



**December 19, 2019**

**Hand Delivery**

Nicki van Vonno, Director  
Martin County Growth Management Department  
2401 SE Monterey Road  
Stuart, FL 34996

**Re: Banyan Bay PUD – Revised Master and Phasing Plan, 9th PUD Amendment and Phase 2C Final Site Plan Application with Certificate of Public Facilities Reservation (Our Reference: #18-387)**

Dear Nicki:

On behalf of Banyan Bay Macks, LLC, we are pleased to submit this application for revised master and phasing plan (9th PUD Amendment), and concurrent final site plan approval of Phase 2C. As described in the enclosed project narrative, the sole purpose of the PUD Amendment is to change the product type and reduce the density in Phase 2C from 48 duplex units to 36 single family units.

The PUD Amendment application includes a concurrent application to obtain final site plan approval of Phase 2C. No changes to PUD special conditions, Preserve Area Management Plan (PAMP), stormwater management plan or other project elements are proposed or required.

With this understanding, please find enclosed the sufficiency review fee check in the amount of \$290.00, the CD with PDF copies of the application materials, and the original application package containing the following materials (the additional set of the 24x36 plans will be submitted upon a completeness determination):

1. Application form;
2. Digital submittal affidavit;
3. Project narrative;
4. The owner's notarized power of attorney for representation by Lucido & Associates;
5. The owner's disclosure of interest affidavit;
6. The recorded deed documenting ownership by Banyan Bay Macks, LLC;
7. The no property transfer statement;
8. The Phase 2C legal description;
9. The proposed Ninth PUD Amendment;
10. Parcel location, current aerial, future land use and zoning maps;
11. Signed & sealed engineer's opinion of probable excavation, fill and hauling for Phase 2C;
12. Signed & sealed stormwater report for Phase 2C;
13. The stormwater maintenance plan for Phase 2C
14. Signed & sealed traffic impact statement for Phase 2C;
15. Wildfire scoresheet;
16. The school impact worksheet;
17. The approved PAMP for the entire project;
18. Utility service letters;
19. Proposed water sources for Phase 2C;
20. Utilities information sheet for Phase 2C;

21. PUD statement of benefits;
22. The proposed revised master site plan, and digital copy of same;
23. The proposed revised phasing plan, and digital copy of same;
24. Signed & sealed boundary and topographic survey for Phase 2A, and digital copy of same;
25. The proposed Phase 2C final site plan, and digital copy of same;
26. The Phase 2C landscape plan including the protected tree inventory and mitigation plan;
27. The recorded 7<sup>th</sup> PUD Amendment;
28. The recorded 8<sup>th</sup> PUD Amendment;
29. The stamped-approved revised master plan (11x17);
30. The stamped-approved revised phasing plan (11x17);
31. The approved hurricane evacuation plan; and
32. Signed & sealed construction plans, including a land clearing and erosion control plan for Phase 2C.

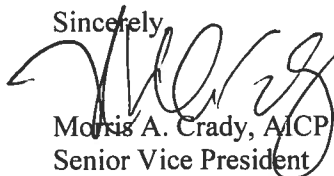
The following standard application materials are not provided for the reasons indicated:

- **Land dedication documentation** – No land dedications are required or proposed.
- **Environmental waiver** – No waivers or exceptions are required or proposed.
- **Landscape alternative compliance** – Alternative compliance is not proposed or required.
- **CRA alternative compliance** – The project is not within a CRA.
- **Groundwater model** – Not required because water source is Martin County utilities.
- **Lift station calculations** – The existing lift station in Phase 1 was recently upgraded with Phase 2A to include this phase.
- **Certified list of surrounding property owners** – No notice is required for this application.
- **Lighting plan** – No lights are required or proposed.
- **Architectural drawings, floor plans, commercial design drawings** – Not applicable.

Upon a determination of completeness, we will promptly submit the additional set of 24x36 plans for and the application fee in the amount of \$13,800.00.

Please feel free to contact me if you have any questions or need additional information.

Sincerely,



Morris A. Crady, AICP  
Senior Vice President  
Copy Team



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)

## Page 1 of 4

**C. PROJECT PROFESSIONALS**

**Applicant (Name or Company):** Same as Owner

Company Representative: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_, State: FL Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**Agent (Name or Company):** LUCIDO & ASSOCIATES

Company Representative: MORRIS A. CRADY

Address: 701 SE OCEAN BOULEVARD

City: STUART, State: FL Zip: 34994

Phone: 772-220-2100 Email: MCRADY@LUCIDODESIGN.COM

**Contract Purchaser (Name or Company):** N/A

Company Representative: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_, State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**Land Planner (Name or Company):** Same as Agent

Company Representative: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_, State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**Landscape Architect (Name or Company):** Same as Agent

Company Representative: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_, State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**Surveyor (Name or Company):** GCY Surveying, Inc.

Company Representative: Pete Anderson

Address: 1505 SW Martin Highway

City: Palm City, State: FL Zip: 34991

Phone: 772 286-8083 Email: \_\_\_\_\_

**Civil Engineer (Name or Company):** Kimley Horn

Company Representative: Blaine Bergstresser

Address: 445 24th Street

City: Vero Beach, State: FL Zip: 32960

Phone: 772-794-4061 Email: \_\_\_\_\_

## PROJECT PROFESSIONALS CONTINUED

**Traffic Engineer (Name or Company):** Same as engineer

Company Representative: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_, State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**Architect (Name or Company):** Not Applicable

Company Representative: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_, State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**Attorney (Name or Company):** Gunster Law Firm

Company Representative: Robert S. Raynes, Jr.

Address: 800 SE Monterey Commons Blvd.

City: Stuart, State: FL Zip: 34996

Phone: 772 288-1980 Email: RRaynesJr@Gunster.com

**Environmental Planner (Name or Company):** EW Consultants, Inc.

Company Representative: Paul Ezzo

Address: 1000 SE Monterey Commons Blvd, Suite 208

City: Stuart, State: FL Zip: 34996

Phone: 772-287-8771 Email: pezso@ewconsultants.com

**Other Professional (Name or Company):** Not Applicable

Company Representative: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_, State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

### D. Certification by Professionals

Section 10.2.D.7., Article 10, Development Review Procedures, Land Development Regulations (LDR), Martin County Code (MCC) provides the following:

When reviewing an application for a development permit that is certified by a professional listed in s. 403.0877, F.S., the County shall not request additional information from the application more than three times, unless the applicant waives the limitation in writing. If the applicant believes the request for additional information is not authorized by ordinance, rules, statute, or other legal authority, the County, at the applicant's request, shall proceed to process the application for approval or denial. **(125.022(1), Fla. Stat.)**



This box must be checked if the applicant waives the limitations.

**E. APPLICANT or AGENT CERTIFICATION**

I have read this application, and to the extent that I participated in the application, I have answered each item fully and accurately.

[Signature]  
Applicant Signature

12-19-19  
Date

Morris A. Crady  
Printed Name

**NOTARY ACKNOWLEDGMENT**

STATE OF: Fla. COUNTY OF: Martin

I hereby certify that the foregoing instrument was acknowledged before me this 19<sup>th</sup> day of December, 20 19, by Morris A. Crady

☒ He or She ☒ is personally known to me or ☐ has produced \_\_\_\_\_ as identification.

[Signature]  
Notary Public Signature

Shannon D. Garrett  
Printed name

STATE OF: Fla at-large





**Martin County County Florida Growth Management Department  
DEVELOPMENT REVIEW DIVISION  
2401 SE Monterey Road, Stuart, FL 34996  
772-288-5495 [www.martin.fl.us](http://www.martin.fl.us)**

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)

## Digital Submittal Affidavit

I, Morris A. Crady, attest that the electronic version included for the project Banyan Bay PUD Master & Final Site Plan is an exact copy of the documents that were submitted for sufficiency, excluding any requested modifications made by the sufficiency review team. All requested modifications, if any, have been completed and are included with the packet.

[Signature]  
Applicant Signature

12-19-19  
Date

### NOTARY ACKNOWLEDGMENT

STATE OF: Fla COUNTY OF: Martin

I hereby certify that the foregoing instrument was acknowledged before me this 19<sup>th</sup> day of December, 20 19, by MORRIS A. Crady.

☒ He or She ☐ is personally known to me or \_\_\_ has produced \_\_\_ as identification.

[Signature]  
Notary Public Signature

Shannon D Garrett  
Printed name

STATE OF: Fla

at-large



## **PROJECT NARRATIVE**

### **BANYAN BAY PUD Revised Master Plan (9<sup>th</sup> PUD Amendment) and Phase 2C Final Site Plan Application December 19, 2019**

#### ***Existing Property Characteristics***

The 251-acre (+/-) subject property is an existing residential PUD located between South Kanner Highway and the South Fork of the St. Lucie River in Martin County. Main access to the property is by way of the existing signalized intersection at Kanner Highway (SR 76) and SE Pomeroy Street. The approved PUD Master Plan allows for 305 dwelling units in 5 distinct phases with an overall project completion deadline in 2027.

Final site plan approval of Phase 1 was obtained in 2005 and the Phase 1 plat was approved in 2008. Phase 1 improvements included the construction of the project entrance and infrastructure improvements for 74 single family lots and a recreation building, creation of a Preserve Area Management Plan (PAMP) for the entire site. The recreation building and all lots and homes in Phase 1 have been sold.

Phase 2A, which consists of 111 single family lots, and Phase 2B, which consists of waterfront recreational improvements, have been approved and are under construction in accordance with the 7<sup>th</sup> PUD Amendment.

Phase 2C, which consists of 48 duplex units, and Phase 3, which consists of 72 multi-family units, have not received final site plan approval but are in compliance with approved PUD timetable of development schedule.

#### ***Proposed PUD Amendment/Phase 2C Final Site Plan Application***

The proposed PUD Amendment is solely limited to reducing the number of units and changing the product type in Phase 2C from 48 duplex units to 36 single family units. No changes to the approved Preserve Area Management Plan, drainage requirements, open space, height or setback requirements are required or proposed. Water and wastewater services will continue to be supplied by Martin County Utilities.

Except for the reduced number of units and change in product type from duplex to single family, the Phase 2C final site plan has been prepared in accordance with all applicable requirements of the PUD special conditions, the Martin County Comprehensive Plan and the Martin County Land Development Regulations.



***Banyan Bay Macks, LLC  
4750 Owings Mills Boulevard  
Owings Mills, Maryland 21117***

July 1, 2019

Nicki van Vonno, Director  
Martin County Growth Management Department  
2401 S.E. Monterey Road  
Stuart, FL 34996


Re: Banyan Bay PUD

Dear Ms. van Vonno:

As owner of the above-referenced property, please consider this correspondence as formal authorization for Lucido & Associates to represent Banyan Bay Macks, LLC during the governmental review process of the application.

Sincerely,


**BANYAN BAY MACKS, LLC,**  
a Delaware limited liability company

By:   
Jonathan C. Mayers, Manager

STATE OF Maryland  
COUNTY OF Baltimore

The foregoing was acknowledged before me this 3<sup>rd</sup> day of July, 2019,  
by JONATHAN C. MAYERS, Manager of BANYAN BAY MACKS, LLC, a  
Delaware limited liability company, on behalf of the Company. He ☒ is personally known to  
me or ☐ has produced \_\_\_\_\_ as identification.

(Notarial Seal)

  
NOTARY PUBLIC  
My Commission Expires: 11-18-2020

Robin Andrea Smith  
Notary Public  
Baltimore County, Maryland  
My Commission Expires  
November 18, 2020

## DISCLOSURE OF INTEREST AFFIDAVIT

BEFORE ME, the undersigned authority, duly authorized to take acknowledgments and administer oaths, personally appeared the undersigned person on the date set forth below, who, first being duly sworn, deposes and says under penalties of perjury:

1. That the record property owner(s) of the Real Property described in **Exhibit "A"** to this Affidavit is (are) as follows:

Name	Address
Banyan Bay Macks, LLC, a Delaware limited liability company	4750 Owings Mills Boulevard Owings Mills, MD 21117

(If more space is needed attach separate sheet)

2. That the following is a list of every natural person and entity with any legal or equitable interest in the property (as defined in Section 10.2.B.3. Land Development Regulations, Martin County Code):

Name	Address	Interest
Josh E. Fidler	c/o Chesapeake Realty Partners 4750 Owings Mills Blvd Owings Mills, MD 21117	50%
Lawrence M. Macks	c/o Chesapeake Realty Partners 4750 Owings Mills Blvd Owings Mills, MD 21117	50%

(If more space is needed attach separate sheet)

3. That the following is a list of those, who have any interest in a contract for sale of the property, or a conveyance of any interest in the property, including but not limited to, real estate brokers and salespersons; and any and all mortgagees of the property:

Name	Address	Interest

(If more space is needed attach separate sheet)

4. That the following is a list of all other applications for which the applicant has an interest as defined in subsection b. and c. of Section 10.2.B.3. Land Development Regulations, Martin County Code currently pending before Martin County. The list shall include any development applications, waiver applications, road opening applications, and lien reduction requests.

Application Name and/or Project Number	Names & Addresses of Parties involved	Date	Type of Application	Status of Application *
None				

(If more space is needed attach separate sheet)

- Status defined as:  
A = Approved  
P = Pending  
D = Denied  
W = Withdrawn

This Affidavit is given for the purpose of establishing compliance with the provisions of Section 10.2.B.3 Land Development Regulations; Martin County Code.

FURTHER AFFIANT SAYETH NOT.

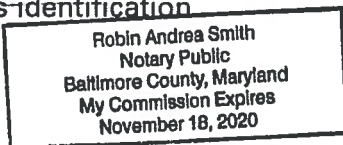
AFFIANT

*Jonathan C. Mayers*  
Jonathan C. Mayers, Manager  
Banyan Bay Macks, LLC

STATE OF Maryland  
COUNTY OF Baltimore

The foregoing Disclosure of Interest Affidavit was sworn to, affirmed and subscribed before me this 3rd day of July 2019, by JONATHAN C. MAYERS, MANAGER OF BANYAN BAY MACKS, LLC, A DELAWARE LIMITED LIABILITY COMPANY, who is personally known to me or have produced \_\_\_\_\_

as identification



(Notary Seal)

*Robin Andrea Smith*  
Notary Public, State of Maryland  
Print Name: Robin Andrea Smith  
My Commission Expires: 11-18-2020

**Exhibit "A"**  
**(Disclosure of Interest and Affidavit)**  
**(Legal Description)**

**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;

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

Thence South 72°41'46" East, non-tangent to the last described curve, a distance of 94.11 feet; Thence South 86°57'46" East, a distance of 33.55 feet;

Thence South 39°17'58" East, a distance of 35.60 feet;

Thence South 77°04'42" East, a distance of 70.04 feet;

Thence North 76°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°15'06" West, a distance of 974.44 feet; thence along the arc of said curve through a central angle of 09°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

98

Consideration: \$19,000,000.00  
 Doc Stamps: \$ 133,000.00

*Prepared by and return to:*

**FELDMAN & MAHONEY, P.A.**  
**Donna J. Feldman, Esq.**  
**2240 Belleair Road**  
**Suite 210**  
**Clearwater, Florida 33764**

Tax Parcel Numbers: Multiple

### SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED ("Deed") is made as of December 28, 2016, by **BANYAN BAY VENTURE I, LLC**, a Delaware limited liability company, and **BANYAN BAY VENTURE II, LLC**, a Delaware limited liability company (collectively, the "**Grantor**"), each as their interests appear, each of whose address is 7807 Baymeadows Road East, Suite 205, Jacksonville, Florida 32256, in favor of **BANYAN BAY MACKS, LLC**, a Delaware limited liability company ("**Grantee**"), whose address is 4750 Owings Mills Boulevard, Owings Mills, Maryland 21117.

WITNESSETH, that Grantor, for and in consideration of the sum of Ten Dollars (\$10.00), and other valuable consideration, lawful money of the United States of America, to it in hand paid by Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed to Grantee, its successors and assigns forever, all of the following described land in Martin County, Florida ("**Property**"), together with all ways, easements, covenants, benefits, rights of way, agreements, privileges, fixtures, improvements and appurtenances thereunto appertaining:

See Exhibit "A" attached hereto.

TO HAVE AND TO HOLD the Property, with the appurtenances, unto Grantee, its successors and assigns, in fee simple forever;

And Grantor does hereby covenant with Grantee that the Property is free from all liens and encumbrances except those matters set forth on Exhibit "B" attached hereto and incorporated herein by reference (the "**Permitted Exceptions**");

And Grantor does hereby fully warrant title to the Property unto said Grantee, its successors and assigns, and will defend the same against the lawful claims of all persons claiming by, through or under Grantor, but against none other, subject only to the Permitted Exceptions.

*[Signatures begin on the following page.]*



[Banyan Bay Venture I Signature page to Special Warranty Deed]

IN WITNESS WHEREOF, Grantor has executed this Deed under seal on the date aforesaid.

Signed, sealed and delivered  
in the presence of:

BANYAN BAY VENTURE I, LLC,  
a Delaware limited liability company

Sara G. Zebouni  
Signature of Witness #1

By: [Signature]  
Graydon E. Miars, Vice President

SARA G. ZEBOUNI

Typed/Printed Name of Witness #1

Chris O'Sannon  
Signature of Witness #2

CHRIS O'SANNON

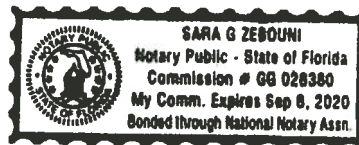
Typed/Printed Name of Witness #2

STATE OF FLORIDA

COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 14<sup>TH</sup> day of December, 2016, by Graydon E. Miars, as Vice President of Banyan Bay Venture I, LLC, a Delaware limited liability company, on behalf of the company, (check one) ☒ who is personally known to me or ☐ who has produced a \_\_\_\_\_ as identification.

Sara G. Zebouni  
Notary Public, State of Florida  
My Commission Expires: 9/8/2020  
Affix Notary Seal Below:



[Banyan Bay Venture II Signature page to Special Warranty Deed]

IN WITNESS WHEREOF, Grantor has executed this Deed under seal on the date aforesaid.

Signed, sealed and delivered  
in the presence of:

SARA G. ZEBOUNI

Signature of Witness #1

SARA G. ZEBOUNI

Typed/Printed Name of Witness #1

CHRIS O'BANNON

Signature of Witness #2

CHRIS O'BANNON

Typed/Printed Name of Witness #2

BANYAN BAY VENTURE II, LLC,  
a Delaware limited liability company

By: [Signature]

Graydon E. Miars, Vice President

STATE OF FLORIDA

COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 14<sup>TH</sup> day of December, 2016, by Graydon E. Miars, as Vice President of Banyan Bay Venture II, LLC, a Delaware limited liability company, on behalf of the company, (check one) /V/ who is personally known to me or / / who has produced a                      as identification.

[Signature]  
Notary Public, State of Florida

My Commission Expires: 9/8/2020

Affix Notary Seal Below:

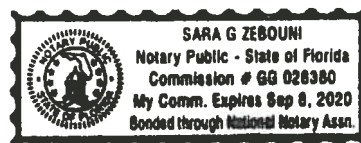


Exhibit "A"  
Property

PARCEL 1:

A PARCEL OF LAND LYING PARTIALLY IN LOT 6 AND PARTIALLY IN LOT 7 OF THE COMMISSIONER'S SUBDIVISION OF THE MILES OR HANSON GRANT AS RECORDED IN PLAT BOOK 1, PAGE 11, PALM BEACH COUNTY, NOW MARTIN COUNTY, FLORIDA, PUBLIC RECORDS, AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE ABOVE DESCRIBED LOT 7, THENCE PROCEED SOUTH 66° 37' 10" WEST ALONG THE SOUTH LINE OF LOT 7 FOR A DISTANCE OF 206.38 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 76 AND THE POINT OR PLACE OF BEGINNING; (1) THENCE CONTINUE SOUTH 66° 37' 10" WEST, ALONG THE SOUTH LINE OF SAID LOT 7 FOR A DISTANCE OF 1316.00 FEET TO A POINT; (2) THENCE PROCEED NORTH 23° 22' 50" WEST FOR A DISTANCE OF 1900.00 FEET TO A POINT; (3) THENCE PROCEED NORTH 66° 37' 10" EAST FOR A DISTANCE OF 2892.17 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 76, SAID POINT BEING ON A CURVE CONCAVE TO THE WEST AND SAID CURVE HAVING A RADIUS OF 5679.65 FEET; (4) THENCE PROCEED SOUTHERLY ALONG THE ARC OF SAID CURVE AND ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD NO. 76, THROUGH A CENTRAL ANGLE OF 18° 23' 09", FOR A DISTANCE OF 1822.56 FEET TO THE END OF SAID CURVE; (5) THENCE PROCEED SOUTH 23° 02' 30" WEST ALONG THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 76 FOR A DISTANCE OF 660.15 FEET TO THE POINT OR PLACE OF BEGINNING.

PARCEL 2:

A PARCEL OF LAND LYING PARTIALLY IN LOT 6 AND PARTIALLY IN LOT 7 OF THE COMMISSIONER'S SUBDIVISION OF THE MILES OR HANSON GRANT AS RECORDED IN PLAT BOOK 1, PAGE 11, PALM BEACH COUNTY, NOW MARTIN COUNTY, FLORIDA, PUBLIC RECORDS, AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE ABOVE DESCRIBED LOT 7; THENCE PROCEED SOUTH 66° 37' 10" WEST ALONG THE SOUTH LINE OF LOT 7 FOR A DISTANCE OF 206.38 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 76; THENCE PROCEED NORTH 23° 02' 30" EAST ALONG THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 76 FOR A DISTANCE OF 660.15 FEET TO A POINT OF CURVE TO THE LEFT, SAID CURVE BEING CONCAVE TO THE WEST AND HAVING A RADIUS OF 5679.65 FEET; THENCE PROCEED NORTHERLY ALONG THE ARC OF SAID CURVE AND ALONG THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 76 THROUGH A CENTRAL ANGLE OF 18° 23' 09" FOR A DISTANCE OF 1822.56 FEET TO THE POINT OR PLACE OF BEGINNING; (1) THENCE PROCEED SOUTH 66° 37' 10" WEST ALONG A LINE PARALLEL TO AND 1900 FEET NORTHERLY OF, AS MEASURED PERPENDICULAR TO, THE SOUTH LINE OF THE ABOVE DESCRIBED LOT 7 FOR A DISTANCE OF 4067.56 FEET TO THE EASTERLY SHORE OF THE SOUTH FORK OF THE ST. LUCIE RIVER; THENCE PROCEED ALONG THE SHORE OF SAID RIVER OF THE FOLLOWING BEARINGS AND DISTANCES; (2) NORTH 00° 25' 55" WEST FOR 111.67 FEET; (3) NORTH 05° 00' 38" WEST FOR 100.33 FEET; (4) NORTH 07° 16' 55" WEST FOR 100.07 FEET; (5) NORTH 10° 43' 57" WEST FOR 100.02 FEET; (6) NORTH 10° 09' 01" WEST FOR 100.01 FEET; (7) NORTH 23° 40' 31" WEST FOR 103.07 FEET; (8) NORTH 24° 52' 45" WEST FOR 92.54 FEET; (9) NORTH 27° 22' 34" WEST FOR 100.60 FEET; (10) NORTH 31° 55' 43" WEST FOR 100.04 FEET; (11) NORTH 41° 36' 39" WEST FOR 26.79 FEET AND THE END OF SAID RIVER SHORE TRAVERSE; (12) THENCE PROCEED NORTH 66° 37' 10" EAST ALONG A LINE PARALLEL TO AND 909.45 FEET NORTHERLY OF, AS MEASURED PERPENDICULAR TO THE LINE DESCRIBED IN CALL NO. 1 FOR A DISTANCE OF 4339.96 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 76 SAID POINT BEING ON A CURVE CONCAVE TO THE WEST AND SAID CURVE HAVING A RADIUS OF 5679.65 FEET; (13) THENCE PROCEED SOUTHERLY ALONG THE ARC OF SAID CURVE AND ALONG

THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 76 THROUGH A CENTRAL ANGLE OF 09° 58' 58" FOR A DISTANCE OF 989.58 FEET TO THE POINT OR PLACE OF BEGINNING.

PARCEL 3:

A PARCEL OF LAND LYING AND BEING IN LOT 7 OF THE COMMISSIONER'S SUBDIVISION OF THE MILES OR HANSON GRANT AS RECORDED IN PLAT BOOK 1, PAGE 11, PALM BEACH COUNTY, NOW MARTIN COUNTY, FLORIDA, PUBLIC RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 7, THENCE PROCEED SOUTH 66° 37' 10" WEST ALONG THE SOUTH LINE OF THE HANSON GRANT FOR A DISTANCE OF 1522.38 FEET TO THE POINT OR PLACE OF BEGINNING; (1) THENCE PROCEED NORTH 23° 22' 50" WEST FOR A DISTANCE OF 1900.00 FEET TO A POINT; (2) THENCE PROCEED SOUTH 66° 37' 10" WEST FOR A DISTANCE OF 1175.39 FEET TO A POINT ON THE APPROXIMATE MEAN HIGH WATER LINE OF THE ST. LUCIE RIVER; (3) THENCE MEANDER SOUTHERLY ALONG THE APPROXIMATE MEAN HIGH WATER LINE OF THE ST. LUCIE RIVER ON THE FOLLOWING BEARINGS AND DISTANCES; THENCE SOUTH 01° 29' 55" EAST FOR 89.15 FEET; THENCE SOUTH 02° 21' 15" EAST FOR 100.08 FEET; THENCE SOUTH 13° 11' 34" EAST FOR 30.80 FEET; THENCE SOUTH 00° 53' 11" EAST FOR 70.01 FEET; THENCE SOUTH 00° 31' 07" WEST FOR 100.00 FEET; THENCE SOUTH 04° 39' 00" WEST FOR 109.54 FEET; THENCE SOUTH 15° 58' 58" WEST FOR 95.04 FEET; THENCE SOUTH 21° 01' 09" WEST FOR 87.60 FEET; THENCE SOUTH 34° 40' 17" WEST FOR 185.40 FEET; THENCE SOUTH 42° 56' 04" WEST FOR 49.64 FEET; THENCE SOUTH 10° 24' 51" EAST FOR 24.84 FEET; THENCE SOUTH 65° 36' 31" EAST FOR 22.52 FEET; THENCE NORTH 41° 57' 34" EAST FOR 15.33 FEET; THENCE NORTH 19° 32' 32" EAST FOR 15.87 FEET; THENCE NORTH 84° 23' 41" EAST FOR 35.73 FEET; THENCE SOUTH 47° 30' 15" EAST FOR 31.23 FEET; THENCE SOUTH 05° 15' 53" WEST FOR 85.88 FEET; THENCE SOUTH 01° 47' 58" WEST FOR 109.63 FEET; THENCE SOUTH 06° 51' 17" EAST FOR 101.72 FEET; THENCE SOUTH 29° 58' 59" WEST FOR 52.21 FEET; THENCE SOUTH 41° 55' 21" WEST FOR 165.69 FEET; THENCE SOUTH 52° 25' 30" WEST FOR 70.37 FEET; THENCE SOUTH 56° 40' 04" WEST FOR 66.19 FEET; THENCE SOUTH 06° 39' 57" WEST FOR 58.32 FEET; THENCE SOUTH 17° 41' 50" WEST FOR 44.21 FEET; THENCE SOUTH 04° 41' 51" WEST FOR 10.75 FEET; THENCE SOUTH 25° 58' 39" EAST FOR 50.16 FEET; THENCE SOUTH 42° 57' 56" EAST FOR 51.19 FEET; THENCE SOUTH 20° 30' 36" WEST FOR 27.61 FEET TO A POINT IN THE CENTERLINE OF A CREEK SHOWN AS POINTE LAGOON CREEK; (4) THENCE MEANDER GENERALLY SOUTHEASTERLY ALONG THE CENTERLINE OF SAID POINTE LAGOON CREEK TO THE POINT OF INTERSECTION OF SAID CENTERLINE AND THE SOUTH LINE OF THE HANSON GRANT; (5) THENCE PROCEED NORTH 66° 37' 10" EAST ALONG THE SOUTH LINE OF THE HANSON GRANT FOR A DISTANCE OF 1639.03 FEET TO THE POINT OR PLACE OF BEGINNING.

LESS AND EXCEPT:

THAT PART OF LOTS 6 AND 7, ACCORDING TO THE PLAT OF MILES OR HANSON GRANT, AS RECORDED IN PLAT BOOK 1, PAGE 11, PUBLIC RECORDS OF PALM BEACH (NOW MARTIN) COUNTY, FLORIDA, LYING WESTERLY OF STATE ROAD 76, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID LOT 7; THENCE RUN SOUTH 66° 11' 42" WEST ALONG THE SOUTH LINE OF SAID LOT 7 A DISTANCE OF 206.38 FEET TO THE WESTERLY EXISTING RIGHT OF WAY LINE FOR STATE ROAD 76; THENCE NORTH 22° 45' 25" EAST ALONG SAID EXISTING RIGHT OF WAY LINE, A DISTANCE OF 193.93 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 22° 45' 25" EAST ALONG SAID EXISTING RIGHT OF WAY LINE A DISTANCE OF 467.25 FEET TO A POINT OF CURVATURE WITH A CURVE CONCAVE WESTERLY, HAVING A RADIUS OF 5679.58 FEET AND A CHORD WHICH BEARS NORTH 08° 34' 42" EAST; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE AND SAID EXISTING RIGHT OF WAY LINE FOR STATE ROAD 76 SUBTENDED BY A CENTRAL ANGLE OF 28° 21' 26" , A DISTANCE

OF 2810.98 FEET TO A LINE PARALLEL WITH AND 2809.45 FEET NORTH OF AS MEASURED AT RIGHT ANGLES TO THE SOUTH LINE OF LOTS 6 AND 7; THENCE SOUTH  $66^{\circ} 11' 42''$  WEST ALONG SAID PARALLEL LINE A DISTANCE OF 3.27 FEET TO A POINT ON A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 5669.58 FEET AND A CHORD WHICH BEARS S  $06^{\circ} 19' 23''$  W; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, SUBTENDED BY A CENTRAL ANGLE OF  $23^{\circ} 34' 03''$  A DISTANCE OF 2332.07 FEET TO A PROPOSED ENTRANCE ROAD IN THE PROPOSED SUBDIVISION OF BANYAN BAY; THENCE SOUTH  $63^{\circ} 24' 50''$  WEST, A DISTANCE OF 35.54 FEET; THENCE SOUTH  $18^{\circ} 56' 31''$  WEST, A DISTANCE OF 100.00 FEET; THENCE SOUTH  $25^{\circ} 49' 30''$  EAST, A DISTANCE OF 35.63 FEET TO A POINT ON A CURVE CONCENTRIC WITH THE LAST DESCRIBED CURVE, HAVING A RADIUS OF 5669.58 FEET AND A CHORD WHICH BEARS SOUTH  $21^{\circ} 11' 35''$  WEST; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, SUBTENDED BY A CENTRAL ANGLE OF  $03^{\circ} 07' 39''$  A DISTANCE OF 309.47 FEET TO A POINT OF TANGENCY WITH A LINE PARALLEL WITH AND 10.00 FEET WEST OF, AS MEASURED AT RIGHT ANGLES TO SAID WESTERLY EXISTING RIGHT OF WAY FOR STATE ROAD 76; THENCE SOUTH  $22^{\circ} 45' 25''$  WEST ALONG SAID PARALLEL LINE A DISTANCE OF 481.80 FEET; THENCE SOUTH  $67^{\circ} 14' 35''$  EAST, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

AND

THAT PART OF LOT 7 OF THE COMMISSIONER' S SUBDIVISION OF THE MILES OR HANSON GRANT, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 11, OF THE PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED IN O.R. BOOK 716, PAGE 119, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID LOT 6; THENCE SOUTH  $66^{\circ} 11' 42''$  WEST ALONG THE SOUTHERLY LINE FOR SAID LOT 6, A DISTANCE OF 206.38 FEET TO THE WESTERLY EXISTING RIGHT OF WAY LINE FOR STATE ROAD 76 (KANNER HIGHWAY) AND THE POINT OF BEGINNING; THENCE NORTH  $22^{\circ} 45' 25''$  EAST ALONG SAID WESTERLY EXISTING RIGHT OF WAY LINE, A DISTANCE OF 193.93 FEET; THENCE NORTH  $67^{\circ} 14' 35''$  WEST, A DISTANCE OF 10.00 FEET; THENCE SOUTH  $22^{\circ} 45' 25''$  WEST A DISTANCE OF 204.49 FEET TO A POINT ON THE SOUTHERLY LINE FOR SAID LOT 7; THENCE NORTH  $66^{\circ} 11' 42''$  EAST ALONG SAID LOT LINE, A DISTANCE OF 14.34 FEET TO THE POINT OF BEGINNING.

ALSO LESS AND EXCEPT:

BEING A PARCEL OF LAND LYING IN LOT 6 OF THE COMMISSIONER' S SUBDIVISION OF THE MILES OR HANSON GRANT, AS RECORDED IN PLAT BOOK 1, PAGE 11, OF THE PUBLIC RECORDS OF PALM BEACH (NOW MARTIN), COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF LOT 7 OF THE COMMISSIONER' S SUBDIVISION OF THE MILES OR HANSON GRANT, AS RECORDED IN PLAT BOOK 1, PAGE 11, OF THE PUBLIC RECORDS OF PALM BEACH (NOW MARTIN) COUNTY, FLORIDA; THENCE ALONG THE EASTERLY LINE OF SAID LOT 7 NORTH  $23^{\circ} 42' 28''$  WEST, A DISTANCE OF 210.26 FEET TO AN INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD 76; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE NORTH  $22^{\circ} 43' 24''$  EAST, A DISTANCE OF 380.43 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE LEFT HAVING A RADIUS OF 5669.58 FEET; THE CHORD OF WHICH BEARS NORTH  $18^{\circ} 12' 59''$  EAST; THENCE ALONG THE ARC OF SAID CURVE AND SAID WESTERLY RIGHT-OF-WAY LINE THROUGH A CENTRAL ANGLE OF  $09^{\circ} 00' 50''$  , A DISTANCE OF 891.95 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID WESTERLY RIGHT-OF-WAY LINE NORTH  $31^{\circ} 48' 03''$  WEST, A DISTANCE OF 42.16 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE NORTHWEST, THE CHORD OF WHICH BEARS NORTH  $12^{\circ} 48' 17''$  EAST, A DISTANCE OF 118.99 FEET AND HAVING A RADIUS OF 5639.58 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF  $01^{\circ} 12' 32''$  , A DISTANCE OF 119.00 FEET; THENCE NORTH  $57^{\circ} 32' 04''$  EAST, NON-TANGENT TO LAST DESCRIBED CURVE, A DISTANCE OF 24.57 FEET TO THE BEGINNING OF A



NON-TANGENT CURVE, CONCAVE TO THE NORTHWEST, THE CHORD OF WHICH BEARS NORTH 10° 43' 23" EAST, A DISTANCE OF 257.13 FEET AND HAVING A RADIUS OF 5657.08 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 02° 36' 16" , A DISTANCE OF 257.15 FEET; THENCE SOUTH 76° 52' 32" EAST, NON-TANGENT TO LAST DESCRIBED CURVE, A DISTANCE OF 12.53 FEET TO A POINT ON THE AFOREMENTIONED WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD 76 AND THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE NORTHWEST, THE CHORD OF WHICH BEARS SOUTH 11° 34' 09" WEST, A DISTANCE OF 423.56 FEET AND HAVING A RADIUS OF 5669.58 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 04° 16' 49" , A DISTANCE OF 423.46 FEET TO THE POINT OF BEGINNING.

ALSO LESS AND EXCEPT FROM ALL OF THE ABOVE:

ALL OF THOSE LANDS SHOWN ON THE PLAT OF BANYAN BAY PUD PHASE 1, AS RECORDED IN PLAT BOOK 16, PAGE 75, AS AFFECTED BY RESOLUTION NO. 08-5.32, RECORDED IN OFFICIAL RECORDS BOOK 2350, PAGE 1342, ALL OF THE PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA.

PARCEL 4:

ALL THOSE LANDS SHOWN ON THE PLAT OF BANYAN BAY PUD PHASE 1, AS RECORDED IN PLAT BOOK 16, PAGE 75, AS AFFECTED BY RESOLUTION NO. 08-5.32, RECORDED IN OFFICIAL RECORDS BOOK 2350, PAGE 1342, OF THE PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA.

**Exhibit "B"**  
**Permitted Exceptions**

1. Taxes and assessments for the year 2017 and subsequent years, which are not yet due and payable.
2. Resolution NO. 04-11.4 (Regarding Change in Zoning District Classification) recorded December 14, 2004, in Official Records Book 1963, Page 1085; Banyan Bay Planned Unit Development Zoning Agreement recorded February 4, 2005, in Official Records Book 1979, Page 2199; Resolution Number 05-9.3 (Regarding Final Site Plan Approval for Banyan Bay PUD, Phase 1 with a Certificate of Public Facilities Reservation) recorded December 2, 2005, in Official Records Book 2088, Page 1069; Martin County Florida Development Order Change (Administrative Amendment Regarding Revised Master Site Plan and Revised Final Site Plan for Banyan Bay PUD, Phase 1) recorded September 28, 2006, in Official Records Book 2183, Page 2378; Martin County, Florida Development Order Change Regarding Second Amendment to the Banyan Bay PUD Agreement to Allow Phase 1 Plat Approval recorded August 8, 2008, in Official Records Book 2344, Page 2254; Third Amendment to Banyan Bay Planned Unit Development Zoning Agreement recorded July 23, 2009, in Official Records Book 2402, Page 2289; Fourth Amendment to Banyan Bay Planned Unit Development Zoning Agreement recorded May 10, 2011, in Official Records Book 2516, Page 2235; Fifth Amendment to Banyan Bay Planned Unit Development Zoning Agreement, recorded October 18, 2013 in Official Records Book 2682, Page 2387; Development Order - Resolution Number 16-5.17 Regarding a Revised Phase 1 Final Site Plan Approval for Banyan Bay PUD With a Certificate of Public Facilities Exemption recorded July 22, 2016, in Official Records Book 2868, Page 697; and Sixth Amendment to Banyan Bay Planned Unit Development Zoning Agreement, recorded July 22, 2016, in Official Records Book 2868, Page 708.
3. Proprietary Deed of Conservation Easement granted to the South Florida Water Management district by instrument recorded January 27, 2005, in Official Records Book 1976, Page 1975.
4. Water and Wastewater Service Agreement as set forth in instrument recorded December 9, 2005, in Official Records Book 2091, Page 230.
5. Deed of Conservation Easement granted to the South Florida Water Management District by instrument recorded December 21, 2005, in Official Records Book 2095, Page 252.
6. Reclaimed Water Agreement for Irrigation Quality Reuse as set forth in instrument recorded June 9, 2006, in Official Records Book 2151, Page 985.
7. Perpetual Easement granted to the State of Florida Department of Transportation by instrument recorded September 24, 2007, in Official Records Book 2280, Page 1385.
8. Restrictions, dedications, conditions, reservations, easements and other matters shown on the Plat of BANYAN BAY PUD PHASE 1, as recorded in Plat book 16, Page 75; as affected by Resolution No. 08-5.32 recorded September 12, 2008, in Official Records Book 2350, Page 1342.
9. Utility Easement granted to Martin County by instrument recorded September 12, 2008, in Official Records Book 2350, Page 1343; and re-recorded September 23, 2008, in Official Records Book 2351, Page 2629; and together with Resolution No. 08-5.31 recorded September 12, 2008, in Official Records Book 2350, Page 1341.
10. Declaration of Covenants, Conditions and Restrictions for Banyan Bay, which contains

provisions for a private charge or assessments, recorded September 12, 2008, in Official Records Book 2350, Page 1346; as amended by First Amendment to Declaration recorded in Official Records Book 2429, Page 1497.

11. Assignment of Developer Rights and Assumption Agreement between Banyan Bay Development Corporation, a Florida corporation, and Banyan Bay Land, LLC, a Florida limited liability company, recorded December 23, 2009, in Official Records Book 2429, Page 1474, as further assigned by that Assignment of Developer Rights and Assumption Agreement, recorded on January 10, 2012 in Official Records Book 2555, Page 69, and assigned to Grantee concurrent herewith.

12. Assignment and Assumption of Development Rights between Banyan Bay Development Corporation, a Florida corporation and Banyan Bay Land, LLC, recorded December 23, 2009, in Official Records Book 2429, Page 1486, as affected by that certain Assignment and Assumption of Development Rights, recorded January 10, 2012 in Official Records Book 2555, Page 78, as further affected by assignment to Grantee concurrent herewith.

13. Utility Easement in favor of City of Stuart recorded in Official Records Book 2516, Page 124.

14. Assignment and Assumption S.R. 76 Agreement, recorded on January 10, 2012 in Official Records Book 2555, Page 91, as assigned to Grantee concurrent herewith.

15. Temporary Easement as set forth and described in that certain Order of Taking, contained in the Notice of Appeal of a Non-Final Order, recorded in Official Records Book 2794, Page 2600.

16. Perpetual Easement as set forth and described in that certain Order of Taking, contained in the Notice of Appeal of a Non-Final Order, recorded in Official Records Book 2794, Page 2600.

17. Unrecorded Stockpile License Agreement by and between Grantor and the Florida Department of Transportation dated November 12, 2015, as assigned to Grantee concurrent herewith.

*NOTE:* All recording references refer to the public records of Martin County, Florida.



To the best of my knowledge and belief, there has been no transfer of the Phase 2C subject property since the Special Warranty Deed into Banyan Bay Macks, LLC was recorded in the Martin County Public Records.

DATED THIS 16<sup>th</sup> DAY OF December, 2019.

  
Morris A. Crady

STATE OF FLORIDA  
COUNTY OF MARTIN

THE FOREGOING WAS ACKNOWLEDGED BEFORE ME THIS 16<sup>th</sup> DAY OF December, 2019 BY MORRIS A. CRADY, WHO ☒ IS PERSONALLY KNOWN TO ME OR ☐ HAS PRODUCED \_\_\_\_\_ AS IDENTIFICATION.

  
NOTARY PUBLIC

MY COMMISSION EXPIRES:



**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;

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

Thence South 72°41'46" East, non-tangent to the last described curve, a distance of 94.11 feet; Thence South 86°57'46" East, a distance of 33.55 feet;

Thence South 39°17'58" East, a distance of 35.60 feet;

Thence South 77°04'42" East, a distance of 70.04 feet;

Thence North 76°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°15'06" West, a distance of 974.44 feet; thence along the arc of said curve through a central angle of 09°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