

Handwritten: Clerk to the Board



CFN:2003025395 01-29-2003 11:23 am

OR Book/Page: 4803 / 0531

Prepared by: _____
Address: _____

Scott Ellis

Clerk Of Courts, Brevard County

#Pgs: 4 #Names: 2
Trust: 2.50 Rec: 17.00 Serv: 0.00
Deed: 0.00 Excise: 0.00
Mtg: 0.00 Int Tax: 0.00

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this 8th day of January, 2003, between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and **Edward T. and Linda L. Lyles**, (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, 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. Owner shall limit agricultural use to a tree farm only.

3. Owner agrees the existing site built residence shall be the only residential use of the property, and no manufactured or mobile homes shall be placed on the property.

3. Owner shall limit the number of horses to no more than two.

4. 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

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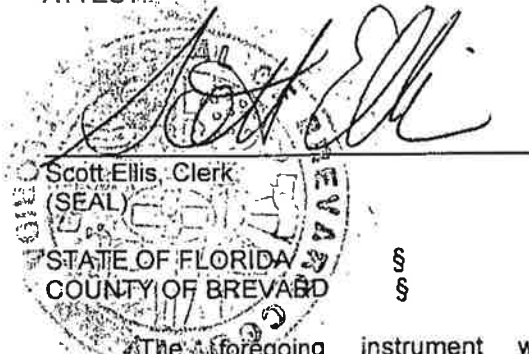
restrictions in developing the property. This agreement provides no vested rights against changes to the comprehensive plan or land development regulations as they may apply to this property.

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

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 Fran Jamieson Way
Viera, FL 32940

Jackie Colon
Jackie Colon, Chairperson
As approved by the Board on 1/28/03

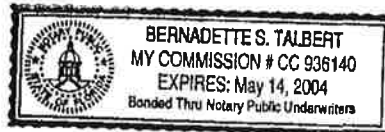
The foregoing instrument was acknowledged before me this 28th day of January, 2003, by Jackie Colon, Chairman of the Board of County Commissioners of Brevard County, Florida, who is personally known to me or who has produced _____ as identification.

Bernadette S. Talbert
Notary Public

My commission expires

SEAL
Commission No.:

(Name typed, printed or stamped)



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WITNESSES:

Jennifer Golden

Jennifer Golden
(Witness Name typed or printed)

Candace Hanselman

CANDACE HANSELMAN
(Witness Name typed or printed)

OWNER

Edward T. Lyles
9385 FLEMING GRANT MICCO FL 32976
(Address)

OWNER

Linda L. Lyles
9385 Fleming Grant, Micco, Fl. 32976

STATE OF Florida §

COUNTY OF Broward §

The foregoing instrument was acknowledged before me this 8th day of January 2003, by Edward T + Linda L. Lyles who is personally known to me or who has produced FDL# L420-522-45-808 L420-238-37-045, as identification.



Pamela A. Barrett
Commission # CC 958009
Expires Sep. 11, 2004
Bonded Thru
Atlantic Bonding Co., Inc.

My commission expires
SEAL
Commission No.:

Notary Public

(Name typed, printed or stamped)



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Exhibit "A"

From the intersection of the centerline of Fleming Grant Rd. and the westerly boundary line of Sebastian River Estates, as recorded in Plat Book 11, Page 23, Public Records, Brevard County, Florida and located in **Section 20, Township 30 South, Range 38 East**, run N02°15'54"W, along said westerly line, a distance of 1388.70 ft.; thence run S89°58'43"W, a distance of 2678 ft. to a 5" X 5" concrete monument No. "Cramer 4094", said point being the Point of Beginning of the herein described parcel of land; thence run N89°58'43"E, a distance of 977.70 ft.; thence run S02°15'34"E, parallel with said westerly line, a distance of 398.47 ft.; thence run S89°58'42"W, parallel with the north line of said described parcel, a distance of 2178.81 ft. to the easterly right of way line of Fleming Grant Rd.; thence N12°39'38"W, along said easterly right of way line, a distance of 408.05 ft. to a ½" Rebar No. 3863 "Mott" at the southwest corner of Lot 1, Kinney's Unrecorded Sub., of Fleming Grant; run thence, departing said right of way line, S89°58'42"E, a distance of 1274.88 ft., more or less, to the Point of Beginning of the herein described parcel of real property, containing 20.25 acres. Located on the northeast corner of Hitch-N-Post Ln. and Fleming Grant Rd.



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