

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

RESOLUTION NUMBER _____

**[REGARDING A PHASE 3 FINAL SITE PLAN APPROVAL
FOR BANYAN BAY PUD
WITH A CERTIFICATE OF PUBLIC FACILITIES RESERVATION]**

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

1. Banyan Bay Macks, LLC, submitted an application for Phase 3 final site plan approval for the Banyan Bay PUD project, located on lands legally described in Exhibit A, attached hereto.
2. Upon proper notice of hearing this Board held a public meeting on the application on August 16, 2022.
3. At the public meeting, all interested parties were given an opportunity to be heard.

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

A. The Phase 3 final site plan, attached hereto as Exhibit B, for the Banyan Bay PUD project is approved. Development of Phase 3 of the Banyan Bay PUD project shall be in accordance with the approved final site plan attached hereto as Exhibit B.

B. Failure to submit the required documents, plans and fees as required by Section 10.9, Land Development Regulations, Martin County Code, shall render approval of the Phase 3 final site plan for the Banyan Bay PUD project null and void.

C. No land clearing is authorized prior to the mandatory pre-construction meeting for the project. Property corners and preservation areas shall be located by a licensed land surveyor and clearly marked in the field prior to the pre-construction meeting. Authorization for clearing to install erosion control devices and preserve barricades will be granted at the pre-construction meeting. No additional land clearing shall commence until a satisfactory inspection of the required control structures and barricades has been obtained. Authorization for the relocation of gopher tortoises within the development, as provided for on state agency permits, may be granted by the Growth Management Department upon review of required permit materials. MARTIN COUNTY, FLA., LDR § 4.37

D. The Owner is authorized to haul fill off of the site. The Owner must comply with all County excavation and fill regulations. The hauling fee for the fill to be hauled from the site is calculated at \$0.21 per cubic yard and is due upon final approval of the Final Site Plan application or

issuance of the Excavation and Fill Permit. The routes and timing of any fill to be hauled from the site shall be coordinated with the County Engineer. The OWNER shall also comply with all COUNTY excavation and fill regulations

E. As part of the conditions of approval for all development orders for Major applications, including PUDs, the applicant shall provide annual status reports to the County Administrator to ensure that development occurs according to the terms of the development order. The Monitoring report shall be due on the Anniversary date of the Revised Master Plan Approval.

F. This application is hereby determined to meet the requirements for and shall serve as a Certificate of Public Facilities Reservation as set forth in Section 5.32.D, LDR, Martin County Code.

G. This resolution shall be recorded in the public records of Martin County. A copy of this resolution shall be forwarded to the applicant(s) by the Growth Management Department subsequent to recording.

DULY PASSED AND ADOPTED THIS 16TH DAY OF AUGUST, 2022.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

BY: _____
CAROLYN TIMMANN
CLERK OF THE CIRCUIT COURT
AND COMPTROLLER

BY: _____
DOUG SMITH, CHAIRMAN

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:

BY: _____
ELYSSE A. ELDER
SENIOR ASSISTANT COUNTY ATTORNEY

ATTACHMENTS:

Exhibit A, Legal Description
Exhibit B, Final Site Plan

Exhibit A

LEGAL DESCRIPTION:

PHASE 3

BEING A PARCEL OF LAND LYING IN THE HANSON GRANT, MARTIN COUNTY, FLORIDA. SAID PARCEL BEING A PORTION OF LOT 7 OF THE COMMISSIONER'S SUBDIVISION OF THE MILES OR HANSON GRANT, AS RECORDED IN PLAT BOOK 1, PAGE 11, OF THE PUBLIC RECORDS OF PALM BEACH (NOW MARTIN) COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID LOT 7 OF THE COMMISSIONER'S SUBDIVISION OF THE MILES OR HANSON GRANT; THENCE SOUTH 66°17'32" WEST ALONG THE SOUTH LINE OF SAID LOT 7, A DISTANCE OF 221.03 FEET TO A POINT OF INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF SOUTH KANNER HIGHWAY (STATE ROAD NO. 76) AND BEING THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID SOUTH LINE OF LOT 7 SOUTH 66°17'32" WEST, A DISTANCE OF 956.67 FEET; THENCE DEPARTING SAID SOUTH LINE OF LOT 7 NORTH 23°22'46" WEST, A DISTANCE OF 148.18 FEET TO A POINT ON A LINE OF THE CONSERVATION EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 2095, PAGE 252 IN THE PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA; THENCE ALONG SAID NORTH LINE NORTH 10°31'29" WEST, A DISTANCE OF 72.74 FEET; THENCE NORTH 25°07'32" WEST, A DISTANCE OF 40.20 FEET; THENCE NORTH 55°55'56" EAST, A DISTANCE OF 17.61 FEET; THENCE NORTH 07°30'23" WEST, A DISTANCE OF 77.56 FEET; THENCE NORTH 16°10'08" WEST, A DISTANCE OF 95.76 FEET; THENCE NORTH 14°12'54" EAST, A DISTANCE OF 51.60 FEET; THENCE SOUTH 80°42'24" EAST, A DISTANCE OF 59.75 FEET; THENCE SOUTH 42°44'28" EAST, A DISTANCE OF 45.78 FEET; THENCE SOUTH 47°17'00" EAST, A DISTANCE OF 92.28 FEET; THENCE SOUTH 50°50'22" EAST, A DISTANCE OF 94.39 FEET; THENCE SOUTH 62°51'50" EAST, A DISTANCE OF 99.34 FEET; THENCE DEPART SAID CONSERVATION EASEMENT LINE NORTH 58°59'10" EAST, A DISTANCE OF 127.96 FEET TO A POINT ON SAID CONSERVATION EASEMENT LINE; THENCE ALONG SAID CONSERVATION EASEMENT LINE NORTH 52°44'11" EAST, A DISTANCE OF 50.07 FEET; THENCE NORTH 39°24'02" EAST, A DISTANCE OF 24.92 FEET; THENCE NORTH 12°47'36" EAST, A DISTANCE OF 107.13 FEET; THENCE NORTH 09°39'02" EAST, A DISTANCE OF 92.21 FEET; THENCE NORTH 07°54'19" EAST, A DISTANCE OF 55.93 FEET; THENCE NORTH 75°23'25" EAST, A DISTANCE OF 11.02 FEET; THENCE NORTH 40°48'34" EAST, A DISTANCE OF 72.24 FEET; THENCE NORTH 67°51'04" EAST, A DISTANCE OF 61.88 FEET; THENCE NORTH 09°46'28" WEST, A DISTANCE OF 84.27 FEET; THENCE NORTH 22°40'39" WEST, A DISTANCE OF 36.21 FEET; THENCE NORTH 26°29'07" EAST, A DISTANCE OF 35.24 FEET; THENCE NORTH 40°12'52" EAST, A DISTANCE OF 72.04 FEET; THENCE NORTH 46°54'04" WEST, A DISTANCE OF 54.70 FEET; THENCE NORTH 71°11'05" EAST, A DISTANCE OF 83.72 FEET; THENCE SOUTH 90°00'00" EAST, A DISTANCE OF 44.28 FEET; THENCE NORTH 66°07'54" EAST, A DISTANCE OF 51.16 FEET; THENCE NORTH 58°03'52" EAST, A DISTANCE OF 27.92 FEET; THENCE SOUTH 80°09'04" EAST, A DISTANCE OF 49.91 FEET; THENCE NORTH 76°03'51" EAST, A DISTANCE OF 61.09 FEET; THENCE NORTH 55°33'59" EAST, A DISTANCE OF 79.80 FEET; THENCE NORTH 13°00'17" EAST, A DISTANCE OF 33.92 FEET; THENCE NORTH 72°38'46" EAST, A DISTANCE OF 41.75 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVED TO THE NORTHWEST HAVING A RADIUS OF 50.00 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE 64°36'43", A DISTANCE OF 65.11 FEET TO THE BEGINNING OF A TANGENT LINE; THENCE ALONG SAID LINE NORTH 01°57'58" WEST, A DISTANCE OF 37.67 FEET; THENCE NORTH 71°44'09" EAST, A DISTANCE OF 22.51 FEET; THENCE SOUTH 31°58'37" EAST, A DISTANCE OF 83.07 FEET; THENCE SOUTH 05°25'16" EAST, A DISTANCE OF 105.40 FEET; THENCE TO A POINT OF INTERSECTION OF AFOREMENTIONED CONSERVATION EASEMENT LINE AND THE WESTERLY RIGHT-OF-WAY LINE OF SOUTH KANNER HIGHWAY (STATE ROAD NO. 76) SOUTH 56°55'32" EAST, A DISTANCE OF 78.63 FEET; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE SOUTH 22°43'24" WEST, A DISTANCE OF 660.86 FEET TO THE POINT OF BEGINNING.

CONTAINING 12.02± ACRES.

