

Prepared by: Charles B. Genoni
Flordevco Corp.
4760 N. US1 #201
Melbourne FL 32935

**BINDING
DEVELOPMENT PLAN**

THIS AGREEMENT, entered into this _____ day of _____, 20____, between the BOARD OF COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and Ethylmay Kirk, Robert Kirk, Paul Marion, Kimberly Lamattina, Kayla Losat, & Jessica Ripper (hereinafter referred to as Developer/Owner").

RECITALS

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

WHEREAS, Developer/Owner has rezoned the property to RU 1-7 zoning classification and desires to develop the Property as a Single-Family Subdivision, 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 landowners and affected facilities or services; and

WHEREAS, the County is authorized to regulate development of the Property.

NOW, THEREFORE, the parties agree as follows:

1. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements. It is the intent of the parties that the Developer/Owner, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements.
2. The Developer/Owner shall limit the project density to 197 units.

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. This agreement provides no vested rights against changes to the Comprehensive Plan or land development regulations as they may apply to this Property.

4. Developer/Owner, upon execution of this Agreement, shall pay to the Clerk of Courts the cost of recording this Agreement in the Public Records of Brevard County, Florida.

5. This Agreement shall be binding and shall insure to the benefit of the successors or assigns of the parties and shall run with the subject Property unless or until rezoned and be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property and be subject to the above referenced conditions as approved by the Board of County Commissioners on September 1 2022. In the event the subject Property is annexed into a municipality and rezoned, this agreement shall be null and void.

6. Violation of this Agreement will also constitute a violation of the Zoning Classification and this Agreement may be enforced by Sections 1.7 and 62-5, Code of Ordinances of Brevard County, Florida, as may be amended.

7. Conditions precedent. All mandatory conditions set forth in this Agreement mitigate the potential for incompatibility and must be satisfied before Developer/Owner may implement the approved use(s), unless stated otherwise. The failure to timely comply with any mandatory condition is a violation of this Agreement, constitutes a violation of the Zoning Classification and is subject to enforcement action as described in Paragraph 6 above.

8. Severability clause. If any provision of this BDP is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions shall continue in full force and effect without being impaired or invalidated in any way.

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

ATTEST:

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

Rachel M. Sadoff, Clerk of Court
(SEAL)

Kristine Zonka, Chair
As approved by the Board on _____

(Please note: you must have two witnesses and a notary for each signature required, the notary may serve
as one witness.)

WITNESSES:

OWNERS

Witness sign

Paul Marion

Witness Print Name

Address

Witness sign

Witness Print Name

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me, by means of ___physical presence or
___online notarization, this _____ day of _____, 20__.

by _____, as _____ of _____,

who is personally known or produced _____ as identification.

My commission expires _____

Commission no _____

SEAL

Notary Public
(Name typed, printed or stamped)

Witness sign

Kimberly Lamattina

Witness Print Name

Address

Witness sign

Witness Print Name

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me, by means of __physical presence or
__online notarization, this _____ day of _____, 20____,

by _____, as _____ of _____,

who is personally known or produced _____ as identification.

My commission expires _____

Commission no _____

SEAL

Notary Public
(Name typed, printed or stamped)

Witness sign

Kayla Losat

Witness Print Name

Address

Witness sign

Witness Print Name

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me, by means of __physical presence or
__online notarization, this _____ day of _____, 20____,

by _____, as _____ of _____,

who is personally known or produced _____ as identification.

My commission expires _____

Commission no _____

SEAL

Notary Public
(Name typed, printed or stamped)

Witness sign

Jessica Ripper

Witness Print Name

Address

Witness sign

Witness Print Name

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me, by means of __physical presence or
__online notarization, this _____ day of _____, 20____,

by _____, as _____ of _____,

who is personally known or produced _____ as identification.

My commission expires _____

Commission no _____

SEAL

Notary Public

(Name typed, printed or stamped)

Witness sign

Ethylmay Kirk

Witness Print Name

Address

Witness sign

Witness Print Name

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me, by means of __physical presence or
__online notarization, this _____ day of _____, 20____,

by _____, as _____ of _____,

who is personally known or produced _____ as identification.

My commission expires _____

Commission no _____

SEAL

Notary Public

(Name typed, printed or stamped)

Witness sign

Robert Kirk

Witness Print Name

Address

Witness sign

Witness Print Name

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me, by means of ___physical presence or
___online notarization, this _____ day of _____, 20____,

by _____, as _____ of _____,

who is personally known or produced _____ as identification.

My commission expires _____

Commission no _____

SEAL

Notary Public
(Name typed, printed or stamped)

Exhibit "A"

Tax Parcels 12 & 265, as recorded in ORB 8804, Pages 1941 - 1943, of the Public Records of Brevard County, Florida; Tax Parcel 266, as recorded in ORB 5356, Page 1441, of the Public Records of Brevard County, Florida; Tax Parcel 17, as recorded in ORB 5379, Pages 3457 - 3459, of the Public Records of Brevard County, Florida; Tax Parcel 270, as recorded in ORB 8232, Pages 2256 - 2261, of the Public Records of Brevard County, Florida; Tax Parcel 109, as recorded in ORB 7325, Pages 1959 - 1960, of the Public Records of Brevard County, Florida. Section 08, Township 21, Range 35. (76.52 acres)

STATE OF FLORIDA New York
COUNTY OF BREVARD Erie

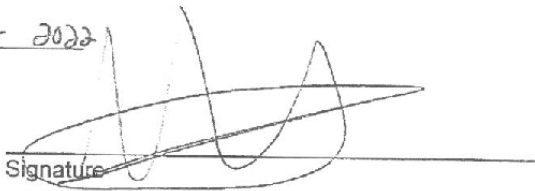
Jessica Ripper, after being duly sworn, deposes and says:

The undersigned is the owner of the real property described as follows:

W 10 FT OF N 1/2 OF SW 1/4 OF NW 1/4 OF NE 1/4 & PART OF N 1/2 AS DESC AS TRACTS
1 THRU 5 IN ORB 1719 PG 905 EXC RD R/W & W 25 FT OF S 1/2 OF NE 1/4 OF NW 1/4
PARS 13, 15, 16 & 254 40.39 Acres 2102878
Together with
E 1/2 OF S 20 AC OF N 30 AC OF SE 1/4 OF NW 1/4 10 Acres 2102918

There are no mortgages on the above described property

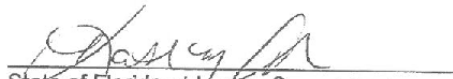
Dated this 20 day of September 2022

Signature 

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was sworn to before me this 20 day of September, 2022, by
Jessica Ripper, who is personally known to me or who has
produced AUSL375291450 as identification, and who did take an oath.

Notary Public:


State of Florida at Large New York
My Commission Expires: 7/16/23

(SEAL)



STATE OF FLORIDA
COUNTY OF BREVARD

Kayla Marie Losat, after being duly sworn, deposes and says:

The undersigned is the owner of the real property described as follows:

W 10 FT OF N 1/2 OF SW 1/4 OF NW 1/4 OF NE 1/4 & PART OF N 1/2 AS DESC AS TRACTS
1 THRU 5 IN ORB 1719 PG 905 EXC RD R/W & W 25 FT OF S 1/2 OF NE 1/4 OF NW 1/4
PARS 13, 15, 16 & 254 40.39 Acres 2102878
Together with
E 1/2 OF S 20 AC OF N 30 AC OF SE 1/4 OF NW 1/4 10 Acres 2102918

There are no mortgages on the above described property

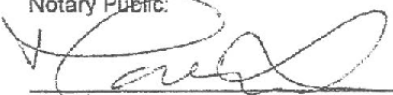
Dated this 16th day of September.

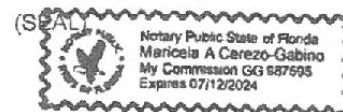

Signature

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was sworn to before me this 16th day of September, by
Kayla Marie Losat, who is personally known to me or who has
produced Florida ID as identification, and who did take an oath.

Notary Public:


State of Florida at Large
My Commission Expires:



STATE OF FLORIDA
COUNTY OF BREVARD

Kim LaMattina, after being duly sworn, deposes and says:

The undersigned is the owner of the real property described as follows:

W 10 FT OF N 1/2 OF SW 1/4 OF NW 1/4 OF NE 1/4 & PART OF N 1/2 AS DESC AS TRACTS
1 THRU 5 IN ORB 1719 PG 905 EXC RD RW & W 25 FT OF S 1/2 OF NE 1/4 OF NW 1/4
PARS 13, 15, 16 & 254 40.39 Acres 2102878
Together with
E 1/2 OF S 20 AC OF N 30 AC OF SE 1/4 OF NW 1/4 10 Acres 2102918

There are no mortgages on the above described property

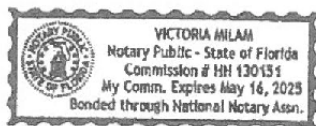
Dated this 20 day of September.

Kim LaMattina
Signature

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was sworn to before me this 20th day of September, by
Kim LaMattina, who is personally known to me or who has
produced Driver license as identification, and who did take an oath.

Notary Public:



Victoria Milam
State of Florida at Large
My Commission Expires:

(SEAL)

STATE OF FLORIDA
COUNTY OF BREVARD

Paul J. Marion, after being duly sworn, deposes and says:

The undersigned is the owner of the real property described as follows:

W 10 FT OF N 1/2 OF SW 1/4 OF NW 1/4 OF NE 1/4 & PART OF N 1/2 AS DESC AS TRACTS
1 THRU 5 IN ORB 1719 PG 905 EXC RD R/W & W 25 FT OF S 1/2 OF NE 1/4 OF NW 1/4
PARS 13, 15, 16 & 254 40.39 Acres 2102878
Together with
E 1/2 OF S 20 AC OF N 30 AC OF SE 1/4 OF NW 1/4 10 Acres 2102918

There are no mortgages on the above described property

Dated this 20th day of September.

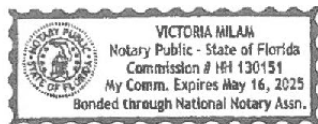
Paul J. Marion
Signature

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was sworn to before me this 20th day of September, by
Paul J. Marion, who is personally known to me or who has
produced driver license FL as identification, and who did take an oath.

Notary Public:

Victoria Milam
State of Florida at Large
My Commission Expires:



(SEAL)

STATE OF FLORIDA
COUNTY OF BREVARD

Robert C Kirk, after being duly sworn, deposes and says:

The undersigned is the owner of the real property described as follows:

E 1/2 OF SW 1/4 OF SW 1/4 OF NE 1/4 & SE 1/4 OF SW 1/4 OF NE 1/4 EXC N 1 ACRE OF E
1/2 OF SW 1/4 OF SW 1/4 OF NE 1/4 PAR 18 14 Acres 2102882
Together with
S 330 FT OF SE 1/4 OF NW 1/4 10 Acres 2102919
Together With
BLK 262 S 70.00 FT OF S 1/4 OF SW 1/4 OF NW 1/4 OF SEC S 08 T 21 R 35 SUBID 00 2.12 Acres
3018268
Together with
PART OF E 450 OF S 100 FT OF SE 1/4 OF NE 1/4 E OF US HWY 1 AS DESC IN ORB 7325
PG 1959 EXC ORB 8232 PG 2262 2113544 .01

There are no mortgages on the above described property

Dated this 16 day of September



Signature

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was sworn to before me this 16 day of September, by
Robert C. Kirk, who is personally known to me or who has
produced FL Drivers License as identification, and who did take an oath.

Notary Public:



State of Florida at Large
My Commission Expires: 4-4-2026

(SEAL)



JAMES HEFFERNAN
Commission # HH 248804
Expires April 4, 2026

STATE OF FLORIDA
COUNTY OF BREVARD

Ethyl May Kirk, after being duly sworn, deposes and says:

The undersigned is the owner of the real property described as follows:

E 1/2 OF SW 1/4 OF SW 1/4 OF NE 1/4 & SE 1/4 OF SW 1/4 OF NE 1/4 EXC N 1 ACRE OF E
1/2 OF SW 1/4 OF SW 1/4 OF NE 1/4 PAR 18 14 Acres 2102882
Together with
S 330 FT OF SE 1/4 OF NW 1/4 10 Acres 2102919
Together With
BLK 262 S 70.00 FT OF S 1/4 OF SW 1/4 OF NW 1/4 OF SEC S 08 T 21 R 35 SUBD 00 2.12 Acres
3018268
Together with
PART OF E 450 OF S 100 FT OF SE 1/4 OF NE 1/4 E OF US HWY 1 AS DESC IN ORB 7325
PG 1959 EXC ORB 8232 PG 2262 2113544 .01

There are no mortgages on the above described property

Dated this 16 day of September

Ethyl May Kirk
Signature

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was sworn to before me this 16 day of September, by
Ethyl May Kirk, who is personally known to me or who has
produced FL Driver License as identification, and who did take an oath.

Notary Public:

James Heffernan
State of Florida at Large
My Commission Expires: 4-4-2022

(SEAL)



JAMES HEFFERNAN
Commission # HH 248804
Expires April 4, 2026



Mims Post
Office

0 100 200 400 800

GRAPHIC SCALE

Brad Smith
Associates, Inc.
LANDSCAPE ARCHITECTURE • PLANNING

2/16/23, 10:45 AM