

Prepared by: 2354 Talmadge Drive, LLC  
Address: 2050 White Sand Drive, Titusville, FL 32780

### BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this 6th day of August, 2020 between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and 2354 Talmadge Drive, LLC, a Florida 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 RU-1-9 zoning classification(s) and desires to develop the Property as Be limited to a density of 4 units per acre 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 0 foot buffer on ~~the~~ no portion of the Property.
3. The Developer/Owner shall limit density to 4 units per acre and may be further restricted by any changes to the Comprehensive Plan or the Land Development Regulations.
4. The Developer/Owner shall limit ingress and egress to  
Not applicable
5. 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.
6. Developer/Owner, upon execution of this Agreement, shall pay to the Clerk of Court the cost of recording this Agreement in the Public Records of 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, and be subject to the above referenced conditions as approved by the Board of County Commissioners on to be determined. In the event the subject Property is annexed into a municipality and rezoned, this Agreement shall be null and void.
8. 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.
9. 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 8 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 Jamieson Way  
Viera, FL 32940

\_\_\_\_\_  
Scott Ellis, Clerk  
(SEAL)

\_\_\_\_\_  
Bryan Lober, 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:

(INSERT BUSINESS NAME or INDIVIDUAL NAME(s))  
as DEVELOPER/OWNER

\_\_\_\_\_  
2354 Talmadge Drive, LLC

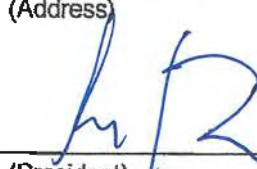
\_\_\_\_\_  
(Witness Name typed or printed)

\_\_\_\_\_  
2050 White Sand Drive, Titusville, FL 32780  
(Address)



Debbie Joyce

(Witness Name typed or printed)



(President)

Aldon Bookhardt

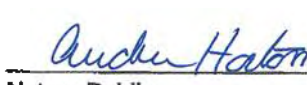
(Name typed, printed or stamped)

STATE OF Florida §

COUNTY OF Brevard §

The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of  
, 20 20, by Aldon Bookhardt, President of Aldon Bookhardt Refrig, who is personally  
known to me or who has produced FL Driver's License as identification.

My commission expires  
SEAL  
Commission No.:

  
\_\_\_\_\_  
Notary Public

(Name typed, printed or stamped)



Audree Horton  
NOTARY PUBLIC  
STATE OF FLORIDA  
Comm# GG317458  
Expires 3/28/2023



JOINDER IN BINDING DEVELOPMENT PLAN BY MORTGAGEE CORPORATION

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, being the authorized agent and signatory

for the owner and holder of that certain Mortgage dated OCTOBER 11, 2019, given by

2354 TALMADGE DRIVE, LLC

as mortgagor, in favor of the undersigned,

JACQUELINE BOYCE MELLOR, TRUSTEE OF THE

JACQUELINE BOYCE MELLOR LIVING TRUST, DTD 9/5/18, as mortgagee, recorded in Official Records Book 8563

Page 749, of the Public Records of Brevard County, Florida, and encumbering lands described in said

Mortgage, does hereby join in the foregoing Binding Development Plan for the purpose of consenting to the

change of property use and development requirements as set forth therein.

MORTGAGEE <sup>NAME</sup>  
~~CORPORATION NAME~~ AND ADDRESS

JACQUELINE BOYCE MELLOR LIVING TRUST, DTD 9/5/18

Mortgagee Corporation Name

P.O. BOX 152

EDGEWATER

FL 32132

Street

City

State Zip Code

Jacqueline D. Mellor  
\*Authorized Agent Signature

JACQUELINE BOYCE MELLOR, TRUSTEE  
Authorized Agent Printed Name and Title

\*Note: All others besides CEO or President require attachment of original corporate resolution of authorization to sign documents of this type.

AFFIX CORPORATE SEAL

WITNESSES

Jim R

Signature

Alden Backhardt

Print Name

Debbie Joyce

Signature

Debbie Joyce

Print Name

STATE OF FLORIDA

COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of AUGUST, 20 20,  
by Jacqueline Boyce Mellor, Trustee, who is personally known to me or who has produced  
\_\_\_\_\_ as identification.

Tim Oliver

Notary Public Signature

TIMOTHY OLIVER

Name Printed

SEAL

