



Martin County, Florida
Growth Management Department
DEVELOPMENT REVIEW DIVISION
2401 SE Monterey Road, Stuart, FL 34996
772-288-5495 www.martin.fl.us

DEVELOPMENT REVIEW APPLICATION

A. General Information:

1. Type of Application: Administrative Amendment

2. Proposed Development's Name:

Highlands Reserve of Palm City Homeowners Association, Inc.

3. Former Development's Name:

N/A

4. Previous Project Number: N/A

5. Pre-Application Meeting Date: N/A

6. Property Owner:

Name or Company Name N/A

Company Representative

Address

City State Zip

Phone Fax

Email

7. Agent: Select from the List

Name or Company Name See Attorney, #15 below

Company Representative

Address

City State Zip

Phone Fax

Email

8. Contract Purchaser: Select from the List

Name or Company Name N/A

Company Representative

Address

City State Zip

Phone Fax

Email

9. Land Planner: Select from the list

Name or Company Name N/A

Company Representative

Address

City State Zip

Phone Fax

Email

10. **Landscape Architect:** Select from the list
Name or Company Name N/A
Company Representative _____
Address _____
City _____ State _____ Zip _____
Phone _____ - _____ - _____ Fax _____ - _____ - _____
Email _____

11. **Surveyor:** Select from the list
Name or Company Name N/A
Company Representative _____
Address _____
City _____ State _____ Zip _____
Phone _____ - _____ - _____ Fax _____ - _____ - _____
Email _____

12. **Civil Engineer:** Select from the list
Name or Company Name N/A
Company Representative _____
Address _____
City _____ State _____ Zip _____
Phone _____ - _____ - _____ Fax _____ - _____ - _____
Email _____

13. **Traffic Engineer:** Select from the list
Name or Company Name N/A
Company Representative _____
Address _____
City _____ State _____ Zip _____
Phone _____ - _____ - _____ Fax _____ - _____ - _____
Email _____

14. **Architect:** Select from the list
Name or Company Name N/A
Company Representative _____
Address _____
City _____ State _____ Zip _____
Phone _____ - _____ - _____ Fax _____ - _____ - _____
Email _____

15. **Attorney:** Select from the list
Name or Company Name Ross Earle Bonan & Ensor, P.A.
Company Representative David B. Earle
Address 789 SW Federal Highway, Suite 101
City Stuart State FL Zip 34994
Phone 772 - 287 - 1745 Fax 772 - 287 - 8045
Email dbe@reblawpa.com

16. Environmental Planner: Select from the list
Name or Company Name N/A
Company Representative _____
Address _____
City _____ State _____ Zip _____
Phone _____ - _____ - _____ Fax _____ - _____ - _____
Email _____

17. Other Professional: N/A
Name or Company Name _____
Company Representative _____
Address _____
City _____ State _____ Zip _____
Phone _____ - _____ - _____ Fax _____ - _____ - _____
Email _____

18. Parcel Control Number(s):

N/A

19. Certifications by Professionals:

Section 10.2.D.7., Article 10, Development Review Procedures, Land Development Regulations (LDR), Martin County Code (MCC) provides the following:

When reviewing an application for a development permit that is certified by a professional listed in s. 403.0877, F.S., the County shall not request additional information from the application more than three times, unless the applicant waives the limitation in writing. If the applicant believes the request for additional information is not authorized by ordinance, rules, statute, or other legal authority, the County, at the applicant's request, shall proceed to process the application for approval or denial.

☐ This box must be checked if the applicant waives the limitations.

B. Applicant or Agent Certification:

I have read this application, and to the extent that I participated in the application, I have answered each item fully and accurately.

Michael P. DeMeo
Applicant's signature
IIIII Highlands Reserve of Palm City Homeowners Association, Inc.
Printed name

1/30/2019
Date

NOTARY ACKNOWLEDGMENT

STATE OF Florida

COUNTY OF Martin

I hereby certify that the foregoing instrument was acknowledged before me this 30th day of January, 2019, by Michael P. DeMeo.

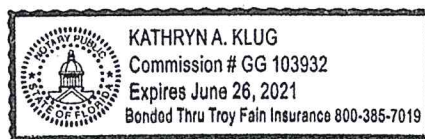
He or she

☒ is personally known to me or ☐ has produced _____ as identification.

Kathryn A. Klug
Notary public signature

Kathryn A Klug
Printed name

State of Florida at-large



DISCLOSURE OF INTEREST AFFIDAVIT

BEFORE ME, the undersigned authority, duly authorized to take acknowledgments and administer oaths, personally appeared the undersigned person on the date set forth below, who, first being duly sworn, deposes and says under penalties of perjury:

1. That the record property owner(s) of the Real Property described in **Exhibit "A"** to this Affidavit is (are) as follows:

Name	Address
Florida Department of Transportation	Florida
Martin County (local government with service responsibility)	Monterey Road

(If more space is needed attach separate sheet)

2. That the following is a list of every natural person and entity with any legal or equitable interest in the property (as defined in Section 10.2.B.3. Land Development Regulations, Martin County Code):

Name	Address	Interest
Michael DeMeo	6313 SW Bald Eagle Drive Palm City, FL 34990	HOA Board of Director
Brandon Cannon	6313 SW Bald Eagle Drive Palm City, FL 34990	HOA Board of Director
Frank Eddy	6313 SW Bald Eagle Drive Palm City, FL 34990	HOA Board of Director
Richard Charsky	6313 SW Bald Eagle Drive Palm City, FL 34990	HOA Board of Director

(If more space is needed attach separate sheet)

**Disclosure of Interest Affidavit
Continued**

2. That the following is a list of every natural person and entity with any legal or equitable interest in the property (as defined in Section 10.2.B.3. Land Development Regulations, Martin County Code):

Name	Address	Interest
Lawrence Wzorek	6313 SW Bald Eagle Drive Palm City, FL 34990	HOA Board of Director

DISCLOSURE OF INTEREST AFFIDAVIT

3. That the following is a list of those, who have any interest in a contract for sale of the property, or a conveyance of any interest in the property, including but not limited to, real estate brokers and salespersons; and any and all mortgagees of the property:

Name	Address	Interest
None		

(If more space is needed attach separate sheet)

4. That the following is a list of all other applications for which the applicant has an interest as defined in subsection b. and c. of Section 10.2.B.3. Land Development Regulations, Martin County Code currently pending before Martin County. The list shall include any development applications, waiver applications, road opening applications, and lien reduction requests.

Application Name and/or Project Number	Names & Addresses of Parties involved	Date	Type of Application	Status of Application ^{1*}
None				

(If more space is needed attach separate sheet)

¹ Status defined as: A = Approved P = Pending D = Denied W = Withdrawn

DISCLOSURE OF INTEREST AFFIDAVIT

This Affidavit is given for the purpose of establishing compliance with the provisions of Section 10.2.B.3 Land Development Regulations; Martin County Code.

FURTHER AFFIANT SAYETH NOT.

AFFIANT

Michael P. DeMeo

Signature

MICHAEL P. DEMEO

Print name

STATE OF: Florida

COUNTY OF: Martin

The foregoing Disclosure of Interest Affidavit was sworn to, affirmed and subscribed before me this 30th day of January 2019, by Michael P. DeMeo, who is personally known to me or have produced _____ as identification.

Kathryn A. Klug

Signature

(Notary Seal)

Notary Public, State of Florida

Print Name: Kathryn A Klug

My Commission Expires: _____



DISCLOSURE OF INTEREST AFFIDAVIT

Exhibit "A" **(Disclosure of Interest and Affidavit) (Legal Description)**

ROW adjacent to property maintained by Highlands Reserve of Palm City Homeowners Association, Inc. (otherwise known as the median strip of Highlands Boulevard adjacent to the Highlands Reserve Community).

DISCLOSURE OF INTEREST AFFIDAVIT

Appendix

Article 10.2.B.3. Article 10, Development Review Procedures; Land Development Regulations; Martin County Code

10.2.B. Application submittal for development approval. Applications for development approval shall comply with the following described procedures:

1. Initiation. A development application shall be filed with the County Administrator by the owner or other person having a power of attorney from the owner to make the application.
2. Acceptance of the application. A development application will be received for processing on any working day.
3. Verification of property ownership. The documents required below are required prior to an application being determined complete. After the application is determined to be complete, the applicant has a continuing obligation to provide revised documents to reflect any changes to the information provided that may occur before and as of the date of the final public hearing or final action on the application.
 - a. Proof of ownership must be provided for any application for any type of development order. The applicant shall provide a copy of the recorded deed for the subject property, and shall certify any subsequent transfers of interests in the property. If the applicant is not the owner of record, the applicant is required to report its interest in the subject property.
 - b. The applicant must disclose the names and addresses of each and every natural person or entity with any legal or equitable interest in the property of the proposed development, including all individuals, children, firms, associations, joint adventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, limited liability company, professional associations and all other groups or combinations.
 - c. For those entities that are a firm, association, joint adventure, partnership, estate, trust, business trust, syndicate, fiduciary, corporation, limited liability company, professional associations and all other groups or combinations thereof, every natural person or entity that enjoys a legal or equitable interest in property of the proposed development shall be disclosed including but not limited to any partners, members, shareholders, trustees, and stockholders.
 - d. The disclosure required in b. and c. above shall not apply to companies that are publicly traded and to consultants and contractors who may perform professional services or work related to the property.
 - e. In addition, the disclosure must include those having any interest in a contract for sale of the property, or a conveyance of any interest in the property, including but not limited to, real estate brokers and salespersons; and any and all mortgagees of the property.
 - f. The applicant must list all other applications for which they have an interest as defined in subsection b. and c. above that is currently pending before Martin County. The list shall include any development applications, waiver applications, road opening applications, and lien reduction requests.
 - g. Any development order, including applications for Planned Unit Developments which was granted or approved based on false or incomplete disclosure will be presumed to have been fraudulently induced and will be deemed by the Martin County Board of County Commissioners to be void ab initio and set aside, repealed, or vacated.

HIGHLANDS RESERVE P.U.D.
PLANNED UNIT DEVELOPMENT ZONING AGREEMENT

Third Amendment to the Planned Unit Development Zoning Agreement
HIGHLANDS RESERVE OF PALM CITY HOMEOWNERS' ASSOCIATION, INC.,
a not-for-profit corporation of Florida, and MARTIN COUNTY,
a political subdivision of the State of Florida.

THIS AGREEMENT, made and entered into on this ____ day of _____, 2019, by and between HIGHLANDS RESERVE OF PALM CITY HOMEOWNERS' ASSOCIATION, INC., a not-for-profit corporation, (hereinafter the "Association") and MARTIN COUNTY, a political subdivision of the State of Florida (hereinafter the "County").

WITNESSETH:

WHEREAS, after appropriate notice, public hearing and approval, County, on or about the 13th day of April 2004, entered into a Planned Unit Development Zoning Agreement for the development of a project in Martin County, Florida known as "Highlands Reserve", and that such agreement is recorded in official records Book 1928, beginning at Page 0947, of the Public Records of Martin County, Florida, which Agreement, as may be amended from time to time, is hereinafter referred to as the "HIGHLANDS RESERVE P.U.D. AGREEMENT"; and

WHEREAS, the Highlands Reserve developer did, on that same date, receive a Development Order from the County for the Highlands Reserve P.U.D. and the Highlands Reserve developer subsequently created the Association to fulfill continuing responsibilities for matters of common interest within Highlands Reserve; and

WHEREAS, the Association and County now desire to amend the HIGHLANDS RESERVE P.U.D. AGREEMENT;

NOW, THEREFORE, it is agreed between the Association and County as follows:

1. The HIGHLANDS RESERVE P.U.D. AGREEMENT and, in particular, certain conditions and requirements referenced in Article 3.4 and the attached Exhibit "F" shall be amended as set forth below.

2. Section 18 (entitled "Additional Requirements"), sub-section "D", of Exhibit "F" shall be amended to read as follows:

D. The final landscaping, irrigation and lighting plans along High Meadows Avenue¹ shall be comparable to that which is along Indian Street and shall be reviewed and approved in conjunction with final site plan approval. Said landscaping, irrigation and lighting shall be maintained in perpetuity by Martin County.

¹ The original P.U.D. Agreement references "Mapp" Road by mistake

3. As a result of the above amendment, the Association and County further agree for that certain Right of Way Maintenance Agreement for Highlands Reserve of Palm City, dated August 1, 2006, between the Association and County, and recorded in Official Records Book 2190, beginning at Page 982, of the Public Records of Martin County, Florida, to be terminated at the time of adoption of this amendment.

4. This amendment is consistent with the Martin County Comprehensive Plan.

5. All the terms and conditions of the HIGHLANDS RESERVE P.U.D. AGREEMENT which are not specifically amended or revised by this Amendment shall remain in full force and effect as stated therein.

IN WITNESS THEREOF, the parties hereto have set their hands and seals on the dates indicated below. The date of this Amendment shall be the date on which this amendment was approved by the Board of County Commissioners.

Attest:

HIGHLANDS RESERVE OF PALM CITY
HOMEOWNERS' ASSOCIATION, INC.,
a not-for-profit corporation

Attest:

By: _____

Dated: _____

STATE OF FLORIDA
COUNTY OF MARTIN

The foregoing instrument was acknowledged before me this ____ day of _____, 2019 by _____ and _____ of HIGHLANDS RESERVE OF PALM CITY HOMEOWNERS' ASSOCIATION, INC., a not-for-profit corporation, on behalf of the corporation.

(NOTARIAL SEAL)

NOTARY PUBLIC

My Commission Expires _____

Attest:

BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

Carolyn Timman, Clerk

By:_____

Dated:_____

APPROVED AS TO FORMAT AND CORRECTNESS

By:_____

Krista Storey
Acting County Attorney

Dated:_____

STATE OF FLORIDA
COUNTY OF MARTIN

The foregoing instrument was acknowledged before me this ____ day of _____, 2019 by
_____ and _____ of
_____, on behalf of the _____.

(NOTARIAL SEAL)

NOTARY PUBLIC

My Commission Expires_____

Prepared by and Return to:
David B. Earle, Esquire
ROSS EARLE BONAN & ENSOR, P.A.
789 S. Federal Highway - Suite 101
Stuart, FL 34994
(772) 287-1745

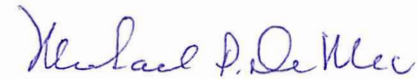
LIMITED POWER OF ATTORNEY

By this Limited Power of Attorney I, Mike Demeo, as President of Highlands Reserve of Palm City Homeowners' Association, Inc., the property owners association subject to the application submitted to Martin County, hereby make, constitute and appoint David B. Earle, Esquire, the true and lawful attorney-in-fact for said application and in my name, place and stead, to execute and sign any and all documents or instruments pertaining to the following property located in Martin County.

See attached legal description as Exhibit "A"

I, Mike Demeo, as President of Highlands Reserve of Palm City Homeowners' Association, Inc., the property owners association, give and grant unto said attorney-in-fact, full power and authority to do and perform any and all acts necessary or incident to the performance and execution of the powers herein expressly granted, with power to do and perform all acts authorized hereby, as fully to all intents and purpose as owners might or could do with full power of substitution and revocation, hereby ratifying and confirming all that said attorney or his substitute shall lawfully do or cause to be done by virtue hereof.

IN WITNESS WHEREOF, I Mike Demeo, President of Highlands Reserve of Palm City Homeowners' Association, Inc., have hereunto set my hand on the 18 day of March 2019.

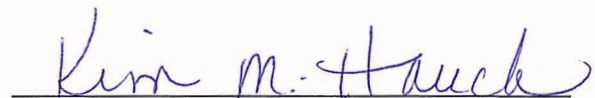


Mike DeMeo, President
Highlands Reserve of Palm City
Homeowners' Association, Inc.

NOTARY ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF MARTIN

I HEREBY CERTIFY that the foregoing instrument was acknowledged before me this 18th day of March 2019, by Mike Demeo. He ☒ is personally known to me or ☐ has produced _____ as identification.


Notary Public State of Florida

Print, type or stamp name

EXHIBIT "A"
LEGAL DESCRIPTION

Lands Lying and being in Martin County, State of Florida, and more particularly described as follows, to-wit:

Parcel 1: The South half (S ½) of Lot 10, (East of Sunshine State Parkway) of Miles or Hanson Grant, per plat thereof recorded in Plat Book "B", Page 59 of the public records of Dade (now Martin) County, Florida.

LESS AND EXCEPTING: County Road Right-of-Way constituted of that part thereof lying within 100 feet of the Easterly Right-of Way line of Sunshine State Parkway.

Parcel 2: That portion of the following described tracts according to plat of St. Lucie Inlet Farms, Plat Book 1, Page 98, Public Records of Palm Beach (now Martin) County, Florida, lying East of Sunshine State Parkway, to-wit:

Tracts 1, 2, 3, 6, 7 and 8, Block 25; Tracts 1, 2, 3, 6, 7 and 8, Block 26; Tracts 1, 2, 4, and 5, West of the Right-of-Way of St. Lucie Canal, Block 34; and Tract 6 (Less the Right-of-Way of St. Lucie Canal), Block 34.

LESS AND EXCEPTING therefrom those parts and parcels thereof within the Right-of-Way of State Road 9 (I-95) more particularly described as follows, to-wit:

Commence on the South line of Tract 6, Block 33, St. Lucie Inlet Farms, according to plat recorded in Plat Book 1, Page 98, Palm Beach County, Florida Public Records, of a point 326.52 feet Easterly from the South-west corner thereof, said point being on the arc of a curve concave Southwesterly having a radius of 11,459.16 feet; thence from a tangent bearing of North 45°52'01" West run Northwesterly along said curve through an angle of 05°12'48", a distance of 1,042.67 feet to the Point of Beginning; thence South 38°55'09" West, 308.90 feet; thence North 52°02'51" West 1,751.57 feet to a point on the arc of a curve concave Southwesterly, having a radius of 11,259.16 feet; thence from a tangent bearing of North 50°04'51", West Northwesterly along said curve through an angle of 06°50'22", a distance of 1,344.00 feet to the Northeasterly Right-of Way line of State Road NO. 91 (Sunshine State Parkway); thence North 31°33'14" West along said Right-of-Way line, a distance of 669.02 feet to a point on the arc of a curve concave Southwesterly, having a radius of 11,559.16 feet; thence from a tangent bearing of South 69°35'08" East; run Southeasterly along said curve through an angle of 09°31'17", a distance of 1,937.51 feet; thence South 65°12'05" East, 669.08 feet; thence South 57°00'07" East, 836.58 feet to the West line of Tract 6 of said Block 34; thence Southerly along said West line, a distance of 70.00 feet to the North Right-of-Way line, a distance of 47.02 feet; thence South 57°00'07" East 262.46 feet; thence South 38°55'09" West, 347.94 feet to the Point of Beginning.

(Less and Except: Road Right-of-Way and that part lying in St. Lucie Canal):

AND ALSO Less and Excepting: A parcel of land in Tract 4 and 5, Block 34, St. Lucie Inlet Farms, according to the plat thereof recorded in Plat Book 1, Page 95, Palm Beach County, Florida Public Records, described as follows, to-wit:

Begin on the East line of said Tract 5, at a point 70 feet North 23°22'24" West from the Southeast corner thereof, continue thence North 23°22'24" West along said line, a distance of 108.34 feet; thence North 57°00'07" West, 749.96 feet; thence North 65°45'05" West 340.74 feet to the West line of said tract 4; thence South 23°22'24" East along said line, a distance of 89.02 feet; thence South 65°45'05" East 270.39 feet; thence South 57°00'07" East, 835.58 feet to the Point of Beginning.

AND FURTHER Less and Excepting from the foregoing described lands of Parcel 2m those parts constituting County Road Right-of-Way of Tracts 3 and 6, Block 25, lying within 100 feet of the Easterly Right-of-Way line of Sunshine State Parkway and Northerly of the Northerly Right-of-Way line of State Road 9 (I-95) as such Right-of-Way is Described (1) above;

AND FURTHER ACCEPTING that a portion of the lands of said Tract 6, Block 34, the Right-of-Way of St. Lucie Canal, more particularly described as follows:

Part A: Begin at the intersection of the West line of said Tract 6, with the North Right-of-Way line of a 30 foot Street (Southwest corner of Tract 6); thence North 23°22'24" West along the West line of said Tract 6, a distance of 70 feet; thence South 57°00'07" East, 84.89 feet to a point on the North Right-of-Way line of a 30 foot Street (South line of said Tract 6); thence South 67°27'29" West along said Right-of-Way line, a distance of 47.02 feet to the Point of Beginning;

Part B: Begin on the West line of said Tract 6, at a point 70 feet North 23°22'24" West from the Southwest corner thereof. continue thence North 23°22'24" West along said line, a distance of 108.34 Feet; thence South 57°00'07" East, 184.94 feet; thence South 37°30'15" West, 51.76 feet; thence South 67°27'29" West, 10.19 feet; thence North 57°00'07" West, 84.89 feet to the Point of Beginning;

Parcel 3: Tracts 7 and 8, Block 34, (Excepting the Right-of-Way of St. Lucie Canal) of St. Lucie Inlet Farms Subdivision, according to the plat thereof, Plat Book 1, Page 98, Public Records of Palm Beach (now Martin) County, Florida.

Parcel 4: Tracts 3, 4, 5, and 6, Block 35, and Tracts 3, 4, 5 and 6, Block 38, St. Lucie Inlet Farms, according to the plat thereof, Plat Book 1, Page 98 Public Records of Palm Beach (now Martin) County, Florida.

BEING the same lands conveyed to the insured by deed dated November 29th, 1985 and filed for record on January 8, 1986 in Official Records 660, Page 1557, Public Records of Martin County, Florida; and, corrective Deed filed for record in Official Record Book 665, Page 1292.

ALSO

Tract 3, Block 34 of ST. LUCIE INLET FARMS SUBDIVISION, according to the Plat thereof, recorded in Plat Book 1, Page 98 of the Public Records of Palm Beach (now Martin) County, Florida.

Containing 432.88 acres, more or less.

Request for Third Amendment to Highlands Reserve PUD Agreement

The Highlands Reserve of Palm City Homeowners' Association, Inc. (the "Association"), is the community association representing the owners within the Highlands Reserve community ("Highlands Reserve") located in Palm City, Florida. The Association is recognized by the Highlands Reserve PUD Agreement (the "PUD Agreement") as the designated and responsible entity for the control and maintenance of common areas within Highlands Reserve including, but not limited to, the roadways, preserves and common elements.

The Association now seeks to amend the PUD Agreement to terminate that certain Right-of-Way Maintenance Agreement ("ROW Maintenance Agreement") for Highlands Reserve of Palm City dated August 1, 2006 and recorded in Official Records Book 2190, beginning at Page 982, of the Public Records of Martin County, Florida. The ROW Maintenance Agreement was a condition contained in the PUD Agreement. It was entered into between Martin County and the Association to provide for the Association to undertake responsibilities for landscaping, irrigation and lighting related to the median strip located between the lanes of High Meadows Avenue near the Highlands Reserve community and the entrance to Palm City off Interstate 95's exit.

The initial assignment of responsibility for this roadway during the community's development stage made sense. However, over time, the Association has begun to question its continuing duty for a roadway located outside the Highlands Reserve community; one which is controlled by the Florida Department of Transportation and which is further designated for purposes of maintenance to Martin County government. Given that this roadway is one which is of benefit to the community at large, the duties regarding the median strip are more practically and appropriately assigned to the care and control of Martin County.

Therefore, given the important public policy and interest surrounding the maintenance and control of public roadways, as well as past contributions from the Association to Martin County, the amendment of the Highlands Reserve PUD, coupled with the termination of the ROW Maintenance Agreement and the turnover of responsibilities for High Meadows Avenue median maintenance to Martin County, is justified and should be approved.