

EXISTING BDP

RESOLUTION NO. Z-10097

On motion by Commissioner Scarborough, seconded by Commissioner O'Brien, the following resolution was adopted by a unanimous vote:

WHEREAS, IRVING WINKLER; DONALD D. & MARIE E. DONZE; RUTH SATT; PATRICIA M. CARR, TRUSTEE; DONALD C. BROOKS; COL. VIRGIL W. & VIRGINIA P. MUNSEY; ANGELO & ROBERTA FRODELLA; T. CHAPPELL; WILLIAM VERNON PHILLIPS; WILMON N. & M. CAROLYN LINGER; LEROY CONNER; WANDA ELIZABETH & ALLEN ROBERT CARNES; DONALD LEE DE SHA; IRA ZAGER, TRUSTEE; MICHAEL R. & STELLA J. FITZGIBBONS; JAMES F. (JR.) & JACQUELINE OSTEN

has/have applied for a change of classification from GU to SR with a Binding Development Plan limiting development to 1 unit per 2 1/2 acres overall, not to exceed 80 units on the site, and transfer of development rights from a nearby 60+/- acre tract comprised of mostly wetlands on property described as:

SEE ATTACHED LEGAL DESCRIPTION

Sections 25, 26, & 35 and 2, Townships 23 & 24 S, Range 35 E, and,

WHEREAS, a public hearing of the Brevard County Planning and Zoning Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the Planning and Zoning Board recommended that the application be approved w/BDP including statement "access to Grissom Road, if available" and,

WHEREAS, the Board, after considering said application and the Planning and Zoning Board's recommendation and hearing all interested parties and after due and proper consideration having been given to the matter, find that the application should be APPROVED w/BDP, now therefore,

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested change of classification from GU to SR w/a BDP be APPROVED w/BDP recorded in ORB 3856, Pages 2616 through 2623, dated 6/16/98, and that the zoning classification relating to the above described property be changed to SR w/BDP and the Growth Management Director or designee is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

BE IT FURTHER RESOLVED that this resolution shall become effective as of June 16, 1998.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida
As Approved by the Board on December 11, 1997.

Helen Voltz
by HELEN VOLTZ
Chairman

ATTEST:
Sandy Crawford
SANDY CRAWFORD, CLERK

(SEAL)

(Hearing - November 3, 1997)

THE GRANTING OF THIS ZONING DOES NOT GUARANTEE PHYSICAL DEVELOPMENT OF THE PROPERTY. AT THE TIME OF DEVELOPMENT, THE DEVELOPER MUST BE IN ACCORDANCE WITH THE CRITERIA OF THE BREVARD COUNTY COMPREHENSIVE PLAN AND OTHER APPLICABLE LAWS AND ORDINANCE.

Z10097

Prepared by: Honeycutt & Associates, Inc.
Address: 605 South Palm Avenue
Titusville, FL 32796



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06-16-98 03:46 pm

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BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this 11th day of December, 1997, between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and Fox Den Associates, a Florida Corporation (hereinafter referred to as "Developer").

RECITALS

WHEREAS, Developer has an agreement to purchase 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 desires to develop the property as a residential subdivision and pursuant to the Brevard County Code, Section 62-1157; and

WHEREAS, as part of its plan for development of the property, Developer wishes to cluster development on Parcel 1, as more particularly described in Exhibit "B" attached hereto and incorporated herein by this reference and transfer development rights from Parcel 2, as more particularly described in Exhibit "C" attached hereto and incorporated herein by this reference.

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

Sandy Crawford

Clerk Of Courts, Brevard County

#Pgs: 8

#Names: 2

Trust: 4.50

Rec: 33.00

Dead: 0.00

Serv 0.00

Mtg: 0.00

Excise: 0.00

nt Tax: 0.00

RETURN: Clerk to the Board

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, its grantees, successors or assigns in interest and later the homeowner's association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements except the public facilities.

2. The maximum number of lots on Parcel 1 shall be 80. The 80 lots include 16 lots transferred by transfer of development rights from parcel 2. No development of any kind shall be permitted on parcel 2.

3. There will be a maximum of 10 lots less than one (1) acres in size but none shall be less than $\frac{1}{4}$ acre in size.

4. Access to the subdivision shall be from Grissom Parkway and not from Canaveral Groves Boulevard.

5. Developer shall comply with all regulations and ordinances of Brevard County, Florida. This agreement constitutes Developer'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.

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




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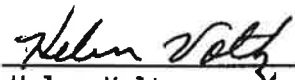
7. This Agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject property unless or until rezoned and be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject property.

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

ATTEST:

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


Sandy Crawford, Clerk
(SEAL)


Helen Voltz, Chairman
As approved by the Board on December 11, 1997

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 12th day of June, 1998, by Helen Voltz, 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:
Commission No.:


Notary Public

SEAL

(Name typed, printed or stamped)



Berradette S. Tolbert
MY COMMISSION # 00540700 EXPIRES
May 10, 2000
BONDED THRU TROY FAH INSURANCE, INC.



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WITNESSES:

[Signature]
Rodney Strickland
(Witness Name typed or printed)

[Signature]

Rodney Strickland
(Witness Name typed or printed)

Developer: The Strickland Company Tree Care & Planting

Fox Den Assn Inc
3741 NE 16 3rd St #292
N. Miami Beach FL 33160
(Address)

[Signature]
President Secretary Treasurer

Michael C. Strickland
(Name typed, printed or stamped)

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 26th day of MAY, 1998, by MIKE C. STRICKLAND, who is personally known to me or who has produced _____ as identification.

My Commission Expires:
Commission No.:

[Signature]
Notary Public

SEAL



SCOTT M. RZEZNIK
(Name typed, printed or stamped)



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EXHIBIT "A"

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LEGAL DESCRIPTION OF THE "PROPERTY"

The SW ¼ of the NE ¼ of Section 35, Township 23S, Range 35E with the following exceptions:

1. The N ½ of the SW ¼ of the NW ¼ of the SW ¼ of the NE ¼ of Section 35, Township 23, Range 35.
2. The S ½ of the SW ¼ of the NE ¼ of the SW ¼ of the NE ¼ of Section 35, Township 23, Range 35.

And:

The SE ¼ of the NW ¼ of Section 35, Township 23S, Range 35E with the following exceptions:

1. The N ½ of the SE ¼ of the NW ¼ of the SE ¼ of the NW ¼ of Section 35, Township 23, Range 35.
2. The N ½ of the SE ¼ of the NE ¼ of the SE ¼ of the NW ¼ of Section 35, Township 23, Range 35.
3. Lot Number 1 of Block 12 in Section 35, Township 23, Range 35.
4. Lot Number 1 & 2 of Block 13 in Section 35, Township 23, Range 35.

And:

The east ½ of the SW ¼ of Section 35, Township 23S, Range 35E with the following exceptions:

1. The S ½ of the NW ¼ of the SW ¼ of the NE ¼ of the SW ¼ of Section 35, Township 23, Range 35.
2. The N ½ of the NE ¼ of the SW ¼ of the SE ¼ of the SW ¼ of Section 35, Township 23, Range 35.
3. The S ½ of the SE ¼ of the NE ¼ of the NE ¼ of the SW ¼ of Section 35, Township 23, Range 35.
4. The S ½ of the SW ¼ of the SE ¼ of the NE ¼ of the SW ¼ of Section 35, Township 23, Range 35.
5. The SE ¼ of the NE ¼ of the SE ¼ of the SW ¼ of Section 35, Township 23, Range 35.
6. The N ½ of the SE ¼ of the SE ¼ of the SE ¼ of the SW ¼ of Section 35, Township 23, Range 35.

And:

Lot Numbers 1-4 of Block 18 in Section 35, Township 23, Range 35.

And:

Lot Number 22 of Block 19 in Section 35, Township 23, Range 35.

And:

Lot Numbers 5, 6, 7, 9, 10, 11, 12, & 13 of Block 20 in Section 35, Township 23, Range 35.

And:

The SW ¼ of the NW ¼ of Section 25, Township 23S, Range 35E with the following exceptions:

1. The N ½ of the NW ¼ of the NW ¼ of the SW ¼ of the NW ¼ of Section 25, Township 23, Range 35.
2. The S ½ of the SE ¼ of the NW ¼ of the SW ¼ of the NW ¼ of Section 25, Township 23, Range 35.
3. The S ½ of the NE ¼ of the SW ¼ of the SW ¼ of The NW ¼ of Section 25, Township 23, Range 35.

4. The SW ¼ of the SW ¼ of the SW ¼ of the NW ¼ of Section 25, Township 23, Range 35.

And:

The NW ¼ of the SE ¼ of Section 26, Township 23S, Range 35E with the following exceptions:

1. The N ½ of the NW ¼ of the NW ¼ of the NW ¼ of the SE ¼ of Section 26, Township 23, Range 35.
2. The N ½ of the SW ¼ of the NW ¼ of the NW ¼ of the SE ¼ of Section 26, Township 23, Range 35.
3. The S ½ of the NW ¼ of the SW ¼ of the NW ¼ of the SE ¼ of Section 26, Township 23, Range 35.
4. The N ½ of the SW ¼ of the SW ¼ of the NW ¼ of the SE ¼ of Section 26, Township 23, Range 35.
5. The S ½ of the SE ¼ of the NW ¼ of the NW ¼ of the SE ¼ of Section 26, Township 23, Range 35.
6. The N ½ of the NE ¼ of the SW ¼ of the NW ¼ of the SE ¼ of Section 26, Township 23, Range 35.
7. The S ½ of the SW ¼ of the SE ¼ of The NW ¼ of the SE ¼ of Section 26, Township 23, Range 35.
8. The S ½ of the NE ¼ of the SE ¼ of the NW ¼ of the SE ¼ of Section 26, Township 23, Range 35.

And:

The W ½ of the NE ¼ of the SE ¼ of Section 26, Township 23S, Range 35E with the following exceptions:

1. The N ½ of the SW ¼ of the NW ¼ of the NE ¼ of the SE ¼ Section 26, Township 23, Range 35.
2. The S ½ of the NW ¼ of the SW ¼ of the NE ¼ of the SE ¼ of Section 26, Township 23, Range 35.
3. The SE ¼ of the SW ¼ of the NE ¼ of the SE ¼ Section 26, Township 23, Range 35.

And:

The N ½ of the SW ¼ of the NE ¼ of the NE ¼ of the SE ¼ of Section 26, Township 23S, Range 35E

And:

The N ½ of the NE ¼ of the NE ¼ of the NE ¼ of the SE ¼ of Section 26, Township 23S, Range 35E.

And:

The S ½ of the NE ¼ of the SE ¼ of the NE ¼ of the SE ¼ of Section 26, Township 23S, Range 35E



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EXHIBIT "B"

LEGAL DESCRIPTION OF PARCEL 1 (Development Parcel)

The SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 35, Township 23S, Range 35E with the following exceptions:

1. The N $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 35, Township 23, Range 35.
2. The S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 35, Township 23, Range 35.

And:

The SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 35, Township 23S, Range 35E with the following exceptions:

1. The N $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 35, Township 23, Range 35.
2. The N $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 35, Township 23, Range 35.
3. Lot Number 1 of Block 12 in Section 35, Township 23, Range 35.
4. Lot Number 1 & 2 of Block 13 in Section 35, Township 23, Range 35.

And:

The east $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 35, Township 23S, Range 35E with the following exceptions:

1. The S $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 35, Township 23, Range 35.
2. The N $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 35, Township 23, Range 35.
3. The S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 35, Township 23, Range 35.
4. The S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 35, Township 23, Range 35.
5. The SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 35, Township 23, Range 35.
6. The N $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 35, Township 23, Range 35.

And:

Lot Numbers 1-4 of Block 18 in Section 35, Township 23, Range 35.

And:

Lot Number 22 of Block 19 in Section 35, Township 23, Range 35.

And:

Lot Numbers 5, 6, 7, 9, 10, 11, 12, & 13 of Block 20 in Section 35, Township 23, Range 35.



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EXHIBIT "C"

LEGAL DESCRIPTION OF PARCEL 2 (Development Rights Transferred From This Parcel)

The SW ¼ of the NW ¼ of Section 25, Township 23S, Range 35E with the following exceptions:

1. The N ½ of the NW ¼ of the NW ¼ of the SW ¼ of the NW ¼ of Section 25, Township 23, Range 35.
2. The S ½ of the SE ¼ of the NW ¼ of the SW ¼ of the NW ¼ of Section 25, Township 23, Range 35.
3. The S ½ of the NE ¼ of the SW ¼ of the SW ¼ of The NW ¼ of Section 25, Township 23, Range 35.
4. The SW ¼ of the SW ¼ of the SW ¼ of the NW ¼ of Section 25, Township 23, Range 35.

And:

The NW ¼ of the SE ¼ of Section 26, Township 23S, Range 35E with the following exceptions:

1. The N ½ of the NW ¼ of the NW ¼ of the NW ¼ of the SE ¼ of Section 26, Township 23, Range 35.
2. The N ½ of the SW ¼ of the NW ¼ of the NW ¼ of the SE ¼ of Section 26, Township 23, Range 35.
3. The S ½ of the NW ¼ of the SW ¼ of the NW ¼ of the SE ¼ of Section 26, Township 23, Range 35.
4. The N ½ of the SW ¼ of the SW ¼ of the NW ¼ of Section 26, Township 23, Range 35.
5. The S ½ of the SE ¼ of the NW ¼ of the NW ¼ of the SE ¼ of Section 26, Township 23, Range 35.
6. The N ½ of the NE ¼ of the SW ¼ of the NW ¼ of the SE ¼ of Section 26, Township 23, Range 35.
7. The S ½ of the SW ¼ of the SE ¼ of The NW ¼ of the SE ¼ of Section 26, Township 23, Range 35.
8. The S ½ of the NE ¼ of the SE ¼ of the NW ¼ of the SE ¼ of Section 26, Township 23, Range 35.

And:

The W ½ of the NE ¼ of the SE ¼ of Section 26, Township 23S, Range 35E with the following exceptions:

1. The N ½ of the SW ¼ of the NW ¼ of the NE ¼ of the SE ¼ Section 26, Township 23, Range 35.
2. The S ½ of the NW ¼ of the SW ¼ of the NE ¼ of the SE ¼ of Section 26, Township 23, Range 35.
3. The SE ¼ of the SW ¼ of the NE ¼ of the SE ¼ Section 26, Township 23, Range 35.

And:

The N ½ of the SW ¼ of the NE ¼ of the SE ¼ of Section 26, Township 23S, Range 35E

And:

The N ½ of the NE ¼ of the NE ¼ of the NE ¼ of the SE ¼ of Section 26, Township 23S, Range 35E.

And:

The S ½ of the NE ¼ of the SE ¼ of the NE ¼ of the SE ¼ of the Section 26, Township 23, Range 35.

