

Prepared by: Charles B. Genoni
Flordevco Corp.
4760 N. US1 #201
Melbourne FL 32935

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this _____ day of _____, 20____, between the BOARD OF COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and Ethylmay Kirk, Robert Kirk, Paul Marion, Kimberly Lamattina, Kayla Losat, & Jessica Ripper (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 rezoned the property to RU 1-7 zoning classification and desires to develop the Property as a Single-Family Subdivision, 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 landowners 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. The Developer/Owner shall limit the project density to 197 units.

3. 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.

4. Developer/Owner, upon execution of this Agreement, shall pay to the Clerk of Courts the cost of recording this Agreement in the Public Records of Brevard County, Florida.

5. This Agreement shall be binding and shall insure 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 _____ 20____. In the event the subject Property is annexed into a municipality and rezoned, this agreement shall be null and void.

6. 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.

7. 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 6 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:

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

Scott Ellis, Clerk
(SEAL)

Chair
As approved by the Board on _____

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

WITNESSES:

OWNERS

Witness sign & Print

Paul Marion

Witness Sign & Print

Kimberly Lamattina

Witness Sign & Print

Kayla Losat

Witness Sign & Print

Jessica Ripper

Witness Sign & Print

Ethylmay Kirk

Witness Sign & Print

Robert Kirk

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20____,
by _____, as _____ of _____,
who is personally known or produced _____ as identification.

My commission expires _____
Commission no _____
SEAL

Notary Public
(Name typed, printed or stamped)

Exhibit "A"

W 10 FT OF N 1/2 OF SW 1/4 OF NW 1/4 OF NE 1/4 & PART OF N 1/2 AS DESC AS TRACTS 1
THRU 5 IN ORB 1719 PG 905 EXC RD R/W & W 25 FT OF S 1/2 OF NE 1/4 OF NW 1/4 PARS
13, 15, 16 & 254 40.39 Acres 2102878

Together with

E 1/2 OF S 20 AC OF N 30 AC OF SE 1/4 OF NW 1/4 10 Acres 2102918

Together with

E 1/2 OF SW 1/4 OF SW 1/4 OF NE 1/4 & SE 1/4 OF SW 1/4 OF NE 1/4 EXC N 1 ACRE OF E
1/2 OF SW 1/4 OF SW 1/4 OF NE 1/4 PAR 18 14 Acres 2102882

Together with

S 330 FT OF SE 1/4 OF NW 1/4 10 Acres 2102919