

Prepared By:
Martin County Growth Management Department
2401 S.E. Monterey Road
Stuart, FL 34996

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

RESOLUTION NUMBER _____

**[REGARDING A MASTER SITE PLAN AND PHASING PLAN APPROVAL
FOR THE CREATIVE LAND MANAGEMENT PROJECT
WITH A DEFERRAL OF PUBLIC FACILITIES RESERVATION]**

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

1. Creative Land Management, LLC, submitted an application for master site plan and phasing plan approval for the Creative Land Management project, located on lands legally described in Exhibit A, attached hereto.
2. The Local Planning Agency (LPA) considered the application at a public hearing on August 15, 2019. The LPA's recommendations were forwarded to the Board of County Commissioners for consideration.
3. This Board has considered such recommendations.
4. Upon proper notice of hearing this Board held a public hearing on the application on August 27, 2019.
5. At the public hearing, 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 master site plan and phasing plan, attached hereto as Exhibit B, for the Creative Land Management project, are approved. Approval of the master site plan and phasing plan authorizes the applicant to submit final site plan(s) consistent with the approved master site plan, approved phasing plan, and any conditions of approval of the master site plan, in accordance with the Comprehensive Growth Management Plan and Land Development Regulations. Approval of the master site plan shall not constitute approval to build or construct any improvements and is not the final approval necessary for construction of Creative Land Management.

- B. All final site plans for the Creative Land Management project must be obtained in accordance with the sequencing set forth in the approved phasing plan and within five years, by August 27, 2024. All development must be completed within seven years, by August 27, 2026.
- C. The property owner shall provide an executed unity of title in a form acceptable to the County Attorney for the property that is the subject of the approved master site plan. Included shall be a provision that requires unity of title to be maintained by the owner of the property with the sole exception being that a portion of said property may be sold, transferred, devised or assigned to a governmental agency.
- D. The property owner 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 master site plan approval.
- E. Failure to submit the required documents, plans and fees as required by Section 10.11, Land Development Regulations, Martin County, Fla. (2019), shall render approval of the master site plan and phasing plan for the Creative Land Management project null and void.
- F. The Unity of Title entered into by the property owner and recorded in Official Records Book 2934, Pages 1458-1462, Public Records of Martin County, Florida., is hereby released.
- G. In consideration of the approval of the master site plan development order for Creative Land Management (hereinafter referred to as "the project") the undersigned applicant, being the owner(s) of the project, located on lands described in attached Exhibit A, does hereby covenant and agree that final site plan development orders for the project are subject to a determination and reservation of adequate capacity of Category A and Category C public facilities (water, sewer, solid waste, stormwater management, arterial and collector roads, parks and public transportation) pursuant to Policy 14.1C.4, Comprehensive Growth Management Plan (Comprehensive Plan) and Section 5.32.D., Land Development Regulations (LDR), Martin County Code.

No rights to obtain final site plan development orders, nor any other rights to develop the project have been granted or implied by the County's approval of this master site plan development order without a determination and reservation of adequate capacity of Category A and C public facilities.

The applicant is voluntarily electing to proceed under Policy 14.1C.4 of the Comprehensive Plan and Section 5.32.C., LDR; therefore, the County's approval of the master site plan development order for the project grants no rights to obtain final site plan development orders, nor shall the approval be interpreted by the undersigned, or its successors in title, in any way whatsoever as committing the County legally, through the theory of equitable estoppel or any other legal theory, to approve any final site plan development order for the project without a determination and reservation of adequate capacity of Category A and C public facilities, pursuant to Policy 14.1C.5 of the Comprehensive Plan and Section 5.32.D., LDR.

The undersigned acknowledges the risk that subsequent development projects may reserve capacity of Category A and C public facilities in the same service area as the project and necessitate construction of additional capital facility improvements for this project to meet concurrency and/or prevent this project from going forward in accordance with its timetable of development.

The undersigned further agrees that the attached Affidavit Deferring Public Facilities Reservation 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.

- E. 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 27TH DAY OF AUGUST, 2019.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

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

BY: _____
EDWARD V. CIAMPI, CHAIRMAN

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:

BY: _____
KRISTA A. STOREY
SENIOR ASSISTANT COUNTY ATTORNEY

ATTACHMENTS:

Affidavit Deferring Public Facilities Reservation
Exhibit A, Legal Description
Exhibit B, Master Site Plan and Phasing Plan

[CORPORATION EXECUTION FORM]

Resolution # _____

Affidavit Deferring Public Facilities Reservation.

IN WITNESS WHEREOF, the parties hereto have executed these presents on the dates indicated below.

WITNESSES:

Print Name of Corporation Above
Address:

√ _____
Name Printed:

By:√ _____
Name Printed:
Title:

√ _____
Name Printed:

Attested

√ _____
Name Printed:
Title: Secretary

Dated: _____

STATE OF]
COUNTY OF]

The foregoing Affidavit Deferring Public Facilities Reservation is acknowledged before me this ____ day of _____, 20__, by _____, and _____ known to be the _____ president and secretary of _____, a _____ corporation, on behalf of the corporation. He or she () is personally known to me or () has produced _____ as identification.

NOTARY PUBLIC

√ _____
Name Printed:
My Commission Expires: