

RETURN: Clerk to the Board #27

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this 19 day of February, 2013 between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and SHERWOOD LANDS, LLC, a Florida corporation (hereinafter referred to as "Developer/Owner").

RECITALS

WHEREAS, Developer/Owner owns property (hereinafter referred to as the "Property") located on the south side of London Town Road, approximately 300 feet west of North Carpenter Road (in the Titusville area), in Brevard County, Florida, as more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference;

WHEREAS, Developer/Owner plans to develop the Property into a condominium development, as shown in Exhibit "B" (Site Plan) attached hereto and is incorporated herein by this reference; and,

WHEREAS, Developer/Owner has requested the amendment of an existing BSP in an RU-2-10 zoning classification on 7.766 Acres, more or less.

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. Developer/Owner shall provide a 50-foot setback for Buildings 3 and 4 and a 20-foot setback for Building 2, as shown on the site plan - Exhibit "B", and shall plant mature trees and shrubs between buildings along the south property line and the abutting single-family homes on lots 1-5.
3. Developer/Owner shall comply with all regulations and ordinances of Brevard County, Florida. This Agreement constitutes Developer/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 the Public Records of 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 rezoned and be binding upon any person, firm or corporation who become the successor in interest directly or indirectly to the subject Property, and be



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subject to the above referenced conditions as approved by the Board of County Commissioners on November 1, 2012. 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 the 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 WHEREOF, the parties hereto have caused these presents to be signed all as of the date and year first written above.

ATTEST:

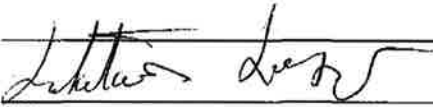

 Scott Ellis, Clerk
 (SEAL)

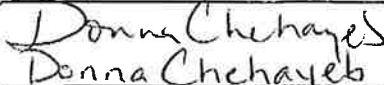
BOARD OF COUNTY COMMISSIONERS
 OF BREVARD COUNTY, FLORIDA
 2725 Judge Fran Jamieson Way
 Viera, FL 32840


 Andy Anderson
 Chairman
 As approved by the Board on 2-19-13

(Please note: You must have two witnesses and a notary for each signature required. The notary may serve as one witness.)

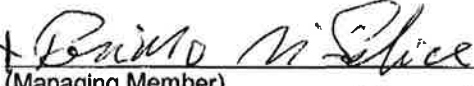
WITNESSES:


 (Witness Name typed or printed)

SALVATORE LOPEZ

 Donna Chchayeb
 (Witness Name typed or printed)

DEVELOPER/OWNER: SHERWOOD LANDS, LLC

91 Victor Heights Pkwy
Victor, New York 14564
 (Address)


 (Managing Member)
PRIMO DI FELICE
 (Name typed, printed or stamped)

STATE OF FLORIDA

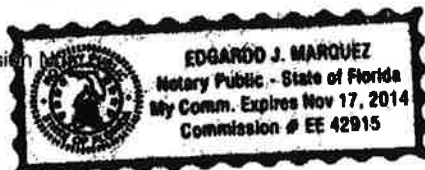
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 22nd day of January, 2013, by Primo Di Felice, Managing Member of Sherwood Lands, LLC, who is personally known to me or who has produced NY Driver's License as identification.

My commission expires

SEAL

Commission



Notary Public


 Edgardo J. Marquez
 (Name typed, printed or stamped)

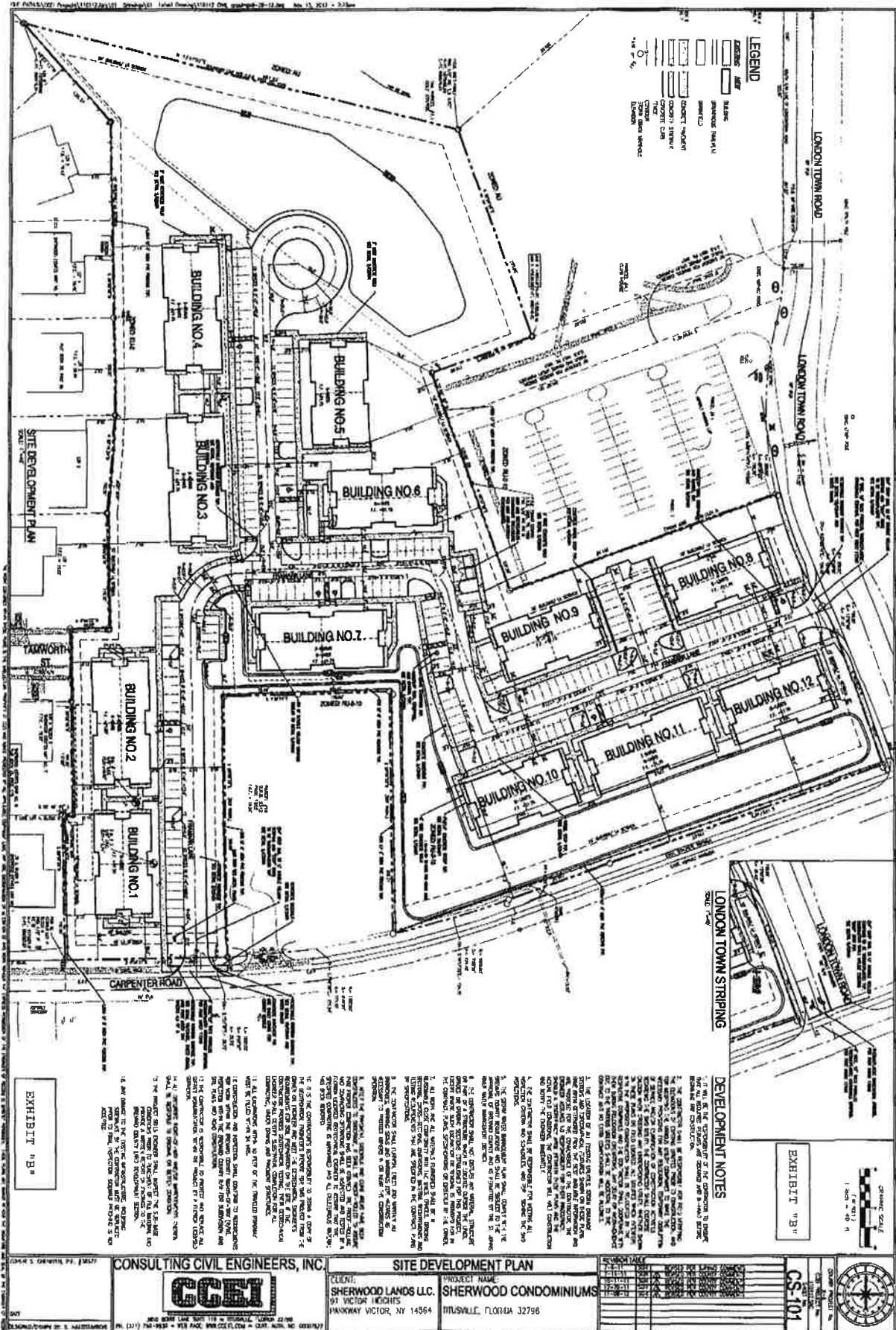
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EXHIBIT A**LEGAL DESCRIPTION**

PART OF THE NORTHEAST 1/4 OF SECTION 24, TOWNSHIP 21 SOUTH, RANGE 34 EAST, BREVARD COUNTY, FLORIDA. BEING THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 6505, PAGE 1750 AND OFFICIAL RECORDS BOOK 6547, PAGE 15 OF THE PUBLIC RECORDS OF BREVARD COUNTY FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 3, BLOCK 6, SHERWOOD ESTATES UNIT NO. 6 AS RECORDED IN PLAT BOOK 19, PAGE 118, PUBLIC RECORDS OF BREVARD COUNTY FLORIDA. THENCE S.89°08'35" W. ALONG THE NORTH LINE OF SAID LOT 3, 150.00 FT. TO THE EAST LINE OF LOT 4 OF SAID BLOCK 6; THENCE N.0°50'27" W. ALONG SAID WEST LINE, 10.00 FT. TO THE NORTHEAST CORNER OF SAID LOT 4; THENCE S.89°08'46" W. ALONG THE NORTH LINE OF SAID LOT 4 AND THE NORTH LINE OF TAMWORTH STREET AS SHOWN ON SAID PLAT OF SHERWOOD ESTATES UNIT NO. 6, 191.80 FT. TO THE EAST LINE OF LOT 1, BLOCK 7, OF THE PLAT OF SHERWOOD ESTATES UNIT NO. 7, AS RECORDED IN PLAT BOOK 20, PAGE 96, OF SAID PUBLIC RECORDS; THENCE N. 0°59'02" W. ALONG SAID EAST LINE, 40.00 FT. TO THE NORTHEAST CORNER THEREOF; THENCE ALONG THE NORTH AND WESTERLY LINE OF SAID BLOCK 7, THE FOLLOWING FOUR (4) COURSES; S. 89°00'58" W. 119.00 FT.; N. 85°16'24" W. 100.50 FT.; S. 89°00'58" W. 300.00 FT.; S. 48°22'12" W. 135.37 FT., TO THE WEST LINE OF "PARCEL V" OF SAID LAND DESCRIBED IN OFFICIAL RECORDS BOOK 6505, PAGE 1750; THENCE N. 13°47'03" E. ALONG SAID WEST LINE, 461.63 FT. TO THE NORTHWEST CORNER THEREOF; THENCE N. 70°07'40" E. ALONG THE NORTHERLY LINE OF SAID PARCEL V, 225.00 FT. TO THE NORTHEAST CORNER THEREOF; THENCE S. 19°52'20" E. ALONG THE EASTERLY LINE OF SAID PARCEL V, 110.00 FT. TO THE NORTHERLY LINE THEREOF; THENCE N. 70°07'30" E. ALONG SAID NORTHERLY LINE AND AN EASTERLY PROJECTION THEREOF, 237.20 FT. TO THE SOUTHWEST CORNER OF PARCEL 2 OF SAID LAND DESCRIBED IN OFFICIAL RECORDS BOOK 6547, PAGE 15; THENCE N. 19°51'40" W. ALONG THE WESTERLY LINE OF SAID PARCEL 2, 291.18 FT. TO THE NORTHWEST CORNER THEREOF, SAID CORNER BEING ON THE SOUTH RIGHT-OF-WAY LINE OF LONDON TOWN ROAD (A 60 FT. RW) AS SHOWN ON SAID PLAT OF SHERWOOD ESTATES UNIT NO. 7 AND BEING ON THE ARC OF A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 380.00 FT. FROM WHICH A RADIAL LINE BEARS N.13°01'22" W.; THENCE EASTERLY ALONG SAID RIGHT-OF-WAY AND ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 18°50'38" A DISTANCE OF 124.98 FT. TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 150.00 FT.; THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 12°00'20" A DISTANCE OF 31.43 FT. TO THE POINT OF TANGENCY; THENCE N.70°08'20" E. ALONG SAID SOUTH RIGHT-OF-WAY LINE, 144.51 FT. TO THE WEST RIGHT-OF-WAY LINE OF NORTH CARPENTER ROAD (A 66 FT. RW); THENCE S.19°51'40" E. ALONG SAID WEST RIGHT-OF-WAY LINE, 410.03 FT. TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 1000.00 FT.; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 7°08'58" A DISTANCE OF 124.78 FT. TO THE NORTHEAST CORNER OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 2312, PAGE 1852, OF SAID PUBLIC RECORDS; THENCE S.89°09'33" W. ALONG THE NORTH LINE OF SAID LAND, 250.27 FT. TO THE NORTHWEST CORNER THEREOF; THENCE S.1°39'24" E. ALONG THE WEST LINE OF SAID LAND, 170.00 FT. TO THE SOUTHWEST CORNER THEREOF; THENCE N.89°09'33" E. ALONG THE SOUTH LINE OF SAID LAND, 268.60 FT. TO THE SOUTHEAST CORNER THEREOF AND SAID WEST RIGHT-OF-WAY LINE OF NORTH CARPENTER ROAD, SAID CORNER BEING ON THE ARC OF A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 1000.00 FT.; THENCE SOUTH ALONG THE ARC OF SAID CURVE AND SAID WEST RIGHT-OF-WAY LINE THROUGH A CENTRAL ANGLE OF 2°02'50", A DISTANCE OF 35.73 FT. TO THE POINT OF TANGENCY; THENCE S.0°50'27" E. ALONG SAID WEST RIGHT-OF-WAY LINE 131.52 FT. TO THE POINT OF BEGINNING.

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