

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

RESOLUTION NUMBER 20-

**[REGARDING REVISED MASTER/FINAL SITE PLAN APPROVAL FOR THE RESERVE AT
JENSEN BEACH WITH A CERTIFICATE OF PUBLIC FACILITIES RESERVATION]**

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

1. Jensen CAP Investments, LLC submitted an application for a major development revised master/final site plan for The Reserve at Jensen Beach project, located on lands legally described in Exhibit A, attached hereto.
2. Pursuant to Section 10.5.F.9., Land Development Regulations, Martin County, Fla., a review of this application is not required by the Local Planning Agency (LPA).
3. This Board held a public meeting on the application on August 11, 2020.
4. At the public meeting, all interested parties were given an opportunity to be heard.
5. The revised master/final site plan for the Reserve at Jensen Beach project is consistent with the Comprehensive Plan and the Land Development Regulations.

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

A. The revised master/final site plan, attached hereto as Exhibit B, for The Reserve at Jensen Beach project, is approved. Development of The Reserve at Jensen Beach project shall be in accordance with the approved revised master/final site plan and Preserve Area Management Plan (PAMP) attached as Exhibit C.

B. All required applicable state and federal permits and approvals shall be submitted to the Growth Management Department 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.

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 master/final site plan for The Reserve at Jensen Beach 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.D, LDR, Martin County Code.

F. All permits for The Reserve at Jensen Beach project must be obtained within one year, by August 11, 2021. Development must be completed within two years, by August 11, 2022.

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 by state agency permits, may be granted by the Growth Management Department upon review of required permit materials.

H. Approval of the revised master/final site plan is subject to the following conditions related to the construction of the four-way roundabout at the intersection of NE Savannah Road and NE Coy Senda.

1. Jensen CAP Investments, LLC shall pay the sum of \$740,000.00 (Payment) to Martin County within sixty (60) days of revised master/final site plan approval of The Reserve at Jensen Beach for the construction of a four-way roundabout at the intersection of NE Savannah Road and NE Coy Senda. The Payment represents 110% of the probable cost to construct the roundabout including landscape, hardscape, and streetlights as accepted by the County Engineer.
2. The Payment is based upon the \$526,367.00 in required transportation impact fees which are due and an additional \$213,633 necessary to complete the project which Jensen CAP Investments, LLC has agreed to contribute.
3. Jensen CAP Investments, LLC has specifically agreed to pay the transportation impact fees within sixty (60) days of revised master/final site plan approval instead of deferring payment until the date of issuance of a building permit for the project as would be allowable pursuant to Section 163.31801(3)(e), Florida Statutes.
4. Martin County agrees to use the Payment to fund the construction of the roundabout as established within the applicable Budget Resolution and Capital Improvement Plan sheet for the roundabout.
5. Martin County further agrees to request bids from qualified contractors as soon as practicable after receipt of the Payment. Martin County will notify Jensen CAP Investments, LLC of the lowest responsive bid (Bid) within five (5) business days of the opening of the responses to the request for bid. Should the Bid be less than the amount of the Payment, Martin County will proceed with awarding the Bid and initiating construction. Should the Bid be more than the amount of the Payment, included within Martin County's Bid notification to Jensen CAP Investments, LLC will be a demand for an additional payment within thirty (30) days in an amount equal to the difference between the Bid and the Payment. Failure of Jensen CAP Investments, LLC to submit the additional payment within thirty (30) days will

constitute a violation of this development order resulting in the issuance of a stop work order on the construction of site improvements and the suspension of the processing of building permits until the additional payment is received.

6. Martin County will notify Jensen CAP Investments, LLC of the final cost to complete the construction of the roundabout within fifteen (15) business days of the Martin County's acceptance of completion. Should the final cost of construction be less than the total amount paid by Jensen CAP Investments, LLC, Martin County will remit the excess funds to Jensen CAP Investments, LLC.

I. Jensen CAP Investments, LLC shall be responsible for maintaining the banks of Warner Creek located within the limits of the project boundary in perpetuity. A Maintenance Agreement shall be executed by Jensen CAP Investments, LLC and submitted to the County within sixty (60) days of the approval of the revised master/final site plan.

J. Within sixty (60) days of the approval of the revised master/final site plan, a final design of the proposed bridge shall be provided to Martin County. The final design shall include? ~~must be~~ a full set of construction plans signed and sealed by a Professional Engineer licensed in the State of Florida. The construction plans must include but shall not be limited to, the design of the wing walls, bridge abutments, and guardrails, and be consistent with the approved construction plans for the revised master/final site plan.

K. Hauling of fill from the site is prohibited. The routes and timing of any fill to be hauled to the site shall be coordinated with the County Engineer. Compliance with all County excavation and fill regulations is required.

L. 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 11TH DAY OF AUGUST, 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, Revised Final Site Plan

Exhibit C, PAMP