

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

RESOLUTION NUMBER _____

**[REGARDING A REVISED MAJOR DEVELOPMENT FINAL SITE PLAN APPROVAL
FOR KENAI TOWER EXTENSION
WITH A CERTIFICATE OF PUBLIC FACILITIES EXEMPTION]**

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

1. The Kenai TCO3 WTCF Tower project received final site plan approval on May 31, 2016, pursuant to Resolution Number 16-5.25.
2. Kenai Properties, LLC, and RG Towers, LLC, has submitted an application for revised final site plan approval for the Kenai Tower Extension project, located on lands legally described in Exhibit A, attached hereto.
3. Pursuant to Table 10.5.F.9, Land Development Regulations, Martin County Code, the Local Planning Agency was not required to consider the application.
4. This Board considered such application at a public meeting on May 5, 2020.
5. At the public meeting, all interested parties were given an opportunity to be heard.

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

A. The revised final site plan, attached hereto as Exhibit B, for the Kenai Tower Extension project is approved. Development of the Kenai Tower Extension project shall be in accordance with the approved revised final site plan and subject to the following conditions:

1. The maximum above ground elevation of the Tower, including any appurtenances, shall not exceed 101.2 feet in height. Any extension of the Tower or appurtenances, beyond the approved maximum 101.2-foot height above ground elevation is prohibited unless approved by the Board of County Commissioners.
2. All terms and conditions of Resolution Number 16-5.25 which are not specifically amended or revised by this development order shall remain in full force and effect.

3. The County or its designees shall have the right to inspect, upon reasonable notice to the owner and/or permittee, any WTCF or tower for the purpose of determining compliance with Division 18 of the Martin County Land Development Regulations.

4. Every five years, or within 90 days following a catastrophic act of nature or other emergency that may affect the structural integrity of a tower, the tower owner or permittee shall file with the County Administrator a statement, sealed by a qualified professional engineer, licensed in the State of Florida, that an inspection has been completed and that the tower has not been structurally compromised.

5. The tower owner or permittee will correct any deficiencies or remove the tower within 90 days of receipt of a Notice from the County Administrator that the tower is abandoned or declared unsafe in accordance with Section 4.803.B. and Section 4.803.D.

B. Approval of the development order is conditioned upon the applicant's submittal of all required applicable state and federal permits and approvals to the Growth Management Department (GMD) prior to the commencement of any construction.

C. No permits for construction or development activity shall be issued until all required documents, plans and fees are received and approved as required by Section 10.11, Land Development Regulations Martin County Code, including the following fees:

1. The balance of fees incurred by the consultant review as provided pursuant to Sec. 365.172(13) (b) 4, Florida Statutes.

2. A bond in the amount of 110% of the estimated cost for removal of the monopole structure, as certified by the Engineer of Record.

D. Failure to submit the required documents, plans and fees as required by Section 10.11, Land Development Regulations, Martin County Code, shall render approval of the revised final site plan for the Tailwinds Tower project null and void.

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

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

G. All permits for the Kenai Tower extension revised final site plan must be obtained within one year, by May 5, 2021. Development of the entire project, including infrastructure and vertical construction, must be completed within two (2) years of final site plan approval, by May 5, 2022. All remaining impact fees and capital facility charges shall be paid in full within sixty (60) days of an approval of a requested extension pursuant to Section 5.32.D.4.c.(3), LDR, Martin County Code.

H. All future co-located antennas shall be consistent with the camouflaged nature of the approved monopole structure.

I. 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 5th DAY OF MAY, 2020.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

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

BY: _____
HAROLD E. JENKINS II, CHAIRMAN

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:

BY: _____
KRISTA A. STOREY
SENIOR ASSISTANT COUNTY ATTORNEY

ATTACHMENTS:

Exhibit A, Legal Description
Exhibit B, Final Site Plan

Exhibit A

RG TOWERS LEASE PARCEL

A PARCEL OF LAND BEING A PORTION OF THE NORTHEAST ONE-QUARTER (1/4) OF THE NORTHEAST ONE-QUARTER (1/4) OF SECTION 22, TOWNSHIP 40 SOUTH, RANGE 42 EAST, MARTIN COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHEAST ONE-QUARTER (1/4) OF THE NORTHEAST ONE-QUARTER (1/4) OF SAID SECTION 22 (FOUND NAIL & DISK - NO I.D.);

THENCE ON A GRID BEARING OF S89°48'00"E ALONG THE NORTH LINE OF THE NORTHEAST ONE-QUARTER (1/4) OF THE NORTHEAST ONE-QUARTER (1/4) OF SAID SECTION 22, A DISTANCE OF 30.00 FEET;

THENCE CONTINUE S89°48'00"E CONTINUING ALONG THE NORTH LINE OF THE NORTHEAST ONE-QUARTER (1/4) OF THE NORTHEAST ONE-QUARTER (1/4) OF SAID SECTION 22, A DISTANCE OF 60.00 FEET;

THENCE S00°03'00"E A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING;
THENCE S89°48'00"E A DISTANCE OF 60.00 FEET; THENCE S00°03'00"E A DISTANCE OF 40.00 FEET; THENCE N89°48'00"W A DISTANCE OF 60.00 FEET;
THENCE N00°03'00"W A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING; SAID PARCEL OF LAND SITUATE WITHIN MARTIN COUNTY, FLORIDA CONTAINING 2,400.0 SQUARE FEET MORE OR LESS.

Exhibit B

