

This instrument prepared by:

Real Property Division  
Mandee Johns  
Martin County  
2401 SE Monterey Road  
Stuart, FL 34996

Project Name: Stuart 95 Plaza DE \_ 3480  
Property Address: 8108 SW Jack James Drive, Stuart, FL 34997  
PCN: 05-39-41-000-014-00021-0

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR RECORDING DATA

## **NON-EXCLUSIVE FLOW-THROUGH DRAINAGE AND ACCESS EASEMENT**

THIS NON-EXCLUSIVE FLOW-THROUGH DRAINAGE AND ACCESS EASEMENT granted and executed this 25th day of June, 2020, by **41164 JACK JAMES, LLC**, a Florida limited liability company, whose address is 900 SW Pine Island Road, Suite #202, Cape Coral, FL 33991, Grantor to **MARTIN COUNTY**, a political subdivision of the State of Florida, whose address is 2401 S.E. Monterey Road, Stuart, Florida 34996, Grantee.

(Wherever used herein the terms "Grantor" and "Grantee" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

WITNESSETH that the Grantor, for and in consideration of the sum of \$1.00 in hand paid by the Grantee, the receipt and sufficiency of which is hereby acknowledged, does hereby grant unto the Grantee forever, a perpetual non-exclusive flow-through drainage and access easement on, over, under, across and through the land described and depicted on Exhibit "A" attached hereto and made a part hereof (the "Easement Premises") to ensure the free flow of water for general public drainage purposes, over, through and under the Easement Premises, and use of a surface and sub-surface drainage system, and the repair, maintenance, replacement thereof, and for ingress and egress across, over, and upon the Easement Premises as may be reasonably necessary, to carry out the purposes of this easement.

It shall be the obligation of the Grantor and its successors and assigns, to repair, maintain and replace the existing drainage system within the Easement Premises. In the event that the free flow of water through the Easement Premises into the drainage system is disrupted or prevented, the Grantee shall have the right, but not the obligation, of reasonable access to, and entry upon the Easement Premises and adjacent lands for the purpose of ensuring the free flow of water for general public drainage purposes. Grantee shall provide thirty (30) days prior written notice to the Grantor of Grantee's intention to exercise its rights. However, in order to perform flow-through drainage maintenance in a drainage-related emergency which poses an immediate threat to the public health, safety and welfare, the Grantee is required only to attempt to provide reasonable notice to the Grantor. Within ten (10) days of the performance of flow-through drainage maintenance or construction by the Grantee, the Grantor shall pay the Grantee the amount of all costs (including administrative costs) thereby incurred, and the amount of such costs will constitute alien, as determined by the Grantee, on Grantor's property, including the Easement Premises, and the lien may be enforced in accordance with applicable law.

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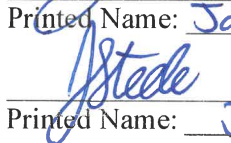
[www.martin.fl.us/accessibility-feedback](http://www.martin.fl.us/accessibility-feedback)

Grantor hereby covenants with Grantee that Grantor is lawfully seized of said land in fee simple, that Grantor has good and lawful authority to grant and convey this Easement, and that Grantor fully warrants the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

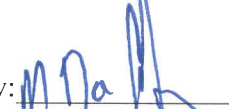
Grantor further warrants that there are no mortgages encumbering the Easement Premises except for that certain mortgage in favor of CENTENNIAL BANK, an Arkansas Baking Corporation, whose address is PO Box 966, Conway, AR 72033, (Mortgagee), dated April 30, 2020 and recorded May 5, 2020 in Official Records Book 3127, page 31, in Martin County, Florida, Public Records, said Mortgagee has executed a "Consent of Mortgagee" which is attached to this Easement.

IN WITNESS WHEREOF, the Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered  
in the presence of:

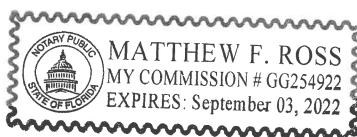
  
Printed Name: Jacob Daugherty  
  
Printed Name: Joshua Steele

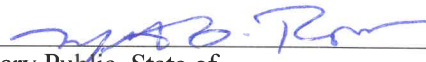
41164 JACK JAMES LLC,  
a Florida limited liability company,

By:   
Printed Name: M. Dan Creighton  
Title: Manager  
Federal Tax No. 26-1210044

STATE OF FL  
COUNTY OF LEE

The foregoing instrument was acknowledged before me ☒ by means of physical presence or  
online notarization this 25 day of June, 2020, by  
M. Dan Creighton, as Member of 41164 Jack James, LLC, a  
\_\_\_\_\_, on behalf of said entity. He/She is ☒ personally known to me or ( ) has/have  
produced \_\_\_\_\_ as identification.




  
Notary Public, State of \_\_\_\_\_  
Print Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_


## CONSENT OF MORTGAGEE

**CENTENNIAL BANK**, an Arkansas Banking Corporation, (hereinafter referred to as "Mortgagee") under that certain Mortgage dated April 30, 2020, and recorded May 4, 2020 in Official Records Book 3127, page 31, Martin County, Florida, public records (hereinafter referred to as the "Mortgage"), hereby executes this document to evidence its consent to the granting and recording of that certain Non-Exclusive Flow-Through Drainage and Access Easement to which this Consent of Mortgagee is attached and which is being recorded simultaneously herewith (hereinafter referred to as the "Flow-Through Easement"), further Mortgagee agrees that the Flow-Through Easement shall be an interest, superior to the Mortgage and in the property to which the Mortgage encumbers. This consent is given on the express condition that it shall in no way affect the lien of the Mortgage on the property described in the Mortgage, but shall only be construed as a Subordination to the Flow-Through Easement.

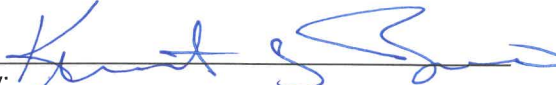
This consent by Mortgagee is not intended to be and shall not be construed to be a waiver by Mortgagee of the maturity date of the principal, accrued interest or other amounts due under the terms of the note, mortgage or other loan documents, even though this consent may be executed subsequent to any maturity date or any other term or condition of the note, mortgage or other loan documents. This consent is not and shall not be construed to be an agreement or consent to a subordination of the lien of the Mortgage by Mortgagee to any other easements now existing or that may exist or arise in the future.

Signed, sealed and delivered  
in the presence of:

  
Print Name: William F. Turner

  
Print Name: Tracy Morgan


**CENTENNIAL BANK**,  
an Arkansas Banking Corporation

  
By: \_\_\_\_\_  
Print Name: Kenneth J. Iglesias  
Name: \_\_\_\_\_  
Its: SE. Vice President

STATE OF Florida  
COUNTY OF Lee

The foregoing instrument was acknowledged before me ☒ by means of physical presence or \_\_\_\_\_ online notarization this 25th day of June, 2020, by Kenneth J. Iglesias, as SE vice president of Centennial Bank, an Arkansas Banking Corporation on behalf of said entity. ☒ She is/are ( ☒ ) personally known to me or ( ) has/have produced \_\_\_\_\_ as identification.



  
Notary Public, State of Florida  
Print Name: Tracy Morgan  
My Commission Expires: 3/27/2021

**Exhibit “A”**  
**NON-EXCLUSIVE FLOW-THROUGH DRAINAGE AND ACCESS EASEMENT**

**SKETCH AND LEGAL DESCRIPTION**

BY

**PULICE LAND SURVEYORS, INC.**5381 NOB HILL ROAD  
SUNRISE, FLORIDA 33351

TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778

E-MAIL: surveys@pulicelandsurveyors.com CERTIFICATE OF AUTHORIZATION LB#3870

**LEGAL DESCRIPTION: (FLOW THROUGH EASEMENT)**

A PORTION OF LOT 1 OF PLAT 1, STUART 95 PLAZA, P.U.D. (C), AN UNRECORDED PLAT IN MARTIN COUNTY, FLORIDA, BEING A PORTION OF LOT 14, "TROPICAL FRUIT FARMS SUBDIVISION" AS RECORDED IN PLAT BOOK 3, PAGE 6, PUBLIC RECORDS OF PALM BEACH COUNTY (NOW MARTIN COUNTY), FLORIDA, LYING IN SECTION 5, TOWNSHIP 39 SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA, SAID LOT 1 LYING SOUTH OF STATE ROAD 76, EAST OF THE SUNSHINE STATE PARKWAY AND WEST OF SW JACK JAMES DRIVE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

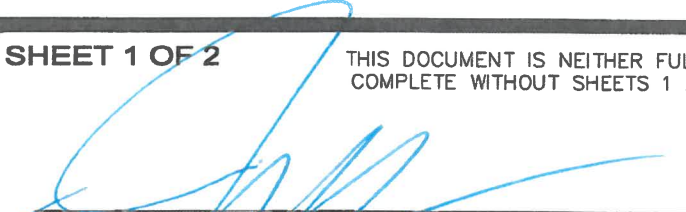
COMMENCING AT THE POINT OF INTERSECTION OF THE CENTERLINE OF SW JACK JAMES DRIVE AND THE CENTERLINE OF STATE ROAD NO. 76 (SW KANNER HIGHWAY) AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION 89095-2412, PAGES 7 AND 8 (NOTE: BEARINGS ARE REFERENCED TO THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD NO. 76, PER SAID RIGHT-OF-WAY MAP); THENCE SOUTH 49°02'20" WEST ALONG SAID CENTERLINE OF STATE ROAD NO. 76 (SW KANNER HIGHWAY) 294.91 FEET; THENCE SOUTH 40°55'42" EAST 163.00 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD NO. 76 (SW KANNER HIGHWAY); THENCE NORTH 49°02'20" EAST ALONG SAID RIGHT-OF-WAY LINE 35.00 FEET; THENCE SOUTH 40°55'42" EAST 166.50 FEET; THENCE SOUTH 02°43'46" WEST 14.49 FEET; THENCE SOUTH 40°55'42" EAST 11.03 FEET; THENCE SOUTH 49°02'20" WEST 10.00 FEET; THENCE SOUTH 40°55'42" EAST 30.00 FEET; THENCE SOUTH 49°02'20" WEST 15.00 FEET; THENCE NORTH 40°55'42" WEST 218.01 FEET TO THE POINT OF BEGINNING.

SAID EASEMENT SITUATE, LYING AND BEING IN THE CITY OF STUART, MARTIN COUNTY, FLORIDA AND CONTAINING 6,868 SQUARE FEET, MORE OR LESS.

**NOTES:**

- 1) BEARINGS ARE BASED ON AN ASSUMED MERIDIAN WITH THE CENTERLINE OF STATE ROAD 76 (SW KANNER HIGHWAY) BEING SOUTH 49°02'20" WEST.
- 2) THIS IS NOT A SKETCH OF SURVEY AND DOES NOT REPRESENT A FIELD SURVEY.
- 3) THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- 4) ALL RECORDED DOCUMENTS ARE PER THE PUBLIC RECORDS OF MARTIN COUNTY, UNLESS OTHERWISE NOTED.
- 5) THIS DOCUMENT MAY BE REPRODUCED UPON REQUEST IN AN ALTERNATIVE FORMAT BY CONTACTING THE COUNTY ADA COORDINATOR (772) 320-3131, THE COUNTY ADMINISTRATION OFFICE (772) 288-5400, FLORIDA RELAY 711, OR BY COMPLETING OUR ACCESSIBILITY FEEDBACK FORM AT [WWW.MARTIN.FL.US/ACCESSIBILITY-FEEDBACK](http://WWW.MARTIN.FL.US/ACCESSIBILITY-FEEDBACK).

**FILE: CREIGHTON CONSTRUCTION & MANAGEMENT****SCALE: N/A****DRAWN: BB****ORDER NO.: 67238A****DATE: 5/27/20; REV. 5/28/20; 6/8/20****FLOW THROUGH EASEMENT****STUART, MARTIN COUNTY, FLORIDA****FOR: 7-ELEVEN SITE, 8100 SW JACK JAMES DRIVE****SHEET 1 OF 2**THIS DOCUMENT IS NEITHER FULL NOR  
COMPLETE WITHOUT SHEETS 1 AND 2

- 
- ☒ JOHN F. PULICE, PROFESSIONAL SURVEYOR AND MAPPER LS2691  
☐ BETH BURNS, PROFESSIONAL SURVEYOR AND MAPPER LS6136  
☐ VICTOR R. GILBERT, PROFESSIONAL SURVEYOR AND MAPPER LS6274  
STATE OF FLORIDA





## SKETCH AND LEGAL DESCRIPTION

BY

**PULICE LAND SURVEYORS, INC.**5381 NOB HILL ROAD  
SUNRISE, FLORIDA 33351

TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778

E-MAIL: surveys@pulicelandsurveyors.com CERTIFICATE OF AUTHORIZATION LB#3870

LOT 14  
"TROPICAL FRUIT FARMS SUBDIVISION"  
P.B. 3, PG. 6, P.B.C.R.  
NOW MARTIN COUNTY  
PORTION OF SECTION 5-39-41

SW JACK JAMES DRIVE

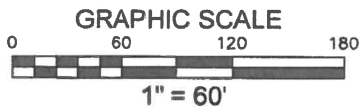
POINT OF COMMENCEMENT  
INTERSECTION OF THE CENTERLINE OF  
SW JACK JAMES DRIVE &  
STATE ROAD NO. 76

SW RIGHT-OF-WAY LINE

PORTION OF LOT 14  
"TROPICAL FRUIT FARMS SUBDIVISION"  
P.B. 3, PG. 6, P.B.C.R.  
NOW MARTIN COUNTY  
(7-ELEVEN SITE)  
(LOT 1, PLAT 1, STUART 95 PLAZA, P.U.D. (C)  
UNRECORDED)LOT 14  
"TROPICAL FRUIT FARMS SUBDIVISION"  
P.B. 3, PG. 6, P.B.C.R.  
NOW MARTIN COUNTY  
PORTION OF SECTION 5-39-41S49°02'20"W 294.91'  
STATE ROAD NO. 76  
SW KANNER HIGHWAYBASELINE OF SURVEY  
F.D.O.T. RIGHT OF WAY MAP  
SECTION 89095-2412  
PG. 6 & 7SOUTHERLY RIGHT-OF-WAY LINE  
STATE ROAD NO. 76 (SW KANNER HIGHWAY)  
F.D.O.T. RIGHT OF WAY MAP  
SECTION 89095-2412, PG. 7 & 8

S40°55'42"E 163.00'

POINT OF BEGINNING

N49°02'20"E  
35.00'

S40°55'42"E 166.50'

6,868 SQUARE FEET

N40°55'42"W 218.01'

LOT 14  
"TROPICAL FRUIT FARMS SUBDIVISION"  
P.B. 3, PG. 6, P.B.C.R.  
NOW MARTIN COUNTYS02°43'46"W 14.49'  
S40°55'42"E 11.03'  
S49°02'20"W 10.00'  
S40°55'42"E 30.00'S49°02'20"W  
15.00'

FILE: CREIGHTON CONSTRUCTION &amp; MANAGEMENT

SCALE: 1" = 60'

DRAWN: BB

ORDER NO.: 67238A

DATE: 5/27/20; REV. 5/28/20; 6/8/20

FLOW THROUGH EASEMENT

STUART, MARTIN COUNTY, FLORIDA

FOR: 7-ELEVEN SITE, 8100 SW JACK JAMES DRIVE

SHEET 2 OF 2

THIS DOCUMENT IS NEITHER FULL NOR  
COMPLETE WITHOUT SHEETS 1 AND 2

## LEGEND:

P.B.C.R. PALM BEACH COUNTY RECORDS

C CENTERLINE

P.B. PLAT BOOK

PG PAGE

F.D.O.T. FLORIDA DEPARTMENT OF TRANSPORTATION