

PREPARED BY AND RETURN TO:  
John H. Evans, Esquire  
John H. Evans, P.A.  
1702 S. Washington Ave  
Titusville, FL 32780

CFN 2008197352, OR BK 5893 PAGE 5359,  
Recorded 10/16/2008 at 01:51 PM, Scott Ellis, Clerk of  
Courts, Brevard County  
# Pgs:6

**BINDING DEVELOPMENT PLAN**

THIS AGREEMENT, entered into this 14 day of October, 2008, between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and LUELLA ANN GREENE and MARGO G. ZAUNER, AS CO-TRUSTEES OF THE JOHN J. GREENE TRUST, U/A/D June 29, 1988, (hereinafter referred to as "Owner").

**RECITALS**

WHEREAS, 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, Owner has filed an application to change the land use designation from NC to CC on the Property and has filed an application to rezone the Property from RU-2-10 to TU-2; and

WHEREAS, provided the County grants the Owner's land use and zoning applications, the Owner has agreed to voluntarily put certain development restrictions on the Property so as to lessen the development's impact on surrounding properties; and

WHEREAS, the County is authorized to regulate the 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 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. Although the Property is zoned TU-2, no drive through facilities shall be allowed such as are common with Fast Food restaurants and Banks.

3. Access to the Property from Carpenter Road shall be within 100 feet of the north property line of the Property. No access will be allowed south of that point.

4. South of the access road into Owner's Property, Owner agrees to have a 100 foot deep buffer along Carpenter Road. Owner agrees there will be no parking areas, roads, or buildings within this buffer zone. The buffer zone will be landscaped but may be used for retention and green space calculations.

5. Owner shall comply with all regulations and ordinances of Brevard County, Florida. This Agreement constitutes Owners' 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.

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


7. This Agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject Property 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 condition as

approved by the Board of County Commissioners on August 7, 2008. In the event the subject Property is annexed into a municipality and rezoned, this Agreement shall be null and void.

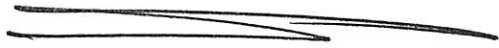
8. Violation of this Agreement will also constitute a violation of the Zoning Classification and this Agreement may be enforced by Section 1.7 and 62-5, Code or Ordinances of Brevard County, Florida, as it may be amended.

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

ATTEST:

  
\_\_\_\_\_  
Scott Ellis, Clerk  
(SEAL)

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

  
\_\_\_\_\_  
Truman Scarborough, Chairman  
As approved by the Board on 10-14-08

STATE OF FLORIDA  
COUNTY OF BREVARD

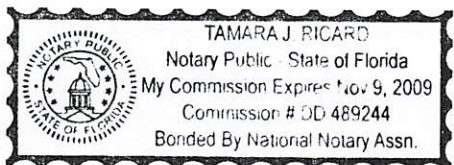
The foregoing instrument was acknowledged before me this 14 day of October, 2008 by Truman Scarborough, Chairman of the Board of County Commissioners of Brevard County, Florida who is personally known to me or who has produced \_\_\_\_\_ as identification.

My commission expires

  
\_\_\_\_\_  
Notary Public

SEAL  
Commission No.:

Tamara J. Ricard  
(Name typed, printed or stamped)



STATE OF FLORIDA  
COUNTY OF BREVARD

This is to certify that the foregoing is a true and current copy of B.D.P. witness my hand and official seal this 17 day of October, 2008

SCOTT ELLIS  
Clerk Circuit Court  
BY  D.C.