

Prepared by: Kimberly Bonder Rezanka, Esquire
LACEY LYONS REZANKA
Address: 1290 U.S. Hwy 1, Ste. 201
Rockledge, FL 32955

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this _____ day of _____, 20__ between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and BRIAN LAWSON, DEBRA LAWSON, DAVID MCCABE, and ALICIA MCCABE ("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"; and

WHEREAS, Developer/Owner has requested the RR-1 zoning classification(s) and desires to develop the Property as single family residential, 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 impacts 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. Recitals. The above recitals are true and correct and are incorporated into this Agreement by their reference.
2. 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.
3. The Developer/Owner shall limit density to a maximum of three (3) lots with one house on each lot, and may be further restricted by any changes to the Comprehensive Plan or the Land Development Regulations.

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 restrictions in developing the Property. This Agreement provides no vested rights against changes to the Brevard County Comprehensive Plan or land development regulations as they may apply to this Property.
5. Developer/Owner, upon execution of this Agreement, shall pay to the Clerk of Court all costs of recording this Agreement in the Public Records of Brevard County, Florida.
6. 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 shall be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property, and shall be subject to the above referenced conditions as approved by the Board of County Commissioners on September 1, 2022. In the event the subject Property is annexed into a municipality and rezoned, this Agreement shall be null and void.
7. Violation of this Agreement shall constitute a violation of the zoning classification and of this Agreement. This Agreement may be enforced by Sections 1-7 and 62-5 of the Code of Ordinances of Brevard County, Florida, as may be amended.
8. Conditions precedent. All mandatory conditions set forth in this Agreement mitigate the potential for incompatibility and shall be satisfied before Developer/Owner may implement the approved use(s), unless stated otherwise. The failure to timely comply with any condition is a violation of this Agreement and constitutes a violation of the Zoning Classification and is subject to enforcement action as described in Paragraph 7 above.
9. Severability clause. If any provision of this BDP is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provision shall continue in full force and effect without being impaired or invalidated in any way.

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

Rachel M. Sadoff, Clerk of Court
(SEAL)

Kristine Zonka, Chair
As approved by the Board on _____

WITNESSES:

Brian Lawson

Cheri Patellis
Cheri Patellis
(Witness Name typed or printed)

Brian Lawson
Brian Lawson

Amanda Persinger
Amanda Persinger
(Witness Name typed or printed)

WITNESSES:

Debra Lawson

Cheri Patellis
Cheri Patellis
(Witness Name typed or printed)

Debra Lawson
Debra Lawson

Amanda Persinger
Amanda Persinger
(Witness Name typed or printed)

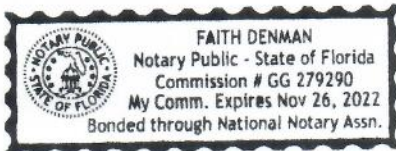
STATE OF Florida §
COUNTY OF Brevard §

The foregoing instrument was acknowledged before me, by means of physical presence or _____ online notarization, this 10th day of September, 2022, by Brian Lawson and Debra Lawson, who are personally known to me or who has produced as identification.

Faith Denman
Notary Public

My commission expires
SEAL
Commission No.:

(Name typed, printed or stamped)



WITNESSES:

[Signature]

Cheri Patellis

(Witness Name typed or printed)

[Signature]

Amanda Persinger

(Witness Name typed or printed)

David McCabe

[Signature]

David McCabe

WITNESSES:

[Signature]

Cheri Patellis

(Witness Name typed or printed)

[Signature]

Amanda Persinger

(Witness Name typed or printed)

Alicia McCabe

[Signature]

Alicia McCabe

STATE OF Florida §

COUNTY OF Brevard §

The foregoing instrument was acknowledged before me, by means of ✓ physical presence or _____ online notarization, this 10th day of September, 2022, by David McCabe and Alicia McCabe, who are personally known to me or who has produced as identification.

Faith Denman

Notary Public

My commission expires

SEAL

Commission No.:

(Name typed, printed or stamped)

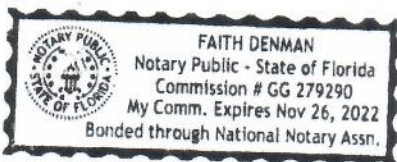


EXHIBIT 'A'

Parcel 1:

The South half of the Southeast quarter of the Northwest quarter of the Northeast quarter of the Southeast quarter of Section 35, Township 23 South, Range 35 East, lying in Brevard County, Florida, a/k/a Lot 25, Block 16, unrecorded Canaveral Groves Subdivision of Section 35, Township 23 South, Range 35 East, according to the unrecorded plat thereof as recorded in Survey Book 2, Page 57, of the Public Records of Brevard County, Florida. Together with a 25.0 foot wide ingress and egress Easement for road purposes over the North 25.0 feet of Lot 4, Block 14, of said Canaveral Groves Subdivision and the South 25.0 feet of Lot 4, Block 16, of said Canaveral Groves Subdivision, the centerline of which being more particularly described as follows: Commence at the intersection of the West right of way line of Grissom Parkway (as presently located) and the North line of said Lot 4, Block 14, said point being the Northeast corner of said Lot 4, Block 14; thence run South 00 degrees 13 minutes 09 seconds East along said Westerly right of way line of said Grissom Parkway, a distance of 12.50 feet to the Point of Beginning; thence run North 89 degrees 59 minutes 17 seconds West along said centerline, parallel with the North line of said Lot 4, Block 14, and 12.50 feet South of said North line, a distance of 144.70 feet; thence run South 00 degrees 10 minutes 49 seconds East along said centerline, a distance of 12.90 feet; thence run North 89 degrees 59 minutes 40 seconds West along said centerline, parallel with the South line of said Lot 4, Block 16 and 12.50 feet North of said South line, a distance of 319.72 feet to the Westerly line of said Lot 4, Block 16, said point being the terminus of this 25.00 foot wide ingress and egress easement.

Parcel 2:

Lot 2, Block 16: The South 1/2 of the Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 of the Southeast 1/4 of Section 35, Township 23 South, Range 35 East, less the East 30 feet for road and less easements for utilities, lying and being in Brevard County, Florida.

Parcel 3:

Lot 5, Block 16: The North 1/2 of the Northwest 1/4 of the Southeast 1/4 of the Northeast 1/4 of the Southeast 1/4 of Section 35, Township 23 South, Range 35 East, lying and being in Brevard County, Florida. AND

Lot 6, Block 16: The South 1/2 of the Northwest 1/4 of the Southeast 1/4 of the Northeast 1/4 of the Southeast 1/4 of Section 35, Township 23 South, Range 35 East, lying and being in Brevard County, Florida.

Parcel 4:

The North 200 feet of the South 1690 feet of the North 7/8 of the East 1/2 of the East 1/2 of the East 1/2 of the Southeast 1/4, less the West 30 feet and less and except road right of way as described in Deeds recorded in Official Records Book 2983, Page 3441 and Official Records Book 2983, Page 3427, Public Records of Brevard County, Florida. Said above described parcel also known as Lot 4, Block 14, Canaveral Groves Unrecorded Subdivision of Section 35, Township 23 South, Range 35, Brevard County, Florida, less Grissom Road right of way.

Parcel 5:

The North 1/2 of the Southwest 1/4 of the Northeast 1/4 of the Northeast 1/4 of the Southeast 1/4 of Section 35, Township 23 South, Range 35 East, Brevard County, Florida, also known as Lot 3, Block 16, Canaveral Groves Unrecorded Subdivision of said Section 35.

AND

The South 1/2 of the Southwest 1/4 of the Northeast 1/4 of the Northeast 1/4 of the Southeast 1/4 of Section 35, Township 23 South, Range 35 East, Brevard County, Florida, also known as Lot 4, Block 16, Canaveral Groves Unrecorded Subdivision of said Section 35.

Parcel 6:

The South 1/2 of the Northeast 1/4 of the Southwest 1/4 of the Northeast 1/4 of the Southeast 1/4 of Section 35, Township 23 South, Range 35 East, less the West 30 feet thereof, lying and being in Brevard County, Florida. Less and except road right of way.

AND

The North 1/2 of the Northeast 1/4 of the Southwest 1/4 of the Northeast 1/4 of the Southeast 1/4 of Section 35, Township 23 South, Range 35 East, less the West 30 feet thereof, lying and being in Brevard County, Florida. Less and except road right of way.

Parcel 7:

The North 1/2 of the Southeast 1/4 of the Northwest 1/4 of the Northeast 1/4 of the Southeast 1/4, less the West 30 feet for road, Section 35, Township 23 South, Range 35 East, Brevard County, Florida. Also known as Tract 26 in Block 16, Canaveral Groves Unrecorded Subdivision.

LESS AND EXCEPT:

THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 35, TOWNSHIP 23 SOUTH, RANGE 35 EAST, BEING (A.K.A.) LOT 23, BLOCK 16, CANAVERAL GROVES SUBDIVISION OF SAID SECTION 35, AN UNRECORDED MAP OF SURVEY RECORDED IN SURVEY BOOK 2, PAGE 57, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. TOGETHER WITH 1/2 OF ADJACENT ROADS PER OFFICIAL RECORDS BOOK 1646, PAGE 130, OF SAID PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

TOGETHER WITH:

THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 35, TOWNSHIP 23 SOUTH, RANGE 35 EAST, BEING (A.K.A.) LOT 6, BLOCK 16, CANAVERAL GROVES SUBDIVISION OF SAID SECTION 35, AN UNRECORDED MAP OF SURVEY RECORDED IN SURVEY BOOK 2, PAGE 57, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. TOGETHER WITH 1/2 OF ADJACENT ROADS PER OFFICIAL RECORDS BOOK 1646, PAGE 130, OF SAID PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

AND ALSO TOGETHER WITH:

THE SOUTH 25.00 FEET OF THE NORTH 200 FEET OF THE SOUTH 1690 FEET OF THE NORTH 7/8 OF THE EAST 1/2 OF THE EAST 1/2 OF THE EAST 1/2 OF THE SOUTHEAST 1/4 LESS AND EXCEPT ROAD RIGHT OF WAY AS DESCRIBED IN OFFICIAL RECORDS BOOK 2983, PAGE 3427, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. BEING (A.K.A.) THE SOUTH 25.00 FEET OF LOT 4, BLOCK 14, CANAVERAL GROVES SUBDIVISION OF SAID SECTION 35, AN UNRECORDED MAP OF SURVEY RECORDED IN SURVEY BOOK 2, PAGE 57, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. TOGETHER WITH 1/2 OF ADJACENT ROADS PER OFFICIAL RECORDS BOOK 1646, PAGE 130, OF SAID PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

LESS AND EXCEPT GRISSOM PARKWAY ROAD RIGHT OF WAY, AND TOGETHER WITH THE SOUTH 28.11 FEET OF THE EAST 25.00 FEET OF THE NORTH 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 35, TOWNSHIP 23 SOUTH, RANGE 35 EAST.