

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

RESOLUTION NUMBER 21-

**[REGARDING MASTER SITE PLAN AND PHASING PLAN APPROVAL FOR PALM PIKE
CROSSING WITH A DEFERRAL OF PUBLIC FACILITIES RESERVATION]**

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

1. Palm Pike Crossing, LLC and Palm City Wagas VIII, LLC submitted an application for master site plan and phasing plan approval for the Palm Pike Crossing project, located on lands legally described in Exhibit A, attached hereto.
2. The Local Planning Agency considered the master site plan and phasing plan application at a public hearing on March 18, 2021. The LPA's recommendations were forwarded to the Board of County Commissioners.
3. This Board considered such application at a public hearing on April 13, 2021.
4. At the public hearing, all interested parties were given an opportunity to be heard.
5. The master site plan and phasing plan 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 master site plan, attached hereto as Exhibit B, and the phasing plan attached hereto as Exhibit C for Palm Pike Crossing is approved. Development of the Palm Pike Crossing project shall be in accordance with the approved master site plan and phasing plan.

B. All final site plans for Palm Pike Crossing must be obtained within 5 years, by April 13, 2026. All development must be completed within seven years, by April 13, 2028.

C. The property owner shall provide an executed unity of title in a form acceptable to the County Attorney for the property that is the subject of the approved master site plan. Included shall be a provision that requires the unity of title to be maintained by the owner of the property with the sole exception being that a portion of the property may be sold, transferred, devised or assigned to a governmental agency.

D. The property owner 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 master site plan and phasing plan approval.

E. In consideration of the approval of the master site plan development order for the Palm Pike Crossing project, the undersigned applicant(s), being the owner(s) of the project, located on lands described in attached Exhibit A, does hereby covenant and agree that master site plan development orders for the project are subject to a determination and reservation of adequate capacity of Category A and Category C public facilities (water, sewer, solid waste, stormwater management, arterial and collector roads, parks and public transportation) pursuant to Section 14.1C.4, Comprehensive Growth Management Plan (Comprehensive Plan) and Section 5.32.D., Land Development Regulations (LDR), Martin County Code.

No rights to obtain final site plan development orders, nor any other rights to develop the project have been granted or implied by the County's approval of this master site plan and phasing plan development order without a determination and reservation of adequate capacity of Category A and C public facilities.

The applicant is voluntarily electing to proceed under Section 14.1C.4 of the Comprehensive Plan and Section 5.32.C., LDR; therefore, the County's approval of the master site plan and phasing plan development order for the project grants no rights to obtain final site plan development orders, nor shall the approval be interpreted by the undersigned, or its successors in title, in any way whatsoever as committing the County legally, through the theory of equitable estoppel or any other legal theory, to approve any final site plan development order for the project without a determination and reservation of adequate capacity of Category A and C public facilities, pursuant to Section 14.1C.5 of the Comprehensive Plan and Section 5.32.D., LDR.

The undersigned acknowledges the risk that subsequent development projects may reserve capacity of Category A and C public facilities in the same service area as the project and necessitate construction of additional capital facility improvements for this project to meet concurrency and/or prevent this project from going forward in accordance with its timetable of development.

The undersigned further agrees that the attached Affidavit Deferring Public Facilities Reservation shall be deemed a covenant running with the land and shall remain in full force and effect and be binding on the undersigned, its successors and assigns, until such time as the same may be released in writing by the Board of County Commissioners of Martin County, Florida.

F. 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 13TH DAY OF APRIL 2021.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

BY: _____
CAROLYN TIMMANN
CLERK OF THE CIRCUIT COURT
AND COMPTROLLER

BY: _____
STACEY HETHERINGTON, CHAIR

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:

BY: _____
KRISTA A. STOREY
SENIOR ASSISTANT COUNTY ATTORNEY

ATTACHMENTS:

Affidavit Deferring Public Facilities Reservation
Exhibit A, Legal Description
Exhibit B, Master Site Plan
Exhibit C, Phasing Plan

[CORPORATION EXECUTION FORM]

Resolution # _____

Affidavit Deferring Public Facilities Reservation.

IN WITNESS WHEREOF, the parties hereto have executed these presents on the dates indicated below.

WITNESSES:

Print Name of Corporation Above
Address:

√ _____
Name Printed:

By:√ _____
Name Printed:
Title:

√ _____
Name Printed:

Attested

√ _____
Name Printed:
Title: Secretary

Dated: _____

STATE OF]
COUNTY OF]

The foregoing Affidavit Deferring Public Facilities Reservation is acknowledged before me by means of [] physical presence or [] online notarization, this _____ day of _____, 20____, by _____, and _____ known to be the president and secretary of _____, a _____ corporation, on behalf of the corporation. He or she () is personally known to me or () has produced _____ as identification.

NOTARY PUBLIC

√ _____
Name Printed:
My Commission Expires:

Exhibit A

Exhibit B

Exhibit C