



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:

☒ 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

1

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 of Property Owner or
Authorized Representative

Laura Minton Young

Date

9/3/2020

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.

Notary Public Signature

Brian M. Stephens

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 HP * 10
Twp Rng Sec Sub Block Lot/Parcel

Planner: Peter J. Martin Sign Issued by: PJM Notification Radius: 500ft

MEETINGS

☒ P&Z

☐ PSJ Board

☐ NMI Board

☐ LPA

☐ BOA

☒ BCC

DATE

11/9/2020

TIME

3:00pm

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	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Comprehensive Plan Amendment ⁵	1	1	1	2	2	1		1		1						*	Y
Zoning request	1	1	1	1	1 ⁸	1	1	1			1					*	Y
Conditional Use Permit (CUP)	1	1	1	1	1 ⁸	1				1		1					Y
AA – Waiver	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			
FEES COLLECTED FOR ADMINISTRATIVE ACTIONS				SUB-TOTAL ****/****
Office of Natural Resources zoning review (if applicable)	300.00			\$ 1,209.00
flag lot &/or easement review	360.00			\$ 300.00
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				\$ 300.00 \$ 1,509.00



Planning & Development

Central Cashier

2725 Judge Fran Jamieson Way
Building A, Room 114
Melbourne, FL 32940

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 (AU(L)).

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: 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: 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 (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 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

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 ~~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
 - Do you have a certified survey indicating there are no churches or schools within 400'? Yes/No
 - Do you have a site plan showing the layout and parking configuration? Yes/No
 - 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

Date

9/3/20

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

11

Prepared by and Return to:
PRECISE TITLE, INC
Karen S. Solomon
201 Sixth Avenue
Indialantic, Florida 32903
Our File Number: 24230
Incidental to the issuance of a title insurance
commitment/policy

THIS INSTRUMENT CONTAINS THE OFFICIAL
RECORD BOOK AND PAGE NUMBERS DESCRIBING
THE PARCELS TO BE ADVERTISED.


SIGNATURE

For official use by Clerk's office only

STATE OF Florida)
COUNTY OF Brevard)

SPECIAL WARRANTY DEED

THIS INDENTURE, made this May ^{9th} 2019, between Douglas Robertson and Cindy Robertson, husband and wife, whose mailing address is: 4085 Lake Washington Road, Melbourne, Florida 32934, party of the first part, and Lazy River Investments, LLC, a Florida limited liability company, whose mailing address is: 1698 W Hibiscus Blvd., Suite A, Melbourne, Florida 32901, party/parties of the second part,

WITNESSETH:

First party, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, does hereby grant, bargain, sell, aliens, remises, releases, conveys and confirms unto second party/parties, his/her/their heirs and assigns, the following described property, to wit:

Lot (s) 10 and 11, Frank H. Allen Subdivision of 136 Acre Tract of the Fleming Grant, according to the map or plat thereof, as recorded in Plat Book 1, Page(s) 77, of the Public Records of Brevard County, Florida.

Parcel Identification Number: 30G-38-19-HP-*-10

Subject, however, to all covenants, conditions, restrictions, reservations, limitations, easements and to all applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

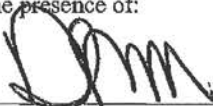
TO HAVE AND TO HOLD the same in fee simple forever.

AND the party of the first part hereby covenants with said party of the second part, that it is lawfully seized of said land in fee simple: that it has good right and lawful authority to sell and convey said land; that it hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under the party of the first part.

(12)


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:




Witness signature
Karen S. Solomon

Print witness name

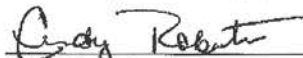


Witness signature
Deborah Benoit

Print witness name



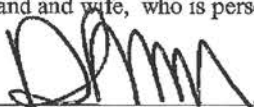
Douglas Robertson
4085 Lake Washington Road
Melbourne, Florida 32934



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.

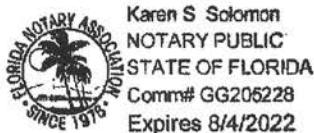


Notary Public
Karen S. Solomon

Print Notary Name

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

☐ Comprehensive Plan Amendment

☐ Development Plan

☒ Rezoning

☐ Variance

Signature Arthur F. Evans, III

Date Sept 8, 2020

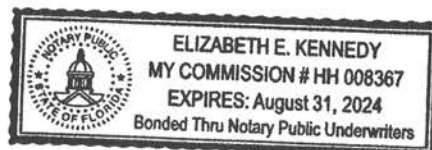
State of Florida

County of Brevard

The foregoing instrument was acknowledged before me this 8th day of Sept, 20 20
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]
Signature of 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, 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.

- | | |
|--|---|
| <input type="checkbox"/> Administrative Action | <input type="checkbox"/> Comprehensive Plan Amendment |
| <input type="checkbox"/> Development Plan | <input checked="" type="checkbox"/> Rezoning |
| <input type="checkbox"/> 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:



10

**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**”).

R E C I T A L S

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:


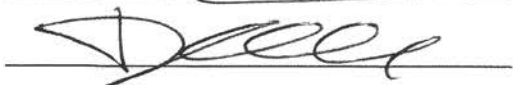


- A. cause the dissolution of the Company; or
- B. sell, lease, exchange, transfer, assign, convey, manage or otherwise dispose of the Company's assets other than in the ordinary course of the Company's business.

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

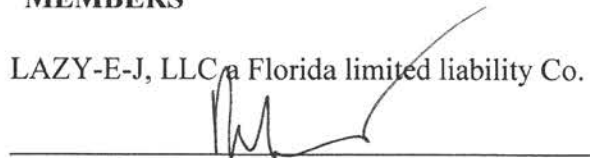
IN WITNESS WHEREOF, this Agreement has been entered into as of the day and year first above written.

WITNESSES:

"MEMBERS"

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


Arthur F. Evans, III, as Manager


David Bistarkey

The above price will please send it on
from May 27 1894
O. A. Jensen
this



Plat of the subdivision of a tract of land
in the Stemring Grant Stemring
subdivided by R. B. Russell free
Conveyance
March 20 - 1891
Scale 1000 feet = 1 inch

State of Connecticut }
County of New Britain }
I hereby certify that the foregoing claim is a
true copy of a part of a survey of 186 acres and of a subdivision of the same
into 14 lots, lots of approximately 13.10 acres each, as appears from the
original made by R. S. Burdette July 16th & 20th 1891, and true copy
part of the so called "Gleaming Grant, New Britain County, Florida."
Witness my hand and the seal of said State, at Hartford, this 11th day of May, 1894.
Attest:
John H. Allen,
Notary Public.



Brevard County Property Appraiser

Titusville • Viera • Melbourne • Palm Bay

PROPERTY DETAILS

Phone: (321) 264-6700

<https://www.bcpao.us>

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

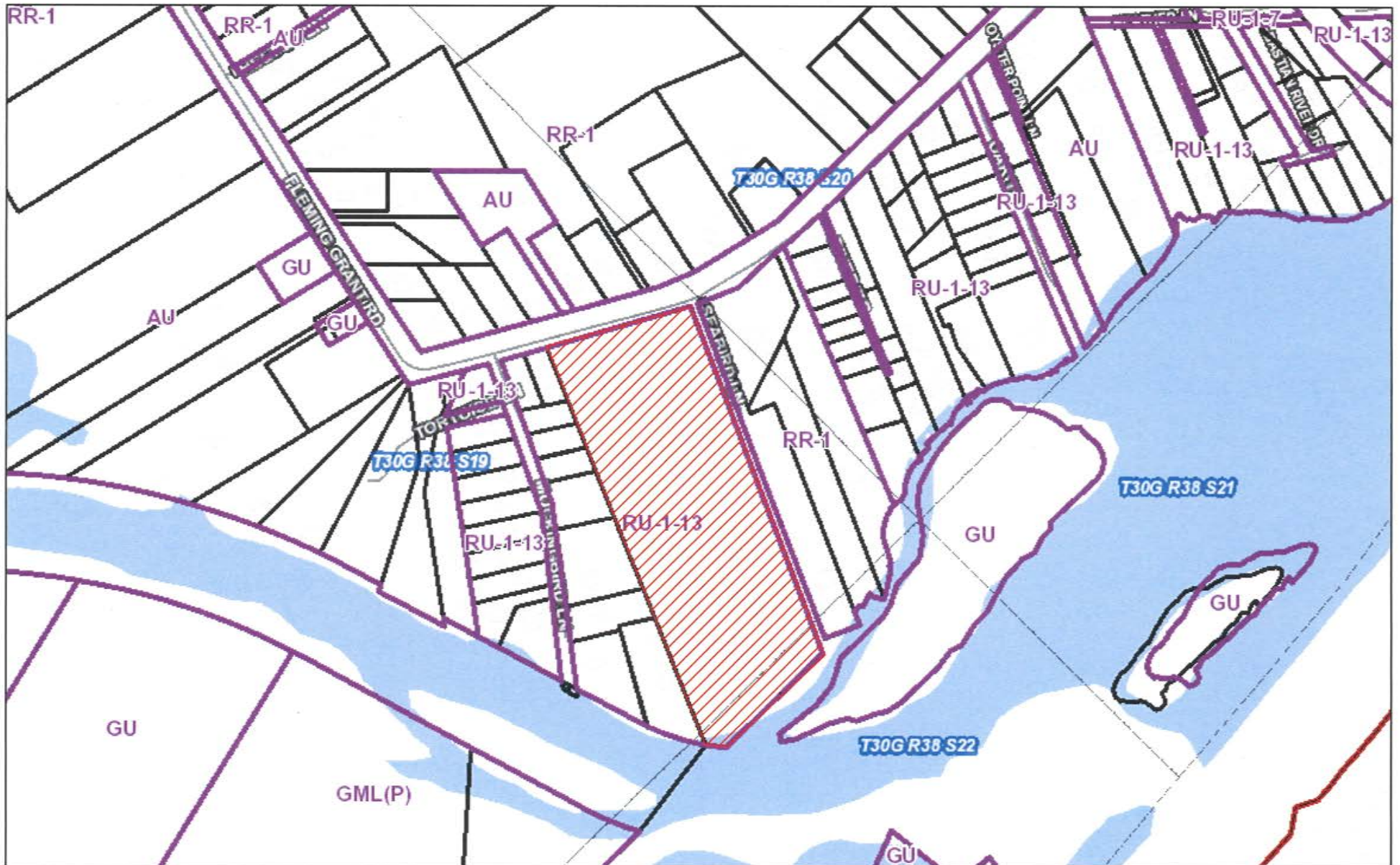
SALES/TRANSFERS

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



Account #: 3008729



■ Zoning

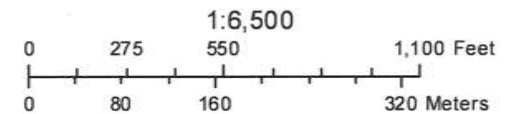
□ Section



City (Large Scale)

CAPE CANAVERAL

September 9, 2020



Prepared by: Brevard County BOCC GIS
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