ii) delivery by commercial overnight courier service; (iii) mailed by registered or certified mail (postage prepaid), return receipt requested; or (iv) mailed by regular U.S. mail. For purposes of notice, the addressees are as follows:

OWNER: Palm City GA Homes, LLC
Attn: Robert Johns
1900 NE 16th Terrace
Ft. Lauderdale, Florida 33305

With required copy to:
Fox McCluskey Bush Robison, PLLC
Attn: Tyson J. Waters, Esq.
3461 SE Willoughby Boulevard
Stuart, Florida 34994

COUNTY: County Administrator
Martin County
2401 S.E. Monterey Road
Stuart, Florida 34996

With required copy to:
County Attorney
Martin County
2401 S.E. Monterey Road
Stuart, Florida 34996

Notice given in accordance with the provisions of this Section shall be deemed to be delivered and effective on the date of hand delivery; or on the second day after the date of the deposit with an overnight courier; or on the date upon which the return receipt is signed, or delivery is refused, or the notice is designated by the postal authorities as not delivered if mailed; or on the second business day

after the date of mailing by regular U.S. mail. Either party may change its address for the purpose of this Section by written notice to the other party given in accordance with the provisions of this Section.

11. ENTIRE AGREEMENT

This PUD Agreement incorporates and includes all prior and contemporaneous negotiations, correspondence, conversations, agreements, and understanding applicable to the matters contained herein, and the parties agree that there are no commitments, agreements, or understandings concerning the subject matter of this PUD Agreement that are not contained in this document. Accordingly, it is agreed that no deviation from the terms hereof shall be predicated upon any prior or contemporaneous representations or agreements, whether oral or written.

12. SEVERABILITY

If any term or provision of this PUD Agreement, or the application thereof to any person or circumstance shall, to any extent, be held invalid or unenforceable for the remainder of this PUD Agreement, then the application of such term or provision to persons or circumstances other than those as to which its held invalid or unenforceable shall not be affected, and every other term and provision of this PUD Agreement shall be deemed valid and enforceable to the extent permitted by law.

13. STATUTORY REFERENCES

Any references to laws, ordinances, codes or other regulations shall include amendments to such laws, ordinances, codes or other regulations.

14. ADEQUATE PUBLIC FACILITIES EVALUATION

OWNER has demonstrated compliance with the requirements of Section 5.32.D., Procedures to Obtain a Certificate of Public Facilities Reservation, LDRs, and accordingly, the approval of this PUD Agreement shall constitute the issuance of a Certificate of Public Facilities Reservation.

IN WITNESS WHEREOF, the parties hereto have caused this PUD Agreement to be made and entered into the day and year first written. The date of this PUD Agreement shall be the date on which this PUD Agreement was approved by the Board of County Commissioners.

OWNER

Witnesses

Print Name: JULIE JOHNS

Print Name: Kerry Myles

PALM CITY GA HOMES, LLC, a Florida limited liability company

By: Robert Johns
Its: Manager

ADDRESS: 1900 NE 16th Terrace
Ft. Lauderdale, Florida 33305

STATE OF FLORIDA

COUNTY OF Broward

The foregoing instrument was acknowledged before me by means of [] physical presence or [] online notarization, this 16 day of July, 2020, by Robert Johns, as Manager of Palm City GA, LLC, a Florida limited liability company, on behalf of said company, to me known to be the person described herein and who executed the foregoing instrument and acknowledged before me that he executed same.

WITNESS my hand and official seal in the County and State last aforesaid this 16 day of July, 2020.

(NOTARIAL STAMP)



Notary Public

My commission expires: 05-20-2024

ATTEST:



CAROLYN TIMMANN

Clerk of the Circuit Court and Comptroller



Tyson J. Waters, Esq.

Fox McCluskey Bush Robison, PLLC
3461 SE Willoughby Boulevard
Stuart, Florida 34994

COUNTY

BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

By:


Harold E. Jenkins II, Chairman

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:


KRISTA A. STOREY

Senior Assistant County Attorney

EXHIBIT A

Parcel 1:

The West 100 feet of Tract 3, Section 24, Township 38 South, Range 40 East, PALM CITY FARMS, according to the map or plat thereof as recorded in Plat Book 6, Page(s) 42, Public Records of Palm Beach (now Martin) County, Florida; the land hereby conveyed is more particularly described as follows:

Commencing at a stake in the Northwest corner of said Tract 3; thence run East 100 feet to a stake; thence run South 662.4 feet to a stake in the South line of said Tract 3, thence run West 100 feet to a stake in the Southwest corner of said Tract 3; thence run North 662.4 feet to a place of beginning.

Excepting therefrom the Right-of-Way of State Road 714.

AND

Parcel 2:

The East 100 feet of the West 200 feet, less the North 35 feet of Tract 3, Section 24, Township 38 South, Range 40 East, PALM CITY FARMS, according to the map or plat thereof as recorded in Plat Book 6, Page(s) 42, Public Records of Palm Beach (now Martin) County, Florida; the land hereby conveyed is more particularly described as follows:

Commence at a point on the West line of Tract 14, Section 24, Township 38 South, Range 40 East, Palm City Farms, according to the Plat thereof recorded in Plat Book 6, Page 42, Palm Beach (now Martin) County, Florida Public Records; which is 154 feet South of the Northwest corner of said Tract 14; thence proceed North on the West line of said Tract 14 to the Northwest corner of said Tract 14; then run East along the North line of said Tract 14 to a point that is 227 West of the Northeast corner of said Tract 14; thence run in a Southwesterly direction in a straight line to the point or place of beginning; the said tract so described being triangular in nature and generally lying Northerly of a drainage ditch now existing on said property.

LESS AND EXCEPT:

Parcel No. 103:

A portion of the West 200.00 feet of Tract 3, PALM CITY FARMS, according to the plat thereof, as recorded in Plat Book 6, Page 42, of the Public Records of Palm Beach (now Martin) County, Florida, lying in Section 24, Township 38 South, Range 40 East, Martin County, Florida, as shown on the Florida Department of Transportation Right of Way map of County Road 714, Item/Segment No. 2309782, Section 89000-2602; said portion more particularly described as follows:

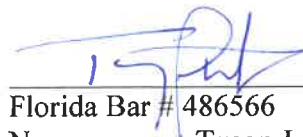
Commence at the north quarter corner of said Section 24, said corner being on the Baseline Survey of said County Road 714 (S.W. Martin Highway/S.W. 36th Street); thence South 89°42'39" East, 678.25 feet along said Baseline Survey; thence South 00°17'21" West, 50.00 feet to the south Existing Right of Way line of said County Road 714 and the POINT OF BEGINNING; thence South 89°42'39" East, 200.00 feet along said south Existing Right of Way line; thence South 00°06'49" West, 8.75 feet; thence North 89°42'39" West, 200.00 feet to a point on the west line of said Tract 3; thence North 00°06'49" East, 8.75 feet to the POINT OF BEGINNING.

EXHIBIT B

OWNERSHIP CERTIFICATE

I, Tyson J. Waters, a member of the Florida Bar, hereby certify that the record title to the property described in Exhibit A to the Planned Unit Development Zoning Agreement dated the 16TH day of JUNE, 2020 by and between PALM CITY GA HOMES, LLC, and MARTIN COUNTY, is in the ownership of Palm City GA Homes, LLC.

Dated this 15TH day of JULY, 2020.



Florida Bar # 486566

Name: Tyson J. Waters

Address: 3461 SE Willoughby Blvd.
Stuart, Florida 34994

EXHIBIT C

UNIFIED CONTROL

The undersigned, being the OWNER of the property described in Exhibit A, to the Planned Unit Development Zoning Agreement (PUD) dated the 16th day of June, 2020 between PALM CITY GA HOMES, LLC, and COUNTY, does hereby covenant and agree that: (i) the property described in Exhibit A shall be held under single ownership, and shall not be transferred, conveyed, sold or divided in any unit other than in its entirety; provided, however that individual subdivision lots or fully constructed condominium units, if any, may be conveyed to individual purchasers in accordance with and subject to the terms and conditions of the PUD Agreement.

In addition, the following conveyances shall be permitted:

1. Common elements, common open areas and developed recreation areas, if any, may be conveyed to a property owners' association or other legal entity so long as such conveyance shall be subject to the express restriction that the subject property will never be used for any purpose other than as common elements, common open areas or developed recreation areas as applicable.
2. Other portions of the subject property may be conveyed and used or maintained by governmental, environmental, charitable or other organizations or agencies for such purposes as the Board of County Commissioners of Martin County, Florida may deem appropriate.

Nothing herein contained shall limit, in any manner, the undersigned, or their successors or assigns, to mortgage or encumber the property or any part thereof.

The undersigned further agrees that the conditions, restrictions and limitations contained herein 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.

The undersigned further agrees that this instrument may be recorded in the public records of Martin County, Florida.

IN WITNESS WHEREOF, the OWNER hereto has executed these presents on the date indicated below.

OWNER

Witnesses

Julie Johns
Print Name: Julie Johns
Nicholas Masterson
Print Name: Nicholas Masterson

PALM CITY GA HOMES, LLC, a Florida limited liability company

Robert W. Johns
By: Robert Johns
Its: Manager

ADDRESS: 1900 NE 16th Terrace
Ft. Lauderdale, Florida 33305

DATE: 7-16-20

STATE OF FLORIDA
COUNTY OF Broward

The foregoing instrument was acknowledged before me by means of [☒] physical presence or [] online notarization, this 16th day of July, 2020, by Robert Johns, as Manager of Palm City GA, LLC, a Florida limited liability company, on behalf of said company, to me known to be the person described herein and who executed the foregoing instrument and acknowledged before me that he executed same.

July, 2020. WITNESS my hand and official seal in the County and State last aforesaid this 16th day of
(NOTARIAL STAMP)

Jason Mercado
Notary Public
My commission expires: April 02 2021

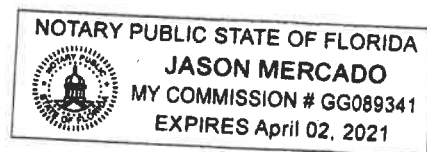


EXHIBIT D

Master/Final site plan as approved by Martin County Board of County Commissioners to be attached as Exhibit D.

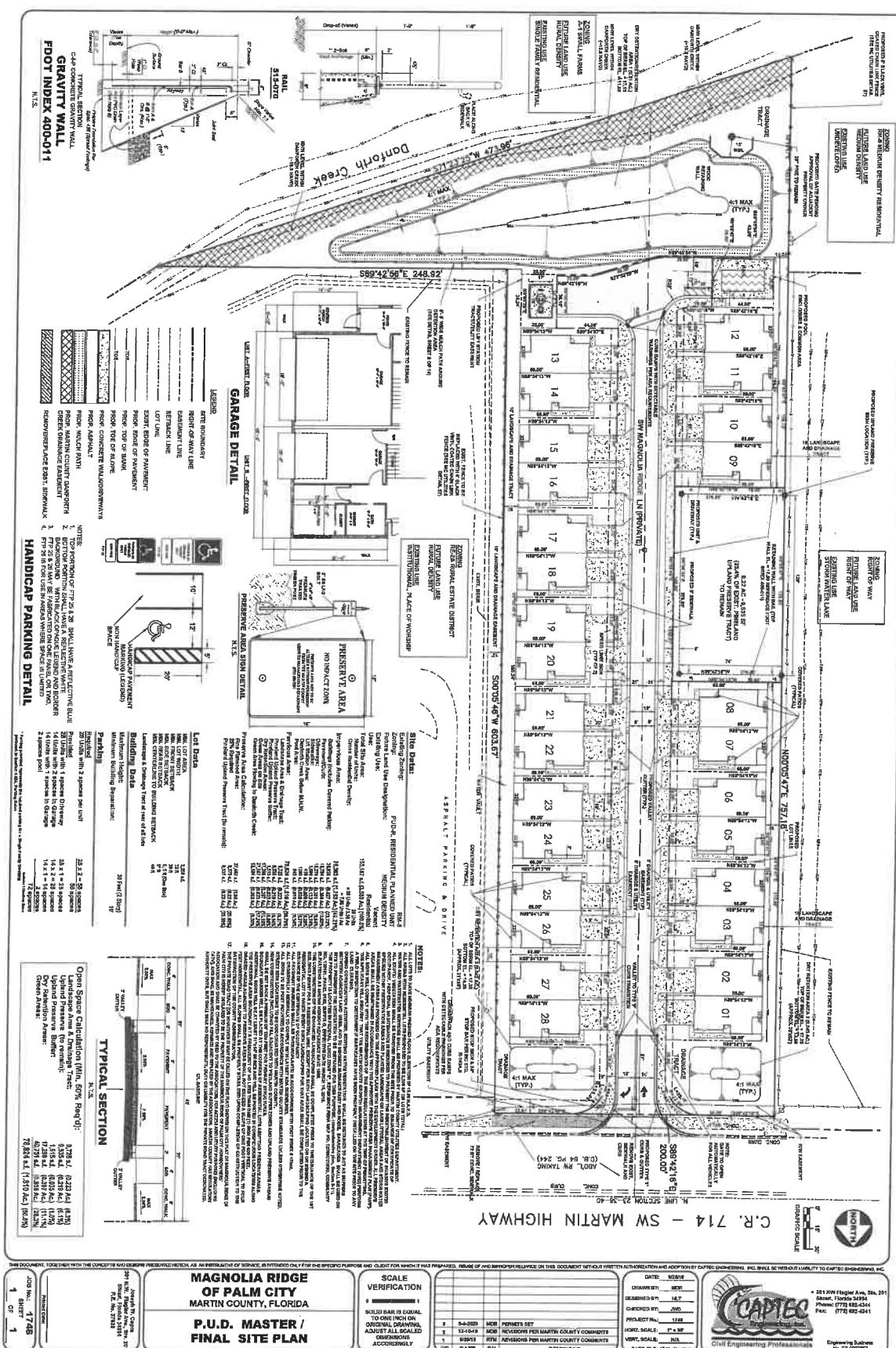


EXHIBIT E

TIMETABLE FOR DEVELOPMENT

- A. This development shall be constructed in accordance with this timetable of development. This development shall be constructed in one phase.
- B. All building permits for Magnolia Ridge of Palm City PUD infrastructure must be obtained within one (1) year of the Master/Final site plan approval.
- C. The construction of the infrastructure of the Magnolia Ridge of Palm City project must be completed within two (2) years of the Master/Final site plan approval.
- D. Construction of site amenities, including the community pool with patio and mulched path, shall be completed prior to the issuance of the first (1st) certificate of occupancy, excluding certificates of occupancy or comparable approvals for temporary model homes or temporary sales offices.
- E. The core infrastructure improvements, consisting of the required stormwater management system, the NPDES components, the roads, adequate fire protection and utilities, must be substantially complete, as determined by the County Engineer, prior to the issuance of any building permits. Sidewalks must be constructed prior to the issuance of any certificate of occupancy.

EXHIBIT F

SPECIAL CONDITIONS

1. COMPLIANCE REQUIREMENTS

The Magnolia Ridge of Palm City PUD shall comply with all requirements of the Martin County Comprehensive Growth Management Plan. Unless specifically provided for within this PUD Agreement or set forth on the Master/Final site plan, the Magnolia Ridge of Palm City PUD shall comply with all requirements of the General Ordinances and Land Development Regulations of the Martin County Code.

2. DRAINAGE/STORMWATER MANAGEMENT

- A. It shall be the OWNER'S sole responsibility to obtain the necessary drainage/stormwater management permits from the South Florida Water Management District (SFWMD). In no event shall COUNTY bear the responsibility for aiding the OWNER in obtaining permits from the SFWMD or funding the improvements necessary to develop the Magnolia Ridge of Palm City PUD.
- B. In order to ensure that the PUD's drainage/stormwater management system functions as designed and permitted in perpetuity, OWNER shall maintain the PUD's drainage/stormwater management system according to the Stormwater Management System Maintenance Plan. The Maintenance Plan will provide that the OWNER shall be responsible for performing the specific inspections and maintenance operations on the stormwater management system on-site and offsite as approved by COUNTY in order to assure it functions as intended and approved. Neither COUNTY nor the SFWMD shall have any responsibility in maintaining the system.

3. ENDANGERED SPECIES

- A. In the event that it is determined that any representative plant or animal species of regional concern is resident on or otherwise is significantly dependent upon Magnolia Ridge of Palm City PUD, the OWNER shall cease all activities which might negatively affect that individual or population and immediately notify Martin County, the Florida Fish and Wildlife Conservation Commission (FFWCC) and U.S. Fish and Wildlife Service (USFWS). Construction may resume when proper protection, to the satisfaction of all agencies, is provided by the OWNER.
- B. Gopher Tortoises – In Florida, gopher tortoises are protected as a Threatened Species. No land clearing or construction shall occur until all tortoises which will be impacted are relocated to upland preservation areas or off-site. A certified environmental professional will supervise clearing in the areas of the gopher tortoise burrows. Tortoises inhabiting burrows in areas to be developed will be captured and relocated using methodology approved by the Florida Fish and Wildlife Conservation Commission and conducted by an environmental professional possessing a valid relocation permit. During clearing and grubbing operations, equipment operators will be notified of the occurrence of gopher tortoises on-site and instructed to observe for roaming and foraging individuals. Should gopher tortoises be seen during the clearing and grubbing, all equipment operations will be stopped and the gopher tortoises will be captured and relocated. Once the tortoise(s) have been safely relocated, equipment operation can resume.

- C. Endemic Species - All gopher tortoise relocation efforts will include trapping of endangered endemic species that may live in the burrow.
- D. Relocation of Tortoises - If the number of tortoises exceeds the carrying capacity of the remaining natural area, the Martin County Environmental Planning Administrator will be notified and will be provided with a copy of the Gopher Tortoise Relocation Permit from the Florida Fish and Wildlife Conservation Commission. Every attempt shall be made to relocate within Martin County.

4. HAULING OF FILL

The OWNER agrees not to haul any fill off of the site of the Magnolia Ridge of Palm City PUD. The OWNER shall also comply with all COUNTY excavation and fill regulations.

5. TEMPORARY MODELS

Temporary model units with interim necessary access road, parking and utilities will be allowed on-site for purposes of sales presentation. Temporary model units must be consistent with the approved Master/Final site plan. Models may be used for the sale of residential units within the PUD until such time as ninety percent (90%) of the residential units have been issued certificates of occupancy.

6. RETENTION OF NATIVE VEGETATION

Clearing of native vegetation shall be limited to that which is shown on the approved clearing plans for the Magnolia Ridge of Palm City PUD.

7. SCHOOL IMPACT

The OWNER has obtained a letter of "No Objection" from the Martin County School Board for the residential units within the Magnolia Ridge of Palm City PUD.

8. SUSTAINABLE DESIGN STANDARDS

The following sustainable standards have been incorporated into the design of the Master/Final site plan for the Magnolia Ridge of Palm City PUD.

- A. Pedestrian walkways shall provide linkage to natural and man made open spaces and recreation areas, wherever possible and as shown on the Master/Final Site Plan.
- B. Every effort shall be made to provide monuments, focal points and places for gathering within the community, such as the pool indicated on the Master/Final site plan.
- C. "Streetscaping", including shade trees along walkways and the access roads, shall be added to avoid the "sea of asphalt" and "line of cars" effect and to provide a more meaningful balance between green spaces and dwellings.
- D. The project will use desiduous trees and landscape species to enhance the look and feel of the community.

9. TEMPORARY CONSTRUCTION OFFICE

The OWNER may establish and maintain on the property a temporary construction office in a location approved by the Growth Management Department Director during the period that the property is being developed and until three (3) months following the issuance of the last certificate of occupancy. Security in a form acceptable to the County Attorney for the removal of the construction office shall be supplied to the COUNTY.

10. TEMPORARY SALES OFFICE

The OWNER may establish and maintain on the property a temporary sales office in a location approved by the Growth Management Department Director during the period that the property is being developed and until the issuance of the last certificate of occupancy. Security in a form acceptable to the County Attorney for the removal of the sales office shall be supplied to the COUNTY.

11. TIME SHARING OR INTERVAL OWNERSHIP PROHIBITED

The units to be constructed within the Magnolia Ridge of Palm City PUD shall not be sold nor shall title be conveyed or transferred on the basis of time sharing or interval ownership.

12. USES AND DEVELOPMENT STANDARDS

- A. The following setbacks shall apply within the Magnolia Ridge of Palm City PUD: (a) zero-foot (0') rear setback; (b) twenty-foot (20') front setback; (c) forty-foot (40') centerline setback; (d) five-foot (5') side yard setback on one side and (e) zero-foot (0') setback on the opposite side of the applicable parcel.
- B. A building separation requirement of ten feet (10') shall apply to all structures within the Magnolia Ridge of Palm City PUD.
- C. A landscape buffer on the eastern boundary of the PUD of at least ten feet (10') is required. The buffer area may include both landscape and drainage. Landscaping provided for the Magnolia Ridge of Palm City PUD shall be as shown on the Landscape Plan prepared by Michael Flaugh Landscape Architect, dated December 11, 2018, and revised on March 20, 2020, Sheets L1 through L6, inclusive.
- D. The access gate at SW Martin Highway entrance shall not prohibit public access and shall open automatically for all vehicles entering or exiting the development. In the event that modification, replacement or removal of the gate occurs, public access shall not be prohibited.
- E. Except as provided for within this PUD Agreement or as set forth on the Master/Final site plan, the requirements of Article 3, Land Development Regulations, Martin County Code, and specifically the RM-8 zoning district shall apply to the development of the Magnolia Ridge of Palm City PUD.

13. WATER/WASTEWATER AND IRRIGATION

Water, wastewater and irrigation services for this project shall be provided by Martin County Utilities. OWNER shall provide an executed copy of an agreement for such service within 60 days of Master/Final site plan approval for the Magnolia Ridge of Palm City PUD. For water conservation OWNER shall individually meter each unit and/or supporting structure.

14. PUBLIC BENEFITS

- A. The OWNER shall provide the following public benefits as part of the Magnolia Ridge of Palm City PUD:
 - i. At no cost to the COUNTY, the OWNER shall construct and install two surface water aerating fountains in the COUNTY's retention pond located adjacent to, and immediately west of, the subject property. Each surface water aerating fountain shall be of a size no less than thirty (30) feet in diameter. The OWNER's construction of the surface water aerating fountains shall be completed prior to the issuance of the first (1st) certificate of occupancy of a residential unit within the PUD. At its expense, the OWNER shall own and be responsible in perpetuity for the operation and maintenance of the fountains, including but in no way limited to electrical service to operate the fountains; provided, however, that upon the creation of the ASSOCIATION, as required under this PUD, the OWNER shall convey and assign all such ownership and maintenance responsibilities of the fountains to the ASSOCIATION. No PUD residents shall be allowed access to the COUNTY's retention pond. The OWNER shall apply for and obtain a Right-of-Way Use permit and enter into a Right-of-Way Maintenance Agreement prior to the commencement of construction on the subject property.
 - ii. The OWNER shall construct and install a lift station prior to the issuance of a certificate of occupancy for any building within the PUD that shall serve the project but shall also be available to serve future development immediately west of the PUD.

EXHIBIT G

PRESERVE AREA MANAGEMENT PLAN

(See attached)

MARTIN COUNTY, FLORIDA

PRESERVE AREA MANAGEMENT PLAN

For:

*Magnolia Ridge of Palm City
Palm City, Florida*

*Parcel Control Numbers
24-38-40-000-003-00010-8
24-38-40-000-003-00020-6*

Prepared by:

Ecological Consulting of Florida

Approved by/Date : _____



P161-004

RECORD NUMBER

APPROVED BY:

Shawn McCarthy

A Preserve Area Management Plan (PAMP) is required of all applicants for development approval on sites which contain wetland or upland preserve areas, pursuant to provisions of Section 4.36.A.1 of the Martin County Land Development Regulations, Martin County Code.

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Exhibit A – Site Plan

Exhibit B – Environmental Assessment prepared by Ecological Consulting of Florida,
dated 8-10-19

Exhibit C – PAMP Certification Letter

1.0 GENERAL

The owner(s) of the lands to be preserved/maintained by this Preserve Area Management Plan (PAMP) for Magnolia Ridge of Palm City, their successors and assigns, and their environmental consultants and contractors, will implement and comply with all portions of this PAMP.

Compliance with the terms of this PAMP includes submittal of all Annual Monitoring Reports pursuant to Section 10.17 of the Martin County Land Development Regulations. The owner(s) of the lands to be preserved/maintained shall have ultimate responsibility for the submittal of all Annual Monitoring Reports, according to the format and schedule requirements of Section 10 of this PAMP.

As noted in Section 9 of this PAMP, the Martin County Environmental Planning Administrator shall be notified in writing within thirty (30) days of transfer of ownership of any lands to be preserved/maintained under the terms of this PAMP. Failure to notify shall be considered as non-compliance with the terms of this PAMP

This PAMP and the Site Plan attached as Exhibit "A" will not be altered or amended by either Martin County or the owner of Magnolia Ridge of Palm City, except by an alteration or amendment agreed to by both the Martin County Environmental Planning Administrator and the owner of Magnolia Ridge of Palm City. Such alterations and amendments shall be inserted into the PAMP and the final revised document shall be recorded by the Martin County Clerk of Courts. The revised PAMP will be labeled with the appropriate O.R. Book and Page Number. Three copies of the revised document shall be provided to the Martin County Environmental Planning Administrator within thirty (30) days of the Recording date.

2.0 ENVIRONMENTAL ASSESSMENT

The Environmental Assessment attached as Exhibit "B" includes maps and text which accurately depict the site's location, soils, wetlands, uplands, listed species, previous impacts, preserve area locations and boundaries, and any other significant environmental features.

2.1 Location – Refer to Environmental Assessment attached as Exhibit "B"

2.2 Soils - Refer to Exhibit "B"

2.3 Habitats - Refer to Exhibit "B"

2.4 Protected Species - Refer to Exhibit "B"

2.5 Previous Impacts - Refer to Exhibit "B"

2.6 Agency Correspondance - Refer to Exhibit "B"

3.0 IDENTIFICATION OF PRESERVE AREAS

- 3.1 Site Plan - All Preserve Areas, right-of-ways and easements are shown on the Palm Bluff Town Homes Site Plan, a copy of which is attached to this PAMP as Exhibit "A". The Site Plan includes a summary of the following: acreage of native upland habitat under preservation; acreage of common upland habitat under preservation; total acreage under preservation; and total acreage of the Site.**

The Site Plan contains the notation: "PRESERVE AREAS ARE NOT TO BE ALTERED WITHOUT WRITTEN PERMISSION OF THE MARTIN COUNTY ENVIRONMENTAL PLANNING ADMINISTRATOR"

- 3.2 Legal Recording - The Palm Bluff Town Homes Site Plan will be recorded with the PAMP by the Martin County Clerk of Courts. The Site Plan and the PAMP will be labeled with the appropriate O.R. Book and Page Number and copies of each recorded document will be provided to the Martin County Environmental Planning Administrator within thirty (30) days of the Recording date.**

4.0 SURVEYING, MARKING AND BARRICADING REQUIREMENTS

Prior to any site clearing, adjacent Preserve Areas within 100 feet of the Areas shown on the Site Plan for Palm Bluff Town Homes will be marked in the field with appropriate survey markers and signage. During the clearing and construction phases of the project, Preserve Area boundaries will be marked by physical barriers.

- 4.1 Preserve Area Surveying Requirements – Map coordinates of each Preserve Area will be provided to the Martin County Environmental Planning Administrator, in a form compatible for use in the County's GIS mapping system.**
- 4.2 Preserve Area Boundary Markers and Signs – Signage will be installed upon completion of the project.**
- 4.3 Barricading Requirements - Prior to clearing within 100 feet of a Preserve Area, the owner will ensure that all Preserve Areas are protected with physical barriers during all clearing and construction activities in accordance with the following guidelines.**

Barricades (not including turbidity screens) will be high-visibility orange safety fence extending from the ground to a height of at least 4 feet. Barricades will not be attached to vegetation.

All barricades and turbidity screens will be upright and maintained intact for the duration of construction.

Where areas are proposed for clearing the bright orange barricades will be offset at least 10 feet outside the Preserve Area or placed at the dripline of the canopy trees, whichever is greater.

Cut or fill will meet existing grade without encroaching into Preserve Areas.

Wetlands will be protected from possible surface water and sediment runoff by the placement of silt screens, hay bales or other turbidity control measures, at or beyond the delineation line prior to any land clearing or construction.

It is the responsibility of the owner/developer of Palm Bluff Town Homes to inform all contractors of these Marking and Barricading Requirements. Failure to comply with these Marking and Barricading Requirements will be considered a violation of the PAMP. Further work on the project may be stopped until compliance with the Marking and Barricading Requirements is achieved, and the owner or developer may be required to appear before the Code Enforcement Board.

5.0 USE OF PRESERVE AREAS

5.1 Activities Allowed in Preserve Areas – All existing primitive trails and drainage areas shown on Exhibit “A” may be maintained. Removal of exotic vegetation by mechanical and chemical methods will be allowed. Passive recreation will be allowed within the preserve area.

5.2 Activities Prohibited In Preserve Areas - Activities prohibited in Preserve Areas or easements within Preserve Areas include, but are not limited to: construction or placing of building materials on or above the ground; dumping or placing soil or other substances such as garbage, trash, and cuttings; removal or destruction of native trees, shrubs or other native vegetation; excavation, dredging or removal of soil materials; vehicular traffic including use by non-motorized vehicles, recreational vehicles and off-road vehicles (except as necessary for maintenance of exotic vegetation and controlled burns); permanent irrigation; trimming, pruning, or fertilization; and any other activities detrimental to drainage, flood control, water conservation, erosion control or fish and wildlife conservation and preservation.

No hazardous material other than fertilizer, feed and fuel for refueling on-site heavy equipment may be stored. On-site fuel tanks shall not be located within twenty-five (25) feet of any Preserve Areas.

Buildings proposed to be located adjacent to Preserve Areas shall be set back a minimum of ten (10) feet to allow for construction and maintenance without encroaching into the Preserve Area. All other structures (e.g. pools, sheds, decks, fences) shall be set back a minimum of five (5) feet from the Preserve Area boundary.

Development activities such as the construction of building pads for associated structures, swales, or culverts for surface water management shall not alter the hydrology of adjacent Preserve Areas. Nor shall any activities increase non-point source pollution in Preserve Areas.

6.0 RESTORATION AND MAINTENANCE ACTIVITIES

Except for approved restoration and maintenance activities, Preserve Areas will be left undisturbed. All maintenance of Preserve Areas will be in accordance with this PAMP for Palm Bluff Town Homes. Maintenance and management activities will be performed by or under the supervision of a qualified environmental professional and must be approved by the Martin County Environmental Planning Administrator. The following restoration and maintenance activities may be allowed within Preserve Areas: exotic plant removal, revegetation or planting native vegetation, prescribed burns and removal of dead, diseased, or safety hazard plant material.

6.1 Exotic Vegetation Removal

Exotic vegetation shall be removed from Preserve Areas by the least ecologically-damaging method available. Such methods include hand pulling, hand spading, cutting with hand or chain saws, prescribed burns, mowing and in-situ treatment with appropriate herbicides. No debris, including dead plants, plant clippings or wood scraps, shall be allowed in Preserve Areas. In addition, all dead plant material and exotic plant debris removed from Preserve Areas shall be legally disposed of. Use of vehicles to remove debris will be allowed as long as tracks are raked and no sign of vehicle is present after such work is complete.

6.2 Revegetation - Any revegetation which might be necessary as a result of exotic vegetation removal or site construction activities shall consist of native plant species representative of the existing native plant community. This will ensure that the Preserve Areas maintain indigenous plant associations. Revegetation plans shall be submitted to the Martin County Environmental Planning Administrator for approval prior to implementation.

6.3 Vegetation Removal - Dead or diseased plant material shall be removed from Preserve Areas. Revegetation may be required for any removed plant material. No debris, including dead plants, plant clippings or wood scraps, shall be allowed in Preserve Areas. All dead plant material and debris removed from Preserve Areas shall be legally disposed of.

6.4 Prescribed Burns - Martin County considers prescribed burns an acceptable habitat management tool. When approved by the Martin County Environmental Planning Administrator, they will be conducted by a certified burn manager who will be responsible for obtaining all appropriate permits from state and local agencies.

6.5 Hydrology - Previous or potential drainage impacts will be corrected to the extent technically feasible. Water quality and the rate, timing, and volume of run-off shall recreate natural conditions for the benefit of onsite wetlands and other waterbodies. Wetlands and waterbodies on adjacent properties shall be protected from adverse impacts.

6.6 Restoration of impacted areas shall be required as set forth in the Environmental Assessment attached as Exhibit "B".

7.0 PROTECTIVE MEASURES FOR LISTED SPECIES

Refer to Environmental Assessment attached as Exhibit "B" for current listed species information. Prior to any site clearing within the Palm Bluff Town Homes site, an updated listed species survey for the proposed area to be cleared must be submitted to the Environmental Planning Administrator.

- 7.1 Gopher Tortoises** – In Florida, gopher tortoises are protected as a Threatened Species. Under Florida law, no person may take, possess, transport or sell a Threatened Species. No land clearing or construction shall occur until all tortoises which will be impacted are relocated to upland preservation areas or off-site. A certified environmental professional will supervise clearing in the areas of the gopher tortoise burrows. Tortoises inhabiting burrows in areas to be developed will be captured and relocated following guidelines set forth below. Tortoise burrows may be bucket trapped or excavated using methodology approved by the Florida Fish and Wildlife Conservation Commission and conducted by an environmental professional possessing a valid relocation permit. During clearing and grubbing operations, equipment operators will be notified of the occurrence of gopher tortoises on-site and instructed to observe for roaming and foraging individuals. Should gopher tortoises be seen during the clearing and grubbing, all equipment operations will be stopped and the gopher tortoises will be captured and relocated into a Preserve Area of the project away from the immediate clearing activities. Once the tortoise(s) have been safely relocated to a Preserve Area and restrained by tortoise fencing, equipment operation can resume.
- 7.2 Endemic Species** - All gopher tortoise relocation efforts will include trapping of endangered endemic species that may live in the burrow. These endemic species include but are not limited to the Florida mouse (*Peromyscus floridana*), gopher frog (*Rana aerolata*) and Eastern indigo snake (*Drymarchon corias couperi*).
- 7.3 Relocation of Tortoises** - If the number of tortoises exceeds the carrying capacity of the remaining natural area, the Martin County Environmental Planning Administrator will be notified and will be provided with a copy of the Gopher Tortoise Relocation Permit from the Florida Fish and Wildlife Conservation Commission. All relocations shall be carried out by an environmental professional licensed for gopher tortoise relocations. The responsible party shall have access to literature pertaining to gopher tortoise preservation and shall be encouraged to preserve additional areas and to landscape with native vegetation.

8.0 MISCELLANEOUS PROVISIONS AND RESTRICTIONS

Not applicable

9.0 TRANSFER OF RESPONSIBILITIES

The property owner of Magnolia Ridge of Palm City is responsible for implementation of all requirements of this Preserve Area Management Plan until such time as the owner transfers responsibility to a successor. The Martin County Environmental Planning Administrator will be notified in writing within thirty (30) days of transfer of ownership of any lands to be preserved under this PAMP. Failure to notify will be considered as non-compliance with the terms of this PAMP.

The owner and/or successor will be responsible for maintaining the Preserve Areas in their existing natural condition with the periodic removal of invasive exotic vegetation.

10.0 MONITORING, REPORTING AND INSPECTIONS

10.1 Monthly Construction Reports – Not applicable.

10.2 Annual Monitoring Reports -

Monitoring and reporting will be conducted annually by a qualified environmental professional for a period of five years from the date of completion of the project or project phase encompassing the monitored area. Annual monitoring will be conducted at the end of the wet season (usually by November 30) and a report of the monitoring will be submitted to the Martin County Environmental Planning Administrator within 30 days of the completion of the monitoring.

The Annual Monitoring Reports will document changes in vegetation including encroachment and/or overgrowth of noxious or exotic vegetation. Fixed-point panoramic photos of all Preserve Areas will be included in each report. The reports will include recommendations for exotic vegetation removal, revegetation, and any additional enhancement activities necessary to maintain the Preserve Area. A timetable for action within 90 days of the report will be prepared and followed.

A copy of the proposed Annual Monitoring Report format is attached to this PAMP as an Appendix. This format may be modified separately from the PAMP, as necessary, upon written approval from the Martin County Environmental Planning Administrator.

Upon request, Martin County Environmental Planning staff may meet with the responsible parties to review the annual monitoring report findings and supply technical assistance and support for stewardship.

The first Annual Monitoring Report due in compliance with this PAMP will be submitted to the Martin County Environmental Planning Administrator no later than August 31, 2020. Subsequent Annual Monitoring Reports will be due on the same date for the next four years.

After the initial five-year monitoring period, the Preserve Areas may be subject to periodic review and, if conditions warrant, will be subject to further monitoring and maintenance to ensure environmental integrity, consistent with the provisions of this Plan.

10.2 Inspections - Martin County is authorized to inspect any County regulated site or appurtenance. Duly authorized representatives of Martin County may, at any time, upon presenting proper identification, enter upon and shall be given access to any premises for the purpose of such inspection.

11.0 ENFORCEMENT

Martin County shall have the right to enforce the provisions of this PAMP through any available administrative or civil proceeding, which may result in penalties. Restoration of habitat and other remedies, such as fines and fees covering staff time, may be required of any person, corporation or other entity found in violation of any of the provisions of this PAMP or of Article 10 of the Martin County Land Development Regulations.

MARTIN COUNTY, FLORIDA

PRESERVE AREA MANAGEMENT PLAN

ANNUAL MONITORING REPORT FOR (Year)

Annual monitoring shall be conducted at the end of the wet season (usually by November 30) for five years from the date of PAMP approval. A report of the results of each monitoring event shall be submitted by the property owner to the Martin County Environmental Planning Administrator within 30 days of the completion of the monitoring. Monitoring and reporting are the responsibility of the property owner. However, a qualified environmental professional may conduct the monitoring, prepare the Annual Monitoring Reports, or submit the Reports.

All Annual Monitoring Reports shall contain the following information:

- **Name and address of current owner of Preserve Area;**
- **Location of Preserve Area (site/project location, Martin County Parcel Control Number, section/township/range, etc);**
- **Date PAMP approved;**
- **Documentation of vegetation changes, including encroachment of exotic vegetation;**
- **Fixed-point panoramic photos of all Preserve Areas;**
- **Synopsis of maintenance activities conducted in compliance with the PAMP requirements such as exotic vegetation removal, revegetation, and additional enhancement activities necessary to maintain the Preserve Area;**
- **A timetable for action within 90 days of the report;**
- **A list of all violations of the PAMP; and**
- **Recommendations for remedial actions, with a proposed schedule for the coming year.**

Signature/Date : _____

Typed Name/Title : _____

Company Name (if applicable) : _____

ENVIRONMENTAL ASSESSMENT REPORT MAGNOLIA RIDGE OF PALM CITY MARTIN COUNTY, FLORIDA

August 10, 2019

Prepared by:



***ECOLOGICAL CONSULTING OF FLORIDA
850 NW FEDERAL HIGHWAY, SUITE 109
STUART, FL 34994***

1704.00

1.0 INTRODUCTION

This assessment is in support of the Martin County (COUNTY) development approval process for the subject ±3.57-acre site.

The development is a multi-family residential development with associated roads, parking, and stormwater areas.

2.0 SITE LOCATION

The project is located within Section 24, Township 38 South, Range 40 East within the Palm City area of Martin County, Florida (Figure 1). Specifically the project is located at 2810 SW Martin Highway, 0.25 mile east of High Meadows Road on the south side of Martin Highway.

The parcel is a vacant tract that is heavily vegetated. Bordering land uses include Martin Highway to the north, a church to the east, drainage ditch and single family residences to the south, and a stormwater pond to the west.

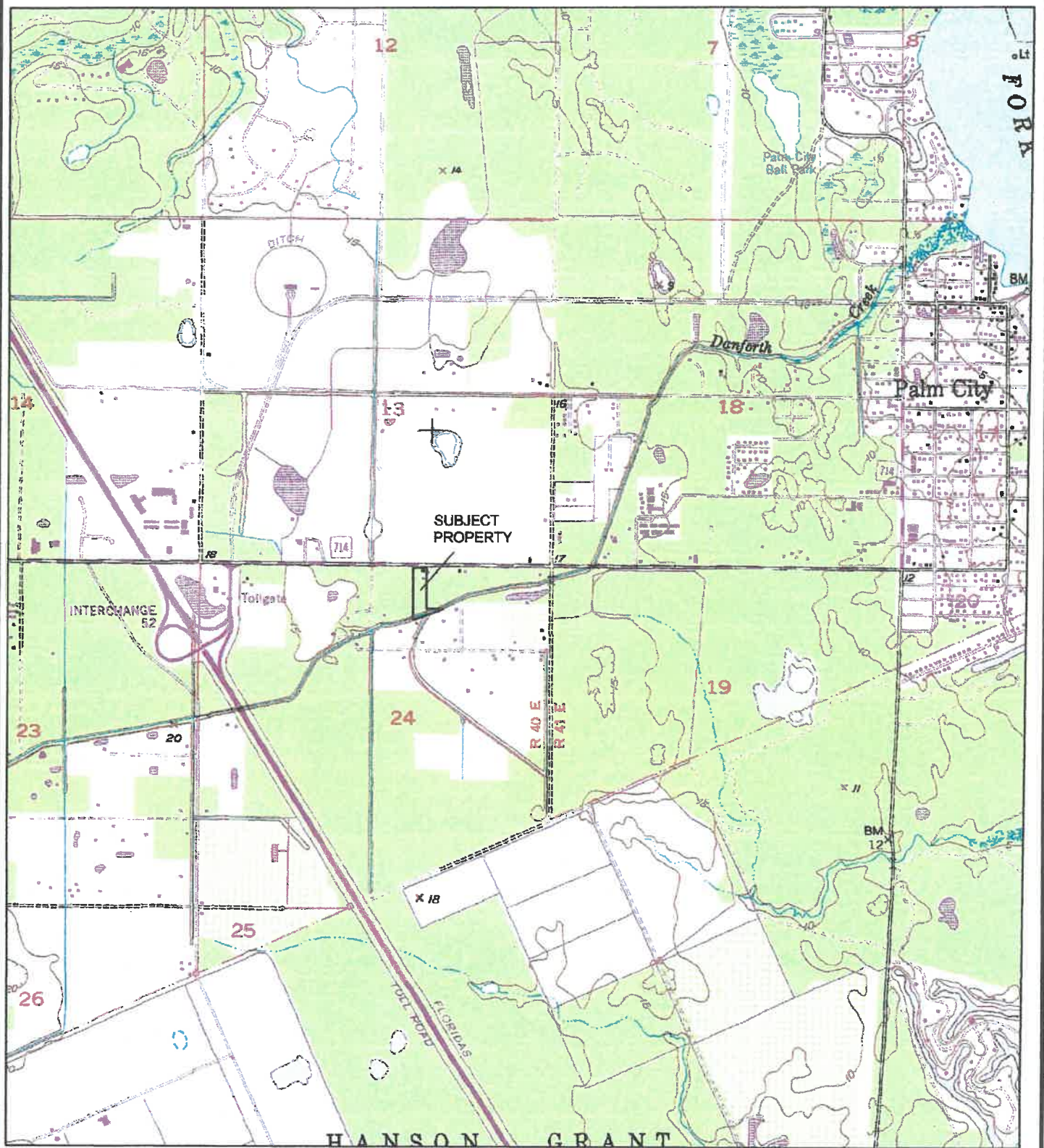
3.0 METHODOLOGY

The assessment methodology consisted of the review of topographic information, soils maps, and recent aerial photographs.

A field reconnaissance of the subject parcel was then conducted which included pedestrian and vehicular transects through the parcel to map and identify specific habitat and land uses and vegetative cover types. A perimeter transect was conducted to confirm features that extend off site. Field notes were taken and an aerial photograph was marked with land use and cover types and any environmental findings.

4.0 TOPOGRAPHY/HYDROLOGY

According to the U.S.G.S. topographic quadrangle (Palm City, FL), the site is relatively flat with an average elevation of 15 feet NGVD (Figure 1). The site appears vacant. No wetlands, depressions, roads are noted on the quadrangle map. A structure is located in the north corner of the site. A drainage ditch identified as Danforth Creek is present abutting the south boundary. Field reconnaissance confirms the quadrangle map with the exception of the structure. The structure is no longer present.



THIS DOCUMENT, TOGETHER WITH THE CONCEPTS AND DESIGNS PRESENTED HEREIN, AS AN INSTRUMENT OF SERVICE, IS INTENDED ONLY FOR THE SPECIFIC PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED. REUSE OF AND IMPROPER RELIANCE ON THIS DOCUMENT WITHOUT WRITTEN AUTHORIZATION AND ADOPTION BY ECOLOGICAL CONSULTING OF FLORIDA SHALL BE WITHOUT LIABILITY TO ECOLOGICAL CONSULTING OF FLORIDA



TOPOGRAPHIC MAP MAGNOLIA RIDGE OF PALM CITY

MARTIN COUNTY

FLORIDA



SOURCE: PALM CITY QUADRANGLE,
SEC 24, TWN 38 S, RING 40 E

FIGURE 1

DATE: 8-10-19

PROJECT No. 1704.00

5.0 SOILS

According to the *Web Soil Survey of Indian River County, FL* (NRCS – Web Soil Survey), the following soils are found on site (Figure 2).

1. Nettles sand (63)

On site reconnaissance indicates that Nettles sand appears to be well drained and are not hydric.

6.0 SITE CONDITIONS

An assessment of the extent, distribution and composition of vegetative communities for the site was conducted by Chris Sopotnick of Ecological Consulting of Florida (ECF), originally on June 2, 2014, and later followed up on October 22, 2018.

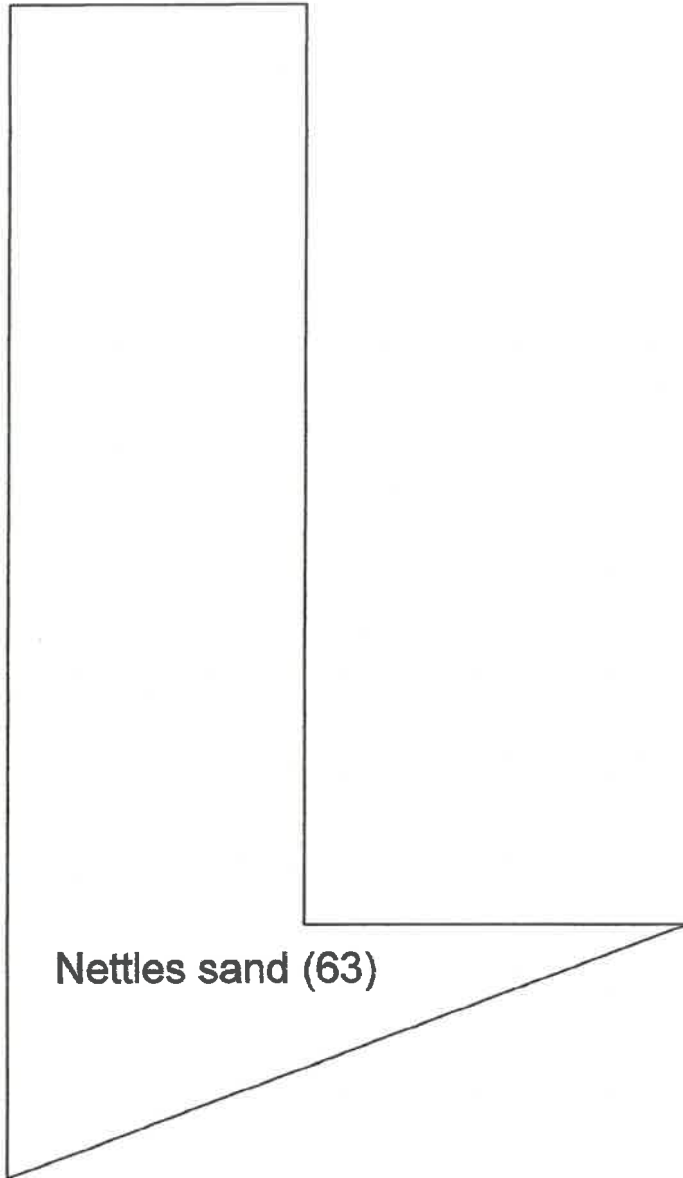
Pedestrian transects were conducted throughout the site with vegetative communities mapped on a recent aerial photograph.

A description of each community type is provided in the Habitat/Land Use section of this report

7.0 HABITAT/LAND USE

Onsite habitats and adjacent land uses have been characterized using the *Florida Land Use Cover and Forms Classifications System* (FDOT, 1985) (FLUCFCS), and are described below and depicted on the Land Use and Cover Map (Figure 3).

- 411 – Pine Flatwoods: This cover is scattered on site in clusters and is dominated by slash pine (*Pinus elliottii*). Other species common in this habitat include laurel oak (*Quercus laurifolia*), cabbage palm (*Sabal palmetto*), beauty berry (*Callicarpa americana*), gall berry (*Ilex glabra*), and fetterbush (*Lyonia lucida*). This area is the only natural area on site is classified by the Florida Natural Communities as Mesic Flatwoods.
- 422 – Brazilian Pepper: This habitat is dominated by Brazilian Pepper (*Shinus terebinthifolius*), umbrella tree (*Schefflera actinophylla*), air potato (*Dioscorea bulbifera*), ceasarweed (*Urena lobata*), downy rosemyrtle (*Rhodomyrtus tometosa*) and grapevine (*Vitus spp*) much of the pepper and downy rosemyrtle removed but with the other exotics still present.
- 437 – Australian Pine: This area is dominated by Australian pine (*Casuarina spp.*). Ground cover is not present due to the coverage by the pines.
- 510 – Drainage Ditch: This drainage ditch is regularly maintained by the County with no vegetation being present.



Nettles sand (63)

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NOT TO SCALE



SOILS MAP
MAGNOLIA RIDGE OF PALM CITY
MARTIN COUNTY FLORIDA

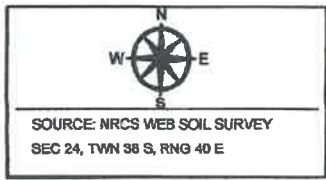
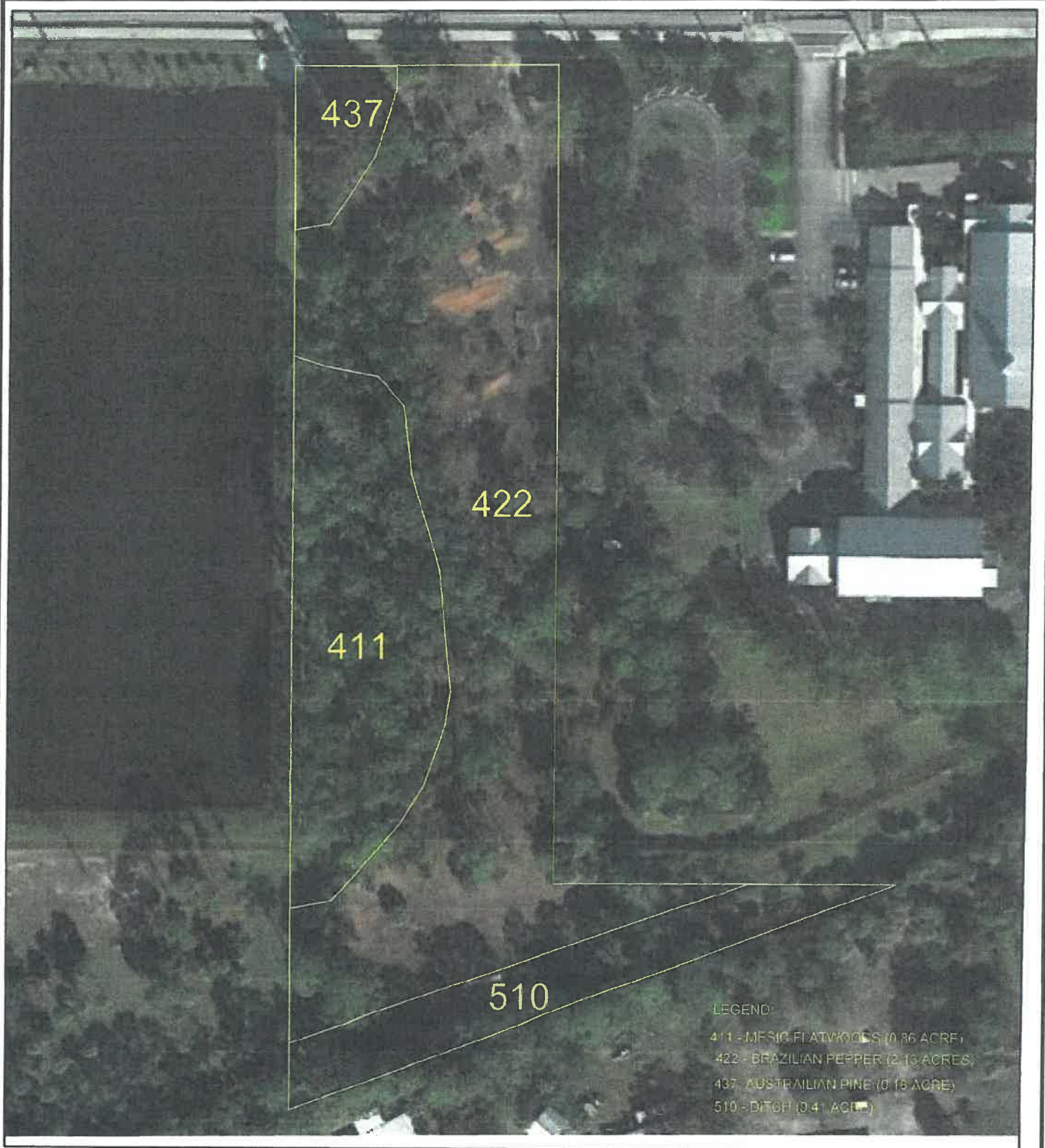


FIGURE 2
DATE: 8-10-19
PROJECT No. 1704.00



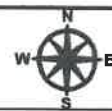
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LAND USE AND COVER FORMS MAGNOLIA RIDGE OF PALM CITY

MARTIN COUNTY

FLORIDA



SOURCE: GOOGLE EARTH
SEC 24, TWN 38 S, RNG 40 E

FIGURE 3

DATE: 8-10-19

PROJECT No. 1704.00

TABLE 1 – LAND USE AND COVER SUMMARY			
FLUCFCS CODE	COMMUNITY NAME	ACRES	PERCENT
411	Pine Flatwoods/Mesic Flatwoods	0.86	24.2
422	Brazilian Pepper	2.14	59.8
437	Australian Pine	0.16	4.5
510	Drainage Ditch	0.41	11.5
Total Area		3.57	100.0

8.0 CRITICAL HABITAT/ LISTED SPECIES OBSERVATION

The site was reviewed for the presence of habitat conducive to federal and state listed flora and fauna. An initial review documented vegetative communities and noted areas listed as potential habitat.

The pine flatwoods habitat is conducive to gopher tortoises. The gopher tortoise and its burrow are protected at the state level by FWC as a threatened species. Although none were observed it is recommended at least 90 days prior to construction that a tortoise survey be conducted to confirm no tortoises have moved on site.

No listed species were identified on site. Non-listed wildlife or signs of species observed include bluejay, turkey buzzard, armadillo, cottontail rabbit, and raccoon (tracks/scat). All species of wildlife observed are typical representatives of the different habitats on site. None are unusual for the Martin County area.

A database search of FWC records for documented bald eagle nests was conducted and none were noted for the property or within 0.5 mile of the site.

The Florida Natural Areas Inventory (FNAI) provides a matrix by County of rare and endangered species in Florida. Based on the known distribution and preferred habitats of certain species, the following listed wildlife has the potential to occur on site:

TABLE 2 – FNAI LISTED SPECIES				
COMMON NAME	SCIENTIFIC NAME	EVIDENCE/SIGHTING	STATUS	
			FWC	USFWS
Eastern Indigo snake	<i>Drymarchon corias couperi</i>	Not observed	T	T
Gopher tortoise	<i>Gopherus polyphemus</i>	Not observed	T	
Gopher frog	<i>Rana capito</i>	Not observed	SSC	
Florida pine snake	<i>Pituophis melanoleucus mugitus</i>	Not observed	SSC	
Florida Panther	<i>Puma concolor coryi</i>	Not observed	E	E
Burrowing owl	<i>Speotyto cunicularia</i>	Not observed	SSC	
Woodstork	<i>Mycteria Americana</i>	Not observed	E	E
American Alligator	<i>Alligator mississippiensis</i>	Not observed	T	T
Crested caracara	<i>Caracara cheriway</i>	Not observed	T	T
Florida scrub-jay	<i>Aphelocoma coerulescens</i>	Not observed	T	T
Piping Plover	<i>Charadrius melodus</i>	Not observed	T	T
Red-cockaded woodpecker	<i>Picoides villosus</i>	Not observed	E	E
Southeastern American kestrel	<i>Falco sparverius paulus</i>	Not observed	T	
Florida sandhill crane	<i>Grus Canadensis pratensis</i>	Not observed	SSC	
Osprey	<i>Pandion haliaetus</i>	Not observed	SSC	
Snail kite	<i>Rostrhamus sociabilis plumbeous</i>	Not observed	E	E
Least tern	<i>Sterna antillarum</i>	Not observed	T	
Sherman's fox squirrel	<i>Sciurus niger shermani</i>	Not observed	SSC	
Manatee	<i>Trichechus manatus</i>	Not observed	E	E
Abbreviations:				
SSC = Species of Special Concern, T = Threatened				
USFWS = United States Fish and Wildlife Service, FWC = Florida Fish and Wildlife Conservation Commission,				

9.0 WETLANDS AND SURFACE WATERS

This site does not include any wetlands. The onsite drainage ditch would be classified as a surface water. The drainage ditch was reviewed by the SFWMD, attached as an appendix is the jurisdictional determination by that agency.

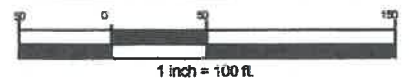
10.0 COUNTY REGULATED HABITATS

The subject property has Mesic Flatwoods on site, which would be classified as common native upland habitat. A total of 0.86 acre of this habitat occur on site. The applicant is proposing to preserve greater than 25-percent or 0.22 acre of this habitat in place along the west central property boundary. This habitat will be protected by a Preserve Area Management Plan with regular monitoring and maintenance implemented.

The site has had prior disturbances, with exotics dominant on site. Attached is Figure 4 which identifies the disturbed areas.



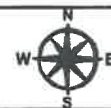
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DISTURBED AREA **MAGNOLIA RIDGE OF PALM CITY**

MARTIN COUNTY

FLORIDA



SOURCE: GOOGLE EARTH
 SEC 24, TWN 38 S, RNG 40 E

FIGURE 4

DATE: 8-10-19

PROJECT No. 1704.00

APPENDIX 1 – SFWMD JURISDICTIONAL



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Regulation Division

February 17, 2016

D. Chris Sopotnick
Ecological Consulting of Florida.
850 NW Federal Highway, Suite 130
Stuart, FL 34994

Subject: 2810 Martin Highway Parcel
Application No. 160205-2
Informal Wetland Determination No. 43-00050-IF
Martin County, S24, T38S/R40E

Dear Mr. Sopotnick:

The District offers the following in response to your request for a determination of wetland boundaries and other surface waters located within the subject property. A site visit was conducted on February 12, 2016. Based on the site visit and other site-specific information, this 3.57 acres site does not contain wetlands. However, the site does contain other surface waters as defined by Chapter 62-340 Florida Administrative Code (FAC). The approximate project boundaries are identified on the attached aerial photograph. The area considered other surface waters is identified in yellow and scattered dots filling.

This correspondence is an informal pre-application wetland determination pursuant to Chapter 373, Florida Statutes. It does not bind the District, its agents or employees, nor does it convey any legal rights, expressed or implied. Persons obtaining this informal pre-application wetland determination are not entitled to rely upon it for purposes of compliance with provision of law or District rules. A binding wetland determination may be obtained by petitioning the South Florida Water Management District for a wetland declaratory statement pursuant to FAC Rule 62-340 or by applying for an Environmental Resource permit.

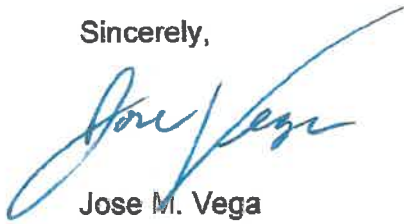
Although the subject property does not contain wetlands jurisdictional under state rules, the property may be wetlands and/or other waters of the United States under federal rules. Dredging or filling in such areas may require a Department of Army (DA) permit. Receipt of a state or local government permit does not obviate the need to obtain a DA permit prior to commencing work. For more information about the DA Regulatory Program, you may access the Corps' website at: <http://www.saj.usace.army.mil/permit/index.html>. You may also contact the local Corps

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regulatory office for additional information, at one of the following numbers: 561-472-3517, 561-472-3506, or 561-472-3514.

A file has been set up at the Martin/ St. Lucie Regulatory office with pre-application materials. If you have any further questions, please contact me at 863-462-5260 ext. 3636.

Sincerely,



Jose M. Vega
Environmental Analyst
Martin/St. Lucie Regulatory Office
South Florida Water Management District
863-462-5260 ext 3636
800-250-4200 ext 3636
3800 N.W. 16th Blvd, Suite A
Okeechobee, FL 34972

Attachments (Location Map, Soils Map, Site Aerial, FLUCCS Map)

Cc: Shawn McCarthy- Martin County Growth Management Department
U.S. Army Corps of Engineers, Palm Beach Gardens
Bert Pascual – Palms Bluff, LLC

D. Chris Sopotnick
February 17, 2016
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Miami, Florida 33144-4230
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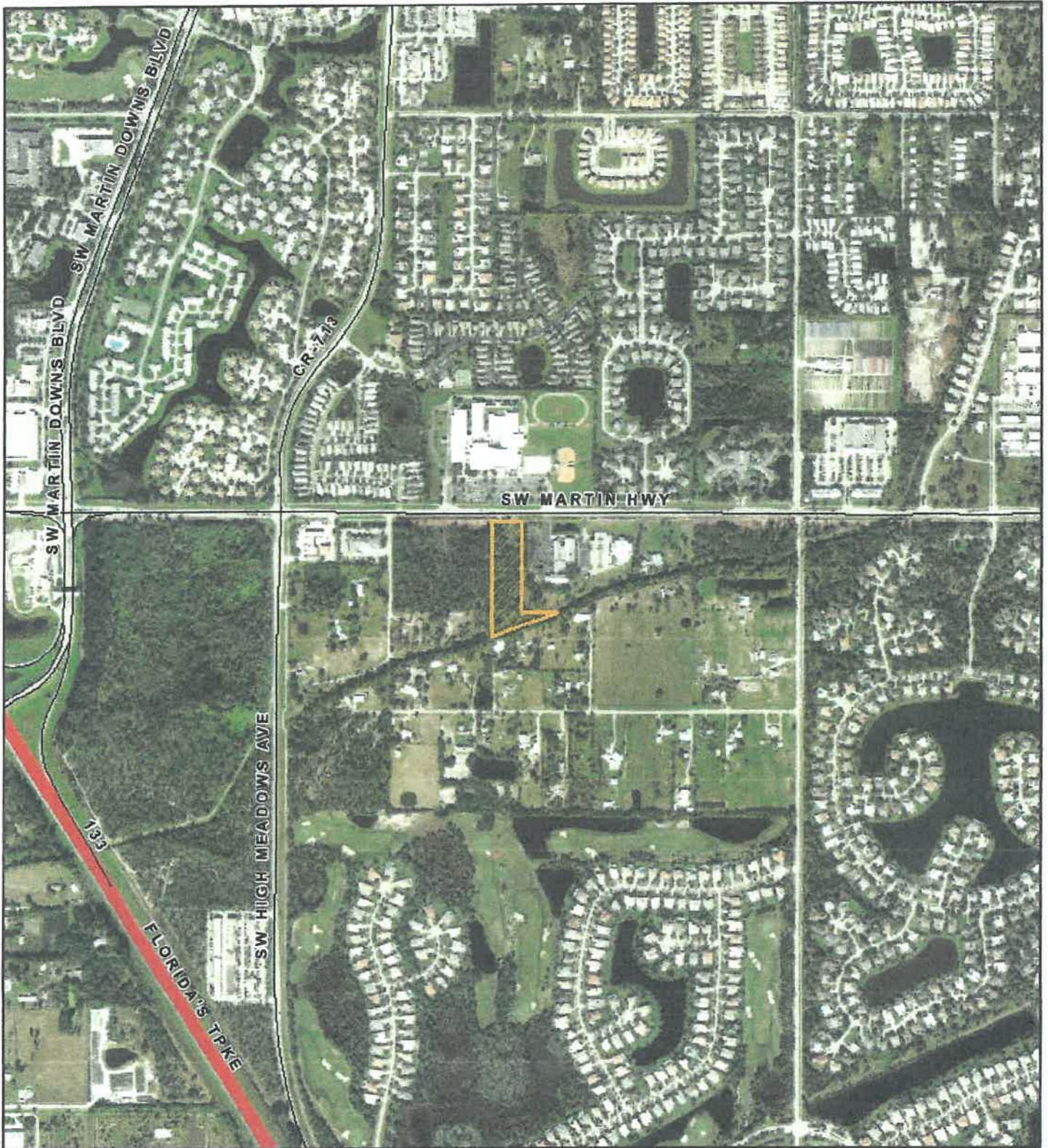


Exhibit No: 1

Exhibit Created On:
2016-02-08

MARTIN COUNTY, FL

REGULATION DIVISION

Project Name: 2810 MARTIN HIGHWAY PARCEL



0 800 1,600
Feet



Application



Application Number: 160205-2



South Florida Water Management District



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SFWMD File: 160205-2

Date: 2/12/16

Reviewer: Jose Vega

County: Martin S 24T 38R 40

///= Wetlands (w) Other Surface Waters (osw)

GRAPHIC SCALE



SURFACE WATER MAP 2810 MARTIN HIGHWAY

MARTIN COUNTY

FLORIDA



SOURCE: GOOGLE EARTH JUNE 2014

FIGURE 2

DATE: 6-2-14

PROJECT No. 1420.00

