

THIS INSTRUMENT PREPARED BY:  
ROBERT L. CARSON  
2138 KINGS CROSS  
TITUSVILLE, FL 32796

*Handy*  
Recorded and Verified Brevard County, FL  
# P.S. 12-3 Hours 3  
Total Cost 6.50 49.00  
Stamping \_\_\_\_\_  
Service Charge \_\_\_\_\_  
Refund \_\_\_\_\_

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this 16th day of May, 1995,  
between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY,  
FLORIDA, a political subdivision of the State of Florida  
(hereinafter referred to as "County"), and CARSON'S GROUP, INC.,  
a Florida corporation and BIRDIE/EAGLE ENTERPRISES, INC., a Florida  
corporation, (hereinafter referred to as "Developer/Owner").

900208

RECITALS

WHEREAS, the 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 desires to develop the property  
described in Exhibit "A" as single family residential (EU-2) 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

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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. A. Developer/Owner shall provide a natural buffer from the project commonly referred to as Sherwood Forest Townhomes. Developer/Owner agrees that the property described in Tract "A" in Exhibit "B" shall constitute the buffer. Construction of any structure on Tract A as shown on Exhibit "B" is hereby prohibited and Tract "A" shall remain undeveloped. The restrictions set forth in this agreement shall also be set forth on the plat of the property.

B. Developer/Owner agrees to provide for the maintenance of Tract "A". Prior to the platting of the proposed subdivision within Exhibit "A", Developer/Owner will add a line of trees on the property line between lot number 28 and Tract "A". The trees shall be no further than 10 feet apart.

C. Vehicle/equipment storage or staging is prohibited within Tract "A".

D. Developer/Owner agrees to increase existing retention pond approximately fifty percent (50%) into Tract "A" (lot number 29).

E. Developer/Owner agrees that the area identified as "Park" and described in Exhibit "C" shall be a Green Belt of trees and grass and absent of playground or similar equipment. The Park shall be maintained by the Developer/Owner or by a Homeowners

Association.

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.

4. Developer/Owner, upon execution of this Agreement, shall pay to the County the cost of recording this Agreement in Brevard County, Florida. Prior to development of the real property described in Exhibit "A", this agreement provides no vested rights against change to Brevard County, Florida's comprehensive plan or land development regulations as they may apply to this property.

5. 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 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:

  
SANDY CRAWFORD, Clerk

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA  
2725 St. Johns Street  
Melbourne, FL 32940

  
NANCY HIGGS, Chairman

As Approved by the Board on 9-30-92.

STATE OF FLORIDA  
COUNTY OF BREVARD

STATE OF FLORIDA  
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 16th day of May, 1995 by Nancy Higgs as Chairman of the Board of

This is to certify that the foregoing is a true and correct copy of

and official seal this 23rd day of

May 19 95

SANDY CRAWFORD

Clerk Circuit Court

BY F. M. [Signature]

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County Commissioners of Brevard County, Florida, on behalf of the Board of County Commissioners. She is personally known to me or produced a Florida Drivers license as identification.

Stamp



BERNADETTE S. TALBERT  
MY COMMISSION # CC 192753 EXPIRES  
May 10, 1996  
BONDED THRU TROY FARM INSURANCE, INC.

*Bernadette S. Talbert*  
Notary Public

Printed Notary Name

CARSON'S GROUP, INC.

By: *Robert L. Carson*  
ROBERT L. CARSON, President

Witnesses:

*M. Carol Conkey*

*M. Carol Conkey*

Printed Witness Name

*Karen L. Mack*

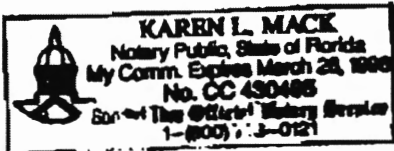
*Karen L. Mack*

Printed Witness Name

STATE OF FLORIDA  
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 19th day of April, 1995 by ROBERT L. CARSON, as President of Carson's Group, Inc., on behalf of the corporation. He ~~is personally known to me or~~ produced a Florida Drivers license as identification.

Stamp



*Karen L. Mack*

Notary Public

*Karen L. Mack*  
Printed Notary Name

Witnesses:

*M. Carol Conkey*

*M. Carol Conkey*

Printed Witness Name

*Karen L. Mack*

*Karen L. Mack*

Printed Witness Name

STATE OF FLORIDA  
COUNTY OF BREVARD

BIRDIE/EAGLE ENTERPRISES, INC.

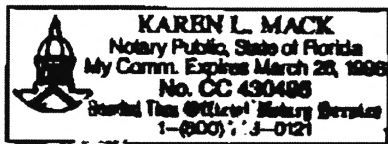
By: *Robert L. Carson*  
ROBERT L. CARSON, President

The foregoing instrument was acknowledged before me this 19th  
day of April, 1995 by ROBERT L. CARSON, as President of  
BIRDIE/EAGLE ENTERPRISES, INC., on behalf of the corporation. He  
~~is personally known to me or~~ produced a Florida Drivers license as  
identification.

Stamp

Karen L. Mack  
Notary Public  
Karen L. Mack  
Printed Notary Name

[devagrcarson4/7/95]



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LEGAL DESCRIPTION:

Signature

PARCEL NO. 3

A PARCEL OF LAND LYING IN THE NORTHWEST 1/4 OF SECTION 24, TOWNSHIP 21 SOUTH, RANGE 34 EAST, BREVARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 24, TOWNSHIP 21 SOUTH, RANGE 34 EAST; THENCE N.88°46'22"E., ALONG THE NORTH LINE OF SAID NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 24, A DISTANCE OF 364.95 FEET; THENCE S.02°21'27"E., 63.07 FEET TO THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED AND SAID POINT LYING ON THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 50.00 FEET, AND TO WHICH POINT A RADIAL LINE BEARS N.32°21'27"W.; THENCE SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 60°00'00", A DISTANCE OF 52.36 FEET TO THE POINT OF TANGENCY; THENCE S.02°21'27"E., 124.85 FEET; THENCE S.81°32'56"W., 48.84 FEET; THENCE S.13°25'19"W., 311.07 FEET; THENCE S.02°51'15"W., 471.47 FEET; THENCE S.02°06'07"E., 328.99 FEET; THENCE S.70°09'50"E., 88.03 FEET; THENCE S.51°07'17"E., 51.89 FEET; THENCE N.75°20'07"E., 52.24 FEET; THENCE S.86°08'54"E., 96.86 FEET; THENCE N.62°42'38"E., 46.01 FEET; THENCE N.89°26'31"E., 91.23 FEET; THENCE S.84°22'01"E., 43.54 FEET; THENCE N.85°17'13"E., 395.09 FEET; THENCE S.35°52'44"E., 73.91 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 125.00 FEET; THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 51°33'55", A DISTANCE OF 112.50 FEET TO THE POINT OF TANGENCY; THENCE S.87°26'39"E., 61.54 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 25.00 FEET; THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 72°53'43", A DISTANCE OF 31.81 FEET TO A POINT LYING ON THE WEST LINE OF TRACT C AS SHOWN ON THE PLAT OF SHERWOOD FOREST P.U.D. II STAGE ONE AS RECORDED IN PLATBOOK 29, PAGE 40 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND SAID POINT LYING ON THE ARC OF A CIRCULAR CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 145.00 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.75°27'04"W.; THENCE ALONG THE BOUNDARY OF SAID TRACT C, THE FOLLOWING THREE COURSES AND DISTANCES; THENCE NORTHERLY, ALONG THE ARC OF THE AFORESAID CURVE, THROUGH A CENTRAL ANGLE 23°02'56", A DISTANCE OF 58.33 FEET TO THE POINT OF TANGENCY; THENCE N.08°30'00"E., 70.06 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE WESTERLY AND HAVING A RADIUS OF 153.37 FEET; THENCE NORTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 14°09'24", A DISTANCE OF 37.89 FEET TO A POINT LYING ON THE SOUTHEAST BOUNDARY OF THE REPLAT OF SHERWOOD FOREST P.U.D. II STAGE ONE, TRACT 'A' AS RECORDED IN PLAT BOOK 29, PAGE 46 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE ALONG THE BOUNDARIES OF SAID PLAT, THE FOLLOWING THREE COURSES AND DISTANCES; THENCE S.51°03'10"W., 99.39 FEET; THENCE N.38°56'50"W., 275.00 FEET; THENCE N.29°10'05"E., 174.38 FEET; THENCE N.70°35'59"W., 405.67 FEET; THENCE N.56°06'42"W., 162.28 FEET; THENCE N.43°47'40"W., 98.88 FEET; THENCE N.02°46'21"W., 205.89 FEET; THENCE N.02°19'01"W., 303.85 FEET; THENCE S.81°32'56"W., 119.44 FEET; THENCE N.02°21'27"W., 48.80 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 25.00 FEET; THENCE NORTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 70°31'44", A DISTANCE OF 30.77 FEET TO THE POINT OF REVERSE

CURVATURE OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 50.00 FEET; THENCE NORTHEASTERLY, NORTHWESTERLY AND SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF  $190^{\circ}31'44''$ , A DISTANCE OF 166.27 FEET TO THE POINT OF BEGINNING.  
CONTAINING 14.945 ACRES MORE OR LESS.

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LEGAL DESCRIPTION:

TRACT A

A PARCEL OF LAND, LYING IN THE NORTHWEST 1/4 OF SECTION 24, TOWNSHIP 21 SOUTH, RANGE 34 EAST, BREVARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:  
BEGINNING AT THE MOST WESTERLY CORNER OF REPLAT OF SHERWOOD FOREST P.U.D. II STAGE ONE, TRACT 'A', AS RECORDED IN PLATBOOK 29, PAGE 46 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE N.29°10'05"E., ALONG THE NORTHWESTERLY BOUNDARY OF SAID PLAT, 174.38 FEET TO THE NEXT CORNER OF SAID BOUNDARY; THENCE N.70°35'59"W., 156.92 FEET; THENCE S.18°50'52"W., 143.55 FEET TO A POINT LYING ON THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 100.00 FEET AND TO WHICH POINT A RADIAL LINE BEARS N.61°04'11"E.; THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 19°31'12", A DISTANCE OF 34.07 FEET; THENCE N.80°35'23"E., 61.45 FEET; THENCE S.38°56'50"E., 59.87 FEET TO THE POINT OF BEGINNING.  
CONTAINING 0.510 ACRES MORE OR LESS.

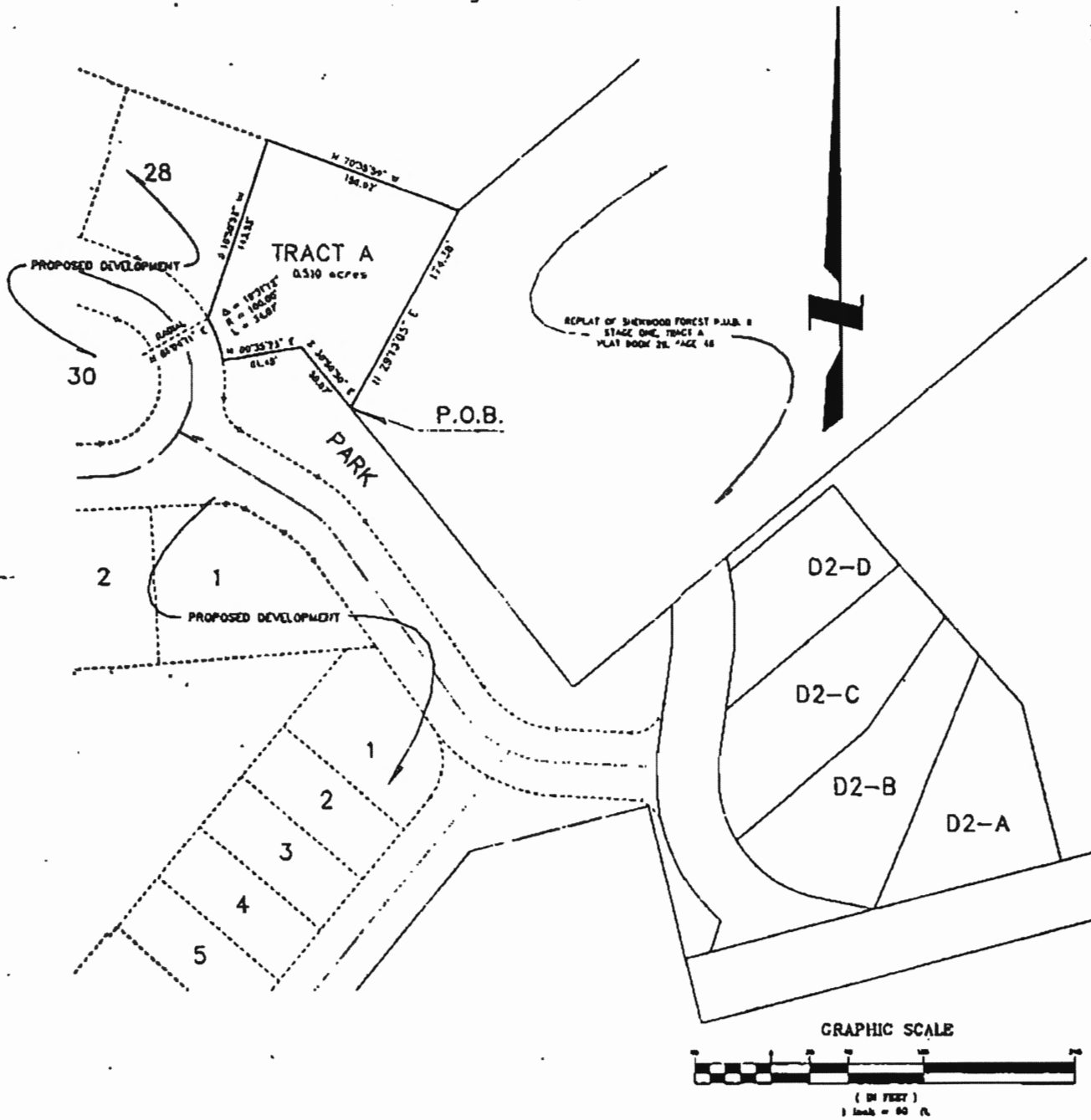
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EXHIBIT "B"  
Page 2 of 2



DATE:	ORDER NO.	F.B. NO.	REVISIONS



**McFerrin/McCrone, Inc.**  
Engineers - Land Surveyors - Land Planners  
200 South Park Avenue - P.O. Box 10100 - Memphis, TN 38106  
April 2011, 11/10, 10/09, 08/08, 07/07

DATE:	9-9
ORDER NO.	
F.B. NO.	
SCALE:	1" = 60'

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## EXHIBIT "C"

## LEGAL DESCRIPTION:

## TRACT B:

A PARCEL OF LAND LYING IN THE OF THE NORTHWEST 1/4 OF SECTION 24, TOWNSHIP 21 SOUTH, RANGE 34 EAST, BREVARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF TRACT C AS SHOWN ON THE PLAT OF SHERWOOD FOREST P.U.D. II STAGE ONE AS RECORDED IN PLATBOOK 29, PAGE 40 AND SAID POINT LYING ON THE SOUTHEASTERLY BOUNDARY LINE OF THE REPLAT OF SHERWOOD FOREST P.U.D. II STAGE ONE, TRACT 'A' AS RECORDED IN PLATBOOK 29, PAGE 46 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE ALONG THE BOUNDARIES OF SAID REPLAT, THE FOLLOWING TWO COURSES AND DISTANCES; THENCE S.51°03'10"W., 99.39 FEET; THENCE N.38°56'50"W., 334.87 FEET TO A POINT LYING ON THE NORTHWESTERLY PROLONGATION OF THE SOUTHWESTERLY LINE OF THE AFORESAID REPLAT OF SHERWOOD FOREST P.U.D. II STAGE ONE, TRACT A; THENCE S.80°35'23"W., 61.45 FEET TO A POINT LYING ON THE ARC OF A CIRCULAR CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 100.00 FEET AND TO WHICH POINT A RADIAL LINE BEARS N.80°35'23"E.; THENCE SOUTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 16°58'21", 29.62 FEET TO THE POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE, CONCAVE EASTERLY AND HAVING A RADIUS OF 25.00 FEET; THENCE SOUTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 66°25'19", 28.98 FEET TO THE POINT OF TANGENCY; THENCE S.58°51'34"E., 70.30 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 125.00 FEET; THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 22°58'50", 50.14 FEET TO THE POINT OF TANGENCY; THENCE S.35°52'44"E., 155.76 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 75.00 FEET; THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 51°33'55", 67.50 FEET TO THE POINT OF TANGENCY; THENCE S.87°26'39"E., 58.31 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 25.00 FEET; THENCE NORTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 84°03'21", 36.68 FEET TO THE POINT OF TANGENCY AND SAID POINT LYING ON THE WESTERLY BOUNDARY OF TRACT C AS SHOWN ON THE AFOREMENTIONED PLAT OF SHERWOOD FOREST P.U.D. II STAGE ONE; THENCE ALONG THE BOUNDARY OF SAID PLAT, THE FOLLOWING TWO COURSES AND DISTANCES; THENCE N.08°30'00"E., 37.49 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE WESTERLY AND HAVING A RADIUS OF 153.37 FEET; THENCE NORTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 14°09'24", 37.89 FEET TO THE POINT OF BEGINNING. CONTAINING 0.57 ACRES MORE OR LESS.

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JOINDER IN BINDING DEVELOPMENT PLAN

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 January 13, 1995, given by ROBERT WALTER as mortgagee, recorded in Official Records Book 3454, Page 1101, 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 subordinating the lien of the undersigned's Mortgage to said Binding Development Plan.

WITNESSES:

Edward J. Bergin  
Printed Witness Name

William B. B. B.  
Printed Witness Name

MORTGAGEE:

Robert Walter  
ROBERT WALTER  
4320 West Kennedy Boulevard  
Tampa, Florida 33609

STATE OF FLORIDA  
COUNTY OF DeSoto

The foregoing instrument was acknowledged before me this 3 day of March 1995 by ROBERT WALTER. He is personally known to me or produced a Florida Driver's License as identification and that an oath was ☒ was not ☐ taken.

Stamp

Charlotte M. Fowler  
Notary Public  
Charlotte M. Fowler  
Printed Notary Name

NOTARY PUBLIC, STATE OF FLORIDA AT LARGE  
MY COMMISSION EXPIRES JULY 26, 1995  
BONDED THRU AGENT'S NOTARY SURETY

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JOINDER IN BINDING DEVELOPMENT PLAN

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 February 2, 1995, given by Richard H. Mogg as mortgagee, recorded in Official Records Book 3452, Page 4592, 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 subordinating the lien of the undersigned's Mortgage to said Binding Development Plan.

WITNESSES:

Richard E. Stadler

RICHARD E. STADLER  
Printed Witness Name

Peggy S. Caudill

PEGGY S. CAUDILL  
Printed Witness Name

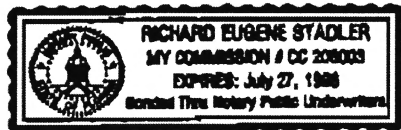
MORTGAGER:

Richard H. Mogg  
Richard H. Mogg  
26933 Eckel Road  
Perrysburg, Ohio 43551

STATE OF FLORIDA  
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 27<sup>th</sup> day of March, 1995 by Richard H. Mogg. He is personally known to me or produced a Florida Drivers license as identification and that an oath was \_\_\_\_\_ was not X taken.

Stamp



Richard E. Stadler  
Notary Public

RICHARD EUGENE STADLER  
Printed Notary Name

[joinder]

↓  
THIS INSTRUMENT PREPARED BY:  
JOHN H. EVANS, ESQUIRE  
1702 S. WASHINGTON AVENUE  
TITUSVILLE, FLORIDA 32780  
↙

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