

323831

BEFORE THE BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

RESOLUTION NUMBER 78-11.11

DEVELOPMENT ORDER FOR HERITAGE RIDGE

A DEVELOPMENT OF REGIONAL IMPACT (DRI)

WHEREAS, on or about November 7, 1977, Bertil K. Kjellgren filed a Development of Regional Impact (DRI) Application for Development Approval with the Martin County Board of County Commissioners in accordance with Section 380.06, Florida Statutes; and

WHEREAS, said applicant proposes to develop 1,067 units on 319.9 acres, constituting a Residential Development of Regional Impact on real property located in Martin County and fully described in the attached Exhibit A; and

WHEREAS, the Board of County Commissioners, as the governing body of the local government having jurisdiction, pursuant to Sections 380.031 and 380.06, Florida Statutes, is authorized and empowered to consider Applications for Development Approval for Developments of Regional Impact; and

WHEREAS, the local public notice requirements and Section 380.06(7), Florida Statutes, have been satisfied and notice has been given to the Division of State Planning, the Treasure Coast Regional Planning Council, the Department of Environmental Regulations and the South Florida Water Management District; and

WHEREAS, this Board has on November 21, 1978 held a duly noticed public hearing on the DRI Application for Development Approval, and has heard and considered the testimony taken thereat; and

WHEREAS, this Board has received and considered the report and recommendations of the Treasure Coast Regional Planning Council; and

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WHEREAS, this Board has made the following FINDINGS OF FACT AND CONCLUSIONS OF LAW with regard to the Application of Development Approval (ADA).

FINDINGS OF FACTS

1. The proposed development is not in an area of critical state concern designated pursuant to the provisions of Section 380.05, Florida Statutes.

2. The proposed development does not reasonably interfere with the achievements of the objectives of the adopted state land development regulations.

3. The Treasure Coast Regional Planning Council, pursuant to its responsibilities set forth in Section 380.06, Florida Statutes, has conducted a review of the ADA to determine whether, and the extent to which, the development will have a favorable or unfavorable impact on the environment, natural resources and economy of the region, as well as other criteria set forth in Section 380.06, Florida Statutes, and provided the required report and recommendation to the Board of County Commissioners.

4. The proposed development is consistent with the report and recommendation of the Treasure Coast Regional Planning Council submitted pursuant to Section 380.06(8), Florida Statutes.

5. The development is substantially consistent with the County's proposed Land Use Plan and land development regulations.

6. The applicant's ADA and its supplemental information are hereby incorporated for reference in this finding of fact and made a part hereof are on file with the Treasure Coast Regional Planning Council office.

7. The ADA and supplemental information provided by the developer contains certain assurances and actions that will be undertaken during the development and life of this project.

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These assurances and actions were expressly relied upon by the County in approving this development with conditions.

CONCLUSIONS OF LAW

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MARTIN COUNTY, FLORIDA, in public meeting, duly constituted and assembled this November 21, 1978, that the Development of Regional Impact Application for Development Approval submitted by Bertil K. Kjellgren is hereby ordered APPROVED, subject to the following conditions, restrictions and limitations:

1. The applicant shall provide, sufficient right-of-way and construct, or cause to be constructed, a pedestrian/ bicycle trail along S.E. Heritage Boulevard and S.E. Constitution Avenue in accordance with construction of these two roadways.
2. Clearing of specific building sites shall not commence prior to the phase when each area is scheduled for development.
3. In the event of discovery of archaeological artifacts during project construction, the applicant shall stop construction in that area and notify the Division of Archives. Proper protection to the satisfaction of the Division of Archives shall be provided by the applicant.
4. The applicant shall require the use of water saving fixtures in all new construction throughout the development.
5. The applicant shall adhere to the energy saving provisions of ASHRAE 90-75, HUD Minimum Property Standards, the Florida Energy Efficient Building Code or another energy efficient building code where said provisions are not in conflict with the building code enforced by Martin County at that time. Swimming

pools on site may be heated only by renewable energy sources (such as solar). A solar domestic hot water system shall be specifically offered to all prospective buyers.

6. The applicant shall pay a school impact fee upon adoption of an impact fee ordinance by Martin County.

7. The applicant shall: a) make a deed restriction on the land to be dedicated to the homeowner's association for the park areas. The deed restriction shall provide that the residents of the townhouse and apartment areas join an association and use the recreation facilities by paying an equitable fee; or b) provide suitable park area and facilities for the residents of the townhouse and apartment area. All park areas and facilities shall be dedicated by the end of the phase identified in the Application for Development Approval.

8. The applicant shall provide a public service area to Martin County of at least five (5) acres in size, of which at least one acre be reserved as a fire station site with direct access on Heritage Boulevard to minimize obstructions to response within the development and along both major highways in the fire district.

9. The applicant shall pay the total cost of signalizing the project's major intersections with U.S. #1. Said signalizations are to be installed and operational by the end of Phase II and prior to starting Phase III, subject to D.O.T. approval.

BE IT FURTHER RESOLVED by the Board of County Commissioners as follows:

1. That this Resolution shall constitute the Development Order of this Board issued in response to the DRI Application for Development Approval filed by Bertil K. Kjellgren.

2. That the definitions found in Chapter 380, Florida Statutes, shall apply to this Development Order.

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3. That the following are hereby incorporated for reference in this Development Order and made a part hereof.

- a. The application for Development Approval submitted by Bertil K. Kjellgren to Martin County on November 7, 1977.
- b. Supplementary and amendatory materials submitted by the applicant during the review process on April 24, May 10 and 30, June 15, July 17 and August 4, and 31 all in 1978.

4. That this Development Order shall be binding upon the applicant and its heirs, assigns or successors in interest. It is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created and designated as successor in interest to, or which otherwise possesses any of the powers and duties of any referenced governmental agency in existence on the effective date of this Development Order.

5. That in the event that any portion or section of this Development Order is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Development Order, which shall remain in full force and effect.

6. That the approval granted by this Development Order is conditional. Such approval shall not be construed to obviate the duty of the applicant to comply with all other applicable local or state permitting procedures.

7. That subsequent requests for development permits shall not require further review pursuant to Section 380.06, Florida Statutes, unless it is found by the Board of County

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Commissioners, after due notice and hearing, that one or more of the following is present;

- a. A substantial deviation from the terms or conditions of this Development Order, or other changes to the approved development plans which create a reasonable likelihood of adverse regional impacts or other regional impacts which were not evaluated in the review by Treasure Coast Regional Planning Council, or
- b. An expiration of the period of effectiveness of this Development Order as provided herein.

Upon finding that any of the above is present, the Board shall order a termination of all development activity until such time as a new DRI Application for Development Approval has been submitted, reviewed and approved in accordance with Section 380.06, Florida Statutes.

8. That this Development Order shall remain in effect for a period of thirteen (13) years from the date of its rendition, provided that this effective period may be extended by this Board upon a finding of excusable delay in any proposed development activity and that conditions have not changed sufficiently to warrant further consideration of the development. In the event the developer fails to commence significant physical development within three (3) years from the date of rendition of this Development Order, development approval shall terminate and the development shall be subject to further consideration. Significant physical development shall mean site preparation work for the internal drainage system, internal roadways, and single family units.

9. From the date of adoption and during the period of effectiveness of this Development Order, the applicant

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shall annually provide Martin County, the Treasure Coast Regional Planning Council, and the Division of State Planning with a summary of completed construction and a schedule of proposed construction over the remaining life of the Development Order. This summary shall be in the form designated by the Treasure Coast Regional Planning Council.

10. Within sixty (60) days from the date herein the applicant shall submit a revised Master Development Plan, and such other revised plans as are appropriate, to the County Planning and Zoning Director, the Treasure Coast Regional Planning Council and the Division of State Planning. These revised plans shall incorporate all changes, if any, in the development as required by this Development Order.

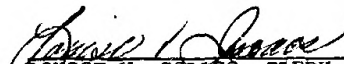
11. This Development Order shall become effective upon being signed by the Chairman of the Board of County Commissioners, (provided such date shall be extended until completion of appellate procedures, if any, relating to the issuance of this Development Order.)

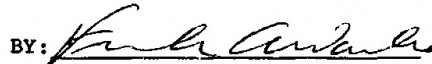
12. Copies of this Development Order shall be transmitted immediately by certified mail to the Division of State Planning, the Treasure Coast Regional Planning Council and Bertil K. Kjellgren.

PASSED AND DULY ADOPTED THIS 21ST day of
NOVEMBER, 1978.

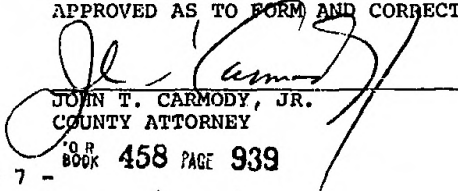
ATTEST:

BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA


LOUISE V. ISAACS, CLERK

BY: 

APPROVED AS TO FORM AND CORRECTNESS:


JOHN T. CARMODY, JR.
COUNTY ATTORNEY

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APPENDIX A

Legal Description

Being a parcel of land lying in the Gomez Grant, Martin County, Florida; more particularly described as follows:

Start at the Point of Intersection of the North line of Ridgeway Mobile Home Subdivision Plat One, Plat Book 4, Page 41, Public Records of Martin County, Florida and the Easterly Right of Way line of State Road 5 (now U.S. Highway No. 1); Thence run N 42°13'52" W along said Easterly Right of Way line of said U.S. Highway No. 1 a distance of 562.76 feet to the Point of Intersection of the North line of Ridgeway Mobile Home Subdivision Plat Seven, Plat Book 7, Page 26, Public Records of Martin County, Florida and the Easterly Right of Way line of said U.S. Highway No. 1 for the Point of Beginning; Thence run N 42°13'52" W along said Easterly Right of Way line of U.S. Highway No. 1 a distance of 822.89 feet; Thence run N 68°52'38" E a distance of 726.42 feet to the Point of Intersection with the Westerly Right of Way line of Lateral Ditch No. 1 as recorded in O.R. Book 77, Page 46, Public Records of Martin County, Florida; Thence run N 22°27'27" W along said Westerly Right of Way line of Lateral Ditch No. 1 a distance of 481.90 feet; Thence run S 68°52'38" W a distance of 150.83 feet; Thence run N 42°13'52" W parallel and 700 feet East of as measured at right angles to the Easterly Right of Way line of the aforesaid U.S. Highway No. 1, a distance of 3106.19 feet to the Point of Intersection with a line parallel and 310.00 feet South of as measured at right angles to the Southerly Right of Way line of Lateral Ditch No. 1A as recorded in O.R. Book 86, Page 533, Public Records of Martin County, Florida; Thence run S 47°46'08" W parallel

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Being a parcel of land lying in the Gomez Grant,
Martin County, Florida; more particularly described as
follows:

Start at the Point of Intersection of the North
line of Ridgeway Mobile Home Subdivision Plat One, Plat
Book 4, Page 41, Public Records of Martin County, Florida
and the Easterly Right of Way line of State Road 5 (now
U.S. Highway No. 1); Thence run N 42°13'52" W along said
Easterly Right of Way line of said U.S. Highway No. 1 a
distance of 562.76 feet to the Point of Intersection of
the North line of Ridgeway Mobile Home Subdivision Plat
Seven, Plat Book 7, Page 26, Public Records of Martin
County, Florida and the Easterly Right of Way line of
said U.S. Highway No. 1 for the Point of Beginning; Thence
run N 42°13'52" W along said Easterly Right of Way line
of U.S. Highway No. 1 a distance of 822.89 feet; Thence
run N 68°52'38" E a distance of 726.42 feet to the Point
of Intersection with the Westerly Right of Way line of
Lateral Ditch No. 1 as recorded in O.R. Book 77, Page
46, Public Records of Martin County, Florida; Thence run
N 22°27'27" W along said Westerly Right of Way line of
Lateral Ditch No. 1 a distance of 481.90 feet; Thence
run S 68°52'38" W a distance of 150.83 feet; Thence run
N 42°13'52" W parallel and 700 feet East of as measured
at right angles to the Easterly Right of Way line of the
aforesaid U.S. Highway No. 1, a distance of 3106.19 feet
to the Point of Intersection with a line parallel and
310.00 feet South of as measured at right angles to the
Southerly Right of Way line of Lateral Ditch No. 1A as
recorded in O.R. Book 86, Page 533, Public Records of
Martin County, Florida; Thence run S 47°46'08" W parallel

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with the South line of said Lateral Ditch 1A, a distance of 700.00 feet to the Point of Intersection with the Easterly Right of Way line of said U.S. Highway No. 1; Thence run N $42^{\circ}13'52''$ W along said Easterly Right of Way line of U.S. Highway No. 1 a distance of 980.00 feet to the Point of Intersection with a line parallel and 670.00 feet North of as measured at right angles to the Southerly Right of Way line of the aforesaid Lateral Ditch No. 1A; Thence run N $47^{\circ}46'08''$ E parallel with the Southerly Right of Way line of said Lateral Ditch No. 1A, a distance of 700.00 feet to the Point of Intersection with a line parallel and 700.00 feet East of as measured at right angles to the aforesaid Easterly Right of Way line of U.S. Highway No. 1; Thence run N $42^{\circ}13'52''$ W a distance of 2131.63 feet to the Point of Intersection with the aforesaid North line of the Gomez Grant; Thence run N $66^{\circ}25'08''$ E along said North line of the Gomez Grant, a distance of 1000.42 feet to a 4"x4" concrete monument at the Point of Intersection with the East line of Section 31, Township 38 South, Range 42 East; Thence run N $66^{\circ}07'23''$ E along the North line of said Gomez Grant a distance of 315.60 feet to the Point of Intersection with the Westerly Right of Way line of aforesaid Lateral Ditch No. 1; Thence run S $17^{\circ}11'33''$ E along the Westerly Right of Way line of said Lateral Ditch No. 1 a distance of 486.72 feet to the Beginning of a Curve, concave to the Northeast having a radius of 340.00 feet; Thence run Southeasterly along the arc a distance of 310.48 feet through a central angle of $52^{\circ}19'15''$ to the Point of Tangency; Thence run S $69^{\circ}30'48''$ E a distance of 474.59 feet; Thence run S $30^{\circ}49'08''$ E a distance of 743.43 feet; Thence run S $43^{\circ}37'08''$ E a distance of 491.23 feet to the

Point of Intersection with the Southerly Right of Way line of the aforesaid Lateral Ditch No. 1A; Thence run N 47°46'08" E a distance of 80.02 feet to the Point of Intersection with the Easterly Right of Way line of the aforesaid Lateral Ditch 1; Thence run N 46°30'41" E a distance of 1883.44 feet to the Point of Intersection with a line parallel and 525.00 feet North of as measured at right angles to the North line of Ridgeway Mobile Home Subdivision Plat No. Six, recorded in Plat Book 6, Page 25, Public Records of Martin County, Florida, said Point being 200.00 feet Westerly of the Westerly Right of Way line of State Road A-1-A; Thence run N 68°52'38" E a distance of 200.00 feet to the Point of Intersection with the Westerly Right of Way of State Road A-1-A; Thence run S 30°07'16" E along said Right of Way line of State Road A-1-A, a distance of 531.44 feet to the Point of Intersection with the North line of the aforesaid Ridgeway Mobile Home Subdivision Plat No. Six; Thence run S 68°52'38" W along the North line of said Ridgeway Mobile Home Subdivision Plat No. Six a distance of 399.64 feet to the Northwest corner of said Ridgeway Mobile Home Subdivision Plat No. Six; Thence run along the West lines of said Ridgeway Mobile Home Subdivision Plat No. 6, Plat 5 Ridgeway Mobile Home Subdivision, Plat Book 5, Page 30 and Plat No. 2 Ridgeway Mobile Home Subdivision, Plat Book 4, Page 83, all being recorded in the Public Records of Martin County, Florida, a distance of 5064.14 feet to the Northeast corner of the aforesaid Plat of Ridgeway Mobile Home Subdivision Plat Seven; Thence run S 68°52'48" W along the North line of said Plat of Ridgeway Mobile Home Subdivision Plat Seven a distance of 1788.39 feet to the Point of Beginning.

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Less and excepting all Rights of Way indicated as Lateral Ditch No. 1 and No. 1A as shown on the State Right of Way maps of Record; And less a parcel of land as recorded in O.R. Book 381, Page 2193, Public Records of Martin County, Florida, more particularly described as follows: A strip of land 108 feet in width, having a centerline as follows: Start at the Northwest corner of Ridgeway Subdivision, Plat Book 4, Page 41, Public Records of Martin County, Florida; thence run N 42°13'52" W along the East Right of Way line of U.S. Highway No. 1 (State Road 5) a distance of 5416.53 feet for the Point of Beginning; Thence run N 47°46'08" E a distance of 1901.19 feet to the Easterly Right of Way line of Department of Transportation Lateral Ditch No. 1.

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HERITAGE RIDGE
A DEVELOPMENT OF REGIONAL IMPACT
PLANNED UNIT DEVELOPMENT
ZONING AGREEMENT

THIS AGREEMENT, made and entered into this 21st day of October, 1978, by and between BERTIL K. KJELLOGREN, an individual, hereinafter referred to as OWNER, and MARTIN COUNTY, a political subdivision of the State of Florida, hereinafter referred to as the COUNTY.

W I T N E S S E T H :

WHEREAS, it is the desire of the OWNER to develop a Planned Unit Development consisting of: A maximum of 1967 residential units, recreational areas, golf course, open space, public service areas, and commercial areas, together with accessory buildings, utilities and other related improvements and facilities; which development is located in the Gomez Grant and embraces approximately 311.58 acres (net) in Martin County, Florida, the legal description of which is attached hereto and incorporated herein as "Exhibit A" and

WHEREAS, HERITAGE RIDGE PROPERTY OWNERS ASSOCIATION, "INC.," a Florida corporation not for profit; will be formed to provide for the maintenance of the Common Areas within HERITAGE RIDGE (hereinafter the ASSOCIATION); and

WHEREAS, THE Zoning Regulations of Martin County permit this type of integrated development subject to a P. U. D. agreement, and

WHEREAS, it is the desire of the COUNTY to encourage this form of development

NOW THEREFORE, the parties do hereby agree as follows:

I. UNITY OF TITLE.

The OWNER hereby warrants that he has unified control of each property as shown on Exhibit "B" and attached hereto, the sum of each property being the whole of this Planned Unit Development. Documents evidencing the unity of title are attached hereto and incorporated herein as Exhibits "C"

II. DEVELOPMENT.

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

1. The preliminary and final development plans as officially adopted by the COUNTY. It is understood and agreed that the development of the PUD shall be in complete accordance with such preliminary and final development plans for each phase of the PUD, as the same

are from time to time approved by the Board of County Commissioners of Martin County, Florida (hereinafter referred to as the "BOARD") and recorded in the Planned Unit Development Book maintained by and constituting part of the Public Records of Martin County, Florida, each of which such plan shall, upon the recordation thereof, be deemed incorporated herein and be subject to all of the terms and conditions of this Agreement. The DEVELOPER's Preliminary Plan is attached hereto and made a part hereof as Exhibit "D" (hereinafter the "Preliminary Development Plan"). The OWNER shall follow the plan as approved preliminarily and upon the final approval and platting of each subdivision, this Agreement shall be binding for each of said phases as approved by the COUNTY. Sale of lots or units or groups of lots or units within the development shall be in accordance with the Preliminary Development Plan and all such conveyances shall be based on a plat or plats approved by the COUNTY in accordance with Chapter III, Florida Statutes, and recorded in the Public Records of Martin County, Florida. No lots or units shall be conveyed by OWNER, except by reference to said recorded plats or Declarations of Condominium. The application for approval of the plats shall follow the timetable of the development as officially adopted by the COUNTY.

2. The timetable for development as officially adopted by the COUNTY and agreed to by OWNER, as shown in Exhibit "E" attached hereto and made a part hereof, shall be strictly adhered to by the OWNER.

3. All COUNTY laws and ordinances in effect on the date of adoption of this Agreement, except for those exceptions and variances as set forth in this Agreement or otherwise shown on the preliminary Development Plan which is attached hereto as Exhibit "D" and made a part hereof and the final amended development plans of the PUD.

4. The conditions and agreements on behalf of the parties hereto as set forth in Exhibit "F, & F2" attached hereto are made a part of this Agreement and are incorporated herein by reference.

5. Building permits for construction within the Planned United Development shall be issued in accordance with this Agreement together with any further Amendments to the

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Development Plan which are filed and approved in accordance with this agreement.

III. COMMON AREAS

1. The ASSOCIATION will be established for the maintenance, operation, and management of the Common Areas as defined therein.

2. 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 BOARD. The BOARD, as a condition precedent to the dissolution or disposal of Common Areas, may require dedication of common open areas, utilities or road rights-of-way to the public as are deemed necessary.

3. In the event that the ASSOCIATION (or any successor organization) fails at any time to maintain the Common Areas of the PUD in reasonable order and condition in accordance with the approved final amended development plans, then the BOARD can 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 BOARD 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 BOARD may have allowed, then the BOARD, in order to preserve the taxable values of the real property within the Planned Unit Development 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 BOARD may determine that it is or is not 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.

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Such entry, possession and maintenance when followed in accordance with the above procedures shall not be deemed a trespass. In no event shall any entry, possession and maintenance be construed to give to the public or the COUNTY any right to use the Common Areas.

4. The BOARD 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 additional one (1) year periods.

5. The cost of such maintenance by the COUNTY, mentioned above, shall be assessed ratably against the real properties within the Planned Unit Development, the owners of which have a 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 receipt of a statement therefor.

IV. PROPERTY OWNERS' ASSOCIATION.

The DEVELOPER will cause the ASSOCIATION, a Florida corporation not for profit known as HERITAGE RIDGE PROPERTY OWNERS' ASSOCIATION INC. to be incorporated in accordance with the Articles of Incorporation attached hereto as Exhibit G1 and G3 and made a part hereof. Said Corporation will adopt By-Laws, a copy of which is attached hereto as Exhibit G2 and G4 and made a part hereof.

V. DESTRUCTION.

In the event that all or a portion of the Planned Unit Development should be destroyed by storm, fire or other common disaster, the DEVELOPER, 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 final development plans, as the same may be amended from time to time.

VI. CHANGE OR AMENDMENT.

There shall at all times be a strict adherence to the approved final development plans for each phase of the PUD. Any major change or amendment thereto can only be made after review and approval by the BOARD at a public meeting.

VII. BREACH OF AGREEMENT.

1. In the event that the OWNER, his successors or assigns, has not sought a permit for the improvement or construction for a given phase of the PUD within six (6) months from the date of the recordation of the final development plans for that same phase of the PUD, or from the date of final approval of any change or amendment thereto, whichever is later, or has fallen behind the agreed development construction

schedule as set forth in Exhibit "E" by twelve (12) months or more due to causes within its control, the BOARD shall serve notice to the OWNER in writing of the date and place of a public hearing on the Planned Unit Development, at which time the OWNER will be given an opportunity to explain the reasons for the scheduling delays and to propose a method of fulfilling his obligations under this Agreement. The BOARD may, at its discretion, allow the OWNER time to demonstrate its willingness to meet the COUNTY's conditions.

2. If at the end of a reasonable period of time, the OWNER (due to causes within his control) is clearly unable or unwilling to abide by this Agreement, or if the conditions of this Agreement have in some other manner been clearly violated, the BOARD shall advertise for a public hearing on the PUD, the purpose of which shall be to cause the property to revert to its immediately pre-existing zoning classification(s).

3. In the event of such breach of this Agreement, and the reversion of the property to its prior zoning classification, no further building permits shall be issued to the OWNER (or to his successors in interest) based upon the Preliminary Development Plans, and as the same may be amended from time to time. Those portions of the property which may have buildings or structures constructed upon them in conformity with the Preliminary Development Plans, as amended from time to time, shall thenceforth be regarded as nonconforming uses with respect to the revised zoning classification, if in fact they are such a nonconforming use.

VIII. JURISDICTION.

The parties hereto further agree that any and all suits or actions at law shall initially be brought in Martin County, Florida and no other jurisdiction.

IX. ADDITIONAL CONDITIONS.

It is mutually agreed that the following additional conditions are as part of this initial agreement:

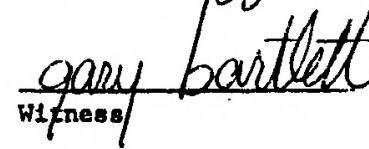
1. That the preliminary development plan "Exhibit D" shows location of roads, open space, recreational areas, residential areas, commercial areas and areas to be dedicated as "Public Service" areas, all of which are to be developed in parcels. The boundaries of each parcel are shown on "Exhibit C1".

X. SUCCESSORS AND ASSIGNS:

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

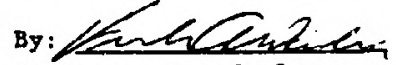

BERTIL K. KJELLGREN


Witness


Witness

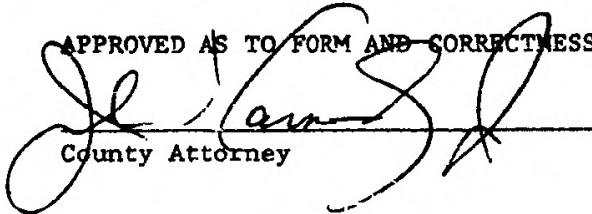
MARTIN COUNTY

Attest:

By: 
Chairman, Board of County
Commissioners

Clerk of Circuit Court

APPROVED AS TO FORM AND CORRECTNESS:


County Attorney

ACKNOWLEDGEMENT.

STATE OF FLORIDA

COUNTY OF MARTIN

On this day personally appeared before me, the undersigned officer duly authorized by the State of Florida to take acknowledgements, BERTIL K. KJELGREN, an individual, and acknowledged that he executed the above and foregoing.

WITNESS my hand and official seal at HOESOUND
MARTIN County, Florida, this 13th day of FEB,
1979.

Louis B. Becking
Notary Public
My Commission Expires: 1/4/82
Notary Public, State of Florida at Large
My Commission Expires Jan. 4, 1982
Bonded By American Fire & Casualty Company

The following instrument was acknowledged before me this 13th day of FEB, 1979, by BERTIL K. KJELGREN, an individual, having authority to do so.

WITNESS my hand and official seal at HOESOUND, MARTIN
County, Florida, this 13th day of FEB,
1979.

Louis B. Becking
Notary Public
My Commission Expires: 1/4/82
Notary Public, State of Florida at Large
My Commission Expires Jan. 4, 1982
Bonded By American Fire & Casualty Company

HERITAGE RIDGE
A DEVELOPMENT OF REGIONAL IMPACT
PLANNED UNIT DEVELOPMENT
ZONING AGREEMENT
SCHEDULE OF EXHIBITS

EXHIBIT A: LEGAL DESCRIPTION
EXHIBIT B: CERTIFICATION OF OWNERSHIP
EXHIBIT C: UNITY OF TITLE
EXHIBIT C1: PARCEL BOUNDARY MAP
EXHIBIT D: PRELIMINARY DEVELOPMENT PLAN
EXHIBIT E: OFFICIAL TIMETABLE
 CONDITIONS OF THE P.U.D.
EXHIBIT F1: DEVELOPER WARRANTS
EXHIBIT F2: MARTIN COUNTY WARRANTS
EXHIBIT G1: PROPERTY OWNERS ASSOCIATION - R-3 (Manufactured
 housing section)
EXHIBIT G2: BY LAWS
EXHIBIT G3: PROPERTY OWNERS ASSOCIATION - SECTIONS R-1, R-2,
 R-4, R-6, and R-7.
EXHIBIT G4: BY LAWS

41 Kindred Avenue P.O. Box 259 Stuart, Florida 33494 305/287-0525

December 22, 1977

HERITAGE RIDGE

Being a parcel of land lying in the Gomez Grant, Martin County, Florida; being more particularly described as follows:

Begin at the Point of Intersection of the North line of Ridgeway 7, Plat Book 7, Page 26, Public Records of Martin County, Florida and Easterly right of way line of U.S. Highway No. 1 (formerly State Road 5).

Thence run N 42°13'52" W along said Easterly right of way line of U.S. Highway No. 1 a distance of 822.89 feet; thence run N 68°52'38" E a distance of 726.42 feet to the Point of Intersection with the Westerly right of way line of Lateral Ditch No. 1, as shown on the State of Florida, State Road Department, right of way map for Section No. 8901-113, dated 1955;

Thence run N 22°27'27" W a distance of 481.90 feet; thence run S 68°52'38" W a distance of 150.83 feet; thence run N 42°13'52" W parallel and 700 feet East of as measured at right angles to the Easterly right of way line of the aforesaid U.S. Highway No. 1, a distance of 3106.19 feet to the Point of Intersection with a line parallel and 310.00 feet South of as measured at right angles to the Southerly

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EXHIBIT "A" - PAGE 1

page two

right of way line of Lateral Ditch No. 1A, described in Deed Book 86, Page 533, Public Records of Martin County, Florida; Thence run S 47°46'08" W parallel with the South line of said Lateral Ditch 1A, a distance of 700.00 feet to the Point of Intersection with the Easterly right of way line of U.S. Highway No. 1; thence run N 42°13'52" W along said Easterly right of way line of U.S. Highway No. 1 a distance of 980.00 feet to the Point of Intersection with a line parallel and 670.00 feet North of as measured at right angles to the Southerly right of way line of the aforesaid Lateral Ditch No. 1A;

Thence run N 47°46'08" E parallel with the Southerly right of way line of said Lateral Ditch No. 1A, a distance of 700.00 feet to the Point of Intersection with a line 700.00 feet East of as measured at right angles to and parallel to the aforesaid U.S. Highway No. 1; thence run N 42°13'52" W a distance of 2131.63 feet to the Point of Intersection with the North line of the Gomez Grant; thence run N 66°25'08" E along said North line of the Gomez Grant, a distance of 1000.42 feet to a 4"x4" concrete monument at the Point of Intersection with the East line of Section 31, Township 38 South, Range 42 East; thence run N 66°07'23" E along the North line of said Gomez Grant a distance of 315.60 feet to the Point of Intersection with the Westerly right of way line of the RAILROAD TRACKS NO. 1; thence run S 17°11'33" E along the Westerly right of way line of said

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page three

Lateral Ditch No. 1 a distance of 486.72 feet to the beginning of a curve, concave to the Northeast having a radius of 340.00 feet; thence run Southeasterly along the arc a distance of 310.48 feet through a central angle of $52^{\circ}19'15''$ to the Point of Tangency; thence run $S\ 69^{\circ}30'48''\ E$ a distance of 474.59 feet; thence run $S\ 30^{\circ}49'08''\ E$ a distance of 743.43 feet; thence run $S\ 43^{\circ}37'08''\ E$ a distance of 491.22 feet to the Point of Intersection with the Southerly right of way line of the aforesaid Lateral Ditch 1A; thence run $N\ 47^{\circ}46'08''\ E$ a distance of 80.02 feet to the Point of Intersection with the Easterly right of way line of the aforesaid Lateral Ditch 1; thence run $N\ 46^{\circ}30'14''\ E$ a distance of 1883.44 feet to the Point of Intersection with a line parallel to and 525.00 feet North of as measured at right angles to the North line of Ridgeway Plat No. 6 as recorded in Plat Book 6, Page 25, Public Records of Martin County, Florida, said Point being 200.00 feet Westerly of the Westerly right of way line of State Road A-1-A. Thence run $N\ 68^{\circ}52'38''\ E$ a distance of 200.00 feet to the Point of Intersection with the Westerly right of way of State Road A-1-A; thence run $S\ 30^{\circ}03'07''\ E$ along said right of way of State Road A-1-A, a distance of 531.44 feet to the Point of Intersection with the North line of the aforesaid Ridgeway Plat No. 6; thence run $S\ 68^{\circ}52'38''\ W$ along the North line of said Ridgeway Plat No. 6 a distance of 399.64 feet to the Northwest corner of said Ridgeway Plat No. 6; thence run $S\ 21^{\circ}05'20''\ E$ along the West line of said Ridgeway Plat NO. 6 and extension thereof, a distance of 5064.14 feet to the Northeast corner of the aforesaid Ridgeway Mobile Home Subdivision, Plat 7.

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page four

thence run S 68°52'48" W, along the north line of said Plat 7,
a distance of 1788.39 feet to the Point of Beginning; less
and excepting right of way of aforesaid Lateral Ditches A
and 1-A and the right of way 108 feet wide as described
in O.R. Book 381, Page 2193; the foregoing described
tract containing 311.58 acres net.


James E. Brock
Registered Land Surveyor,
Florida Certificate No. 688

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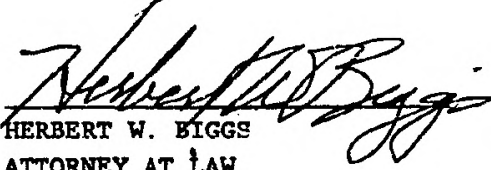
BOOK 467 PAGE 1933

HERITAGE RIDGE
A DEVELOPMENT OF REGIONAL IMPACT
PLANNED UNIT DEVELOPMENT
ZONING AGREEMENT

EXHIBIT B
"CERTIFICATION OF OWNERSHIP"

I, HERBERT W. BIGGS, A MEMBER OF THE FLORIDA BAR, HEREBY
CERTIFY THAT BERTIL K. KJELLGREN IS THE APPARENT OWNER OF THE
PROPERTY DESCRIBED IN EXHIBIT A, KNOWN AS HERITAGE RIDGE.

March 14, 1979
DATE


HERBERT W. BIGGS
ATTORNEY AT LAW
BRIDGE ROAD
HOBE SOUND, FLORIDA 33455

HERITAGE RIDGE
A DEVELOPMENT OF REGIONAL IMPACT
PLANNED UNIT DEVELOPMENT
UNITY OF TITLE
"EXHIBIT C"

In consideration of the issuance of a permit to BERTIL K. KJELLGREN, an individual, for the construction of Heritage Ridge, a Planned Unit Development in Martin County, Florida, and for other good and valuable considerations, the undersigned hereby agrees to restrict the use of the following described lands in Martin County, Florida more particularly described in Exhibit "A", attached hereto and forming a part hereof, in the following manner:

1. That said property shall be considered as on plot and parcel of land, and that no portion of said plot and parcel of land shall be sold, transferred, devised or assigned separately except in its entirety as one plot or parcel of land, provided, however, that individual parcels, as shown on Exhibit "B2", may be conveyed to individual purchasers, and further provided that improved lots or units may be conveyed to individual purchases in accordance with Exhibit "C".

Nevertheless, any conveyance shall be subject to the provisions of the Planned Unit Development Agreement by and between BERTIL K. KJELLGREN and Martin County, Dated 31ST Day of OCTOBER, 1979, and to be recorded in Martin County Public Records, as the same may be amended/supplemented from time to time.

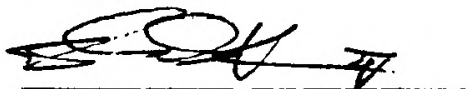
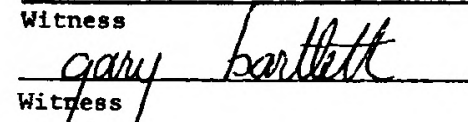
2. The undersigned further agrees that this condition, restriction and limitation shall be deemed a covenant running with the land, and shall remain in full force and effect, and be binding upon the undersigned, his successors and assigns until such time as the same may be released in writing by the Board of County Commissioners, or the last platted lot parcel or unit is conveyed.

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

Signed, Sealed, executed and acknowledged on this 14TH day of MARCH, 1979, at HOPE SOUND, Florida.

OWNER:

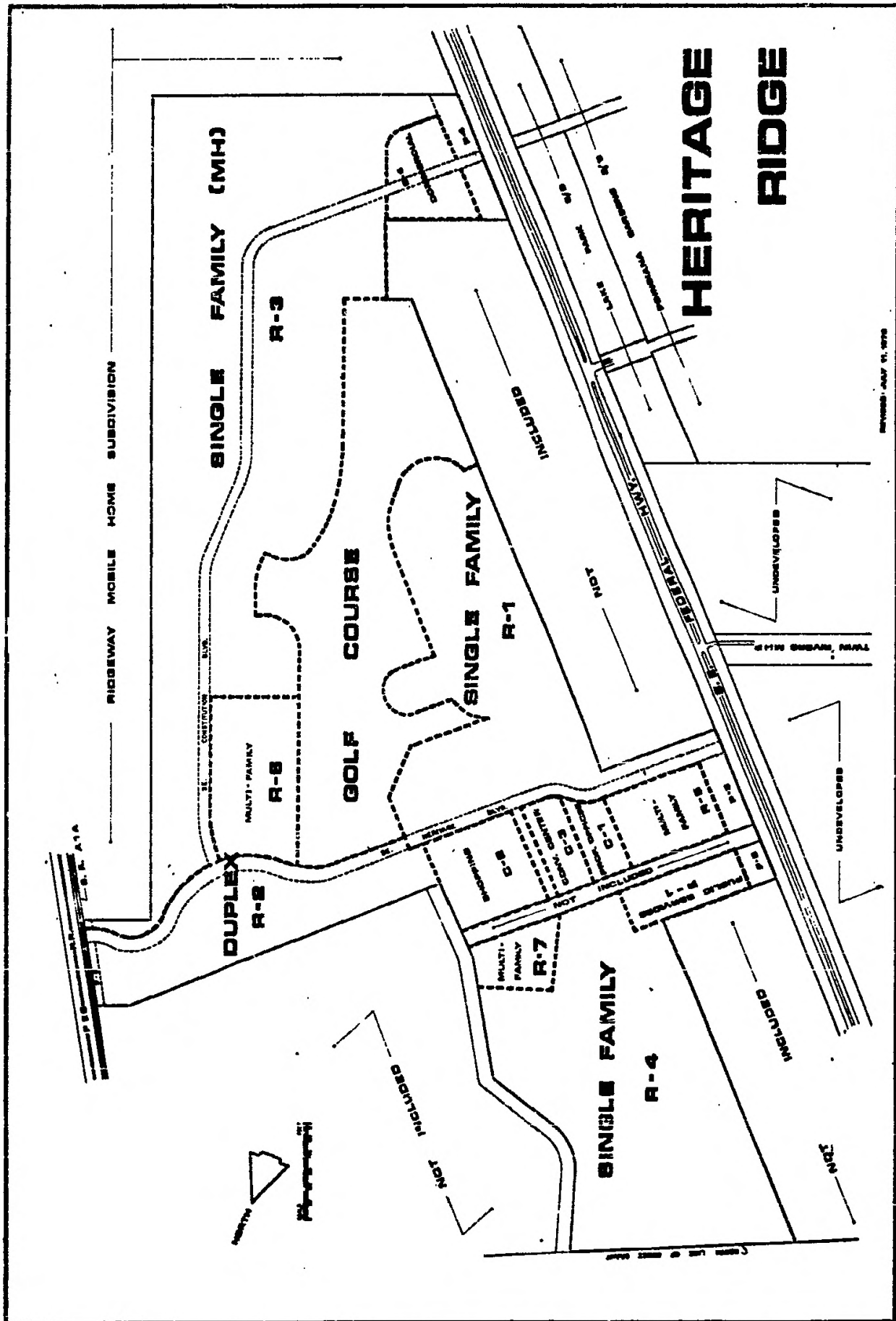

BERTIL K. KJELLGREN


Witness

Witness

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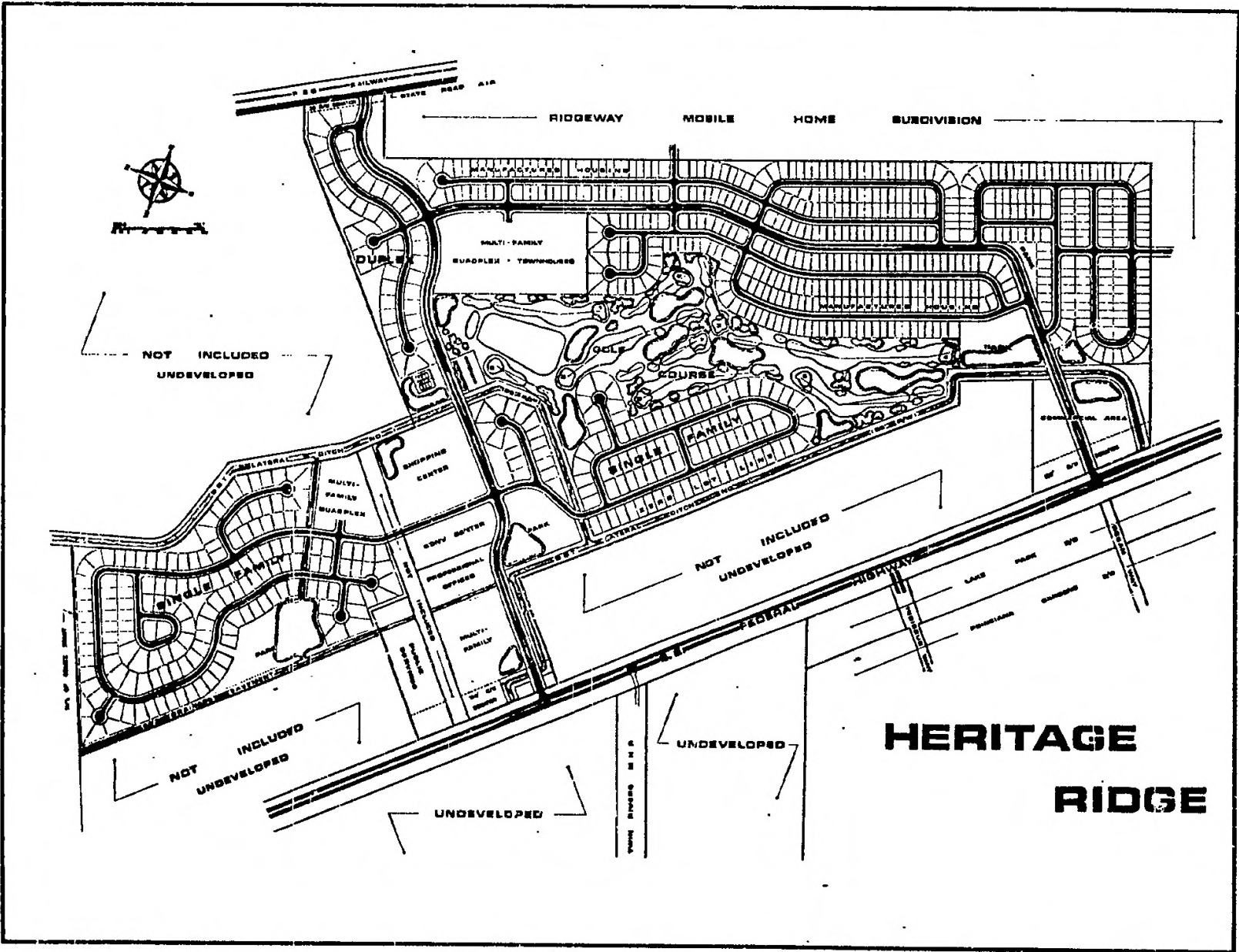
STATE OF FLORIDA
COUNTY OF MARTIN

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Exhibit C-1



HERITAGE RIDGE

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Exhibit D

HERITAGE RIDGE
A DEVELOPMENT OF REGIONAL IMPACT
PLANNED UNIT DEVELOPMENT
OFFICIAL TIME TABLE
EXHIBIT "E"

1. Construction shall commence within one year from the date of execution and delivery of the official P.U.D. Agreement.
2. Completion shall be within ten years from the date of commencement of construction.
3. The development shall be considered complete when all roads, utilities and other such improvements shown on Exhibit "D" are deemed complete by the project engineer.
4. Construction shall not be construed to mean actual structures upon each lot or parcel.

HERITAGE RIDGE
A DEVELOPMENT OF REGIONAL IMPACT
PLANNED UNIT DEVELOPMENT
CONDITIONS OF THE P.U.D.
EXHIBIT "F-1"

THE OWNER warrants the following: (note! All zoning classifications herein referred to shall be interpreted as of the date of this agreement, 10/31/78)

1. Parcel R-1 shall be developed as if zoned "R-2", single family zero lot line residential district, as according to the Martin County zoning regulations, Article XI with the following exception to Sec. 33-183, minimum yards required, a) Front-25' b) Side zero set back one side, 15 feet remaining side, rear 20 feet.
2. Parcel R-2, shall be developed as if zoned "R-2A", two family residential district (duplex) as according to the Martin County, Florida zoning regulations, Article XV.
3. Parcel R-3, shall be developed as if zoned "RT", mobile home subdivision, as according to the Martin County, Florida zoning regulations.
4. Parcel R-4, shall be developed as if zoned "R-2" single family residential district, as according to Martin County, Florida zoning regulations, Article XI.
5. Parcels R-5, R-6, and R-7, shall be developed as if zoned "HR-2" multiple family residential districts, as according to the Martin County, Florida zoning regulations, Article XVI.
6. Parcel C-1, shall be developed as if zoned "B-1" business district, as according to the Martin County, Florida zoning regulations, Article XXXIV.
7. Parcel C-2, shall be developed as if zoned HB-1, business district, as according to the Martin County, Florida zoning regulations, Article XXXIII.
8. Parcel C-3, shall be developed as if zoned "HB-1", limited business district, as according to the Martin County, Florida zoning regulations, Article XXXIII.
9. Parcel C-4, shall be developed as if zoned "B-1", business district, as according to the Martin County, Florida zoning regulations, Article XXXIV.
10. Parcels PS, PS-1, PS-2, and PS-3 shall be dedicated to Martin County prior to receiving final approval of any phase of Heritage Ridge.
11. A mechanism, such as a property owners association, for maintenance of open space, common areas, recreation areas, etc. will be submitted to Martin County's attorney for his review and approval before recording plats of any parcel or portion of Heritage Ridge. Said mechanism shall be recorded in Martin County Public Records. ~~32~~ 467 MAY 1939

13. The road shown on Exhibit "D" as Constitution Boulevard shall be completed with Phase three of the development of Heritage Ridge.
13. The road shown on Exhibit "D" as Heritage Boulevard, connecting US#1 with A-1-A, shall be completed with phase two of the development of Heritage Ridge.
14. All roads and rights-of-way for roads as shown on Exhibit "D" shall be dedicated to Martin County, or as otherwise determined with the final approval of each phase.
15. Fire hydrants will be placed throughout the P.U.D. as required by the Martin County Engineer (on no less than 600 foot centers).
16. Heritage Ridge will comply with applicable landscaping requirements of Martin County.
17. Maximum height of buildings or structures within this P.U.D. shall be 2 stories.
18. The golf course shall be open for play to the public. The lakes within the golf course shall remain as approved by Martin County and the South Florida Water Management District.
19. The Site Plans for Parcels R-5, R-6 and R-7, C-1, C-2, C-3 and C-4 shall be subject to review and approval by Martin County Board of Commissioners.
20. The required Clubhouse (disaster shelter) in Parcel R-3 shall be a minimum of 10,000 square feet, said Clubhouse may be built at a rate of not less than 2500 square feet per phase.
21. The cost of the signalization at the intersection of US#1 and the entrances to the project shall be paid, to Martin County, at the time of need and installation, subject to D.O.T approval.
22. The development shall be built in accordance with the development order issued by Martin County. (Dated Nov. 21, 1978).

HERITAGE RIDGE
A DEVELOPMENT OF REGIONAL IMPACT
PLANNED UNIT DEVELOPMENT
CONDITION OF THE P.U.D.
EXHIBIT "F-2"

MARTIN COUNTY warrants that it will:

1. Accept into its road system all rights-of-way as shown on Exhibit
2. Perform all services and functions normal to platted subdivisions.
3. Agrees that ordinance 25, Martin County Code, shall not apply to this project.