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Prepared by: J. Mason Williams, Esq.  
GrayRobinson  
1800 W. Hibiscus Blvd, Ste 138  
P.O. Box 1870  
Melbourne, FL 32902-1870

## BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this 8th day of Februaury 2005 between  
THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY,  
FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as  
"County") and STEVEN J. & BETH M. HOSKINS, JASON CARMINE UVARO,  
MICHAEL FRANCIS DUFFIELD & CARL UVARO (hereinafter referred to as  
"Developer/Owner"):

### RECITALS

WHEREAS, Developer/Owner owns property (hereinafter referred to a the  
"Property") in Brevard County, Florida, as more particularly described in Exhibit "A"  
attached hereto and incorporated herein by this reference; and

WHEREAS, as part of its plan for development of the Property, Developer/Owner  
wishes to mitigate negative impacts on abutting land owners and affected facilities or  
services; and

WHEREAS, the County is authorized to regulate development of the Property;  
and

WHEREAS, Developer/Owner desires to develop the Property as a luxury  
townhome subdivision under RU-2-12 zoning and to submit to this Binding Development  
Plan pursuant to Brevard County Code, Section 62-1157.

**Scott Ellis**  
Clerk Of Courts, Brevard County  
#Pgs: 7 #Names: 6  
Trust: 4.00 Rec: 59.00 Serv: 0.00  
Deed: 0.00 Excise: 0.00  
Mtg: 0.00 Int Tax: 0.00

RETURN: Clerk to the Board #27



(n)

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 develop the Property as a luxury townhome subdivision under RU-2-12 zoning with density limited to thirteen (13) units on the Property, and may be further restricted by any changes to the Comprehensive Plan or the Land Development Regulations.

3. Developer/Owner shall pay all impact fees required by the County to be paid in connection with Development of the Property.

4. Developer/Owner shall comply with all regulations and ordinances of Brevard County, Florida. This Agreement constitutes Developer/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.

5. Developer/Owner, upon execution of this Agreement, shall pay to the County the cost of recording this Agreement in Brevard County, Florida.

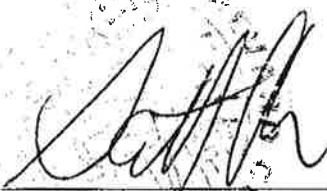
6. This Agreement shall be binding upon and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject Property unless or until rezoned and be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property.

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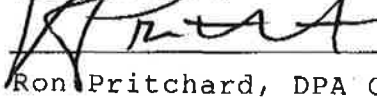
IN WITNESS THEREOF, the parties hereto have caused these presents to be signed all as of the date and year first written above.

ATTEST:



Scott Ellis, Clerk  
(SEAL)

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA  
2725 Judge Fran Jamieson Way  
Viera, FL 32940

  
Ron Pritchard, DPA Chairman

As approved by Board on February 8, 2005

STATE OF FLORIDA  
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 8th day of February 2005 by Ron Pritchard, DPA, Chairman of the Board of County Commissioners of Brevard County, Florida, who is personally known to me or who has produced \_\_\_\_\_ as identification.

My commission


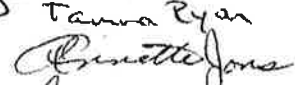
  
Notary Public

SEAL


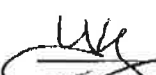
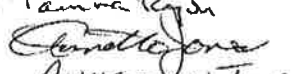

Commission No.:

(Name typed, printed or stamped)

WITNESSES:

  
Tanna Ryan  
  
ANNETTE JONES

DEVELOPER/OWNER

  
STEVEN J. HOSKINS  
Tanna Ryan  
  
ANNETTE JONES  
BETH M. HOSKINS

RETURN: Clerk to the Board #27

*Joe Kalagichy*  
*Josiedana Kaldenchy*  
Eileen Clark  
*Eileen Clark*

*[Signature]*  
JASON CARMINE UVARO

*[Signature]*  
MICHAEL FRANCIS DUFFIELD

*[Signature]*  
CARL UVARO

STATE OF FLORIDA  
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 15 day of November, 2004, by STEVEN J. HOSKINS, who is personally known to me or who has produced FLDL#H252790621670 as identification.

My commission expires 10/16/07



*[Signature]*  
Notary Public

*MARGARET C. HANCOCK*

(Name typed, printed or stamped)

STATE OF FLORIDA  
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 15 day of November, 2004, by BETH M. HOSKINS, who is personally known to me or who has produced FLDL#H252073637110 as identification.

My commission expires



Margaret C. Hancock

Notary Public

MARGARET C HANCOCK

(Name typed, printed or stamped)

STATE OF FLORIDA  
COUNTY OF BREVARD

December  
The foregoing instrument was acknowledged before me this 2nd day of ~~November~~, 2004, by JASON CARMINE UVARD, who is personally known to me or who has produced Florida Drivers License as identification.  
#A160-423-74-410-0

My commission expires

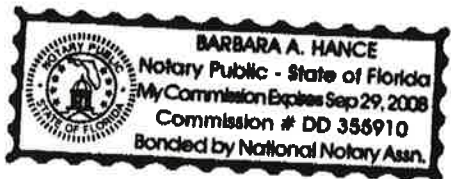
SEAL

Commission No.:

Barbara A. Hance

Notary Public

(Name typed, printed or stamped)



STATE OF FLORIDA  
COUNTY OF BREVARD

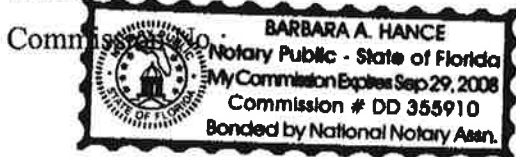
~~December~~ The foregoing instrument was acknowledged before me this 2nd day of November, 2004, by MICHAEL FRANCIS DUFFIELD, who is personally known to me or who has produced FLORIDA DRIVER'S LIC. # D143-546-7a-421-0 as identification.

My commission expires

Barbara A. Hance

Notary Public

SEAL



(Name typed, printed or stamped)

STATE OF FLORIDA  
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 15 day of November, 2004, CARL UVARO, who is personally known to me or who has produced FID # 160 126 471900 as identification.

My commission expires

Margaret C. Hancock

Notary Public



MARGARET C. Hancock

(Name typed, printed or stamped)

RETURN: Clerk to the Board #27

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A parcel of land being a portion of Block "H" of A & B Bruner's Re-Subdivision of Blocks A, H, J, K and parts of Blocks, C and I of A.L. Bruner's Re-Sub of Burchfield & Bruner's Addition to Crescent Beach, recorded in Plat Book 9, Page 4 of the Public Records of Brevard County, Florida, being more particularly described as follows:

Commence at an iron rod monumenting the intersection of the Westerly Right-of-Way line of Atlantic Avenue, as presently located (a 100 foot wide Right-of-Way) with the South Right-of-Way line, of Springs Street (a 42 foot wide Right-of-Way) and run South 83°22'56" West along said South Right-of-Way line, a distance of 122.00 feet to an iron rod, the Point of Beginning; thence continue South 83°22'56" West, along said South Right-of-Way line, a distance of 149.37 feet to an iron rod on the Easterly Right-of-Way line of Orlando Avenue, as presently located (a 100 foot wide Right-of-Way), said point being on an 1860.08 foot radius curve to the left having a tangent bearing of South 17°34'14" East; thence Southeasterly, along the arc of said curve and along said Easterly Right-of-Way line, thru a central angle of 08°07'18" a distance of 263.67 feet to an iron rod on the North Right-of-Way line of Summer Street (a 50 foot wide Right-of-Way), thence North 82°23'26" East, along said North Right-of-Way line, a distance of 82.02 feet to an iron rod; thence North 06°48'00" West, a distance of 253.02 feet to the Point of Beginning.

LEGAL DESCRIPTION: (Parcel A-3) J

A parcel of land being a portion of Block "H" of A & B Bruner's Re-Subdivision of Blocks A, H, J, K and part of Blocks, C & I of A.L. Bruner's Re-Sub and Bruner's Addition of Crescent Beach, Recorded in Plat Book 9, Page 4, of the Public Records of Brevard County, Florida, being more particularly described as follows:

Commence at an iron rod monumenting the intersection of the West right of way line of Atlantic Avenue, as presently located (a 100 foot wide right of way) with the South right of way line of Spring Street (a 42 foot wide right of way), and run South 06°48'00" East along said West right of way line of Atlantic Avenue, a distance of 127.47 feet to the point of curvature of a 5679.85 foot radius curve to the left; thence continue Southeasterly along said West right of way line and along the arc of said curve; thru a central angle of 00°24'04", a distance of 39.77 feet to the Point of Beginning of the herein described parcel; thence continue Southeasterly along said West right of way line and along the arc of said curve thru a central angle of 00°50'40", a distance of 83.70 feet to the North right of way line of Summer Street (a 50 foot wide right of way); thence South 82°23'26" West along said North right of way line, a distance of 120.67 feet; thence North 06°48'00" West, a distance of 84.32 feet; thence North 82°43'14" East a distance of 121.86 feet to the Point of Beginning.

LEGAL DESCRIPTION: (Parcel A-1) C

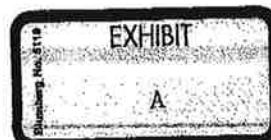
A parcel of land being a portion of Block "H" of A & B Bruner's Re-Subdivision of Blocks A, H, J, K and part of Blocks, C & I of A.L. Bruner's Re-Sub and Bruner's Addition of Crescent Beach, Recorded in Plat Book 9, Page 4, of the Public Records of Brevard County, Florida, being more particularly described as follows:

Begin at an iron rod monumenting the intersection of the West right of way line of Atlantic Avenue, as presently located (a 100 foot wide right of way) with the South right of way line of Spring Street (a 42 foot wide right of way), and run South 06°48'00" East along said West right of way line of Atlantic Avenue, a distance of 83.82 feet; thence leaving said West right of way line run South 83°02'53" West a distance of 122.00 feet; thence North 06°48'00" West parallel to said right of way of Atlantic Avenue, a distance of 84.33 feet to the aforesaid South right of way line of Spring Street; thence North 83°22'56" East a distance of 122.00 feet to the Point of Beginning.

LEGAL DESCRIPTION: (Parcel A-2) M

A parcel of land being a portion of Block "H" of A & B Bruner's Re-Subdivision of Blocks A, H, J, K and part of Blocks, C & I of A.L. Bruner's Re-Sub and Bruner's Addition of Crescent Beach, Recorded in Plat Book 9, Page 4, of the Public Records of Brevard County, Florida, being more particularly described as follows:

Commence at an iron rod monumenting the intersection of the West right of way line of Atlantic Avenue, as presently located (a 100 foot wide right of way) with the South right of way line of Spring Street (a 42 foot wide right of way), and run South 06°48'00" East along said West right of way line of Atlantic Avenue, a distance of 83.82 to the Point of Beginning of the herein described parcel; thence continue South 06°48'00" East along said West right of way line of Atlantic Avenue, a distance of 43.85 feet to the point of curvature of a 5679.85 foot radius curve to the left; thence continue Southeasterly along said West right of way line and along the arc of said curve; thru a central angle of 00°24'04", a distance of 39.77 feet; thence leaving said West right of way line run South 82°43'14" West a distance of 121.86 feet; thence North 06°48'00" West, a distance of 84.32 feet; thence North 82°43'14" East a distance of 121.86 feet to the Point of Beginning.



RETURN: Clerk to the Board #27