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BEFORE THE BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

RESOLUTION NO. 20-9.52

WHEREAS, Martin County needs a Utility Easement from RCA Holdings, LLC, a Florida limited liability company, to allow for fire and water services located on the south side of lot 7 and adjacent to SW Jack James Drive; and

WHEREAS, by document entitled "Utility Easement" executed on July 31, 2020, RCA Holdings, LLC grants to Martin County a perpetual Utility Easement; and

WHEREAS, Sec. 139.31 and 139.32, General Ordinances, Martin County Code require that any conveyance of an interest in land to Martin County for any public purpose shall be accepted and approved by resolution by the Board of County Commissioners of Martin County.

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

Martin County hereby accepts and approves the Utility Easement conveyed by RCA Holdings, LLC, a Florida limited liability company.

DULY PASSED AND ADOPTED THIS 29TH DAY OF SEPTEMBER, 2020.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

CAROLYN TIMMANN, CLERK OF THE
CIRCUIT COURT AND COMPTROLLER

HAROLD E. JENKINS II CHAIRMAN

APPROVED AS TO FORM & LEGAL SUFFICIENCY:

SARAH W. WOODS, COUNTY ATTORNEY



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

Project Name: Treasure Coast Commerce Center Lots 6 & 7 UE
Project No: RPM #3449
PCN: 55-38-41-290-002-00060-0
55-38-41-290-002-00070-0

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UTILITY EASEMENT

THIS EASEMENT granted and executed this 31st day of July, 2020, by RCA HOLDINGS, LLC, a Florida limited liability company, whose mailing address is 7802 SW Ellipse Way, Stuart, FL, 34997, Grantor, to MARTIN COUNTY, a political subdivision of the State of Florida, whose address is 2401 SE Monterey Road, Stuart, Florida 34996, Grantee.

(Wherever used herein the terms "Grantor" and "Grantee" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

WITNESSETH, that the Grantor, for and in consideration of the sum of \$1.00 and other good and valuable considerations, in hand paid by the Grantee, the receipt and sufficiency whereof is hereby acknowledged, does hereby grant unto the Grantee forever, an easement for the construction, reconstruction, replacement, operation, maintenance, and repair of utility and fire related equipment, including, but not limited to hydrants, lift stations, pumps, pipelines, fences, structures, and powerline hookups, if required, in, under, over, across, and through the following described land, situate, lying and being in the County of Martin, State of Florida, to-wit:

See Exhibit "A" attached hereto and made a part hereof.

The Grantor hereby covenants with said Grantee that Grantor is lawfully seized of said land in fee simple; that Grantor has good and lawful authority to grant and convey this easement; that Grantor fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever.

The Grantor agrees that it will not alter or obstruct or allow the alteration or obstruction of the Easement Premises in any way without the express written consent of the Grantee. Grantee, its contractors, agents and employees shall have free access to the Easement Premises and every part thereof, at all times, for the purpose of exercising the rights granted herein; provided however in making any excavations on the Easement Premises, Grantee shall make the same in such manner as will cause the least injury to the surface of the ground and restore any improvements within such excavation to as near the same condition as it was prior to such excavation as soon as is practicable.

Accepted Pursuant to Resolution

No. 20-9.52
On 9/29/2020

Grantor further warrants that there are no mortgages encumbering the Easement Premises except for that certain mortgage in favor of South State Bank, N.A., successor in interest to CenterState Bank, N.A., whose address is 1101 1st Street South, Suite 202, Winter Haven, Florida 33881, (Mortgagee), dated November 14, 2018, and recorded November 14, 2018, in Official Records Book 3027, Page 4, and the Assignment of Rents dated November 14, 2018, and recorded November 18, 2018, in Official Records Book 3027, Page 16, all in Martin County, Florida, public records. ¹⁴

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:

RCA HOLDINGS, LLC,
a Florida limited liability company

[Signature]
Witness
Mark Melvin
Print Name

BY: [Signature]
Print Name: Robert C. Ambrosius
Title: Managing Member

[Signature]
Witness
Tammy Ambrosius
Print Name

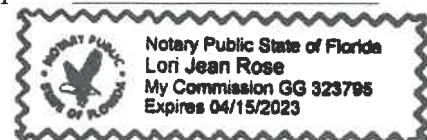
State of Florida }
County of Martin }

The foregoing Utility Easement was acknowledged before me this 31ST day of July, 2020 by Robert C. Ambrosius, as Managing Member of RCA Holdings, LLC, a Florida limited liability company, on behalf of the corporation (x) by means of physical presence or () online notarization. He/she is (x) personally known to me or has produced as identification.

[Signature]
Notary Public

Print Name: Lori J. Rose

My Commission Expires:



Project Name: Treasure Coast Commerce Center Lots 6 & 7 Utility Easement
Project No: RPM #3449
PCN: 55-38-41-290-002-00060-0
55-38-41-290-002-00070-0

CONSENT OF MORTGAGEE

SOUTH STATE BANK, N.A., (hereinafter referred to as "Mortgagee"), successor in interest to CenterState Bank, N.A., under that certain Mortgage dated November 14, 2018, and recorded November 14, 2018, in Official Records Book 3027, Page 4, and the Assignment of Rents dated November 14, 2018 and recorded in Official Records Book November 14, 2008, Book 3027, Page 16, all in the public records of Martin County, FL (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

SIGNATURE PAGE TO CONSENT OF MORTGAGEE

Signed, sealed and delivered
in the presence of:

SOUTH STATE BANK, N.A., successor in
interest to CenterState Bank, N.A.

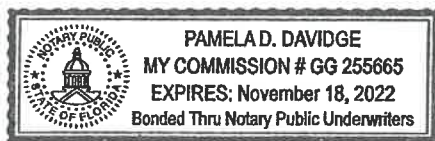
Tina M DeRoche
Print Name: Tina M DeRoche

By: [Signature]
Name: STEPHEN WOOD
Title: VICE PRESIDENT

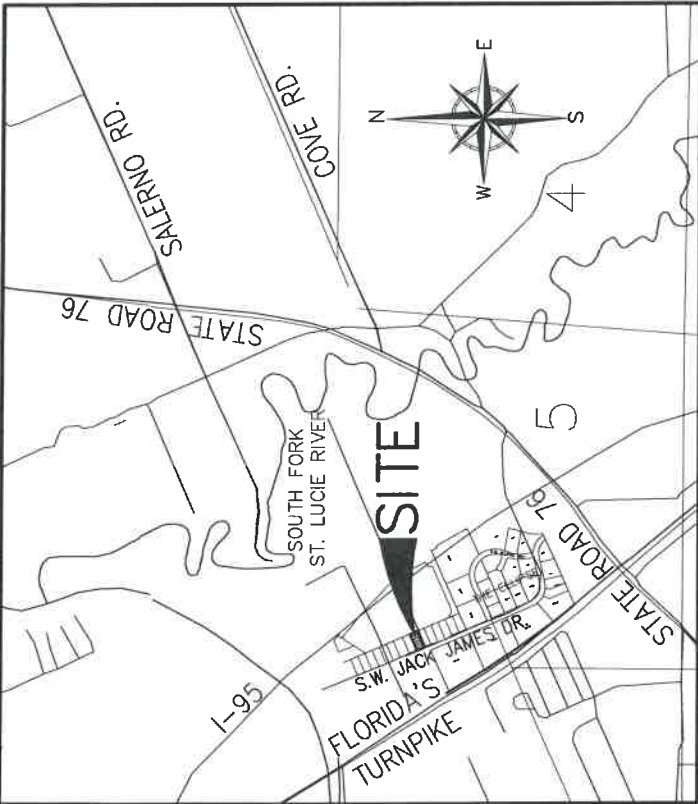
Georgina Anderson
Print Name: Georgina Anderson

STATE OF Florida }
COUNTY OF Martin }

The foregoing instrument was acknowledged before me this 31 day of July, 2020 by Stephen Wood, as Vice President of South State Bank, N.A., on behalf of said entity, (☒) by means of physical presence or () online notarization. He/She is (☒) personally known to me or has produced _____ as identification.



Pamela D. Davidge
Notary Public
Print Name: Pamela Davidge
My Commission Expires: Nov 18, 2022



LOCATION MAP
(NOT TO SCALE)

SURVEYOR'S NOTES

EXHIBIT A

1. THE BEARINGS AS SHOWN HEREON ARE BASED ON STATE PLANE COORDINATES, U.S. SURVEY FEET, NORTH AMERICAN DATUM OF 1983/2011 (N.A.D. 83/11), FLORIDA EAST ZONE, REFERENCE A BEARING OF NORTH 23°13'38" WEST ALONG THE WESTERLY LINE OF LOT 7, SECTION 2, TREASURE COAST COMMERCE CENTER TWO AND THREE, PLAT BOOK 15, PAGE 65, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA.
2. THIS IS NOT A BOUNDARY SURVEY.
3. THIS SKETCH AND LEGAL DESCRIPTION SHALL NOT BE VALID UNLESS PROVIDED IN ITS ENTIRETY CONSISTING OF SHEETS 1 THROUGH 3.

THIS DOCUMENT MAY BE REPRODUCED UPON REQUEST IN AN ALTERNATIVE FORMAT BY CONTACTING THE COUNTY ADA COORDINATOR (772) 320-3131, THE COUNTY ADMINISTRATION OFFICE (772) 288-5400, FLORIDA RELAY 711, OR BY COMPLETING OUR ACCESSIBILITY FEEDBACK FORM AT www.martin.fl.us/accessibility-feedback

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE "SKETCH TO ACCOMPANY LEGAL DESCRIPTION" AS SHOWN HEREON WAS PREPARED UNDER MY DIRECTION AND CHARGE ON MARCH 3, 2020, AND THAT SAID "SKETCH TO ACCOMPANY LEGAL DESCRIPTION" IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. IT IS FURTHER CERTIFIED THAT THIS "SKETCH TO ACCOMPANY LEGAL DESCRIPTION" COMPLIES WITH THE STANDARDS OF PRACTICE FOR "SKETCH TO ACCOMPANY LEGAL DESCRIPTION" SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

BETSY LINDSAY, INC.
SURVEYORS AND MAPPERS

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

NOT VALID WITHOUT THE SIGNATURE
AND ORIGINAL RAISED SEAL OF FLORIDA
LICENSED SURVEYOR AND MAPPER
UNLESS DIGITALLY SIGNED



SHEET NO. <u>1</u> OF <u>3</u> SHEETS PROJECT NO. <u>02-08V</u>		DATE <u>05/04/20</u> REVISE LEGAL DESCRIPTION REVISIONS		A PORTION OF LOT 7, SECTION 2 TREASURE COAST COMMERCE CENTER TWO & THREE, MARTIN COUNTY, FLORIDA		DATE <u>03/03/2020</u> SCALE <u>NOT TO SCALE</u> FIELD BK. <u> </u> DRAWING BY <u>D.B.</u> CHECKED BY <u>E.A.L.</u>		B BETSY LINDSAY, INC. SURVEYING AND MAPPING 7997 SW JACK JAMES DRIVE STUART, FLORIDA 34987 (772) 288-5753 (772) 288-5633 FAX LICENSED BUSINESS NO. 6852	
SKETCH AND LEGAL DESCRIPTION UTILITY EASEMENT									

EXHIBIT A

A PORTION OF LOT 7, SECTION 2, TREASURE COAST COMMERCE CENTER TWO AND THREE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 15, PAGE 65, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA. SAID PARCEL BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

CONTAINING 212 SQUARE FEET OR 0.0049 ACRES, MORE OR LESS.

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

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

<div style="display: flex; align-items: center; justify-content: center;"><div style="text-align: center; margin-right: 10px;"><div style="border: 1px solid black; width: 40px; height: 40px; margin: 0 auto; display: flex; align-items: center; justify-content: center; font-size: 24px; font-weight: bold;">B</div><div style="margin-top: 5px;">BETSY LINDSAY, INC. SURVEYING AND MAPPING</div></div><div style="text-align: left; margin-left: 10px;"><div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">7687 S.W. JACK JAMES DRIVE STUART, FLORIDA 34987 (772) 886-5783 (772) 886-5863 FAX LICENSED BUSINESS NO. 6882</div></div></div>																
<div style="display: flex; justify-content: space-between;"><div>DATE <u>03/03/2020</u></div><div>SCALE <u>1/2" = 1' TO SCALE</u></div></div> <div style="display: flex; justify-content: space-between;"><div>FIELD BK. _____</div><div>DRAWING BY <u>D.B.</u></div></div> <div style="display: flex; justify-content: space-between;"><div>CHECKED BY <u>E.L.</u></div></div>																
<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">A PORTION OF LOT 7, SECTION 2 TREASURE COAST COMMERCE CENTER TWO & THREE, MARTIN COUNTY, FLORIDA</div> <div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">SKETCH AND LEGAL DESCRIPTION UTILITY EASEMENT</div>																
<table border="1" style="width: 100%; border-collapse: collapse;"><thead><tr><th style="width: 15%;">DATE</th><th style="width: 15%;">REVISONS</th><th style="width: 70%;">REVISE LEGAL DESCRIPTION</th></tr></thead><tbody><tr><td>05/04/20</td><td></td><td></td></tr><tr><td> </td><td></td><td></td></tr><tr><td> </td><td></td><td></td></tr><tr><td> </td><td></td><td></td></tr></tbody></table>		DATE	REVISONS	REVISE LEGAL DESCRIPTION	05/04/20											
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<div style="display: flex; justify-content: space-between;"><div>SHEET NO. <u>2</u> OF <u>3</u> SHEETS</div><div>PROJECT NO. <u>02-08V</u></div></div>																

EXHIBIT A

TREASURE COAST COMMERCE
CENTER TWO AND THREE

SECTION 2

P.B. 15, PG. 65
MARTIN COUNTY, FLORIDA

LOT 7

TRACT "A"
15' R/W
(P.B. 15, PG. 65)
20' UTILITY EASEMENT
P.B. 15, PG. 65

UTILITY
EASEMENT
212 S.F. OR
0.0049 ACRES,
MORE OR LESS

LOT 6

SOUTHERLY
LINE OF LOT 7

N66°46'22"E 20.00'
S66°46'22"W 7.80'
S23°13'38"E 27.24'
N23°13'38"W 26.15'
N23°13'38"W 27.24'
WESTERLY
LINE OF LOT 7

P.O.B.
(REFERENCE
BEARING)

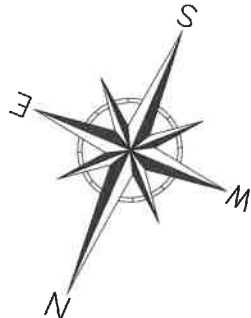
P.O.C.

S.W. CORNER
OF LOT 7

S.W. JACK JAMES DRIVE

THIS IS NOT
A SURVEY

LOT 8



SCALE: 1" = 30'
15 0 15 30
10' R/W
(O.R.B. 139, PG. 580)

TRACT "B"
5' R/W
(P.B. 15, PG. 65)
10' UTILITY
EASEMENT
P.B. 15, PG. 65

LOT 2

SECTION 3

10' R/W
(O.R.B. 139, PG. 580)

LOT 1

10' R/W
(O.R.B. 758, PG. 806)

DATE: 05/04/20
REVISIONS:
REVISE LEGAL DESCRIPTION

SHEET NO. 3
OF 3 SHEETS
PROJECT NO.
02-08V

A PORTION OF LOT 7, SECTION 2
TREASURE COAST COMMERCE CENTER TWO & THREE,
MARTIN COUNTY, FLORIDA

SKETCH AND LEGAL DESCRIPTION
UTILITY EASEMENT

DATE: 03/03/2020
SCALE: 1" = 30'
FIELD BK.
DRAWING BY: D.B.
CHECKED BY: E.A.L.

B Betsy Lindsay, Inc.
SURVEYING AND MAPPING
7997 S.W. JACK JAMES DRIVE STUART, FLORIDA 34997
(772)286-5753 (772)286-5035 FAX
LICENSED BUSINESS NO. 6852