



BOARD OF COUNTY COMMISSIONERS

Planning and Development
2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940
321-633-2070

Application for Zoning Action, Comprehensive Plan Amendment, or Variance

Applications must be submitted in person. Please call 321-633-2070 for an appointment at least 24 hours in advance. Mailed, emailed, or couriered applications will not be accepted.

PZ # 20700030

Existing FLU: Res 1:2.5 Existing Zoning: RU-1-13

Proposed FLU: No change Proposed Zoning: AU(L)

PROPERTY OWNER INFORMATION

If the owner is an LLC, include a copy of the operating agreement.

David Bistarkey, Manager Lazy River Investments, LLC
Name(s) Company
1698 W. Hibiscus Blvd., Ste A Melbourne FL 32901
Street City State Zip Code
art.fmdc@gmail.com n/a n/a
Email Phone Cell

APPLICANT INFORMATION IF DIFFERENT FROM OWNER:

[X] Attorney [] Agent [] Contract Purchaser [] Other

Laura Young, Esq. Dean Mead Law Firm
Name(s) Company
7380 Murrell Road, Ste. 200 Viera FL 32940
Street City State Zip Code
LYoung@deanmead.com 321-259-8900 321-751-6106
Email Phone Cell

Handwritten mark in a circle

APPLICATION NAME

- Large Scale Comprehensive Plan Amendment (CP) (greater than 10 acres)
- Small Scale Comprehensive Plan Amendment (CP) (less than 10 acres)
- Text Amendment (CP): Element _____
- Other Amendment (CP): _____
- Rezoning Without CUP (RWOC)
- Combination Rezoning and CUP (CORC)
- Conditional Use Permit (CUP)
- Binding Development Plan (BDP)
- Binding Development Plan (BDP) (Amendment)
- Binding Development Plan (BDP) (Removal)
- Variance(s) (V)
- Administrative Approval of Setbacks, Lot Size, or Accessory Structures
- Administrative Approval of Flag Lot or Easement
- Other Action: _____

Acreage of Request: 20.39

Reason for Request:

The purpose of the request is to acquire a zoning designation that is compatible with the existing future land use for the following property: Tax Account No.: 3008729/BCPAO Parcel ID No.: 30G-38-19-HP-*-10.

The undersigned understands this application must be complete and accurate prior to advertising a public hearing:

- I am the owner of the subject property, or if corporation, I am the officer of the corporation authorized to act on this request.
- I am the legal representative of the owner of the subject property of this application. (Notarized Authorization to Act must be submitted with application)
- An approval of this application does not entitle the owner to a development permit.
- I certify that the information in this application and all sketches and data attached to and made part hereof are true and accurate to the best of my knowledge.

[Signature]
 Signature of Property Owner or Authorized Representative *Laura Minton Young*

9/3/2020
 Date

State of *FLORIDA*

County of *BERNARD*

Subscribed and sworn to me before me this *3rd* day of, *SEPTEMBER*, 20 *20*,
 personally appeared *Laura Young, Esq*, who is personally known to me or
 produced _____ as identification, and who did / did not take an oath.

[Signature] *Brian M. Stephens*
 Notary Public Signature

Seal



Office Use Only:

Accela No. 20200030 Fee: \$1,509.00 Date Filed: 9/3/20 District No. 3

Tax Account No. (list all that apply) 3008729

Parcel I.D. No.

30G 38 19 #P * 10
Twp Rng Sec Sub Block Lot/Parcel

Planner: Peter J. Martin Sign Issued by: [Signature] Notification Radius: 500ft

MEETINGS

P&Z

DATE 11/9/2020

TIME 3:00 pm

PSJ Board

NMI Board

LPA

BOA

BCC

DATE 12/3/2020

TIME 5:00 pm

Wetland survey required by Natural Resources Yes No Initials N/A

Is the subject property located in a JPA, MIRA, or 500 feet of the Palm Bay Extension?

Yes No If yes, list N/A

Location of subject property:

On the south side of Fleming Grant Road approximate 2,820 feet south-west of the intersection of Fleming Grant Road and Primrose Drive.

Description of Request:

Rezoning from single-family Residential (RU-1-B) to Agricultural Residential Light (AUL).



ACCELA # 20200030

DOCUMENT SUBMITTAL REQUIREMENTS

| Application type | Application | Authorization to Act Form ¹ | Recorded Property Deeds | Legal Description of Request ² | Certified Survey ⁸ | Property Appraisers Map | Concurrency | School Concurrency ³ | Wetland Survey ⁴ | CUP Worksheet & Sketch ⁵ | Comp Plan Information ⁶ | Notice to Applicants | Neighbors Affidavit ⁷ | Letter to Zoning Official | Variance Hardship Worksheet ⁹ | *Additional Documentation | Fees |
|---|-------------|--|-------------------------|---|-------------------------------|-------------------------|-------------|---------------------------------|-----------------------------|-------------------------------------|------------------------------------|----------------------|----------------------------------|---------------------------|--|---------------------------|------|
| Staff to check indicating receipt | | | | ✓ NH | ✓ NH | ✓ | | | | | | | | | | | |
| Comprehensive Plan Amendment ⁶ | 1 | 1 | 1 | 2 | 2 | 1 | | 1 | | | 1 | | | | | * | Y |
| Zoning request | 1 | 1 | 1 | 1 | 1 ⁸ | 1 | | 1 | | | | 1 | | | | * | Y |
| Conditional Use Permit (CUP) | 1 | 1 | 1 | 1 | 1 ⁸ | 1 | | | | 1 | | | | | | | Y |
| AA – Waiver | 1 | 1 | 1 | | 1 | 1 | | | | | | 1 | | | | | Y |
| AA – Easement or Flag lot | 1 | 1 | 1 | 1 | 1 | 1 | | | | | | | | | | | Y |
| Variance | 1 | 1 | 1 | 1 | 1 | 1 | | | | | | | | | 1 | * | Y |

¹ Authorization to Act form is required, if other than the owner of record is making the application. If the property is not owned in entirety, by the applicant, either a Form "A", or a notarized letter must accompany the application giving written consent by all property owners of the subject property.

² Legal Description must be typed on a separate sheet, if not easily described on the deed.

³ School Board Concurrency application is required if the request represents an increase of more than one residential unit.

⁴ Wetland Survey required on Commercial or Industrial property.

⁵ CUP applications require a completed worksheet and a sketch plan with the application signed by a planner.

⁶ Must include Comprehensive Plan Amendment supplemental form reviewed by a planner prior to submitting formal application. The supplement must include a written statement explaining the rational and the appropriate data and analysis necessary to support the proposed change.

⁷ Administrative waivers requiring a signed affidavit from all abutting property owners indicating no objection to the requested waiver of lot size, width or depth requirement. The affidavit must state the specific request.

⁸ Survey must be submitted if requested by staff.

⁹ Variance Hardship Worksheet must be filled out completely, addressing the six criteria for a hardship.

***Additional information may be requested by staff dependent upon the requested action. These include but are not limited to impact analysis studies:**

Traffic Impact Analysis (TIA): TIA must be submitted if required by the County Traffic Engineer. Analysis methodology must be coordinated with the Traffic Engineering Office.

Environmental Impact Analysis: The analysis must be conducted by a qualified environmental professional and dated less than one year old. The analysis must document the types of habitat found on site; identify vegetation types, soils types, wetlands, floodplain, and any other environmental concerns.

Water and Sewer Demand: Identify the potable water and sanitary sewer demand for the amendment based on the current and proposed future land use designations using the per capita water and wastewater standards of the applicable service provider.



207 00030

CALCULATION OF PUBLIC HEARING APPLICATION FEES -ZONING OFFICE

| PUBLIC HEARING APPLICATION FEES | BASE FEE | ACREAGE FEE | UNIT FEE | SUB-TOTAL |
|------------------------------------|------------|----------------------------|----------|--------------|
| REZONING | | | | |
| Environmental Area | 511.00 | | | |
| Residential Professional | 960.00 | | | |
| General Use and Agricultural Use | 849.00* (| -5) x 24** | | |
| Single-Family Residential | 849.00* (| -5) x 24** | | |
| Single-Family Mobile Home | 849.00* (| -5) x 24** = 15 x 24 = 360 | | \$ 12,099.00 |
| Commercial/Planned Commercial | 1,184.00 (|) x 24 | | |
| Tourist Commercial | 1,855.00 (|) x 45 | | |
| Industrial/Planned Industrial | 1,855.00 (|) x 45 | | |
| Planned Unit Development | 5,661.00 (|) x 45 | | |
| Single-Family Attached Residential | 960.00 | | () x 24 | |
| Multiple-Family Residential | 960.00 | | () x 24 | |
| Recreational Vehicle Park | 1,408.00 | | () x 24 | |
| Mobile Home Park/Mobile Home Co-op | 1,408.00 | | () x 24 | |

CUP'S OR ROU APPLICATIONS

| | | | | |
|------------------------------------|--------|--|--|--|
| Fee per request (with rezoning) | 447.00 | | | |
| Fee per request (without rezoning) | 849.00 | | | |

OTHER APPLICATION FEES

| | | | | |
|---|----------|--|--|--|
| Consultant fee Retainer per Tower Application | 6,934.00 | | | |
| Transfer of Development Rights | 1,520.00 | | | |
| Comprehensive Plan Appeals (Vested Rights) | | | | |
| One (5.0 acres or less) Single-family residential | 433.00 | | | |
| All other Appeals | 1,733.00 | | | |
| Variance/Appeals of Administrative Interpretation | | | | |
| Base Fee | 598.00 | | | |
| Fee for each additional request | 182.00 | | | |
| Special Hearing Fee for P & Z / LPA | 3,692.00 | | | |
| Special Hearing Fee for BOA | 1,872.00 | | | |
| All Other Unlisted Zoning Applications | 849.00 | | | |
| Miscellaneous | | | | |

COMPREHENSIVE PLAN AMENDMENTS

| | | | | |
|-------------------------------------|-----------|---------------|--|--|
| Small Scale Amendment | 919.00 | | | |
| Large Scale Amendment | 1,785.00 | \$43 per acre | | |
| Maximum Fee on a Single Application | 17,334.00 | | | |

SUB-TOTAL ****/****

FEES COLLECTED FOR ADMINISTRATIVE ACTIONS

| | | | | |
|---|--------|--|--|--|
| Office of Natural Resources zoning review (if applicable) | 300.00 | | | |
| flag lot &/or easement review | 360.00 | | | |
| Land Development PUD review | 100.00 | | | |
| flag lot &/or easement review | 150.00 | | | |
| Address Assignment review of flag lot &/or easement | 100.00 | | | |
| Zoning fee | 277.00 | | | |

BASE FEE ADJUSTMENTS

| | | | | |
|---|-----------|--|--|--|
| * If area for these requests have the potential for only one more lot, the fee is | 288.00 | | | |
| ** Maximum acreage fees for these requests shall be | 2,240.00 | | | |
| *** Maximum Planned Unit Development Fee shall be | 13,432.00 | | | |
| **** Maximum fee for all other zoning requests shall be | 8,955.00 | | | |

TOTAL

Handwritten calculations and signatures:
~~\$ 1,209.00~~
 \$ 300.00
 \$ 300.00
 \$ 1,509.00
 [Signature]

4



RECEIPT OF PAYMENT

Payment Date: 9/4/2020
 Receipt #: 578986
 Transaction Id# 80738765

| Payment Method | Payment Reference # | Amount Paid | Comments |
|----------------|---------------------|-------------|----------|
| e-Check | 80738765 | \$1,509.00 | |
| | | \$1,509.00 | Total |

FL

Zoning Rezoning \$1,509.00

20Z00030

| Fee | Invoice # | Amount |
|--|-----------|------------|
| Rezoning General Use and Agriculture Use | 680893 | \$1,209.00 |
| Rezoning Natural Resources Review | 680893 | \$300.00 |

Grand Total \$1,509.00

Additional Fees may apply to obtain a Certificate of Completion, a Certificate of Occupancy, Pre-Power, or Final Inspection.
 To verify fees please visit the Brevard County Planning & Development Search.

www.brevardcounty.us/PlanningDev

P (321) 633-2068 F (321) 633-2052



Zoning Information Worksheet

Owner(s): Lazy River Investments, LLC
(Does this match the warranty deed?)

Applicant(s): Laura Young, Esq. (w/Dean Mead Law Firm)
(Does this person have authorization from everyone listed on the warranty deed?)

Parcel ID#: 30G-38-19-HP-* -10
(If more than one parcel, they must share a property line to be on the same application.)

Present Zoning: Single-Family Residential (RU-1-13)

Is there a BDP or a CUP on the property? Yes/No: No (If yes, attach BDP) N/A

Existing BDP states: N/A

Requested Zoning/CUP: Agricultural Residential Light (AUL).

BDP Requested? Yes/No: No

If CUP Request, do you have a CUP worksheet filled out by the applicant? Yes/No

Previously Approved Zoning Actions on lot:
Z-2980, Blanket rezoning from RU-1 to RU-1-13
DNZ-denied rezoning 19PZ00093

Is this a non-conforming lot of record? Yes/No: No Why?
Non-Conforming to: No, however, zoning is not consistent with Future Land Use Map (FLUM) designation of the Comprehensive Plan.

Is this a substandard lot? Yes/No: No Why?
It meets minimum lot area and dimension requirements of current RU-1-13 zoning classification.

What is the FLU Designation of the property?: Residential 1:2.5 (RES 1:2.5)

- Is the requested zoning consistent with the FLU? Yes/No No (See compatibility table)
- If no, what is the requested small scale plan amendment? (Must be 10 acres or less)

N/A

Character of the Area - List the recent zoning changes in same section? (Last 3 years)

Action #, Date of action and State what changed?
Z# on subject lot 19PZ00093 Rezoning w/BDP limiting to 8 lots denied on 12/5/2019.

19PZ00008 AA for a flag lot 1,220 sq ft to north

8

If this is a CUP request, list all CUP's on adjacent properties: N/A

Abutting property zoning: N Road S River E W/RR-1 on otherside W RU-1-13
Sans Sebastia, Unimproved ROW

JPA/Special Board/Special Section? Yes/No (Circle one and make a note on the application) PSJ, NMI, MIRA
ROCKLEDGE, MELBOURNE, PALM SHORES, TITUSVILLE, PALM BAY or within 500' of PALM BAY EXTENSION

Reason for Rezoning Request: to acquire a zoning designation that is compatible with the ~~present~~ current future land use for the subject property.

- If proposing single-family or multi-family how many units? 8
- If proposing a CUP for alcohol, how many seats? N/A Bar or Restaurant? N/A
 - o Do you have a certified survey indicating there are no churches or schools within 400'? Yes/No
 - o Do you have a site plan showing the layout and parking configuration? Yes/No
 - o Do you have a CUP worksheet filled out by the applicant? Yes/No
- If the request is for commercial zoning, do you have a wetland survey that includes a legal description of the wetland? Yes/No (If no, NR must have checked no on the front of the application)

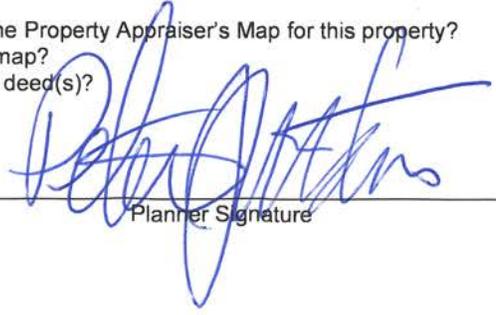
Existing structures/uses on the property? Vacant - no structures & No uses

Describe the character of the area based upon Administration Policy 3 of FLUE (attached):
Low density Single Family Residential

Concerns raised as part of request: Issues

Other options discussed with applicant: Agricultural Residential (AR); AU(L) and RRMH-S. Applicant chose AU for business reasons.

Did you print out the Property Appraiser's Map for this property?
Did you mark the map?
Did you stamp the deed(s)?


Planner Signature

9/3/20
Date

Administrative Policy 3

Compatibility with existing or proposed land uses shall be a factor in determining where a rezoning or any application involving a specific proposed use is being considered. Compatibility shall be evaluated by considering the following factors, at a minimum:

Criteria:

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area which could foresee ably be affected by the proposed use;
- B. Whether the proposed use(s) would cause a material reduction (five percent or more) in the value of existing abutting lands or approved development.
- C. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through an analysis of:
 1. Historical land use patterns;
 2. Actual development over the immediately preceding three years; and
 3. Development approved within the past three years but not yet constructed.
- D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

Notice to Applicants for Change of Land Use

The Planning and Zoning Office staff will be preparing a package of written comments concerning your request. These comments will be provided to the Planning and Zoning Board and Board of County Commissioners. The comments will address the following:

The current zoning of the property along with its current development potential and consistency with the Brevard County Comprehensive Plan use and density restrictions.

The proposed zoning of the property along with its development potential and Consistency with the Board County Comprehensive Plan use and density restrictions.

The proposal's impact on services, such as roads and schools.

The proposal's impact upon hurricane evacuation, if applicable.

Environmental factors.

Compatibility with surrounding land uses.

Consistency with the character of the area.

You may place your own written comments regarding these items into the record. Up to two typewritten pages can be included in the package if received 10 working days prior to the Planning and Zoning Board hearing. You are not required to provide written comments. *An Applicant presentation to the Planning and Zoning Board is required regardless of written submittals.* The board may approve the requested classification or a classification which is more intensive than the existing classification, but less intensive than the requested classification.

Staff comments will be available approximately one week prior to the Planning and Zoning Board hearing. These comments will be made available to you at that time. In order to expedite receipt of staff's comments, please provide an e-mail address or fax number below. Alternatively, a copy of staff's comments will be mailed via the U.S. Postal Service.

NOTES:

- If your application generates public opposition, as may be expressed in letters, petitions, phone calls, testimony, etc., you are advised to meet with concerned parties in an effort to resolve differences prior to the BCC taking final action on the request; therefore, you are encouraged to meet with affected property owners prior to the public hearing by the Planning & Zoning Board/Local Planning Agency (P&Z/LPA). During the course of conducting the public hearing, if the P&Z/LPA finds the application is controversial, and the applicant has not met with affected property owners, the item shall be tabled to the next agenda to allow such a meeting to take place. If the item is controversial, despite the applicant's efforts to meet with affected property owners, the P&Z/LPA may include, in their motion, a requirement to meet with interested parties again prior to the BCC public hearing. The BCC may also table your request in order for you to meet with interested parties, if this has not occurred prior to the public hearing before the BCC. If you need assistance to identify these parties, please contact the Planning & Zoning Office.
- BCC approval of a zoning application does not vest a project nor ensure issuance of a permit. At the time of permit application, land development regulations and concurrency-related level of service standards must be met.

Please transmit staff's comments via:

LYOUNG@DEANMEAD.COM or () _____ or U.S. Mail _____
e-mail address fax number

Yes No

I have received a copy of this notice:

(APPLICANT SIGNATURE)

Laura Minton Young

IN WITNESS WHEREOF, first party has signed and sealed these present the date set forth on May 9th, 2019.

Signed, sealed and delivered
in the presence of:

[Handwritten Signature]

Witness signature
Karen S. Solomon
Print witness name

[Handwritten Signature]

Douglas Robertson
4085 Lake Washington Road
Melbourne, Florida 32934

[Handwritten Signature]

Witness signature
Deborah Benoit
Print witness name

[Handwritten Signature]

Cindy Robertson
4085 Lake Washington Road
Melbourne, Florida 32934

State of Florida
County of Brevard

THE FOREGOING INSTRUMENT was acknowledged before me this May 9th, 2019 by Douglas Robertson and Cindy Robertson, husband and wife, who is personally known to me or who has produced a drivers license as identification.

[Handwritten Signature]

Notary Public
Karen S. Solomon
Print Notary Name



Karen S. Solomon
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG205228
Expires 8/4/2022

My Commission Expires: _____

Notary Seal



BOARD OF COUNTY COMMISSIONERS

Planning and Development
2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940

AUTHORIZATION TO ACT ON BEHALF OF OWNER

I, Arthur F. Evans, III, as manager of Lazy River Investments, LLC,

authorize Laura Minton Young, Dean Mead Law Firm

to act on my behalf, which may include representing me in public hearings pertaining to the submittal of the attached application.

Choose the applicable application type. More than one may apply.

- Administrative Action
Development Plan
Variance
Comprehensive Plan Amendment
Rezoning

Signature Arthur F. Evans, III

Date Sept 8, 2020

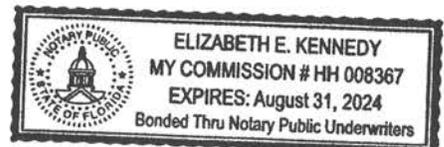
State of Florida

County of Brevard

The foregoing instrument was acknowledged before me this 8th day of Sept, 2020 by Arthur F. Evans, III, who is personally known to me or has produced as identification, and who did or did not take an oath.

Signature of Notary

Seal:





Planning and Development
2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940

BOARD OF COUNTY COMMISSIONERS

AUTHORIZATION TO ACT ON BEHALF OF OWNER

I, David Bistarkey, as Manager of Lazy River Investments, LLC,

authorize Laura Minton Young (Dean Mead Law Firm)

to act on my behalf, which may include representing me in public hearings pertaining to the submittal of the attached application.

Choose the applicable application type. More than one may apply.

- Administrative Action
- Comprehensive Plan Amendment
- Development Plan
- Rezoning
- Variance

[Signature]
Signature

9/2/2020
Date

State of Florida

County of Brevard

The foregoing instrument was acknowledged before me this 2nd day of September, 20 20
by David Bistarkey, who is personally known to me or has produced
_____ as identification, and who did or did not take an oath.

Marlaine B. Mattox
Signature of Notary
Marlaine B. Mattox

Seal:



[Handwritten mark]

**Electronic Articles of Organization
For
Florida Limited Liability Company**

L19000101633
FILED 8:00 AM
April 12, 2019
Sec. Of State
jafason

Article I

The name of the Limited Liability Company is:

LAZY RIVER INVESTMENTS, LLC

Article II

The street address of the principal office of the Limited Liability Company is:

1698 W HIBISCUS BLVD
SUITE A
MELBOURNE, FL. 32901

The mailing address of the Limited Liability Company is:

1698 W HIBISCUS BLVD
SUITE A
MELBOURNE, FL. 32901

Article III

The name and Florida street address of the registered agent is:

ARTHUR F EVANS
1698 W HIBISCUS BLVD
SUITE A
MELBOURNE, FL. 32901

Having been named as registered agent and to accept service of process for the above stated limited liability company at the place designated in this certificate, I hereby accept the appointment as registered agent and agree to act in this capacity. I further agree to comply with the provisions of all statutes relating to the proper and complete performance of my duties, and I am familiar with and accept the obligations of my position as registered agent.

Registered Agent Signature: ARTHUR F EVANS, III

Article IV

The name and address of person(s) authorized to manage LLC:

Title: MGR
LAZE-E-J, LLC
1698 W HIBISCUS BLVD STE A
MELBOURNE, FL. 32901

Title: MGR
DAVID BISTARKEY
1698 W HIBISCUS BLVD STE A
MELBOURNE, FL. 32901

L19000101633
FILED 8:00 AM
April 12, 2019
Sec. Of State
jafason

Article V

The effective date for this Limited Liability Company shall be:

04/08/2019

Signature of member or an authorized representative

Electronic Signature: ARTHUR F EVANS III

I am the member or authorized representative submitting these Articles of Organization and affirm that the facts stated herein are true. I am aware that false information submitted in a document to the Department of State constitutes a third degree felony as provided for in s.817.155, F.S. I understand the requirement to file an annual report between January 1st and May 1st in the calendar year following formation of the LLC and every year thereafter to maintain "active" status.

OPERATING AGREEMENT

OF

LAZY RIVER INVESTMENTS, LLC

OPERATING AGREEMENT
OF
LAZY RIVER INVESTMENTS, LLC

THIS OPERATING AGREEMENT OF LAZY RIVER INVESTMENTS, LLC, a Florida limited liability company, is made and entered into effective the / day of May, 2019, by and among LAZY-E-J, LLC a Florida limited liability Company and David Bistarkey, (each referred to individually as a “**Member**” and, collectively, as the “**Members**”).

RECITALS

A. The Members formed LAZY RIVER INVESTMENTS, LLC, a Florida limited liability company (the “**Company**”), effective April 12, 2019 by filing Articles of Organization with the Secretary of State of Florida.

B. The Members now desire to adopt this Agreement to evidence their agreement and understanding concerning the Company, the Company’s business assets and operations, the Company’s governance, the rights of the Members upon the dissolution or liquidation of the Company and the Members’ interest in the Profits, Losses, capital and liabilities of the Company in accordance with the terms set forth herein.

NOW, THEREFORE, in consideration of the mutual premises contained herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, it is agreed that the statements of fact contained in Paragraphs A and B of the Recitals above are true and correct and are incorporated herein and made a part hereof; and the parties further agree to the terms and conditions set forth in this Agreement.

ARTICLE 1 - DEFINITIONS

Section 1.1 **Definitions.** Capitalized terms that are used in this Agreement have the meanings provided in this Article 1 unless defined elsewhere herein.

“**Act**” means the Florida Revised Limited Liability Company Act, Chapter 605 of the Florida Statutes, as such Chapter may be amended or revised from time to time.

“**Affiliate**” of a Member or the Company means a Person that controls, is controlled by or is under common control with such Member or with the Company. As used in this definition, the term “control” means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a Person, whether through ownership of voting securities, by contract or otherwise. Ownership of more than fifty percent (50%) of the beneficial interests of a Person shall be conclusive evidence that control exists.

injunctive relief shall be in addition to any other rights or remedies available to the Company. The parties agree that the Company shall not be required to post any bond in connection with seeking such injunctive relief.

Section 8.4 Non-Competition/Non-Solicitation. Notwithstanding § 605.04091(2) of the Act, any Member or Manager may engage in or possess an interest in other business ventures of every nature and description, independently or with others, whether or not similar to or in competition with the business of the Company, and neither the Company nor the Members will have any right by virtue of this Agreement in or to such other business ventures or to the income or profits derived therefrom. Unless otherwise agreed to, no Manager will be required to devote all of that Manager's time or business efforts to the affairs of the Company, but is to devote so much of that Manager's time and attention to the Company as is reasonably necessary and advisable to manage the affairs of the Company to the best advantage of the Company.

ARTICLE 9 - MANAGEMENT OF THE COMPANY

Section 9.1 Manager-Managed Company; Appointment and Tenure of Managers. The Company shall be a manager-managed limited liability company as described in § 605.0407 of the Act. The initial Managers of the Company shall be Arthur F. Evans, III and David Bistarkey. Any Manager may be replaced or removed as a Manager with or without cause by the Majority Members.

Section 9.2 Authority and Power of Managers. Except as otherwise provided by the Act or this Agreement, the Managers shall have and enjoy all the rights and powers to do all things necessary to carry out the business of the Company and shall have the sole and exclusive right to manage the business of the Company on behalf of the Company.

Section 9.3 Limitations Upon Authority of Managers. Notwithstanding anything in Section 9.2 above to the contrary, the Managers shall not do (or enter into any contracts to do) any of the following on behalf of the Company without first obtaining the consent of the Majority Members to:

- A. cause the dissolution of the Company; or
- B. sell, lease, exchange, transfer, assign, convey, manage or otherwise dispose of the Company's assets other than in the ordinary course of the Company's business.

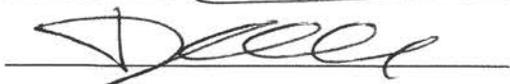
Section 9.4 Acts of the Manager. Except as otherwise provided in this Agreement, all management decisions shall be made by the Manager. In accordance therewith, the signature of the Manager shall be required to evidence such consent, and no contract shall be effective unless signed the Manager. If there is more than one Manager, and if the Managers are unable to come to a decision with respect to any matter, then such matter will be submitted for a vote of the Members and shall be decided by the Majority Members.

Section 9.5 Statement of Authority. As provided in § 605.0302 of the Act, the Company may file a statement of authority with the office of the Secretary of State of Florida with respect

IN WITNESS WHEREOF, this Agreement has been entered into as of the day and year first above written.

WITNESSES:



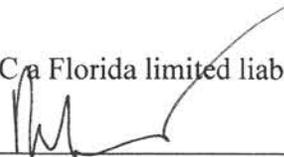






"MEMBERS"

LAZY-E-J, LLC a Florida limited liability Co.



Arthur F. Evans, III, as Manager



David Bistarkey

Dimensions from a plat made by
J. O. Hall
Columbus

This plat was filed June 11 1891
and made by
G. A. James
Columbus

571
525
524
523
522



Plat of the Subdivision of a part of land
in the Fleming Grant, State
of Connecticut, by
G. A. James
Columbus
June 15-20-1891
Scale one inch = 1 mile
For Report see RA 10 p. 75

State of Connecticut
County of New London
I hereby certify that the foregoing is a true and
correct copy of a plat of a part of a survey of 150 acres and of a subdivision of the same
made by R. B. Brewster July 15 & 20 1891, and that the same
part of the survey Fleming Grant, Brown County, Florida.
G. A. James
Columbus



Brevard County Property Appraiser

Titusville • Viera • Melbourne • Palm Bay

Phone: (321) 264-6700

<https://www.bcpao.us>

PROPERTY DETAILS

| | |
|------------------|--|
| Account | 3008729 |
| Owners | Lazy River Investments LLC |
| Mailing Address | 1698 W Hibiscus Blvd, Ste A Melbourne FL 32901 |
| Site Address | Not Assigned |
| Parcel ID | 30G-38-19-HP-*-10 |
| Property Use | 0010 - Vacant Residential Land (Single Family, Platted) |
| Exemptions | None |
| Taxing District | 3400 - Unincorp District 3 |
| Total Acres | 20.39 |
| Subdivision | Allen Et AL Subd Of S 136 Acre Tract Grant Secs |
| Site Code | 0130 - Canal Front |
| Plat Book/Page | 0001/0077 |
| Land Description | Allen Et AL Subd Of S 136 Acre Tract Grant Secs Lots 10,11 |

VALUE SUMMARY

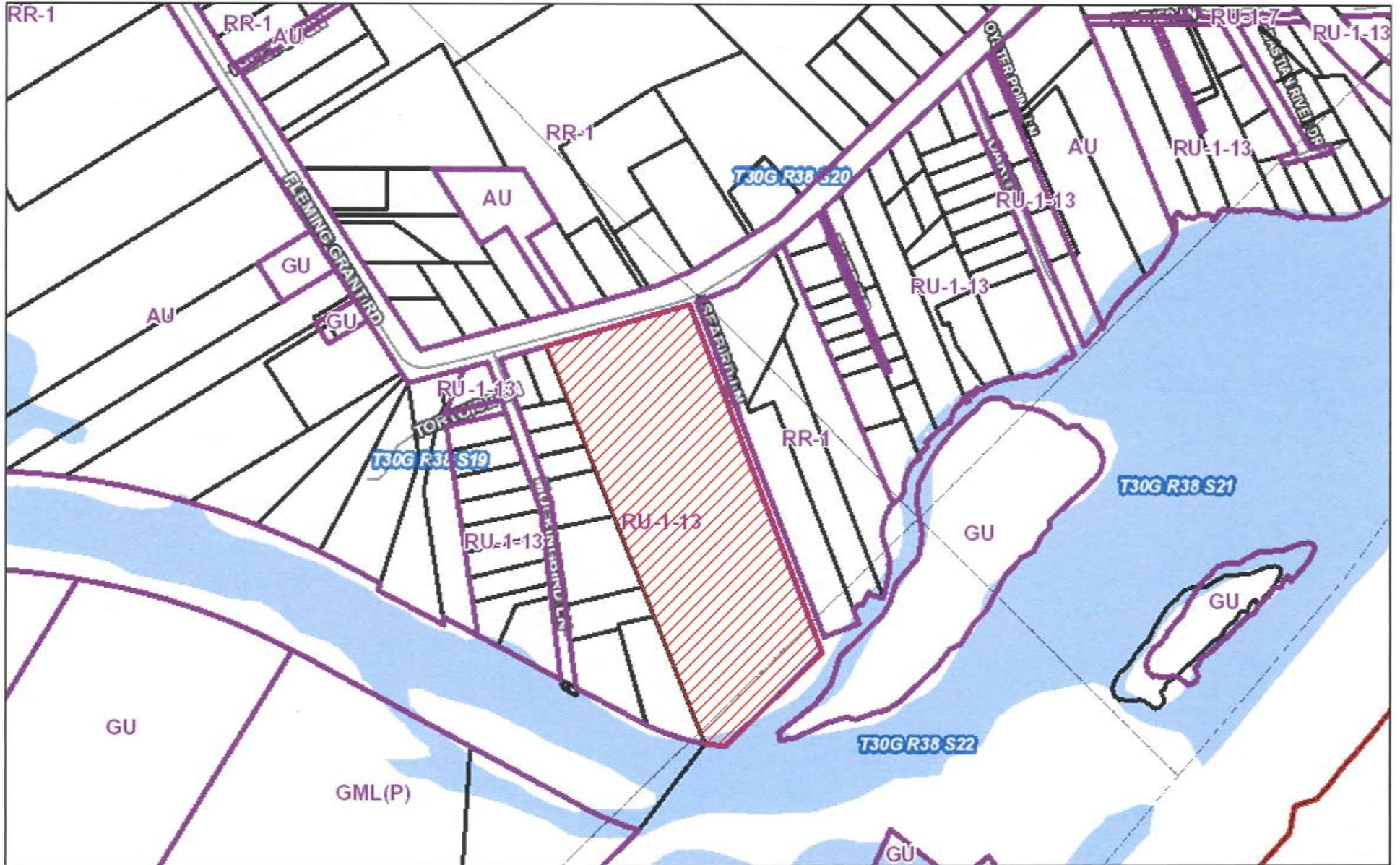
| Category | 2020 | 2019 | 2018 |
|---------------------------|-----------|-----------|-----------|
| Market Value | \$633,000 | \$591,890 | \$732,960 |
| Agricultural Land Value | \$0 | \$0 | \$0 |
| Assessed Value Non-School | \$633,000 | \$591,890 | \$732,960 |
| Assessed Value School | \$633,000 | \$591,890 | \$732,960 |
| Homestead Exemption | \$0 | \$0 | \$0 |
| Additional Homestead | \$0 | \$0 | \$0 |
| Other Exemptions | \$0 | \$0 | \$0 |
| Taxable Value Non-School | \$633,000 | \$591,890 | \$732,960 |
| Taxable Value School | \$633,000 | \$591,890 | \$732,960 |

SALES/TRANSFERS

| Date | Price | Type | Parcel | Deed |
|------------|-----------|------|--------|-----------|
| 05/09/2019 | \$700,000 | WD | Vacant | 8435/0416 |
| 08/30/2018 | \$650,000 | WD | Vacant | 8258/1532 |
| 10/09/2003 | -- | WD | Vacant | 5089/0284 |
| 08/30/1993 | -- | WD | Vacant | 3319/0854 |
| 07/01/1982 | \$210,000 | WD | -- | 2377/0703 |
| 05/01/1981 | -- | PT | -- | 2297/1925 |
| 07/12/1979 | -- | QC | -- | 2095/2980 |

No Data Found





Zoning

Section



City (Large Scale)

CAPE CANAVERAL

September 9, 2020

