

39 NE Lofting Way

2915

WALL

Permit No. _____

Date _____

APPLICATION FOR A PERMIT TO BUILD A DOCK, FENCE, POOL, SOLAR HEATING DEVICE, SCREENED ENCLOSURE, GARAGE OR ANY OTHER STRUCTURE NOT A HOUSE OR A COMMERCIAL BUILDING

This application must be accompanied by three (3) sets of complete plans, to scale, including a plot plan showing set-backs; plumbing and electrical layouts, if applicable, and at least two (2) elevations, as applicable.

Owner MR DON MCKINNON Present Address _____

Phone _____

Contractor GARY HUFNAGEL Address 220 NE HOLLYHOCK

Phone 3349415

Where licensed STATE License number CG C028627

Electrical contractor _____ License number _____

Plumbing contractor _____ License number _____

Describe the structure, or addition or alteration to an existing structure, for which this permit is sought: _____

A- 5' high wall on the front + east side of Lot- 2
State the street address at which the proposed structure will be built: _____

Subdivision PLANTATION Lot number 2 Block number _____

Contract price \$ 20,000.00 ± Cost of permit \$ 100.00

Plans approved as submitted _____ Plans approved as marked _____

I understand that this permit is good for 12 months from the date of its issue and that the structure must be completed in accordance with the approved plan. I further understand that approval of these plans in no way relieves me of complying with the Town of Sewall's Point Ordinances and the South Florida Building Code. Moreover, I understand that I am responsible for maintaining the construction site in a neat and orderly fashion, policing the area for trash, scrap building materials and other debris, such debris being gathered in one area and at least once a week, or oftener when necessary, removing same from the area and from the Town of Sewall's Point. Failure to comply may result in a Building Inspector or Town Commissioner "red-tagging" the construction project.

Contractor Gary L. Hufnagel

I understand that this structure must be in accordance with the approved plans and that it must comply with all code requirements of the Town of Sewall's Point before final approval by a Building Inspector will be given.

Owner Don McKinnon

TOWN RECORD

Date submitted _____ Approved: _____
Building Inspector _____ Date _____

Approved: _____ Final Approval given: _____
Commissioner _____ Date _____ Date _____

Certificate of Occupancy issued (if applicable) _____
Date _____

SP1282

Permit No. _____

Approval of these plans in no way relieves the contractor or builder of complying with the Town of Sewall's Point Ordinances, the South Florida Building Code and the State of Florida Model Energy Efficiency Building Code.

Martin County Utilities

Water Service Connection

Time: 8:00AM

Date: 6/11/94

Address: 39 LOFTING Wy

Building Permit #: 3465

Bk.: _____ Lot: 2

Subdiv.: PLANTATION

Installed By: L.B

Utilities S/O #: 20316

Meter #: 39195463

Meter Size: 5/8

Meter Make: NEPTUNE

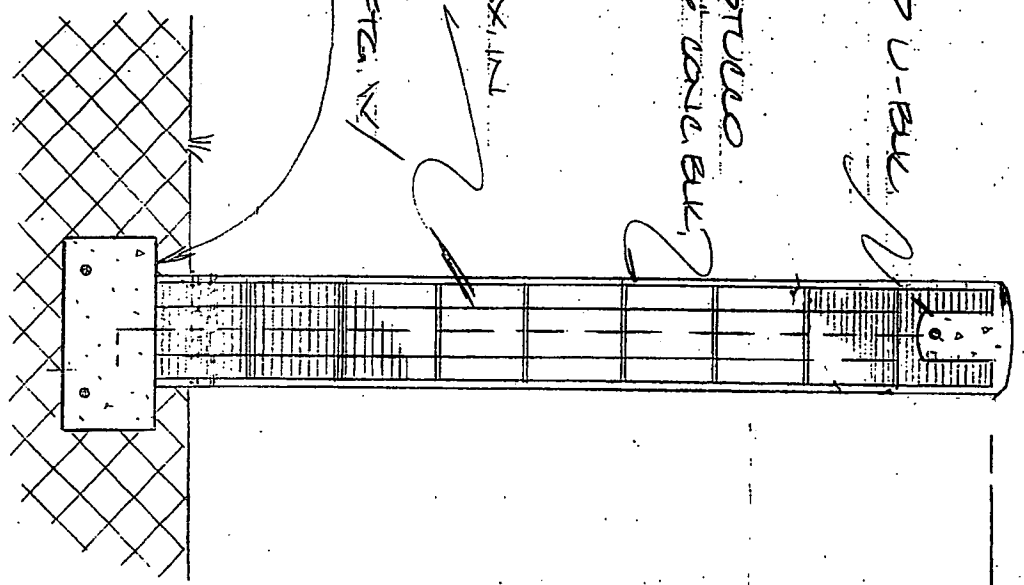
Back Flow: YES

CONCRETE FIBER U-BUL
W/ #7 REBAR

LIGHT TEXTURED STUCCO
FINISH AND 8" X 8" U-BUL

1st & 2nd @ MAX. INT.
FIBER U-BUL

18" X 12" CONC. FTG. W/
2#56 CONF.



VERTICAL DETAIL 3/4" = 1'-0"

Handwritten signature or initials.



KELLY & KELLY ARCHITECTS

118 W SIXTH STREET STUART FLORIDA 33497 283-3492

2990

DOCK

Permit No. _____

100.1 2011 Date _____

3:55 PM

2990

APPLICATION FOR A PERMIT TO BUILD A DOCK, FENCE, POOL, SOLAR HEATING DEVICE, SCREENED ENCLOSURE, GARAGE OR ANY OTHER STRUCTURE NOT A HOUSE OR A COMMERCIAL BUILDING

This application must be accompanied by three (3) sets of complete plans, to scale, including a plot plan showing set-backs; plumbing and electrical layouts, if applicable, and at least two (2) elevations, as applicable.

Owner 749727 ONTARIO LIMITED Present Address 2462 NE PALMER ST.

Phone _____ JENSEN BEACH FL

Contractor ROBERT SANDY CONST. INC Address 3452 NE INDIAN DR

Phone 334-3046 JENSEN BEACH FL 34957

Where licensed STATE OF FLORIDA License number CGO 040310

Electrical contractor _____ License number _____

Plumbing contractor _____ License number _____

Describe the structure, or addition or alteration to an existing structure, for which this permit is sought: CONSTRUCT 4' X 388' DOCK WITH AN 8' X 31' T-SECTION

State the street address at which the proposed structure will be built: _____

Subdivision PLANTATION AT SEWALLS POINT Lot number 1 Block number _____

Contract price \$ 24,000.00 Cost of permit \$ 120.00

Plans approved as submitted _____ Plans approved as marked _____

I understand that this permit is good for 12 months from the date of its issue and that the structure must be completed in accordance with the approved plan. I further understand that approval of these plans in no way relieves me of complying with the Town of Sewall's Point Ordinances and the South Florida Building Code. Moreover, I understand that I am responsible for maintaining the construction site in a neat and orderly fashion, policing the area for trash, scrap building materials and other debris, such debris being gathered in one area and at least once a week, or oftener when necessary, removing same from the area and from the Town of Sewall's Point. Failure to comply may result in a Building Inspector or Town Commissioner "red-tagging" the construction project.

Contractor Robert J. Sandy

I understand that this structure must be in accordance with the approved plans and that it must comply with all code requirements of the Town of Sewall's Point before final approval by a Building Inspector will be given.

Owner DMMK

2990

TOWN RECORD
Date submitted _____ Approved: Dale Brown 4/29/11
Building Inspector Date

Approved: _____ Final Approval given: _____
Commissioner Date Date

Certificate of Occupancy issued (if applicable) _____
Date

SP1282 Permit No. _____

Approval of these plans in no way relieves the contractor or builder of complying with the Town of Sewall's Point Ordinances, the South Florida Building Code and the State of Florida Model Energy Efficiency Building Code.

FLA. DOC. PAID

\$ 4812.50

Marsha Stiller
Clerk of Circuit Court
Martin Co., Fla.

By [Signature] D.C.

854579

RECORD VERIFIED
COPY

WARRANTY DEED

THIS INDENTURE, made this 6 day of NOVEMBER, 1990, by and between SEWALL'S POINT PLANTATION PARTNERSHIP, a Florida general partnership (hereinafter called "Grantor"), and 749727 ONTARIO LIMITED, a Canadian corporation chartered under the Province of Ontario, whose address is: Box 78, PUSLINCHE, ONTARIO, CANADA, N0B 2J0 (hereinafter called "Grantee(s)").

WITNESSETH, that said Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration to said Grantor in hand paid by said Grantee, the receipt of which is hereby acknowledged, has granted, bargained, and sold to the said Grantee, and Grantee's heirs and assigns, forever, the following described property, situate, lying and being in Martin County, Florida, to wit:

Lot 1 of the PLANTATION AT SEWALL'S POINT according to the Plat thereof, recorded in Plat Book 12, Page 70, of the Public Records of Martin County, Florida.

THIS IS VACANT LAND.

This conveyance is subject to and by accepting this Deed, the Grantee(s) herein agree to assume and abide by the following:

1. All matters as shown on the plat of the PLANTATION AT SEWALL'S POINT, recorded in Plat Book 12, Page 70, of the Public Records of Martin County, Florida; and
2. The Declaration of Covenants and Restrictions for the PLANTATION AT SEWALL'S POINT and all exhibits and amendments thereto; and
3. Conditions, limitations, restrictions, reservations and easements of record, if any; and
4. Utility easements, recreational easements and easements for vehicular and nonvehicular rights-of-way as to the Property; and
5. The Articles of Incorporation and By-Laws of the Sewall's Point Plantation Homeowners Association, Inc., as now or hereafter promulgated and amended and the lien provisions thereof; and
6. Real estate taxes for the current year 1990 and all subsequent years.

And said Grantor does hereby fully warrant the title to said property and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

CORPORATE SEAL

SEWALL'S POINT PLANTATION PARTNERSHIP, a Florida general partnership

By: Sewall's Point Plantation, Inc., a Florida corporation as General Partner

By: [Signature]
JOHN H. BOURASSA, President

Barbara A. Rose

Louise Hilary

and

By: Yendis Corporation, a Florida corporation, as General Partner

[Handwritten Signature]

By: *[Handwritten Signature]*
SIDNEY KOHL, President

STATE OF FLORIDA)
)ss.
COUNTY OF PALM BEACH)

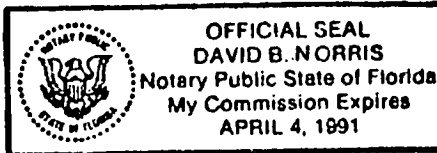
The foregoing instrument was acknowledged before me this 5 day of November, 1990, by JOHN H. BOURASSA, as President of SEWALL'S POINT PLANTATION, INC., a Florida corporation, as General Partner of SEWALL'S POINT PLANTATION PARTNERSHIP, a Florida general partnership, on behalf of said corporation.

[Handwritten Signature]

Notary Public, State of Florida

My commission expires:

STATE OF FLORIDA)
)ss.
COUNTY OF PALM BEACH)



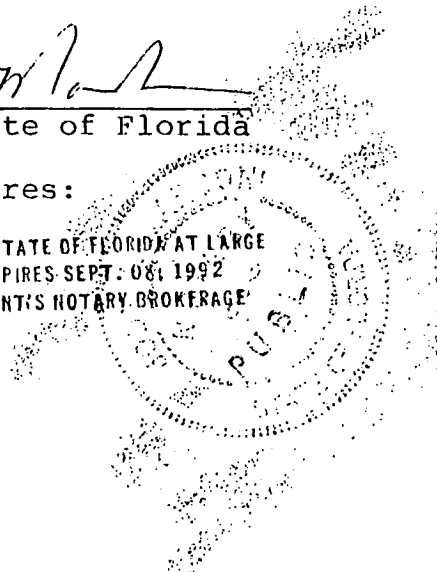
The foregoing instrument was acknowledged before me this 10th day of November, 1990, by SIDNEY KOHL, as President of YENDIS CORPORATION, a Florida corporation, as General Partner of SEWALL'S POINT PLANTATION PARTNERSHIP, a Florida general partnership, on behalf of said corporation.

[Handwritten Signature]
Notary Public, State of Florida

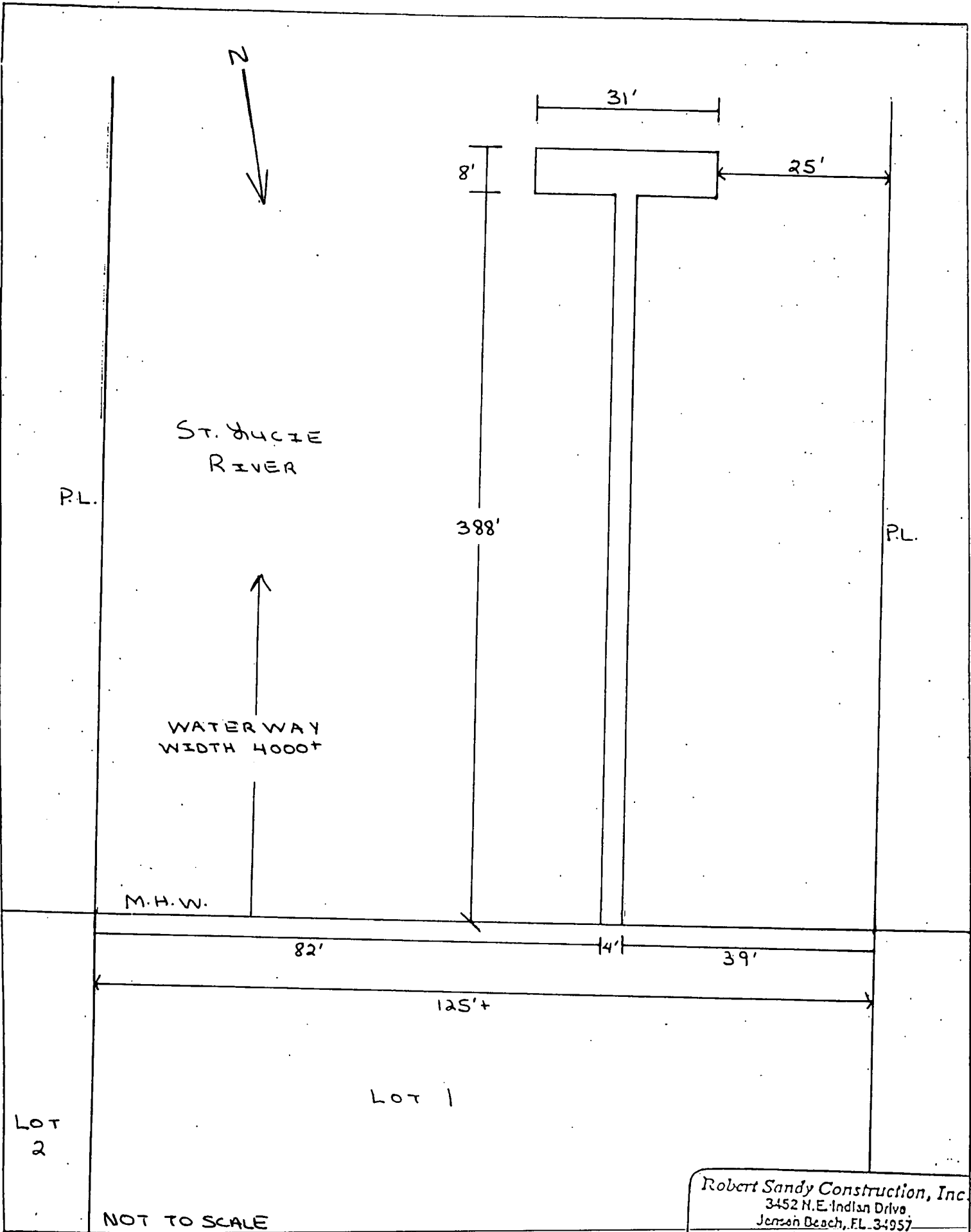
My commission expires:

12,14/spp10

NOTARY PUBLIC; STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES SEPT: 08: 1992
BONDED THRU AGENT'S NOTARY BROKERAGE



FILED FOR RECORD
MARTIN CO., FLA.
90 NOV -6 PM 3:53
MARSHA SULLER
CLERK OF CIRCUIT COURT
[Handwritten Signature]
D.C.



ST. LUCIE RIVER

WATER WAY WIDTH 4000+

M.H.W.

388'

31'

25'

8'

P.L.

P.L.

82'

14'

39'

125'±

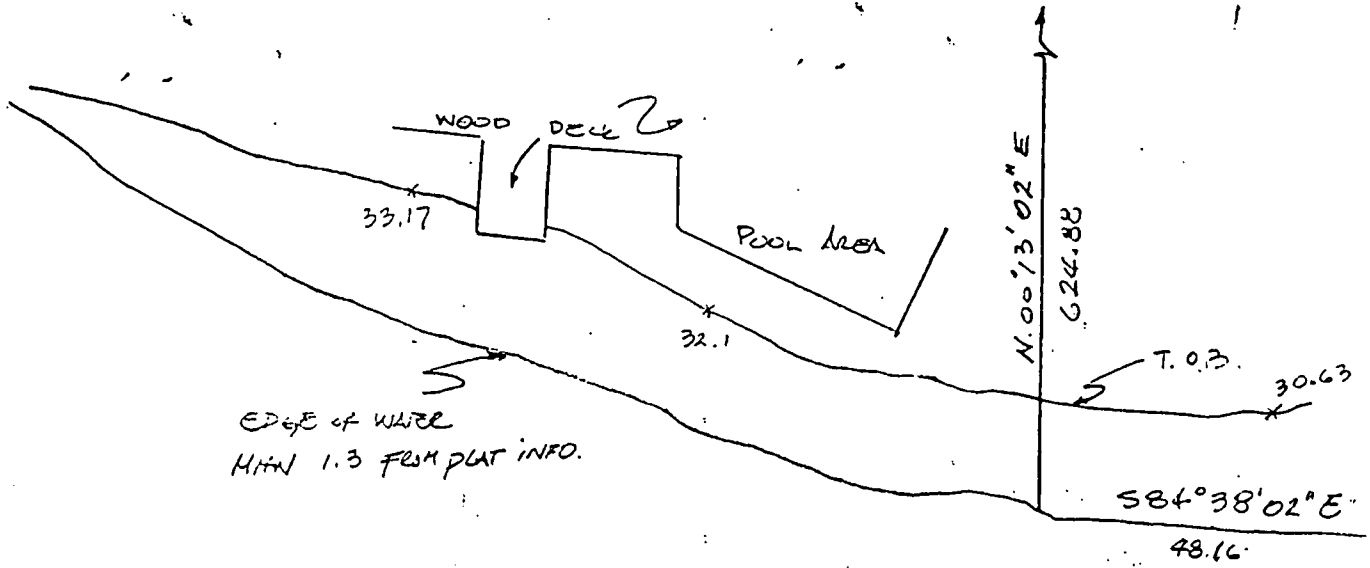
LOT 1

LOT 2

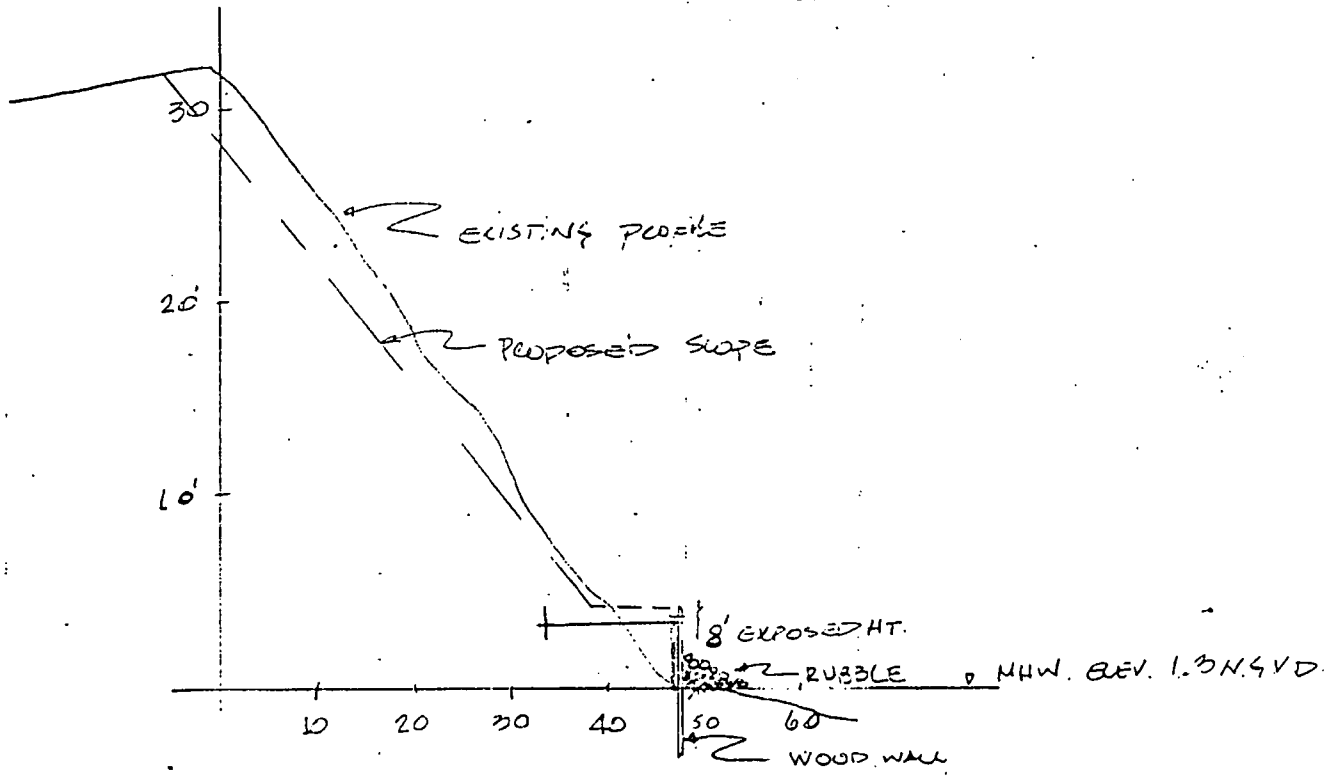
NOT TO SCALE

Robert Sandy Construction, Inc.
 3452 N.E. Indian Drive
 Jensen Beach, FL 34957
 407-334-3045

PROPOSED DOCK FOR MCKINNON/PLANTATION AT SEWALLS POINT



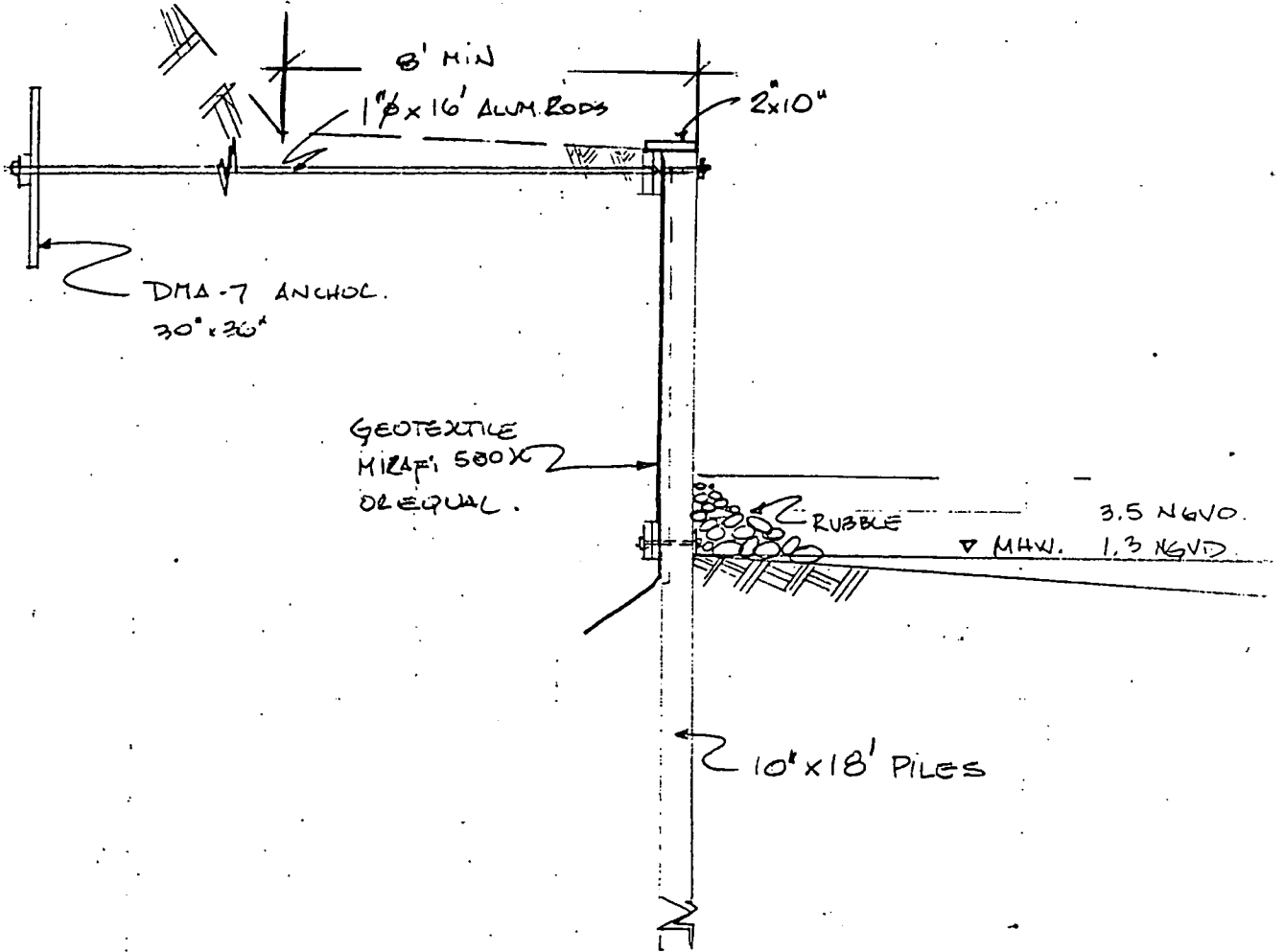
SITE MAP
SCALE 1" = 50'



D.E.R., D.N.R. & U.S.A.C.O.E.
Joint Application For Permit
Prepared by:
Bob Sandy CONR.

Revisions		
Field Book	Page No.	
Job No.:	Date <i>8/2/91</i>	
Drawn By <i>EA</i>	Checked By <i>EA</i>	Scale <i>NTS</i>

Q **QUILLEN - VELASCO** ST
ENGINEERS & SURVEYORS
PORT ST. LUCIE, FLORIDA
(407) 335-4466, 878-0477

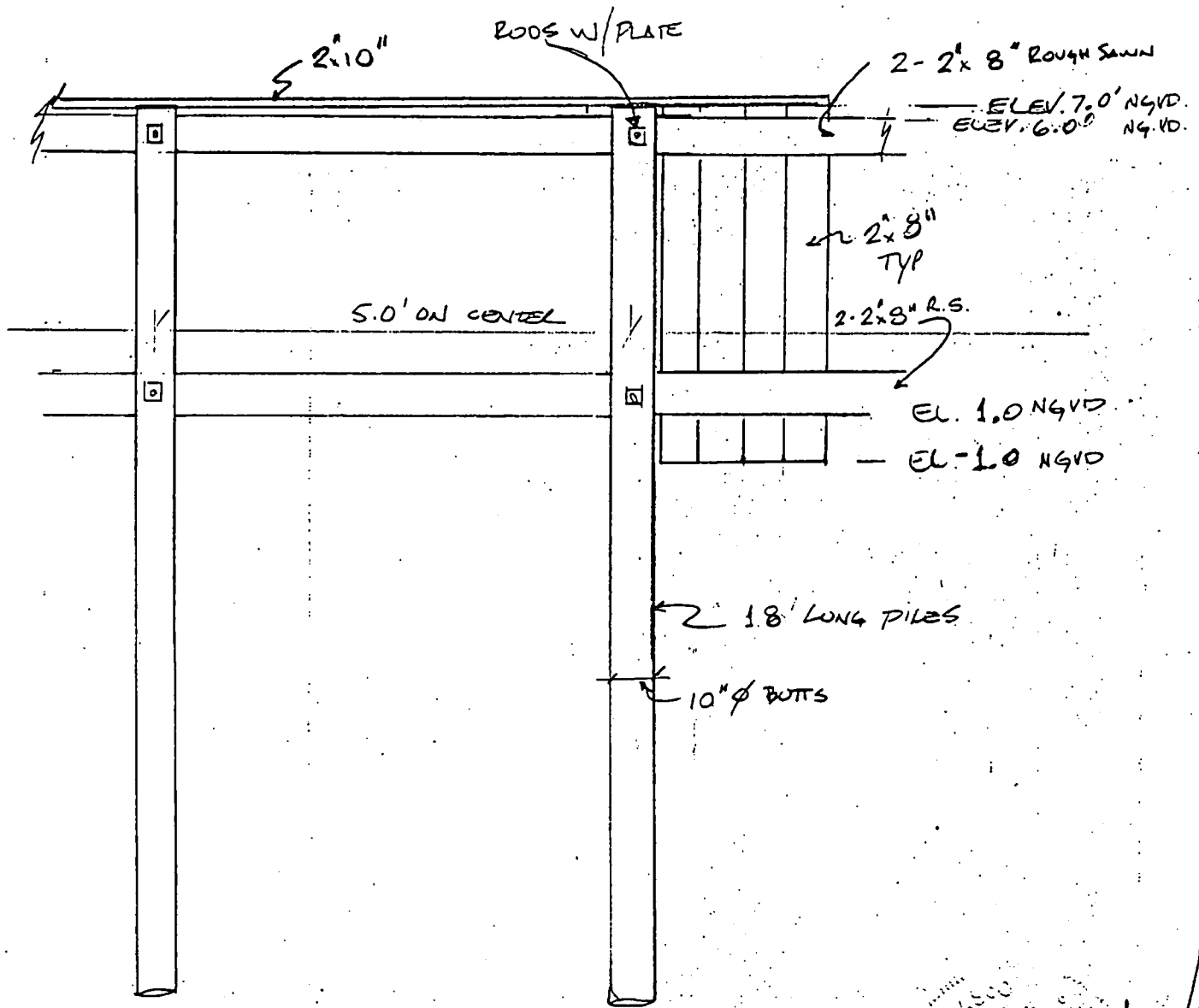


NOTES:

- (1) RUBBLE TO EXTEND 4' ABOVE GRADE.
- (2) FABRIC TO EXTEND 1' BELOW M.L.W.
- (3) ALL ALUMINUM COMPONENTS IN CONTACT WITH WOOD TO BE TAL COATED.
- (4) ALL WOOD TO BE PRESSURE TREATED.

Handwritten signature and initials

D.E.R., D.N.R. & U.S.A.C.O.E. Joint Application For Permit	Revisions		Q	QUILLEN - VELASCO ENGINEERS & SURVEYORS	Sheet
	Field Book	Page No.			2
Prepared by:	Job No.:	Date	PORT ST. LUCIE, FLORIDA		Of
Eob Sandy Court.	Drawn By <i>SR</i>	Checked By <i>SL</i>	(407) 335-4466, 878-0477		3
		Scale <i>NTS</i>			



QUILLEN - VELASCO
 ENGINEERS & SURVEYORS
 PORT ST. LUCIE, FLORIDA
 (407) 355-4466, 878-0477
 8/2/91

D.E.R., D.N.R. & U.S.A.C.O.E. Joint Application For Permit Prepared by: Bob Savitsky Corp.	Revisions		Q QUILLEN - VELASCO ENGINEERS & SURVEYORS PORT ST. LUCIE, FLORIDA (407) 355-4466, 878-0477	Sheet
	Field Book	Page No.		3
	Job No.:	Date 8/2/91		of
	Drawn By SP	Checked By GP	Scale NTS	3

PROPOSED WALKWAY TO OBTAIN ACCESS TO DOCK*

EXISTING DOCK

EXISTING DOCK

88'

PROPOSED SEAWALL

10' BENCH

10' BENCH

MARTIN CO.

SEAWALL'S POINT

WALKWAY DETAIL

BENCH DETAIL

2"x6" UltraWood Bullnose
5" wide

2"x6" P.T. .40 CCA
SLEEPERS TYP.

GROUND LEVEL

#1 2"x6" Bullnose

SEAWALL

7/8"x10" GAL. Bolts

4"x4" P.T. Post
10' o.c.

DECKING

#1 2"x8" P.T. .40 CCA

3/8"x3" GALV. LAGS

* The bank at this site is unstable. It already has a stair and access at the southern most dock. By tying the two docks together with a walk, it will alleviate the necessity to construct another stair on an unstable area of the bank.

Robert Sandy Construction, Inc.
3452 N.E. Indian Drive
Jensen Beach, FL 34957
407-334-3046

STATE OF FLORIDA
DEPARTMENT OF NATURAL RESOURCES

Marjory Stoneman Douglas Building • 3900 Commonwealth Boulevard • Tallahassee, Florida 32399
Tom Gardner, Executive Director

PLEASE ADDRESS REPLY TO:

Division of State Lands
Southeast Florida Field Office
1900 South Congress Avenue
Post Office Box 16488
West Palm Beach, Florida 33406

April 5, 1990

John Bourassa
c/o Eric B. Holly, President
Plandev, Inc.
957 Central Parkway
Stuart, Florida 34994

Dear Mr. Holly:

File No. 431772798 : **LOT 1**
Applicant: Bourassa, John

CLIENT COPY
ASLAN, Inc.

Response Not Required
Dated: NOV 14 1990

This will advise you that the applicant is hereby authorized to proceed with construction of a single family dock as proposed in the above referenced Department of Environmental Regulation Permit, showing the location in Martin County, Section 26, Township 37 South, Range 41 East, Lot 1.

This authorization is specifically conditioned upon the following:

- 1) Compliance with and acceptance of the attached general consent conditions.
- 2) A specific condition of this consent is that 1) the enclosed standards and conditions be complied with and 2) no construction is authorized to occur until the upland property has been transferred to the resident single family home owner of the property. This specifically refers to speculators and developers since the resident may not desire the structure.
- 3) This consent will expire on March 30, 1993, and cannot be extended without the specific written consent of this office.



Administration — Beaches and Shores — Law Enforcement — Marine Resources — Recreation and Parks — Resource Management — State Lands

Bob Martinez
Governor

Jim Smith
Secretary of State

Bob Butterworth
Attorney General

Gerald Lewis
State Comptroller

Tom Gallagher
State Treasurer

Doyle Conner
Commissioner of Agriculture

Betty Castor
Commissioner of Education

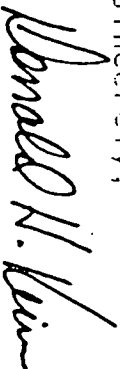
Bourassa, John
April 5, 1990
Page 2

Please consider this the conditional authority sought under Section 253.77, Florida Statutes, to pursue this project.

This letter in no way waives the authority and/or jurisdiction of any governmental entity nor does this letter disclaim any title interest that the State may have in this project site.

We appreciate your cooperation. If you have any questions, please feel free to contact me.

Sincerely,



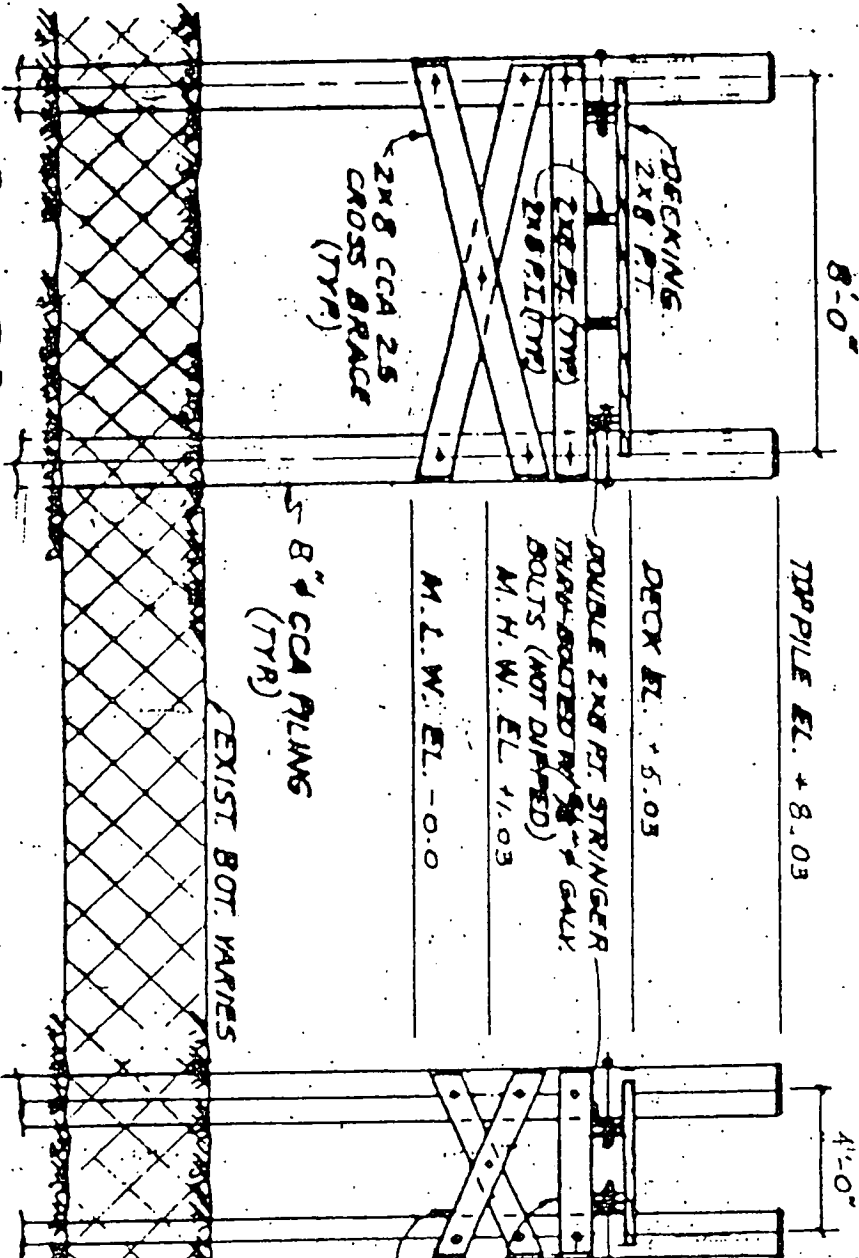
Donald H. Keirn
Division of State Lands
Southeast Florida District Office

DHK/dw
Attachments
cc: Department of Environmental Regulation

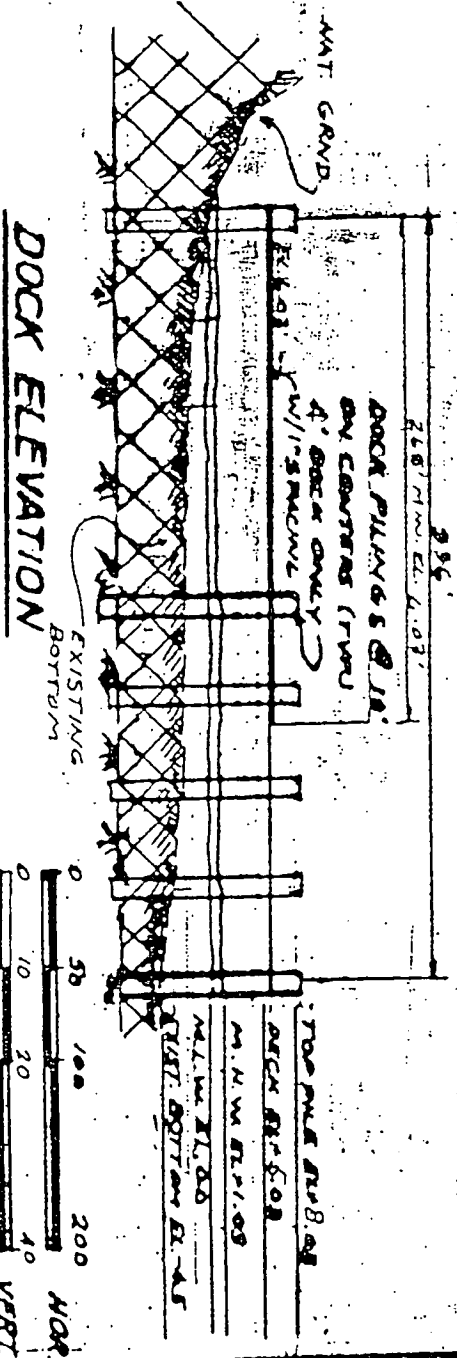
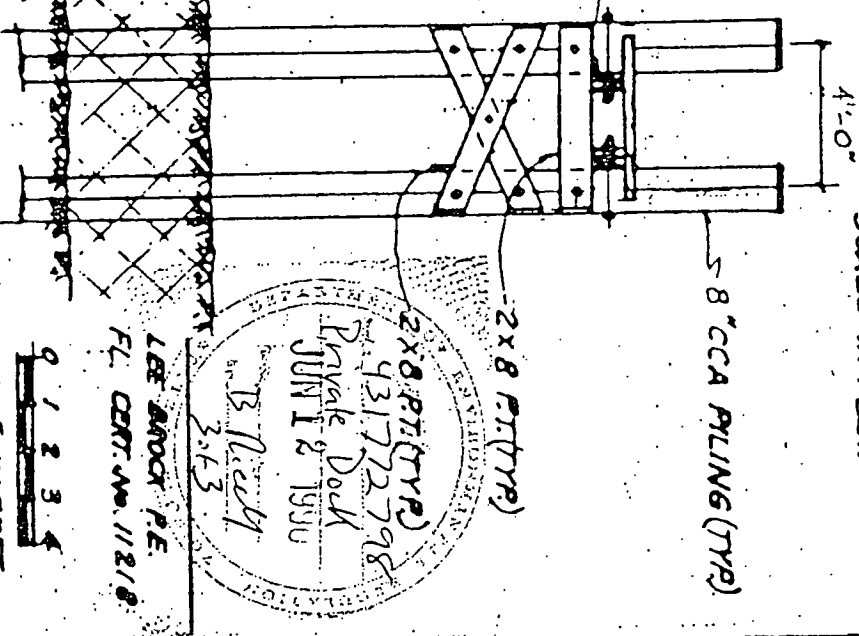
THIS DRAWING IS CERTIFIED AS A PRESENTATION FOR PERMITTING PURPOSES ONLY. THIS IS NOT A CONSTRUCTION DRAWING AND IS NOT TO BE USED AS SUCH.

LEE BROCK, P. E.
FLORIDA REGISTRATION NO. 11218
DATE MAY 21 1990

SECT. B-B
1/4" = 1'-0"



SECT. C-C
1/4" = 1'-0"

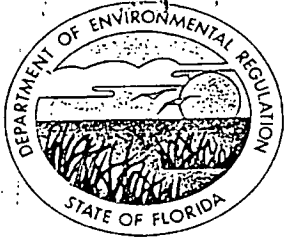


PLANDEY Inc
ENGINEERS-PLANNERS-SURVEYORS
857 CENTRAL PARKWAY
STUART, FL 34984 407-288-2020

LOT 1
Prepared For PLANTATION of SEWALL'S PT.

Drawn By: TPS
Date: FEBRUARY 5, 90 SHEET 01
Job No.: 288-01-19

FILE



Florida Department of Environmental Regulation

Southeast District Branch Office • 2745 S.E. Morningside Blvd. • Port St. Lucie, FL 34952 • 407-878-3890/335-4310

Bob Martinez, Governor

Dale Twachtmann, Secretary

John Shearer, Assistant Secretary
Scott Benyon, Deputy Assistant Secretary

JUN 12 1990

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION
NOTICE OF PERMIT ISSUANCE

In the Matter of an Application
for Permit by:

DER File No. 43172798
WRM - Martin County

John Bourassa
c/o Eric B. Holly
Post Office Box 1500
Stuart, Florida 34995-1500

Dear Mr. Bourassa:

Enclosed is Permit Number 431772798 to construct a private dock issued pursuant to Chapter 403 Florida Statutes

A person whose substantial interests are affected by this permit may petition for an administration proceeding (hearing) in accordance with Section 120.57, Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, within 14 days of receipt of this Permit. Petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under Section 120.57 Florida Statutes.

The Petition shall contain the following information:

- (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department Permit File Number and the county in which the project is proposed;
- (b) A statement of how and when each petitioner received notice of the Department's action or proposed action;
- (c) A statement of how each petitioner's substantial interest are affected by the Department's action of proposed action;
- (d) A statement of the material facts disputed by petitioner, if any;
- (e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action;

(f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; and

(g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this permit. Persons whose substantial interests will be affected by any decision of the Department with regard to the application have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 14 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding office upon motion filed pursuant to Rule 28-5.207, F.A.C.

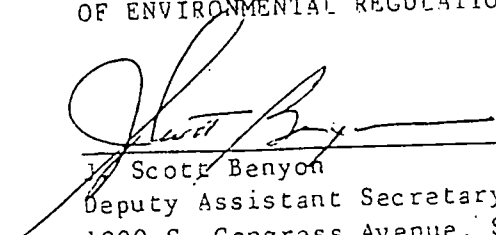
This permit is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above paragraphs or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition and conforms to Rule 17-103.070, F.A.C. Upon timely filing of a petition or a request for an extension of time this permit will not be effective until further order of the Department.

When the Order (Permit) is final, any party to the Order has the right to seek judicial review of the Order pursuant to Section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate procedure, with the Clerk of the Department in the Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date the Final Order is filed with the Clerk of the Department.

Any questions regarding this permit should be directed to Brad Rieck at (407) 878-3890.

Executed in West Palm Beach, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION



Scott Benyon
Deputy Assistant Secretary
1900 S. Congress Avenue, Suite A
West Palm Beach, Florida 33406
407-964-9668

Page Three
John Bourassa
c/o Eric Holly
Post Office Box 1500
Stuart, Florida 34995-1500

Permit No. 431772798

CERTIFICATE OF SERVICE

This is to certify that this NOTICE OF PERMIT and all copies were mailed before the close of business on JUN 12 1990 to the listed persons.

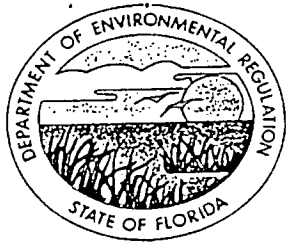
Clerk Stamp

FILING AND ACKNOWLEDGEMENT
FILED, on this date, pursuant to §120.52(9), Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Loretta Walsh
(Clerk)

6-12-90
(Date)

cc: U.S. Army Corps of Engineers
Department of Natural Resources
Martin County Property Appraiser
Town of Sewall's Point



Florida Department of Environmental Regulation

Southeast District Branch Office • 2745 S.E. Morningside Blvd. • Port St. Lucie, FL 34952 • 407-878-3890/335-4310

Bob Martinez, Governor

Dale Twachtmann, Secretary

John Shearer, Assistant Secretary
Scott Benyon, Deputy Assistant Secretary

JUN 12 1990

PERMITTEE:

John Bourassa
c/o Eric Holly
Post Office Box 1500
Stuart, Florida 34995-1500

I.D. Number: 5143P00952
Permit/Certification Number: 431772798
Date of Issue: June 12, 1990
Expiration Date: June 12, 1995
County: Martin
Latitude/Longitude: 27°13'00"/80°29'96"
Section/Township/Range: 26/37 South/41 East
Project: Private Dock

This permit is issued under the provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Rules 17-3, 17-312 and 17-4. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the department and made a part hereof and specifically described as follows:

TO:

Construct a 1800 square foot dock consisting of a 388' by 4' access pier terminating in a 31' by 8' T-Platform.

IN ACCORDANCE WITH:

The three (3) stamped drawings which are attached and a part hereof and DER Application Form 17-1.203(1) dated March 8, 1990 and signed by John Bourassa (not attached).

LOCATED AT:

Lot 1 of Plantation at Sewall's Point, St. Lucie River, Class III waters, Sewall's Point, Martin County.

SUBJECT TO:

GENERAL CONDITIONS one (1) through fifteen (15) and SPECIFIC CONDITIONS one (1) through eleven (11).

PERMITTEE: John Bourassa

I.D. Number: 5143P00942
Permit/Certification Number: 431772798
Date of Issue: June 12, 1990
Expiration Date: June 12, 1995

GENERAL CONDITIONS:

1. The terms, conditions, requirements, limitations, and restrictions set forth herein are "Permit Conditions" and as such are binding upon the permittee and enforceable pursuant to the authority of Sections 403.161, 403.727, or 403.859 through 403.861, Florida Statutes. The permittee is hereby placed on notice that the department will review this permit periodically and may initiate enforcement action for any violation of the "Permit Conditions" by the permittee, its agents, employees, servants or representatives.
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the department.
3. As provided in Subsections 403.087(6) and 403.722(5), Florida Statutes, the issuance of this permit does not convey any vested rights or any exclusive privileges. Nor does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations. This permit does not constitute a waiver of or approval of any other department permit that may be required for other aspects of the total project which are not addressed in the permit.
4. This permit conveys no title to land or water, does not constitute state recognition or acknowledgement of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the state. Only the Trustees of the Internal Improvement Trust Fund may express state opinion as to title.
5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, plant or aquatic life or property and penalties therefor caused by the construction or operation of this permitted source, nor does it allow the permittee to cause pollution in contravention of Florida Statutes and department rules, unless specifically authorized by an order from the department.
6. The permittee shall at all times properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit, as required by department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by department rules.
7. The permittee, by accepting this permit, specifically agrees to allow authorized department personnel, upon presentation of credentials or other documents as may be required by law, access to the premises, at reasonable times, where the permitted activity is located or conducted for the purpose of:
 - a. Having access to and copying any records that must be kept under the conditions of the permit;
 - b. Inspecting the facility, equipment, practices, or operations regulated or required under this permit; and
 - c. Sampling or monitoring any substances or parameters at any location reasonably necessary to assure compliance with this permit or department rules.Reasonable time may depend on the nature of the concern being investigated.
8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately notify and provide the department with the following information:
 - a. a description of and cause of non-compliance; and

PERMITTEE: John Bourassa

I.D. Number: 5143P00952
Permit/Certification Number: 431772798
Date of Issue: June 12, 1990
Expiration Date: June 12, 1995

b. the period of noncompliance, including exact dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the non-compliance.

The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the department for penalties or revocation of this permit.

9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source, which are submitted to the department, may be used by the department as evidence in any enforcement case arising under the Florida Statutes or department rules, except where such use is proscribed by Sections 403.73 and 403.111, Florida Statutes.
10. The permittee agrees to comply with changes in department rules and Florida Statutes after a reasonable time for compliance, provided however, the permittee does not waive any other rights granted by Florida Statutes or department rules.
11. This permit is transferable only upon department approval in accordance with Florida Administrative Code Rules 17-4.12 and 17-30.30, as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the department.
12. This permit is required to be kept at the work site of the permitted activity during the entire period of construction or operation.
13. This permit also constitutes:
- () Determination of Best Available Control Technology (BACT)
 - () Determination of Prevention of Significant Deterioration (PSD)
 - () Certification of Compliance with State Water Quality Standards (Section 401, PL 92-500)
 - () Compliance with New Source Performance Standards
14. The permittee shall comply with the following monitoring and record keeping requirements:
- a. Upon request, the permittee shall furnish all records and plans required under department rules. The retention period for all records will be extended automatically, unless otherwise stipulated by the department, during the course of any unresolved enforcement action.
- b. The permittee shall retain at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation), copies of all reports required by this permit, and records of all data used to complete the application for this permit. The time period of retention shall be at least three years from the date of the sample, measurement, report or application unless otherwise specified by department rule.
- c. Records of monitoring information shall include:
- the date, exact place, and time of sampling or measurements;
 - the person responsible for performing the sampling or measurements;
 - the date(s) analyses were performed;
 - the person responsible for performing the analyses;
 - the analytical techniques or methods used; and
 - the results of such analyses.
15. When requested by the department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware that relevant facts were not submitted or were incorrect in the permit application or in any report to the department, such facts or information shall be submitted or corrected promptly.

PERMITEE:

John Bourassa
c/o Eric Holly
Post Office Box 1500
Stuart, Florida 34995-1500

I.D. Number: 5143P00952
Permit/Certification Number: 431772798
Date of Issue: June 12, 1990
Expiration Date: June 12, 1995
County: Martin
Latitude/Longitude: 27°13'00"/80°29'96"
Section/Township/Range: 26/37 South/41 East
Project: Private Dock

SPECIFIC CONDITIONS:

1. Written notification shall be provided to the Department of Environmental Regulation, Southeast Florida District Branch Office in Port St. Lucie, a minimum of forty-eight (48) hours prior to commencement of construction and a maximum of forty-eight (48) hours after completion of construction.
2. An effective means of turbidity control, such as, but not limited to, turbidity curtains, shall be employed during all operations that may create turbidity in excess of 29 NTU's above background as provided in Chapter 17-3 of the Florida Administrative Code. Turbidity control shall remain in place until all turbidity has subsided.
3. Reflective devices shall be installed on the dock terminus in such a way that will alert night boat traffic of its presence.
4. Decking boards shall be spaced a minimum of one (1) inch apart to allow for light penetration to seagrasses out to a distance of 265 feet waterward of mean high water.
5. No liveaboards shall be allowed at this facility at any time. For the purpose of this condition, a liveaboard is considered to be any boat which is occupied overnight for two or more consecutive nights.
6. All decking out to a distance of 265 feet waterward of mean high water shall be constructed to provide a minimum of five (5) feet clearance from mean high water elevation to the bottom of the dock deck. The remainder of the access pier decking and terminal platform shall be constructed at an elevation of four (4) feet above mean high water. Method of deck elevation transition shall be by gradual ramp.
7. All oyster-mussel clusters in the proposed pathway of the dock shall be hand-relocated to adjacent riverbottom prior to piling installation.
8. Vessels utilizing this structure shall at all times maintain a minimum of one (1) foot clearance between the deepest draft of the vessel/motor and the submerged bottom.
9. All other necessary State, Federal, or Local permits must be applied for and received prior to the start of work.

PERMITEE:

John Bourassa
c/o Eric Holly
Post Office Box 1500
Stuart, Florida 34995-1500

I.D. Number: 5143P00952
Permit/Certification Number: 431772798
Date of Issue: June 12, 1990
Expiration Date: June 12, 1995
County: Martin County
Latitude/Longitude: 27°13'00"/80°29'96"
Section/Township/Range: 26/37 South/41 East
Project: Private Dock

SPECIFIC CONDITIONS:

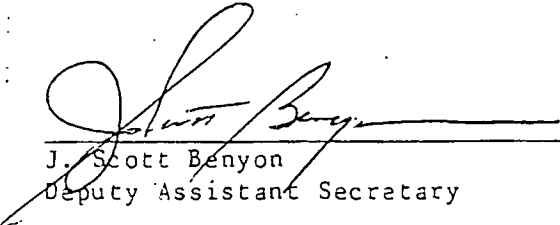
10. "No person shall commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund or the Department of Natural Resources under Chapter 253, until such person has received from the Board of Trustees of the Internal Improvement Trust Fund the required lease, license, easement, or other form of consent authorizing the proposed use." Pursuant to Florida Administrative Code Rule 16Q-14, if such work is done without consent, or if a person otherwise damages state land or products of state land, the Board of Trustees may levy administrative fines of up to \$10,000 per offense.
11. The permittee shall be aware of and operate under the attached "General Permit Conditions Number 1 thru 15". General Permit Conditions are binding upon the permittee and enforceable pursuant to Chapter 403 of the Florida Statutes.

Issued this 8th day of June, 1990

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

3 pages attached

JSB/brw/10



J. Scott Benyon
Deputy Assistant Secretary

431722798
 Private Dock
 JUN 12 1990
 B Sheet
 1 of 3

Joes Point
 Joes (C)

JENSEN INDIAN BEACH INTRACASTAL

SITE

ST LUCIE

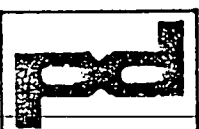
RIVER

FEB 22 1990

T 37 S
 T 36 S

OK Woods Point

Sewalls Point



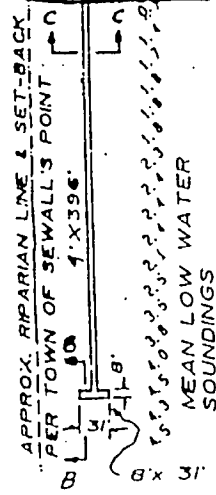
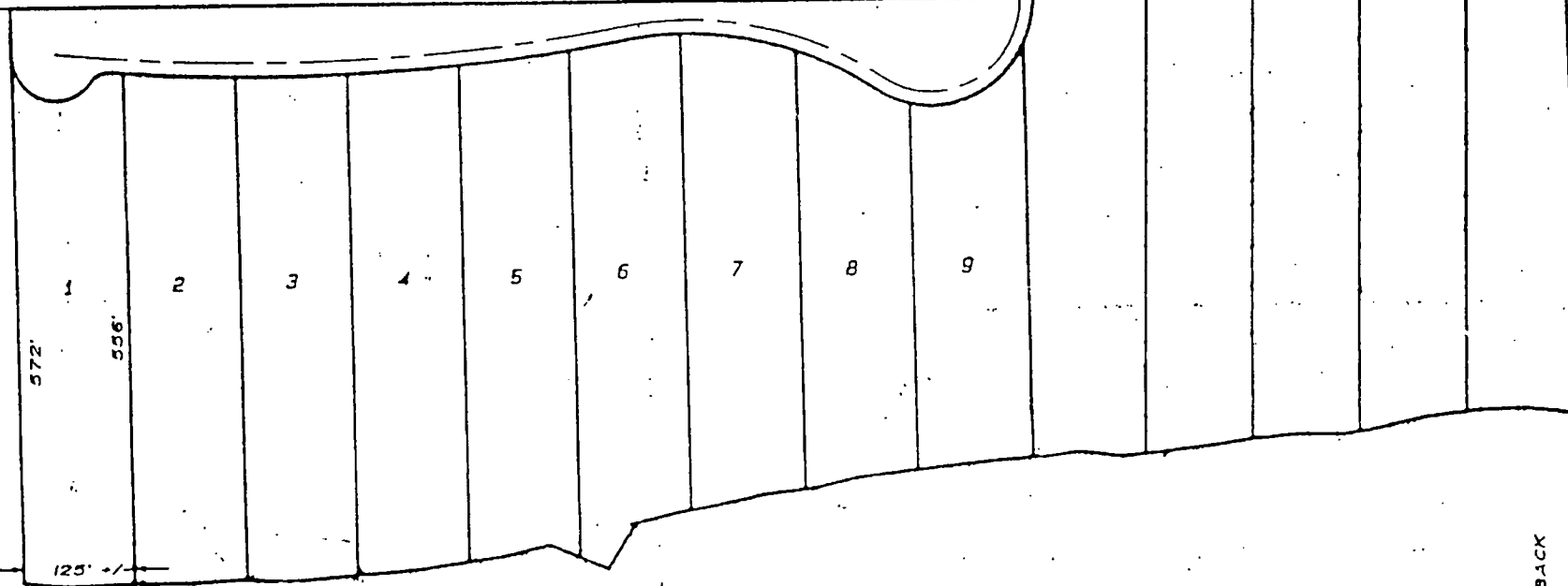
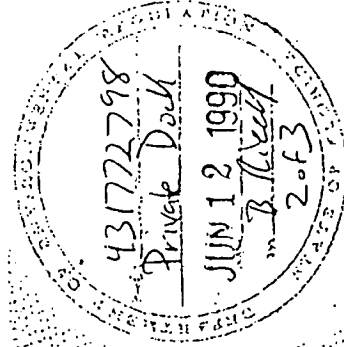
PLANDEV Inc
 ENGINEERS-PLANNERS-SURVEYORS
 957 CENTRAL PARKWAY
 STUART, FL 34994

407-286-2020

Prepared For: PLANTATION at SEWALL'S PT.
 Drawn By: TPS
 Date: FEBRUARY 6, 90 SHEET of
 Job No.: 288-01-19

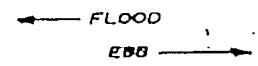


NORTH
SCALE = 1"=200'



THIS DRAWING IS CERTIFIED AS A PRESENTATION FOR PERMITTING PURPOSES ONLY. THIS IS NOT A CONSTRUCTION DRAWING AND IS NOT TO BE USED AS SUCH.

LEE BROCK, P. E.
FLORIDA REGISTRATION NO. 11210
DATE: MAY 3 2020

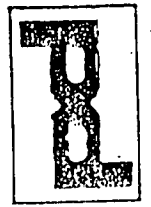


ST. LUCIE RIVER
(OKEECHOBEE WATERWAY)

REV. 3-15-90-A DECK-T.S.

APPROX. RIPARIAN LINE & SET-BACK PER TOWN OF SEWALL'S POINT 1,800' +/- TO OKEECHOBEE WATERWAY CHANNEL

PLANDEV INC
ENGINEERS-PLANNERS-SURVEYORS
957 CENTRAL PARKWAY
STUART, FL 34994



Prepared For: PLANTATION OF SEWALL'S PT.
Drawn By: TBS
Date: FEBRUARY 5, 2000 SHEET 1 OF 6
Job No: 288-01-19



DEPARTMENT OF THE ARMY
MIAMI FIELD OFFICE, 8410 NW 53RD TERRACE MONTEREY BLDG., SUITE 225
MIAMI, FLORIDA 33166-4565
22 June 1990

REPLY TO
ATTENTION OF

Regulatory Section
Miami
90GP30294

Mr. John Bourassa
c/o Eric B. Holly, President
Plandev, Inc.
957 Central Parkway
Stuart, FL 34994

Dear Mr. Bourassa:

Re: access ramp 396'x6' w'T' platform
8'x31', deck elevation 5.03 a/MHWL
Lot #1, Martin County

Reference is made to your request for a Department of the Army permit.

The project as proposed is authorized by General Permit 20, a copy of which is enclosed for your information and use. You are authorized to proceed with the project in accordance with the enclosed drawings subject to all conditions of the permit.

This letter of authorization does not obviate the necessity to obtain any other Federal, State, or local permits which may be required.

It appears that a permit from the Florida Department of Environmental Regulation may be required. A list of addresses of the appropriate State offices is enclosed for your information and use.

Thank you for your cooperation with our permit program.

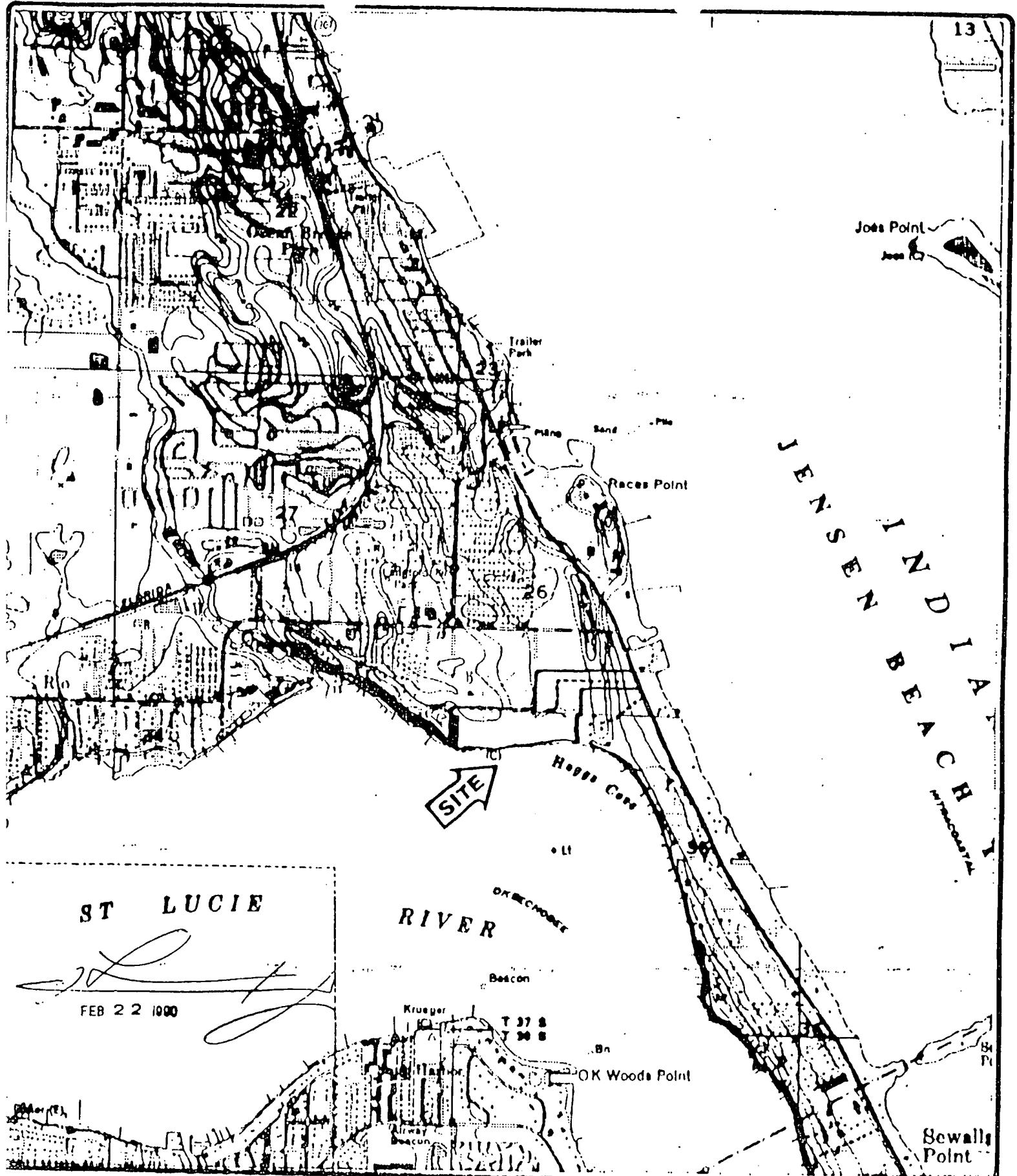
Sincerely,

Charles A. Schnepel
Charles A. Schnepel
Chief, Regulatory Section

CLIENT COPY
ASLAN, Inc.

Response Not Required

Dated: NOV 14 1990



Joes Point
Joes Pt

JENSEN BEACH

SITE

ST LUCIE

RIVER

[Signature]
 FEB 22 1990

PLANDEV Inc
 ENGINEERS-PLANNERS-SURVEYORS
 957 CENTRAL PARKWAY
 STUART, FL 34994 407-286-2020

Prepared For: PLANTATION of SEWALL'S PT.

Drawn By: TPS
 Date: FEBRUARY 6, 90 SHEET of
 Job No.: 288-01-19



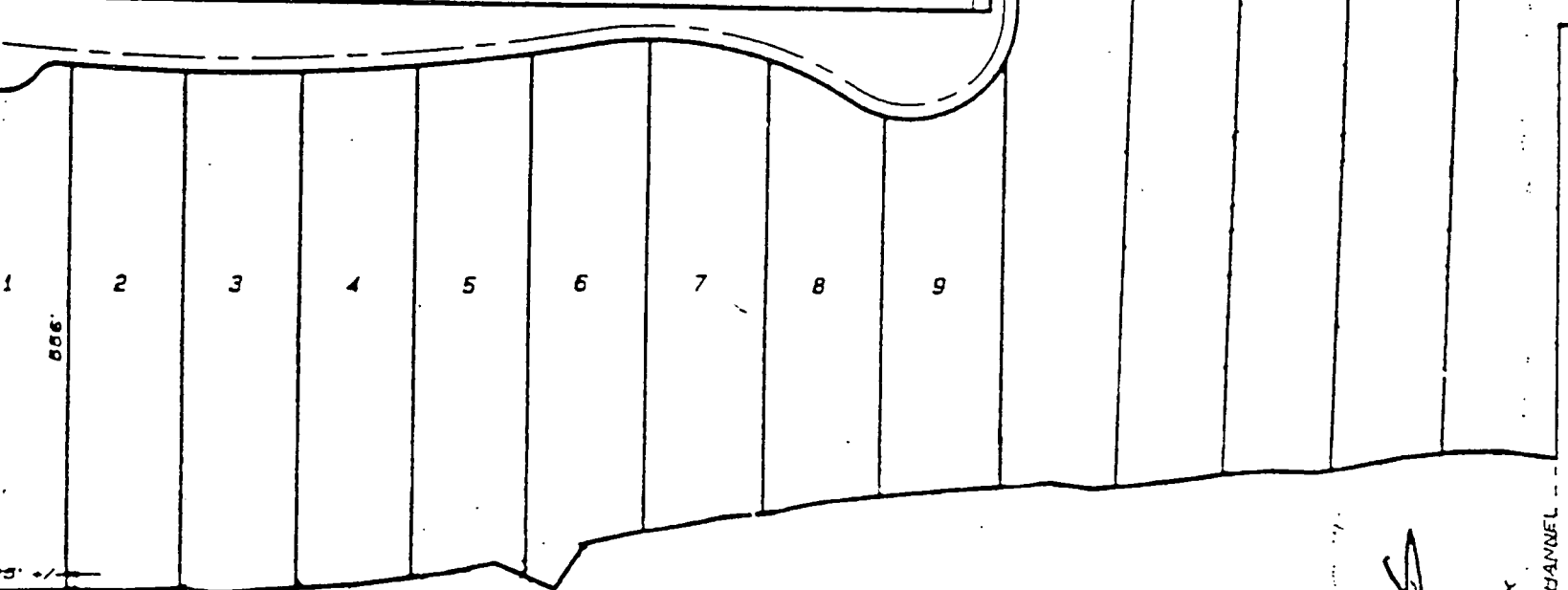
NORTH
SCALE = 1"=200'

APPROX. APARIAN LINE & SET-BACK
PER TOWN OF SEWALL'S POINT

125'

872'

886'

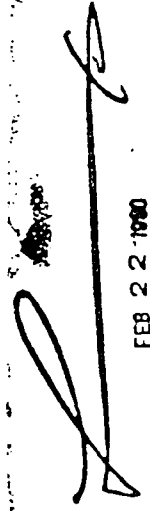


B 8' x 31' TYPICAL TERMINAL PLATFORM

MEAN LOW WATER
SOUNDINGS

ST. LUCIE RIVER
(OKEECHOBEE
WATERWAY)

FLOOD
E280



FEB 22 1990

APPROX. APARIAN LINE & SET-BACK
PER TOWN OF SEWALL'S POINT
1,800' +/- TO OKEECHOBEE WATERWAY CHANNEL



PLANDER INC
ENGINEERS-PLANNERS-SURVEYORS
957 CENTRAL PARKWAY
STUART, FL 34994

407-286-2020

Prepared For: PLANTATION OF SEWALL'S PT.

Drawn By: TBS
Date: FEBRUARY 5, 1990
Job No: 288-01-19

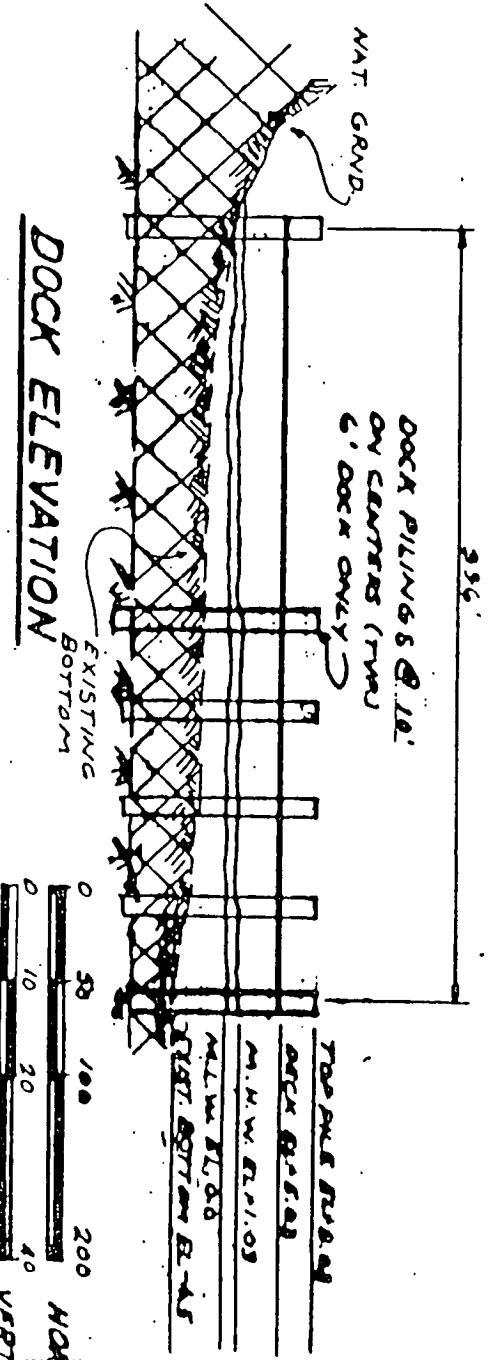
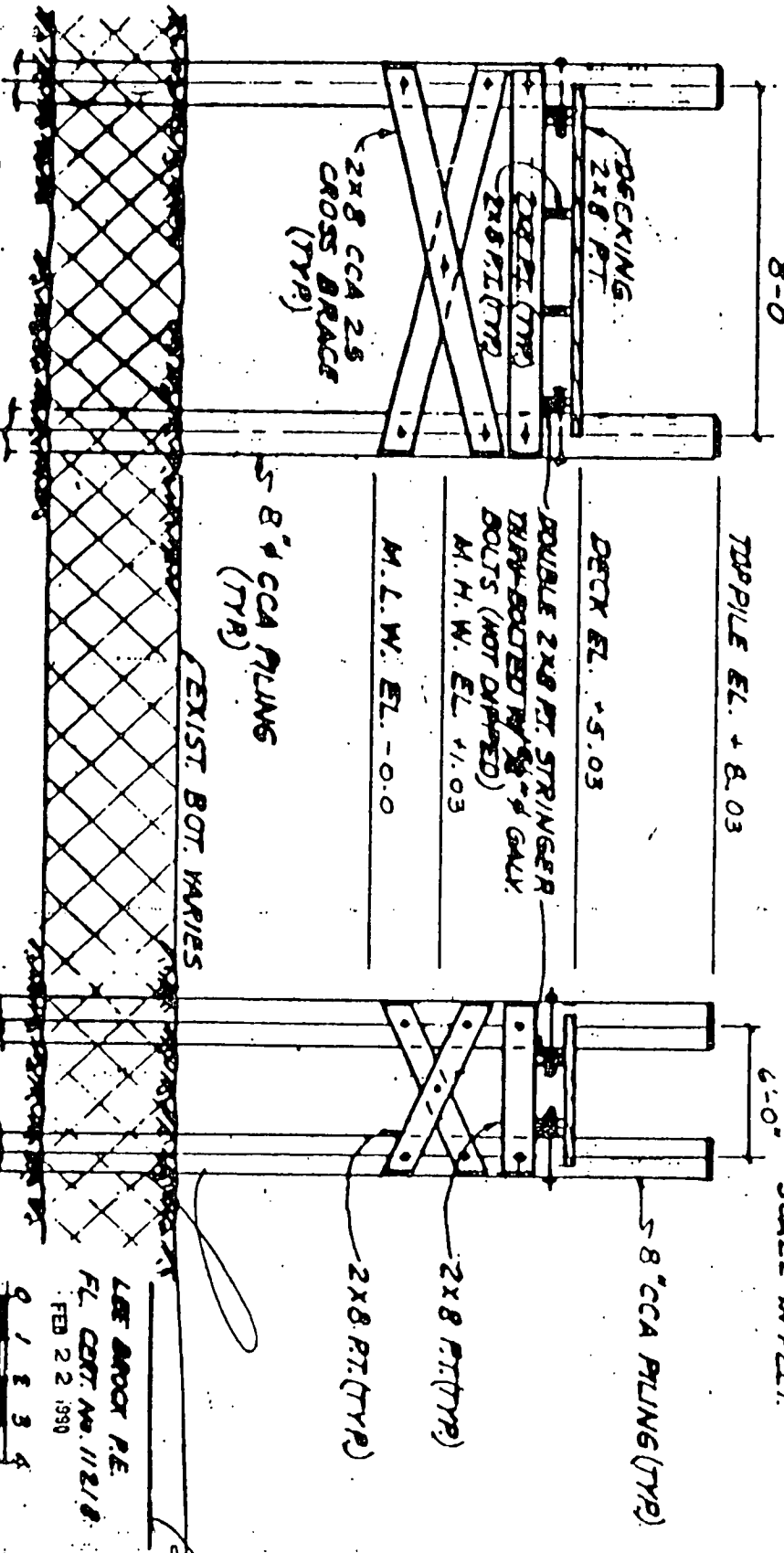
01

SHEET

5.90

SECT. B-B
1/4" = 1'-0"

SECT. C-C
1/4" = 1'-0"



LEE BROOK P.E.
FL. CERT. No. 11218
FEB 22, 1990
0 1 2 3 4
SCALE IN FEET.

PLANDER Inc.
ENGINEERS-PLANNERS-SURVEYORS
857 CENTRAL PARKWAY
STUART, FL 34994 407-288-2020

LOT 1
Prepared For PLANTATION at SEWALL'S PT.
Drawn By: TPS
Date: FEBRUARY 5, 90
Job No.: 288-01-19 SHEET 01

DEPARTMENT OF THE ARMY PERMIT

NOV 1 1988

GENERAL PERMIT SAJ-20

PRIVATE SINGLE-FAMILY PIERS - STATE OF FLORIDA

Upon recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of 3 March 1899 (33 U.S.C. 403), general authority is hereby given to construct private single-family piers in navigable waters of the United States within the State of Florida subject to the following conditions:

SPECIAL CONDITIONS:

1. Structures authorized under this general permit are private single-family piers including normal appurtenances such as boat hoists, boat shelters with open sides, stairways, walkways, mooring piling, dolphins, and maintenance of same.
2. No work shall be performed until the applicant submits satisfactory plans for the proposed structure and receives written authorization from the District Engineer.
3. No structures shall be authorized by the general permit in:
 - a. Florida DNR or U.S. Fish and Wildlife Service established boat regulatory zones, sanctuaries or reserves.
 - b. Crystal, Salt, and Homosassa Rivers, Citrus County, where the structure extends waterward greater than minus (-) three (3) feet mean low water (mlw).
 - c. Faka Union Canal in Collier County.
4. The permittee agrees the contractor will instruct all personnel associated with the construction of the facility, of the presence of manatees and the need to avoid collisions with manatees.
5. The permittee agrees all personnel will be advised that there are civil and criminal penalties for harming, harassing, or killing manatees, which are protected under the Endangered Species Act of 1973, the Marine Mammal Protection Act of 1972, and the Florida Manatee Sanctuary Act. The permittee and/or contractor will be held responsible for any manatees harmed, harassed, or killed as a result of construction of the project.
6. The permittee agrees that any collision with a manatee shall be reported immediately on the manatee "hotline" (1-800-342-1821) and to the U.S. Fish and Wildlife Service, Jacksonville Endangered Species Field Station (904-791-2580).

7. The permittee agrees the contractor shall keep a log detailing sitings, collisions, or injury to manatees which have occurred during the contract period.

8. The permittee agrees that following project completion, a report summarizing the above incidents will be submitted to the Chief, Regulatory Division, Jacksonville District, Corps of Engineers, (P.O. Box 4970, Jacksonville, Florida 32232) and the U.S. Fish and Wildlife Service (3100 University Boulevard South, Suite 120, Jacksonville, Florida 32216-2732).

9. The permittee agrees all vessels associated with the project will operate at "no-wake" speeds at all times while in water where the draft of the vessel provides less than 3 feet clearance from the bottom and that vessels would follow routes of deep water to the maximum extent practicable.

10. The permittee agrees to establish and maintain a permanent educational display at a prominent location of all commercial facilities to increase the awareness of boat operators using the facility, of the presence of manatees, and need to minimize the threat of boats to these animals. The display should include information on the location of the facility with respect to boat speed zones in the area, the threat which boats pose to manatees, the manatee "hotline" number (1-800-342-1821), and other information which may aid in the conservation of the species. The permittee agrees to install and maintain a minimum of one (1) manatee awareness sign on the docks within the facility.

11. Where multiple slip facilities are authorized, the dock must be clumped to minimize shoreline disruption.

12. In the Intracoastal and Okeechobee Waterways, no structure, including mooring piles, authorized under this general permit, will be within 100 feet of the near-bottom edge of the channel unless it is a 5-foot marginal pier.

13. No living, fueling, or storage facilities over navigable waters of the United States are authorized under this general permit.

14. The structure shall not adversely affect or disturb properties listed as eligible for inclusion in the National Register of Historic Places.

15. No structures shall be authorized by this general permit on the following environmentally sensitive areas identified in the Wild and Scenic Rivers Act (16 U.S.C. 1371, et seq.): The Northwest Fork of the Loxahatchee River; and that portion of the Myakka River within the Myakka River State Park. These activities shall require an individual permit.

16. Authorization is contingent upon the issuance of permits from the Florida Department of Environmental Regulation and the Department of Natural Resources as appropriate.

17. A structure authorized under this general permit must not interfere with general navigation.

18. A structure which by its size or location may adversely affect water quality, fish and wildlife habitat, or photosynthetic processes will not be authorized under this general permit.

19. No work shall be performed until after notification of the owner or operator of any marked utilities in the area of the structure.

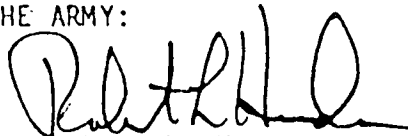
20. This general permit will be valid until suspended or revoked by issuance of a public notice by the District Engineer. Reviews will be conducted to determine if continuance of the permit is not contrary to the public interest.

21. Conformance with the description contained herein does not necessarily guarantee authorization under this general permit.

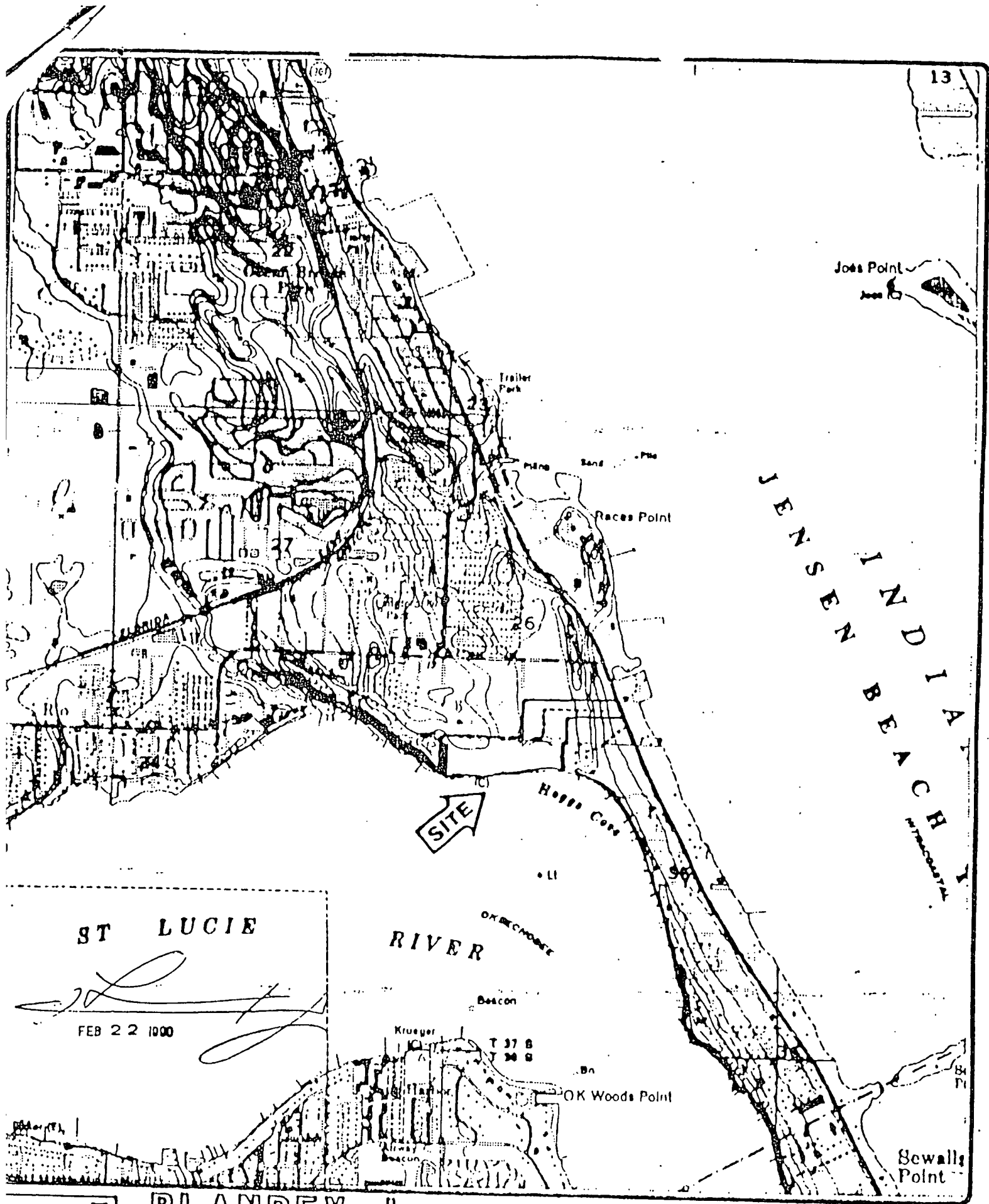
22. The District Engineer reserves the right to require that any request for authorization under this general permit be processed as an individual permit.

23. The General Conditions attached hereto are made a part of this permit (Atch 1).

BY AUTHORITY OF THE SECRETARY OF THE ARMY:



Robert L. Herndon
Colonel, U.S. Army
District Engineer



ST LUCIE

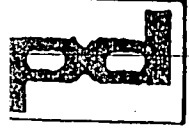
RIVER

JENSEN BEACH

[Signature]
 FEB 22 1990

PLANDEV Inc
 ENGINEERS-PLANNERS-SURVEYORS
 957 CENTRAL PARKWAY
 STUART, FL 34994 407-286-2020

Prepared For: PLANTATION of SEWALL'S PT.
 Drawn By: TPS
 Date: FEBRUARY 6, 90 SHEET 01
 Job No.: 288-01-19





NORTH
SCALE = 1"=200'

APPROX. RIPARIAN LINE & SET-BACK
PER TOWN OF SEWALL'S POINT
396'

125'

672'

666'

MEAN LOW WATER
SOUNDINGS

8' x 31' TYPICAL TERMINAL PLATFORM

1 2 3 4 5 6 7 8 9

10 11 12 13 14

18 17 16 15

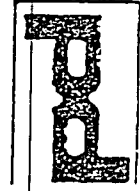
FLOOD

EBB

FEB 22 1980

ST. LUCIE RIVER
(OKEECHOBEE
WATERWAY)

APPROX. RIPARIAN LINE & SET-BACK
PER TOWN OF SEWALL'S POINT
1,800' +/- TO OKEECHOBEE WATERWAY CHANNEL



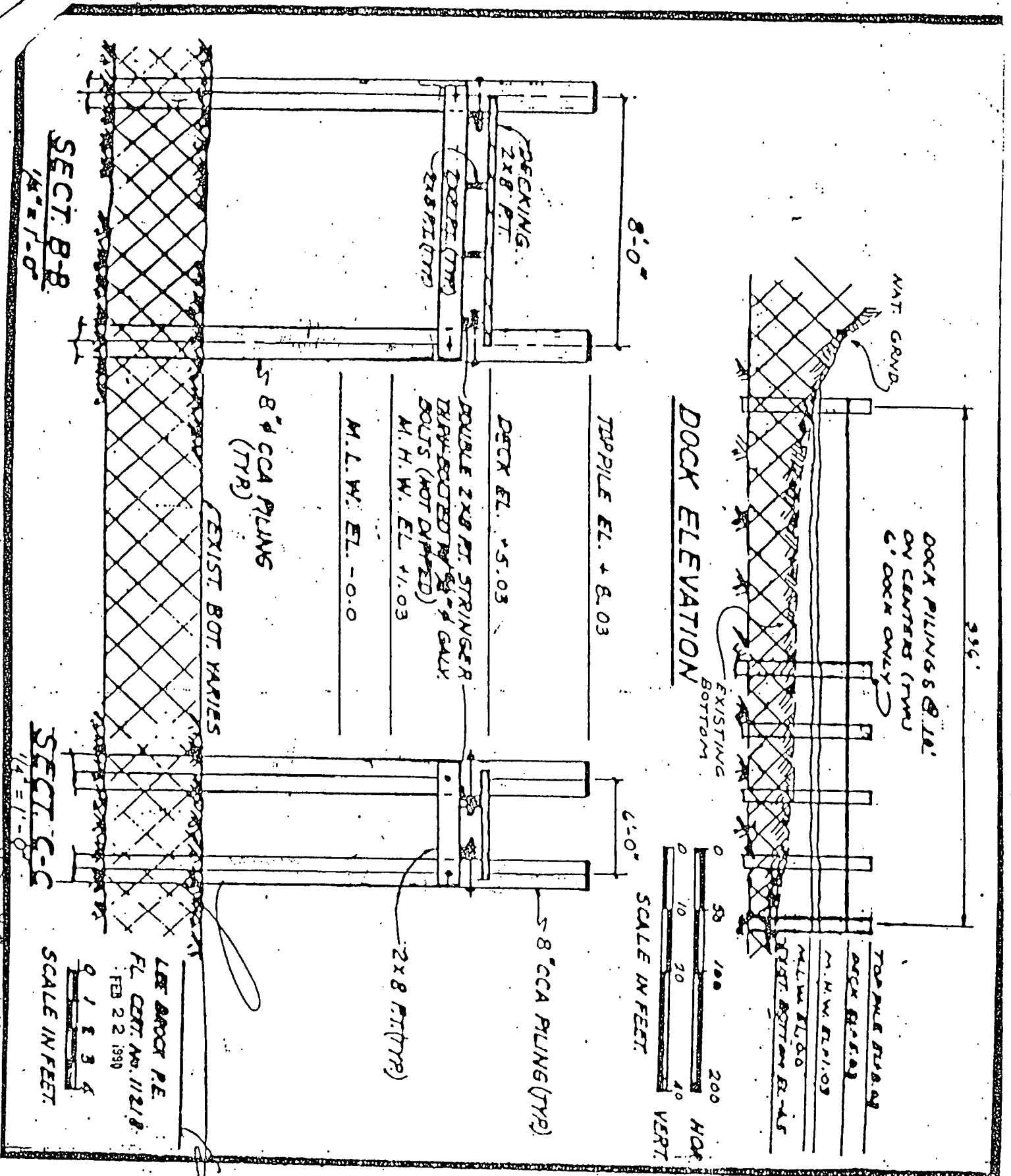
PLANDER INC
ENGINEERS-PLANNERS-SURVEYORS
957 CENTRAL PARKWAY
STUART, FL 34994

407-286-2020

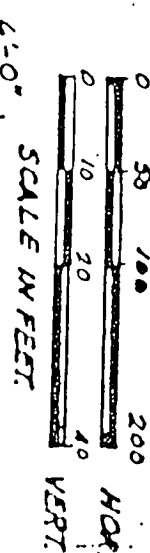
Prepared for: PLANTATION OF SEWALL'S PT.

Drawn by: JES
Date: FEBRUARY 5, 1980
Job No: 288-01-19

of



DOCK ELEVATION



DOCK PILING 6\"/>

SECT. B-B
1/4\"/>

SECT. C-C
1/4\"/>

LET ARCH P.E.
FL. CERT. NO. 11218
FEB 22 1990

SCALE IN FEET

PLANDER Inc.
ENGINEERS-PLANNERS-SURVEYORS
857 CENTRAL PARKWAY
STUART, FL 34994

407-286-2020

LOT 1
Prepared For PLANTATION of SEWALL'S P

Drawn By: TPS
FEBRUARY 3, 90
Job No.: 286-01-19

SHEET 01

Indeco

International Development Corporation

Jan
SPC

February 13, 1991

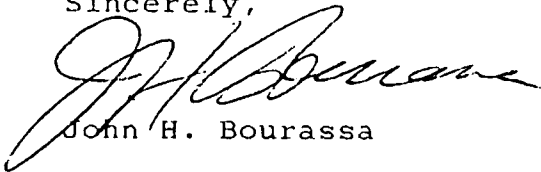
J. Scott Benyon
Deputy Assistant Secretary
State of Florida
Department of Environmental Regulation
1900 S. Congress Avenue, Suite A
West Palm Beach, FL 33406

RE: Permit No. 431772798 - Lot #1
Permit No. 431772818 - Lot #2

Dear Mr. Benyon:

Please consider this letter as our request and your authority to transfer the above referenced permits to "749727 Ontario Limited" from Mr. John Bourassa. 749727 Ontario Limited is now the registered owner of Lots #1 and #2 at The Plantation at Sewall's Point.

Sincerely,


John H. Bourassa

cc: Seward R. Chardavoyne, Building Commissioner
Town of Sewall's Point

STATE OF FLORIDA
DEPARTMENT OF NATURAL RESOURCES

Marjory Stoneman Douglas Building • 3900 Commonwealth Boulevard • Tallahassee, Florida 32399
Tom Gardner, Executive Director

PLEASE ADDRESS REPLY TO:

Division of State Lands
Southeast Florida Field Office
1900 South Congress Avenue
Post Office Box 16488
West Palm Beach, Florida 33406

April 5, 1990

John Bourassa
c/o Eric B. Holly, President
Flandev, Inc.
957 Central Parkway
Stuart, Florida 34994

Dear Mr. Holly:

File No. 431772798 ; **LOT 1**
Applicant: Bourassa, John

CLIENT COPY
ASLAN, Inc.

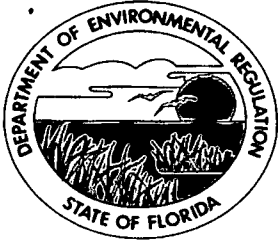
Response Not Required
Dated: NOV 14 1990

This will advise you that the applicant is hereby authorized to proceed with construction of a single family dock as proposed in the above referenced Department of Environmental Regulation Permit, showing the location in Martin County, Section 26, Township 37 South, Range 41 East, Lot 1.

This authorization is specifically conditioned upon the following:

- 1) Compliance with and acceptance of the attached general consent conditions.
- 2) A specific condition of this consent is that 1) the enclosed standards and conditions be complied with and 2) no construction is authorized to occur until the upland property has been transferred to the resident single family home owner of the property. This specifically refers to speculators and developers since the resident may not desire the structure.
- 3) This consent will expire on March 30, 1993, and cannot be extended without the specific written consent of this office.





Florida Department of Environmental Regulation

Southeast District Branch Office • 2745 S.E. Morningside Blvd. • Port St. Lucie, FL 34952 • 407-878-3890/335-4310

~~Lawton Chiles, Governor~~
Lawton Chiles, Governor

~~Carol Browner, Secretary~~
Carol Browner, Secretary

~~Scott Benyon, Deputy Assistant Secretary~~
Scott Benyon, Deputy Assistant Secretary

MAR 05 1991

749727 Ontario Limited,
ATTN: Don McKinnon
2462 N.E. Palmer Street
Jensen Beach, Florida 34957

WRM - Martin County
Dock
St. Lucie River

Dear Mr. McKinnon:

File No. 431772798

Enclosed is a copy of the executed transfer of permit for the referenced project. The transfer of this permit to 749727 Ontario Limited is hereby approved and effective as of February 18, 1991 (date received by this office). Please attach a copy of this letter and the enclosed transfer of permit to your permit and make them available on-site during construction. When referring to this project, please use the permit number indicated.

This notice of transfer does not alter the expiration date, Specific or General Conditions, or monitoring requirements of the permit. This letter must be attached to the original permit.

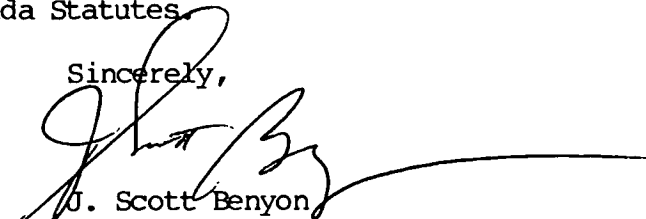
This letter constitutes final agency action unless a person substantially affected by this action requests an administrative hearing pursuant to Section 120.57, Florida Statutes. The petition must be filed within fourteen (14) days from receipt of this letter. The petition must comply with the requirements of Florida Administrative Code Rule 28-5.201 and be filed pursuant to Rule 17-103.155(1) in the Office of General Counsel of the Department of Environmental Regulation at 2600 Blair Stone Road, Tallahassee, Florida 32301-8241. Petitions which are not filed in accordance with the above provisions will not be accepted by the Department. If a formal proceeding pursuant to Section 120.57(1) is requested, at such formal proceeding pursuant to Section 120.57(1) is requested, as such formal hearing all parties shall have an opportunity to respond, to present evidence and argument on all issues involved, to conduct cross-examination of witnesses and submit rebuttal evidence, to submit proposed findings of facts and orders, to file and to be represented by counsel. If an informal proceeding is requested, the agency will, in accordance with its rules of procedure, give affected persons or parties or their counsel an opportunity, at a convenient time and place, to present to the agency or hearing officer written or oral evidence in opposition to the agency's action or refusal to act, or a written statement challenging the grounds upon which the agency has chosen to justify its action or inaction, pursuant to Section 120.57(2), Florida Statutes. The hearing process is designed to formulate agency action. Accordingly,



Page Two
Transfer of Permit
File No. 431772798

the Department's final action as a result of a hearing may be different from the position taken by it in this stage. Therefore, any person who may wish to contest the Department's ultimate permitting decision must petition for hearing within the fourteen day period described above. Failure to file a request for hearing within this time period shall constitute a waiver of any right such person may have to request a hearing under Section 120.57, Florida Statutes.

Sincerely,



J. Scott Benyon
Deputy Assistant Secretary

JSB:cow/14

Enclosure

cc: Martin County Property Appraiser
Martin County Engineering Department



RECEIVED

FEB 20 1991

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION
APPLICATION FOR TRANSFER OF PERMIT

Dept. of Environmental Reg.
Port St. Lucie

Permit No. 431772798 Date Issued June 12, 1990 Date Expires June 12, 1995

NOTIFICATION OF SALE OR LEGAL TRANSFER

Source Name: John Bourassa County: Martin
Source Location: Lot 1 of Plantation at Sewall' Point City: Sewall's Point
Permittee Name: John Bourassa Title: Developer
Mailing Address: P.O. Box 3217, Tequesta, FL 33469

The undersigned hereby notifies the department of the sale or legal transfer of this pollution source. He further agrees to assign his rights as permittee to the applicant in the event the department agrees to the transfer of permit.

Sworn to and subscribed before me at MARTIN

County, FLORIDA

this 19TH day of FEBRUARY 1991

Karen Holland
Notary Public

[Signature]
Signature of Permittee
Developer
Title

Date: 2-19-91

My Commission Expires: NOTARY PUBLIC, STATE OF FLORIDA
My Commission Expires June 13, 1992

REQUEST FOR TRANSFER OF PERMIT

Source Name: 749727 Ontario Limited

Applicant Name: 749727 Ontario Limited, Don McKinnon Title: Owner

Mailing Address: 2462 NE Palmer St., Jensen Beach, FL 34957

Telephone: (407) 283-7012
area

Project Engineer: Name: _____

Mailing Address: _____

Telephone: ()
area

The undersigned hereby notifies the department of his having acquired title to this pollution source. He further states that he has examined the application and documents submitted by the current permittee the basis on which Permit No. 431772798 was issued by the department, and states that they accurately and completely describe the permitted activity or project. He further states that he is familiar with the permit, agrees to comply with its terms and conditions, and agrees to assume the rights and liabilities contained therein. He also agrees to promptly notify the department of any future change in ownership of, or responsibility for, the permitted activity or project.

Sworn to and subscribed before me at MARTIN

County, FLORIDA

this 19TH day of FEBRUARY 1991

Karen Holland
Notary Public

[Signature]
Signature of Applicant*

OWNER
Title

Date: 2-19-91

My Commission Expires: NOTARY PUBLIC, STATE OF FLORIDA
My Commission Expires June 13, 1992

*Attach letter of authorization if other than owner or corporate officer.

Robert Sandy Construction, Inc.
3452 N.E. Indian Drive
Jensen Beach, FL 34957
407-334-3046

February 20, 1991

Donald H. Keirn
Division of State Lands
Department of Natural Resources
1900 S Congress Avenue
P.O. Box 16488
West Palm Beach, FL 33406

Re: Name change on two permits.

Dear Mr. Keirn,

Enclosed please find request for name change on permits for Lots 1 & 2 of Plantation at Sewall's Point. Please send notice of name change to : Robert Sandy Construction, Inc., 3452 NE Indian Drive, Jensen Beach, FL 34957.

Thank You,

Karen Holland
Karen Holland

Corporate Secretary, Robert Sandy Const., Inc.

<p>● SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.</p> <p>1. <input type="checkbox"/> Show to whom delivered, date, and addressee's address. 2. <input type="checkbox"/> Restricted Delivery (Extra charge)</p>	
3. Article Addressed to: DEPT. OF NATURAL RESOURCES P.O. BOX 16488 WEST PALM BEACH FL 33406	4. Article Number D383521114 Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express-Mail <input type="checkbox"/> Return Receipt for Merchandise
5. Signature - Addressee X	Always obtain signature of addressee or agent and DATE DELIVERED.
6. Signature - Agent X <i>Donald H. Keirn</i>	8. Addressee's Address (ONLY if requested and fee paid)
7. Date of Delivery 2/20	



STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION
APPLICATION FOR TRANSFER OF PERMIT

Permit No. 431772798 Date Issued June 12, 1990 Date Expires June 12, 1995

NOTIFICATION OF SALE OR LEGAL TRANSFER

Source Name: John Bourassa County: Martin
Source Location: Lot 1 of Plantation at Sewall's Point City: Sewall's Point
Permittee Name: John Bourassa Title: Developer
Mailing Address: P.O. Box 3217, Tequesta, FL 33469

The undersigned hereby notifies the department of the sale or legal transfer of this pollution source. He further agrees to assign his rights as permittee to the applicant in the event the department agrees to the transfer of permit.

Sworn to and subscribed before me at MARTIN
County, FLORIDA
this 19TH day of FEBRUARY 1991.
Karen Hallard Notary Public
Signature of Permittee: [Signature]
Title: Developer
Date: 2-19-91

My Commission Expires: NOTARY PUBLIC, STATE OF FLORIDA
My Commission Expires June 13, 1992

REQUEST FOR TRANSFER OF PERMIT

Source Name: 749727 Ontario Limited
Applicant Name: 749727 Ontario Limited, Don McKinnon Title: Owner
Mailing Address: 2462 NE Palmer St., Jensen Beach, FL 34957
Telephone: (407) 283-7012
area

Project Engineer: Name: _____
Mailing Address: _____
Telephone: () _____
area

The undersigned hereby notifies the department of his having acquired title to this pollution source. He further states that he has examined the application and documents submitted by the current permittee the basis on which Permit No. 431772798 was issued by the department, and states that they accurately and completely describe the permitted activity or project. He further states that he is familiar with the permit, agrees to comply with its terms and conditions, and agrees to assume the rights and liabilities contained therein. He also agrees to promptly notify the department of any future change in ownership of, or responsibility for, the permitted activity or project.

Sworn to and subscribed before me at MARTIN
County, FLORIDA
this 19TH day of FEBRUARY 1991.
Karen Hallard Notary Public
Signature of Applicant: [Signature]
Title: OWNER
Date: 2-19-91
My Commission Expires: NOTARY PUBLIC, STATE OF FLORIDA
My Commission Expires June 13, 1992

*Attach letter of authorization if other than owner or corporate officer.



DEPARTMENT OF THE ARMY
MIAMI FIELD OFFICE, 8410 NW 83RD TERRACE MONTEREY BLDG., SUITE 225
MIAMI, FLORIDA 33166-4866

March 12, 1991

REPLY TO
ATTENTION OF
Miami Regulatory
Field Office
90GP30294
(199030669)

John Bourassa
c/o Robert Sandy Construction
3452 N.E. Indian Drive
Jensen Beach, Florida 34957

Dear Mr. Bourassa:

RE: Martin County.

Reference is made to your letter dated 20 February 1991, in which you asked to change the name on the original permit from John Bourassa to 749727 Ontario Limited authorized by Department of the Army Permit 90GP30294 (199030669) issued on 22 June 1990.

The impacts of the proposed work on navigation and the environment have been evaluated and found to be insignificant. The permit is hereby modified to show the name change in accordance with your request. You should attach this letter with the original permit. No changes to the original project are authorized.

Thank you for your cooperation with our permit program.

Sincerely,

Charles A. Schnepel
Charles A. Schnepel
Chief, Regulatory Section



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
P. O. BOX 4970
JACKSONVILLE, FLORIDA 32232-0019
May 26, 1993

REPLY TO
ATTENTION OF

Regulatory Division
Central Permits Branch
199200531(IP-ML)

Mr. Robert Sandy
Robert Sandy Construction, Inc.
3452 NE Indian Drive
Jensen Beach, Florida 34957

Dear Mr. Sandy:

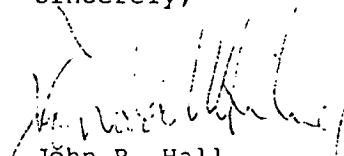
We are pleased to enclose the Department of the Army permit and a Notice of Authorization which should be displayed at the construction site. Work may begin in accordance with the terms and conditions of the issued permit. The appropriate Regulatory Section Chief as representative of the District Engineer must be notified of:

- a. The date of commencement of the work.
- b. The dates of work suspensions and resumptions if work is suspended over a week, and
- c. The date of final completion.

Regulatory Section Chiefs addresses and telephone numbers are shown on the enclosed map. The Section Chief is responsible for inspections to determine that permit conditions are strictly adhered to. A copy of the permit and drawings must be available at the site of work.

IT IS NOT LAWFUL TO DEVIATE FROM
THE APPROVED PLANS ENCLOSED.

Sincerely,


John R. Hall
Chief, Regulatory Division

Enclosures

Copy Furnished:

749727 Ontario Limited
P.O. Box 1130
Timmins, Ontario
Canada

DEPARTMENT OF THE ARMY PERMIT

Permittee: 749727 ONTARIO LIMITED

Permit No. 199200531(IP-ML)

U.S. Army Engineer District, Jacksonville

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: To place 296 cubic yards of clean riprap along 500 feet of shoreline to protect and stabilize the bank. The work is to be completed in accordance with the attached plans numbered 199200531(IP-ML) in four sheets dated 6 April 1993.

Project Location: The project is located in the St. Lucie River off Lot 1, Lot 2, and McKinnon Estate of Plantation at Sewall's Point at the end of Lofting Way, in Sections 27 and 34, Township 37 South, Range 41 East, Martin County, Florida.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on MAY 17 1998. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit,

you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

None.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

Section 404 of the Clean Water Act (33 U.S.C. 1344).

Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal projects.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.


b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions: General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

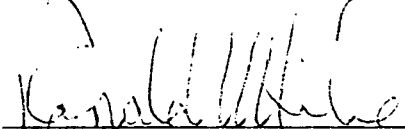


(PERMITTEE) DON MCKINNON

5-21-93

(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.



(DISTRICT ENGINEER)
Terrence C. Salt
Colonel, U.S. Army

26 May 1993

(DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE)

(DATE)

PERMITTEE:

749727 Ontario Limited
c/o Robert Sandy Const., Inc.
3452 NE Indian Drive
Jensen Beach, FL 34957

I.D. Number: 5143P01390
Permit/Certificate: 432100268
Date of Issue: September 15, 1992
Expiration Date: September 15, 1997
County: Martin
Latitude/Longitude: 27°13'00"/80°29'59"
Section/Township/Range: 35 & 26/37S/41E
Project: Seawall/Riprap

SPECIFIC CONDITIONS:

1. Written notification shall be provided to the Department of Environmental Regulation, Southeast Florida District Branch Office in Port St. Lucie, a minimum of forty-eight (48) hours prior to commencement of construction and a maximum of forty-eight (48) hours after completion of construction.
2. An effective means of turbidity control, such as, but not limited to turbidity curtains, shall be employed during all operations that may create turbidity in excess of 29 NTU's above background as provided in Chapter 17-302 of the Florida Administrative Code. Turbidity control shall remain in place until all turbidity has subsided.
3. Side slopes disturbed by excavation, filling or equipment access shall be seeded/sodded within 14 days of final grading.
4. Rip rap shall consist only of natural boulders or clean concrete rubble six (6) inches to three (3) feet in diameter in average dimensions. There shall be no reinforcing rods or other protrusions in the concrete rubble.
5. The slope of the riprap shall be no steeper than 2H:1V and the horizontal distance shall be no more than eight (8) feet.
6. All other necessary State, Federal, or Local permits must be applied for and received prior to the start of work.
7. "If historical or archaeological artifacts, such as Indian canoes, are discovered at any time within the project site the permittee shall immediately notify the district office and the Bureau of Historic Preservation, Division of Archives, History and Records Management, R.S. Gray Building, Tallahassee, Florida 32301."

PERMITTEE:

749727 Ontario Limited
c/o Robert Sandy Const., Inc.
3452 NE Indian Drive
Jensen Beach, FL 34957

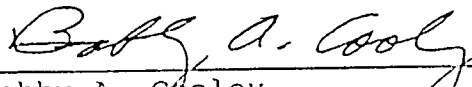
I.D. Number: 5143P01390
Permit/Certificate: 432100268
Date of Issue: September 15, 1992
Expiration Date: September 15, 1997
County: Martin
Latitude/Longitude: 27°13'00"/80°29'59"
Section/Township/Range: 35 & 26/37S/41E
Project: Seawall/Riprap

SPECIFIC CONDITIONS:

8. "No person shall commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund or the Department of Natural Resources under Chapter 253, until such person has received from the Board of Trustees of the Internal Improvement Trust Fund the required lease, license, easement, or other form of consent authorizing the proposed use." Pursuant to Florida Administrative Code Rule 160-14, if such work is done without consent, or if a person otherwise damages state land or products of state land, the Board of Trustees may levy administrative fines of up to \$10,000 per offense.
9. The permittee shall be aware of and operate under the attached "General Permit Conditions Number 1 thru 15". General Permit Conditions are binding upon the permittee and enforceable pursuant to Chapter 403 of the Florida Statutes.

Issued this 10th day of September, 1992

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION



Bobby A. Cooley
Acting Director of District Management

BAC: jkw

4 pages attached



Virginia B. Wetherell
Executive Director

SOUTHEAST FLORIDA FIELD OFFICE
7400 N. SO. GEORGIA AVENUE
WEST PALM BEACH, FL 33405

FLORIDA DEPARTMENT OF NATURAL RESOURCES

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399

April 9, 1992

Lawton Chiles
Governor

Jim Smith
Secretary of State

Bob Butterworth
Attorney General

Gerald Lewis
State Comptroller

Tom Gallagher
State Treasurer

Bob Crawford
Commissioner of Agriculture

Betty Castor
Commissioner of Education

749727 Ontario Limited
c/o Robert Sandy Construction, Inc.
3452 N.E. Indian Drive
Jensen Beach, FL 34957

Dear Sir:

File No. 432100278
Applicant: 749727 Ontario Limited

This will advise you that the applicant is hereby authorized to proceed with construction of 500 linear feet of seawall and placement of riprap as proposed in the above referenced Department of Environmental Regulation Permit, showing the location in Martin County in the St. Lucie River, Sections 26 & 35, Township 37S, Range 41E.

This authorization is specifically conditioned upon the following:

- 1) Acceptance and compliance with the attached general consent conditions and general consent criteria.
- 2) The proposed seawall must be located entirely at or landward of the mean high water line (MHWL).
- 3) Riprap must be placed within 10 feet of the MHWL along the toe of the seawall with a slope of 2 horizontal: 1 vertical, in such a manner so as to avoid impacting existing vegetation.

Please consider this the authority sought under Section 253.77, Florida Statutes, to pursue this project. You are hereby advised that the facility may be inspected to ensure compliance with the attached criteria and conditions as indicated by General Consent Condition No. 4.

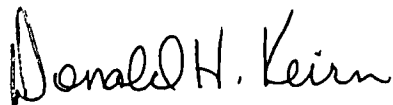
April 9, 1992
Ontario Limited
Page Two

Your rights pursuant to Chapter 120, Florida Statutes, are addressed in the attached notice.

This letter in no way waives the authority and/or jurisdiction of any governmental entity nor does this letter disclaim any title interest that the State may have in this project site.

We appreciate your cooperation. If you have any questions, please feel free to contact me at 407/547-5825 or 7400 South Georgia Avenue, Suite H, West Palm Beach, Florida 33405.

Sincerely,



Donald H. Keirn
Division of State Lands
Southeast Florida District Office

DHK/dwd

Attachments

cc: Department of Environmental Regulation
Aquatic Preserves



FLORIDA DEPARTMENT OF NATURAL RESOURCES

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF STATE LANDS
GENERAL CONSENT CONDITIONS

Lawton Chiles
Governor
Jim Smith
Secretary of State
Bob Butterworth
Attorney General
Gerald Lewis
State Comptroller
Tom Gallagher
State Treasurer
Bob Crawford
Commissioner of Agriculture
Betty Castor
Commissioner of Education

Project No. _____

1. No activities other than those set forth in the attached letter dated _____ are authorized. Any additional activities on state-owned sovereignty submerged lands must receive further consent from the Governor and Cabinet, sitting as the Board of Trustees of the Internal Improvement Trust Fund (hereinafter the "Board") or their properly designated agent.
2. Grantee agrees that all title and interest to all lands lying below the historical mean high water line or ordinary high water line are vested in the Board, and shall make no claim of title or interest in said lands by reason of the occupancy or use thereof.
3. Grantee agrees to use or occupy the subject premises for those purposes specified herein, and Grantee shall not permit the premises or any part thereof to be used or occupied for any other purpose or knowingly permit or suffer any nuisances of illegal operations of any kind on the premises.
4. Grantee agrees to maintain the premises in good condition in the interest of the public health, safety and welfare. The premises are subject to inspection by the Board or its designated agent at any reasonable time.
5. Grantee agrees to indemnify, defend and hold harmless the Board and the State of Florida from all claims, actions, lawsuits and demands arising out of this consent.
6. No failure, or successive failures, on the part of the Board to enforce any provision, waiver or successive waivers on the part of the Board of any provision herein, shall operate as a discharge thereof or render the same inoperative or impair the right of the Board of enforce the same in the event of subsequent breach.
7. Grantee binds itself and its successors and assigns, to abide by the provisions and conditions set forth herein. In the event Grantee fails or refuses to comply with the provisions and conditions of this consent, the consent of use may be terminated by the Board after written notice to the Grantee. Upon receipt of such notice, the Grantee shall have thirty (30) days in which to correct the violation. Failure to correct the violations within this period shall result in the automatic revocation of this Letter of Consent.
8. All costs, including attorneys' fees, incurred by the Board in enforcing the terms and conditions of this consent shall be paid by the Grantee. Grantee agrees to accept service by certified mail of any notice required by Chapter 18-14, Florida Administrative Code, at the address shown on page one of this Agreement and further agrees to notify the Board in writing of any change of address at least ten days before the change becomes effective.
9. Grantee agrees to assume responsibility for all liabilities that accrue to the sovereignty submerged land or to the improvements thereon, including any and all drainage or special assessments or taxes of every kind and description which are now or may be hereafter lawfully assessed and levied against the property during the effective period of this consent.
10. Grantee agrees that any dispute arising from matters relating to this consent shall be governed by the laws of Florida and initiated only in Leon County, Florida.
11. The Letter of Consent associated with these General Consent Conditions as well as these conditions themselves are subject to modification after 5 years in order to reflect any applicable changes in statutes, rule or policies of the Board or its designated agent.
12. In the event that any part of the structure(s) consented to herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent riparian rights, Grantee agrees to either obtain written consent for the offending structure from the affected riparian owner or to remove the interference or encroachment within 60 days from the date of the adjudication. Failure to comply shall constitute a material breach of this consent and shall be grounds for its immediate termination.



Florida Department of Environmental Regulation

Southeast District Branch Office • 1801 S.E. Hillmoor, Suite C202 • Port St. Lucie, FL 34952

Lawton Chiles, Governor

Carol M. Browner, Secretary

SEP 15 1992

PERMITTEE:

749727 Ontario Limited
c/o Robert Sandy Const., Inc.
3452 NE Indian Drive
Jensen Beach, FL 34957

I.D. Number: 5143P01390
Permit/Certificate: 432100268
Date of Issue: September 15, 1992
Expiration Date: September 15, 1997
County: Martin
Latitude/Longitude: 27°13'00"/80°29'59"
Section/Township/Range: 35 & 26/37S/41E
Project: Seawall/Riprap

This permit is issued under the provisions of Chapter 403, Florida Statutes, Public Law 92-500 and Title 17, Florida Administrative Code Rules. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s) plans, and other documents attached hereto or on file with the Department and made a part hereof and specifically described as follows:

TO:

Construct a 500 linear foot seawall along the mean high water line and faced with riprap.

IN ACCORDANCE WITH:

The four (4) stamped drawings which are attached and a part hereof and DER Application form 17-1.203(1) dated October 1, 1991 and signed by Don McKinnon (not attached).

LOCATED AT:

Lots 1 and 2, The Plantation and 4262 N.E. Palmer Street, St. Lucie River, Class III waters, Sections 26 and 35, Township 37 South, Range 41 East, Sewall's Point, Martin County.

SUBJECT TO:

GENERAL CONDITIONS one (1) through fifteen (15) and SPECIFIC CONDITIONS one (1) through nine (9).

GENERAL CONDITIONS:

1. The terms, conditions, requirements, limitations and restrictions set forth in permit, are "permit conditions" and are binding and enforceable pursuant to Sections 403.141, 403.727, or 403.859 through 403.861, F.S. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.
2. This permit is valid only for the specific processes and operations applied for as indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.
3. As provided in subsections 403.087(6) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in this permit.
4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgement of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.
5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.
6. The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by the permittee to achieve compliance with the conditions of this permit, are required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.
7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, access to the premises where the permitted activity is located or conducted to:
 - (a) Have access to and copy any records that must be kept under conditions of the permit;
 - (b) Inspect the facility, equipment, practices, or operations regulated or required under this permit; and
 - (c) Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.Reasonable time may depend on the nature of the concern being investigated.
8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:
 - (a) A description of and cause of noncompliance; and
 - (b) The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.

GENERAL CONDITIONS:

9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is prescribed by Section 403.111 and 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.
10. The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules.
11. This permit is transferable only upon Department approval in accordance with Rule 17-4.120 and 17-30.300, F.A.C., as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.
12. This permit or a copy thereof shall be kept at the work site of the permitted activity.
13. This permit also constitutes:
- () Determination of Best Available Control Technology (BACT)
 - () Determination of Prevention of Significant Deterioration (PSD)
 - (X) Certification of compliance with state Water Quality Standards (Section 401, PL 92-500)
 - () Compliance with New Source Performance Standards
14. The permittee shall comply with the following:
- (a) Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.
 - (b) The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.
 - (c) Records of monitoring information shall include:
 - 1. the date, exact place, and time of sampling or measurements;
 - 2. the person responsible for performing the sampling or measurements;
 - 3. the dates analyses were performed;
 - 4. the person responsible for performing the analyses;
 - 5. the analytical techniques or methods used;
 - 6. the results of such analyses.
15. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware the relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.

PERMITTEE:

749727 Ontario Limited
c/o Robert Sandy Const., Inc.
3452 NE Indian Drive
Jensen Beach, FL 34957

I.D. Number: 5143P01390
Permit/Certificate: 432100268
Date of Issue: September 15, 1992
Expiration Date: September 15, 1997
County: Martin
Latitude/Longitude: 27°13'00"/80°29'59"
Section/Township/Range: 35 & 26/37S/41E
Project: Seawall/Riprap

SPECIFIC CONDITIONS:

1. Written notification shall be provided to the Department of Environmental Regulation, Southeast Florida District Branch Office in Port St. Lucie, a minimum of forty-eight (48) hours prior to commencement of construction and a maximum of forty-eight (48) hours after completion of construction.
2. An effective means of turbidity control, such as, but not limited to turbidity curtains, shall be employed during all operations that may create turbidity in excess of 29 NTU's above background as provided in Chapter 17-302 of the Florida Administrative Code. Turbidity control shall remain in place until all turbidity has subsided.
3. Side slopes disturbed by excavation, filling or equipment access shall be seeded/sodded within 14 days of final grading.
4. Rip rap shall consist only of natural boulders or clean concrete rubble six (6) inches to three (3) feet in diameter in average dimensions. There shall be no reinforcing rods or other protrusions in the concrete rubble.
5. The slope of the riprap shall be no steeper than 2H:1V and the horizontal distance shall be no more than eight (8) feet.
6. All other necessary State, Federal, or Local permits must be applied for and received prior to the start of work.
7. "If historical or archaeological artifacts, such as Indian canoes, are discovered at any time within the project site the permittee shall immediately notify the district office and the Bureau of Historic Preservation, Division of Archives, History and Records Management, R.S. Gray Building, Tallahassee, Florida 32301."

PERMITTEE:

749727 Ontario Limited
c/o Robert Sandy Const., Inc.
3452 NE Indian Drive
Jensen Beach, FL 34957

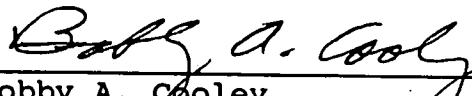
I.D. Number: 5143P01390
Permit/Certificate: 432100268
Date of Issue: September 15, 1992
Expiration Date: September 15, 1997
County: Martin
Latitude/Longitude: 27°13'00"/80°29'59"
Section/Township/Range: 35 & 26/37S/41E
Project: Seawall/Riprap

SPECIFIC CONDITIONS:

8. "No person shall commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund or the Department of Natural Resources under Chapter 253, until such person has received from the Board of Trustees of the Internal Improvement Trust Fund the required lease, license, easement, or other form of consent authorizing the proposed use." Pursuant to Florida Administrative Code Rule 160-14, if such work is done without consent, or if a person otherwise damages state land or products of state land, the Board of Trustees may levy administrative fines of up to \$10,000 per offense.
9. The permittee shall be aware of and operate under the attached "General Permit Conditions Number 1 thru 15". General Permit Conditions are binding upon the permittee and enforceable pursuant to Chapter 403 of the Florida Statutes.

Issued this 10th day of September, 1992

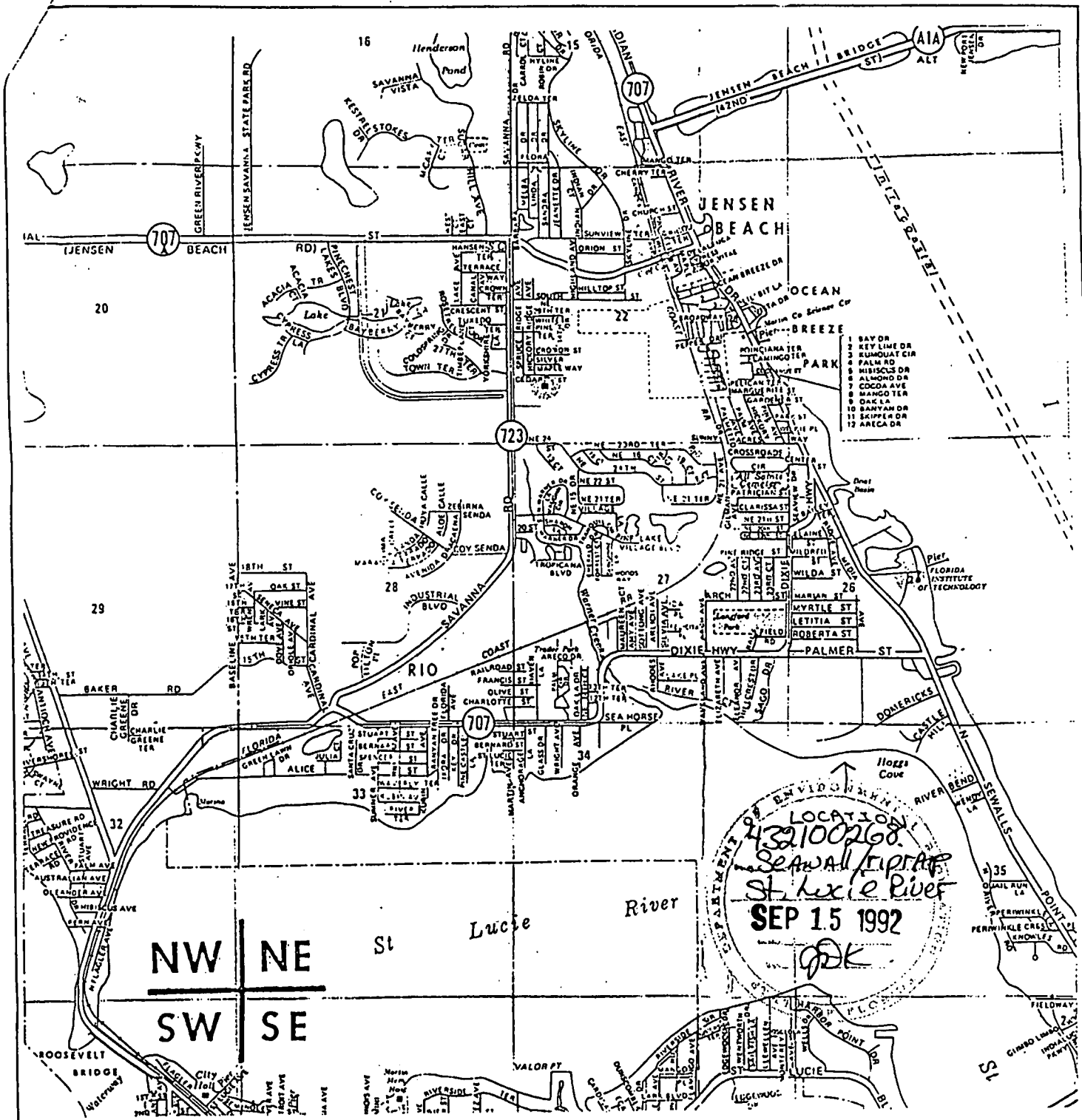
STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION



Bobby A. Cooley
Acting Director of District Management

BAC:jkw

4 pages attached



REQUEST [PRNT] PARCEL ID [34-37-41-000-000-00011-20000]
 LGAL - LEGAL DESCRIPTION OWNER NAME: 749727 ONTARIO LIMITED
 SECTION/TOWNSHIP/RANGE = 34/37 /41
 BEG SW COR N 1/2 OF GOVT LOT 3, SEC 26, S ALG W/LN 1737.56' TO
 POB, E 198.74' , S 233' M/L TO RVR, MEANDER RIVER NWLY 262' TO
 LN 51.26' W OF W/LN SEC 35, N 162' , E 51.26' TO POB & SUBMERGED
 LAND AS PER OR 869/1656 DESC AS: BEG NE COR SEC 35, E 66' , S
 606' TO RIVER & POB, SW 244.2' , N 237' , ELY ALG SHORE 130' TO
 POB
 Plus Lots 1 & 2 of Plantation at Sewall's Point

Robert Sandy Construction, Inc.
 3452 N.E. Indian Drive
 Jonson Beach, FL 34957
 407-334-3046

LOCATION AND LEGAL FOR 749727 ONTARIO

3422

SEAWALL

APPLICATION FOR A PERMIT TO BUILD A DOCK, FENCE, POOL, SOLAR HEATING DEVICE, SCREENED ENCLOSURE, GARAGE OR ANY OTHER STRUCTURE NOT A HOUSE OR A COMMERCIAL BUILDING

This application must be accompanied by three (3) sets of complete plans, to scale, including a plot plan showing set-backs; plumbing and electrical layouts, if applicable, and at least two (2) elevations, as applicable.

Owner Ontario Limited Present Address 4262 NE PALMER ST. STUART, FL 34996
Phone _____

Contractor Robert Sandy Construction, Inc. Address 3452 NE Indian Drive Jensen Beach, FL 34957
Phone 407-334-3046

Where licensed State of Florida License number CGC040310

Electrical contractor none License number _____

Plumbing contractor none License number _____

Describe the structure, or addition or alteration to an existing structure, for which this permit is sought: Construction of 250 linear foot seawall along

mean high water line and faced with rip rap.
State the street address at which the proposed structure will be built:

Lots 1 and 2 The Plantation
Subdivision Plantation / Range 41 East
Twp 37 So. Lot number 1 + 2 Block number _____

Contract price \$ TOTAL 38,500. Cost of permit \$ 304.00

Plans approved as submitted _____ Plans approved as marked _____

I understand that this permit is good for 12 months from the date of its issue and that the structure must be completed in accordance with the approved plan. I further understand that approval of these plans in no way relieves me of complying with the Town of Sewall's Point Ordinances and the South Florida Building Code. Moreover, I understand that I am responsible for maintaining the construction site in a neat and orderly fashion, policing the area for trash, scrap building materials and other debris, such debris being gathered in one area and at least once a week, or oftener when necessary, removing same from the area and from the Town of Sewall's Point. Failure to comply may result in a Building Inspector or Town Commissioner "red-tagging" the construction project.

Contractor Robert J. Sandy

I understand that this structure must be in accordance with the approved plans and that it must comply with all code requirements of the Town of Sewall's Point before final approval by a Building Inspector will be given.

Owner [Signature]

TOWN RECORD

Date submitted 6/3/93 Approved: Dale Brown 4/4/93
Building Inspector Date

Approved: [Signature] 7/1/93 Final Approval given: _____
Commissioner Date Date

Certificate of Occupancy issued (if applicable) _____
Date

SP1282 Permit No. _____

Approval of these plans in no way relieves the contractor or builder of complying with the Town of Sewall's Point Ordinances, the South Florida Building Code and the State of Florida Model Energy Efficiency Building Code.

NOTICE OF COMMENCEMENT

STATE OF FLORIDA
COUNTY OF MARTIN

The undersigned hereby informs all concerned that improvements will be made to certain real property, and in accordance with Section 713.13, Florida Statutes, the following information is stated in this NOTICE OF COMMENCEMENT. This notice shall be void and of no force and effect if construction is not commenced within 30 days of recordation.

DESCRIPTION OF PROPERTY:

General description of improvements: CONSTRUCTION OF 500' Linear lot seawall faced with Riprap

Owner: 749727 Ontario Limited
Address: #4262 NE Palmer St. Stuart FL 34996

Owner's interest in site of the improvement: owner

Contractor: Robert Sandy Construction
Address: 3452 Indian Drive Jensen Beach FL 34957

Surety (if any): —
Address: _____
Amount of Bond: _____

Lender: —
Address: _____

Name of person within the State of Florida designated upon whom notices or other documents may be served: MARSHA STILLER CLERK

Name: _____ DATE 7/8/93
Address: _____

In addition to himself, owner designates the following person to receive a copy of the Lienor's Notice as provided in Section 713.06(2)(b), Florida Statutes:

Name: _____
Address: _____

[Signature]

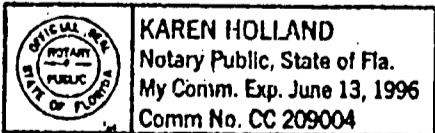
STATE OF FLORIDA
COUNTY OF MARTIN

Sworn to and subscribed before me this 19th day of MAY, 1993. BY DON MCKINNON WHO IS PERSONALLY KNOWN BY ME

Karen Holland
KAREN HOLLAND

I am a Notary Public of the STATE OF AT LARGE, and My Commission Expires: _____

(NOTARY SEAL)



PARCEL ID [34-37-41-000-000-00011-20000]
LEGAL - LEGAL DESCRIPTION OWNER NAME: 749727 ONTARIO LIMITED

SECTION/TOWNSHIP/RANGE = 34/37 /41
BEG SW COR N 1/2 OF GOVT LOT 3, SEC 26, S ALG W/LN 1737.56' TO POB, E 198.74' , S 233' M/L TO RVR, MEANDER RIVER NWLY 262' TO LN 51.26' W OF W/LN SEC 35, N 162', E 51.26' TO POB & SUBMERGED LAND AS PER OR 869/1656 DESC AS: BEG NE COR SEC 35, E 66', S 606' TO RIVER & POB, SW 244.2', N 237', ELY ALG SHORE 130' TO POB

Plus Lots 1 & 2 of Plantation at Sewall's Point

Robert Sandy Construction, Inc.
3452 N.E. Indian Drive
Jensen Beach, FL 34957
407-334-3046

LOCATION AND LEGAL FOR 749727 ONTARIO

3551

TENNIS COURT AND FENCING

APPLICATION FOR A PERMIT TO BUILD A DOCK, FENCE, POOL, SOLAR HEATING DEVICE, SCREENED ENCLOSURE, GARAGE OR ANY OTHER STRUCTURE NOT A HOUSE OR A COMMERCIAL BUILDING.

3551

This application must be accompanied by three (3) sets of complete plans, to scale, including a plot plan showing set-backs; plumbing and electrical layouts, if applicable, and at least two (2) elevations, as applicable.

Owner 749 727 ONTARIO Present Address RR # 2

Phone _____ DUSLICH, ONTARIO

Contractor PATICO CONST. dbq FROELUNS/PATICO Address PO Box 384 Palm City CA NoB250

Phone 288-1826 FL. 34990

Where licensed STATE CERTIFIED License Number C6C028735

Electrical Contractor _____ License Number _____

Plumbing Contractor _____ License Number _____

Describe the structure, or addition or alteration to an existing structure, for which this permit is sought: TENNIS COURT + FENCING

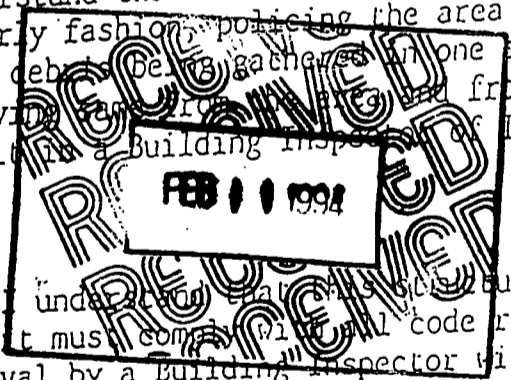
State the street address at which the proposed structure will be built: LOT 2

Subdivision PLANTATION #2 Lot Number 22B Block Number _____

Contract Price \$ 20,000 Cost of Permit \$ 160.00

Plans approved as submitted Plans approved as marked _____

I understand that this permit is good for 12 months from the date of its issue and that the structure must be completed in accordance with the approved plan. I further understand that approval of these plans in no way relieves me of complying with the Town of Sewall's Point Ordinances and the South Florida Building Code. Moreover, I understand that I am responsible for maintaining the construction site in a neat and orderly fashion, policing the area for trash, scrap building materials and other debris, such debris being gathered in one area and at least once a week, or oftener when necessary, removing the same from the Town of Sewall's Point. Failure to comply may result in a Building Inspector of Town Commissioner "Red-Tagging" the construction project.



Contractor Steven Pappas

I understand that this structure must be in accordance with the approved plans and that it must comply with all code requirements of the Town of Sewall's Point before final approval by a Building Inspector will be given.

Owner Steven Pappas

TOWN RECORD

Date submitted _____

Approved: Dale Brown 2/11/94 Building Inspector Date

Approved: A. R. ... 2/15/94 Commissioner Date Final Approval given: 2/11/94 Date

Certificate of Occupancy issued(if applicable) _____ Date

Permit No. _____

VARIANCE



BEFORE THE BOARD OF ZONING ADJUSTMENT
TOWN OF SEWALL'S POINT, FLORIDA

RESOLUTION NO. 93-1

RE: APPLICATION FOR VARIANCE TO
TOWN OF SEWALL'S POINT
ZONING ORDINANCES

David

5-0

Legal Description

Lot 2 of the PLANTATION AT SEWALL'S POINT according to the Plat thereof, recorded in Plat Book 12, Page 70, of the Public Records of Martin County, Florida

WHEREAS, 749727 ONTARIO LIMITED, a Canadian corporation organized under the laws of Ontario, Canada, the owner of the above described real property, applied to the TOWN OF SEWALL'S POINT requesting a variance to the existing zoning requirements of the Sewall's Point Town Code, Appendix B, Section XI, Paragraph E.3, pertaining to the street setback requirements for the construction of a tennis court; and

WHEREAS, notice of the public hearing on the variance application was duly published and mailed in accordance with the provisions of the Town Code, and a public hearing thereon was held on the 14th day of January, 1993 at 7:30 P.M. at the Town Hall of Sewall's Point, Florida, and

WHEREAS, on January 14, 1993 a quorum of the Board of Zoning Adjustment was present and the public hearing was held on the subject application; and

WHEREAS, at said public hearing the applicant was represented by counsel and all interested persons had an opportunity to be heard for or against such application; and

WHEREAS, based on the information presented this Board does

hereby make the following findings of fact:

1. That _____ objection(s) to the proposed grant of variance have been made.

2. That the applicant has not satisfactorily demonstrated a basis upon which this Board could enter findings as required by Sewall's Point Code Section XV.B.2. justifying the granting of the variance as requested.

NOW THEREFORE, be it resolved by the Board of Zoning Adjustment of Town of Sewall's Point, Florida, that the application by 749727 ONTARIO LIMITED, a Canadian corporation organized under the laws of Ontario, Canada, for a variance is DENIED.

Duly passed and adopted at Public Meeting on January 14, 1993.

BOARD OF ZONING ADJUSTMENT
TOWN OF SEWALL'S POINT, FLORIDA

By: 151
Chairman

ATTEST:

18
Secretary

APPROVED AS TO FORM AND LEGALITY

KS
Douglas K. Sands, Attorney for
the Board of Zoning Adjustment

cc: Town Clerk
Applicant



The Stuart News and The Port St. Lucie News

(an edition of The Stuart News)

STATE OF FLORIDA
COUNTY OF MARTIN: COUNTY OF ST. LUCIE:

Before the undersigned authority appeared KATHLEEN N. PRITCHARD who on oath says that he/she ACCOUNTS REC MANAGER of The Stuart News, and The Port St. Lucie News, a daily newspaper Published at Stuart in Martin County, Florida, that the attached copy of advertisement, being a NOTICE OF PUBLIC HEARING

in the matter of TOWN OF SEWALL'S POINT

in the DECEMBER 10, 1992 Court, was Published in The Stuart News and The Port St. Lucie News in the issues of DECEMBER 10, 1992

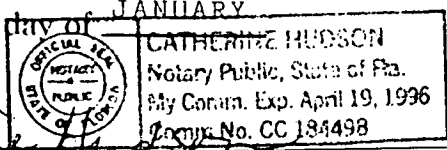
Affiant further says that the said The Stuart News and The Port St. Lucie News is a newspaper published at Stuart, in said Martin County, Florida with offices and paid circulation in Martin County, Florida, and St. Lucie County, Florida and that the said newspapers have heretofore been continuously published in said Martin County, Florida and distributed in Martin County, Florida and St. Lucie County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper. The Stuart News has been entered as second class matter at the post office in Stuart, Martin County, Florida, and Ft. Pierce, St. Lucie County, Florida and has been for a period of one year next preceding the first publication of the attached copy of advertisement.

Kathleen N. Pritchard

Sworn to and subscribed before me

this 14TH JANUARY

A.D. 19 93



(Seal) Catherine Hudson
Notary Public

Town Of Sewall's Point
NOTICE OF PUBLIC HEARING

Town of Sewall's Point
Board of Zoning
Adjustment

TO THE PUBLIC AND ALL OTHERS WHOM IT MAY CONCERN: You are notified that on THURSDAY JANUARY 14, 1993 at 7:30 P.M., at the SEWALL'S POINT TOWN HALL, One South Sewall's Point Road, Sewall's Point, Florida, a Meeting and Public Hearing will be held before the BOARD OF ZONING ADJUSTMENT for the following purposes:

1. Election of Chairman and Vice-Chairman, and appointment of Secretary to the Board of Zoning Adjustment.
2. Public Hearing on the application of 749727 ONTARIO LIMITED seeking a variance from the street setback requirements of the Sewall's Point Town Code, Appendix B, Section XI, Paragraph E.3. for construction of a tennis court. The property is described as follows:

Lot 2 of the PLANTATION AT SEWALL'S POINT, according to the Plat thereof, recorded in Plat Book 12, Page 70, of the Public Records of Martin County, Florida.

3. Public Hearing on the application of Mr. and Mrs. SCOTT GASTIOREK seeking a Variance from the side setback requirements of the Sewall's Point Town Code, Appendix B, Section VI, Paragraph G.2, for an existing house and proposed renovations at 67 NORTH RIVER ROAD, Sewall's Point, Florida. The property is also described as follows:

Lot 4, of PERRIWINKLE, a subdivision of the Town of Sewall's Point, Florida, according to the Plat thereof, as recorded in Plat Book 5, Page 15, public records of Martin County, Florida.

4. Revisions to variance application forms.

Written comments may be sent to the Board of Zoning Adjustment, One South Sewall's Point Road, Sewall's Point, Stuart, Florida 34996.

The Public is invited to attend and present their views.

Douglas K. Sands, Attorney
for Board of Zoning Adjustment
Town of Sewall's Point, Florida

Pub.: Dec. 10, 1992



DOUGLAS K. SANDS, P.A.

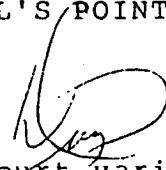
Attorney at Law

November 25, 1992

300 COLORADO AVE.
P.O. BOX 287
STUART, FLORIDA 34995
TELEPHONE (407) 287-3930
FAX (407) 287-3931

MEMORANDUM

TO: MEMBERS AND ALTERNATES OF THE SEWALL'S POINT BOARD
OF ZONING ADJUSTMENT

FROM: BOARD OF ZONING ADJUSTMENT ATTORNEY 

RE: (1) 749727 Ontario Limited tennis court variance
application
(2) Gasiorek variance application
(3) Election of Chairman and Vice-Chairman; appointment of
Secretary - January meeting.
(4) Revision of variance application forms

The above two applications have been received, and are enclosed.

A copy of my letter of November 25th to Attorney Fenniman is enclosed.

It appears that the hearings on the above will be sometime in January. I will be calling to establish a convenient date.

Paragraph 10, Section XV, Appendix B of the Code requires the election of Chairman and Vice-Chairman, and appointment of a secretary, at the first meeting in January.

The January meeting may also be a convenient time to discuss and consider revisions to the current forms, and I will include this item on the agenda unless there is objection.

DKS/sd

Enclosures

Copy w/ encl: Town Clerk



DOUGLAS K. SANDS, P.A.

Attorney at Law

November 25, 1992

300 COLORADO AVE.
P.O. BOX 287
STUART, FLORIDA 34995
TELEPHONE (407) 287-3930
FAX (407) 287-3931

John Fenniman, Esq.
P.O. Box 2473
Stuart, Florida 34995

Re: Variance application - 749727 Ontario Limited

Dear John:

It was a pleasure meeting with you, Lanning Fox, and Tim Wright today. As I understand the conclusion of the meeting, you wish the Board of Zoning Adjustment to proceed with processing your client's variance application pertaining to the tennis court.

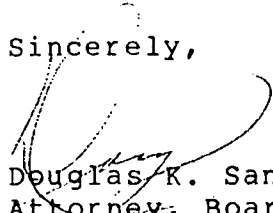
As we discussed, a court decision arising out of Dade County, Jennings v. Dade County, 589 So. 2d 1337 (Fla. 3rd D.C.A. 1991) has changed the practice of engaging in one-on-one ex parte communications with Board members outside of the hearing. Our Board Members and Alternates have been advised to avoid ex parte communications with applicants, opponents, their attorneys, and others interested in the outcome.

As I also mentioned, the December meeting has two other variance applications scheduled for hearing. Consequently, I believe that it will be necessary to schedule your client's hearing sometime in January. I will be in contact regarding a specific date after I ascertain the availability of a quorum.

A copy of your client's application package will be forwarded to each Board Member and Alternate.

Please call if you have any questions regarding the procedures.

Sincerely,


Douglas K. Sands
Attorney, Board of Zoning
Adjustment, Town of Sewall's
Point, Florida

DKS/sd

Copy to: Board Members and Alternates
Joan Barrow, Town Clerk
~~Lanning Fox, Esq., Town Counsel~~

JOHN FENNIMAN, CHARTERED

ATTORNEYS AT LAW
735 COLORADO AVENUE
P. O. BOX 2473

STUART, FLORIDA 34995

COPY

TELEPHONE
407-287-4300

JOHN FENNIMAN
KATHALEEN A. INMAN

November 9, 1992

RECORDED
NOV 12 1992
LIBRARY

Mr. William Connelly, Chairman
Board of Zoning Adjustment
Town of Sewall's Point
South Sewall's Point Road
Stuart, Florida

Re: Request for Tennis Court Setback Variance
Lot 2, THE PLANTATION OF SEWALL'S POINT

Dear Mr. Connelly:

This office represents 749727 Ontario Limited, a Canadian Corporation chartered under the Province of Ontario, that holds title to Lot 2, PLANTATION AT SEWALL'S POINT, pursuant to warranty deed dated November 6, 1990, recorded in O. R. Book 882, Page 416, Martin County, Florida public records (copy enclosed for reference).

Enclosed is a sketch of the aforesaid vacant Lot 2, together with a sketch of the adjoining Lot 1, also owned by the applicant corporation, and the adjoining two parcels of land located in the unincorporated area of Martin County, Florida, upon which is located a one-story, single family residence. The property is unique to Sewall's Point in that it is, to the best of this writer's knowledge, the only parcel of land in which single family residential lots are adjacent to a single family residence owned by one entity.

This application is a request for the Board of Zoning Adjustment to consider a variance to the zoning ordinances of the Town of Sewall's Point.

VARIANCE - REQUEST FOR VARIANCE FROM PROVISIONS OF ZONING ORDINANCE §XI, E (3). Enclosed sketch shows the proposed location of the proposed tennis court as being 120 feet from the front lot line of Lot 2, THE PLANTATION OF SEWALL'S POINT. The applicable zoning supplemental regulation provides that the tennis court shall be "...no-closer to street than 200 feet." The applicant requests a variance of 80 feet to provide that the proposed tennis court shall be no closer to the street than 120 feet.

November 9, 1992
Town of Sewall's Point
Board of Zoning Adjustment
Re: 749727 Ontario Limited
Page Two

The applicant gives as its reasons the fact that Lot 2 and the adjoining Lot 1, also owned by applicant, are located at the end of a cul-de-sac terminating Northeast Lofting Way which fronts on the front lot lines of both Lot 2 and Lot 1, THE PLANTATION OF SEWALL'S POINT. Therefore, the proposed location of the proposed tennis court would not interfere with any traffic on Northeast Lofting Way. Northeast Lofting Way is approximately 75 feet of right-of-way width adjoining the front lot line of Lot 2, THE PLANTATION OF SEWALL'S POINT, and the proposed location of the proposed tennis court should not create a nuisance for the lands lying north of Northeast Lofting Way which are located in the unincorporated area of Martin County, Florida. The proposed tennis court would be shielded from pedestrian and vehicular traffic by the existing block wall surrounding Lot 2 and Lot 1, THE PLANTATION OF SEWALL'S POINT.

~~A parallel application has been brought before the Commissioners requesting a Resolution (1) permitting the accessory use and (2) permitting the night lighting.~~

Sincerely,

John Fenniman
Attorney for Applicant

/blt

cc: ~~Douglas K. Sands, Esq.
P.O. Box 287
Stuart, FL 34995-0287
Attorney for Board of Zoning Adjustment
Town of Sewall's Point
(with enclosures)~~

COPY

JOHN FENNIMAN, CHARTERED

ATTORNEYS AT LAW
735 COLORADO AVENUE
P. O. BOX 2473

STUART, FLORIDA 34995

JOHN FENNIMAN
KATHALEEN A. INMAN

TELEPHONE
407-287-4300

November 18, 1992

Ms. Joan Barrow, Town Clerk
Town of Sewall's Point
One South Sewall's Point Road
Sewall's Point, Stuart, Florida 34996

Re: Lot 2, THE PLANTATION AT SEWALL'S POINT
Owner: 749727 Ontario Limited, a Canadian corporation

Dear Ms. Barrow:

Pursuant to your letter of November 12, 1992, we enclose a completed ~~Application to the Town of Sewall's Point Board of Zoning Adjustment~~, together our client's check #1433 in the requested amount of \$1,000.00 as a costs deposit and check #1434 in the amount of \$75.00 for the required application fee.

We also enclose the following items as required by the Town of Sewall's Point's "Guide for Preparation of Application for Board of Adjustment":

- 1) Copy of warranty deed evidencing applicant's ownership of captioned property;
- 2) A plot plan depicting the required dimensions and existing improvements; and a
- 3) List of all property owners within 300 feet of the land which is the subject of the application as certified by this writer as attorney for applicant.

The "Addendum" attached to the application addresses the required statement of benefits including an explanation of circumstances and reasons for the variance.

Please advise this writer of the date and time of the Board meeting at which the application will be considered.

Sincerely,



John Fenniman

/blt
enclosures

Addendum to Application to
The Town of Sewall's Point
Board of Zoning Adjustment

749727 Ontario Limited's Response to Conditions 1 through 6

1. A review of the sketch which accompanies this application reveals the special conditions and circumstances which are peculiar to Lot 2, THE PLANTATION AT SEWALL'S POINT. These lands front on the waters of the St Lucie River at a very unique land location near the vicinity of Mt. Pisgah which, at over 30 feet in elevation, is the highest point along the St Lucie River in the Town of Sewall's Point. Because of the steep upslope to the top of this bluff, the site on Lot 2 for any residence facing the waters of the St Lucie River would be set back a considerable distance from the river in order to assure that the natural sand erosion of the bluff would not jeopardize the safety of the residential structure. Given the relatively high land cost of this waterfront land, the interior driveway and the existing circular drive, as shown on the enclosed sketch, occupy additional land area between the proposed residential site and the proposed tennis court site. The requirement for setback from the bluff, the interior driveway location required by the adjoining residential property of the applicant, and the waterfront location of any proposed residential structure on the property create special conditions and circumstances which are "peculiar to Lot 2".

2. The special conditions and circumstances were created by Mother Nature and did not result from the actions of your applicant.

3. Granting of the requested variance of 80' from the required 200' setback to allow for the location of the proposed tennis court at a setback of 120' from Northeast Lofting Way would not grant any special privilege to your applicant.

4. A literal interpretation of the ordinance would place the proposed tennis court upon the existing circular driveway (see sketch) and would deprive applicant of the enjoyment of a harmonious placement of the tennis court within the natural geographic features of said Lot 2.

5. The 80' variance requested will allow for the most harmonious placement of the proposed tennis courts and therefore the most reasonable use of the land.

6. The grant of the variance would be in harmony with the intent and purpose of the zoning ordinance in that Lot 2, and adjoining Lot 1 also owned by your applicant, are located at the end of a cul-de-sac terminating Northeast Lofting Way which fronts on the front lines of both Lot 2 and Lot 1, THE PLANTATION OF SEWALL'S POINT, therefore, the proposed location of the proposed tennis court would not interfere with any traffic on Northeast Lofting Way. Northeast Lofting Way is an approximately 75 feet wide right-of-way adjoining the front line of Lot 2. The proposed location of the proposed tennis court should not create a nuisance for the lands lying north of Northeast Lofting Way which are vacant lands located in the unincorporated area of Martin County, Florida. The proposed tennis court would be shielded from pedestrian and the minimal vehicular traffic on Northeast Lofting Way by the existing block wall which separates Northeast Lofting Way from Lot 2. The proposed variance would therefore not be injurious to the area of the cul-de-sac of Northeast Lofting Way nor would it be otherwise detrimental to the public welfare.

Notice of Public Hearing shall be posted on the property for which the variance is sought and upon the Town Hall bulletin board. Notice shall be published at least eighteen (18) days prior to the public hearing in the Jensen Beach Mirror or other newspaper of general circulation printed in Martin County, and notice shall be sent by certified mail, return receipt requested, by applicant and at applicant's expense, to owners of record of real property involved in said request, with the mailing of said notices being at least eighteen (18) days prior to the date of the hearing.

This certifies that the above statement is correct and accurate. It is also certified that existing deed restrictions or covenants on this property will be adhered to and that if this request is granted, all necessary permits will be obtained and that all order, codes, conditions, rules, regulations and ordinances pertaining to the use of the above-described property will be complied with. It is further certified that I have read the instructions on the attached sheet and fully understand the conditions set forth and will comply fully with them knowing that failure to comply or omission thereof may result in no action being taken by the Board.

John Fenniman, Chartered

by: John Fenniman
Signature of Applicant or Attorney

John Fenniman, Esq., Attorney for 749727 Ontario Limited

November 18, 1992
date

ADDENDUM ATTACHED

DO NOT WRITE BELOW THIS LINE

date application filed _____
checked for completeness by _____ date _____
date copies to Board and Commissioners _____
date sign posted _____ checked by _____
legal notice published/date _____ paper _____
letters to nearby owners checked/date _____ by _____
date of public hearing _____
disposition of case - approved _____ not approved _____
resolution signed _____ date _____
follow-up date if approval was conditional _____
follow-up date entered on Town calendar/date _____ by _____
copies of Board Chairman's report to Commission/date _____
closed file _____

APPLICATION TO
THE TOWN OF SEWALL'S POINT
BOARD OF ZONING ADJUSTMENT

PLEASE TYPE OF PRINT

749727 Ontario Limited, a Canadian corporation
I, organized under laws of Ontario, CA of c/o John Fenniman, Chartered, P O Box 2473
name of applicant address 34995
Stuart Florida
city state zip

do hereby make application to the Town of Sewall's Point Board of Zoning Adjustment on the following property legally described as:

Lot 2, Block n/a, Subdivision The Plantation at Sewall's Point according to map of Plat Book 12, Page 70, Section 35, Township 37 South, Range 41 East, of the public records of Martin County, Florida, or property otherwise described as metes and bounds. (Please include current street address) (long legal description may be attached separately.)

for the purpose of a variance of 80' from the required 200' setback provisions of
(indicate the specific section of Zoning Regulations, Zoning Resolution, Zoning Ordinance)
Zoning Ordinance §XI, E(3) to allow for the location of a tennis court 120' from
street

VariANCES

To authorize upon appeal such variance from the terms of zoning ordinance as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions of the zoning ordinance would result in unnecessary and undue hardship.

In order to authorize a variance, an application must be submitted which demonstrates:

1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.
2. That the special conditions and circumstances do not result from the actions of the applicant.
3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, buildings, or structures in the same zoning district.
4. That literal interpretation of the provisions of the ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the ordinance and would work unnecessary and undue hardship on the applicant.
5. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.
6. That the grant of the variance will be in harmony with the general intent and purpose of the ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of the ordinance.

The Board of Adjustment may prescribe a reasonable time limit within which the action for which the variance is required shall be begun or completed or both.

No non-conforming use of the neighboring lands, structures or buildings in the same district and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

854581

WARRANTY DEED

By AB

THIS INDENTURE, made this 6 day of November, 1990, by and between SEWALL'S POINT PLANTATION PARTNERSHIP, a Florida general partnership (hereinafter called "Grantor"), and 749727 ONTARIO LIMITED, a Canadian corporation chartered under the Province of Ontario, whose address is: Box 78, Puslanch, Ontario, Canada N0B 2J0 (hereinafter called "Grantee(s)").

WITNESSETH, that said Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration to said Grantor in hand paid by said Grantee, the receipt of which is hereby acknowledged, has granted, bargained, and sold to the said Grantee, and Grantee's heirs and assigns, forever, the following described property, situate, lying and being in Martin County, Florida, to wit:

Lot 2 of the PLANTATION AT SEWALL'S POINT according to the Plat thereof, recorded in Plat Book 12, Page 70, of the Public Records of Martin County, Florida.

THIS IS VACANT LAND.

This conveyance is subject to and by accepting this Deed, the Grantee(s) herein agree to assume and abide by the following:

1. All matters as shown on the plat of the PLANTATION AT SEWALL'S POINT, recorded in Plat Book 12, Page 70, of the Public Records of Martin County, Florida; and
2. The Declaration of Covenants and Restrictions for the PLANTATION AT SEWALL'S POINT and all exhibits and amendments thereto; and
3. Conditions, limitations, restrictions, reservations and easements of record, if any; and
4. Utility easements, recreational easements and easements for vehicular and nonvehicular rights-of-way as to the Property; and
5. The Articles of Incorporation and By-Laws of the Sewall's Point Plantation Homeowners Association, Inc., as now or hereafter promulgated and amended and the lien provisions thereof; and
6. Real estate taxes for the current year 1990 and all subsequent years.

And said Grantor does hereby fully warrant the title to said property and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

CORPORATE SEAL

SEWALL'S POINT PLANTATION
PARTNERSHIP, a Florida general
partnershipBy: Sewall's Point Plantation, Inc.,
a Florida corporation
as General PartnerBy: John A. Mourassa
JOHN A. MOURASSA, President

Barbara A. ...
Louise ...

and

By: Yendis Corporation, a Florida corporation, as General Partner

[Signature]

By: [Signature]
SIDNEY KOHL, President

STATE OF FLORIDA)
) ss.
COUNTY OF PALM BEACH)

The foregoing instrument was acknowledged before me this 5 day of November, 1990, by JOHN H. BOURASSA, as President of SEWALL'S POINT PLANTATION, INC., a Florida corporation, as General Partner of SEWALL'S POINT PLANTATION PARTNERSHIP, a Florida general partnership, on behalf of said corporation.

[Signature]
Notary Public, State of Florida

My commission expires:



STATE OF FLORIDA)
) ss.
COUNTY OF PALM BEACH)

The foregoing instrument was acknowledged before me this 6th day of November, 1990, by SIDNEY KOHL, as President of YENDIS CORPORATION, a Florida corporation, as General Partner of SEWALL'S POINT PLANTATION PARTNERSHIP, a Florida general partnership, on behalf of said corporation.

[Signature]
Notary Public, State of Florida

My commission expires:

NOTARY PUBLIC, STATE OF FLORIDA
MY COMMISSION EXPIRES 03/01/1991
WRITTEN FROM ACCEPTED BY MY SUPERVISOR

12.14/sp10

FILED FOR RECORD
90 NOV -6 PM 3:54
MARSHALL COUNTY
CLERK OF CIRCUIT COURT
RY [Signature] DC

CERTIFIED LIST OF PROPERTY OWNERS

RE: LOT 2, THE PLANTATION AT SEWALL'S POINT, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 12, PAGE 70, OF THE PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA.

I HEREBY CERTIFY THE FOLLOWING TO BE A TRUE AND CORRECT LIST OF ALL PROPERTY OWNERS LOCATED WITHIN A 300' RADIUS OF LOT 2, THE PLANTATION AT SEWALL'S POINT, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 12, PAGE 70, OF THE PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA:

Frances L. Evinrude, Trustee
Harold C. Stuart, Trustee
P O Box 96
Jensen Beach, FL 34958-0096

Sewall's Point Plantation Partnership
c/o Sewall's Point Plantation
6263-5 Riverwalk Lane
Jupiter, FL 33458

JOHN FENNIMAN, CHARTERED
P O BOX 2473
STUART, FLORIDA 34995

BY: 
JOHN FENNIMAN, ESQ.

ATTORNEY FOR APPLICANT
749727 Ontario Limited, a Canadian
corporation

WARNER, FOX, SEELEY & DUNGEY

ATTORNEYS, P.A.

1100 S. FEDERAL HIGHWAY
P.O. DRAWER 6
STUART, FLORIDA 34995-0006
(407) 287-4444
TELEFAX (407) 220-1489

L. DENISE COFFMAN
KENNETH W. FROMKNECHT, II
BETH TEARDO PRINZ
THOMAS R. SAWYER
***JAMES SOPKO
TIM B. WRIGHT

RICHARD J. DUNGEY*
M. LANNING FOX*
JOHN T. KENNEDY**
ROBERT L. SEELEY
GARY L. SWEET
THOMAS E. WARNER**

AARON A. FOOSANER
OF COUNSEL

YVONNE M. KOEHLER, CLA

*BOARD CERTIFIED REAL ESTATE LAWYER
**BOARD CERTIFIED CIVIL TRIAL LAWYER
***BOARD CERTIFIED TAX LAWYER

ST. LUCIE COUNTY OFFICE
BARNETT CENTER
900 EAST PRIMA VISTA BOULEVARD
SUITE 400
PORT ST. LUCIE, FLORIDA 34952
(407) 878-3814
TELEFAX (407) 879-6327

RECORDED

JUPITER (407) 744-6499
VERO BEACH (407) 778-0211

DEC - 5 1992

December 3, 1992

Dale Brown, Building Inspector
Town of Sewall's Point
One South Sewall's Point Road
Stuart, Florida 34996

Re: 749727 Ontario Limited Permit Request for Tennis Court on
Lot 2, The Plantation at Sewall's Point

Dear Dale:

I recently met with Mr. Douglas K. Sands, attorney for the Town's Board of Zoning Adjustment, and Mr. John Fenniman, the attorney representing 749727 Ontario Limited, the owner of Lots 1 and 2, The Plantations at Sewall's Point, regarding his client's proposed application for a tennis court to be located on Lot 2, on which there presently exists no single family residence.

Several issues were discussed, which resulted in the following legal opinions by me:

1. The Town Code does not require that a building parcel must be improved with a single family residence before construction of an accessory structure. The Town in the past has approved accessory structures on unimproved lots, including docks, garages, perimeter walls and storage sheds. Therefore, it is my opinion that the applicant may be granted a building permit for the proposed tennis court, provided that it meets all requirements of the land development regulations, even though there presently exists no single family dwelling on Lot 2.

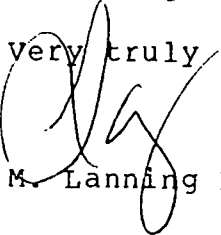
2. The proposed location of the tennis court is 120 feet from the street, which is less than the 200 feet required under Section XI.E.3, and the applicant must obtain a variance from the Town's Board of Zoning Adjustment before a building permit may be issued for the tennis court in its proposed location.

3. If the applicant determines at some future date to install special lighting for the tennis court, a special permit from the Town Commission, after the notice provided in the foregoing section of the Code of Ordinances, will be required.

Dale Brown, Building Inspector
December 3, 1992
Page Two

4. The private covenants and restrictions for The Plantation at Sewall's Point require permission of the Architectural Review Board of the Homeowners Association before construction of the proposed tennis court, but enforcement of these regulations is not an obligation of the Town.

Very truly yours,


M. Lanning Fox

MLF/cp:5121D

cc: Seward R. Chardavoyne, Building Commissioner
Mr. John Fenniman
Mr. Douglas K. Sands



DOUGLAS K. SANDS, P.A.


Attorney at Law

December 7, 1992

300 COLORADO AVE.
P.O. BOX 287
STUART, FLORIDA 34995
TELEPHONE (407) 287-3930
FAX (407) 287-3931

MEMORANDUM

TO: MEMBERS AND ALTERNATES OF THE SEWALL'S POINT BOARD
OF ZONING ADJUSTMENT

FROM: BOARD OF ZONING ADJUSTMENT ATTORNEY 

RE: (1) 749727 Ontario Limited tennis court variance
hearing - 1/14/93
(2) Gasiorek variance hearing - 1/14/93
(3) Election of Chairman and Vice-Chairman; appointment of
Secretary - 1/14/93
(4) Revision of variance application forms - 1/14/93
(5) Kleinpell variance hearing - 12/17/92

Items (1) - (4) above have been scheduled for Thursday evening,
January 14, 1993, at 7:30 P.M. at Town Hall.

A copy of the Notice to be published in the Stuart News is
enclosed, as are copies of my letters of this date to Attorneys
Fenniman and McCarthy, and my memorandum to the Town Clerk.

At this time, I understand the following members are available
for the hearings on January 14th:

Mr. Connolly	Mr. Glover	Mr. Gabrynowicz
Mr. Guenther	Mr. Houtrides	

I also understand that alternate members Dorothy Thomson and
Richard Hammock are available if needed.

With regard to item (5) above, I understand that a new certified
mail notice has been initiated by the applicant for the December
17th hearing. Also, in response to an inquiry by a board member,
I have requested Mr. Dale Brown, the Town Building Inspector, to
attend the hearing and be available to answer questions. Copy of
my letter to him of this date enclosed.

DKS/sd
Enclosures
Copy w/ encl: Town Clerk




DOUGLAS K. SANDS, P.A.

Attorney at Law

December 7, 1992

300 COLORADO AVE.
P.O. BOX 287
STUART, FLORIDA 34995
TELEPHONE (407) 287-3930
FAX (407) 287-3931

MEMORANDUM

TO: JOAN BARROW, CLERK, TOWN OF SEWALL'S POINT
FROM: BOARD OF ZONING ADJUSTMENT ATTORNEY 
RE: (1) Variance Application Hearing - 749727 Ontario Ltd.
(2) Variance Application Hearing - Gasiorek

The hearings on the above applications have been scheduled for Thursday evening, January 14, 1993, beginning at 7:30 P.M. at Town Hall.

Enclosed is a copy of the Notice which was forwarded to the Stuart News for publication, my memorandum to the Members and Alternates of the Board of Zoning Adjustment, and my letters to Attorneys Fenniman and McCarthy.

Please have the properties and town hall bulletin board posted with notice of the public hearings no later than December 30, 1992.

Please also indicate the events on the Agenda in the order as listed on the Notice enclosed.

Thank you for your continuing cooperation. Please let me know if you need anything further at this point.

DKS/sd
enclosures



DOUGLAS K. SANDS, P.A.

Attorney at Law

December 7, 1992

300 COLORADO AVE.
P.O. BOX 287
STUART, FLORIDA 34995
TELEPHONE (407) 287-3930
FAX (407) 287-3931

The Stuart News
Classified Section
1939 S.E. Federal Hwy.
Stuart, Florida 34994

By Hand Delivery

RE: Sewall's Point Board of Zoning and Adjustment:
Notice of Hearing

Dear Sir/Madam:

Enclosed please find the original Notice of Public Hearing and one copy. Please publish the enclosed Notice in the legal advertisements of the Stuart News and return the copy to this office with the date of publication on it. I have enclosed a self-addressed, stamped envelope for this purpose.

Please publish one time no later than December 30, 1992.

The Invoice should be sent to Joan Barrow, Town Clerk,
Sewall's Point Town Hall, One S. Sewall's Point Road, Sewall's
Point, Stuart, Florida 34996.

Thank you for your cooperation.

Sincerely,

Douglas K. Sands, Attorney for the
Sewall's Point Board of Zoning
and Adjustment

DKS/sd
enclosure
Copy to: Town Clerk

NOTICE OF PUBLIC HEARING

Town of Sewall's Point
Board of Zoning Adjustment

TO THE PUBLIC AND ALL OTHERS WHOM IT MAY CONCERN: You are notified that on THURSDAY JANUARY 14, 1993 at 7:30 P.M., at the SEWALL'S POINT TOWN HALL, One South Sewall's Point Road, Sewall's Point, Florida, a Meeting and Public Hearing will be held before the BOARD OF ZONING ADJUSTMENT for the following purposes:

1. Election of Chairman and Vice-Chairman, and appointment of Secretary to the Board of Zoning Adjustment.

2. Public Hearing on the application of 749727 ONTARIO LIMITED seeking a variance from the street setback requirements of the Sewall's Point Town Code, Appendix B, Section XI, Paragraph E.3. for construction of a tennis court. The property is described as follows:

Lot 2 of the PLANTATION AT SEWALL'S POINT according to the Plat thereof, recorded in Plat Book 12, Page 70, of the Public Records of Martin County, Florida.

3. Public Hearing on the application of Mr. and Mrs. SCOTT GASIOREK seeking a Variance from the side setback requirements of the Sewall's Point Town Code, Appendix B, Section VI, Paragraph G.2, for an existing house and proposed renovations at 67 NORTH RIVER ROAD, Sewall's Point, Florida. The property is also described as follows:

Lot 4, of PERRIWINKLE, a subdivision of the Town of Sewall's Point, Florida, according to the Plat thereof, as recorded in Plat Book 5, Page 15, public records of Martin County, Florida.

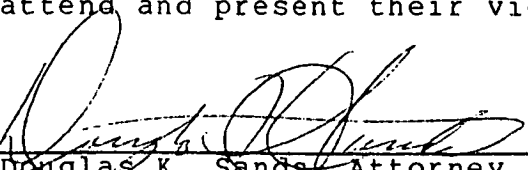
4. Revisions to variance application forms.

Written comments may be sent to the Board of Zoning Adjustment, One South Sewall's Point Road, Sewall's Point, Stuart, Florida 34996.

The Public is invited to attend and present their views.

Publish:

DEC 10, 1992



Douglas K. Sands, Attorney
For Board of Zoning Adjustment
Town of Sewall's Point, Florida



DOUGLAS K. SANDS, P.A.

Attorney at Law

December 7, 1992

300 COLORADO AVE.
P.O. BOX 287
STUART, FLORIDA 34995
TELEPHONE (407) 287-3930
FAX (407) 287-3931

John Fenniman, Esq.
P.O. Box 2473
Stuart, Florida 34995

Re: Variance application - 749727 Ontario Limited/Town of
Sewall's Point

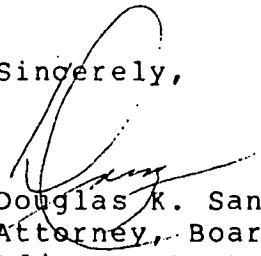
Dear John:

As we discussed on Friday, the hearing date has been scheduled for Thursday evening, 7:30 P.M., on January 14, 1993 at Sewall's Point Town Hall. A copy of the Notice to be published in the Stuart News is enclosed. It appears that your client's application will be the first heard that evening.

You have already compiled and certified to a list of property owners whose properties lie within 300 feet of the subject property. It is the applicant's responsibility to send a notice of hearing letter to them, by certified mail, return receipt requested, to be mailed no later than 15 days before the date of the hearing. It is recommended that you enclosed a copy of the statement of benefits with the letter. Please have available at the hearing the certified list, the white post office mailing slips, and the green card receipts you receive back.

Please call if you have any questions regarding the procedures.

Sincerely,


Douglas K. Sands
Attorney, Board of Zoning
Adjustment, Town of Sewall's
Point, Florida

DKS/sd

Copy to: Board Members and Alternates
Joan Barrow, Town Clerk

DECLARATION OF COVENANTS AND RESTRICTIONS
FOR
THE PLANTATION AT SEWALL'S POINT

THIS DECLARATION is made on this _____ day of _____, 1990, by SEWALL'S POINT PLANTATION PARTNERSHIP, a Florida general partnership (hereinafter referred to as "Developer").

RECITALS:

A. Developer is the owner of the real property described in Exhibit "A" ("Property") of this Declaration and the appurtenances thereto.

B. Developer desires to create a community containing lots for single family residences, parking areas, roadways, recreational facilities, open spaces and other facilities on the Property.

C. Developer desires to provide for the preservation and enhancement of the property values and amenities in the community which it will create and for the maintenance of the property and improvements located therein. To accomplish that purpose Developer desires to subject the Property to the covenants, restrictions, easements, charges and liens hereinafter set forth for the benefit of the Property and each owner thereof, including the Owners of Lots. (The terms "Property", "Owner" and "Lot" are defined in Article 1.)

D. Developer has deemed it desirable for the efficient preservation of the values and amenities in the community to create an entity to which will be delegated and assigned the powers, rights and duties of: (a) owning, maintaining and administering the Common Areas (as defined in Article 1) of the community; (b) administering and enforcing the covenants and restrictions created by this instrument; (c) collecting and disbursing the assessments and charges established by this instrument; and (d) promoting the recreation, health, safety and welfare of the residents of the community.

E. Developer has caused SEWALL'S POINT PLANTATION HOMEOWNERS ASSOCIATION, INC. to be formed as a non-profit corporation under the laws of the state of Florida for the purpose of accepting and assuming the aforesaid powers, rights and duties and performing the aforesaid functions.

DECLARATION:

The Developer declares that the Property is and shall be held, transferred, sold, conveyed, demised and occupied subject to the covenants, restrictions, easements, charges and liens hereinafter set forth.

ARTICLE 1
DEFINITIONS

The following words when used in this Declaration and all its exhibits (unless the context otherwise requires) shall have the following meanings or definitions:

1.1 "Architectural Review Board" or "ARB" - A permanent committee of the Association, created by the Board of Directors for the purpose of establishing and enforcing criteria for the construction of improvements within the Property.

1.2 "Association" - SEWALL'S POINT PLANTATION HOMEOWNERS ASSOCIATION, INC., a Florida corporation not-for-profit, its successors and assigns.

5.12.2 Any portion of the Property dedicated to the County.

5.12.3 Any portion of the Property owned by Developer; Developer shall pay those amounts stated above in the subsection entitled "Payments by Developer", in lieu of Assessments, unless Developer elects otherwise, pursuant to Paragraph 5.11 of this Declaration.

5.13 Capital Contribution. In addition to all of the foregoing Assessments, Owners shall also be required to pay, at the time of the closing of their Lots, a sum equal to the quarterly General Assessment but not to exceed Nine Hundred Dollars (\$900.00), assessed against each Lot by the Association, which sum shall be paid to the Association as an initial contribution to the working capital of the Association. This initial contribution shall not relieve an Owner of the Owner's responsibility to pay all prepaid quarterly installments of the general Assessments assessed against the Owner's Lot, as well as all subsequent Assessments. The contribution is a one-time contribution to be made by the initial purchasers of Lots from Developer. This contribution shall not be refundable to purchasers in the event of a sale or transfer of a Lot. All capital contributions received by the Association shall be maintained in an account for the use and benefit of the Association and the Owners.

ARTICLE 6 USE OF PROPERTY

6.1 Protective Covenants. The Property is subject to the following restrictions and covenants:

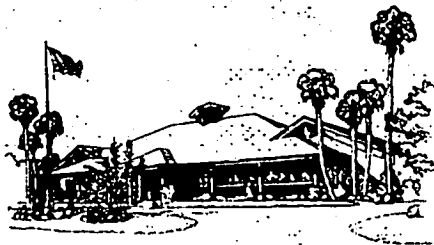
6.1.1 Residential Use. All Lots shall be used, improved and devoted exclusively for residential use. The use of Lots for model homes, sales offices and/or administrative offices shall be permitted for the Developer until the Developer has sold all Units owned by it within the Property.

6.1.2 Use Restricted To Single Family Dwelling. No structure shall be erected, altered, placed or permitted to remain on any Lot other than one single family private dwelling, with an attached or detached garage. However, guest houses shall be permitted if permitted by applicable zoning and building rules, ordinances and regulations.

6.1.3 No Commercial Use or Resubdivision. All applicable Lots shall be single family residential subject to all zoning and building rules, ordinances and regulations of Martin County, Florida and any other applicable governmental entity. No Lot shall be resubdivided. No Lot or any structure built thereon shall be used for any purposes other than single family residential. Specifically, but not in limitation, no rental, commercial, trade or professional use or activity shall be permitted. However, Developer shall be permitted to use Lots for model homes, sales offices and/or administrative offices until Developer has conveyed all Lots to Owners.

6.1.4 Pets. Owners may keep as pets, a reasonable number of dogs, cats, tropical fish and birds, all other pets being strictly prohibited; provided that no such pets are kept, bred or maintained for any commercial purpose. All pets shall be restrained and/or kept on a leash under the control of a responsible person at all times when the pet is outside of a Dwelling. At no time shall a pet be allowed to enter upon any Lot other than the Lot on which the pet is kept. the pet owner shall be responsible at all times for cleaning up and removing all excrement after a pet relieves itself while on the Property and

TOWN of SEWALL'S POINT



COMMISSIONERS:

WILLIAM H. BEDELL, MAYOR
SEWARD R. CHARDAVOYNE, VICE MAYOR
B.J. ESCUE, COMMISSIONER
ERIC B. HOLLY, COMMISSIONER
JOAN PERRY WILCOX, COMMISSIONER

TELEPHONE: (407) 287-2455

FAX (407) 220-4765

TOWN CLERK
JOAN H. BARROW

CHIEF OF POLICE
LOUIS J. SAVINI

One South Sewall's Point Road, Sewall's Point, Stuart, Florida 34996

November 12, 1992

Mr. John Fenniman
Attorney at Law
735 Colorado Avenue
Stuart, Florida 34996

COPY

Re: Lot 2, The Plantation at Sewall's Point subdivision

Dear Mr. Fenniman:

Your letters of November 9, 1992, to the Town Commission and the Town's Board of Zoning Adjustment, have been received.

It appears the Board of Zoning Adjustment request should be considered first. I faxed the application forms to your office on November 11, 1992. As soon as the completed application is received, along with a cost deposit of \$1,000, a meeting of the Board can be scheduled. As we discussed, Douglas Sands is the attorney for the Board of Zoning Adjustment.

I will consult with M. Lanning Fox, the Town attorney, regarding the amount of the required deposit relating to the other requests, as well as the timing.

Please do not hesitate to contact me if I may be of further assistance.

Sincerely,

TOWN OF SEWALL'S POINT

Joan Barrow, Town Clerk

11/20/97

099 745 727 ~~12/17/92~~ ~~12/17/92~~

~~12/17/92~~ ~~12/17/92~~

970 Bell County

~~12/17/92~~ ~~12/17/92~~

12/30/97 → 12/17/92

Records do it 3/15/94

Call Craig Fox on 12/17/92

o I was not with Therese in Placerville.
would call Therese Concession
Trade First.

o would happen for Concession
First.

o LF - Thy per mount -
could go on 17th

(Ad.) (1 Page > Time > 15 / 90)

TEI John Formation: will Let Call.

11/20/92 12:32⁰ - 12:39

(2)

6 T.C.F. Golden Hummer

o Card sent A really nice w/ a Message?

o A Card from Frank Pledge

o MT in at University

o Good Trip and @ J.H. (Rogers?)

Ferris's Express

JOHN FENNIMAN, CHARTERED

ATTORNEYS AT LAW
735 COLORADO AVENUE
P. O. BOX 2473

STUART, FLORIDA 34995

COPY

TELEPHONE
407-287-4300

JOHN FENNIMAN
KATHALEEN A. INMAN

November 9, 1992

Honorable Commissioners
Town of Sewall's Point
South Sewall's Point Road
Stuart, Florida

Re: Request for Resolutions Pertaining to Zoning Ordinances
Lot 2, THE PLANTATION OF SEWALL'S POINT

Dear Commissioners:

This office represents 749727 Ontario Limited, a Canadian Corporation chartered under the Province of Ontario, that holds title to Lot 2, PLANTATION AT SEWALL'S POINT, pursuant to warranty deed dated November 6, 1990, recorded in O. R. Book 882, Page 416, Martin County, Florida public records (copy enclosed for reference).

Enclosed is a sketch of the aforesaid vacant Lot 2, together with a sketch of the adjoining Lot 1, also owned by the applicant corporation, and the adjoining two parcels of land located in the unincorporated area of Martin County, Florida, upon which is located a one-story, single family residence. The property is unique to Sewall's Point in that it is, to the best of this writer's knowledge, the only parcel of land in which single family residential lots are adjacent to a single family residence owned by one entity.

This application is a request for the Commissioners to consider two resolutions pertaining to the zoning ordinances of the Town of Sewall's Point.

FIRST - REQUEST FOR ACCESSORY USE CONSTRUCTION OF A TENNIS COURT WITHOUT CONSTRUCTION OF RESIDENCE. Inasmuch as the applicant has the utilization of the single family residence located on the Martin County property lands that are adjacent to two vacant lots located within the Town of Sewall's Point, applicant requests the Commission to authorize the issuance of a building permit for the construction of a tennis court on Lot 2, THE PLANTATION OF SEWALL'S POINT, without the requirement of the construction of a single family residence on said Lot 2, THE PLANTATION OF SEWALL'S POINT. Applicant gives as a reason the uniqueness of the lands and the fact that the location and utilization of the single family residence meets the spirit and intent of the Zoning Ordinance §XI

November 9, 1992
Town of Sewall's Point
Re: 749727 Ontario Limited
Page Two

(?) "Supplemental Regulations" providing for the construction of a tennis court as an "ancillary use". This proposed tennis court on Lot 2, THE PLANTATION OF SEWALL'S POINT, is an ancillary use of said tennis court to the existing single family residence located on the adjacent lands lying outside the political boundaries of Sewall's Point.

Applicant would further petition the Commissioners by noting that Lot 2 is fenced in such a way as to prevent the proposed tennis court from becoming an attractive nuisance.

✓ SECOND - REQUEST FOR SPECIAL NIGHT LIGHTING OF PROPOSED TENNIS COURT ATHLETIC FACILITY. Applicant further petitions the Commissioners for a resolution granting permission for the construction of special lighting for night use of the athletic facilities of the proposed tennis court. The lots of THE PLANTATION OF SEWALL'S POINT, in the area of applicant's lot, are approximately 550 feet in length with a width of 125 feet. The longer than average length together with the fact that these lots are waterfront lots facing the St Lucie River, provides that the site for the construction of single family residences upon the lots would be most likely on the waterfront and, therefore, the location of special lighting use for the proposed tennis court athletic facility on the landward, road frontage portion of these 550 foot long lots would be distant from the proposed location of the residences. Applicant's land is surrounded to the west and to the north by vacant undeveloped lands situated in the unincorporated area of Martin County, Florida.

Applicant refers the Commission to the sketch showing the location of applicant's Lot 2, THE PLANTATION OF SEWALL'S POINT, the adjoining Lot 1, THE PLANTATION OF SEWALL'S POINT, also owned by applicant, and the adjoining parcel of land situated in the unincorporated area of Martin County, Florida, upon which applicant's residence is located.

A parallel application has been brought before the Board of Zoning Adjustment requesting a variance for the front setback distance.

Sincerely,

John Fenniman
Attorney for Applicant

/blt
cc: M. Lanning Fox, Esq.
P O Drawer 6
West Palm Beach, FL 34994-0006
Attorney to Town of Sewall's Point
(with enclosures)

TOWN of SEWALL'S POINT

COMMISSIONERS:

WILLIAM H. BEDELL, MAYOR
SEWARD R. CHARDAVOYNE, VICE MAYOR
B.J. ESCUE, COMMISSIONER
ERIC B. HOLLY, COMMISSIONER
JOAN PERRY WILCOX, COMMISSIONER



TELEPHONE: (407) 287-2455

FAX (407) 220-4765

TOWN CLERK
JOAN H. BARROW

CHIEF OF POLICE
LOUIS J. SAVINI

One South Sewall's Point Road, Sewall's Point, Stuart, Florida 34996

February 10, 1993

749727 Ontario Limited, A Canadian Corporation
c/o John Fenniman, Esq. Chartered
P. O. Box 2473
Stuart, Florida 34995

REVISED STATEMENT

Re: Variance for Lot 2, The Plantation Subdivision

*11/16/92-11/30/92	Warner, Fox, Seeley & Dungey - Legal Fees	\$302.50
	Previous balance	<u>409.77</u>
	Balance due	\$712.27

Kindly make check payable to "Town of Sewall's Point".

Thank you.

*This statement was just received by the Town. We apologize for this delay.

JOHN FENNIMAN, CHARTERED

ATTORNEYS AT LAW

735 COLORADO AVENUE

P. O. BOX 2473

STUART, FLORIDA 34995

JOHN FENNIMAN

KATHALEEN A. INMAN

TELEPHONE
407-287-4300

COPY

December 22, 1992

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Frances L. Evinrude, Trustee
Harold C. Stuart, Trustee
P O Box 96
Jensen Beach, FL 34958-0096

Re: LOT 2, THE PLANTATION AT SEWALL'S POINT, ACCORDING TO THE PLAT
THEREOF RECORDED IN PLAT BOOK 12, PAGE 70 OF THE PUBLIC RECORDS
OF MARTIN COUNTY, FLORIDA.

Dear Mrs. Evinrude and Mr. Stuart:

Please be advised as owners of property within 300 feet of the above-described property, you are hereby, in accordance with the provisions of Ordinance #95, Town of Sewall's Point, notified that a public hearing will be held at **7:30 P.M.** or as soon thereafter as the matter may be heard, on **January 14, 1993**, at the **Sewall's Point Town Hall**, by the Sewall's Point Board of Zoning Adjustment to consider the matter of a variance to the existing zoning requirements according to the Sewall's Point Ordinance §XI, E(3).

This application is being made to the Board of Zoning Adjustment in order to allow for a variance of 80' from the required 200' setback provisions of the above Ordinance for the location of a tennis court on the captioned property 120' from N. E. Lofting Way. This variance would allow for the most harmonious placement of the proposed tennis court within the natural geographic features of the captioned property. A sketch is enclosed for your reference.

You are invited to attend and be hear or to write in care of the Sewall's Point Board of Adjustment, Town Hall, 1 South Sewall's Point Road, Stuart, Florida, 34994.

Sincerely,

JOHN FENNIMAN
Attorney for Applicant
749727 Ontario Limited

/blt
cc: Evans Crary, Jr., Esq.

JOHN FENNIMAN, CHARTERED

ATTORNEYS AT LAW
735 COLORADO AVENUE
P. O. BOX 2473

STUART, FLORIDA 34995

JOHN FENNIMAN
KATHALEEN A. INMAN

COPY

TELEPHONE
407-287-4300

December 22, 1992

CERTIFIED MAIL RETURN
RETURN RECEIPT REQUESTED

Sewall's Point Plantation Partnership
c/o Sewall's Point Plantation
6263-5 Riverwalk Lane
Jupiter, FL 33458

Re: LOT 2, THE PLANTATION AT SEWALL'S POINT, ACCORDING TO THE PLAT
THEREOF RECORDED IN PLAT BOOK 12, PAGE 70 OF THE PUBLIC RECORDS
OF MARTIN COUNTY, FLORIDA.

Gentlemen:

Please be advised as owners of property within 300 feet of the above-described property, you are hereby, in accordance with the provisions of Ordinance #95, Town of Sewall's Point, notified that a public hearing will be held at 7:30 P.M. or as soon thereafter as the matter may be heard, on **January 14, 1993**, at the **Sewall's Point Town Hall**, by the Sewall's Point Board of Zoning Adjustment to consider the matter of a variance to the existing zoning requirements according to the Sewall's Point Ordinance §XI, E(3).

This application is being made to the Board of Zoning Adjustment in order to allow for a variance of 80' from the required 200' setback provisions of the above Ordinance for the location of a tennis court on the captioned property 120' from N. E. Lofting Way. This variance would allow for the most harmonious placement of the proposed tennis court within the natural geographic features of the captioned property. A sketch is enclosed for your reference.

You are invited to attend and be hear or to write in care of the Sewall's Point Board of Adjustment, Town Hall, 1 South Sewall's Point Road, Stuart, Florida, 34994.

Sincerely,

JOHN FENNIMAN
Attorney for Applicant
749727 Ontario Limited

/blt

JOHN FENNIMAN, CHARTERED

ATTORNEYS AT LAW
735 COLORADO AVENUE
P. O. BOX 2473

STUART, FLORIDA 34995

JOHN FENNIMAN
KATHALEEN A. INMAN

TELEPHONE
407-287-4300

November 18, 1992

Ms. Joan Barrow, Town Clerk
Town of Sewall's Point
One South Sewall's Point Road
Sewall's Point, Stuart, Florida 34996

Re: Lot 2, THE PLANTATION AT SEWALL'S POINT
Owner: 749727 Ontario Limited, a Canadian corporation

Dear Ms. Barrow:

Pursuant to your letter of November 12, 1992, we enclose a completed Application to the Town of Sewall's Point Board of Zoning Adjustment, together our client's check #1433 in the requested amount of \$1,000.00 as a costs deposit and check #1434 in the amount of \$75.00 for the required application fee.

We also enclose the following items as required by the Town of Sewall's Point's "Guide for Preparation of Application for Board of Adjustment":

- 1) Copy of warranty deed evidencing applicant's ownership of captioned property;
- 2) A plot plan depicting the required dimensions and existing improvements; and a
- 3) List of all property owners within 300 feet of the land which is the subject of the application as certified by this writer as attorney for applicant.

The "Addendum" attached to the application addresses the required statement of benefits including an explanation of circumstances and reasons for the variance.

Please advise this writer of the date and time of the Board meeting at which the application will be considered.

Sincerely,


John Fenniman

/blt
enclosures



The Stuart News and The Port St. Lucie News

(an edition of The Stuart News)

STATE OF FLORIDA
COUNTY OF MARTIN: COUNTY OF ST. LUCIE:

Before the undersigned authority appeared KATHLEEN N. PRITCHARD who on oath says that he/she ACCOUNTS REC MANAGER of The Stuart News, and The Port St. Lucie News, a daily newspaper Published at Stuart in Martin County, Florida, that the attached copy of advertisement, being a NOTICE OF PUBLIC HEARING

in the matter of TOWN OF SEWALL'S POINT

in the _____ Court, was Published in The Stuart News and The Port St. Lucie News in the issues of _____
DECEMBER 10, 1992

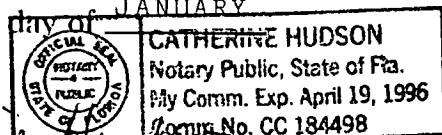
Affiant further says that the said The Stuart News and The Port St. Lucie News is a newspaper published at Stuart, in said Martin County, Florida with offices and paid circulation in Martin County, Florida, and St. Lucie County, Florida and that the said newspapers have heretofore been continuously published in said Martin County, Florida and distributed in Martin County, Florida and St. Lucie County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper. The Stuart News has been entered as second class matter at the post office in Stuart, Martin County, Florida, and Ft. Pierce, St. Lucie County, Florida and has been for a period of one year next preceding the first publication of the attached copy of advertisement.

Kathleen N. Pritchard

Sworn to and subscribed before me

this 14TH day of JANUARY

A.D. 19 93



Catherine Hudson
(Seal) Notary Public

Town Of Sewall's Point

NOTICE OF PUBLIC HEARING

Town of Sewall's Point
Board of Zoning
Adjustment

TO THE PUBLIC AND ALL OTHERS WHOM IT MAY CONCERN: You are notified that on THURSDAY JANUARY 14, 1993 at 7:30 P.M., at the SEWALL'S POINT TOWN HALL, One South Sewall's Point Road, Sewall's Point, Florida, a Meeting and Public Hearing will be held before the BOARD OF ZONING ADJUSTMENT for the following purposes:

1. Election of Chairman and Vice-Chairman, and appointment of Secretary to the Board of Zoning Adjustment.
2. Public Hearing on the application of 749727 ONTARIO LIMITED seeking a variance from the street setback requirements of the Sewall's Point Town Code, Appendix B, Section XI, Paragraph E.3, for construction of a tennis court. The property is described as follows:

Lot 2 of the PLANTATION AT SEWALL'S POINT, according to the Plat thereof, recorded in Plat Book 12, Page 70, of the Public Records of Martin County, Florida.
3. Public Hearing on the application of Mr. and Mrs. SCOTT GASTIOREK seeking a Variance from the side setback requirements of the Sewall's Point Town Code, Appendix B, Section VI, Paragraph G.2, for an existing house and proposed renovations at 67 NORTH RIVER ROAD, Sewall's Point, Florida. The property is also described as follows:

Lot 4, of PERRIWINKLE, a subdivision of the Town of Sewall's Point, Florida, according to the Plat thereof, as recorded in Plat Book 5, Page 15, public records of Martin County, Florida.
4. Revisions to variance application forms.

Written comments may be sent to the Board of Zoning Adjustment, One South Sewall's Point Road, Sewall's Point, Stuart, Florida 34996.

The Public is invited to attend and present their views.

Douglas K. Sands, Attorney
for Board of Zoning Adjustment
Town of Sewall's Point, Florida

Pub.: Dec. 10, 1992

APPLICATION TO

THE TOWN OF SEWALL'S POINT

BOARD OF ZONING ADJUSTMENT

PLEASE TYPE OF PRINT

749727 Ontario Limited, a Canadian corporation

I, <u>organized under laws of Ontario, CA</u>	of <u>c/o John Fenniman, Chartered, P O Box 2473</u>
<u>name of applicant</u>	<u>address</u>
<u>Stuart</u>	<u>Florida 34995</u>
<u>city</u>	<u>state zip</u>

do hereby make application to the Town of Sewall's Point Board of Zoning Adjustment on the following property legally described as:

Lot 2, Block n/a, Subdivision The Plantation at Sewall's Point according to map of Plat Book 12, Page 70, Section 35, Township 37 South, Range 41 East, of the public records of Martin County, Florida, or property otherwise described as metes and bounds. (Please include current street address) (long legal description may be attached separately.)

for the purpose of a variance of 80' from the required 200' setback provisions of (indicate the specific section of Zoning Regulations, Zoning Resolution, Zoning Ordinance) Zoning Ordinance §XI, E(3) to allow for the location of a tennis court 120' from street

VariANCES

To authorize upon appeal such variance from the terms of zoning ordinance as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions of the zoning ordinance would result in unnecessary and undue hardship.

In order to authorize a variance, an application must be submitted which demonstrates:

1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.
2. That the special conditions and circumstances do not result from the actions of the applicant.
3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, buildings, or structures in the same zoning district.
4. That literal interpretation of the provisions of the ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the ordinance and would work unnecessary and undue hardship on the applicant.
5. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.
6. That the grant of the variance will be in harmony with the general intent and purpose of the ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of the ordinance.

The Board of Adjustment may prescribe a reasonable time limit within which the action for which the variance is required shall be begun or completed or both.

No non-conforming use of the neighboring lands, structures or buildings in the same district and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

Notice of Public Hearing shall be posted on the property for which the variance is sought and upon the Town Hall bulletin board. Notice shall be published at least eighteen (18) days prior to the public hearing in the Jensen Beach Mirror or other newspaper of general circulation printed in Martin County, and notice shall be sent by certified mail, return receipt requested, by applicant and at applicant's expense, to owners of record of real property involved in said request, with the mailing of said notices being at least eighteen (18) days prior to the date of the hearing.

This certifies that the above statement is correct and accurate. It is also certified that existing deed restrictions or covenants on this property will be adhered to and that if this request is granted, all necessary permits will be obtained and that all order, codes, conditions, rules, regulations and ordinances pertaining to the use of the above-described property will be complied with. It is further certified that I have read the instructions on the attached sheet and fully understand the conditions set forth and will comply fully with them knowing that failure to comply or omission thereof may result in no action being taken by the Board.

John Fenniman, Chartered

by: John Fenniman
Signature of Applicant or Attorney

John Fenniman, Esq., Attorney for 749727 Ontario Limited

November 18, 1992
date

ADDENDUM ATTACHED

DO NOT WRITE BELOW THIS LINE

date application filed _____
checked for completeness by _____ date _____
date copies to Board and Commissioners _____
date sign posted _____ checked by _____
legal notice published/date _____ paper _____
letters to nearby owners checked/date _____ by _____
date of public hearing _____
disposition of case - approved _____ not approved _____
resolution signed _____ date _____
follow-up date if approval was conditional _____
follow-up date entered on Town calendar/date _____ by _____
copies of Board Chairman's report to Commission/date _____
closed file _____

Addendum to Application to
The Town of Sewall's Point
Board of Zoning Adjustment

749727 Ontario Limited's Response to Conditions 1 through 6

1. A review of the sketch which accompanies this application reveals the special conditions and circumstances which are peculiar to Lot 2, THE PLANTATION AT SEWALL'S POINT. These lands front on the waters of the St Lucie River at a very unique land location near the vicinity of Mt. Pisgah which, at over 30 feet in elevation, is the highest point along the St Lucie River in the Town of Sewall's Point. Because of the steep upslope to the top of this bluff, the site on Lot 2 for any residence facing the waters of the St Lucie River would be set back a considerable distance from the river in order to assure that the natural sand erosion of the bluff would not jeopardize the safety of the residential structure. Given the relatively high land cost of this waterfront land, the interior driveway and the existing circular drive, as shown on the enclosed sketch, occupy additional land area between the proposed residential site and the proposed tennis court site. The requirement for setback from the bluff, the interior driveway location required by the adjoining residential property of the applicant, and the waterfront location of any proposed residential structure on the property create special conditions and circumstances which are "peculiar to Lot 2".

2. The special conditions and circumstances were created by Mother Nature and did not result from the actions of your applicant.

3. Granting of the requested variance of 80' from the required 200' setback to allow for the location of the proposed tennis court at a setback of 120' from Northeast Lofting Way would not grant any special privilege to your applicant.

4. A literal interpretation of the ordinance would place the proposed tennis court upon the existing circular driveway (see sketch) and would deprive applicant of the enjoyment of a harmonious placement of the tennis court within the natural geographic features of said Lot 2.

5. The 80' variance requested will allow for the most harmonious placement of the proposed tennis courts and therefore the most reasonable use of the land.

6. The grant of the variance would be in harmony with the intent and purpose of the zoning ordinance in that Lot 2, and adjoining Lot 1 also owned by your applicant, are located at the end of a cul-de-sac terminating Northeast Lofting Way which fronts on the front lines of both Lot 2 and Lot 1, THE PLANTATION OF SEWALL'S POINT, therefore, the proposed location of the proposed tennis court would not interfere with any traffic on Northeast Lofting Way. Northeast Lofting Way is an approximately 75 feet wide right-of-way adjoining the front line of Lot 2. The proposed location of the proposed tennis court should not create a nuisance for the lands lying north of Northeast Lofting Way which are vacant lands located in the unincorporated area of Martin County, Florida. The proposed tennis court would be shielded from pedestrian and the minimal vehicular traffic on Northeast Lofting Way by the existing block wall which separates Northeast Lofting Way from Lot 2. The proposed variance would therefore not be injurious to the area of the cul-de-sac of Northeast Lofting Way nor would it be otherwise detrimental to the public welfare.

CERTIFIED LIST OF PROPERTY OWNERS

RE: LOT 2, THE PLANTATION AT SEWALL'S POINT, ACCORDING TO THE
PLAT THEREOF RECORDED IN PLAT BOOK 12, PAGE 70, OF THE
PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA.

I HEREBY CERTIFY THE FOLLOWING TO BE A TRUE AND CORRECT LIST OF
ALL PROPERTY OWNERS LOCATED WITHIN A 300' RADIUS OF LOT 2, THE
PLANTATION AT SEWALL'S POINT, ACCORDING TO THE PLAT THEREOF
RECORDED IN PLAT BOOK 12, PAGE 70, OF THE PUBLIC RECORDS OF MARTIN
COUNTY, FLORIDA:

Frances L. Evénrude, Trustee
Harold C. Stuart, Trustee
P O Box 96
Jensen Beach, FL 34958-0096

Sewall's Point Plantation Partnership
c/o Sewall's Point Plantation
6263-5 Riverwalk Lane
Jupiter, FL 33458

JOHN FENNIMAN, CHARTERED
P O BOX 2473
STUART, FLORIDA 34995

BY: 
JOHN FENNIMAN, ESQ.

ATTORNEY FOR APPLICANT
749727 Ontario Limited, a Canadian
corporation

WARNER, FOX, SEELEY & DUNGEY

ATTORNEYS, P.A.

1100 S. FEDERAL HIGHWAY
P.O. DRAWER 6
STUART, FLORIDA 34995-0006
(407) 287-4444
TELEFAX (407) 220-1489

L. DENISE COFFMAN
KENNETH W. FROMKNECHT, II
BETH TEARDO PRINZ
THOMAS R. SAWYER
**JAMES SOPKO
TIM B. WRIGHT

RICHARD J. DUNGEY*
M. LANNING FOX*
JOHN T. KENNEDY**
ROBERT L. SEELEY
GARY L. SWEET
THOMAS E. WARNER**

AARON A. FOOSANER
OF COUNSEL

*BOARD CERTIFIED REAL ESTATE LAWYER
**BOARD CERTIFIED CIVIL TRIAL LAWYER
***BOARD CERTIFIED TAX LAWYER

ST. LUCIE COUNTY OFFICE
BARNETT CENTER
900 EAST PRIMA VISTA BOULEVARD
SUITE 400
PORT ST. LUCIE, FLORIDA 34952
(407) 878-3814
TELEFAX (407) 879-6327

YVONNE M. KOEHLER, CLA

JUPITER (407) 744-6499
VERO BEACH (407) 778-0211

December 3, 1992

Dale Brown, Building Inspector
Town of Sewall's Point
One South Sewall's Point Road
Stuart, Florida 34996

Re: 749727 Ontario Limited Permit Request for Tennis Court on
Lot 2, The Plantation at Sewall's Point

Dear Dale:

I recently met with Mr. Douglas K. Sands, attorney for the Town's Board of Zoning Adjustment, and Mr. John Fenniman, the attorney representing 749727 Ontario Limited, the owner of Lots 1 and 2, The Plantations at Sewall's Point, regarding his client's proposed application for a tennis court to be located on Lot 2, on which there presently exists no single family residence.

Several issues were discussed, which resulted in the following legal opinions by me:

1. The Town Code does not require that a building parcel must be improved with a single family residence before construction of an accessory structure. The Town in the past has approved accessory structures on unimproved lots, including docks, garages, perimeter walls and storage sheds. Therefore, it is my opinion that the applicant may be granted a building permit for the proposed tennis court, provided that it meets all requirements of the land development regulations, even though there presently exists no single family dwelling on Lot 2.

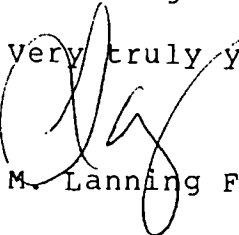
2. The proposed location of the tennis court is 120 feet from the street, which is less than the 200 feet required under Section XI.E.3, and the applicant must obtain a variance from the Town's Board of Zoning Adjustment before a building permit may be issued for the tennis court in its proposed location.

3. If the applicant determines at some future date to install special lighting for the tennis court, a special permit from the Town Commission, after the notice provided in the foregoing section of the Code of Ordinances, will be required.

Dale Brown, Building Inspector
December 3, 1992
Page Two

4. The private covenants and restrictions for The Plantation at Sewall's Point require permission of the Architectural Review Board of the Homeowners Association before construction of the proposed tennis court, but enforcement of these regulations is not an obligation of the Town.

Very truly yours,



M. Lanning Fox

MLF/cp:5121D

cc: ~~Seward R. Chardavoine, Building Commissioner~~
Mr. John Fenniman
Mr. Douglas K. Sands



DOUGLAS K. SANDS, P.A.

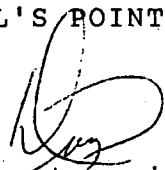
Attorney at Law

November 25, 1992

300 COLORADO AVE.
P.O. BOX 287
STUART, FLORIDA 34995
TELEPHONE (407) 287-3930
FAX (407) 287-3931

MEMORANDUM

TO: MEMBERS AND ALTERNATES OF THE SEWALL'S POINT BOARD
OF ZONING ADJUSTMENT

FROM: BOARD OF ZONING ADJUSTMENT ATTORNEY 

RE: (1) 749727 Ontario Limited tennis court variance
application
(2) Gasiorek variance application
(3) Election of Chairman and Vice-Chairman; appointment of
Secretary - January meeting.
(4) Revision of variance application forms

The above two applications have been received, and are enclosed.

A copy of my letter of November 25th to Attorney Fenniman is enclosed.

It appears that the hearings on the above will be sometime in January. I will be calling to establish a convenient date.

Paragraph 10, Section XV, Appendix B of the Code requires the election of Chairman and Vice-Chairman, and appointment of a secretary, at the first meeting in January.

The January meeting may also be a convenient time to discuss and consider revisions to the current forms, and I will include this item on the agenda unless there is objection.

DKS/sd
Enclosures
Copy w/ encl: Town Clerk



DOUGLAS K. SANDS, P.A.

Attorney at Law

November 25, 1992

300 COLORADO AVE.
P.O. BOX 287
STUART, FLORIDA 34995
TELEPHONE (407) 287-3930
FAX (407) 287-3931

John Fenniman, Esq.
P.O. Box 2473
Stuart, Florida 34995

Re: Variance application - 749727 Ontario Limited

Dear John:

It was a pleasure meeting with you, Lanning Fox, and Tim Wright today. As I understand the conclusion of the meeting, you wish the Board of Zoning Adjustment to proceed with processing your client's variance application pertaining to the tennis court.

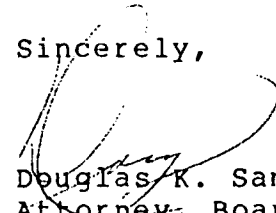
As we discussed, a court decision arising out of Dade County, Jennings v. Dade County, 589 So. 2d 1337 (Fla. 3rd D.C.A. 1991) has changed the practice of engaging in one-on-one ex parte communications with Board members outside of the hearing. Our Board Members and Alternates have been advised to avoid ex parte communications with applicants, opponents, their attorneys, and others interested in the outcome.

As I also mentioned, the December meeting has two other variance applications scheduled for hearing. Consequently, I believe that it will be necessary to schedule your client's hearing sometime in January. I will be in contact regarding a specific date after I ascertain the availability of a quorum.

A copy of your client's application package will be forwarded to each Board Member and Alternate.

Please call if you have any questions regarding the procedures.

Sincerely,


Douglas K. Sands
Attorney, Board of Zoning
Adjustment, Town of Sewall's
Point, Florida

DKS/sd

Copy to: Board Members and Alternates
Joan Barrow, Town Clerk
Lanning Fox, Esq., Town Counsel

JOHN FENNIMAN, CHARTERED

ATTORNEYS AT LAW
735 COLORADO AVENUE
P. O. BOX 2473

STUART, FLORIDA 34995

COPY

TELEPHONE
407-287-4300

JOHN FENNIMAN
KATHALEEN A. INMAN

November 9, 1992

NOV 12 1992

Mr. William Connelly, Chairman
Board of Zoning Adjustment
Town of Sewall's Point
South Sewall's Point Road
Stuart, Florida

Re: Request for Tennis Court Setback Variance
Lot 2, THE PLANTATION OF SEWALL'S POINT

Dear Mr. Connelly:

This office represents 749727 Ontario Limited, a Canadian Corporation chartered under the Province of Ontario, that holds title to Lot 2, PLANTATION AT SEWALL'S POINT, pursuant to warranty deed dated November 6, 1990, recorded in O. R. Book 882, Page 416, Martin County, Florida public records (copy enclosed for reference).

Enclosed is a sketch of the aforesaid vacant Lot 2, together with a sketch of the adjoining Lot 1, also owned by the applicant corporation, and the adjoining two parcels of land located in the unincorporated area of Martin County, Florida, upon which is located a one-story, single family residence. The property is unique to Sewall's Point in that it is, to the best of this writer's knowledge, the only parcel of land in which single family residential lots are adjacent to a single family residence owned by one entity.

This application is a request for the Board of Zoning Adjustment to consider a variance to the zoning ordinances of the Town of Sewall's Point.

VARIANCE - REQUEST FOR VARIANCE FROM PROVISIONS OF ZONING ORDINANCE §XI, E (3). Enclosed sketch shows the proposed location of the proposed tennis court as being 120 feet from the front lot line of Lot 2, THE PLANTATION OF SEWALL'S POINT. The applicable zoning supplemental regulation provides that the tennis court shall be "...no closer to street than 200 feet." The applicant requests a variance of 80 feet to provide that the proposed tennis court shall be no closer to the street than 120 feet.

November 9, 1992
Town of Sewall's Point
Board of Zoning Adjustment
Re: 749727 Ontario Limited
Page Two

The applicant gives as its reasons the fact that Lot 2 and the adjoining Lot 1, also owned by applicant, are located at the end of a cul-de-sac terminating Northeast Lofting Way which fronts on the front lot lines of both Lot 2 and Lot 1, THE PLANTATION OF SEWALL'S POINT. Therefore, the proposed location of the proposed tennis court would not interfere with any traffic on Northeast Lofting Way. Northeast Lofting Way is approximately 75 feet of right-of-way width adjoining the front lot line of Lot 2, THE PLANTATION OF SEWALL'S POINT, and the proposed location of the proposed tennis court should not create a nuisance for the lands lying north of Northeast Lofting Way which are located in the unincorporated area of Martin County, Florida. The proposed tennis court would be shielded from pedestrian and vehicular traffic by the existing block wall surrounding Lot 2 and Lot 1, THE PLANTATION OF SEWALL'S POINT.

A parallel application has been brought before the Commissioners requesting a Resolution (1) permitting the accessory use and (2) permitting the night lighting.

Sincerely,

John Fenniman
Attorney for Applicant

/blt

cc: Douglas K. Sands, Esq.
P O Box 287
Stuart, FL 34995-0287
Attorney for Board of Zoning Adjustment
Town of Sewall's Point
(with enclosures)

COPY

JOHN FENNIMAN, CHARTERED

ATTORNEYS AT LAW
735 COLORADO AVENUE
P. O. BOX 2473

STUART, FLORIDA 34995

JOHN FENNIMAN
KATHALEEN A. INMAN

TELEPHONE
407-287-4300

November 18, 1992

Ms. Joan Barrow, Town Clerk
Town of Sewall's Point
One South Sewall's Point Road
Sewall's Point, Stuart, Florida 34996

Re: Lot 2, THE PLANTATION AT SEWALL'S POINT
Owner: 749727 Ontario Limited, a Canadian corporation

Dear Ms. Barrow:

Pursuant to your letter of November 12, 1992, we enclose a completed Application to the Town of Sewall's Point Board of Zoning Adjustment, together our client's check #1433 in the requested amount of \$1,000.00 as a costs deposit and check #1434 in the amount of \$75.00 for the required application fee.


We also enclose the following items as required by the Town of Sewall's Point's "Guide for Preparation of Application for Board of Adjustment":

- 1) Copy of warranty deed evidencing applicant's ownership of captioned property;
- 2) A plot plan depicting the required dimensions and existing improvements; and a
- 3) List of all property owners within 300 feet of the land which is the subject of the application as certified by this writer as attorney for applicant.

The "Addendum" attached to the application addresses the required statement of benefits including an explanation of circumstances and reasons for the variance.

Please advise this writer of the date and time of the Board meeting at which the application will be considered.

Sincerely,


John Fenniman

/blt
enclosures

APPLICATION TO

THE TOWN OF SEWALL'S POINT

BOARD OF ZONING ADJUSTMENT

PLEASE TYPE OF PRINT

749727 Ontario Limited, a Canadian corporation

I, <u>organized under laws of Ontario, CA</u>	of <u>c/o John Fenniman, Chartered, P O Box 2473</u>
<u>name of applicant</u>	<u>address</u>
<u>Stuart</u>	<u>Florida 34995</u>
<u>city</u>	<u>state zip</u>

do hereby make application to the Town of Sewall's Point Board of Zoning Adjustment on the following property legally described as:

Lot 2, Block n/a, Subdivision The Plantation at Sewall's Point according to map of Plat Book 12, Page 70, Section 35, Township 37 South, Range 41 East, of the public records of Martin County, Florida, or property otherwise described as metes and bounds. (Please include current street address) (long legal description may be attached separately.)

for the purpose of a variance of 80' from the required 200' setback provisions of (indicate the specific section of Zoning Regulations, Zoning Resolution, Zoning Ordinance) Zoning Ordinance §XI, E(3) to allow for the location of a tennis court 120' from street

VariANCES

To authorize upon appeal such variance from the terms of zoning ordinance as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions of the zoning ordinance would result in unnecessary and undue hardship.

In order to authorize a variance, an application must be submitted which demonstrates:

1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.
2. That the special conditions and circumstances do not result from the actions of the applicant.
3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, buildings, or structures in the same zoning district.
4. That literal interpretation of the provisions of the ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the ordinance and would work unnecessary and undue hardship on the applicant.
5. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.
6. That the grant of the variance will be in harmony with the general intent and purpose of the ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of the ordinance.

The Board of Adjustment may prescribe a reasonable time limit within which the action for which the variance is required shall be begun or completed or both.

No non-conforming use of the neighboring lands, structures or buildings in the same district and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

Notice of Public Hearing shall be posted on the property for which the variance is sought and upon the Town Hall bulletin board. Notice shall be published at least eighteen (18) days prior to the public hearing in the Jensen Beach Mirror or other newspaper of general circulation printed in Martin County, and notice shall be sent by certified mail, return receipt requested, by applicant and at applicant's expense, to owners of record of real property involved in said request, with the mailing of said notices being at least eighteen (18) days prior to the date of the hearing.

This certifies that the above statement is correct and accurate. It is also certified that existing deed restrictions or covenants on this property will be adhered to and that if this request is granted, all necessary permits will be obtained and that all order, codes, conditions, rules, regulations and ordinances pertaining to the use of the above-described property will be complied with. It is further certified that I have read the instructions on the attached sheet and fully understand the conditions set forth and will comply fully with them knowing that failure to comply or omission thereof may result in no action being taken by the Board.

John Fenniman, Chartered

by: John Fenniman
Signature of Applicant or Attorney

John Fenniman, Esq., Attorney for 749727 Ontario Limited

November 18, 1992
date

ADDENDUM ATTACHED

DO NOT WRITE BELOW THIS LINE

date application filed 11-18-92

checked for completeness by DS date _____

date copies to Board and Commissioners DS

date sign posted 12-24-92 checked by JT

legal notice published/date 12-10-92 paper ST. NEWS

letters to nearby owners checked/date DS by _____

date of public hearing 1-14-93

disposition of case - approved _____ not approved _____

resolution signed _____ date _____

follow-up date if approval was conditional _____

follow-up date entered on Town calendar/date _____ by _____

copies of Board Chairman's report to Commission/date _____

closed file _____

Addendum to Application to
The Town of Sewall's Point
Board of Zoning Adjustment

749727 Ontario Limited's Response to Conditions 1 through 6

1. A review of the sketch which accompanies this application reveals the special conditions and circumstances which are peculiar to Lot 2, THE PLANTATION AT SEWALL'S POINT. These lands front on the waters of the St Lucie River at a very unique land location near the vicinity of Mt. Pisgah which, at over 30 feet in elevation, is the highest point along the St Lucie River in the Town of Sewall's Point. Because of the steep upslope to the top of this bluff, the site on Lot 2 for any residence facing the waters of the St Lucie River would be set back a considerable distance from the river in order to assure that the natural sand erosion of the bluff would not jeopardize the safety of the residential structure. Given the relatively high land cost of this waterfront land, the interior driveway and the existing circular drive, as shown on the enclosed sketch, occupy additional land area between the proposed residential site and the proposed tennis court site. The requirement for setback from the bluff, the interior driveway location required by the adjoining residential property of the applicant, and the waterfront location of any proposed residential structure on the property create special conditions and circumstances which are "peculiar to Lot 2".

2. The special conditions and circumstances were created by Mother Nature and did not result from the actions of your applicant.

3. Granting of the requested variance of 80' from the required 200' setback to allow for the location of the proposed tennis court at a setback of 120' from Northeast Lofting Way would not grant any special privilege to your applicant.

4. A literal interpretation of the ordinance would place the proposed tennis court upon the existing circular driveway (see sketch) and would deprive applicant of the enjoyment of a harmonious placement of the tennis court within the natural geographic features of said Lot 2.

5. The 80' variance requested will allow for the most harmonious placement of the proposed tennis courts and therefore the most reasonable use of the land.

6. The grant of the variance would be in harmony with the intent and purpose of the zoning ordinance in that Lot 2, and adjoining Lot 1 also owned by your applicant, are located at the end of a cul-de-sac terminating Northeast Lofting Way which fronts on the front lines of both Lot 2 and Lot 1, THE PLANTATION OF SEWALL'S POINT, therefore, the proposed location of the proposed tennis court would not interfere with any traffic on Northeast Lofting Way. Northeast Lofting Way is an approximately 75 feet wide right-of-way adjoining the front line of Lot 2. The proposed location of the proposed tennis court should not create a nuisance for the lands lying north of Northeast Lofting Way which are vacant lands located in the unincorporated area of Martin County, Florida. The proposed tennis court would be shielded from pedestrian and the minimal vehicular traffic on Northeast Lofting Way by the existing block wall which separates Northeast Lofting Way from Lot 2. The proposed variance would therefore not be injurious to the area of the cul-de-sac of Northeast Lofting Way nor would it be otherwise detrimental to the public welfare.

CERTIFIED LIST OF PROPERTY OWNERS

RE: LOT 2, THE PLANTATION AT SEWALL'S POINT, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 12, PAGE 70, OF THE PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA.

I HEREBY CERTIFY THE FOLLOWING TO BE A TRUE AND CORRECT LIST OF ALL PROPERTY OWNERS LOCATED WITHIN A 300' RADIUS OF LOT 2, THE PLANTATION AT SEWALL'S POINT, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 12, PAGE 70, OF THE PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA:

Frances L. Evinrude, Trustee
Harold C. Stuart, Trustee
P O Box 96
Jensen Beach, FL 34958-0096

Sewall's Point Plantation Partnership
c/o Sewall's Point Plantation
6263-5 Riverwalk Lane
Jupiter, FL 33458

JOHN FENNIMAN, CHARTERED
P O BOX 2473
STUART, FLORIDA 34995

BY: John Fenniman
JOHN FENNIMAN, ESQ.

ATTORNEY FOR APPLICANT
749727 Ontario Limited, a Canadian
corporation

THE PLANTATION

Sewell's Point, Florida

COPY

November 23, 1992

John Fenniman
Attorney at Law
735 Colorado Avenue
Stuart, FL 34995

RE: LOTS 1 & 2 - THE PLANTATION AT SEWALL'S POINT

Dear John:

I am in receipt of your letter dated November 20, 1992 regarding Ontario Limited's plans to place improvements on Lot #2 at The Plantation at Sewall's Point. We are excited that you intend to improve your property and extend our offer to assist you with the Architectural Review Board Approval process.

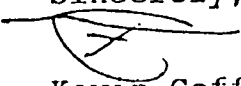
Tennis Courts present special concerns to adjoining lot owners, and it is important that the height, noise and lighting of the court be sufficiently screened so as not to negatively impact the ability of your neighbor to enjoy the use of their property. To document that these concerns are properly addressed in the design of your court, please provide us with the following information:

1. Elevations of the tennis courts, fences and lights.
2. Landscaping plans detailing the screening which will be provided for court fencing and lights.

~~We have no objections to your proposed set-back variance from the Sewall's Point Zoning Ordinance,~~ and anticipate that Architectural Review Board Approval will be granted upon documentation that the concerns listed above have been properly addressed. We do caution you that no construction should be commenced until Architectural Board Approval has been received.

Thank you for notifying us of your intended plans. We are pleased to assist you in this matter, and I look forward to receiving the requested information. Please feel free to call if I can be of any assistance.

Sincerely,


Kevin Coffey
Vice President

KC:ls

CC: Sidney Kohl
John Bourassa

305 Royal Poinciana Plaza
Palm Beach, FL 33480
Telephone (407) 833-4211
FAX (407) 833-3694

CRARY, BUCHANAN, BOWDISH & BOVIE

CHARTERED

ATTORNEYS AT LAW

EVANS CRARY (1905-1968)
EVANS CRARY, JR.
WILLIAM F. CRARY
LARRY E. BUCHANAN
JAMES L. S. BOWDISH
GEORGE F. BOVIE, III
LAWRENCE EVANS CRARY III

REPLY TO :
POST OFFICE DRAWER 24
STUART, FLORIDA 34995 - 0024
555 COLORADO AVENUE
STUART, FLORIDA 34994
TELEPHONE (407) 287-2600
FAX (407) 287-0115

WILLIAM F. CRARY II
ROBERT L. LORD, JR.
R. MICHAEL CRARY
WILLIAM L. ROBY
MATTHEW L. JONES
LEIGH A. WILLIAMS
STEVEN D. BERES

December 22, 1992

John Fenniman, Esquire
P.O. Box 2473
Stuart, Florida 34995


Dear John:

Thank you very much for your courtesy copy of your application to the Town of Sewalls Point for a variance on lot 2, The Plantation at Sewalls Point. I have advised my clients that this application should have no adverse impact upon the ~~Evinnade Trust property~~ and have recommended that they take no adverse action concerning it.

Best wishes to you and your family for a Merry Christmas and a Happy New Year.

Kind regards.

Sincerely,


Evans Crary, Jr.

COPY

EC, Jr./to

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. Addressee's Address
- 2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
 Frances L. Evinrude, Trustee
 Harold C. Stuart, Trustee
 P O Box 96
 Jensen Beach, FL 34958-0096

4a. Article Number
 P411 861 156

4b. Service Type
 Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise

7. Date of Delivery
 12-28-92

5. Signature (Addressee)
Frances L. Evinrude

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)

PS Form 3811, December 1991 ☆ U.S.G.P.O. : 1992-307-530

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. Addressee's Address
- 2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
 Sewalls Pt Plantation Pnrshp
 c/o Sewall's Point Plantation
 6263-5 Riverwalk Lane
 Jupiter, FL 33458

4a. Article Number
 P 411 861 1555

4b. Service Type
 Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise

7. Date of Delivery
 12/28/92

5. Signature (Addressee)

8. Addressee's Address (Only if requested and fee is paid)

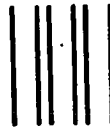
6. Signature (Agent)
[Signature]

PS Form 3811, December 1991 ☆ U.S.G.P.O. : 1992-307-530

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE



Official Business

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



Print your name, address and ZIP Code here

JOHN FENNIMAN, CHARTERED
P O BOX 2473
STUART, FL 34995

Re: 749727 Ontario Limited/Variance

UNITED STATES POSTAL SERVICE



Official Business

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



Print your name, address and ZIP Code here

JOHN FENNIMAN, CHARTERED
P O BOX 2473
STUART, FL 34995

Re: 749727 Ontario Limited/Variance




DOUGLAS K. SANDS, P.A.

Attorney at Law

December 7, 1992

300 COLORADO AVE.
P.O. BOX 287
STUART, FLORIDA 34995
TELEPHONE (407) 287-3930
FAX (407) 287-3931

MEMORANDUM

TO: JOAN BARROW, CLERK, TOWN OF SEWALL'S POINT
FROM: BOARD OF ZONING ADJUSTMENT ATTORNEY 
RE: (1) Variance Application Hearing - 749727 Ontario Ltd.
(2) Variance Application Hearing - Gasiorek

The hearings on the above applications have been scheduled for Thursday evening, January 14, 1993, beginning at 7:30 P.M. at Town Hall.

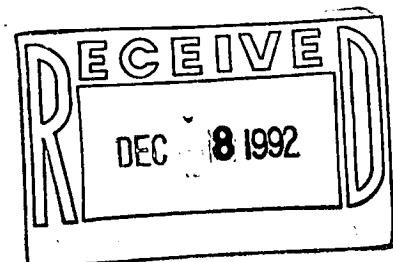
Enclosed is a copy of the Notice which was forwarded to the Stuart News for publication, my memorandum to the Members and Alternates of the Board of Zoning Adjustment, and my letters to Attorneys Fenniman and McCarthy.

Please have the properties and town hall bulletin board posted with notice of the public hearings no later than December 30, 1992.

Please also indicate the events on the Agenda in the order as listed on the Notice enclosed.

Thank you for your continuing cooperation. Please let me know if you need anything further at this point.

DKS/sd
enclosures





DOUGLAS K. SANDS, P.A.

Attorney at Law

December 7, 1992

300 COLORADO AVE.
P.O. BOX 287
STUART, FLORIDA 34995
TELEPHONE (407) 287-3930
FAX (407) 287-3931

The Stuart News
Classified Section
1939 S.E. Federal Hwy.
Stuart, Florida 34994

By Hand Delivery

RE: Sewall's Point Board of Zoning and Adjustment:
Notice of Hearing

Dear Sir/Madam:

Enclosed please find the original Notice of Public Hearing and one copy. Please publish the enclosed Notice in the legal advertisements of the Stuart News and return the copy to this office with the date of publication on it. I have enclosed a self-addressed, stamped envelope for this purpose.

Please publish one time no later than December 30, 1992.

The Invoice should be sent to Joan Barrow, Town Clerk, Sewall's Point Town Hall, One S. Sewall's Point Road, Sewall's Point, Stuart, Florida 34996.

Thank you for your cooperation.

Sincerely,

Douglas K. Sands, Attorney for the
Sewall's Point Board of Zoning
and Adjustment

DKS/sd
enclosure
Copy to: Town Clerk

NOTICE OF PUBLIC HEARING

Town of Sewall's Point
Board of Zoning Adjustment

TO THE PUBLIC AND ALL OTHERS WHOM IT MAY CONCERN: You are notified that on THURSDAY JANUARY 14, 1993 at 7:30 P.M., at the SEWALL'S POINT TOWN HALL, One South Sewall's Point Road, Sewall's Point, Florida, a Meeting and Public Hearing will be held before the BOARD OF ZONING ADJUSTMENT for the following purposes:

1. Election of Chairman and Vice-Chairman, and appointment of Secretary to the Board of Zoning Adjustment.

2. Public Hearing on the application of 749727 ONTARIO LIMITED seeking a variance from the street setback requirements of the Sewall's Point Town Code, Appendix B, Section XI, Paragraph E.3. for construction of a tennis court. The property is described as follows:

Lot 2 of the PLANTATION AT SEWALL'S POINT according to the Plat thereof, recorded in Plat Book 12, Page 70, of the Public Records of Martin County, Florida.

3. Public Hearing on the application of Mr. and Mrs. SCOTT GASIOREK seeking a Variance from the side setback requirements of the Sewall's Point Town Code, Appendix B, Section VI, Paragraph G.2, for an existing house and proposed renovations at 67 NORTH RIVER ROAD, Sewall's Point, Florida. The property is also described as follows:

Lot 4, of PERRIWINKLE, a subdivision of the Town of Sewall's Point, Florida, according to the Plat thereof, as recorded in Plat Book 5, Page 15, public records of Martin County, Florida.

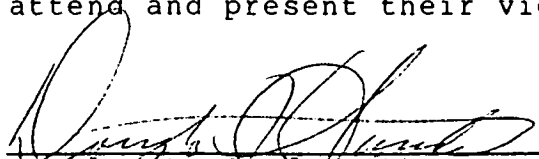
4. Revisions to variance application forms.

Written comments may be sent to the Board of Zoning Adjustment, One South Sewall's Point Road, Sewall's Point, Stuart, Florida 34996.

The Public is invited to attend and present their views.

Publish:

Dec. 10, 1992



Douglas K. Sands, Attorney
For Board of Zoning Adjustment
Town of Sewall's Point, Florida



DOUGLAS K. SANDS, P.A.


Attorney at Law

December 7, 1992

300 COLORADO AVE.
P.O. BOX 287
STUART, FLORIDA 34995
TELEPHONE (407) 287-3930
FAX (407) 287-3931

MEMORANDUM

TO: MEMBERS AND ALTERNATES OF THE SEWALL'S POINT BOARD
OF ZONING ADJUSTMENT

FROM: BOARD OF ZONING ADJUSTMENT ATTORNEY 

RE: (1) 749727 Ontario Limited tennis court variance
hearing - 1/14/93
(2) Gasiorek variance hearing - 1/14/93
(3) Election of Chairman and Vice-Chairman; appointment of
Secretary - 1/14/93
(4) Revision of variance application forms - 1/14/93
(5) Kleinpell variance hearing - 12/17/92

Items (1) - (4) above have been scheduled for Thursday evening,
January 14, 1993, at 7:30 P.M. at Town Hall.

A copy of the Notice to be published in the Stuart News is
enclosed, as are copies of my letters of this date to Attorneys
Fenniman and McCarthy, and my memorandum to the Town Clerk.

At this time, I understand the following members are available
for the hearings on January 14th:

Mr. Connolly	Mr. Glover	Mr. Gabrynowicz
Mr. Guenther	Mr. Houtrides	

I also understand that alternate members Dorothy Thomson and
Richard Hammock are available if needed.

With regard to item (5) above, I understand that a new certified
mail notice has been initiated by the applicant for the December
17th hearing. Also, in response to an inquiry by a board member,
I have requested Mr. Dale Brown, the Town Building Inspector, to
attend the hearing and be available to answer questions. Copy of
my letter to him of this date enclosed.

DKS/sd
Enclosures
Copy w/ encl: Town Clerk



DOUGLAS K. SANDS, P.A.

Attorney at Law

December 7, 1992

300 COLORADO AVE.
P.O. BOX 287
STUART, FLORIDA 34995
TELEPHONE (407) 287-3930
FAX (407) 287-3931

John Fenniman, Esq.
P.O. Box 2473
Stuart, Florida 34995

Re: Variance application - 749727 Ontario Limited/Town of
Sewall's Point

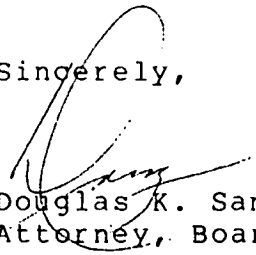
Dear John:

As we discussed on Friday, the hearing date has been scheduled for Thursday evening, 7:30 P.M., on January 14, 1993 at Sewall's Point Town Hall. A copy of the Notice to be published in the Stuart News is enclosed. It appears that your client's application will be the first heard that evening.

You have already compiled and certified to a list of property owners whose properties lie within 300 feet of the subject property. It is the applicant's responsibility to send a notice of hearing letter to them, by certified mail, return receipt requested, to be mailed no later than 15 days before the date of the hearing. It is recommended that you enclosed a copy of the statement of benefits with the letter. Please have available at the hearing the certified list, the white post office mailing slips, and the green card receipts you receive back.

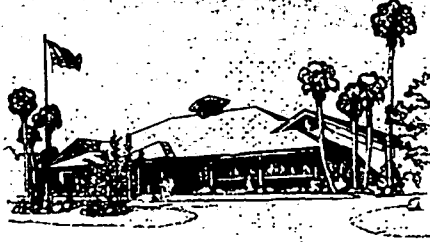
Please call if you have any questions regarding the procedures.

Sincerely,


Douglas K. Sands
Attorney, Board of Zoning
Adjustment, Town of Sewall's
Point, Florida

DKS/sd
Copy to: Board Members and Alternates
Joan Barrow, Town Clerk

TOWN of SEWALL'S POINT



COMMISSIONERS:

WILLIAM H. BEDELL, MAYOR
SEWARD R. CHARDAVOYNE, VICE MAYOR
B.J. ESCUE, COMMISSIONER
ERIC B. HOLLY, COMMISSIONER
JOAN PERRY WILCOX, COMMISSIONER

TELEPHONE: (407) 287-2455

FAX (407) 220-4765

TOWN CLERK
JOAN H. BARROW

CHIEF OF POLICE
LOUIS J. SAVINI

One South Sewall's Point Road, Sewall's Point, Stuart, Florida 34996

November 12, 1992

Mr. John Fenniman
Attorney at Law
735 Colorado Avenue
Stuart, Florida 34996

Re: Lot 2, The Plantation at Sewall's Point subdivision

Dear Mr. Fenniman:

Your letters of November 9, 1992, to the Town Commission and the Town's Board of Zoning Adjustment, have been received.

It appears the Board of Zoning Adjustment request should be considered first. I faxed the application forms to your office on November 11, 1992. As soon as the completed application is received, along with a cost deposit of \$1,000, a meeting of the Board can be scheduled. As we discussed, Douglas Sands is the attorney for the Board of Zoning Adjustment.

I will consult with M. Lanning Fox, the Town attorney, regarding the amount of the required deposit relating to the other requests, as well as the timing.

Please do not hesitate to contact me if I may be of further assistance.

Sincerely,

TOWN OF SEWALL'S POINT

Joan Barrow, Town Clerk

TOWN of SEWALL'S POINT

COMMISSIONERS:
WILLIAM H. BEDELL, MAYOR
SEWARD R. CHARDAVOYNE, VICE MAYOR
B.J. ESCUE, COMMISSIONER
ERIC B. HOLLY, COMMISSIONER
JOAN PERRY WILCOX, COMMISSIONER



TELEPHONE: (407) 287-2433
FAX (407) 220-4765

TOWN CLERK
JOAN H. BARROW

CHIEF OF POLICE
LOUIS J. SAVINI

One South Sewall's Point Road, Sewall's Point, Stuart, Florida 34996

FAX COVER LETTER

TO: Betty
FIRM: John Fenniman
FROM: Joan Barrow
DATE: 11-10-92 TIME: 1:25

COMMENTS:

Per our conversation

Pages send (Including this one): 4

JB

FAX OPERATOR SENDING MESSAGE

JOHN FENNIMAN, CHARTERED

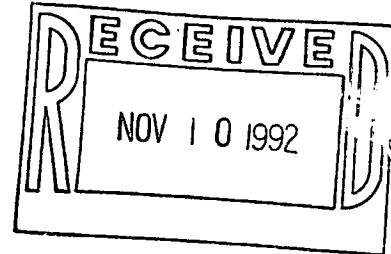
ATTORNEYS AT LAW
735 COLORADO AVENUE
P. O. BOX 2473

STUART, FLORIDA 34995

JOHN FENNIMAN
KATHALEEN A. INMAN

TELEPHONE
407-287-4300

November 9, 1992



Mr. William Connelly, Chairman
Board of Zoning Adjustment
Town of Sewall's Point
South Sewall's Point Road
Stuart, Florida

Re: Request for Tennis Court Setback Variance
Lot 2, THE PLANTATION OF SEWALL'S POINT

Dear Mr. Connelly:

This office represents 749727 Ontario Limited, a Canadian Corporation chartered under the Province of Ontario, that holds title to Lot 2, PLANTATION AT SEWALL'S POINT, pursuant to warranty deed dated November 6, 1990, recorded in O. R. Book 882, Page 416, Martin County, Florida public records (copy enclosed for reference).

Enclosed is a sketch of the aforesaid vacant Lot 2, together with a sketch of the adjoining Lot 1, also owned by the applicant corporation, and the adjoining two parcels of land located in the unincorporated area of Martin County, Florida, upon which is located a one-story, single family residence. The property is unique to Sewall's Point in that it is, to the best of this writer's knowledge, the only parcel of land in which single family residential lots are adjacent to a single family residence owned by one entity.

This application is a request for the Board of Zoning Adjustment to consider a variance to the zoning ordinances of the Town of Sewall's Point.

VARIANCE - REQUEST FOR VARIANCE FROM PROVISIONS OF ZONING ORDINANCE §XI, E (3). Enclosed sketch shows the proposed location of the proposed tennis court as being 120 feet from the front lot line of Lot 2, THE PLANTATION OF SEWALL'S POINT. The applicable zoning supplemental regulation provides that the tennis court shall be "...no closer to street than 200 feet." The applicant requests a variance of 80 feet to provide that the proposed tennis court shall be no closer to the street that 120 feet.

November 9, 1992
Town of Sewall's Point
Board of Zoning Adjustment
Re: 749727 Ontario Limited
Page Two

The applicant gives as its reasons the fact that Lot 2 and the adjoining Lot 1, also owned by applicant, are located at the end of a cul-de-sac terminating Northeast Lofting Way which fronts on the front lot lines of both Lot 2 and Lot 1, THE PLANTATION OF SEWALL'S POINT. Therefore, the proposed location of the proposed tennis court would not interfere with any traffic on Northeast Lofting Way. Northeast Lofting Way is approximately 75 feet of right-of-way width adjoining the front lot line of Lot 2, THE PLANTATION OF SEWALL'S POINT, and the proposed location of the proposed tennis court should not create a nuisance for the lands lying north of Northeast Lofting Way which are located in the unincorporated area of Martin County, Florida. The proposed tennis court would be shielded from pedestrian and vehicular traffic by the existing block wall surrounding Lot 2 and Lot 1, THE PLANTATION OF SEWALL'S POINT.

A parallel application has been brought before the Commissioners requesting a Resolution (1) permitting the accessory use and (2) permitting the night lighting.

Sincerely,

John Fenniman
Attorney for Applicant

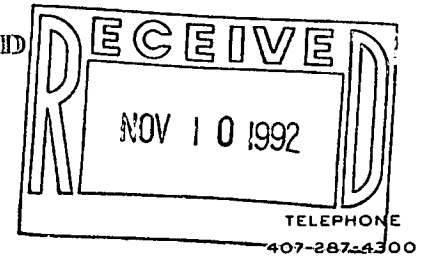
/blt

cc: Douglas K. Sands, Esq.
P O Box 287
Stuart, FL 34995-0287
Attorney for Board of Zoning Adjustment
Town of Sewall's Point
(with enclosures)

JOHN FENNIMAN, CHARTERED

ATTORNEYS AT LAW
735 COLORADO AVENUE
P. O. BOX 2473

STUART, FLORIDA 34995



JOHN FENNIMAN
KATHALEEN A. INMAN

COPY

November 9, 1992

Honorable Commissioners
Town of Sewall's Point
South Sewall's Point Road
Stuart, Florida

Re: Request for Resolutions Pertaining to Zoning Ordinances
Lot 2, THE PLANTATION OF SEWALL'S POINT

Dear Commissioners:

This office represents 749727 Ontario Limited, a Canadian Corporation chartered under the Province of Ontario, that holds title to Lot 2, PLANTATION AT SEWALL'S POINT, pursuant to warranty deed dated November 6, 1990, recorded in O. R. Book 882, Page 416, Martin County, Florida public records (copy enclosed for reference).

Enclosed is a sketch of the aforesaid vacant Lot 2, together with a sketch of the adjoining Lot 1, also owned by the applicant corporation, and the adjoining two parcels of land located in the unincorporated area of Martin County, Florida, upon which is located a one-story, single family residence. The property is unique to Sewall's Point in that it is, to the best of this writer's knowledge, the only parcel of land in which single family residential lots are adjacent to a single family residence owned by one entity.

This application is a request for the Commissioners to consider two resolutions pertaining to the zoning ordinances of the Town of Sewall's Point.

FIRST - REQUEST FOR ACCESSORY USE CONSTRUCTION OF A TENNIS COURT WITHOUT CONSTRUCTION OF RESIDENCE. Inasmuch as the applicant has the utilization of the single family residence located on the Martin County property lands that are adjacent to two vacant lots located within the Town of Sewall's Point, applicant requests the Commission to authorize the issuance of a building permit for the construction of a tennis court on Lot 2, THE PLANTATION OF SEWALL'S POINT, without the requirement of the construction of a single family residence on said Lot 2, THE PLANTATION OF SEWALL'S POINT. Applicant gives as a reason the uniqueness of the lands and the fact that the location and utilization of the single family residence meets the spirit and intent of the Zoning Ordinance §XI

November 9, 1992
Town of Sewall's Point
Re: 749727 Ontario Limited
Page Two

"Supplemental Regulations" providing for the construction of a tennis court as an "ancillary use". This proposed tennis court on Lot 2, THE PLANTATION OF SEWALL'S POINT, is an ancillary use of said tennis court to the existing single family residence located on the adjacent lands lying outside the political boundaries of Sewall's Point.

Applicant would further petition the Commissioners by noting that Lot 2 is fenced in such a way as to prevent the proposed tennis court from becoming an attractive nuisance.

SECOND - REQUEST FOR SPECIAL NIGHT LIGHTING OF PROPOSED TENNIS COURT ATHLETIC FACILITY. Applicant further petitions the Commissioners for a resolution granting permission for the construction of special lighting for night use of the athletic facilities of the proposed tennis court. The lots of THE PLANTATION OF SEWALL'S POINT, in the area of applicant's lot, are approximately 550 feet in length with a width of 125 feet. The longer than average length together with the fact that these lots are waterfront lots facing the St Lucie River, provides that the site for the construction of single family residences upon the lots would be most likely on the waterfront and, therefore, the location of special lighting use for the proposed tennis court athletic facility on the landward, road frontage portion of these 550 foot long lots would be distant from the proposed location of the residences. Applicant's land is surrounded to the west and to the north by vacant undeveloped lands situated in the unincorporated area of Martin County, Florida.

Applicant refers the Commission to the sketch showing the location of applicant's Lot 2, THE PLANTATION OF SEWALL'S POINT, the adjoining Lot 1, THE PLANTATION OF SEWALL'S POINT, also owned by applicant, and the adjoining parcel of land situated in the unincorporated area of Martin County, Florida, upon which applicant's residence is located.

A parallel application has been brought before the Board of Zoning Adjustment requesting a variance for the front setback distance.

Sincerely,



John Fenniman
Attorney for Applicant

/blt

cc: M. Lanning Fox, Esq.
P O Drawer 6
West Palm Beach, FL 34994-0006
Attorney to Town of Sewall's Point
(with enclosures)

APPLICATION TO

THE TOWN OF SEWALL'S POINT

BOARD OF ZONING ADJUSTMENT

PLEASE TYPE OF PRINT

749727 Ontario Limited, a Canadian corporation

I, <u>organized under laws of Ontario, CA</u>	of <u>c/o John Fenniman, Chartered, P O Box 2473</u>	
<u>name of applicant</u>	<u>address</u>	<u>34995</u>
<u>Stuart</u>	<u>Florida</u>	
<u>city</u>	<u>state</u>	<u>zip</u>

do hereby make application to the Town of Sewall's Point Board of Zoning Adjustment on the following property legally described as:

Lot 2, Block n/a, Subdivision The Plantation at Sewall's Point according to map of Plat Book 12, Page 70, Section 35, Township 37 South, Range 41 East, of the public records of Martin County, Florida, or property otherwise described as metes and bounds. (Please include current street address) (long legal description may be attached separately.)

for the purpose of a variance of 80' from the required 200' setback provisions of (indicate the specific section of Zoning Regulations, Zoning Resolution, Zoning Ordinance)

Zoning Ordinance §XI, E(3) to allow for the location of a tennis court 120' from street

VariANCES

To authorize upon appeal such variance from the terms of zoning ordinance as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions of the zoning ordinance would result in unnecessary and undue hardship.

In order to authorize a variance, an application must be submitted which demonstrates:

1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.
2. That the special conditions and circumstances do not result from the actions of the applicant.
3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, buildings, or structures in the same zoning district.
4. That literal interpretation of the provisions of the ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the ordinance and would work unnecessary and undue hardship on the applicant.
5. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.
6. That the grant of the variance will be in harmony with the general intent and purpose of the ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of the ordinance.

The Board of Adjustment may prescribe a reasonable time limit within which the action for which the variance is required shall be begun or completed or both.

No non-conforming use of the neighboring lands, structures or buildings in the same district and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

Notice of Public Hearing shall be posted on the property for which the variance is sought and upon the Town Hall bulletin board. Notice shall be published at least eighteen (18) days prior to the public hearing in the Jensen Beach Mirror or other newspaper of general circulation printed in Martin County, and notice shall be sent by certified mail, return receipt requested, by applicant and at applicant's expense, to owners of record of real property involved in said request, with the mailing of said notices being at least eighteen (18) days prior to the date of the hearing.

This certifies that the above statement is correct and accurate. It is also certified that existing deed restrictions or covenants on this property will be adhered to and that if this request is granted, all necessary permits will be obtained and that all order, codes, conditions, rules, regulations and ordinances pertaining to the use of the above-described property will be complied with. It is further certified that I have read the instructions on the attached sheet and fully understand the conditions set forth and will comply fully with them knowing that failure to comply or omission thereof may result in no action being taken by the Board.

John Fenniman, Chartered

by: John Fenniman
Signature of Applicant or Attorney

John Fenniman, Esq., Attorney for 749727 Ontario Limited

November 18, 1992
date

ADDENDUM ATTACHED

DO NOT WRITE BELOW THIS LINE

date application filed _____

checked for completeness by _____ date _____

date copies to Board and Commissioners _____

date sign posted _____ checked by _____

legal notice published/date _____ paper _____

letters to nearby owners checked/date _____ by _____

date of public hearing _____

disposition of case - approved _____ not approved _____

resolution signed _____ date _____

follow-up date if approval was conditional _____

follow-up date entered on Town calendar/date _____ by _____

copies of Board Chairman's report to Commission/date _____

closed file _____

Addendum to Application to
The Town of Sewall's Point
Board of Zoning Adjustment

749727 Ontario Limited's Response to Conditions 1 through 6

1. A review of the sketch which accompanies this application reveals the special conditions and circumstances which are peculiar to Lot 2, THE PLANTATION AT SEWALL'S POINT. These lands front on the waters of the St Lucie River at a very unique land location near the vicinity of Mt. Pisgah which, at over 30 feet in elevation, is the highest point along the St Lucie River in the Town of Sewall's Point. Because of the steep upslope to the top of this bluff, the site on Lot 2 for any residence facing the waters of the St Lucie River would be set back a considerable distance from the river in order to assure that the natural sand erosion of the bluff would not jeopardize the safety of the residential structure. Given the relatively high land cost of this waterfront land, the interior driveway and the existing circular drive, as shown on the enclosed sketch, occupy additional land area between the proposed residential site and the proposed tennis court site. The requirement for setback from the bluff, the interior driveway location required by the adjoining residential property of the applicant, and the waterfront location of any proposed residential structure on the property create special conditions and circumstances which are "peculiar to Lot 2".

2. The special conditions and circumstances were created by Mother Nature and did not result from the actions of your applicant.

3. Granting of the requested variance of 80' from the required 200' setback to allow for the location of the proposed tennis court at a setback of 120' from Northeast Lofting Way would not grant any special privilege to your applicant.

4. A literal interpretation of the ordinance would place the proposed tennis court upon the existing circular driveway (see sketch) and would deprive applicant of the enjoyment of a harmonious placement of the tennis court within the natural geographic features of said Lot 2.

5. The 80' variance requested will allow for the most harmonious placement of the proposed tennis courts and therefore the most reasonable use of the land.

6. The grant of the variance would be in harmony with the intent and purpose of the zoning ordinance in that Lot 2, and adjoining Lot 1 also owned by your applicant, are located at the end of a cul-de-sac terminating Northeast Lofting Way which fronts on the front lines of both Lot 2 and Lot 1, THE PLANTATION OF SEWALL'S POINT, therefore, the proposed location of the proposed tennis court would not interfere with any traffic on Northeast Lofting Way. Northeast Lofting Way is an approximately 75 feet wide right-of-way adjoining the front line of Lot 2. The proposed location of the proposed tennis court should not create a nuisance for the lands lying north of Northeast Lofting Way which are vacant lands located in the unincorporated area of Martin County, Florida. The proposed tennis court would be shielded from pedestrian and the minimal vehicular traffic on Northeast Lofting Way by the existing block wall which separates Northeast Lofting Way from Lot 2. The proposed variance would therefore not be injurious to the area of the cul-de-sac of Northeast Lofting Way nor would it be otherwise detrimental to the public welfare.

CERTIFIED LIST OF PROPERTY OWNERS

RE: LOT 2, THE PLANTATION AT SEWALL'S POINT, ACCORDING TO THE
PLAT THEREOF RECORDED IN PLAT BOOK 12, PAGE 70, OF THE
PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA.

I HEREBY CERTIFY THE FOLLOWING TO BE A TRUE AND CORRECT LIST OF
ALL PROPERTY OWNERS LOCATED WITHIN A 300' RADIUS OF LOT 2, THE
PLANTATION AT SEWALL'S POINT, ACCORDING TO THE PLAT THEREOF
RECORDED IN PLAT BOOK 12, PAGE 70, OF THE PUBLIC RECORDS OF MARTIN
COUNTY, FLORIDA:

Frances L. Evinrude, Trustee
Harold C. Stuart, Trustee
P O Box 96
Jensen Beach, FL 34958-0096

Sewall's Point Plantation Partnership
c/o Sewall's Point Plantation
6263-5 Riverwalk Lane
Jupiter, FL 33458

JOHN FENNIMAN, CHARTERED
P O BOX 2473
STUART, FLORIDA 34995

BY: 
JOHN FENNIMAN, ESQ.

ATTORNEY FOR APPLICANT
749727 Ontario Limited, a Canadian
corporation

10289

REPAVE DRIVEWAY



TOWN OF SEWALL'S POINT BUILDING DEPARTMENT
 One S. Sewall's Point Road
 Sewall's Point, Florida 34996
 Tel 772-287-2455 Fax 772-220-4765

BUILDING PERMIT CARD

THIS CARD MUST BE POSTED IN A CONSPICUOUS PLACE IN PLAIN VIEW FROM THE STREET PRIOR TO BEGINNING ANY WORK

A FINAL INSPECTION IS REQUIRED FOR ALL PERMITS

PERMIT NUMBER:	10289	DATE ISSUED:	NOVEMBER 26, 2012
SCOPE OF WORK:	REPAVE DRIVEWAY		
CONTRACTOR:	EDDIE HUGGINS LAND GRADING CO		
PARCEL CONTROL NUMBER:	343741000-000-000112	SUBDIVISION	PR GOVT LOT 3 <i>Plantation-41</i>
CONSTRUCTION ADDRESS:	39 LOFTING WAY		
OWNER NAME:	VICINI		
QUALIFIER:	EDDIE JOE HUGGINS	CONTACT PHONE NUMBER:	288-1703

WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT. A CERTIFIED COPY OF THE RECORDED NOTICE OF COMMENCEMENT MUST BE SUBMITTED TO THE BUILDING DEPARTMENT PRIOR TO THE FIRST REQUESTED INSPECTION.

NOTICE: IN ADDITION TO THE REQUIREMENTS OF THIS PERMIT, THERE MAY BE ADDITIONAL RESTRICTIONS APPLICABLE TO THIS PROPERTY THAT MAY BE FOUND IN PUBLIC RECORDS OF THIS COUNTY, AND THERE MAY BE ADDITIONAL PERMITS REQUIRED FROM OTHER GOVERNMENTAL ENTITIES SUCH AS WATER MANAGEMENT DISTRICTS, STATE AGENCIES, OR FEDERAL AGENCIES.

**24 HOUR NOTICE REQUIRED FOR INSPECTIONS – ALL CONSTRUCTION DOCUMENTS MUST BE AVAILABLE ON SITE
 CALL 287-2455 - 8:00AM TO 4:00PM INSPECTIONS: 9:00AM TO 3:00PM – MONDAY THROUGH FRIDAY**

INSPECTIONS

UNDERGROUND PLUMBING _____ UNDERGROUND MECHANICAL _____ STEM-WALL FOOTING _____ SLAB _____ ROOF SHEATHING _____ TIE DOWN /TRUSS ENG _____ WINDOW/DOOR BUCKS _____ ROOF DRY-IN/METAL _____ PLUMBING ROUGH-IN _____ MECHANICAL ROUGH-IN _____ FRAMING _____ FINAL PLUMBING _____ FINAL MECHANICAL _____ FINAL ROOF _____	UNDERGROUND GAS _____ UNDERGROUND ELECTRICAL _____ FOOTING _____ TIE BEAM/COLUMNS _____ WALL SHEATHING _____ INSULATION _____ LATH _____ ROOF TILE IN-PROGRESS _____ ELECTRICAL ROUGH-IN _____ GAS ROUGH-IN _____ METER FINAL _____ FINAL ELECTRICAL _____ FINAL GAS _____ BUILDING FINAL _____
---	--

ALL RE-INSPECTION FEES AND ADDITIONAL INSPECTION REQUESTS WILL BE CHARGED TO THE PERMIT HOLDER. THE CONTRACTOR OR OWNER /BUILDER MUST SCHEDULE A FINAL INSPECTION. FAILURE TO RECEIVE A SUCCESSFUL FINAL INSPECTION WILL RESULT IN PERMIT RENEWAL FEES, FINES, AND OR DENIAL OF FUTURE BUILDING PERMITS TO THE CONTRACTOR OR OWNER /BUILDER.

**Town of Sewall's Point
BUILDING PERMIT APPLICATION**

Date: 9-11-12 Permit Number: 10289

OWNER/LESSEE NAME: Mark & Wynne Vicini Phone (Day) 772-285-0820 (Fax) _____
 Job Site Address: 39 NE Lofting Way City: Stuart State: FL Zip: 34996
 Legal Description: Plantation at Sewalls Point Lot 2 Parcel Control Number: 26-37-41-013-000-00020-2
 Fee Simple Holder Name: _____ Address: _____
 City: _____ State: Lot 1 Zip: _____ Telephone: _____

***SCOPE OF WORK (PLEASE BE SPECIFIC):** Asphalt driveway

WILL OWNER BE THE CONTRACTOR?
 (If yes, Owner Builder questionnaire must accompany application)
 YES _____ NO
Has a Zoning Variance ever been granted on this property?
 YES _____ (YEAR) _____ NO
 (Must include a copy of all variance approvals with application)

COST AND VALUES: (Required on ALL permit applications)
 Estimated Value of Improvements: \$ 5,500.00
 (Notice of Commencement required when over \$2500 prior to first inspection, \$7,500 on HVAC change out)
 Is subject property located in flood hazard area? VE10 _____ AE9 _____ AE8
FOR ADDITIONS, REMODELS AND RE-ROOF APPLICATIONS ONLY:
 Estimated Fair Market Value prior to improvement: \$ _____
 (Fair Market Value of the Primary Structure only, Minus the land value)
 PRIVATE APPRAISALS MUST BE SUBMITTED WITH PERMIT APPLICATION

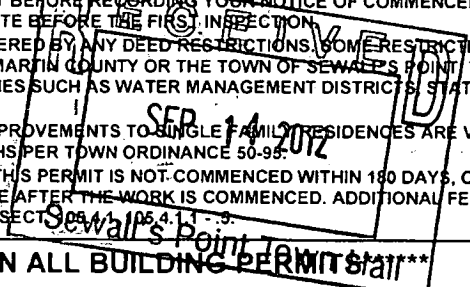
Construction Company: The Eddie Huggins Land Grading Co Phone: 772-288-1703 Fax: 772-220-0410
 Qualifiers name: Eddie Joe Huggins Street: 2520 SE Willoughby Blvd City: Stuart State: FL Zip: 34994
 State License Number: _____ OR: Municipality: Martin County License Number: MCP02818
 LOCAL CONTACT: Judy Russell Phone Number: 772-288-1703
 DESIGN PROFESSIONAL: _____ Fla. License# _____
 Street: _____ City: _____ State: _____ Zip: _____ Phone Number: _____

AREAS SQUARE FOOTAGE: Living: N/A Garage: N/A Covered Patios/ Porches: N/A Enclosed Storage: N/A
 Carport: N/A Total under Roof: N/A Elevated Deck: N/A Enclosed area below BFE*: N/A
 * Enclosed non-habitable areas below the Base Flood Elevation greater than 300 sq. ft. require a Non-Conversion Covenant Agreement.

CODE EDITIONS IN EFFECT THIS APPLICATION: Florida Building Code (Structural, Mechanical, Plumbing, Existing, Gas): 2010
 National Electrical Code: 2008, Florida Energy Code: 2010, Florida Accessibility Code: 2010, Florida Fire Prevention Code: 2010

WARNINGS TO OWNERS AND CONTRACTORS:

- YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. WHEN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION.
- IT IS YOUR RESPONSIBILITY TO DETERMINE IF YOUR PROPERTY IS ENCUMBERED BY ANY DEED RESTRICTIONS. SOME RESTRICTIONS APPLICABLE TO THIS PROPERTY MAY BE FOUND IN THE PUBLIC RECORDS OF MARTIN COUNTY OR THE TOWN OF SEWALL'S POINT. THERE MAY BE ADDITIONAL PERMITS REQUIRED FROM OTHER GOVERNMENTAL ENTITIES SUCH AS WATER MANAGEMENT DISTRICT, STATE AGENCIES, OR FEDERAL AGENCIES.
- BUILDING PERMITS FOR SINGLE FAMILY RESIDENCES AND SUBSTANTIAL IMPROVEMENTS TO SINGLE FAMILY RESIDENCES ARE VALID FOR A PERIOD OF 24 MONTHS. RENEWAL FEES WILL BE ASSESSED AFTER 24 MONTHS PER TOWN ORDINANCE 50-95.
- THIS PERMIT WILL BECOME NULL AND VOID IF THE WORK AUTHORIZED BY THIS PERMIT IS NOT COMMENCED WITHIN 180 DAYS, OR IF WORK IS SUSPENDED OR ABANDONED FOR A PERIOD OF 180 DAYS AT ANY TIME AFTER THE WORK IS COMMENCED. ADDITIONAL FEES WILL BE ASSESSED ON ANY PERMIT THAT BECOMES NULL AND VOID. REF. FBC 2007 SECTION 105.4.1.



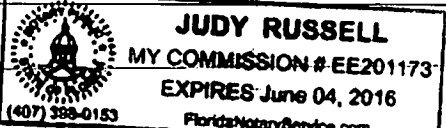
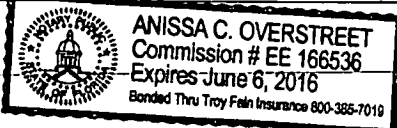
***** A FINAL INSPECTION IS REQUIRED ON ALL BUILDING PERMITS *****

AFFIDAVIT: APPLICATION IS HEREBY MADE TO OBTAIN A PERMIT TO DO THE WORK AS SPECIFICALLY INDICATED ABOVE. I CERTIFY THAT NO WORK OR INSTALLATION HAS COMMENCED PRIOR TO THE ISSUANCE OF A PERMIT AND THAT THE INFORMATION I HAVE FURNISHED ON THIS APPLICATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. I AGREE TO COMPLY WITH ALL APPLICABLE CODES, LAWS, AND ORDINANCES OF THE TOWN OF SEWALL'S POINT DURING THE BUILDING PROCESS.

OWNER / AGENT / LESSEE - NOTARIZED SIGNATURE:
 X _____
 State of Florida, County of: Martin
 On This the 12 day of Sept, 2012
 by Mark Vicini who is personally
 known to me or produced
 As identification: _____
 Notary Public: Anissa Overstreet
 My Commission Expires: _____

CONTRACTOR / LICENSEE NOTARIZED SIGNATURE:
 X _____
 State of Florida, County of: Martin
 On This the 11th day of September, 2012
 by Eddie Joe Huggins who is personally
 known to me or produced
 As identification: Judy Russell
 Notary Public
 My Commission Expires: 6/4/16

SINGLE FAMILY PERMIT APPLICATIONS MUST BE ISSUED WITHIN 30 DAYS OF APPROVAL. NOTIFICATION (FBC 105.3.4) ALL OTHER APPLICATIONS WILL BE CONSIDERED ABANDONED AFTER 180 DAYS (FBC 105.3.2) - PLEASE PICK UP YOUR PERMIT PROMPTLY!



**Martin County, Florida
Laurel Kelly, C.F.A**

generated on 9/17/2012 11:13:48 AM EDT

Summary

Parcel ID	Account #	Unit Address	Market Total Value	Website Updated
34-37-41-000-000-00011-2	9295	2462 NE PALMER, JENSEN BEACH	\$3,150,600	9/15/2012

Owner Information

Owner(Current)	VICINI MARK & WYNNE
Owner/Mail Address	39 NE LOFTING WAY STUART FL 34996
Sale Date	11/28/2010
Document Book/Page	2490 1234
Document No.	2247787
Sale Price	100

Location/Description

Account #	9295	Map Page No.	N-34A
Tax District	6006	Legal Description	BEG SW COR N 1/2 OF GOVT LOT 3, SEC 26, S ALG W/LN 1672.56' TO POB, E 198.74' , S 298' M/L TO RVR, MEANDER RIVER NWLY 262' TO LN 61.26' W OF W/LN SEC 35, N 229', E 61.26' TO POB & SUBMERGED LAND AS PER OR 869/1656 DESC AS: BEG NW COR SEC 35, E 66', S 606' TO RIVER & POB, SW 244.2', N 237', ELY ALG SHORE 130' TO POB & LOT 1 PLANTATION AT SEWALLS POINT
Parcel Address	2462 NE PALMER, JENSEN BEACH		
Acres	3.5411		

Parcel Type

Use Code	0100 Single Family
Neighborhood	193192 Plantation @t Sewall's Pt Wtr

Assessment Information

Market Land Value	\$2,508,570
Market Improvement Value	\$642,030
Market Total Value	\$3,150,600

**Martin County, Florida
Laurel Kelly, C.F.A**

generated on 9/17/2012 11:06:31 AM EDT

Summary

Parcel ID	Account #	Unit Address	Market Total Value	Website Updated
26-37-41-013-000-00020-2	4087	NE LOFTING WY, SEWALL'S POINT	\$1,463,950	9/15/2012

Owner Information

Owner(Current)	ALEXANDRA GRACE LLC
Owner/Mail Address	2462 NE PALMER ST JENSEN BEACH FL 34957
Sale Date	7/25/2003
Document Book/Page	1793 2694
Document No.	1678100
Sale Price	2225000

Location/Description

Account #	4087	Map Page No.	SP-01
Tax District	2200	Legal Description	PLANTATION AT SEWALL'S POINT LOT 2
Parcel Address	NE LOFTING WY, SEWALL'S POINT		
Acres	1.6010		

Parcel Type

Use Code	0100 Single Family
Neighborhood	193192 Plantation @t Sewall's Pt Wtr

Assessment Information

Market Land Value	\$1,339,200
Market Improvement Value	\$124,750
Market Total Value	\$1,463,950



INSTR # 2351176
 OR BK 02600 PG 2023
 Pgs 2023 - 2024; (2pgs)
 RECORDED 09/13/2012 01:39:47 PM
 MARSHA EWING
 CLERK OF MARTIN COUNTY FLORIDA
 RECORDED BY C Oliveri

NOTICE OF COMMENCEMENT
 To be completed when construction value exceeds \$2,500.00

PERMIT #: _____ TAX FOLIO # _____
 STATE OF FLORIDA COUNTY OF MARTIN

The undersigned hereby gives notice that improvement will be made to certain real property, and in accordance with Chapter 713, Florida Statutes, the following information is provided in this Notice of Commencement.

LEGAL DESCRIPTION OF PROPERTY (AND STREET ADDRESS, IF AVAILABLE):
SEE ATTACHED 39 Lofting Way Stuart 34996

GENERAL DESCRIPTION OF IMPROVEMENT: Repair existing drive

OWNER INFORMATION OR LESSEE INFORMATION, IF THE LESSEE CONTRACTED FOR THE IMPROVEMENT:
 Name: Mark Vicini
 Address: 39 Lofting Way Stuart FL 34996
 Interest in property: owner
 Name and address of fee simple title holder (If different from Owner listed above):
N/A

CONTRACTOR'S NAME: Eddie Huggins Land Phone No.: 772 220410
 Address: 2520 SE Willoughby Blvd. Stuart, FL 34994

SURETY COMPANY (If applicable, a copy of the payment bond is attached):
 Name and address: N/A
 Phone No.: _____ Bond amount: _____

LENDER'S NAME: N/A Phone No.: _____
 Address: _____

Persons within the State of Florida designated by owner upon whom notices or other documents may be served as provided by Section 713.13 (1) (a) 7, Florida Statutes:

Name: Mark Vicini Phone No.: 772 285-0820
 Address: 39 Lofting Way Stuart FL 34996

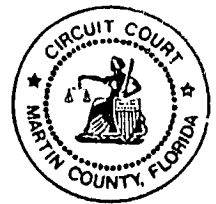
In addition to himself or herself, owner designates Mark Vicini of 39 Lofting Way to receive a copy of the Lienor's Notice as provided in Section 713.13(1)(b), Florida Statutes.
 Phone number of person or entity designated by Owner: 772 285-0820

Expiration date of Notice of Commencement:
 (the expiration date may not be before the completion of construction and final payment to the contractor, but will be 1 year from the date of recording unless a different date is specified): 9/12/13

WARNING TO OWNER: ANY PAYMENTS MADE BY THE OWNER AFTER THE EXPIRATION OF THE NOTICE OF COMMENCEMENT ARE CONSIDERED IMPROPER PAYMENTS UNDER CHAPTER 713, PART I, SECTION 713.13, FLORIDA STATUTES AND CAN RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE COMMENCING WORK OR RECORDING YOUR NOTICE OF COMMENCEMENT.

Under penalty of perjury, I declare that I have read the foregoing and that the facts in it are true to the best of my knowledge and belief.

(Signature)
 Signature of Owner or Lessee, or Owner's or Lessee's Authorized Officer/Director/Partner/Manager/Attorney-in-fact
owner
 Signatory's Title/Office



The foregoing instrument was acknowledged before me this 12 day of Sept, 2012
 By: Mark Vicini as owner for self
 Name of person Type of authority (e.g. officer, trustee) Party on behalf of whom instrument was executed

(Signature)
 Notary's Signature

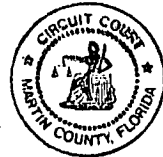
Personally known or produced by
 Type of identification produced
ANISSA C. OVERSTREET
 Commission # EE 166536
 Expires June 6, 2016
 Bonded Thru Troy Fain Insurance 800-385-7019

(Print, Type, or Stamp Commissioned Name of Notary)

DESC AS: BEG NW COR SEC 35, E 66', S 606' TO RIVER & POB, SW 244.2', N 237', ELY
ALG SHORE 130' TO POB & LOT 1 PLANTATION AT SEWALLS POINT

STATE OF FLORIDA
MARTIN COUNTY

THIS IS TO CERTIFY THAT THE
FOREGOING 3 PAGES IS A TRUE
AND CORRECT COPY OF THE ORIGINAL
MARSHA EWING, CLERK



BY: [Signature] D.C
DATE 04/13/12



TOWN OF SEWALL'S POINT BUILDING DEPARTMENT
 One S. Sewall's Point Road
 Sewall's Point, Florida 34996
 Tel 772-287-2455 Fax 772-2204765

N/A

**RIGHT OF WAY DRIVEWAY COVENANT
 FOR MATERIAL OTHER THAN BROOM FINISHED CONCRETE OR ASPHALT**

STATE OF FLORIDA PERMIT NUMBER _____
 COUNTY OF MARTIN

THIS COVENANT, made by Mark Vicini and legal owners

(hereinafter "The Owners") of the property described as: Lot 1, Block _____, according to the Plat of

Plantation at Sewalls Pt, as recorded in Plat Book 12, Page 70, of the Public Records of Martin County,

Florida, also known as 39 NE Lofting Way, Stuart FL 34996
 (Street address)

WHEREAS, the Owners have applied for a permit to construct a driveway of Asphalt construction, a portion of which will be constructed in the Town right-of-way, and such construction will not be of asphalt or regular broom finish concrete, typical for driveways in right-of-way, and such construction will not be of asphalt or regular broom finish concrete, typical for driveways in right-of-way authorized by the Town of Sewall's Point or of driveway materials which the Town constructs, repairs, or replaces when it performs activities in its rights-of ways; and

WHEREAS, the Owners desire to construct the driveway and wish to recognize that the Town of Sewall's Point shall have no responsibility to replace the driveway if it performs any activity on the right-of-way.

NOW THEREFORE, in return for the benefits that will accrue from the construction of their driveway, and in accordance with the criteria for permits for constructing driveways other than those types aforementioned through Land Covenant right-of-way, The Owners of the above described property hereby agree and covenant that the Town of Sewall's Point shall not bear any responsibility for replacement of such driveway located within the right-of-way on this said property, should the need arise.

The Owners agree and covenant that the cost of replacement of the driveway, if required, will be borne by the Owners, their heirs, assigns and successors. This Covenant shall run with the land.

[Signature]
 OWNER SIGNATURE

SWORN TO AND SUBSCRIBED BEFORE ME THIS 12 DAY OF Sept 2012

BY Mark Vicini

PERSONALLY KNOWN [Signature] OR PRODUCED ID _____

TYPE OF ID _____
Anissa Overstreet
 NOTARY SIGNATURE



THIS COVENANT MUST BE RECORDED AT THE CLERK'S OFFICE AND THE RECORDED COPY SUBMITTED TO THE BUILDING DEPARTMENT PRIOR TO ISSUING CERTIFICATE OF OCCUPANCY OR A FINAL DRIVEWAY INSPECTION.

TOWN OF SEWALLS POINT

BUILDING DEPARTMENT - INSPECTION LOG

Date of Inspection Mon Tue Wed Thur Fri 1-9-13 Page 1 of 1

PERMIT #	OWNER/ADDRESS/CONTRACTOR	INSPECTION TYPE	RESULTS	COMMENTS
10027	Goudis	partial flat		
10-11 Am	255 Skiver Rd Team	deck roof	PASS	
				INSPECTOR <i>[Signature]</i>
PERMIT #	OWNER/ADDRESS/CONTRACTOR	INSPECTION TYPE	RESULTS	COMMENTS
10157	Leich	PARTIAL		
Am	8 MORGAN Scott Holmes	WALL CAP	PASS	
				INSPECTOR <i>[Signature]</i>
PERMIT #	OWNER/ADDRESS/CONTRACTOR	INSPECTION TYPE	RESULTS	COMMENTS
10224	Gerhardt			
	14 SSBT RD Scott Holmes	FINAL Bathroom	PASS	CLOSE
				INSPECTOR <i>[Signature]</i>
PERMIT #	OWNER/ADDRESS/CONTRACTOR	INSPECTION TYPE	RESULTS	COMMENTS
10257	Vanni			
	39 W. ...	FINAL D.WAY	PASS	CLOSE
	Eddie Huggins			INSPECTOR <i>[Signature]</i>
PERMIT #	OWNER/ADDRESS/CONTRACTOR	INSPECTION TYPE	RESULTS	COMMENTS
10126	Leich	FINAL		
	8 MORGAN Scott Holmes Bldg	COUNTERTOP WALL	PASS	CLOSE
				INSPECTOR <i>[Signature]</i>
PERMIT #	OWNER/ADDRESS/CONTRACTOR	INSPECTION TYPE	RESULTS	COMMENTS
				INSPECTOR
PERMIT #	OWNER/ADDRESS/CONTRACTOR	INSPECTION TYPE	RESULTS	COMMENTS
				INSPECTOR