

On motion of Commissioner Schmitt-Kirwan, seconded by Commissioner Scarborough, the following resolution was adopted by a unanimous vote:

WHEREAS, LEWIS R. PEARCE, TRUSTEE

has/have applied for a change of classification from AU to EU-1

on property described as the Northwest 1/4 of the Northeast 1/4 of Section 34, Township 24 South, Range 35 East, Brevard County, Florida, LESS the East 10.0 feet thereof and less that portion thereof that lies North of a line drawn parallel with and 300 feet South of the South right-of-way line of State Road 520, together with the East 100 feet of the Northeast 1/4 of the Northwest 1/4 of said Section 34 lying South of the South right-of-way line of State Road 520. Containing 30 acres, more or less. Subject to any and all easements and/or rights-of-way of record. The subject property has approximately 100 ft. of frontage on the south side of S.R. #520, approximately 2,750 ft. west of Lake Poinsett Road (S.R. #520-A).

Section 34, Township 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 subject to a maximum of 50 units 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 subject to a maximum of 50 units, now therefore,

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested change of classification from AU to EU-1

be approved subject BDP recorded in ORB 3296, Pgs. 1583 thru 1587, and that the zoning classification relating to the above described property be changed to EU-1 subject to BDP recorded in ORB 3296, Pgs. 1583 thru 1587, dated June 8, 1993 and the Planning and Zoning Director 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 8, 1993.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida

ATTEST:

Sandy Crawford, Clerk

by KAREN S. ANDREAS
Chairman

by D.C.

(SEAL)

(Hearing - January 4, 1993)

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

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Removal of this BDP

Return Clerk to Dev.

Prepared by and record and return to:

Handy Clerk Circuit Court
 Recorded and Indexed Brevard County, FL
 \$ 4
 250 1100

394779

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this 24th day of May, 1993, between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and LEWIS R. PEARCE, Trustee of Trust No. 5100, an unrecorded land trust dated December 19, 1991 (hereinafter referred to as "Developer/Owner").

93 JUN -8 PM 1:33

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 desires to develop the property consistent with zoning classification EU-1 and pursuant to the Brevard County Code; and

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

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

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NOW THEREFORE, the parties agree as follows:

1. The Developer/Owner hereby limits the overall density of the Property, described on Exhibit "A", to fifty (50) residential units.

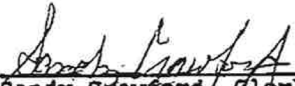
2. Developer/Owner, upon execution of this Agreement, shall pay to the County the cost of recording this Agreement in Brevard County, Florida.

3. 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 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 St. Johns Street
Melbourne, FL 32940



Sandy Crawford, Clerk
(SEAL)



Karen S. Andreas, Chairman

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 26 day of May, 1993, by Karen S. Andreas,

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as Chairman of the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, who is personally known to me or who has produced _____ as identification and who did (did not) take an oath.

Tommy M. Thomas
Notary Public (SEAL)
Tommy M. Thomas

(Name typed, printed or stamped)
State of Florida at Large
My Commission Expires:

NOTARY PUBLIC, STATE OF FLORIDA
MY COM. EXPIRES: MAY 15, 1994.
BOARDS TRUST NOTARY PUBLIC UNDERWRITERS.

WITNESSES:

[Signature]
RICHARD STRAUSS
(Witness Name typed, printed or stamped)

[Signature]
LEWIS R. PEARCE, as Trustee of Trust No. 5100, an unrecorded land trust dated December 19, 1991
P.O. Box 540037
Merritt Island, Florida 32954

[Signature]
BELINDA ROWE
(Witness Name typed, printed or stamped)

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument has been acknowledged before me this 30th day of April, 1993, by LEWIS R. PEARCE, as Trustee of Trust No. 5100, an unrecorded land trust dated December 19, 1991, who is personally known to me or who has produced Personally Known as identification and who did not take an oath.

[Signature]
Notary Public (SEAL)

PATRICIA J. SHARPE
Name typed, printed or stamped
State of Florida at Large
My Commission Expires:

BK3296PG1585

PATRICIA J. SHARPE
MY COMMISSION # CC 222625
Expires: September 2, 1993
Boards Trust Notary Public Underwriters

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159

DESCRIPTION

The Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 34, Township 24 South, Range 35 East, Brevard County, Florida, LESS the East 10.0 feet thereof and less that portion thereof that lies North of a line drawn parallel with and 300 feet South of the South right-of-way line of State Road 520, together with the East 100 feet of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 34 lying South of the South right-of-way line of State Road 520. Containing 30 acres more or less. Subject to any and all easements and/or rights-of-ways of record.

UNSUITABLE
FOR
MICROFILM

EXHIBIT "A"

BK 3296 PG 1586

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1993

Sandy Crawford Clerk Circuit Court
 Recorded and Verified Brevard County, FL
 # Pages 1 # Names 2
 Total \$ 100 Rec Fee 10.00
 Excise Tx _____
 Int Tx _____
 Refund _____

JOINDER IN BINDING DEVELOPMENT PLAN

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, being the authorized agent and signatory for the owner and holder of that certain Mortgage dated February 15, 1988, given by Michael R. Meyer, as mortgagor, in favor of Ruth Ann MacKenzie as Trustee under Testamentary Trust of C. Brown MacKenzie a/k/a Clyde B. MacKenzie and C. B. MacKenzie, deceased, as mortgagee, recorded in Official Records Book 2882, page 1929, Public Records of Brevard County, Florida, and encumbering lands described in said Mortgage, does hereby join in the foregoing Binding Development Plan for the purpose of subordinating the lien of the undersigned's Mortgage to the Binding Development Plan annexed hereto.

394780

WITNESSES:

Heidi Strickland

 Print Name: Heidi Strickland

Barbara C. Everett

 Print Name: Barbara C. Everett

MORTGAGEE

Ruth Ann MacKenzie

 Ruth Ann Mackenzie, Trustee under Testamentary Trust of C. Brown MacKenzie a/k/a Clyde B. MacKenzie and C. B. MacKenzie, deceased

4100 Ocean Beach Blvd
 Cocoa Beach, FL 32931

53 JUN -8 PM 1:33

STATE OF FLORIDA
COUNTY OF BREVARD

14 The foregoing instrument was acknowledged before me this day of May, 1993, by Ruth Ann MacKenzie, known to me or who has produced a Florida driver's license as identification and who did not take an oath.

My commission expires:



Marie C. Merrow

 Notary Public
 MARIE C. MERROW
 (Name typed, printed or stamped)

BK 3296 PG 1587

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RESOLUTION

WHEREAS, the Brevard County Board of Adjustment met in session this 15th day of March, 1989; and

WHEREAS, MICHAEL R. MEYER has applied to the Brevard County Board of Adjustment for variance(s) on the following described property:

SEE ATTACHED LEGAL DESCRIPTION
Section 34, Township 24, Range 35

and;

WHEREAS, this Board, having heard the following variance request(s) on the subject property: Appendix C, Brevard County Code, Section 11 (B) (1) to permit a variance of 200 ft. from the required 300 ft. setback from a residential land use classification for a barn in an AU zone classification

and;

WHEREAS, this Board after hearing all testimony and facts presented in this matter, and
WHEREAS, this Board, after considering the criteria established by Section 35 (c) of Appendix C, Zoning, Code of Brevard County, Florida.

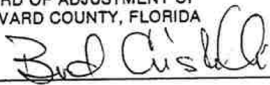
NOW THEREFORE, BE IT RESOLVED, that the Brevard County Board of Adjustment does hereby find that the facts as set forth in the minutes of the meeting held March 15, 1989 are sufficient to meet the criteria of Section 35 (c), Appendix C, Zoning, Code of Brevard County, Florida and the following variance request(s) are hereby APPROVED.

BE IT FURTHER RESOLVED, that the Planning and Zoning Director is hereby directed to make a notation on the official zoning maps of Brevard County, Florida indicating this action.

DONE, ORDERED AND ADOPTED, in Regular Session, this 15th day of March, A.D., 1989.

Attest:

George T. Edwards
Zoning Manager

BOARD OF ADJUSTMENT OF
BREVARD COUNTY, FLORIDA
By: 

V-2115