

This instrument prepared by: Colleen J. Holmes  
Real Property Coordinator Martin County  
2401 SE Monterey Road Stuart, FL 34996

Project Name: The Reserve at Jensen Beach  
Address: Unassigned (2549)  
PCN: 27-37-41-007-000-00150-0

SPACE ABOVE THIS LINE FOR PROCESSING DATA

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## **UTILITY, DRAINAGE, ACCESS, AND MAINTENANCE EASEMENT**

**THIS UTILITY, DRAINAGE, ACCESS, AND MAINTENANCE EASEMENT** granted and executed this 24th day of August, 2020, by **Jensen CAP Investments, LLC, a Florida limited liability company**, whose address is 105 Foulk Road, Wilmington, DE 19803, 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 \$10.00 in hand paid by the Grantee, the receipt and sufficiency of which is hereby acknowledged, does hereby grant unto the Grantee forever, a perpetual utility, drainage, access, and maintenance 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") for the construction, reconstruction, replacement, operation, maintenance, and repair of utility-related equipment, including, but not limited to lift stations, pumps, pipelines, structures, and powerline hookups, if required, in, under, over, across, and through the Easement Premises and for access to and maintenance of Warner Creek and construction, installation and use of any surface and sub-surface drainage system necessary to ensure proper drainage, 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 conditioned upon same not unreasonably obstructing the ingress or egress of vehicular traffic and vehicular parking, to, from, across, through and over the Easement Premises including the roads, driveways and parking areas on the Easement Premises at any time including during the maintenance, operation, reconstruction or replacement of the facilities in the Easement Premises.

And the 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; that the land is not the homestead property of the Grantor; that Grantor fully warrants the title to the Easement Premises, and will defend the same against the lawful claims of all persons claiming by, through, and under Grantor.

Grantor further warrants that there are no mortgages encumbering the Easement Premises.

In the exercise of the rights granted herein to Grantee, Grantee shall perform same so

as to minimize to the extent possible the impact to the use of the roads, driveways, and parking areas used by Grantor's employees, contractors, tenants, and their employees, invitees, and contractors and/or any improvements thereon of Grantor. Subject to the foregoing, if the exercise of the rights granted herein to Grantee results in the disturbance of the surface of any lands, said disturbance shall be repaired, and the surface of such property and any improvements thereon shall be restored to the extent reasonably practical to their condition existing prior to the exercise of such rights to the reasonable satisfaction of Grantor, at Grantee's sole cost and expense. For example, in the event any opening is made in the ground in connection with the purposes permitted hereunder, said opening shall be backfilled and resurfaced with the same type of material and to, as nearly as possible, the same condition as existed when said opening was made, and Grantee shall be obligated to restore landscaping as nearly as possible to its original condition, including seeding any grass or landscaping which was removed upon entry. Grantee shall remove all debris from the Easement Premises and all surrounding property which results from its permitted work hereunder.



All work performed by any party hereunder, and its employees, agents or contractors hereunder, shall be done in a workmanlike and diligent manner and shall be performed at reasonable times.

Grantor for themselves and their successors and assigns reserves the right to use said Easement Premises for any purposes not inconsistent with the use of the Easement Premises provided same does not materially interfere with or prevent the use of the Easement Premises for the purposes intended herein and provided further that nothing contained herein, nor the exercise of any rights granted to Grantee hereunder, shall unreasonably interfere with Grantor's reasonable use of the Easement Premises.

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

WITNESSES:

Print

  
  
Print Laura Fagardo  
Laura Fagardo  
Print Laura Fagardo


GRANTOR:

Jensen CAP Investments, LLC, a Florida  
limited liability company

By:

Print

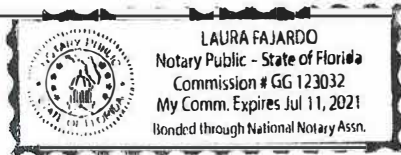
Its:

  
Stephen Cohen  
Authorized Representative

STATE OF FLORIDA  
COUNTY OF MARTIN

The foregoing instrument was acknowledged before me by means of ☒ physical presence or  
☐ online notarization, this 24<sup>th</sup> day of August, 2020, by  
Stephen Cohen, as Authorized Representative of Jensen CAP Investments,  
LLC, a Florida limited liability company, on behalf of the Company.

(SEAL)



  
Notary Public - State of Florida

Printed Name: Laura Fajardo

**Personally Known OR Produced Identification**  
Type of Identification Produced: \_\_\_\_\_



S:\05projects\05-80D-RESERVE AT JENSEN\dwg\SL-DRAIN ACCESS UTIL-RW.dwg, SL-DRAIN ACCESS UTIL (1), 3/12/2020 9:53:03 AM, DWG To PDF.pc3, 1:1, DB-2018VS



SURVEYOR'S NOTES

1. THE BEARINGS AS SHOWN HEREON ARE BASED ON STATE PLANE COORDINATES, NORTH AMERICAN DATUM OF 1983/1990 (N.A.D. 83/90), FLORIDA EAST ZONE, REFERENCE A BEARING OF N89°53'11"W ALONG THE SOUTH LINE OF LOT 15, MARY J. DESTAUBEN'S SUBDIVISION, MARTIN COUNTY, FLORIDA.

2. THIS IS NOT A BOUNDARY SURVEY.

3. THIS SKETCH AND LEGAL DESCRIPTION SHALL NOT BE VALID UNLESS PROVIDED IN ITS ENTIRETY CONSISTING OF SHEETS 1 THROUGH 3.

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)

LOCATION MAP  
(NOT TO SCALE)

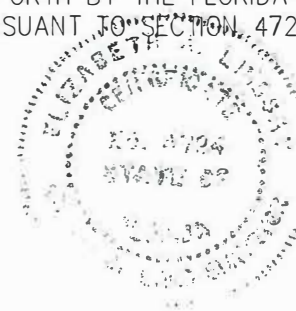
### SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE "SKETCH TO ACCOMPANY LEGAL DESCRIPTION" AS SHOWN HEREON WAS PREPARED UNDER MY DIRECTION AND CHARGE ON JUNE 12, 2019, AND THAT SAID "SKETCH TO ACCOMPANY LEGAL DESCRIPTION" IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. IT IS FURTHER CERTIFIED THAT THIS "SKETCH TO ACCOMPANY LEGAL DESCRIPTION" COMPLIES WITH THE STANDARDS OF PRACTICE FOR "SKETCH TO ACCOMPANY LEGAL DESCRIPTION" SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

BETSY LINDSAY, INC.  
SURVEYORS AND MAPPERS

ELIZABETH A. LINDSAY, P.L.S.  
FLORIDA REGISTRATION NO. 4724

NOT VALID WITHOUT THE SIGNATURE  
AND ORIGINAL RAISED SEAL OF FLORIDA  
LICENSED SURVEYOR AND MAPPER  
UNLESS DIGITALLY SIGNED



SHEET NO. <u>1</u>	<u>DATE</u>	<u>REVISIONS</u>
OF <u>3</u> SHEETS	12/06/19	REVISED PER CLIENT
PROJECT NO.	01/20/20	REVISED LEGAL DESCRIPTION
05-80 D	03/10/20	REVISE DRAWING PER MARTIN CO.

A PORTION OF THE S.E. 1/4 OF THE N.E. 1/4 OF SEC. 28,  
TWP. 37 S., RNC. 41 E. & LOTS 15 & 16, MARY J.  
DESTEUBEN'S SUBDIVISION - MARTIN COUNTY, FLORIDA

## SKETCH AND LEGAL DESCRIPTION

DATE 06/12/2019  
SCALE NOT TO SCALE  
FIELD BK. \_\_\_\_\_  
DRAWING BY D.B.  
CHECKED BY E.A.L.

**B** **BETSY LINDSAY, INC.**  
SURVEYING AND MAPPING  
7897 S.W. JACK JAMES DRIVE STUART, FLORIDA 34997  
(772)288-5753 (772)288-5933FAX  
LICENSED BUSINESS NO. 6852

# EXHIBIT A

## LEGAL DESCRIPTION

### DRAINAGE, ACCESS AND UTILITY EASEMENT

A PARCEL OF LAND BEING A PORTION OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 37 SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA AND LOTS 15 AND 16 OF THE PLAT OF MARY J. DESTUBEN'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 13, OF THE PUBLIC RECORDS OF ST. LUCIE (NOW MARTIN) COUNTY, FLORIDA. SAID PARCEL BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 28; THENCE NORTH 00°07'48" WEST ALONG THE EAST LINE OF SAID SECTION 28, 193.24 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°49'16" WEST, 44.98 FEET TO AN INTERSECTION WITH A LINE BEING 7.50 FEET EASTERLY OF AND PARALLEL WITH THE EASTERLY RIGHT OF WAY LINE OF N.E. SAVANNAH ROAD (STATE ROAD 723), A 100.00 FOOT RIGHT OF WAY PER OFFICIAL RECORDS BOOK 197, PAGE 407, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA, SAID POINT ALSO BEING THE POINT OF A NON TANGENT CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 1,490.19 FEET, WHICH THE RADIAL LINE BEARS SOUTH 84°26'38" EAST FROM THE CENTER OF SAID CURVE; THENCE NORTHERLY ALONG SAID CURVE, ALONG SAID PARALLEL LINE, AN ARC DISTANCE OF 13.72 FEET THROUGH A CENTRAL ANGLE OF 00°31'40"; THENCE CONTINUE ALONG SAID PARALLEL LINE NORTH 05°01'43" EAST, 126.29 FEET; THENCE, DEPARTING SAID PARALLEL LINE, SOUTH 50°45'25" EAST, 23.77 FEET; THENCE SOUTH 89°52'34" EAST, 640.72 FEET; THENCE NORTH 00°37'09" EAST, 15.03 FEET TO AN INTERSECTION WITH THE NORTH LINE OF SAID LOT 15; THENCE SOUTH 89°52'46" EAST ALONG SAID NORTH LINE, 172.00 FEET; THENCE SOUTH 00°29'46" WEST, 332.32 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF SAID LOT 16; THENCE NORTH 89°53'38" WEST ALONG SAID SOUTH LINE, 172.00 FEET; THENCE NORTH 00°29'46" EAST, 206.59 FEET; THENCE NORTH 89°52'53" WEST, 87.33 FEET; THENCE SOUTH 00°07'07" WEST, 10.75 FEET; THENCE SOUTH 89°52'53" EAST, 12.00 FEET; THENCE SOUTH 00°07'07" WEST, 10.00 FEET; THENCE NORTH 89°52'53" WEST, 12.00 FEET; THENCE SOUTH 00°07'07" WEST, 165.85 FEET; THENCE NORTH 89°53'38" WEST, 71.29 FEET; THENCE NORTH 00°06'22" EAST, 155.39 FEET; THENCE NORTH 89°52'46" WEST, 12.00 FEET; THENCE NORTH 00°06'22" EAST, 17.00 FEET; THENCE SOUTH 89°52'46" EAST, 12.00 FEET; THENCE NORTH 00°06'22" EAST, 50.00 FEET; THENCE NORTH 89°52'46" WEST, 114.63 FEET; THENCE SOUTH 45°07'14" WEST, 7.95 FEET; THENCE SOUTH 00°15'15" WEST, 41.83 FEET; THENCE SOUTH 89°49'16" WEST, 346.52 FEET TO THE POINT OF BEGINNING.

CONTAINING 145,258 SQUARE FEET OR 3.33 ACRES, MORE OR LESS.

SAID PARCEL BEING SUBJECT TO ANY/ALL EASEMENTS, RESERVATIONS, DEDICATIONS OR RESTRICTIONS.

## ABBREVIATIONS

NO.	NUMBER
O.R.B.	OFFICIAL RECORDS BOOK
P.L.S.	PROFESSIONAL LAND SURVEYOR
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
RNG.	RANGE
SEC.	SECTION
TWP.	TOWNSHIP

SHEET NO. 2  
OF 3 SHEETS  
PROJECT NO.  
05-80 D

DATE	REVISIONS
12/06/19	REVISED PER CLIENT
01/20/20	REVISED LEGAL DESCRIPTION
03/10/20	REVISE DRAWING PER MARTIN CO.

A PORTION OF THE S.E. 1/4 OF THE N.E. 1/4 OF SEC. 28,  
TWP. 37 S., RNG. 41 E. & LOTS 15 & 16, MARY J.  
DESTUBEN'S SUBDIVISION - MARTIN COUNTY, FLORIDA

**SKETCH AND LEGAL DESCRIPTION**  
DRAINAGE, ACCESS & UTILITY EASEMENT

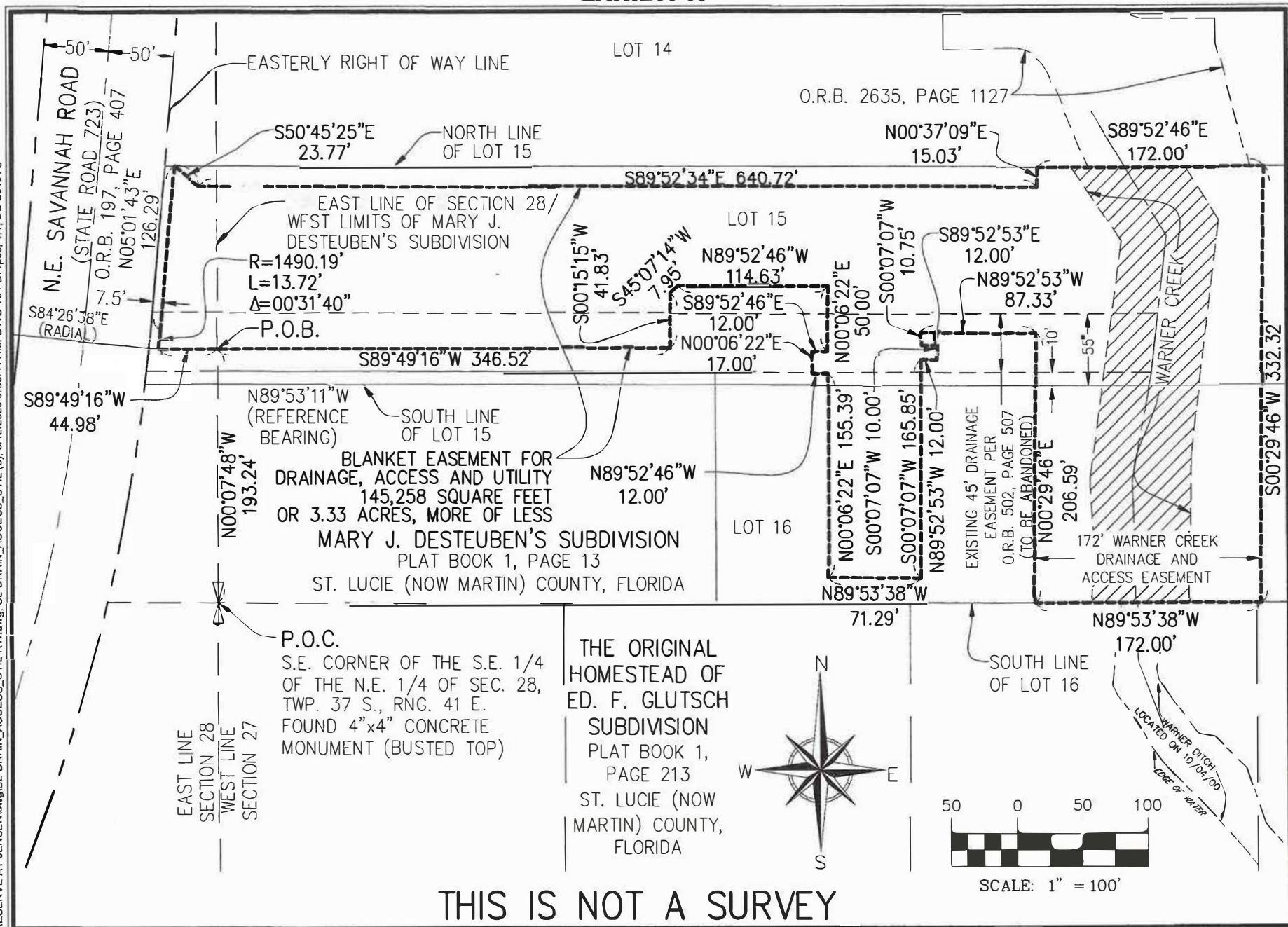
DATE 06/12/2019  
SCALE NOT TO SCALE  
FIELD BK.  
DRAWING BY D.B.  
CHECKED BY E.A.L.

**B** BETSY LINDSAY, INC.  
SURVEYING AND MAPPING  
7897 S.W. JACK JAMES DRIVE STUART, FLORIDA 34997  
(772)286-5753 (772)286-5933 FAX  
LICENSED BUSINESS NO. 6852



# EXHIBIT A

S:\05projects\05-80D-RESERVE AT JENSEN\DWG\SL-DRAIN\_ACCESS\_UTIL-RW.dwg, 3/12/2020 9:53:41 AM, DWG To PDF.pc3, 1:1, DB-2018V5



SHEET NO. 3  
OF 3 SHEETS  
PROJECT NO.  
05-80 D

DATE	REVISIONS
12/06/19	REVISED PER CLIENT
01/20/20	REVISED LEGAL DESCRIPTION
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A PORTION OF THE S.E. 1/4 OF THE N.E. 1/4 OF SEC. 28, TWP. 37 S., RNG. 41 E. & LOTS 15 & 16, MARY J. DESTEBUEN'S SUBDIVISION - MARTIN COUNTY, FLORIDA

**SKETCH AND LEGAL DESCRIPTION**  
**DRAINAGE, ACCESS & UTILITY EASEMENT**

DATE 06/12/2019  
SCALE 1" = 100'  
FIELD BK.  
DRAWING BY D.B.  
CHECKED BY E.A.L.

**B** **BETSY LINDSAY, INC.**  
SURVEYING AND MAPPING  
7997 S.W. JACK JAMES DRIVE STUART, FLORIDA 34997  
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