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 MAJOR DEVELOPMENT FINAL SITE PLAN APPROVAL FOR MC320 PROJECT WITH A CERTIFICATE OF PUBLIC FACILITIES RESERVATION]

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

- 1. MC320, LLC, submitted an application for final site plan approval for the MC320 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 May 7, 2020. 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 May 19, 2020.
- 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 final site plan attached hereto as Exhibit B is approved. Development of the MC320 project shall be in accordance with the approved final site plan and Lake Area Management Plan (LAMP) attached hereto as Exhibit C.
- B. All required applicable state and federal permits and approvals shall be submitted to Martin County 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, Fla. (2019).

- D. 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 final site plan for Phase 1 of the Creative Land Management project null and void.
- E. This application is hereby determined to meet the requirements for and shall serve as a Certificate of Public Facilities Reservation as set forth in Section 5.32.B, LDR, Martin County Code.
- F. All permits for the MC320 final site plan must be obtained within one year, by May 19, 2021. Excavation must be completed within three years, by May 19, 2023. No rights to obtain development orders are herein conveyed beyond the three (3) year reservation period except as permitted in Section 5.32.D.8., LDR, Martin County Code. 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.
- G. 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.
- I. Within 30 days of the completion of the excavation and/or filling or mining, a Florida registered professional engineer, a Florida registered professional surveyor and mapper, or a Florida registered professional landscape architect shall certify that the excavation was constructed in substantial conformance with the plans and specifications approved by the county. A certification statement must also appear on the certification report. MARTIN COUNTY, FLA., LDR SECTION 4.351. (2001)
- J. All disturbed mining/excavation/fill areas shall be reclaimed, and reclamation shall begin immediately following excavation/fill or each phase of excavation/fill, whichever occurs first. All disturbed and reclaimed areas shall be planted or seeded with a permanent native ground cover to reduce the loss of topsoil due to water and wind erosion, to prevent the establishment of

- prohibited plant species and to provide adequate growing conditions for reclamation planting requirements. MARTIN COUNTY, FLA., LDR SECTION 4.348.C. (2001)
- K. A three-year performance bond/security and executed commitment is required to ensure that restoration of the excavation and/or fill or mining site shall be completed, including items such as, but not limited to, general clean-up, grading, and vegetation of the lake banks littoral zones, and upland transition zone. The amount of the security shall be approved by the County Engineer, and shall be based on 110 percent of a cost estimate prepared by a Florida registered Engineer of the general clean up, grading, and site restoration include in the required littoral zone and upland planting by an environmental professional. The guarantees for phased project may be bonded separately. MARTIN COUNTY, FLA., LDR SECTION 4.350. (2001)
- L. A hauling operations report and payment of associated hauling fees shall be submitted quarterly to the County Engineering department. MARTIN COUNTY, FLA., LDR SECTION 4.343.C. (2001).
- M. 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 19TH 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 C, LAMP

## SECTION 14 & 15, TOWNSHIP 39 SOUTH, RANGE 40 EAST PARCEL NUMBER 15-39-40-000-000-00010-0

15-39-40-000-000-00012-0

#### PARCEL 1B-1

A parcel of land lying in portions of Sections 14 and 15, Township 39 Sourth, Range 40 East, Martin County, Florida, more particularly described as follows: To wit: COMMENCE at the Southwest corner of Section 7 of said Township and run North 00'11'13" East along the West line of said Section 7, a distance of 2648.87 feet to the West one quarter corner of said Section 7; thence North 00'12'01" East along said west line, a distance of 2647.72 feet to the Southwest corner of Section 6; thence North 00'16'38" East along the West line thereof, a distance of 2649.62 feet to the West one quarter corner of said Section 6; thence North 00'08'10" East along the West line of said Section 6, a distance of 124.72 feet to a point; thence South 89'48'10" East, a distance of 5278.52 feet to the West line of Section 5; thence South 89'48'10" East, a distance of 2079.83 feet to the Southwest corner of lands conveyed to Mr. Michael Zarrella as recorded in ORB 164, Page 258, public records of Martin County, Florida; thence continue South 89'48'10" East along the South line of said Zarrella property, a distance of 2805.71 feet to the Southeast corner of said property; thence continue South 89'48'10" East, a distance of 208.72 records of Martin County, Florida; thence continue South 89'48'10" East along the South line of said Zarrella property, a distance of 2805.71 feet to the Southeast corner of said property; thence continue South 89'48'10" East, a distance of 208.72 feet to the Easterly right-of-way line of the S-1 Canal and the Westerly property line of lands conveyed to Mr. William J. Matheson as recorded in ORB 340, Page 1231, public records of Martin County, Florida; thence Southerly along the East right-of-way line of said S-1 Canal the following courses and distances:

Thence South 22'54'28" East along the West line of said Martheson property a distance of 491.65 feet to the East line of Section 5; thence continue South 22'54'28" East along the West line of said Matheson property, a distance of 2625.68 feet to the South line of Section 4 and the Northwest corner of lands conveyed to Charles 0. Melear and Jimmy E. Melear as recorded in ORB 220, Page 348, public records of Martin County, Florida; thence South 22'65'8 East along the West line of said Melear property, a distance of 4256.91 feet to the Northwest.

Florida; thence South 22'45'48" East along the West line of said Melear property, a distance of 4256.91 feet to the Northwest corner of Parcel 1 of lands conveyed to Melear Bros. Dairy, Inc. as recorded in ORB 334, Page 198; thence continue South 22'45'48" East along said Melear Bros. Dairy, Inc. property, a distance of 1460.24 feet to the South line of Section 9; thence continue South 22'45'48" East a distance of 531.88 feet; thence South 32'45'17" East a distance of 2259.06 feet to the beginning of a curve concave to the Northeast, having a said to the south according to the south accordi thence South 32.45.17 East a distance of 2299.06 feet to the beginning of a curve concave to the Northeast, having a radius of 1766.00 feet; thence Southeasterly along the arc of said curve, through a central angle of 26.27.40, a distance of 815.60 feet to the intersection with the East line of said Section 16; thence continue along the above mentioned curve, through a central angle of 11.18.13", a distance of 348.41 feet to the South line of said Melear Bros. Dairy, Inc. property and the North right-of-way line of the S-2 Canai; thence continue along the above mentioned curve, through a central angle of 01.07.57", a distance of 34.91 feet to a point of reverse curvature of a curve concave to the Southwest, having a radius of 15.75.00 feet; thence Southeasterly along the arc of said curve, through a central angle of 06.52.53", a distance of 189.16 feet 1575.00 feet; thence Southeasterly along the arc of said curve, through a central angle of 06'52'53", a distance of 189.16 feet to the POINT OF BEGINNING; thence continue along the above mentioned curve, through a central angle of 31'37'36", a distance of 869.38 feet; thence South 33'36'39" East along the East right-of-way line of the S-1 Canal, a distance of 1855.52 feet to a point; thence South 89'39'36" East, departing the S-1 Canal right-of-way, along a line that is parallel to and 55.00 feet North of, as measured at right angles to, the South line of Section 15; thence South 89'34'48" East along a line that is parallel to and 55.00 feet North of, as measured at right angles to, the South line of Section 14, a distance of 98.82 feet to the Westerly right-of-way line of said Citrus Boulevard; thence North 00'19'04" East along said Citrus Boulevard right-of-way a distance of 2098.84 feet to the beginning of a curve concave to the West, having a radius of 5679.58 feet; thence Northerly along the arc of said curve, through a central angle of 00'01'47", a distance of 2.94 feet to the South right-of-way line of the S-2 Canal and a point 80.00 feet South of, as measured at right angles to the South line of lands conveyed to Golden Bear Land Company, Inc. and as recorded in O.R.B. 554, Page 361, Martin County Public Records; thence North 89'35'32" West, non-tangent to the aforementioned curve, a distance of 4828.68 feet to the POINT OF BEGINNING.

LESS the North 120.00' feet of the above described parcel.

AND LESS the following described parcel of land:

Being a parcel of land lying in Sections 14 and 15, Township 39 South, Range 40 East, Martin County, Florida, more particularly described as follows:

COMMENCE at the Southeast corner of said Section 15; thence North 00°26'49" East, along the East line of said Section 15, a distance of 55.00 feet to the POINT OF BEGINNING of the herein described parcel; thence South 89'39'36" West, along a line that is parallel to and 55.00 feet North of, as measured at right angles to, the South line of Section 15, a distance of 977.55 feet; thence North 00°28'24 East, a distance of 1982.98 feet to the intersection with a line that is 200.00 feet. South of, as measured at right angles to the South line of lands conveyed to Golden Bear Land. Company, Inc. and as recorded in O.R.B. measured at right angles to the South line of idhas conveyed to Golden Bear Land Company, Inc. and as recorded in O.R.B. 554, Page 361, Martin County, Florida, Public Records; thence South 89'35'32" East, parallel with said South line, a distance of 1071.06 feet to the Westerly right—of—way line of Citrus Boulevard; thence South 00'19'04" West, along said West line a distance of 1981.83 feet to the intersection with a line that is parallel to and 55.00 feet North of, as measured at right angles to, the South line of said Section 14; thence North 89'34'48" West, along said parallel line, a distance of 98.82 feet to the POINT OF BEGINNING of the herein described parcel.

Being a parcel of land lying in Sections 14 and 15, Township 39 South, Range 40 East, Martin County, Florida, more particularly described as follows:

COMMENCE at the Southeast corner of said Section 15; thence North 00°26'49" East, along the East line of said Section 15, a distance of 55.00 feet to the POINT OF BEGINNING of the herein described parcel; thence North 89°39'36" West, along a line that is parallel to and 55.00 feet North of, as measured at right angles to, the South line of Section 15, a distance of 977.55 feet; thence North 00°28'24 East, a distance of 1982.98 feet to the intersection with a line that is 200.00 feet South of, as measured at right angles to the South line of lands conveyed to Golden Bear Land Company, Inc. and as recorded in 0.R.B. 554, Page 361, Martin County Public Records; thence South 89°35'32" East, parallel with said South line, a distance of 1071.06 feet to a point on the Westerly Right—of—Way of Citrus Boulevard (County Road 726); thence along said right—of—way line South 00°19'03" West a distance of 1981.83 feet; thence departing said right—of—way North 89°35'21" West, a distance of 98.91 feet to the POINT OF BEGINNING of the herein described parcel. to the POINT OF BEGINNING of the herein described parcel.

All references to the S-1 and S-2 Canals and Rights-of -Ways thereof in the above described lands are as recorded in Official Record Book 769, Page 1412, Public Records, Martin County, Florida.



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### Exhibit B

