

Return to RK Engineering
385 Pineda Court #200
Melbourne, FL 32940

BINDING DEVELOPMENT PLAN

THIS BINDING DEVELOPMENT PLAN (the "Agreement") is entered into this 20 day of February, 2007, by and between the BOARD OF COUNTY COMMISSSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (the COUNTY) and The Paul J. Marion and Dale K. Marion Trust , Robert C. Kirk and Ethylmay Kirk , Raymond F. Marion, and Margaret Ruth Marion ("DEVELOPER").

Witnesseth:

WHEREAS, DEVELOPER owns property (the "Property") located in Brevard County, Florida, as more particularly described Parcel ID Numbers 21-35-08-00-00265.0-0000.0, 21-35-08-00-00266.0-0000.00, 21-35-08-00-00012.0-000.00 , 21-35-08-00-00017.0000.00.

WHEREAS, DEVELOPER desires to develop the Property as single family residential subdivision with RU-1-11 zoning and SR zoning.

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

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

NOW, THEREFORE, the parties agree as follows:

1. County shall not be required or obligated in any way to construct any of the improvements COUNTY shall only be obligated to maintain roads and drainage located in public right-of-way or public drainage easements. It is the intent of the parties that DEVELOPER, its grantees, successors or assigns in interest, or some other association and/or assigns satisfactory to COUNTY, shall be responsible for the maintenance of all improvements except those improvements accepted for maintenance by COUNTY or any other governmental body.

2. The Property as described in Exhibit "A", attached hereto and made a part hereof, is rezoned to RU-1-11. The land rezoned to RU-1-11 shall be limited to a total of 128 units. Not less



than 20% of the homes actually built on the land rezoned to RU-1-11 shall be priced as affordable housing, and shall initially be sold to individuals/households who can qualify only for affordable housing. Affordable housing is defined as follows: Affordable housing means a single family owner occupied, or multi-family owner occupied, or rental unit that has a mortgage or rental payment, including utilities, not exceeding 30% of the gross income of households at or below 120% of the Area Median Income as adjusted for family size. Developer/Owner shall provide assurance of the financial ability and qualifications of the purchasers of the affordable housing units to the Brevard County Housing and Human Services Department for verification.

3. The Property as described in Exhibit "B", attached hereto and made a part hereof, is rezoned to SR zoning with a minimum of 0.50 acre lot size. The land rezoned to SR shall be limited to a total of 61 units. Not less than 20% of the homes actually built on the land rezoned to SR shall be priced as affordable housing, and shall initially be sold to individuals/households who can qualify only for affordable housing, as defined in paragraph 2 of this agreement. Developer/Owner shall provide assurance of the financial ability and qualifications of the purchasers of the affordable housing units to the Brevard County Housing and Human Services Department for verification.

4. The Developer, to the extent possible, practical and within government regulations, shall utilize the onsite wet detention ponds for irrigation purposes.

5. Residential landscaping shall be Florida grade 1 or Florida Fancy and shall be irrigated by the use of automatic sprinkler systems.

6. Developer shall comply with all regulations and ordinances of Brevard County Florida. This Agreement constitutes Developer 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.

7. 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 and be binding upon any persons, firm or corporation who may become the successor in interest, directly or indirectly, to the subject Property. In the event that the subject property is annexed into a municipality and rezoned, this Agreement shall be null and void.

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
(SEAL)

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

Jackie Colon, Chairperson

As approved by the Board 02/20/07.

STATE OF FLORIDA §
COUNTY OF BREVARD §

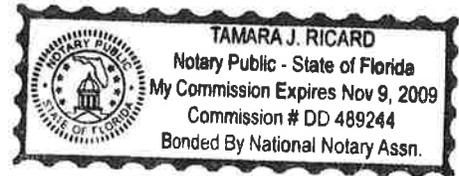
The foregoing instrument was acknowledged before me this 20 day of February, 2007, by Jackie Colon, Chairman of the Board of County Commissioners of Brevard County, Florida, who is personally known to me or who has produced as identification.

My commission expires

Tamara J. Ricard
Notary Public

SEAL
Commission No.:

Tamara Ricard
(Name typed, printed or stamped)



WITNESSES:

Sonya Warnick

Sonya Warnick
(Witness Name typed or printed)

Maria Erdman

Maria Erdman
(Witness Name typed or printed)

DEVELOPER

Paul J. Marion and Dale K. Marion Trust

Paul J. Marion Trustee
Paul J. Marion, trustee

STATE OF FLORIDA §

COUNTY OF BREVARD_ §

The foregoing instrument was acknowledged before me this 20 day of Nov. 2006, by Paul J. Marion, trustee, who is personally known to me or who has produced _____ as identification.

My commission expires
SEAL
Commission No.:

Audrey Ruth Rowe
Notary Public

(Name typed, printed or stamped)



Audrey Ruth Rowe
MY COMMISSION # DD172583 EXPIRES
January 26, 2007
BONDED THRU TROY FAIN INSURANCE, INC.

WITNESSES:

Sonya Warnick

Sonya Warnick
(Witness Name typed or printed)

Maria Erdman

Maria Erdman
(Witness Name typed or printed)

DEVELOPER

Paul L. Marion and Dale K. Marion Trust

Dale K. Marion
Dale K. Marion, trustee

STATE OF FLORIDA §

COUNTY OF BREVARD_ §

The foregoing instrument was acknowledged before me this 20 day of Nov, 2006, by Dale K. Marion, trustee, who is personally known to me or who has produced _____ as identification.

My commission expires
SEAL
Commission No.:

Audrey Ruth Rowe
Notary Public

(Name typed, printed or stamped)



Audrey Ruth Rowe
MY COMMISSION # DD172583 EXPIRES
January 26, 2007
BONDED THRU TROY FAIN INSURANCE, INC.

WITNESSES:

Paul J. Marion

Paul J. Marion
(Witness Name typed or printed)

Sonya Warnick

Sonya Warnick
(Witness Name typed or printed)

DEVELOPER

Ethylmay Kirk
Ethylmay Kirk

WITNESSES:

Paul J. Marion

Paul J. Marion
(Witness Name typed or printed)

Sonya Warnick

Sonya Warnick
(Witness Name typed or printed)

DEVELOPER

Robert C. Kirk
Robert C. Kirk

STATE OF FLORIDA §

COUNTY OF BREVARD_ §

The foregoing instrument was acknowledged before me this 20 day of Nov 2006, by Ethylmay Kirk and Robert C. Kirk, who is personally known to me or who has produced as identification.

My commission expires
SEAL
Commission No.:

Audrey Ruth Rowe
Notary Public

(Name typed, printed or stamped)



Audrey Ruth Rowe
MY COMMISSION # DD172583 EXPIRES
January 26, 2007
BONDED THRU TROY FAIN INSURANCE, INC.

WITNESSES:

Sonya Warnick

Sonya Warnick
(Witness Name typed or printed)

Maria Edman

Maria Edman
(Witness Name typed or printed)

DEVELOPER

Raymond F. Marion
Raymond F. Marion

STATE OF FLORIDA §

COUNTY OF BREVARD_ §

The foregoing instrument was acknowledged before me this 20 day of Nov. 2006, by Raymond F Marion, who is personally known to me or who has produced _____ as identification.

My commission expires
SEAL
Commission No.:

Audrey Ruth Rowe
Notary Public

(Name typed, printed or stamped)



Audrey Ruth Rowe
MY COMMISSION # DD172583 EXPIRES
January 26, 2007
BONDED THRU TROY FAIN INSURANCE, INC.



WITNESSES:

DEVELOPER

Patricia Denmark

PATRICIA DENMARK
(Witness Name typed or printed)

Margaret Ruth Marion
Margaret Ruth Marion

Nita Ferguson

Nita Ferguson
(Witness Name typed or printed)

STATE OF FLORIDA §
COUNTY OF ~~BREVARD~~ PASCO §

The foregoing instrument was acknowledged before me this 22nd day of Nov 2006, by Margaret Ruth Marion, who is personally known to me or who has produced Fla. driver license as identification.

Patricia Denmark
Notary Public

My commission expires
SEAL
Commission No.:

(Name typed, printed or stamped)



EXHIBIT A

LEGAL DESCRIPTION:

A TRACT OF LAND LYING IN THE N.W. 1/4 OF SECTION 8, TOWNSHIP 21 SOUTH, RANGE 35 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

TRACT 1

BEGIN AT THE S.E. CORNER OF THE N.W. 1/4 OF SAID SECTION 8. THENCE S.89°32'58"W. ALONG THE SOUTH BOUNDARY OF SAID N.W. 1/4 A DISTANCE OF 1361.68 FEET; THENCE N.00°01'20"W. 320.54 FEET; THENCE N.00°13'17"W. 9.47 FEET; THENCE N.89°32'58"E. 676.40 FEET; THENCE N.00°07'47"W. 638.74 FEET; THENCE N.89°30'44"E. 680.05 FEET TO A POINT ON THE EAST BOUNDARY OF THE AFORESAID N.W. 1/4 OF SECTION 8; THENCE S.00°24'16"E. ALONG SAID EAST BOUNDARY 969.17 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH

COMMENCE AT THE S.E. CORNER OF THE N.W. 1/4 OF SAID SECTION 8. THENCE N.00°24'16"W. ALONG THE EAST BOUNDARY OF SAID N.W. 1/4 A DISTANCE OF 283.51 FEET TO THE S.E. CORNER OF THE S. 1/2 OF THE N.E. 1/4 OF THE N.W. 1/4 OF SAID SECTION 8 AND THE POINT OF BEGINNING. THENCE N.89°08'55"W. ALONG THE SOUTH BOUNDARY OF SAID S. 1/2 OF THE N.E. 1/4 OF THE N.W. 1/4 OF SECTION 8 A DISTANCE OF 1356.79 FEET TO THE S.W. CORNER OF SAID S. 1/2 OF THE N.E. 1/4 OF THE N.W. 1/4 OF SECTION 8; THENCE N.00°01'33"E. ALONG THE WEST BOUNDARY OF SAID S. 1/2 OF THE N.E. 1/4 OF THE N.W. 1/4 OF SECTION 8 A DISTANCE OF 640.50 FEET TO THE N.W. CORNER OF SAID S. 1/2 OF THE N.E. 1/4 OF THE N.W. 1/4 OF SECTION 8; THENCE S.89°53'02"E. ALONG THE NORTH BOUNDARY OF SAID S. 1/2 OF THE N.E. 1/4 OF THE N.W. 1/4 OF SECTION 8 A DISTANCE OF 1350.03 FEET TO A POINT ON THE AFORESAID EAST BOUNDARY OF N.W. 1/4; THENCE S.00°24'16"E. 657.93 FEET TO THE POINT OF BEGINNING.

TRACTS 1 AND 2 CONTAINING A TOTAL ACREAGE OF 40.47 ACRES, MORE OR LESS.



EXHIBIT B

LEGAL DESCRIPTION:

A TRACT OF LAND LYING IN THE N.E. 1/4 OF SECTION 8, TOWNSHIP 21 SOUTH, RANGE 35 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

BEGIN AT THE S.W. CORNER OF SAID N.E. 1/4 OF SECTION 8. THENCE N.00°24'16"W. ALONG THE WEST BOUNDARY OF SAID N.E. 1/4 A DISTANCE OF 1642.81 FEET; THENCE S.89°58'03"E. ALONG THE NORTH BOUNDARY OF THE SOUTH 1/2 OF THE S.W. 1/4 OF THE N.W. 1/4 OF SAID N.E. 1/4 A DISTANCE OF 672.33 FEET; THENCE S.00°15'35"E. ALONG THE EAST BOUNDARY OF THE WEST 1/4 OF SAID N.E. 1/4 A DISTANCE OF 987.38 FEET; THENCE S.89°49'50"E. ALONG THE NORTH BOUNDARY OF THE S.E. 1/4 OF THE S.W. 1/4 OF SAID N.E. 1/4 A DISTANCE OF 668.09 FEET; THENCE S.00°01'21"E. ALONG THE EAST BOUNDARY OF THE S.W. 1/4 OF SAID N.E. 1/4 A DISTANCE OF 659.41 FEET; THENCE N.89°43'36"W. ALONG THE SOUTH BOUNDARY OF SAID N.E. 1/4 A DISTANCE OF 1000.16 FEET TO THE POINT OF BEGINNING.
CONTAINING 35.38 ACRES, MORE OR LESS.