

Existing BDP (Parcels 91,  
33, 43, 45, 75, 76, 55, 56)  
22Z00020  
Jacob Aaron et al.

Prepared by: Robertson and Associates  
Address: 100 Parnell Street, Merritt Island, FL 32953

## **BINDING DEVELOPMENT PLAN**

THIS AGREEMENT, entered into this 5 day of May, 2009, between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and Jacob Aaron Corporation, BDM Financial Corporation, Florida corporations; and Michael P., Richard, Patricia, and Lori L. Melzer, and their heirs, successors and assigns (hereinafter referred to as "Developer/Owner").

### **RECITALS**

WHEREAS, Developer/Owner owns property (hereinafter referred to as the "Property") in Brevard County, Florida, as more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference; and

WHEREAS, Developer/Owner has requested the BU-1 and TU-2 zoning classification(s) and desires to develop the property as commercial and tourist commercial, and pursuant to the Brevard County Code, Section 62-1157; and

WHEREAS, as part of its plan for development of the property, Developer/Owner wishes to mitigate negative impact on abutting land owners and affected facilities or services; and

WHEREAS, the County is authorized to regulate development of the property.

NOW, THEREFORE, the parties agree as follows:

1. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements. It is the intent of the parties that the Developer/Owner, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements.

2. The Developer/Owner shall limit the number of hotel rooms to a maximum of 220 rooms on the Property; and commercial square footage, excluding hotel square footage, to 335,000 square feet on the Property.

3. Developer/Owner shall comply with all regulations and ordinances of Brevard County, Florida. This Agreement constitutes Developer's/Owner's agreement to meet additional standards or restrictions in developing the property. This agreement provides no vested rights against changes to the comprehensive plan or land development regulations as they may apply to this property.


4. Developer/Owner, upon execution of this Agreement, shall pay to the County the cost of recording this Agreement in Brevard County, Florida.

5. This Agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject property unless or until the Property is rezoned and be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject property, and be subject to the above referenced conditions as approved by the Board of County Commissioners on FEBRUARY 5, 2009. The County at any time may amend or cancel this Agreement as to the Property or any part of the Property provided the Owner of that part of the Property which the amendment or cancellation addresses consents to the amendment or cancellation at that time. In the event the subject property is annexed into a municipality and rezoned, this Agreement shall be null and void.

6. Violation of this Agreement will also constitute a violation of the Zoning Classification and this Agreement may be enforced by Sections 1-7 and 62-5, Code of Ordinances of Brevard County, Florida, as it may be amended.

IN WITNESS THEREOF, the parties hereto have caused these presents to be signed all as of the date and year first written above.

ATTEST

  
\_\_\_\_\_  
Scott Ellis, Clerk of Circuit Court  
(SEAL)

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA  
2725 Judge Fran Jamieson Way  
Viera, FL 32940

  
\_\_\_\_\_  
Chuck Nelson, Chairman  
As approved by the Board on 5/5/09

STATE OF FLORIDA §  
COUNTY OF BREVARD §

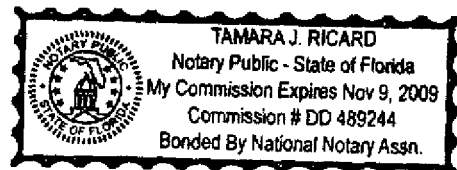
The foregoing instrument was acknowledged before me this 5 day of May, 2009 by Chuck Nelson, Chairman of the Board of County Commissioners of Brevard County, Florida, who is personally known to me or who has produced \_\_\_\_\_ as identification.

My commission expires

SEAL  
Commission No.:

  
\_\_\_\_\_  
Notary Public

Tamara J. Ricard  
(Name typed, printed or stamped)



WITNESSES:

*Antonio Rodriguez*  
(Witness Name typed or printed)

Christine Hinselwood

CHRISTINE HINSELWOOD  
(Witness Name typed or printed)

DEVELOPER/OWNER

*Roger Miller*  
Roger Miller, President.  
Jacob Aaron Corp & BDM Financial Corp.

STATE OF FLORIDA §

COUNTY OF MIAMI-DADE §

The foregoing instrument was acknowledged before me this 2nd day of April, 2009, by Roger Miller, President of Jacob Aaron Corp. and BDM Financial Corp., who is personally known to me or who has produced \_\_\_\_\_ as identification.

My commission expires May 12, 2011  
SEAL  
Commission No.: DD646127

*Cathy M. Rucker*  
Notary Public  
CATHY M. RUCKER  
(Name typed, printed or stamped)



Cathy M. Rucker  
Commission # DD646127  
Expires: MAY 12, 2011  
WWW.AARONNOTARY.COM

MICHAEL P. MELZER  
WITNESSES:

M. P. Melzer  
M. P. Melzer  
(Witness Name typed or printed)

M. P. Melzer  
Daniel E. deFluiter  
(Witness Name typed or printed)  
DANIEL E. deFluiter

DEVELOPER/OWNER

Richard Melzer  
Patricia Melzer

Michael P. Melzer

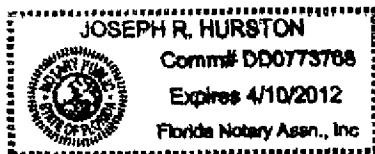
STATE OF FLORIDA §

COUNTY OF BREVARD §

The foregoing instrument was acknowledged before me this 9<sup>TH</sup> day of MARCH, 2009, by MICHAEL P. MELZER, RICHARD MELZER ARE LORI MELZER, PATRICIA MELZER known to me or who has produced \_\_\_\_\_ as identification.

My commission expires  
SEAL  
Commission No.:

[Signature]  
Notary Public  
(Name typed, printed or stamped)



## **LEGAL FOR JACOB AARON, BDM FINANCIAL, AND MELZER PARCELS**

### **Rezoning from GU to TU-2**

The following tax parcels located in Section 27, Township 23 South, Range 35 North, Brevard County, FL

North Tax Parcels:

259, 331, 261, 330, 329, 96, 93, 92, 273, 336, 304, 309, 298, 252, 29, and W ½ of 3.

Total acreage – 7.48 acres, 9.93 acres, and 1.17 acres = 18.58

South Tax Parcels –

S ½ of 575 - .63 ac.; sw ¼ of 763 - .59 ac.; 823 – 1.93 ac., 802 – 1.25 ac.

Total acreage – 4.40

Total Rezoning to TU-2 – 22.98 acres

### **Rezoning from GU to BU-1**

The following tax parcels located in Section 27, Township 23 South, Range 35 North, Brevard County, FL

North Tax Parcels:

E ½ of 3 - .96 ac; 45 - 1.93 ac.; 33, 43, 91, 75, 76, 56, 55, 94 – 12.44 ac.

Total Rezoning to BU-1 - 15.33 acres

### **Existing TU-2**

The following tax parcels located in Section 27, Township 23 South, Range 35 North, Brevard County, FL:

568, 782, 804, 816, 824, , 801, 800, N ½ of 575, and 763 less the SW ¼ consisting of 10.4 acres.

**TOTAL ACRES: 48.71**

**Exhibit A**