BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

PLACEMENT: CONSENT
PRESET:
TITLE: A RESOLUTION TO RELEASE TWO UNITY OF TITLES ISSUED TO SUNSHINE HOLDINGS, INC. AND TO REPLACE THEM WITH NEW UNITY OF TITLES

AGENDA ITEM DATES:

<table>
<thead>
<tr>
<th>MEETING DATE:</th>
<th>COUNTY ATTORNEY:</th>
</tr>
</thead>
<tbody>
<tr>
<td>5/22/2018</td>
<td>4/30/2018</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>COMPLETED DATE:</th>
<th>ASSISTANT COUNTY ADMINISTRATOR:</th>
</tr>
</thead>
<tbody>
<tr>
<td>5/10/2018</td>
<td>5/7/2018</td>
</tr>
</tbody>
</table>

REQUESTED BY: DEPARTMENT: PREPARED BY:

<table>
<thead>
<tr>
<th>Name: Sunshine Holdings, Inc.</th>
<th>Growth Management</th>
<th>Richard Lawton</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name: Terence P. McCarthy P.A.</td>
<td></td>
<td>Planner II</td>
</tr>
</tbody>
</table>

Procedures: None

EXECUTIVE SUMMARY:

A request for the Board of County Commissioners to adopt a resolution to release two Unity of Titles recorded in Official Records Book 1918, Page 2437, and Official Records Book 1918, Page 2443, Public Records of Martin County, Florida, and to replace them with two new non-condominium Unity of Title(s).

APPROVAL:
LEG
ACA
CA

BACKGROUND/RELATED STRATEGIC GOAL:
In 2004, Sunshine Holdings, Inc. developed Stuart Business Center East and Stuart Business Center West as separate and independent office/warehouse buildings. The two properties were approved independently of one another pursuant to separate development orders. As a requirement of approval of the development orders the applicant recorded independent Unity of Titles in Official Records Book 1918, at Page 2437 and Official Records Book 1918, at Page 2443, Public Records of Martin County, Florida.

For reasons unknown, the Unity of Titles reflected that the office/warehouse approved on each lot were developed as condominiums. Sunshine Holdings, Inc., as owner of both properties, never had any intention of developing either of these properties as a condominium.

Sunshine Holdings Inc. (Sunshine) recently entered into a contract to sell one of the properties. The potential buyer of the property balked at the requirement that the property be developed as a condominium. Sunshine then realized that the unities recorded in 2004 have now created a title defect adversely impacting both properties.

The applicant has requested that the two existing condominium Unity of Titles be replaced with non-condominium Unity of Titles. Staff recommends approval of the resolution to release the two prior Unity of Titles and replace them with non-condominium Unity of Titles.

**ISSUES:**
None.

**LEGAL SUFFICIENCY REVIEW:**

This item has been reviewed for legal sufficiency to determine whether it is consistent with applicable law, has identified and addressed legal risks, and has developed strategies for legal defensibility.

**RECOMMENDED ACTION:**

**RECOMMENDATION**
Move that the Board approve the resolution to release the two existing Unity of Titles for Stuart Business Center East and Stuart Business Center West and replace them with non-condominium Unity of Titles.

**ALTERNATIVE RECOMMENDATIONS**
1. **Pull** this item from the Consent Agenda.
2. Move to request additional information from the applicant, and continue the item to a date certain.
3. Move to deny the resolution.

**FISCAL IMPACT:**
RECOMMENDATION
Staff time.

ALTERNATIVE RECOMMENDATIONS
Staff time.

DOCUMENT(S) REQUIRING ACTION:

<table>
<thead>
<tr>
<th>Budget Transfer / Amendment</th>
<th>Chair Letter</th>
<th>Contract / Agreement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grant / Application</td>
<td>Notice</td>
<td>Ordinance</td>
</tr>
<tr>
<td>Other:</td>
<td></td>
<td>Resolution</td>
</tr>
</tbody>
</table>

ROUTING:

ADM  BLD  CDD  COM  ENG  FRD  GMD  GSD  ITS  LIB  MCA  MPO  PRD  USD  CA  ACA  LEG
Lots 1 and 2 of Lot A Gran Park at Port Salerno
March 2, 2018

VIA E-MAIL: rlawton@martin.fl.us and
Hand-Delivery
Richard Lawton, GISP
Planner II
Martin County Growth Management Department
2401 SE Monterey Road
Stuart, FL 34996

Re: Sunshine Holdings, Inc.

Dear Rich,

Please be advised that this office represents Sunshine Holdings, Inc. (“Sunshine”), the owner of two (2) developed properties located in the Grand Park at Port Salerno subdivision on south US1.

In 2004, Sunshine developed Lot 1 of Lot A Grand Park at Port Salerno, and Lot 2 of Lot A Grand Park at Port Salerno as separate and independent office/warehouse buildings. These two properties were approved independently of one another pursuant to separate development orders. At the time of the approval of these two development orders, the County required that each parcel file an independent Unity of Title on each parcel. I enclose herewith the Unity of Title on Lot 1, recorded in Official Records Book 1918, at Page 2443 and the Unity of Title on Lot 2, recorded in Official Records Book 1918, at Page 2437, both in the Public Records of Martin County, Florida.

For reasons unknown at this time, the form of the Unity of Title required that the office/warehouse approved on each lot must each be developed as a condominium. Sunshine, as owner of both properties, never had any intention of developing either of these properties as a condominium.

Sunshine recently entered into a contract to sell one of the properties. The potential buyer of the property balked at the requirement that the property be developed as a condominium. Sunshine then realized that this simple request from the County in 2004 has now created a title defect adversely impacting both properties.
March 2, 2018
Page 2

Please accept this letter as our request to the Board of County Commissioners to release both Unities of Title. Should you need any additional information or documentation regarding this matter, please don’t hesitate to call or write.

Very truly yours,

Terence P. McCarthy
TPM/dd
tom@mccarthysummers.com
Enclosures

cc: Client
RETURN TO:
Growth Management Department
2401 SE Monterey Road
Stuart, Florida 34996

UNITY OF TITLE

in consideration of the issuance of a permit to Sunshine Holdings, Inc.
known as "Owner(s)" for the construction of
an office building in Stuart, Martin County, Florida, and for
other good and valuable considerations, the undersigned hereby agree to restrict
the use of lands described in Exhibit "A" attached hereto in the following
manner:

1. That said property shall be developed as a condominium in which the
underlying common elements shall be considered as one plot and parcel of
land and that no portion of said plot and parcel of land shall be sold,
transferred, devised or assigned separately, except in its entirety as one
plot or parcel of land, with the sole exception being that if any of the
condominium units are developed as "land units" those parcels can be sold,
transferred, devised or assigned subject to being part of the condominium and
subject to the declaration of condominium pursuant to which they were
established.

2. The undersigned further agrees that this condition, restriction and
limitation shall be deemed a covenant running with the land, and shall remain
in full force and effect, and be binding upon the undersigned, their heirs
and assigns until such time as the same may be released in writing by the
Board of County Commissioners.

3. The undersigned further agrees that this instrument shall be recorded in the
Public Records of Martin County.

Signed, acknowledged and notarized on this day of June, 2004

WITNESSES

"OWNER"

Name: Sunshine Holdings, Inc.
Print name: Selma Selma
Name of corporation

By: Paul Martin Grafhenheim
Print name: Paul Martin Grafhenheim
Title: Owner
Address: Stuart, Florida

STATE OF FLORIDA
COUNTY OF ST. LUCIE

The foregoing Unity of Title was acknowledged before me this 3rd day June of
2004,
by Paul Martin Grafhenheim (name of officer/agent and
titile of Sunshine Holdings, Inc. (name of
corporation), 2401 SE Monterey Road, Stuart, Florida) corporation, on behalf of the corporation. He or she is
personally known to me or ( ) has produced
identification.

NOTARY PUBLIC

Name printed: Wanda Sue Smart
State of FLORIDA
My commission expires APRIL 25, 2006

Note: Florida Statutes requires one of the following: corporate officer's
signature attested by the corporate secretary and corporate seal applied, or,
corporate officer's signature and corporate seal and one witness, or,
corporate officer's signature and two (2) witnesses.
EXHIBIT "A"

STUART BUSINESS CENTER-EAST

LEGAL DESCRIPTION

LOT 1, OF LOT "A", GRAN PARK AT PORT SALERNO, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 15, PAGE 84, BEING A REPLAT OF LOT "A" OF A REPLAT OF A PORTION OF GRAN PARK AT PORT SALERNO, PHASE I, AS RECORDED IN PLAT BOOK 13, PAGE 14, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA.

File: 025471d-e.doc
UNITY OF TITLE

In consideration of the issuance of a permit to Sunshine Holdings as "Owner(s)" for the construction of Sunshine Cove - West in Martin County, Florida, and for other good and valuable considerations, the undersigned hereby agree to restrict the use of lands described in Exhibit "A" attached hereto in the following manner:

1. That said property shall be developed as a condominium in which the underlying common elements shall be considered as one plot and parcel of land and that no portion of said plot and parcel of land shall be sold, transferred, devised or assigned separately, except in its entirety as one plot or parcel of land, with the sole exception being that any of the condominium units are developed as "land units" those parcels can be sold, transferred, devised or assigned subject to being part of the condominium and subject to the declaration of condominium pursuant to which they were established.

2. The undersigned further agrees that this condition, restriction and limitation shall be deemed a covenant running with the land, and shall remain in full force and effect, and be binding upon the undersigned, their heirs and assigns until such time as the same may be released in writing by the Board of County Commissioners.

3. The undersigned further agrees that this instrument shall be recorded in the Public Records of Martin County.

Signed, acknowledged and notarized on this day of June, 2004.

WITNESSES

"OWNER"

Print name: Selma Sofer
Name of corporation:

Sign:

Print name: Paul Martin Glafehlmein
Name of corporation:

Title: Secretary
Address:

ATTEST:

Print name: Carol Glafehlmein
Secretary

STATE OF FLORIDA
COUNTY OF ST. LUCIE

The foregoing Unity of Title was acknowledged before me this 3rd day of June, 2004, by Paul Martin Glafehlmein (name of officer/agent and title) of Sunshine Holdings (name of corporation) of the state or place of incorporation, corporation, on behalf of the corporation. He or she (yes)
personally known to me or ( ) has produced as identification:

NOTARY PUBLIC

Wanda Sue Smart
Name printed: WANDA SUE SMART
State of FLORIDA

at-large

My commission expires: April 15, 2006

Note: Florida Statutes requires one of the following corporate officer's signature attested by the corporate secretary and corporate seal applied; or, corporate officer's signature and corporate seal applied and one witness; or, corporate officer's signature and two (2) witnesses.
EXHIBIT "A"

STUART BUSINESS CENTER-WEST

LEGAL DESCRIPTION

LOT 2, OF LOT “A”, GRAN PARK AT PORT SALERNO, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 15, PAGE 84, BEING A REPLAT OF LOT “A” OF A REPLAT OF A PORTION OF GRAN PARK AT PORT SALERNO, PHASE I, AS RECORDED IN PLAT BOOK 13, PAGE 14, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA.

File: 02547ld-w.doc
MARTIN COUNTY, FLORIDA
STANDARD DEVELOPMENT ORDER

REGARDING FINAL SITE PLAN APPROVAL
FOR STUART BUSINESS CENTER EAST
WITH A CERTIFICATE OF PUBLIC FACILITIES RESERVATION

WHEREAS, Flagler Development submitted an application for standard development final site plan approval for an office/warehouse, hereinafter, Stuart Business Center East, on lands described in Exhibit A, attached hereto; and

WHEREAS, pursuant to Section 10.3.A Land Development Regulations, Martin County Code (LDR), final action on standard development applications shall be taken by the County Administrator or his/her designee; and

WHEREAS, the County Administrator has delegated final action on standard development applications to the Growth Management Director.

NOW, THEREFORE, THE GROWTH MANAGEMENT DIRECTOR HEREBY DETERMINES THAT:

A. The final site plan for Stuart Business Center East, a copy of which has been reduced and attached hereto as Exhibit B, is approved. Development of Stuart Business Center East, shall be in accordance with the approved final site plan.

B. No permits for construction or development activity shall be issued until all required documents, plans and fees are received and approved as required by Section 10.9, LDR, Martin County Code.

C. Failure to submit the required documents, plans and fees as required by Section 10.9, LDR, Martin County Code, shall render the final site plan approval null and void.
D. 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., Martin County Code. Payment of appropriate fees shall be paid at the time of building permit issuance pursuant to Section 5.32.D.4.c.(3), LDR, Martin County Code.

E. Building permits must be obtained within one year of final site plan approval. Development of the entire project, including infrastructure and vertical construction, must be completed within two (2) years of final site plan approval. No rights to obtain development orders are herein conveyed beyond the two (2) year reservation period except as permitted in Section 5.32.D.8., LDR, Martin County Code. All remaining impact fees and capital facility charges shall be paid in full within sixty (60) days of an approval of a requested extension pursuant to Section 5.32.D.4.c.(3), LDR, Martin County Code.

F. This development order shall be recorded in the public records of Martin County. A copy shall be forwarded to the applicant by the Growth Management Department subsequent to recording.


\[Signature\]

NICKI van VONNO, DIRECTOR OF GROWTH MANAGEMENT DEPARTMENT
EXHIBIT "A"

STUART BUSINESS CENTER-EAST

LEGAL DESCRIPTION

LOT 1, OF LOT "A", GRAN PARK AT PORT SALERNO, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 15, PAGE 84, BEING A REPLAT OF LOT "A" OF A REPLAT OF A PORTION OF GRAN PARK AT PORT SALERNO, PHASE I, AS RECORDED IN PLAT BOOK 13, PAGE 14, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA.

File: 025471d-e.doc
MARTIN COUNTY, FLORIDA
STANDARD DEVELOPMENT ORDER

REGARDING FINAL SITE PLAN APPROVAL
FOR STUART BUSINESS CENTER WEST
WITH A CERTIFICATE OF PUBLIC FACILITIES RESERVATION

WHEREAS, Flagler Development submitted an application for standard development final site plan approval for an office / warehouse, hereinafter, Stuart Business Center West, on lands described in Exhibit A, attached hereto; and

WHEREAS, pursuant to Section 10.3.A Land Development Regulations, Martin County Code (LDR), final action on standard development applications shall be taken by the County Administrator or his/her designee; and

WHEREAS, the County Administrator has delegated final action on standard development applications to the Growth Management Director.

NOW, THEREFORE, THE GROWTH MANAGEMENT DIRECTOR
HEREBY DETERMINES THAT:

A. The final site plan for Stuart Business Center West, a copy of which has been reduced and attached hereto as Exhibit B, is approved. Development of Stuart Business Center West, shall be in accordance with the approved final site plan.

B. No permits for construction or development activity shall be issued until all required documents, plans and fees are received and approved as required by Section 10.9, LDR, Martin County Code.

C. Failure to submit the required documents, plans and fees as required by Section 10.9, LDR, Martin County Code, shall render the final site plan approval null and void.
D. 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. Payment of appropriate fees shall be paid at the time of building permit issuance pursuant to Section 5.32.D.4.c.(3), LDR, Martin County Code.

E. Building permits must be obtained within one year of final site plan approval. Development of the entire project, including infrastructure and vertical construction, must be completed within two (2) years of final site plan approval. No rights to obtain development orders are herein conveyed beyond the two (2) year reservation period except as permitted in Section 5.32.D.8., LDR, Martin County Code. All remaining impact fees and capital facility charges shall be paid in full within sixty (60) days of an approval of a requested extension pursuant to Section 5.32.D.4.c.(3), LDR, Martin County Code.

F. This development order shall be recorded in the public records of Martin County. A copy shall be forwarded to the applicant by the Growth Management Department subsequent to recording.

DATED THIS 25TH DAY OF May, 2014.

[Signature]

NICOLI VAN VONNO, DIRECTOR OF GROWTH MANAGEMENT DEPARTMENT
EXHIBIT "A"

STUART BUSINESS CENTER-WEST

LEGAL DESCRIPTION

LOT 2, OF LOT "A", GRAN PARK AT PORT SALERNO, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 15, PAGE #4, BEING A REPLAT OF LOT "A" OF A REPLAT OF A PORTION OF GRAN PARK AT PORT SALERNO, PHASE 1, AS RECORDED IN PLAT BOOK 13, PAGE 14, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA.

File: 02547ld-w.doc
Exhibit A

INSTR # 1765250
OR BK 01918 PG 2443
RECORDED 07/12/2004 09:51:55 AM
MARSHA EWING
CLERK OF MARTIN COUNTY FLORIDA
RECORDED BY L. PAMER

UNITY OF TITLE

In consideration of the issuance of a permit to Sunshine Holdings, Inc., as "Owner(s)" for the construction of the Business Center - East in Martin County, Florida, and for other good and valuable considerations, the undersigned hereby agree to restrict the use of lands described in Exhibit "A" attached hereto in the following manner:

1. That said property shall be developed as a condominium in which the underlying common elements shall be considered as part of the parcel of land and that no portion of said plot and parcel of land shall be sold, transferred, devised or assigned separately, except in its entirety as one plot or parcel of land, with the sole exception being that if any of the condominium units are developed as "land units" those parcels can be sold, transferred, devised or assigned subject to being part of the condominium and subject to the declaration of condominium pursuant to which they were established.

2. The undersigned further agrees that this condition, restriction and limitation shall be deemed a covenant running with the land, and shall remain in full force and effect, and be binding upon the undersigned, their heirs and assigns until such time as the same may be released in writing by the Board of County Commissioners.

3. The undersigned further agrees that this instrument shall be recorded in the Public Records of Martin County.

Signed, acknowledged and notarized on this day of June 2004.

WITNESSES

"OWNER"

Sign:

Print name: Sunshine Holdings, Inc.

Name of corporation:

By:

Print name: Paul Martin Giffenhen

Title:

Address:

STATE OF FLORIDA
COUNTY OF ST. LUCIE

The foregoing Unit of Title was acknowledged before me this 3rd day of June 2004, by Paul Martin Giffenhen (name of officer/agent and title) of Sunshine Holdings, Inc. (name of corporation), a Florida (name or place of incorporation) corporation, on behalf of the corporation. He or she is personally known to me or ( ) has produced identification.

NOTARY PUBLIC

Name printed: Wanda Sue Smart

State of Florida at-large

My commission expires: April 25, 2006

Note: Florida Statutes requires one of the following: corporate officer's signature attested by the corporate secretary and corporate seal applied, or corporate officer's signature and corporate seal applied and one witness, or corporate officer's signature and two (2) witnesses.
EXHIBIT "A"

STUART BUSINESS CENTER-EAST

LEGAL DESCRIPTION

LOT 1, OF LOT "A", GRAN PARK AT PORT SALERNO, ACCORDING TO THE
PLAT THEREOF, AS RECORDED IN PLAT BOOK 15, PAGE 84, BEING A REPLAT
OF LOT "A" OF A REPLAT OF A PORTION OF GRAN PARK AT PORT SALERNO,
PHASE I, AS RECORDED IN PLAT BOOK 13, PAGE 14, PUBLIC RECORDS OF
MARTIN COUNTY, FLORIDA.

File: 025471d-e.doc

Unofficial Copy
Exhibit B

UNITY OF TITLE

In consideration of the issuance of a permit to Sunshine Holdings as "owner(s)" for the construction of Sunshine Holdings West in Martin County, Florida, and for other good and valuable considerations, the undersigned hereby agree to restrict the use of lands described in Exhibit "A" attached hereto in the following manner:

1. That said property shall be developed as a condominium in which the underlying common elements shall be considered as one plot and parcel of land and that no portion of said plot and parcel of land shall be sold, transferred, devised or assigned separately, except in its entirety as one plot or parcel of land, with the sole exception being that if any of the condominium units are developed as "land units" those portions can be sold, transferred, devised or assigned subject to being part of the condominium and subject to the declaration of condominium pursuant to which they were established.

2. The undersigned further agrees that this condition, restriction and limitation shall be deemed a covenant running with the land, and shall remain in full force and effect, and be binding upon the undersigned, their heirs and assigns until such time as the same may be released in writing by the Board of County Commissioners.

3. The undersigned further agrees that this instrument shall be recorded in the Public Records of Martin County.

Signed, acknowledged and notarized on this day of June, 2001.

WITNESSES

"OWNER"

Print name: Selma Stover
Name of corporation

Print name: Jatke Sanders
Title: PAUL MARTIN CPUDEHBEIN
Address:

ATTEST:

Print name: Carol Metzker
Date: Secretary

STATE OF FLOIDA
COUNTY OF ST. LUCIE

The foregoing Unity of Title was acknowledged before me this 3rd day of June, 2001, by Paul Martin Guedenhien (name of officer/agent and title) of President of Sunshine Holdings (name of corporation), a Florida corporation, at the office of incorporation) corporation, on behalf of the corporation. He or she (if personally known to me or ( ) has produced as identification:

Wanda Sue Brown
Name printed: WANDA SUE BROWN
State of Florida
Notary Public
at-large

My commission expires: April 25, 2001

Note: Florida Statutes requires one of the following: corporate officer's signature, at large; or, corporate officer's signature and corporate seal applied and one witness, or, corporate officer's signature and two (2) witnesses.
EXHIBIT "A"

STUART BUSINESS CENTER-WEST

LEGAL DESCRIPTION

LOT 2, OF LOT "A", GRAN PARK AT PORT SALERNO, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 15, PAGE 84, BEING A REPLAT OF LOT "A" OF A REPLAT OF A PORTION OF GRAN PARK AT PORT SALERNO, PHASE I, AS RECORDED IN PLAT BOOK 13, PAGE 14, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA.

File: 02547Id-w.doc
BEFORE THE BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

RESOLUTION NUMBER

A RESOLUTION TO RELEASE TWO UNITY OF TITLES FOR SUNSHINE HOLDINGS, INC., AND TO REPLACE THEM WITH TWO NEW UNITY OF TITLES

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

1. Sunshine Holdings, Inc., recorded a Unity of Title in conjunction with a site plan for Stuart Business Center East, as recorded in Official Records Book 1918, Page 2443.
2. Sunshine Holdings, Inc., recorded a Unity of Title in conjunction with a site plan for Stuart Business Center West, as recorded in Official Records Book 1918, Page 2437.
3. The two Unity of Titles noted above specified that the properties be developed as condominiums.
4. Sunshine Holdings, Inc., never intended that the office/warehouse buildings developed on the sites be considered as condominiums and has requested that the Unity of Titles be replaced with non-condominium Unity of Titles.
5. This Board has considered such request at a public meeting on May 22, 2018.
6. 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:

1. The Unity of Title recorded in Official Records Book 1918, Page 2443, Public Records of Martin County, Florida, is hereby released and replaced by the Unity of Title attached hereto as Exhibit A.
2. The Unity of Title recorded in Official Records Book 1918, Page 2437, Public Records of Martin County, Florida, is hereby released and replaced by the Unity of Title attached hereto as Exhibit B.
3. This resolution shall be recorded in the Public Records of Martin County. A copy of this resolution shall be forwarded to the applicant by the Growth Management Department subsequent to recording.

DULY PASSED AND ADOPTED THIS 22TH DAY OF MAY, 2018.

ATTEST: BOARD OF COUNTY COMMISSIONERS
CAROLYN TIMMANN, CLERK OF THE
MARTIN COUNTY, FLORIDA CIRCUIT COURT AND COMPTROLLER

BY: EDWARD V. CIAMPI, CHAIRMAN

APPROVED AS TO FORM & LEGAL SUFFICIENCY:

SARAH W. WOODS
COUNTY ATTORNEY
UNITY OF TITLE

In consideration of the release of a Unity of Title recorded in Official Records Book 1918, Page 2443, Public Records of Martin County, Florida, SUNSHINE HOLDINGS, INC., a Florida corporation as Owner(s) hereby agrees to restrict use of lands described in Exhibit A attached hereto in the following manner:

Read carefully.

☐ Check Box 1. - if property is non-platted/non-condominium or
☐ Check Box 2. - if property is a platted subdivision or
☐ Check Box 3. - if property is a condominium, as applicable.

☐ 1. Non-Platted/Non-Condominium. That said property shall be considered as one plot and parcel of land and that no portion of said plot and parcel of land shall be sold, transferred, devised, or assigned separately except in its entirety as one plot and parcel of land; with the sole exception being that a portion of said property may be sold, transferred, devised or assigned to any governmental entity.

OR

✓ 2. Platted Subdivision (Non-Condominium). That said property shall be considered as one plot and parcel of land and that no portion of said plot and parcel of land shall be sold, transferred, devised, or assigned separately except in its entirety as one plot and parcel of land; however that (a) individual subdivision lots may be conveyed, (b) phases or portions of phases that comply with the requirements contained within the development orders may be conveyed separately upon final site plan approval of that phase or portion of a phase, (c) common elements, common open areas and developed recreation areas may be conveyed to a property owners’ association or other similar entity as deemed appropriate by the Board of County Commissioners, so long as such conveyance shall be subject to the express restriction that use of the subject property shall only be for the use described on the final site plan and plat, and (d) other portions of the subject property may be conveyed and used or maintained by governmental, environmental, charitable or other organizations or agencies for such purposes as the Board of County Commissioners may deem appropriate, with the sole exception being that a portion of said property may be sold, transferred, devised, or assigned to any governmental entity.

OR
3. **Condominium.** That said property shall be developed as a condominium in which the underlying common elements shall be considered as one plot and parcel of land and that no portion of said plot and parcel of land shall be sold, transferred, devised or assigned separately, except in its entirety as one plot or parcel of land, with the sole exception being that if any of the condominium units are developed as “land units” those parcels may be sold, transferred, devised or assigned subject to being part of the condominium and subject to the declaration of condominium pursuant to which they were established, or a portion of said property sold, transferred, devised, or assigned to any governmental entity.

4. The undersigned further agrees that this condition, restriction and limitation shall be deemed a covenant running with the land, and shall remain in full force and effect, and be binding upon the undersigned, their/its successors, heirs and assigns until such time as the same may be released in writing by the Martin County Board of County Commissioners.

5. The undersigned further agrees that this instrument shall be recorded in the Public Records of Martin County.

6. Nothing herein contained shall limit, in any manner, the Owner, or their successors or assigns, to mortgage or encumber the property or any part thereof.
Name:  
State of Florida at large  
My commission expires:  

[STAMP]  

Name:  
State of _________ at large  
My commission expires:  

CORPORATE  

Signed, acknowledged and notarized on this ______ day of ________, 2018.  

WITNESSES:  

OWNER: Sunshine Holdings, Inc., a Florida corporation  

By:  
Print: Paul M. Glafehn
Its: Pres  

Owner: Sunshine Holdings, Inc., a Florida corporation  

By:  
Print: Paul M. Glafehn
Its: Pres  

Note: Florida Statutes requires one of the following: corporate officer's signature attested by the corporate secretary and corporate seal applied; or, corporate seal applied and one witness; or corporate officer's signature and two witnesses.  

STATE OF FLORIDA  
COUNTY OF PALM BEACH  

I HEREBY CERTIFY that the foregoing Unity of Title was acknowledged before me this ______ day of ________, 2018, by Paul M. Glafehn, of Sunshine Holdings, Inc., a Florida corporation on behalf of the Corporation. He or she ( ) is personally known to me or ( ) has produced __________________________ as identification.  

(Stamp)  

NOTARY PUBLIC  

Print Name: Linda A Kleywegt  
State of Florida at large  
My commission expires:  

P:\DOCS\15100\15100.01\CLIENT\32H1123.DOC 4/10/2018 9:26:44 AM/UNITY OF TITLE Sunshine Holdings, LLC
EXHIBIT A
(Legal Description)

Lot 1 of LOT "A," GRAN PARK AT PORT SALERNO, according to the Plat thereof, as recorded in Plat Book 15, Page 84, being a Replat of Lot "A" of A Replat of a Portion of Gran Park at Port Salerno, Phase I, as recorded in Plat Book 13, Page 14, of the Public Records of Martin County, Florida
UNITY OF TITLE

In consideration of the release of a Unity of Title recorded in Official Records Book 1918, Page 2437, Public Records of Martin County, Florida, INTRACOASTAL DEVELOPMENT GROUP, LLC, a Florida limited liability company as Owner(s) hereby agrees to restrict use of lands described in Exhibit A attached hereto in the following manner:

Read carefully.
- Check Box 1. - if property is non-platted/non-condominium or
- Check Box 2. - if property is a platted subdivision or
- Check Box 3. - if property is a condominium, as applicable.

☐ 1. Non-Platted/Non-Condominium. That said property shall be considered as one plot and parcel of land and that no portion of said plot and parcel of land shall be sold, transferred, devised, or assigned separately except in its entirety as one plot and parcel of land; with the sole exception being that a portion of said property may be sold, transferred, devised or assigned to any governmental entity.

OR

☒ 2. Platted Subdivision (Non-Condominium). That said property shall be considered as one plot and parcel of land and that no portion of said plot and parcel of land shall be sold, transferred, devised, or assigned separately except in its entirety as one plot and parcel of land; however that (a) individual subdivision lots may be conveyed, (b) phases or portions of phases that comply with the requirements contained within the development orders may be conveyed separately upon final site plan approval of that phase or portion of a phase, (c) common elements, common open areas and developed recreation areas may be conveyed to a property owners’ association or other similar entity as deemed appropriate by the Board of County Commissioners, so long as such conveyance shall be subject to the express restriction that use of the subject property shall only be for the use described on the final site plan and plat, and (d) other portions of the subject property may be conveyed and used or maintained by governmental, environmental, charitable or other organizations or agencies for such purposes as the Board of County Commissioners may deem appropriate, with the sole exception being that a portion of said property may be sold, transferred, devised, or assigned to any governmental entity.

OR
3. **Condominium.** That said property shall be developed as a condominium in which the underlying common elements shall be considered as one plot and parcel of land and that no portion of said plot and parcel of land shall be sold, transferred, devised or assigned separately, except in its entirety as one plot or parcel of land, with the sole exception being that if any of the condominium units are developed as "land units" those parcels may be sold, transferred, devised or assigned subject to being part of the condominium and subject to the declaration of condominium pursuant to which they were established, or a portion of said property sold, transferred, devised, or assigned to any governmental entity.

4. The undersigned further agrees that this condition, restriction and limitation shall be deemed a covenant running with the land, and shall remain in full force and effect, and be binding upon the undersigned, their/its successors, heirs and assigns until such time as the same may be released in writing by the Martin County Board of County Commissioners.

5. The undersigned further agrees that this instrument shall be recorded in the Public Records of Martin County.

6. Nothing herein contained shall limit, in any manner, the Owner, or their successors or assigns, to mortgage or encumber the property or any part thereof.
Name: Ghazala Ahmed
State of Florida at large
My commission expires: 10/7/2020

Name:
State of ______ at large
My commission expires:

CORPORATE

Signed, acknowledged and notarized on this 12 th day of April, 2018.

WITNESSES:

Sign: __________________________
Print: Tutulae Kowolwe

SIGN: __________________________
Print: Ghazala Ahmed

OWNER:

Intracoastal Development Group, LLC, a Florida limited liability company

By: __________________________
Print: Malcolm Tatum
Its: Pres

Address: 660 Cabana Way
Palm Beach, FL 33480

Note: Florida Statutes requires one of the following: corporate officer's signature attested by the corporate secretary and corporate seal applied; or, corporate seal applied and one witness; or corporate officer's signature and two witnesses.

STATE OF FLORIDA
COUNTY OF Palm Beach

I HEREBY CERTIFY that the foregoing Unity of Title was acknowledged before me this 12 th day of April, 2018, by Malcolm Tatum, of Intracoastal Development Group, LLC, a Florida limited liability company, on behalf of the Company. He or she ( ) is personally known to me or ( ) has produced Driver's License or other identification.

[STAMP]

NOTARY PUBLIC

Print Name: Ghazala Ahmed
State of Florida at large
My commission expires: 10/7/2020

P:\DOCS\15109.01\CLIENT\32H1139.DOC 4/9/2018 12:39:35 PM/UNITY OF TITLE.Intracoastal Development
EXHIBIT A
(Legal Description)

Lot 2 of LOT “A,” GRAN PARK AT PORT SALERNO, according to the Plat recorded in Plat Book 15, Page 84, being a Replat of Lot “A” of A Replat of a Portion of Gran park at Port Salerno, Phase 1, as recorded I in Plat Book 13, Page 14 of the Public Records of Martin County, Florida.