

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

RESOLUTION NUMBER _____

**[REGARDING A PHASE 2C FINAL SITE PLAN APPROVAL
FOR BANYAN BAY PUD
WITH A CERTIFICATE OF PUBLIC FACILITIES RESERVATION]**

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

1. Banyan Bay Macks, LLC, submitted an application for Phase 2C final site plan approval for the Banyan Bay PUD project, located on lands legally described in Exhibit A, attached hereto.
2. Upon proper notice of hearing this Board held a public meeting on the application on September 29, 2020.
3. 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 Phase 2C final site plan, attached hereto as Exhibit B, for the Banyan Bay PUD project is approved. Development of Phase 2C of the Banyan Bay PUD project shall be in accordance with the approved final site plan attached hereto as Exhibit B.

B. 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 Phase 2C final site plan for the Banyan Bay PUD project null and void.

C. 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. MARTIN COUNTY, FLA., LDR § 4.37

D. The Owner is not authorized to haul fill off of the site. The Owner must comply with all County excavation and fill regulations.

E. As part of the conditions of approval for all development orders for Major applications, including PUDs, the applicant shall provide annual status reports to the County Administrator to ensure that development occurs according to the terms of the development order. The Monitoring report shall be due on the Anniversary date of the Revised Master Plan Approval.

F. 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.

G. 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 29th DAY OF SEPTEMBER, 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 A
BANYAN BAY PUD, PHASE 2C
LEGAL DESCRIPTION

Commence at the Northeasterly corner of Banyan Bay P.U.D. (Plat Book 16, Page 75) and the Westerly right-of-way line of State Road No. 76 and the beginning of a non-tangent curve concave to the left having a radius of 5669.58 feet; the chord of which bears North 08°33'30" East, a distance of 272.44 feet; thence along the arc of said curve through a central angle of 02°45'13", a distance of 272.47 feet to the POINT OF BEGINNING; Thence, departing said Westerly right-of-way line, and along the easterly portion of that certain Conservation Easement recorded in Official Record Book 2095, page 252, Public Records of Martin County, Florida the following courses, and non-tangent to the last described curve, North 79°02'28" West, a distance of 108.53 feet; Thence South 80°41'31" West, a distance of 102.43 feet; Thence South 56°07'04" West, a distance of 75.20 feet;

Thence South 79°58'00" West, a distance of 71.60 feet;

Thence North 80°02'11" West, a distance of 105.31 feet;

Thence South 87°33'54" West, a distance of 107.33 feet;

Thence South 83°24'41" West, a distance of 55.21 feet;

Thence North 11°06'01" West, a distance of 39.36 feet;

Thence North 43°08'57" West, a distance of 7.95 feet;

Thence North 60°10'20" West, a distance of 75.58 feet;

Thence North 44°07'50" West, a distance of 67.92 feet;

Thence North 23°38'07" West, a distance of 78.91 feet;

Thence North 44°34'57" West, a distance of 29.99 feet;

Thence North 66°17'32" East, a distance of 80.69 feet;

to the beginning of a non-tangent curve concave to the left having a radius of 50.00 feet; the chord of which bears South 67°29'15" East, a distance of 34.56 feet; thence along the arc of said curve through a central angle of 40°26'28", a distance of 35.29 feet; Thence South 87°42'29" East, a distance of 140.73 feet; to the beginning of a curve concave to the left having a radius of 50.00 feet; the chord of which bears North 60°54'54" East, a distance of 52.07 feet; thence along the arc of said curve through a central angle of 62°45'15", a distance of 54.76 feet; Thence North 29°32'16" East, a distance of 120.22 feet; Thence North 04°31'43" East, a distance of 119.01 feet; Thence North 20°56'43" West, a distance of 83.36 feet;

Thence North 07°11'26" West, a distance of 49.86 feet;

Thence North 13°55'07" East, a distance of 119.90 feet;

Thence North 14°50'04" West, a distance of 211.47 feet;

Thence North 47°25'55" West, a distance of 85.32 feet;

Thence North 66°17'32" East, a distance of 257.68 feet;

Thence South 67°14'56" East, a distance of 56.85 feet;

Exhibit A continued

to the beginning of a curve concave to the left having a radius of 50.00 feet; the chord of which bears North $81^{\circ}27'08''$ East, a distance of 51.95 feet; thence along the arc of said curve through a central angle of $62^{\circ}35'52''$, a distance of 54.63 feet;

Thence South $72^{\circ}41'46''$ East, non-tangent to the last described curve, a distance of 94.11 feet; Thence South $86^{\circ}57'46''$ East, a distance of 33.55 feet;

Thence South $39^{\circ}17'58''$ East, a distance of 35.60 feet;

Thence South $77^{\circ}04'42''$ East, a distance of 70.04 feet;

Thence North $76^{\circ}22'46''$ East, a distance of 33.82 feet to the westerly Right of Way of State Road 76 (a 120 foot Right of Way); thence, departing the aforesaid easterly line of that certain Conservation easement, along said Westerly Right of Way, a non-tangent curve concave to the right having a radius of 5669.58 feet; the chord of which bears South $02^{\circ}15'06''$ West, a distance of 974.44 feet; thence along the arc of said curve through a central angle of $09^{\circ}51'35''$, a distance of 975.65 feet to the POINT OF BEGINNING.

Containing 12.94 acres more or less.

PARCEL I.D. NUMBER 41-38-41-000-000-00040-0

