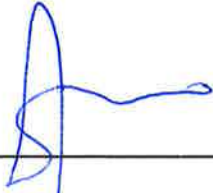


AFFIDAVIT OF NO MORTGAGE

I, Gregory Spiro, hereby confirm that:

1. I am a member of Protea Capital Partners, LLC which is the managing member and authorized signatory of Protea Senior Living Melbourne, LLC.
2. Protea Senior Living Melbourne, LLC is the owner of the real property as more particularly described in **Exhibit "A"** attached hereto (the "Property").
3. There are no mortgages on the Property.



Gregory Spiro

Member, Protea Capital Partners, LLC

Obo Protea Senior Living Melbourne, LLC

Please see attached

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of San Diego

On 12/27/22 before me, Ian Weis
(insert name and title of the officer)

personally appeared Gregory Spird
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature 

(Seal)



EXHIBIT "A"

PARCEL I:

Begin at a point on the Westerly right-of-way line of U.S. Highway #1, said point being 187.5 feet East of and 875.07 feet North of the Southeast corner of the NE 1/4 of the SW 14 of Section 19, Township 26 South, Range 37 East; thence go North 23 degrees 37 minutes 30 seconds West along said Westerly right-of-way line a distance of 294.57 feet to the point of beginning of the property described in this instrument; thence go North 23 degrees 37 minutes 30 seconds West along said right-of-way line a distance of 120.19 feet; thence West a distance of 110 feet; thence South 0 degrees 3 minutes 48 seconds East a distance of 152.27 feet; thence North 75 degrees 50 minutes 30 seconds East a distance of 163.83 feet to the Point of Beginning.

LESS AND EXCEPT that property deeded to the State of Florida for the use and benefit of the State Road Department.

Commence at the Southeast corner of the NE 1/4 of the SW 1/4 of Section 19, Township 26 South, Range 37 East and run the East line of said NE 1/4 of the SW 1/4 Northerly a distance of 826.17 feet to a point which is the point of beginning of the land to be included in this description; thence for a first course of the property to be included in this description run East 242.96 feet more or less to a point on the West line of the right-of-way of U.S. Highway #1 (State Road #5); thence for a second course of the property to be included in this description run North 23 degrees 37 minutes 30 seconds West along the West line of the right-of-way of U.S. Highway #1 (State Road #5) a distance of 349.13 feet to a point; thence for a third course of the property to be included in this description run South 75 degrees 05 minutes 30 seconds West 163.05 feet to a point; thence for a fourth course of the property to be included in this description return to a point of beginning and go West a distance of 416.04 feet to a point in the center of the Old County Road; thence for a fifth course of the property to be included in this description go Northwesterly and down the center of the Old County Road a distance of 367.74 feet to a point 15 feet West of the Northwest corner of lands conveyed to Starl N. Warfield and Amy L. Warfield, his wife, by deed dated October 15, 1962, recorded under Clerk's #323750 in Official Records Book 538, Page 220 of the Public Records of Brevard County, Florida; thence for a sixth course of the property to be included in this description run East 15 feet to the Northwest corner of said land described in Official Records Book 538, Page 220; thence for a seventh course of the property to be included in this description run East 230.18 feet to a point; thence for an eighth course of the property to be included in this description run South 64 degrees 20 minutes 58 seconds East a distance of 109.85 feet to a point; thence for a ninth course of the property to be included in this description run Southeasterly to the Westerly

terminus of the third course of the property to be included in this description, thereby completing the boundary of the lands to be included in this description.

EXCEPT that portion of the above described property taken under authority of eminent domain in that certain condemnation case filed in the Circuit Court of the Eighteenth Judicial Circuit of Florida in and for Brevard County styled State of Florida Department of Transportation and Brevard County vs. Beulah Armstrong, et al., Civil Action No. 47922.

A portion of Lot 14, Indian River Villa (unrecorded Plat) located in Government Lot 3, and the NE 1/4 of the SW 1/4 of Section 19, Township 26 South, Range 37 East, Brevard County, being more particularly described as follows: From the SE corner of the NE 1/4 of the SW 1/4 of said Section 19, run North 00 degrees 20 minutes 40 seconds East, along the East line of said NE 1/4 of SW 1/4, of Section 19, a distance of 676.16 feet to the Point of Beginning of the herein described parcel; thence West a distance of 265.53 feet to the Easterly Right-of-Way line of Service Road (Old Dixie Highway) as shown on Florida State Road Department Right-of-Way Map for State Road 404 (Pineda Causeway) Sec. 7004-2503; thence North 17 degrees 22 minutes West, along said Easterly Right-of-Way line 157.18 feet; thence East 475.60 feet to the Limited Access Right-of-Way line of aforesaid S.R. 404; thence South 07 degrees 12 minutes 20 seconds West 59.37 feet; thence South 31 degrees 47 minutes 39 seconds West 122.20 feet; thence West 74.27 feet to the Point of Beginning.

PARCEL II:

Lot 12.05 Section 19, Township 26, Range 37, part of Lot 3 as described in Deed Book 427, Page 215, except Official Records Book 521, Page 471, known as part of Lot 12, of Indian River Villa, recorded in Deed Book 318, Page 182, except CSWY, right of way, Public Records of Brevard County, Florida. AND Lot 12.09, Section 19, Township 26, Range 37, Part of Government Lot 3, as described in Official Records Book 521, Page 471 known as part of Lot 12 of Indian River Villa, recorded in Deed Book 318, at Page 182, excluding CSWY right of way, Public Records of Brevard County, Florida.

PARCEL III:

A parcel of land in Lot 13 of INDIAN RIVER VILLAS, a subdivision according to plat thereof as recorded in Deed Book 318, Page 182, of the Public Records of BREVARD County, Florida, being more particularly described as follows: Begin at the point of intersection of the North line of said Lot 13 and with the East right-of-way line of State Road 5 (Old Dixie Highway), which is also the West right-of-way line of survey service road; thence run North 89°38'35" East along said North line of Lot 13 a distance of 31.42 feet to the East right-of-way line of the said survey service road, the point of

beginning; thence continue North $89^{\circ}38'35''$ East along said North line of Lot 13 a distance of 230.12 feet; thence South $41^{\circ}54'38''$ West and parallel to the West right-of-way line of Pineda Causeway (S.R. 404) a distance of 104.0 feet; thence North $88^{\circ}07'41''$ West a distance of 137.94 feet to a point of intersection of the East line of the said survey service road (a 30 foot R/W); thence North $17^{\circ}40'24''$ West along said East right-of-way line of survey service road a distance of 75.00 feet to the Point of Beginning.

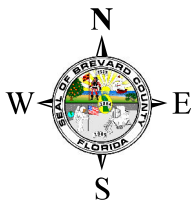
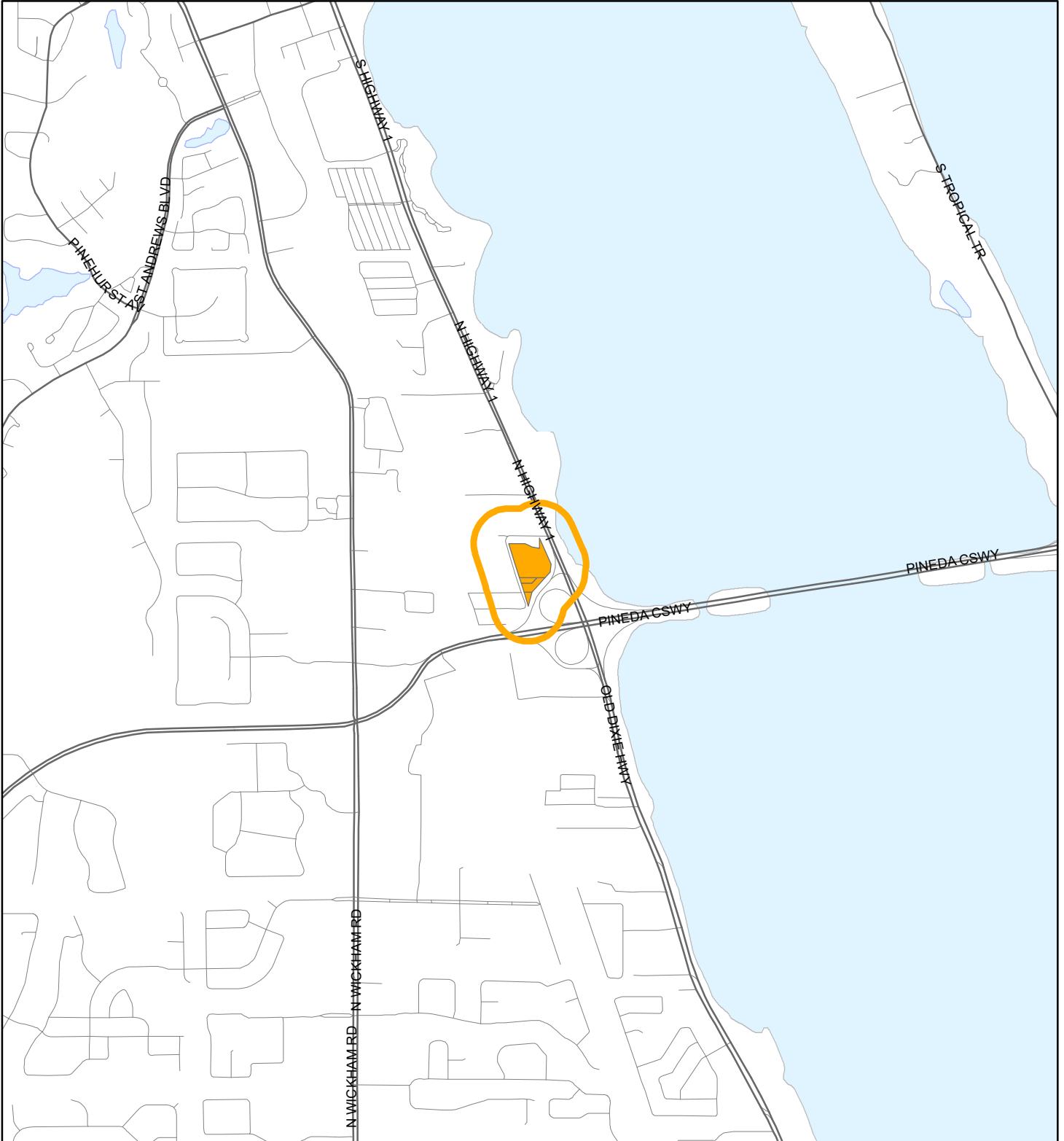
PARCEL IV:

A parcel of land in Lot 13 of INDIAN RIVER VILLAS, a subdivision according to plat thereof as recorded in Deed Book 318, Page 182, of the Public Records of BREVARD County, Florida, being more particularly described as follows: Begin at the point of intersection of the North line of said Lot 13 and with said East right-of-way line of State Road 5 (Old Dixie Highway), which is also the West right-of-way line of survey service road; thence run North $89^{\circ}38'35''$ East along said North line of Lot 13 a distance of 261.54 feet to the point of beginning; thence continue North $89^{\circ}38'35''$ East along said North line of Lot 13 a distance of 112.56 feet; thence South $41^{\circ}54'38''$ West along said West right-of-way of Pineda Causeway (S.R. 404) a distance of 265.67 feet to a right-of-way monument of Pineda Causeway (S.R. 404); thence South $14^{\circ}41'36''$ West a distance of 3.53 feet; thence South $89^{\circ}38'35''$ West along said South line of Lot 13 a distance of 100.72 feet to a point of intersection of said South line of Lot 13 and the East right-of-way of the survey service road (a 30 foot right-of-way); thence North $17^{\circ}40'24''$ West along the East right-of-way line of said survey service road a distance of 134.50 feet; thence South $88^{\circ}07'41''$ East a distance of 137.94 feet; thence North $41^{\circ}54'38''$ East a distance of 104.00 feet to the Point of Beginning.

LOCATION MAP

PROTEA SENIOR LIVING MELBOURNE LLC

22Z00047





1:24,000 or 1 inch = 2,000 feet

Buffer Distance: 500 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

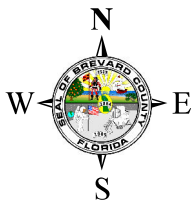
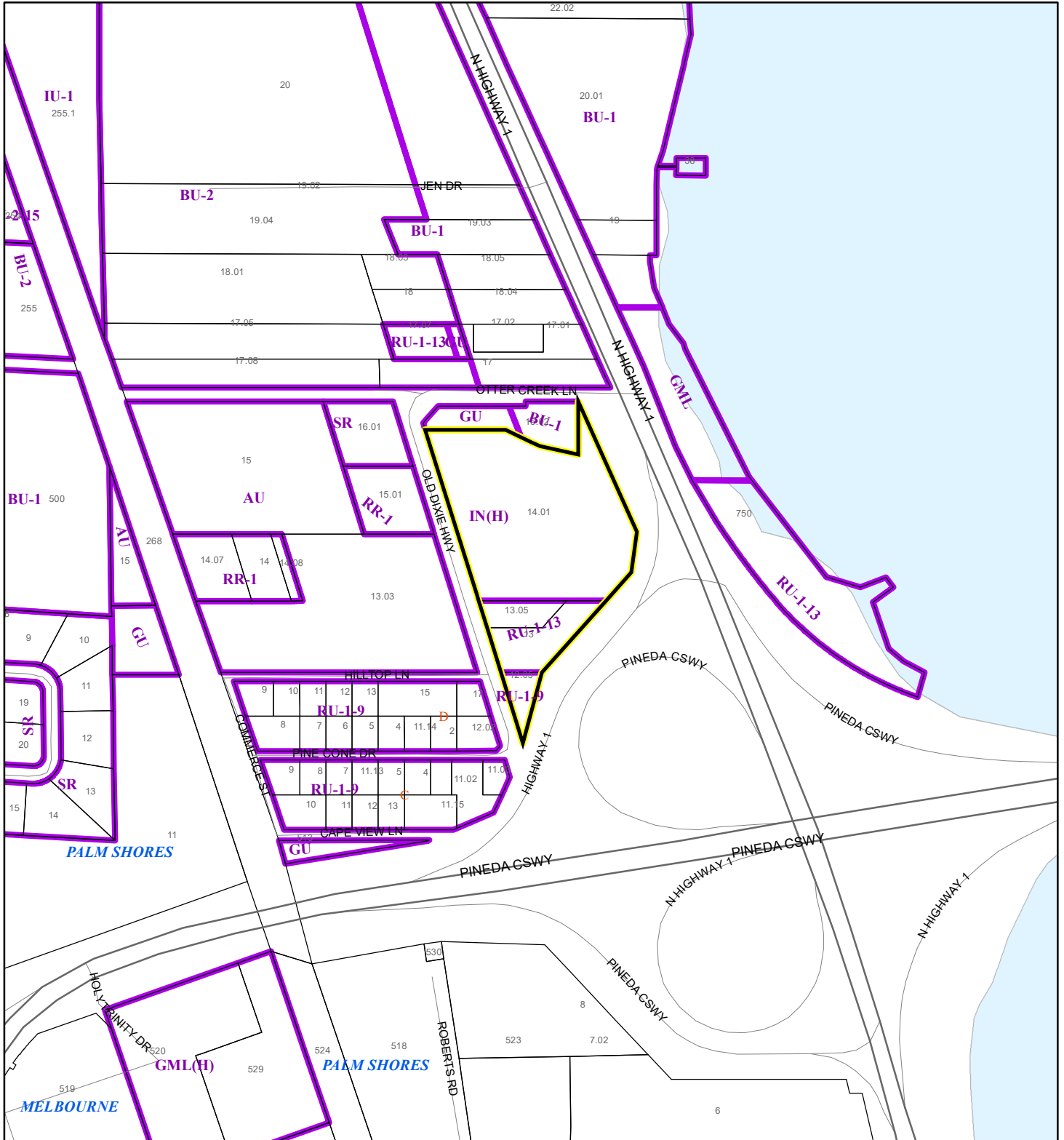
Produced by BoCC - GIS Date: 9/7/2022

-  Buffer
-  Subject Property

ZONING MAP

PROTEA SENIOR LIVING MELBOURNE LLC

22Z00047



1:4,800 or 1 inch = 400 feet

- Subject Property
- Parcels
- Zoning

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 9/7/2022

H. PUBLIC HEARINGS

Planning and Zoning Board / Local Planning Agency
Monday, November 14, 2022, at 3:00 p.m.

Brevard County Board of County Commissioners
Thursday, December 1, 2022, at 5:00 p.m.

Both at the
Brevard County Government Center
2725 Judge Fran Jamieson Way, Building C, First Floor, Viera, Florida

1. **(22Z00050) Dwayne White** (Brook Kershner) requests a change of zoning classification from AU (Agricultural Residential) and RU-1-9 (Single-Family Residential) to SR (Suburban Residential). The property is 1.14 acres, located on the north side of Lionel Rd., approx. 795 ft. east of U.S. Highway 1. (3460 Lionel Rd., Mims) (Tax Account 2000374) (District 1)

P&Z Recommendation: Bartcher/Glover - Approved. The vote was unanimous.

BCC ACTION: Zonka/Tobia - Approved as recommended. The vote was unanimous.

2. **(22Z00049) Edita Realty** (James McKnight) requests a change of zoning classification from BU-1 (General Retail Commercial) to RU-2-10 (Medium Density Multi-Family Residential). The property is 0.40 acres, located on the north and northeast corner of Avon St., approx. 200 ft. east of Osceola Ave. (950 & 960 Avon St., Port St. John) (Tax Account 2302548 & 2302549) (District 1) THIS ITEM HAS BEEN WITHDRAWN FROM THE AGENDA FOR RE-ADVERTISING

3. **(22Z00047) Protea Senior Living Melbourne, LLC.** (Michael Allen) requests a change of zoning classification from RU-1-9 (Single-Family Residential), RU-1-13 (Single-Family Residential), and IN(H) (Institutional Use, High-Intensity), with an existing BDP (Binding Development Plan), to IN(L) (Institutional Use, Low-Intensity), with removal of existing BDP, and adding a new BDP. The property is 6.35 +/- acres, located on the east side of Old Dixie Highway, approx. 90 ft. south of Otter Creek Lane. (Lots 12.05, 13, and 13.05 = No assigned address. In the Palm Shores area; Lot 14.01 = 5925 Old Dixie Hwy., Melbourne) (Tax Accounts 2606013, 2606015, 2606018, & 2606020) (District 4)

P&Z Recommendation: Alward/Hopengarten - Approved removal of existing BDP, and adding a new BDP, providing a 15-ft. buffer on the entire portion of the property, limiting density to 28 units per acre, and limiting ingress and egress to Old Dixie Hwy. The vote was unanimous.

BCC ACTION: Feltner/Zonka - Approved as recommended, with a BDP providing a 15-ft. buffer on the entire portion of the property, limiting density to 28 units per acre, and limiting ingress and egress to Old Dixie Highway. The vote was unanimous. The BDP will be scheduled as a Consent Item on a subsequent BCC agenda, per Policy BCC-45. Resolution to be assigned upon receipt of recorded BDP.

4. **(22SS00011) Humane Society of South Brevard, Inc.** (Michael Allen) requests a Small Scale Comprehensive Plan Amendment (22S.14), to change the Future Land Use designation from NC (Neighborhood Commercial) and CC (Community Commercial) to all CC. The property is 0.86 acres, located on the southeast corner of Otter Creek Lane and Old Dixie

PLANNING AND ZONING BOARD RECOMMENDATIONS

- Item H.1. Dwayne White. Zonka/Tobia. Approved the request of changing the zoning classification from AU and RU-1-9 to SR. (22Z00050).
- Item H.2. Edita Realty. Zonka/Tobia. Withdrawn from the agenda for re-advertising. (22Z00049).
- Item H.3. Protea Senior Living Melbourne, LLC. Feltner/Zonka. Approved the request of changing the zoning classification from RU-1-9, RU-1-13, and IN(H), with an existing BDP, to IN(L), with removal of existing BDP, and adding a new BDP. (22Z00047).
- Item H.4. Humane Society of South Brevard, Inc. Feltner/Tobia. Adopted Ordinance No. 22-35, setting forth the seventeenth Small Scale Comprehensive Plan Amendment of 2022, 22S.14, amending Section 62-501, entitled contents of the plan to change the Future Land Use designation from NC and CC, to all CC. (22SS00011).
- Item H.5. Humane Society of South Brevard, Inc. Feltner/Tobia. Approved the request of changing the zoning classification from GU and BU-1 to all BU-1. (22Z00048).
- Item H.6. Public Hearing for Comprehensive Plan Text Amendment. Tobia/Zonka. Adopted Ordinance No. 22-36, adding the Coastal High Hazard Area Map to the Coastal Management Element X, and Correcting Scrivener's Error in the Glossary Element XVI; and approved Letter to Transmit setting forth plan amendment 2022-2.1, amending Section 62-501, entitled contents of the plan.