

Existing BDP
22Z00007
Rotation Holdings

Prepared by: Rotation Holdings, LLC
Address: 150 Venetian Way STE 103 Merritt Island, FL 32953

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this 12 day of January, 2016 between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and Rotation Holdings, a LLC corporation (hereinafter referred to as "Developer/Owner").

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 has requested the BU-2 zoning classification, and pursuant to the Brevard County Code, Section 62-1157; and

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

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 20 foot buffer along the east property line.

3. The Developer/Owner shall construct an 8 foot tall cmu block (concrete masonry unit) wall along the east property line.

4. The Developer/Owner shall limit usage of the area measuring from the west edge of the 20' buffer described in section 2, extending westward for 220', for long term secured recreation vehicles, boats, trailers, vehicles storage parking lot.

5. The site will NOT be able to perform motorcycle repairs, as listed in section 62-1102, that is part of the BU-2 zoning classification.

6. Developer/Owner shall comply with all regulations and ordinances of Brevard County, Florida. This Agreement constitutes Developer's/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.

7. 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.

8. 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, and be subject to the above referenced conditions as approved by the Board of County Commissioners on 1/12/16. In the event the subject Property is annexed into a municipality and rezoned, this Agreement shall be null and void.

9. Violation of this Agreement will also constitute a violation of the Zoning Classification and this Agreement may be enforced by Sections 1.7 and 62-5, Code of Ordinances of Brevard County, Florida, as may be amended.

10. Conditions precedent. All mandatory conditions set forth in this Agreement mitigate the potential for incompatibility and must be satisfied before Developer/Owner may implement the approved use(s), unless stated otherwise. The failure to timely comply with any mandatory condition is a violation of this Agreement, constitutes a violation of the Zoning Classification and is subject to enforcement action as described in Paragraph 9 above.

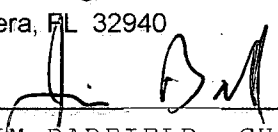
IN WITNESS THEREOF, the parties hereto have caused these presents to be signed all as of the date and year first written above.

ATTEST:



Scott Ellis, Clerk
(SEAL)

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



JIM BARFIELD, CHAIRMAN
As approved by the Board on January 12, 2016

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

WITNESSES:

Erin D. Meeks

Erin D. Meeks
(Witness Name typed or printed)

Kathryn Steele

Kathryn Steele
(Witness Name typed or printed)

DEVELOPER/OWNER

Rotation Holdings, LLC

150 Venetian Way STE 103 Merritt Island FL 32953

Don Smith

(President)
Don Smith
(Name typed, printed or stamped)

STATE OF Florida §

COUNTY OF Brevard §

The foregoing instrument was acknowledged before me this 4th day of November, 2015, by
President of Rotation Holdings LLC, who is personally known to me or who has produced FL Driver License as
identification.

My commission expires : 9-21-2019
SEAL
Commission No.: FF 920534

Stacey Ann Joseph

Notary Public
Stacey Ann Joseph
(Name typed, printed or stamped)



Exhibit A

A rectangular parcel of land located in Section 8, Township 24 South, Range 36 East, having 150 feet of frontage on the easterly right-of-way of U.S. Highway 1, and a depth at right angles from U.S. Highway 1 of 400 ft.; and being the south 150 ft. of the property described in ORB 188, Page 193, of the Public Records of Brevard County, Florida.

STATE OF FLORIDA
COUNTY OF BREVARD

Donald Smith, after being duly sworn, deposes and says:

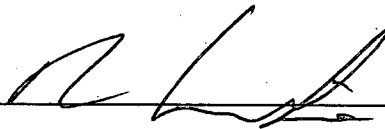
The undersigned is the owner of the real property described as follows:

S 150 FT OF NORTH 660 FT OF WEST
400 FT LYING EAST OF US HWY NO 1
AS DES IN ORB 188 PG 193

There are no mortgages on the above described property

Dated this 4th day of November 2015

Signature

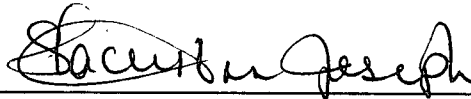


STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was sworn to before me this 4th day of November 2015 by

Donald Smith, who is personally known to me or who has
produced FL Driver License as identification, and who did take an oath.

Notary Public:



State of Florida at Large

My Commission Expires: 09-21-2019

(SEAL)

