

July 11, 2019

VIA HAND-DELIVERY

Matthew Stahley
Adequate Public Facilities
Martin County Administrative Center
2401 SE Monterey Road
Stuart, FL 34996

Re: ***The Humane Society of The Treasure Coast, Inc.***

Dear Matt:

Please be advised that this office represents The Humane Society of the Treasure Coast, Inc. ("HSTC"). HSTC is the owner of property located on 4100 SW Leighton Farm Avenue, Palm City, FL 34990 (the "Property").

As you know, as part of the site plan approval, the County is requiring that HSTC dedicate a portion of the Property, as described in Exhibit "A," to Martin County (the "County") (See Exhibit "A" attached hereto).

In order to convey the property identified in Exhibit "A" to the County, it is necessary to release the above-described portion of the Property from the existing Unity of Title that encumbers it. I have enclosed herewith a copy of the existing Unity of Title, recorded in Official Records Book 1526, at page 0086, in the Martin County, Florida Public Records. I have also enclosed herewith a proposed Release of Unity of Title, executed on behalf of HSTC, along with a proposed new Unity of Title, executed by HSTC.

Please accept this letter as the request of HSTC to release the portion of the Property described on Exhibit "A" from the Unity of Title. I have enclosed herewith our check, made payable to the Martin County Board of County Commissioners in the amount of \$179.00, constituting the application fee for this release.

Should you need any additional information or documentation, please don't hesitate to call or write.

Very truly yours,

Terence P. McCarthy, Esquire

tpm@mccarthysummers.com

Enclosures

cc: Client (Via E-Mail: fvalente@hstc1.org)
Coleen Holmes (Via E-Mail: cholmes@martin.fl.us)

Terence P. McCarthy *
Robert P. Summers *
Steven J. Wood **
Kenneth A. Norman
Nicola J. Boone Melby ***
Owen Schultz
Margaret E. Wood

Donna R. McMillan
Jessica M. VanValkenburgh
Christen Spake
Kimberly A. Ryan

Kathryn C. Bass†
Noel A. Bobko††

*Board Certified
Real Estate Lawyer

**Board Certified Wills,
Trusts & Estates Lawyer

***Board Certified
Elder Law Lawyer

†Of Counsel

††Retired

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McCarthy, Summers, Wood, Norman, Melby & Schultz, P.A.
2400 S.E. Federal Highway • Fourth Floor • Stuart, FL 34994
(772) 286-1700 • Fax (772) 283-1803 • www.McCarthySummers.com

RECEIVED

JUL 11 2019

GROWTH MANAGEMENT
DEPARTMENT

EXHIBIT "A"

A PARCEL OF LAND LYING IN TRACT 32, PALM CITY FARMS, ACCORDING TO THE PLAT THEREOF, RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH (NOW MARTIN) COUNTY, FLORIDA, IN PLAT BOOK 8, PAGE 42, OF PUBLIC RECORDS, LYING AND BEING SITUATED IN SECTION 23, TOWNSHIP 38 SOUTH, RANGE 40 EAST, MARTIN COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 23, TOWNSHIP 38 SOUTH, RANGE 40 EAST; THENCE SOUTH 00°08'07" WEST ALONG THE EAST LINE OF SAID SECTION 23, A DISTANCE OF 1991.11 FEET TO THE NORTHEAST CORNER OF TRACT 32 OF SAID PALM CITY FARMS, SECTION 23, TOWNSHIP 38 SOUTH, RANGE 40 EAST; THENCE SOUTH 00°08'07" WEST ALONG THE EAST LINE OF SAID TRACT 32 AND EAST LINE OF SAID SECTION 23, A DISTANCE OF 350.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID EAST LINE, SOUTH 00°08'07" WEST, A DISTANCE OF 49.68 FEET TO THE THREAD OF DANFORTH CREEK; THENCE SOUTH 79°04'07" WEST, ALONG SAID THREAD, A DISTANCE OF 50.55 FEET; THENCE NORTH 00°08'07" EAST, A DISTANCE OF 58.90 FEET; THENCE SOUTH 89°20'04" EAST, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 2,739 SQUARE FEET OR 0.06287 ACRES, MORE OR LESS.

RECEIVED

JUL 11 2019

INSTR 0 1474988 OR BK 1526 PG 0066 REC'D 01/07/2001 09:25 AM

MARSHA EWING MARTIN COUNTY DEPUTY CLERK T Copuz (asst mgr)

UNITY OF TITLE

GROWTH MANAGEMENT
DEPARTMENT

In consideration of the issuance of a Permit to The Humane Society of the Treasure Coast, Inc. as "Owner(s)" for the construction of a new building and parking lot in Martin County, Florida, and for other good and valuable considerations, the undersigned hereby agree to restrict the use of lands described in Exhibit "A" attached hereto in the following manner:

1. That said property shall be considered as one 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.
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, their heirs and assigns until such time as the same may be released in writing by the Board of County Commissioners.
3. The undersigned further agrees that this instrument shall be recorded in the Public Records of Martin County.

Signed, acknowledged and notarized on this 7TH day of AUGUST, 2000

ATTEST:

"OWNER"

Witness Sign: [Signature]Print Name: Gloria D. Minney

Title: _____

Humane Society of the Treasure Coast, Inc.

Print Name of Corporation Above

Witness Sign: [Signature]Print Name: PETER COLEMANTitle: TAUBy: [Signature]Print Name: Mary W.L. CowanTitle: President

Note: If corporate seal is applied, only one witness is required; if not, 2 witnesses are required.

STATE OF FloridaCOUNTY OF Martin

The foregoing instrument was acknowledged before me this 7TH day of, AUGUST, 2000 by Mary W.L. Cowan, President (name of officer or agent and title) of The Humane Society of the Treasure Coast, Inc. (name of corporation) a Florida (state of place of incorporation) corporation, on behalf of the corporation. He or she ☒ is personally known to me or ☐ has produced _____ as identification and ☐ did, ☐ did not take an oath.

NOTARY PUBLIC

Sign: [Signature]Print Name Dianne SoldevillaMy Commission Expires: March 27, 2004

/reports.drc/unity/unity.form.corporate
Revised 6/96

91064-01-04-UnityOfTitle-Corporate-080200.doc



DR BK 01526 PG 0087

EXHIBIT "A"**LEGAL DESCRIPTION**

THE TOTAL PROPERTY ACREAGE IS 15.21 ACRES.

THE PARCEL CONTROL NUMBER IS 23-38-40-000-031-00010-100000.

TRACTS 31 AND 32, PALM CITY FARMS, ACCORDING TO THE PLAT THEREOF, RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH (NOW MARTIN) COUNTY, FLORIDA IN PLAT BOOK 6, PAGE 42, PUBLIC RECORDS, LYING AND BEING SITUATED IN SECTION 23, TOWNSHIP 38 SOUTH, RANGE 40 EAST, MARTIN COUNTY, FLORIDA; LESS AND EXCEPTING THEREFROM THE SOUTHERLY PART LAYING SOUTH OF THE CENTERPOINT OF THE DRAINAGE DITCH AND THE NORTH 30 FEET THEREOF TRACTS 31 AND 32;

LESS AND EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PROPERTY:

FROM THE NORTHEAST CORNER OF TRACT 32, SECTION 23, TOWNSHIP 38 SOUTH, RANGE 40 EAST, MARTIN COUNTY, FLORIDA, SAID POINT BEING THE POINT OF BEGINNING; THENCE RUN NORTH 89°20'08" WEST ALONG THE NORTHERLY LINE OF TRACT 32 FOR A DISTANCE 141.19 FEET TO A POINT; THENCE CURVING TO THE RIGHT ON A RADIUS OF 522.79 FEET RUN FOR A DISTANCE OF 343.64 FEET TO A POINT; THENCE RUN TO THE SOUTH 00°08'07" WEST FOR A DISTANCE OF 25.00 FEET TO A POINT; THENCE RUN SOUTH 89°20'08" EAST FOR A DISTANCE OF 50.00 FEET TO A POINT ON THE EASTERLY LINE OF TRACT 32; THENCE RUN NORTH 00°08'07" EAST ALONG THE EASTERLY LINE OF TRACT 32 FOR A DISTANCE OF 350.00 FEET TO THE POINT OF BEGINNING; ALL LYING AND BEING LOCATED IN SECTION 23, TOWNSHIP 38 SOUTH, RANGE 40 EAST, MARTIN COUNTY, FLORIDA.

91064-01-04-Misc-LEGAL DESCRIPTION-092900.doc

RELEASE OF UNITY OF TITLE

This Release of Unity of Title is made and entered into this ____ day of _____, 2019, by and between **The Humane Society of The Treasure Coast, Inc., a Florida not-for-profit corporation** (“HSTC”) and **Martin County, a political subdivision of the State of Florida** (the “County”).

W I T N E S S E T H:

WHEREAS, The Humane Society of the Treasure Coast, Inc. executed that certain Unity of Title, as recorded in Official Records Book 1526, at Page 0086, of the Public Records of Martin County, Florida (the “Unity of Title”); and

WHEREAS, HSTC has requested the County to release the Unity of Title; and

WHEREAS, the County is willing to release the Unity of Title.

NOW, THEREFORE, in consideration of the sum of Ten (\$10.00) Dollars and other good and valuable consideration, the receipt whereof is hereby acknowledged, the parties hereto do hereby agree as follows:

Release of Unity of Title. The County hereby releases the Unity of Title.

IN WITNESS WHEREOF, the undersigned has caused this Partial Release of Unity of Title to be executed the day and year set forth below.

**The Humane Society of the Treasure Coast, Inc.,
a Florida not-for-profit corporation**

By: 

Frank Valente, President

ATTEST:

**COUNTY:-
BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA**

Carolyn Timmann, Clerk

Edward V. Ciampi, Chair

**APPROVED AS TO FORM
AND CORRECTNESS:**

*Krista A. Storey
Senior Assistant County Attorney*

P:\DOCS\001052\105250\CLIENT\33E5947.DOCX

Return to:
Martin County Growth Management Department

UNITY OF TITLE

In consideration of the issuance of a permit to THE HUMANE SOCIETY OF THE TREASURE COAST, INC., a Florida not-for-profit corporation, as Owner(s) for the construction of an animal shelter in Palm City, Martin County, Florida, and for other good and valuable considerations, the undersigned hereby agree to restrict use of lands described in Exhibit A attached hereto in the following manner:

Read carefully.

- ✓ Check Box 1. - if property is non-platted/non-condominium or
- ✓ Check Box 2. - if property is a platted subdivision or
- ✓ Check Box 3. - if property is a condominium, as applicable.

✓ 1. Non-Platted/Non-Condominium. That said property shall be considered as one 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 and parcel of land; with the sole exception being that a portion of said property may be sold, transferred, devised or assigned to any governmental entity.

OR

□ 2. Platted Subdivision (Non-Condominium). That said property shall be considered as one 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 and parcel of land; however that (a) individual subdivision lots may be conveyed upon approval and recordation of the plat of _____, (b) phases or portions of phases that comply with the requirements contained within the development orders may be conveyed separately upon final site plan approval of that phase or portion of a phase, (c) common elements, common open areas and developed recreation areas may be conveyed to a property owners' association or other similar entity as deemed appropriate by the Board of County Commissioners, so long as such conveyance shall be subject to the express restriction that use of the subject property shall only be for the use described on the final site plan and plat, and (d) 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 may deem appropriate, with the sole exception being that a portion of said property may be sold, transferred, devised, or assigned to any governmental entity.

OR

□ 3. Condominium. That said property shall be developed as a condominium in which the underlying common elements shall be considered as one 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, with the sole exception being that if any of the condominium units are developed as "land units" those parcels may be sold, transferred,

devised or assigned subject to being part of the condominium and subject to the declaration of condominium pursuant to which they were established, or a portion of said property sold, transferred, devised, or assigned to any governmental entity.

4. 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, their/its successors, heirs and assigns until such time as the same may be released in writing by the Martin County Board of County Commissioners.

5. The undersigned further agrees that this instrument shall be recorded in the Public Records of Martin County.

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

Signed, acknowledged and notarized on this 9th day of July, 2019.

WITNESSES:

OWNER:

The Humane Society of the Treasure Coast, Inc., a
Florida not-for-profit corporation

Sign: Angela Scerenscko
Print: Angela Scerenscko

By: [Signature]
Frank Valente, President

Sign: Donna Dempsey
Print: DONNA DEMPSEY

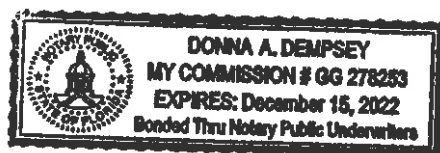
Address: 4100 SW Leighton Farm Avenue
Palm City, FL 34990

Note: Florida Statutes requires one of the following: corporate officer's signature attested by the corporate secretary and corporate seal applied; or, corporate seal applied and one witness; or corporate officer's signature and two witnesses.

STATE OF FLORIDA
COUNTY OF MARTIN

I HEREBY CERTIFY that the foregoing Unity of Title was acknowledged before me this 9th day of July, by Frank Valente, President of The Humane Society of the Treasure Coast, Inc., a Florida not-for-profit corporation, on behalf of the Corporation. He (☒) is personally known to me or () has produced _____ as identification.

[STAMP]



NOTARY PUBLIC

Donna A. Dempsey
Name: DONNA A. DEMPSEY
State of Florida at large
My commission expires: 12/15/22

EXHIBIT "A"
LEGAL DESCRIPTION

TRACTS 31 AND 32, PALM CITY FARMS, ACCORDING TO PLAT THEREOF, RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH (NOW MARTIN) COUNTY, FLORIDA, IN PLAT BOOK 6, PAGE 42, OF PUBLIC RECORDS, LYING AND BEING SITUATED IN SECTION 23, TOWNSHIP 38 SOUTH, RANGE 40 EAST, MARTIN COUNTY, FLORIDA; LESS AND EXCEPTING THEREFROM THE SOUTHERLY PART LYING SOUTH OF THE CENTER POINT OF THE DRAINAGE DITCH AND THE NORTH 30 FEET THEREOF TRACTS 31 AND 32:

LESS AND EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PROPERTY:
FROM THE NORTHEAST CORNER OF TRACT 32, SECTION 23, TOWNSHIP 38 SOUTH, RANGE 40 EAST, MARTIN COUNTY, FLORIDA, SAID POINT BEING THE POINT OF BEGINNING; THENCE RUN NORTH 89 DEGREES 20' 08" WEST ALONG THE NORTHERLY LINE OF TRACT 32 FOR A DISTANCE OF 141.19 FEET TO A POINT; THENCE CURVING TO THE RIGHT ON A RADIUS OF 522.79 FEET RUN FOR A DISTANCE OF 343.64 FEET TO A POINT; THENCE RUN SOUTH 00 DEGREES 08' 07" WEST FOR A DISTANCE OF 25.00 FEET TO A POINT; THENCE RUN SOUTH 89 DEGREES 20' 08" EAST FOR A DISTANCE OF 50.00 FEET TO A POINT ON THE EASTERLY LINE OF TRACT 32; THENCE RUN NORTH 00 DEGREES 08' 07" EAST ALONG THE EASTERLY LINE OF TRACT 32 FOR A DISTANCE OF 350.00 FEET TO THE POINT OF BEGINNING; ALL LYING AND BEING LOCATED IN SECTION 23, TOWNSHIP 38 SOUTH, RANGE 40 EAST, MARTIN COUNTY, FLORIDA.

TOGETHER WITH ANY PORTION OF THAT ABANDONED RIGHT OF WAY PER OFFICIAL RECORDS BOOK 2096, PAGE 2691, LYING BETWEEN THE SOUTH LINE OF TRACT 31 AND NORTH OF CENTER LINE OF DITCH, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA.

SITUATE IN THE COUNTY OF MARTIN, STATE OF FLORIDA.

LESS AND EXCEPT:

A PARCEL OF LAND LYING IN TRACT 32, PALM CITY FARMS, ACCORDING TO THE PLAT THEREOF, RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH (NOW MARTIN) COUNTY, FLORIDA, IN PLAT BOOK 6, PAGE 42, OF PUBLIC RECORDS, LYING AND BEING SITUATED IN SECTION 23, TOWNSHIP 38 SOUTH, RANGE 40 EAST, MARTIN COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 23, TOWNSHIP 38 SOUTH, RANGE 40 EAST; THENCE SOUTH 00°08'07" WEST ALONG THE EAST LINE OF SAID SECTION 23, A DISTANCE OF 1001.11 FEET TO THE NORTHEAST CORNER OF TRACT 32 OF SAID PALM CITY FARMS, SECTION 23, TOWNSHIP 38 SOUTH, RANGE 40 EAST; THENCE SOUTH 00°08'07" WEST ALONG THE EAST LINE OF SAID TRACT 32 AND EAST LINE OF SAID SECTION 23, A DISTANCE OF 350.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID EAST LINE, SOUTH 00°08'07" WEST, A DISTANCE OF 48.88 FEET TO THE THREAD OF DANFORTH CREEK; THENCE SOUTH 79°04'07" WEST, ALONG SAID THREAD, A DISTANCE OF 50.85 FEET; THENCE NORTH 00°08'07" EAST, A DISTANCE OF 50.90 FEET; THENCE SOUTH 89°20'08" EAST, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 2.735 SQUARE FEET OR 0.00287 ACRES, MORE OR LESS.