



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Consent

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F.5.

1/25/2022

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### Subject:

Acceptance, Re: Binding Development Plan with The Heather Calligan Trust (District 1)

### Fiscal Impact:

None

### Dept/Office:

Planning & Development

### Requested Action:

In accordance with Section 62-1157, it is requested that the Board of County Commissioners accept, and the Chair sign, the Binding Development Plan.

### Summary Explanation and Background:

A BDP (Binding Development Plan) is a voluntary agreement presented by the property owner to self-impose limits upon development of a property in support of a change of zoning or conditional use permit. Pursuant to Section 62-1157, a BDP shall be recorded in the public records within 120 days of the Board's approval of the zoning request. Following staff and legal review, the BDP is presented to the Board in recordable form as a Consent Agenda item in order to finalize the zoning action.

On December 2, 2021, the Board approved a change of zoning classification from RU-1-11 (Single-Family Residential) with a BDP, to RU-1-7 (Single-Family Residential) with a BDP, including, but not limited to the following stipulations:

- Developer/Owner shall limit gross density on the property to a maximum of 198 units. Minimum unit size shall be 1,800 square feet or larger. The minimum lot size for the project shall be 6,000 square feet. Any increase in site density will require an amendment to this agreement and will require public hearings and notice as provided in the Code of Ordinances of Brevard County, Florida.
- Developer/Owner shall construct a berm with an average height of 4 feet (varies from 3 feet to 5 feet high) along the length of the Property that fronts on Turpentine Road. The berm will be located in the buffer area contiguous to Turpentine Road. This area will also include a 6-foot high wood fence or opaque vegetative landscaped buffer. The berm shall be irrigated and maintained by the Developer/Owner and/or its assigns. The berm will be constructed along with the initial phase of construction.
- Developer/Owner shall provide a 300-foot-wide buffer along the east approximately 1,600 feet of the south Property line, which shall be placed in a conservation easement. The conservation easement

**Resolution 21Z00030**

On motion by Commissioner Smith, seconded by Commissioner Tobia, the following resolution was adopted by a unanimous vote:

**WHEREAS, The Heather Calligan Trust** has requested a change of zoning classification from RU-1-11 (Single-Family Residential) with an existing BDP (Binding Development Plan) to RU-1-7 (Single-Family Residential), with an amendment to the existing BDP, on property described as Tax Parcel 506, as recorded in ORB 7986, Pages 2895 - 2900, as recorded in the Public Records of Brevard County, Florida. **Section 13, Township 21, Range 34.** (79.16 acres) Located on the south side of State Road 46, approx. 635 ft. east of Turpentine Road. (No assigned address. In the Mims area.); and

**WHEREAS,** a public hearing of the Brevard County Planning and Zoning Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the Brevard County Planning and Zoning Board recommended that the application be approved with an amended BDP; and

**WHEREAS,** the Board, after considering said application and Brevard County Planning and Zoning Board's recommendation, and hearing all interested parties, and after due and proper consideration having been given to the matter, find that the application should be approved with an amended BDP; now therefore,

**BE IT RESOLVED** by the Board of County Commissioners of Brevard County, Florida, that the requested change of zoning classification from RU-1-11 with an existing BDP to RU-1-7, with an amendment to the existing BDP be approved with a BDP, recorded on 01/27/22, in ORB 9397, Pages 2232 - 2240. The Planning and Development Director, or designee, is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

**BE IT FURTHER RESOLVED** that this resolution shall become effective as of January 27, 2022.

BOARD OF COUNTY COMMISSIONERS  
Brevard County, Florida

  
Kristine Zonka, Chair  
Brevard County Commission

As approved by the Board on January 25, 2022.

ATTEST:

  
RACHEL SADOFF, CLERK

(SEAL)

Planning and Zoning Board Hearing – November 15, 2021  
Board of County Commissioners Hearing - December 2, 2021

Please note: A CUP (Conditional Use Permit) will generally expire on the three-year anniversary of its approval if the use is not established prior to that date. CUPs for Towers and Antennas shall expire if a site plan for the tower is not submitted within one year of approval or if construction does not commence within two years of approval. A Planned Unit Development Preliminary Development Plan expires if a final development plan is not filed within three years. **The granting of this zoning does not guarantee physical development of the property. At the time of development, said**

**development must be in accordance with the criteria of the Brevard County Comprehensive Plan and other applicable laws and ordinances.**



Kimberly Powell, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001  
Fax: (321) 264-6972  
Kimberly.Powell@brevardclerk.us

January 26, 2022

**MEMORANDUM**

**TO:** Jennifer Jones, Zoning

**RE:** Item F.5., Binding Development Plan Agreement with The Heather Calligan Trust

The Board of County Commissioners, in regular session on January 25, 2022, executed Binding Development Plan with The Heather Calligan Trust, for property located at 79.16 acres, on the south side of State Road 46, approximately 635 feet east of Turpentine Road, Mims. Enclosed for your necessary action are two certified copies of the recorded document.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
RACHEL M. SADOFF, CLERK

*Kimberly Powell*  
Kimberly Powell, Clerk to the Board

/dt

Encls. (2)

cc: Contracts Administration

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

**BINDING  
DEVELOPMENT PLAN**

THIS AGREEMENT, entered into this 14 day of January, 2022 between the BOARD OF  
COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida  
(hereinafter referred to as "County") and Heather Calligan Trust, (hereinafter referred to as 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 requested the 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 impacts 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. Recitals. The above recitals are true and correct and are incorporated into  
this Agreement by their reference.
2. 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.

3. Developer/Owner shall limit gross density on the property to a maximum of 198 units. Minimum unit size shall be eighteen hundred (1,800) square feet or larger. The minimum lot size for the project shall be six thousand square feet (6,000) square feet. Any increase in site density will require an amendment to this agreement and will require public hearings and notice as provided in the Code of Ordinances of Brevard County, Florida.
4. The Developer/Owner shall construct a berm with an average height of four (4) feet (varies from three (3) feet to five (5) feet high) along the length of the Property that fronts on Turpentine Road. The berm will be located in the buffer area contiguous to Turpentine Road. This area will also include a six (6) foot high wood fence or opaque vegetative landscaped buffer. The berm shall be irrigated and maintained by the Developer/Owner and/or its assigns. The berm will be constructed along with the initial phase of construction.
5. The Developer/Owner shall provide a 300-foot-wide buffer along the east approximately sixteen hundred (1,600) feet of the South Property line, which shall be placed in a conservation easement. The conservation easement may be used for mitigation of wetlands with the St. Johns River Water Management District (SRJWMD). In that case the easement will be in favor of the SJRWMD only. The remaining (western) portion of the South Property line shall keep a minimum 30' natural vegetative buffer between the property boundary line and the rear property line of the lot(s). The homes abutting Wherry Rd. will be required to build a 6' wood or vinyl fence at the back of the lot. This requirement shall be enforced and maintained by the Property's Homeowners Association documents.
6. The Developer/Owner shall provide a twenty-five (25) foot wide buffer along the south Property line of Bar "C" Ranchettes (as recorded in plat book 24, page 58 of the public records of Brevard County, Florida) where it is contiguous to the Property and along the contiguous property line of the Property with the two (2) parcels as recorded in Official Record Book 298, page 409 and

Official Record Book 2314 page 2137 of the public records of Brevard County, Florida. The Developer/Owner shall install a six (6) foot high opaque wooden fence along this contiguous property line and along the southeast three hundred and fifty (350) feet of Bar "C" Ranchettes east of boundary line which is contiguous to the Property. In addition to the wood fence, a six (6) foot high landscaped buffer will be provided along Bar-C Ranchettes south property line where it is contiguous to the Property. A buffer area for the undisturbed area will be provided no less than fifty (50) feet extending south from the north three hundred (300) feet of Bar "C" Ranchettes east property line which is contiguous to the Property. The area between the north three hundred (300) feet and the south three hundred and fifty (350) feet on east property line shall be a minimum of a fifty (50) foot buffer. Property abutting S.R. 46 will provide an opaque vegetative buffer no less than fifty (50) feet east of the one hundred and fifty (150) buffer and extend from the south side of S.R. 46 which is contiguous to the property. Existing vegetations shall remain intact in the buffer area unless invasives are required to be removed. The Developer/Owner shall provide replacement vegetation in this area if the existing non-invasive vegetation is destroyed.

7. 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.
8. 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.
9. 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 conditions as approved by the Board of County Commissioners on



\_\_\_\_\_, 20\_\_\_\_. In the event the subject Property is annexed into a municipality and rezoned, this agreement shall be null and void.

10. 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.

11. 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 10 above.

12. This BDP shall replace the 1999 and 2005 BDPs recorded on 12-10-99 at OR Book 4100 Page 3354 and 5-25-2005 at OR Book 5472 Page 3172.

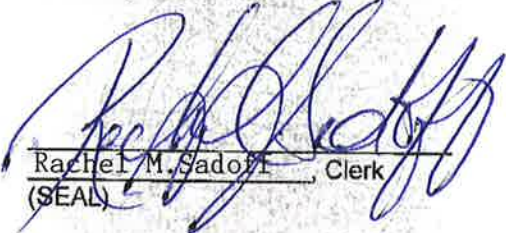
13. Severability clause. If any provision of this BDP is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions shall continue in full force and effect without being impaired or invalidated in any way.



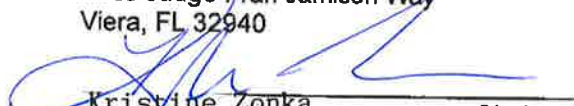


IN WITNESS THEREOF, the parties hereto have caused these presents to be signed all as of the  
date and year first written above.

ATTEST:


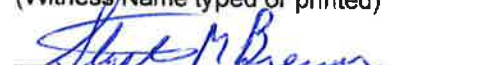
  
Rachel M. Sadoff, Clerk  
(SEAL)

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

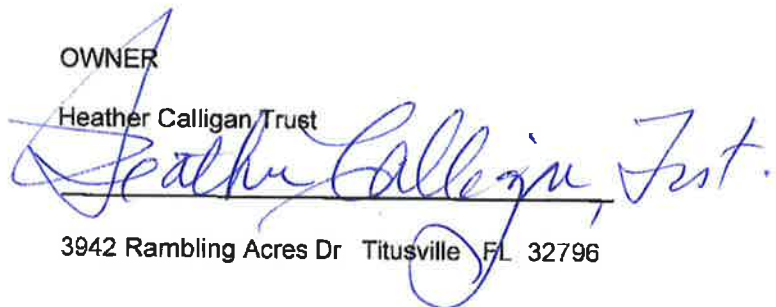
  
Kristine Zonka, Chair  
As approved by the Board on 1/25/22

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

WITNESSES:

  
Winifred M. Brewer  
(Witness Name typed or printed)  
  
Stephen M. Brewer  
(Witness Name typed or printed)


OWNER

Heather Calligan Trust  
  
3942 Rambling Acres Dr Titusville FL 32796

STATE OF Florida  
COUNTY OF Brevard

The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of January, 2022  
by Heather Calligan, as Trustee of Heather Calligan Trust  
who is personally known or produced \_\_\_\_\_ as identification

My commission expires \_\_\_\_\_  
Commission no. \_\_\_\_\_  
SEAL

  
Notary Public  
(Name typed, printed, or stamped)



**Exhibit "A"**

PARCEL 1:

(PARCEL B)

A PARCEL OF LAND BEING A PART OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 21 SOUTH, RANGE 34 EAST, BREVARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 13, THENCE N.89°27'18"E., ALONG THE SOUTH LINE OF SAID SECTION 13, A DISTANCE OF 33.00 FEET TO A POINT LYING ON THE EAST RIGHT OF WAY LINE OF TURPENTINE ROAD (A 66.00 FOOT WIDE RIGHT OF WAY); THENCE ON A BEARING OF NORTH ALONG SAID EAST RIGHT OF WAY LINE OF TURPENTINE ROAD (SAID RIGHT OF WAY LINE LYING PARALLEL WITH AND 33.00 FEET EAST OF THE WEST LINE OF SAID SECTION 13), 394.50 FEET TO THE INTERSECTION WITH THE NORTHERLY RIGHT OF WAY LINE OF HAMMOCK TRAIL (A 100 FOOT WIDE RIGHT OF WAY) AS DESCRIBED IN OFFICIAL RECORDS BOOK 1212, PAGE 917 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE CONTINUE ON A BEARING OF NORTH, ALONG THE AFOREMENTIONED EASTERLY RIGHT OF WAY LINE OF TURPENTINE ROAD, 834.74 FEET TO THE SOUTHWEST CORNER OF THE PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 298, PAGE 409 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE N.89°20'20"E., ALONG THE SOUTH LINE OF SAID PARCEL, 133.00 FEET TO THE SOUTHEAST CORNER THEREOF AND SAID POINT BEING THE SOUTHWEST CORNER OF THE PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 2314, PAGE 2137 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE ALONG THE BOUNDARIES OF SAID PARCEL OF LAND, THE FOLLOWING TWO COURSES AND DISTANCES; THENCE N.58°49'19"E., 69.61 FEET; THENCE ON A BEARING OF NORTH, 62.65 FEET TO A POINT LYING ON THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE AFORESAID SECTION 13 AND THE SOUTH LINE OF BAR-"C" RANCHETTES AS RECORDED IN PLAT BOOK 24, PAGE 58 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE N.89°20'20"E., ALONG SAID LINE, 436.80 FEET TO THE SOUTHEAST CORNER OF SAID PLAT OF BAR-"C" RANCHETTES AND THE SOUTHEAST CORNER OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 13 AND SAID POINT BEING THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED; THENCE N.00°03'56"W., ALONG THE EAST LINE OF SAID PLAT OF BAR-"C" RANCHETTES AND ALONG SAID EAST LINE OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 13, A DISTANCE OF 1285.83 FEET TO A POINT LYING ON THE SOUTH RIGHT OF WAY LINE OF STATE ROAD NO.46; THENCE N.89°10'34"E., ALONG SAID RIGHT OF WAY LINE, 615.30 FEET; THENCE S.08°33'12"W., 403.88 FEET; THENCE N.81°26'48"W., 60.10 FEET; THENCE S.08°33'12"W., 115.85 FEET; THENCE S.40°01'27"W., 302.44 FEET; THENCE S.14°14'48"E., 186.22 FEET; THENCE S.35°28'00"E., 139.61 FEET; THENCE S.44°13'35" W., 139.33 FEET; THENCE S.45°4'6'25"E., 47.84 FEET; THENCE S.15°04'59"E., 112.69 FEET TO A POINT LYING ON THE NORTHERLY RIGHT OF WAY LINE OF THE AFORESAID HAMMOCK TRAIL AND THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 675.82 FEET AND TO WHICH POINT A RADIAL LINE BEARS N.15°04'59"W.; THENCE WESTERLY, ALONG SAID RIGHT OF WAY LINE AND ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 05°05'18", 60.02 FEET TO A POINT LYING ON THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 13; THENCE S.89°20'20"W., ALONG SAID LINE, 318.63 FEET TO THE POINT OF BEGINNING. CONTAINING 12.87 ACRES MORE OR LESS.

(PARCEL C)

A PARCEL OF LAND BEING A PART OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 21 SOUTH, RANGE 34 EAST, BREVARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 13, THENCE N.89°27'18"E., ALONG THE SOUTH LINE OF SAID SECTION 13, A DISTANCE OF 33.00 FEET TO A POINT LYING ON THE EAST RIGHT OF WAY LINE OF TURPENTINE ROAD (A 66.00 FOOT WIDE RIGHT OF WAY); THENCE ON A BEARING OF NORTH ALONG SAID EAST RIGHT OF WAY LINE OF TURPENTINE ROAD (SAID RIGHT OF WAY LINE LYING PARALLEL WITH AND 33.00 FEET EAST OF THE WEST LINE OF SAID SECTION 13), 394.50 FEET TO THE INTERSECTION WITH THE NORTHERLY RIGHT OF WAY LINE OF HAMMOCK TRAIL (A 100 FOOT WIDE RIGHT OF WAY) AS DESCRIBED IN OFFICIAL RECORDS BOOK 1212, PAGE 917 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND SAID POINT BEING THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED; THENCE CONTINUE ON A BEARING OF NORTH, ALONG THE AFOREMENTIONED EASTERLY RIGHT OF WAY LINE OF TURPENTINE ROAD, 834.74 FEET TO THE SOUTHWEST CORNER OF THE PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 298, PAGE 409 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE N.89°20'20"E., ALONG THE SOUTH LINE OF SAID PARCEL, 133.00 FEET TO THE SOUTHEAST CORNER THEREOF AND SAID POINT BEING THE SOUTHWEST CORNER OF THE PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 2314, PAGE 2137 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE ALONG THE BOUNDARIES OF SAID PARCEL OF LAND, THE FOLLOWING TWO COURSES AND DISTANCES; THENCE N.58°49'19"E., 69.61 FEET; THENCE ON A BEARING OF NORTH, 62.65 FEET TO A POINT LYING ON THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE AFORESAID SECTION 13 AND THE SOUTH LINE OF BAR-"C" RANCHETTES AS RECORDED IN PLAT BOOK 24, PAGE 58 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE N.89°20'20"E., ALONG SAID LINE, 755.43 FEET TO A POINT LYING ON THE NORTHERLY RIGHT OF WAY LINE OF THE AFORESAID HAMMOCK TRAIL AND THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 675.82 FEET AND TO WHICH POINT A RADIAL LINE BEARS N.20°10'17"W.; THENCE ALONG SAID RIGHT OF WAY LINE OF HAMMOCK TRAIL, THE FOLLOWING THREE COURSES AND DISTANCES; THENCE SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 34°50'03", 410.88 FEET TO THE POINT OF TANGENCY; THENCE S.34°59'40"W., 650.21 FEET; THENCE S.57°09'30"W., 302.84 FEET TO THE POINT OF BEGINNING. CONTAINING 9.61 ACRES MORE OR LESS.

(PARCEL D)

A PARCEL OF LAND BEING A PART OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 21 SOUTH, RANGE 34 EAST, BREVARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 13, THENCE N.89°27'18"E., ALONG THE SOUTH LINE OF SAID SECTION 13, A DISTANCE OF 33.00 FEET TO A POINT LYING ON THE EAST RIGHT OF WAY LINE OF TURPENTINE ROAD (A 66.00 FOOT WIDE RIGHT OF WAY); THENCE ON A BEARING OF NORTH ALONG SAID EAST RIGHT OF WAY LINE OF TURPENTINE ROAD (SAID RIGHT OF WAY LINE LYING PARALLEL WITH AND 33.00 FEET EAST OF THE WEST LINE OF SAID SECTION 13), 275.48 FEET TO THE INTERSECTION WITH THE SOUTHERLY RIGHT OF WAY LINE OF HAMMOCK TRAIL (A 100 FOOT WIDE RIGHT OF WAY) AS DESCRIBED IN OFFICIAL RECORDS BOOK 1212, PAGE 917 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE ALONG THE RIGHT OF WAY LINE OF SAID HAMMOCK TRAIL, THE FOLLOWING SIX COURSES AND DISTANCES: THENCE N.57°09'30"E.; 386.98 FEET; THENCE N.34°59'40"E., 669.79 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE SOUTHERLY AND HAVING A RADIUS OF 575.82



FEET: THENCE NORTHEASTERLY, EASTERLY AND SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 79°26'50", 798.44 FEET TO THE POINT OF TANGENCY; THENCE S.65°33'30"E., 84.87 FEET TO THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED; THENCE CONTINUE S.65°33'30"E.; 556.13 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE NORTHERLY AND HAVING A RADIUS OF 644.65 FEET: THENCE EASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 29°5'11", 329.13 FEET; THENCE S.00°4'18"E., 200.33 FEET TO A POINT LYING ON THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 844.56 FEET AND TO WHICH POINT A RADIAL LINE BEARS N.03°43'25"W.; THENCE EASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 20°42'52". 305.34 FEET TO A POINT LYING ON THE EAST LINE OF THE SOUTHWEST 1/4 OF THE AFOREMENTIONED SECTION 13; THENCE S.00°14'18"E., 756.51 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE S.89°28'50"W., ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 13, A DISTANCE OF 1327.78 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE S.89°27'18"W., ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 13, A DISTANCE OF 85.85 FEET; THENCE N.00°31'10"W., 949.80 FEET; THENCE N.53°47'52"E., 263.61 FEET; THENCE N.24°26'30"E., 24.02 FEET: THENCE N.53°47'58"E., 91.57 FEET TO THE POINT OF BEGINNING. CONTAINING 30.95 ACRES MORE OR LESS.

(PARCEL E)

A PARCEL OF LAND BEING A PART OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 21 SOUTH, RANGE 34 EAST, BREVARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 13, THENCE N.89°27'18"E., ALONG THE SOUTH LINE OF SAID SECTION 13, A DISTANCE OF 33.00 FEET TO A POINT LYING ON THE EAST RIGHT OF WAY LINE OF TURPENTINE ROAD (A 66.00 FOOT WIDE RIGHT OF WAY) AND SAID POINT BEING THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED; THENCE ON A BEARING OF NORTH ALONG SAID EAST RIGHT OF WAY LINE OF TURPENTINE ROAD (SAID RIGHT OF WAY LINE LYING PARALLEL WITH AND 33.00 FEET EAST OF THE WEST LINE OF SAID SECTION 13), 275.48 FEET TO THE INTERSECTION WITH THE SOUTHERLY RIGHT OF WAY LINE OF HAMMOCK TRAIL (A 100 FOOT WIDE RIGHT OF WAY) AS DESCRIBED IN OFFICIAL RECORDS BOOK 1212, PAGE 917 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE ALONG THE RIGHT OF WAY LINE OF SAID HAMMOCK TRAIL, THE FOLLOWING FOUR COURSES AND DISTANCES: THENCE N.57°09'30"E., 386.98 FEET; THENCE N.34°59'40"E., 669.79 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE SOUTHERLY AND HAVING A RADIUS OF 575.82 FEET; THENCE NORTHEASTERLY, EASTERLY AND SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 79°26'50", 798.44 FEET TO THE POINT OF TANGENCY; THENCE S.55°33'30"E., 84.87 FEET: THENCE S.5°47'58"W., 91.57 FEET: THENCE S.24°26'30"W., 24.02 FEET: THENCE S.53°47'52"W., 263.61 FEET: THENCE S.00°31'10"E., 949.80 FEET TO A POINT LYING ON THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE AFOREMENTIONED SECTION 13; THENCE S.89°27'18" W., ALONG SAID LINE, 1208.61 FEET TO THE POINT OF BEGINNING. CONTAINING 24.28 ACRES MORE OR LESS.

(PARCEL F)

A PARCEL OF LAND BEING A PART OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 21 SOUTH, RANGE 34 EAST, BREVARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 13, THENCE N.89°27'18"E., ALONG THE SOUTH LINE OF SAID SECTION 13, A DISTANCE OF 33.00 FEET TO A POINT LYING ON THE EAST RIGHT OF WAY LINE OF TURPENTINE ROAD (A 66.00 FOOT WIDE RIGHT OF WAY): THENCE ON A

BEARING OF NORTH ALONG SAID EAST RIGHT OF WAY LINE OF TURPENTINE ROAD (SAID RIGHT OF WAY LINE LYING PARALLEL WITH AND 33.00 FEET EAST OF THE WEST LINE OF SAID SECTION 13), 275.48 FEET TO THE INTERSECTION WITH THE SOUTHERLY RIGHT OF WAY LINE OF HAMMOCK TRAIL (A 100 FOOT WIDE RIGHT OF WAY) AS DESCRIBED IN OFFICIAL RECORDS BOOK 1212, PAGE 917 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE ALONG THE RIGHT OF WAY LINE OF SAID HAMMOCK TRAIL, THE FOLLOWING SIX COURSES AND DISTANCES: THENCE N.57°09'30"E., 386.98 FEET; THENCE N.34°59'40"E., 669.79 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE SOUTHERLY AND HAVING A RADIUS OF 575.82 FEET; THENCE NORTHEASTERLY, EASTERLY AND SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 79°26'50", 798.44 FEET TO THE POINT OF TANGENCY; THENCE S.55°33'30"E., 641.00 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE NORTHERLY AND HAVING A RADIUS OF 644.65 FEET: THENCE EASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 29° 5'11 " , 329.13 FEET TO THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED: THENCE CONTINUE EASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 27°54'53", 314.08 FEET TO A POINT LYING ON THE EAST LINE OF THE SOUTHWEST 1/4 OF THE AFORESAID SECTION 13; THENCE S.00°14'18"E., ALONG SAID LINE, 226.51 FEET TO A POINT LYING ON THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 844.56 FEET, AND TO WHICH POINT A RADIAL LINE BEARS S.24°26'17"E.; THENCE WESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 20'42'52", 305.34 FEET: THENCE N.00°4'18"W., 200.33 FEET TO THE POINT OF BEGINNING. CONTAINING 1.42 ACRES MORE OR LESS.

#### PARCEL 2

A PARCEL OF LAND LYING IN THE SOUTHEAST 1/4 OF SECTION 13, TOWNSHIP 21 SOUTH, RANGE 34 EAST, BREVARD COUNTY, FLORIDA DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 13: THENCE N.00°4'18"W., ALONG THE WEST LINE OF SAID SOUTHEAST 1/4 OF SAID SECTION 13, A DISTANCE OF 920. 79 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE N.00°4'18"W., ALONG SAID LINE, 62.23 FEET TO A POINT LYING ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF HAMMOCK TRAIL, A 100 FOOT WIDE ROAD RIGHT OF WAY AS DESCRIBED IN OFFICIAL RECORDS BOOK 1212, PAGE 917 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND SAID RIGHT OF WAY LINE BEING AN ARC OF A CIRCULAR CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 644.65 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.32°43'34"E.; THENCE NORTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 04°20'28", 48.84 FEET; THENCE S.19°35'16"W., 32.69 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 300.00 FEET; THENCE SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 12°37'49", 66.13 FEET TO THE POINT OF BEGINNING. CONTAINING 1434 SQUARE FEET MORE OR LESS.



AFFIDAVIT

STATE OF FLORIDA  
COUNTY OF BREVARD

HEATHER CALLIGAN, Trustee of the HEATHER CALLIGAN TRUST, after being duly sworn,  
deposes and says:

1. The undersigned is the owner of the real property described in Exhibit "A" attached hereto.
2. There are no mortgages on the above described property

Dated this 10<sup>th</sup> day of January, 2022.

  
Signature

STATE OF FLORIDA  
COUNTY OF BREVARD

The foregoing instrument was sworn to before me this 10<sup>th</sup> day of January, 2022,, by

Heather Calligan, as Trustee of the Heather Calligan Trust, who is personally known to me or

Who has produced \_\_\_\_\_ as identification, and who did take an oath.

Notary Public:



State of Florida at Large

My Commission Expires:

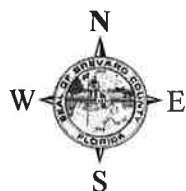
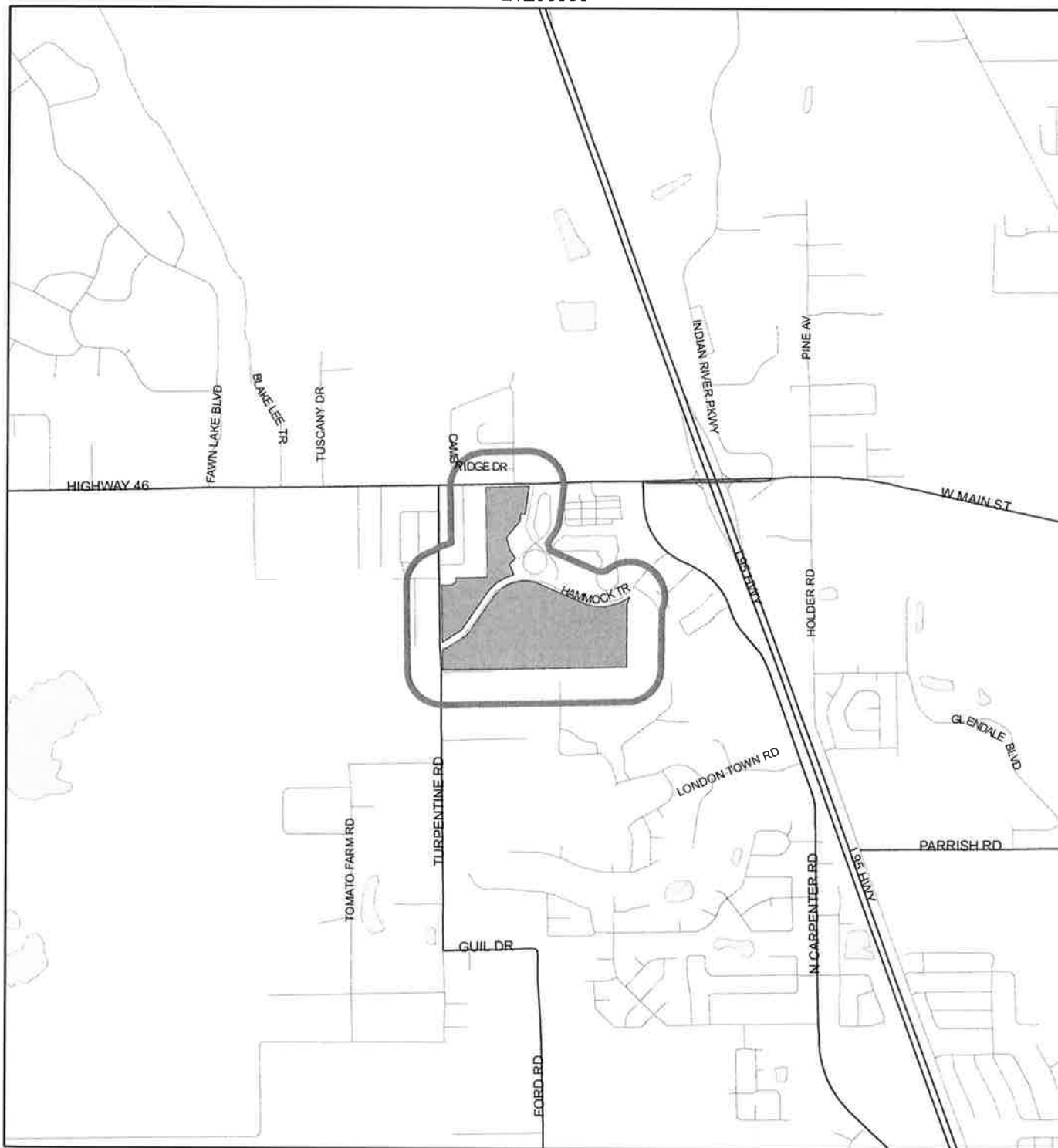
(SEAL)



F.5

# LOCATION MAP

THE HEATHER CALLIGAN TRUST  
21Z00030





1:24,000 or 1 inch = 2,000 feet

Buffer Distance: 500 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

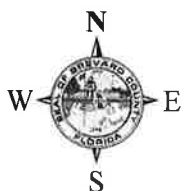
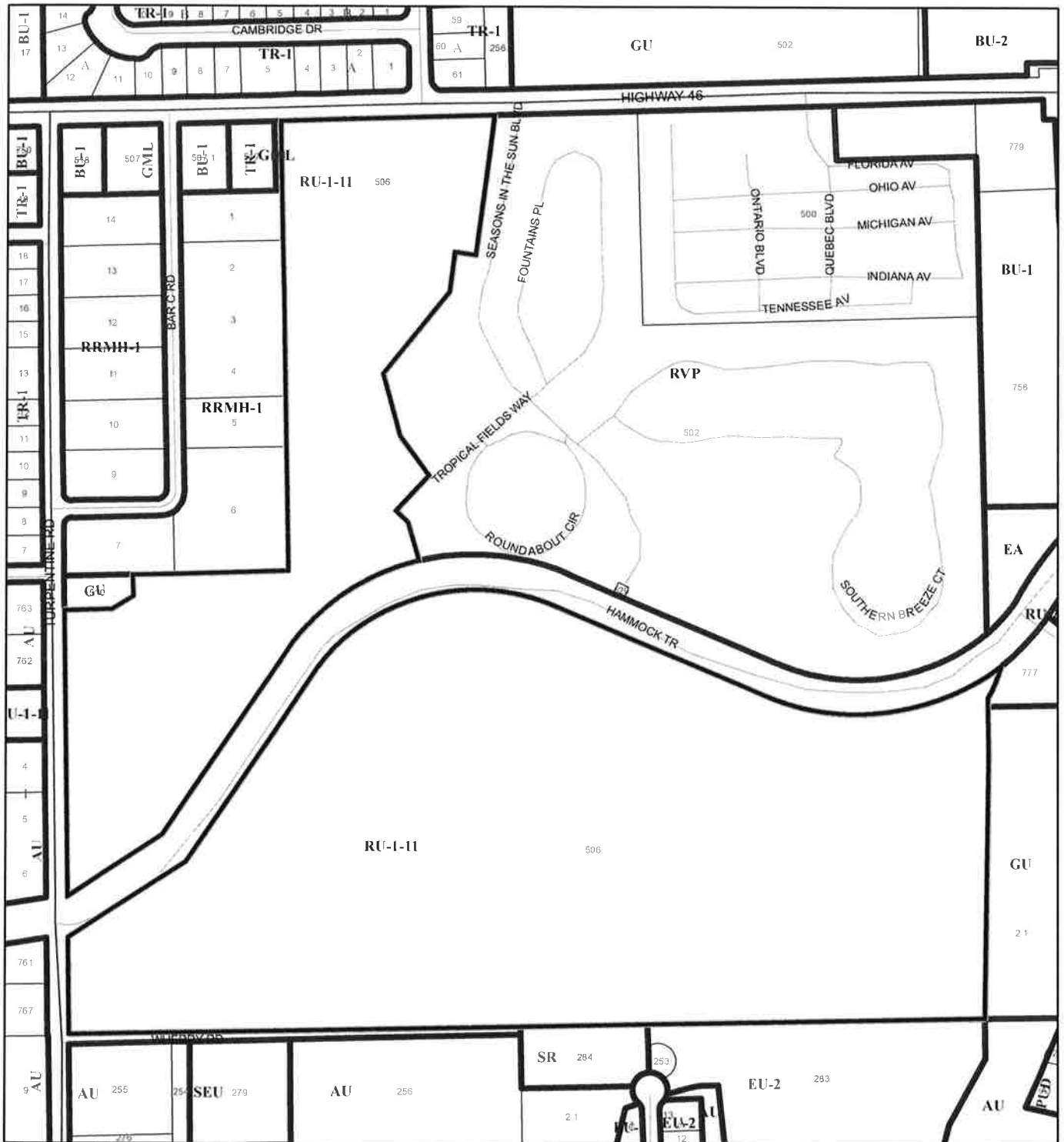
Produced by BoCC - GIS Date: 9/10/2021

-  Buffer
-  Subject Property

# ZONING MAP

THE HEATHER CALLIGAN TRUST




21Z00030



1:4,800 or 1 inch = 400 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 9/10/2021

-  Subject Property
-  Parcels
-  Zoning



5. **(21Z00030) THE HEATHER CALLIGAN TRUST** (Chad Genoni) requests a change of zoning classification from RU-1-11 (Single-Family Residential) with an existing BDP (Binding Development Plan) to RU-1-7 (Single-Family Residential), with an amendment to the existing BDP. The property is 79.16 acres, located on the south side of State Road 46, approx. 635 ft. east of Turpentine Road. (No assigned address. In the Mims area.) (Tax Account 2112413) (District 1)

**P&Z Recommendation:** Alward/Capote - Approved, with the revised BDP submitted at the meeting. The vote was unanimous.

**BCC ACTION:** Pritchett/Tobia - Approved with a BDP as submitted by the applicant at the 12/02/21 BCC meeting. The vote was unanimous. The BDP will be scheduled as a Consent Item on a subsequent County Commission agenda, per Policy BCC-52.  
**Resolution to be completed upon receipt of recorded BDP.**

6. **(21Z00031) BURNETT PARRISH, LLC** (Javier Fernandez) requests a change of zoning classification from RU-1-9 (Single-Family Residential) and RU-2-10 (Medium Density Multi-Family Residential) to all RU-2-10. The property is 27.06 acres, located on the northwest corner of Burnett Rd. and Parrish Rd. (No assigned address. In the Cocoa area.) (Tax Account 2409609) (District 1)

**P&Z Recommendation:** Bartcher/Hodgers - Approved. The vote was unanimous.

**BCC ACTION:** Pritchett/Smith - Approved as recommended. The vote was unanimous.

7. **(21PZ00062 PERRONE PROPERTIES, INC.; AND CURTIS R. AND SHARON E. DAVIS** (Javier Fernandez) request a Small Scale Comprehensive Plan Amendment (21S.06), to change the Future Land Use designation from RES 4 (Residential 4) to RES 15 (Residential 15). The property is 40 acres, located on the north side of Pluckebaum Rd., approx. 0.25 mile east of Range Rd. (Tax Parcel 506 = 2250 Pluckebaum Rd., Cocoa; Tax Parcel 507 = 2100 Pluckebaum Rd., Cocoa) (Tax Accounts 2424006 & 2424007) (District 1)

**LPA Recommendation:** Filiberto/Capote - Approved. The vote was unanimous.

**BCC ACTION:** Pritchett/Lober - Approved as recommended, and adopted Ordinance 21-27. The vote was unanimous.

8. **(21Z00032) PERRONE PROPERTIES, INC.; AND CURTIS R. AND SHARON E. DAVIS** (Javier Fernandez) request a change of zoning classification from AU (Agricultural Residential) to RU-2-10 (Medium Density Multi-Family Residential). The property is 40 acres, located on the north side of Pluckebaum Rd., approx. 0.25 mile east of Range Rd. (Tax Parcel 506 = 2250 Pluckebaum Rd., Cocoa; Tax Parcel 507 = 2100 Pluckebaum Rd., Cocoa) (Tax Accounts 2424006 & 2424007) (District 1)

**P&Z Recommendation:** Filiberto/Alward - Approved. The vote was unanimous.

**BCC ACTION:** Pritchett/Lober - Approved as recommend. The vote was unanimous.

## **PLANNING AND ZONING BOARD RECOMMENDATIONS**

- Item H.2. Scott Minnick. Pritchett/Lober. Continued the request for change of Zoning classification from AU to RR-1 to the February 3, 2022, Zoning Meeting. (21Z00025)
- Item H.3. DeRosa Holdings, LLC (Bruce Moia). Lober/Smith. Continued the request for an amendment to an existing Binding Development Plan (BDP) in an RU-2-12 Zoning classification to the January 11, 2022, Regular Meeting. (21PZ00059)
- Item H.4. Donald White and Trevantay Raymond Curry. Pritchett/Lober. Approved a change of Zoning classification from AU to RU-1-13 as recommended. (21Z00029)
- Item H.5. The Heather Calligan Trust (Chad Genoni). Pritchett/Tobia. Approved a change of Zoning classification from RU-1-11 to RU-1-7 with a BDP as submitted by the applicant at the 12/02/2021 Board of County Commissioners meeting. (21Z00030)
- Item H.6. Burnett Parrish, LLC (Javier Fernandez). Pritchett/Smith. Approved a change of Zoning classification from RU-1-9 and RU-2-10 to all RU-2-10 as recommended. (21Z00031)
- Item H.7. Perrone Properties, Inc. and Curtis R. and Sharon E. Davis (Javier Hernandez). Pritchett/Lober. Adopted Ordinance No. 21-27, approving a Small Scale Comprehensive Plan Amendment (21S.06) to change the Future Land Use designation from RES 4 to RES 15 as recommended. (21PZ00062)
- Item H.8. Perrone Properties, Inc. and Curtis R. and Sharon E. Davis (Javier Hernandez). Pritchett/Lober. Approved a change of Zoning classification from AU to RU-2-10 as recommended. (21Z00032)
- Item H.9. James Eric Preece, Trustee (Kim Rezanka). Lober/Zonka. Approved the change of Zoning classification from RU-1-11 to RU-2-12, with a BDP limited to a duplex unit, with one entrance driveway on Grosse Pointe and one entrance driveway on Franklyn Avenue; and prohibiting resort dwelling use. (21Z00033)
- Item H.10. EH Cocoa, LLC (Bryan Potts). Pritchett/Lober. Approved a change of Zoning classification from BU-1 to BU-2. (21Z00034)

## BINDING DEVELOPMENT PLAN

BDP/RU 1-11/79.13 Acres  
Parcels 2, 3, 4, 5, & 6

THIS AGREEMENT, entered into this 30<sup>th</sup> day of MARCH, 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 Vero-Pittsburgh Partners L.L.C. the successor in interest to Seasons In The Sun L.L.C., (hereinafter referred to as "Developer/Owner").

### RECITALS

WHEREAS, Developer/Owner plans to develop the property (hereinafter referred to as the "Property") in Brevard County, Florida, as more particularly described in Exhibit "1" 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 impact on abutting land owners 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. Developer/Owner shall limit gross density on the property to 2.5 dwelling units per acre or 198 units. Any increase in site density will require an amendment to this agreement and will require public hearings and notice as provided in the Code of Ordinances of Brevard County, Florida, and will be restricted to a maximum of four (4) units per acre which may be further restricted by and changes to the Comprehensive Plan or the Land Development Regulations.

3. The Developer/Owner shall construct a berm with an average height of four (4) feet (varies from three (3) feet to five (5) feet high) along the length of the Property that fronts on Turpentine Road. The berm will be located in the buffer area contiguous to Turpentine Road. This area will also include a six (6) foot high wood fence or opaque vegetative landscaped buffer. The berm will be irrigated and maintained by the Developer/Owner and or its assigns. The berm will be constructed along with the initial phase of construction.

**Scott Ellis**

Clerk Of Courts, Brevard County

CFN:2005183943 05-25-2005 09:22 am  
OR Book/Page: 5472 / 3172

#Pgs: 12 #Names: 2  
Trust: 6.50 Rec: 97.00 Serv: 0.00  
Deed: 0.00 Excise: 0.00  
Mtg: 0.00 Int Tax: 0.00

211076

RETURN: Clerk to the Board #27



4. The Developer/Owner shall provide a 300 foot wide buffer along the east 1,600 feet of the South Property line. The east 1,600 feet shall be placed in a conservation easement. The conservation easement may be used for mitigation of wetlands with the St. Johns River Water Management District (SRJWMD). In that case the easement will be in favor of the SJRWMD only. The remaining (western) portion of the south property line shall have one acre lots adjacent to the (south) property line as more particularly shown in Exhibit A with a minimum unit square footage of 2,200 square feet. The 300 foot conservation area shall be used for conservation, wetland mitigation and/or open space only.

5. The Developer/Owner shall provide a twenty-five (25) foot wide buffer along the south Property line of Bar "C" Ranchettes (as recorded in plat book 24, page 58 of the public records of Brevard County, Florida) where it contiguous to the Property and along the contiguous property line of the Property with the two (2) parcels as recorded in Official Record Book 298, page 409 and Official Record Book 2314 page 2137 or the public records of Brevard County, Florida. The Developer/Owner shall install a six (6) foot high opaque wooden fences along this contiguous property line and along the southeast three hundred and fifty (350) feet of Bar "C" Ranchettes east of boundary line which is contiguous to the Property. In addition to the wood fence, a six (6) foot high landscaped buffer will be provided along Bar-C Ranchettes south property line where it is contiguous to the Property. A buffer area for the undisturbed area as shown and dimensioned on Exhibit "B" will be provided no less than fifty (150) feet extending south from the north three hundred (300) feet of Bar "C" Ranchettes east property line which is contiguous to the Property. The area between the north three hundred (300) feet and the south three hundred and fifty (350) feet on east property line shall be a minimum of a fifty (50) foot buffer. Property abutting S.R. 46 will provide an opaque vegetative buffer no less than fifty (50) feet east of the one hundred and fifty (150) buffer and extend from the south side of S.R. 46 which is contiguous to the property. Existing vegetations shall remain intact in the buffer area. The Developer/Owner shall provide replacement vegetation in this area if the existing vegetation is destroyed.

6. The Developer/Owner shall comply with all regulations and ordinances of Brevard County, Florida. This agreement constitutes Developers/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.

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

8. 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.

9. Subdivision will have deed restrictions and an architectural review committee.

211076

a. Deed restrictions shall require all common tract natural buffers areas be placed in ownership of the Home Owners Association.

b. Deed restrictions shall include the Home Owners Association as solely responsible for the maintenance of the common tract natural buffer areas.

c. Deed restrictions shall include that conservation common tracts shall not permit any structures be erected. Encroachments into the common tracts shall be prohibited.

d. Deed restrictions shall permit conservation common tracts to add natural vegetation by the Home Owners Association as appropriate for the purposes of maintenance, overall conservation and aesthetic quality, consistent with permitted plant materials and installation methodologies of Brevard County.

10. Minimum unit size shall be eighteen hundred (1,800) square feet or larger except for the one acre lot parcels.
11. The average lot size for the project shall be a minimum of or above 6,000 square feet, with no lots under 5,500 square feet.
12. S&T Bank, the Developer / Owner's Mortgagee has joined in this Binding Development Plan as evidenced by their execution of the Joinder document which is attached hereto as Exhibit "C" and is incorporated by reference herein.

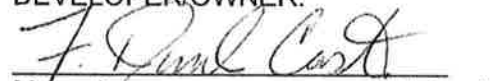
IN WITNESS THEREOF, the parties hereto have caused these presents to the signed all as of the date and year first written above.

STATE OF PENNSYLVANIA  
COUNTY OF ALLEGHENY

WITNESSES:



DEVELOPER/OWNER:

  
Managing Member of Welcast Partners, LLC, which is the General Partner of Caste-Woodland Partners, L.P., a Pennsylvania Limited Partnership, which is a Managing Member of Vero-Pittsburgh Partners, LLC

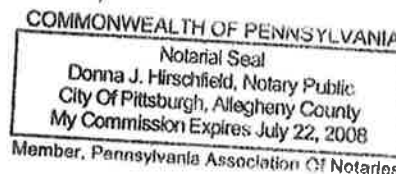
Z11076

The foregoing instrument was acknowledged before me this 30<sup>th</sup> day of March, 2005, by F. Daniel Caste, who is the Managing Member of Welcast Partners, LLC, which is the General Partner of Caste Woodland Partners, L.P., which is a Managing Member of Vero Pittsburgh Partners, LLC, who is known to me.

My commission expires  
Commission No.:

SEAL

Donna J. Hirschfield  
Notary Public



ATTEST:

Scott Ellis

Scott Ellis, Clerk  
(SEAL)

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

2725 Judge Fran Jamieson Way  
Viera, FL 32940

Ron Pritchard

Ron Pritchard, D.P.A., Chairman

As approved by the Board on May 17, 2005

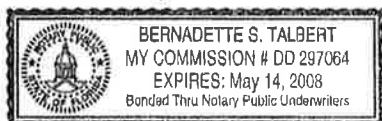
STATE OF FLORIDA       §  
COUNTY OF BREVARD   §

The foregoing instrument was acknowledged before me this 17<sup>th</sup> day of May, 2005, by Ron Pritchard, D.P.A., 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

SEAL

Commission No.:



Bernadette S. Talbert  
Notary Public

(Name typed, printed or stamped)

211076

Prepared by/Return to:  
 Dianne C. Cisarano  
 LANDAMERICA GULFATLANTIC TITLE  
 752 Country Club Drive  
 Titusville, Florida  
 Case No.: 0409617 tvl

32780

CFN 2005096731 03-21-2005 02:35 pm  
 OR Book/Page: 5439 / 0860

Scott Ellis  
 Clerk Of Courts, Brevard County

#Pgs: 5  
 Trust: 3.00  
 Rec: 41.00  
 Serv: 0.00  
 Excise: 0.00  
 nt Tax: 0.00

Property Appraisers Parcel No.

THIS WARRANTY DEED made on 03/11/05  
 SEASONS IN THE SUN, LLC

a FLORIDA corporation, hereinafter called Grantor to:

VERO-PITTSBURGH PARTNERS, LLC :

hereinafter called Grantee, and whose post office address is:  
 300 WEYMAN ROAD, SUITE 210 PITTSBURGH, PA. 15236

WITNESSETH: That the Grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee all that certain land situate in Brevard County, Florida, viz:

## PARCEL 2:

A PARCEL OF LAND BEING A PART OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 21 SOUTH, RANGE 14 EAST, BREVARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 13, THENCE NORTH 89 DEGREES 27'18" EAST, ALONG THE SOUTH LINE OF SAID SECTION 13, A DISTANCE OF 33.00 FEET TO A POINT LYING ON THE EAST RIGHT OF WAY LINE OF TURPENTINE ROAD (A 66.00 FOOT WIDE RIGHT OF WAY); THENCE ON A BEARING OF NORTH ALONG SAID EAST RIGHT OF Continued

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

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

AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land and hereby warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever, and that the land is free of all encumbrances, except taxes for the current year and subsequent years, restrictions, limitations, covenants, and easements of record, if any.

IN WITNESS WHEREOF the grantor has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officers thereunto duly authorized, the day and year first above written.

(CORPORATE SEAL)

SEASONS IN THE SUN, LLC

HEATHER CALLIGAN, MANAGING MEMBER  
 Address of corporation:

Printed/typed name of above witness

Dianne C. Cisarano

Printed/typed name of above witness

State of FLORIDA  
 County of BREVARD

The foregoing instrument was acknowledged before me on 03/11/05  
 by HEATHER CALLIGAN as MANAGING MEMBER  
 of SEASONS IN THE SUN, LLC a FLORIDA corporation  
 who is personally known to me or who produced a Driver's License as identification.

(SEAL)



Dianne C. Cisarano  
 MY COMMISSION # 08050948 EXPIRES  
 August 19, 2005  
 BONDED THROUGH PROFFAN INSURANCE, INC.

Notary Public  
 DIANNE C. CISARANO  
 Print/type name of notary:  
 My commission expires:

(tvcwd 5/04)

EXHIBIT

1

RETURN: Clerk to the Board #27

Z11076



Continued

WAY LINE OF TURPENTINE ROAD (SAID RIGHT OF WAY LINE LYING PARALLEL WITH AND 33.00 FEET TO THE WEST LINE OF SAID SECTION 13), 394.50 FEET TO THE INTERSECTION WITH THE NORTHERLY RIGHT OF WAY LINE OF HAMMOCK TRAIL (A 100 FOOT WIDE RIGHT OF WAY AS DESCRIBED IN OFFICIAL RECORDS BOOK 1212, PAGE 917, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE CONTINUE ON A BEARING OF NORTH ALONG THE AFOREMENTIONED EASTERLY RIGHT OF WAY LINE OF TURPENTINE ROAD, 834.74 FEET TO THE SOUTHWEST CORNER OF THE PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 298, PAGE 409, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE NORTH 89 DEGREES 20'20" EAST, ALONG THE SOUTH LINE OF SAID PARCEL, 133.00 FEET TO THE SOUTHEAST CORNER THEREOF AND SAID POINT BEING THE SOUTHWEST CORNER OF THE PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 2314, PAGE 2137, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE ALONG THE BOUNDARIES OF SAID PARCEL OF LAND, THE FOLLOWING TWO COURSES AND DISTANCES; THENCE NORTH 58 DEGREES 49'19" EAST, 69.61 FEET; THENCE ON A BEARING OF NORTH 62 65 FEET TO A POINT LYING ON THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE AFORESAID SECTION 13 AND THE SOUTH LINE OF BAR "C" RANCHETTES, AS RECORDED IN PLAT BOOK 24, PAGE 58, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE NORTH 89 DEGREES 20'20" EAST ALONG SAID LINE, 436.80 FEET TO THE SOUTHEAST CORNER OF SAID PLAT OF BAR "C" RANCHETTES AND THE SOUTHEAST CORNER OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 13 AND SAID POINT BEING THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED; THENCE NORTH 00 DEGREES 03'56" WEST, ALONG THE EAST LINE OF SAID PLAT OF BAR "C" RANCHETTES AND ALONG SAID EAST LINE OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 13, A DISTANCE OF 1285.83 FEET TO A POINT LYING ON THE SOUTH RIGHT OF WAY LINE OF STATE ROAD NO. 46; THENCE NORTH 89 DEGREES 10'34" EAST ALONG SAID RIGHT OF WAY LINE, 615.30 FEET; THENCE SOUTH 08 DEGREES 33'12" WEST, 403.88 FEET; THENCE NORTH 81 DEGREES 26'48" WEST, 60.10 FEET; THENCE SOUTH 08 DEGREES 33'12" WEST, 115.85 FEET; THENCE SOUTH 40 DEGREES 01'27" WEST, 302.44 FEET; THENCE SOUTH 14 DEGREES 14'48" EAST, 186.22 FEET; THENCE SOUTH 35 DEGREES 28'00" EAST, 139.61 FEET; THENCE SOUTH 44 DEGREES 13'35" WEST, 139.33 FEET; THENCE SOUTH 45 DEGREES 46'25" EAST, 47.84 FEET; THENCE SOUTH 15 DEGREES 04'59" EAST, 112.69 FEET TO A POINT LYING ON THE NORTHERLY RIGHT OF WAY LINE OF THE AFORESAID HAMMOCK TRAIL AND THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHERLY HAVING A RADIUS OF 675.82 FEET AND TO WHICH POINT A RADIAL LINE BEARS NORTH 15 DEGREES 04'59" WEST; THENCE WESTERLY ALONG SAID RIGHT OF WAY LINE AND ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 05 DEGREES 05'18", 60.02 FEET TO A POINT LYING ON THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 13; THENCE SOUTH 89 DEGREES 20'20" WEST ALONG SAID LINE, 318.63 FEET TO THE POINT OF BEGINNING.

PARCEL 3:

A PARCEL OF LAND BEING A PART OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 21 SOUTH, RANGE 34 EAST, BREVARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 13; THENCE NORTH 89 DEGREES 27'18" EAST, ALONG THE SOUTH LINE OF SAID SECTION 13, A DISTANCE OF 33.00 FEET TO A POINT LYING ON THE EAST RIGHT OF WAY LINE OF TURPENTINE ROAD (A 66.00 FOOT WIDE RIGHT OF WAY); THENCE ON A BEARING OF NORTH ALONG SAID EAST RIGHT OF WAY LINE OF TURPENTINE ROAD (SAID RIGHT OF WAY LINE LYING PARALLEL WITH AND 33.00 FEET EAST OF THE WEST LINE OF SAID SECTION 13); 394.50 FEET TO THE INTERSECTION WITH THE NORTHERLY RIGHT OF WAY LINE OF HAMMOCK TRAIL (A 100 FOOT WIDE RIGHT OF WAY) AS DESCRIBED IN OFFICIAL RECORDS BOOK 1212, PAGE 917, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND SAID POINT BEING THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED; THENCE CONTINUE ON A BEARING OF NORTH, ALONG THE AFOREMENTIONED EASTERLY RIGHT OF WAY LINE OF TURPENTINE ROAD, 834.74 FEET TO THE SOUTHWEST CORNER OF THE PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 298, PAGE 409, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE NORTH 89 DEGREES 20'20" EAST, ALONG THE SOUTH LINE OF SAID PARCEL, 133.00 FEET TO THE SOUTHEAST CORNER THEREOF AND SAID POINT BEING THE SOUTHWEST CORNER OF THE PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 2314, PAGE 2137, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE ALONG THE BOUNDARIES OF SAID PARCEL OF LAND THE FOLLOWING TWO COURSES AND DISTANCES; THENCE NORTH 58 DEGREES 49'19" EAST, 69.61 FEET; THENCE ON A BEARING OF NORTH, 62.65 FEET TO A POINT LYING ON THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE AFORESAID SECTION 13 AND THE SOUTH LINE OF BAR "C" RANCHETTES AS RECORDED IN PLAT BOOK 24, PAGE 58, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE NORTH 89 DEGREES 20'20" EAST, ALONG SAID LINE, 755.43 FEET TO A POINT LYING ON THE NORTHERLY RIGHT OF WAY LINE OF THE AFORESAID HAMMOCK TRAIL AND THE ARC OF A CIRCULAR CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 675.82 FEET AND TO WHICH POINT A RADIAL LINE BEARS NORTH 20 DEGREES 10'17" WEST; THENCE ALONG SAID RIGHT OF WAY LINE OF HAMMOCK TRAIL, THE FOLLOWING THREE COURSES AND DISTANCES; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 34 DEGREES 50'03", 410.88 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 34 DEGREES 59'40" WEST, 650.21 FEET; THENCE SOUTH 57 DEGREES 09'30" WEST, 302.84 FEET TO THE POINT OF BEGINNING.

PARCEL 4:

A PARCEL OF LAND BEING A PART OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 21 SOUTH, RANGE 34 EAST, BREVARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

CEN 2005096731  
OR Book/Page: 5439 / 0861

Z11076

RETURN: Clerk to the Board #27

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COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 13; THENCE NORTH 89 DEGREES 27' 18" EAST, ALONG THE SOUTH LINE OF SAID SECTION 13, A DISTANCE OF 33.00 FEET TO A POINT LYING ON THE EAST RIGHT OF WAY LINE OF TURPENTINE ROAD (A 66.00 FOOT WIDE RIGHT OF WAY); THENCE ON A BEARING OF NORTH ALONG SAID EAST RIGHT OF WAY LINE OF TURPENTINE ROAD (SAID RIGHT OF WAY LINE LYING PARALLEL WITH AND 33.00 FEET EAST OF THE WEST LINE OF SAID SECTION 13); 275.48 FEET TO THE INTERSECTION WITH THE

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RETURN: Clerk to the Board #27



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Continued

SOUTHERLY RIGHT OF WAY LINE OF HAMMOCK TRAIL (A 100 FOOT WIDE RIGHT OF WAY) AS DESCRIBED IN OFFICIAL RECORDS BOOK 1212, PAGE 917M OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE ALONG THE RIGHT OF WAY LINE OF SAID HAMMOCK TRAIL, THE FOLLOWING SIX COURSES AND DISTANCES; THENCE NORTH 57 DEGREES 09'30" EAST, 386.98 FEET; THENCE NORTH 34 DEGREES 59'40" EAST, 669.79 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE SOUTHERLY AND HAVING A RADIUS OF 575.62 FEET; THENCE NORTHEASTERLY, EASTERLY AND SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 79 DEGREES 26'50", 798.44 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 65 DEGREES 33'30" EAST, 84.87 FEET TO THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED; THENCE CONTINUE SOUTH 65 DEGREES 33'30" EAST, 556.13 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE NORTHERLY AND HAVING A RADIUS OF 644.65 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 29 DEGREES 15'11", 329.13 FEET; THENCE SOUTH 00 DEGREES 14'18" EAST, 200.33 FEET TO A POINT LYING ON THE ARC OF A CIRCULAR CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 844.56 FEET AND TO WHICH POINT A RADIAL LINE BEARS NORTH 03 DEGREES 43'25" WEST; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 20 DEGREES 42'52", 305.34 FEET TO A POINT LYING ON THE EAST LINE OF THE SOUTHWEST 1/4 OF THE AFOREMENTIONED SECTION 13; THENCE SOUTH 00 DEGREES 14'18" EAST, 756.51 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE SOUTH 89 DEGREES 28'50" WEST, ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 13, A DISTANCE OF 1327.78 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE SOUTH 89 DEGREES 27'18" WEST, ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 13, A DISTANCE OF 85.85 FEET; THENCE NORTH 00 DEGREES 31'10" WEST, 949.80 FEET; THENCE NORTH 53 DEGREES 47'52" EAST, 263.61 FEET; THENCE NORTH 24 DEGREES 26'30" EAST, 24.02 FEET; THENCE NORTH 53 DEGREES 47'58" EAST, 91.57 FEET TO THE POINT OF BEGINNING.

PARCEL 5:

A PARCEL OF LAND BEING A PART OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 21 SOUTH, RANGE 34 EAST, BREVARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 13; THENCE NORTH 89 DEGREES 27'18" EAST, ALONG THE SOUTH LINE OF SAID SECTION 13, A DISTANCE OF 33.00 FEET TO A POINT LYING ON THE EAST RIGHT OF WAY LINE OF TURPENTINE ROAD (A 66.00 FOOT WIDE RIGHT OF WAY) AND SAID POINT BEING THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED; THENCE ON A BEARING OF NORTH ALONG SAID EAST RIGHT OF WAY LINE OF TURPENTINE ROAD (SAID RIGHT OF WAY LINE LYING PARALLEL WITH AND 33.00 FEET EAST OF THE WEST LINE OF SAID SECTION 13), 275.48 FEET TO THE INTERSECTION WITH THE SOUTHERLY RIGHT OF WAY LINE OF HAMMOCK TRAIL (A 100 FOOT WIDE RIGHT OF WAY) AS DESCRIBED IN OFFICIAL RECORDS BOOK 1212, PAGE 917 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE ALONG THE RIGHT OF WAY LINE OF SAID HAMMOCK TRAIL, THE FOLLOWING FOUR COURSES AND DISTANCES; THENCE NORTH 57 DEGREES 09'30" EAST, 386.98 FEET; THENCE NORTH 34 DEGREES 59'40" EAST, 669.79 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 575.62 FEET; THENCE NORTHEASTERLY, EASTERLY AND SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 79 DEGREES 26'50", 798.44 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 65 DEGREES 33'30" EAST, 84.87 FEET; THENCE SOUTH 53 DEGREES 47'58" WEST, 91.57 FEET; THENCE SOUTH 24 DEGREES 26'30" WEST, 24.02 FEET; THENCE SOUTH 53 DEGREES 47'52" WEST, 263.61 FEET; THENCE SOUTH 00 DEGREES 31'10" EAST, 949.80 FEET TO A POINT LYING ON THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE AFOREMENTIONED SECTION 13; THENCE SOUTH 89 DEGREES 27'18" WEST, ALONG SAID LINE, 1208.61 FEET TO THE POINT OF BEGINNING.

PARCEL 6:

A PARCEL OF LAND BEING A PART OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 21 SOUTH, RANGE 34 EAST, BREVARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 13; THENCE NORTH 89 DEGREES 27'18" EAST ALONG THE SOUTH LINE OF SAID SECTION 13, A DISTANCE OF 33.00 FEET TO A POINT LYING ON THE EAST RIGHT OF WAY LINE OF TURPENTINE ROAD (A 66.00 FOOT WIDE RIGHT OF WAY); THENCE ON A BEARING OF NORTH ALONG SAID EAST RIGHT OF WAY LINE OF TURPENTINE ROAD (SAID RIGHT OF WAY LINE LYING PARALLEL WITH AND 33.00 FEET EAST OF THE WEST LINE OF SAID SECTION 13), 275.48 FEET TO THE INTERSECTION WITH THE SOUTHERLY RIGHT OF WAY LINE OF HAMMOCK TRAIL (A 100 FOOT WIDE RIGHT OF WAY) AS DESCRIBED IN OFFICIAL RECORDS BOOK 1212, PAGE 917, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE ALONG THE RIGHT OF WAY LINE OF SAID HAMMOCK TRAIL, THE FOLLOWING SIX COURSES AND DISTANCES; THENCE NORTH 57 DEGREES 09'30" EAST, 386.98 FEET; THENCE NORTH 34 DEGREES 59'40" EAST, 669.79 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 575.62 FEET; THENCE NORTHEASTERLY, EASTERLY AND SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 79 DEGREES 26'50", 798.44 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 65 DEGREES 33'30" EAST, 641.00 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 644.65 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 29 DEGREES 15'11", 329.13 FEET TO THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED; THENCE CONTINUE EASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 27 DEGREES 54'53", 314.08 FEET TO

RETURN: Clerk to the Board #27

79

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211076

A POINT LYING ON THE EAST LINE OF THE SOUTHWEST 1/4 OF THE AFORESAID SECTION 13;  
THENCE SOUTH 00 DEGREES 14'18" EAST, ALONG SAID LINE, 226.51 FEET TO A POINT LYING  
ON THE ARC OF A CIRCULAR CURVE CONCAVE NORTHERLY, HAVING A RADIUS OF 844.56 FEET AND  
TO WHICH POINT A RADIAL LINE BEARS SOUTH 24 DEGREES 26'17" EAST; THENCE WESTERLY,  
ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 20 DEGREES 42'52", 305.34  
FEET; THENCE NORTH 00 DEGREES 14'18" WEST, 200.33 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT CORRECTIVE DEED RECORDED IN OFFICIAL RECORDS BOOK 4560  
PAGE 2224, BREVARD COUNTY, FLORIDA

XXXXXXXXXX



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*Handwritten signature*

EXHIBIT

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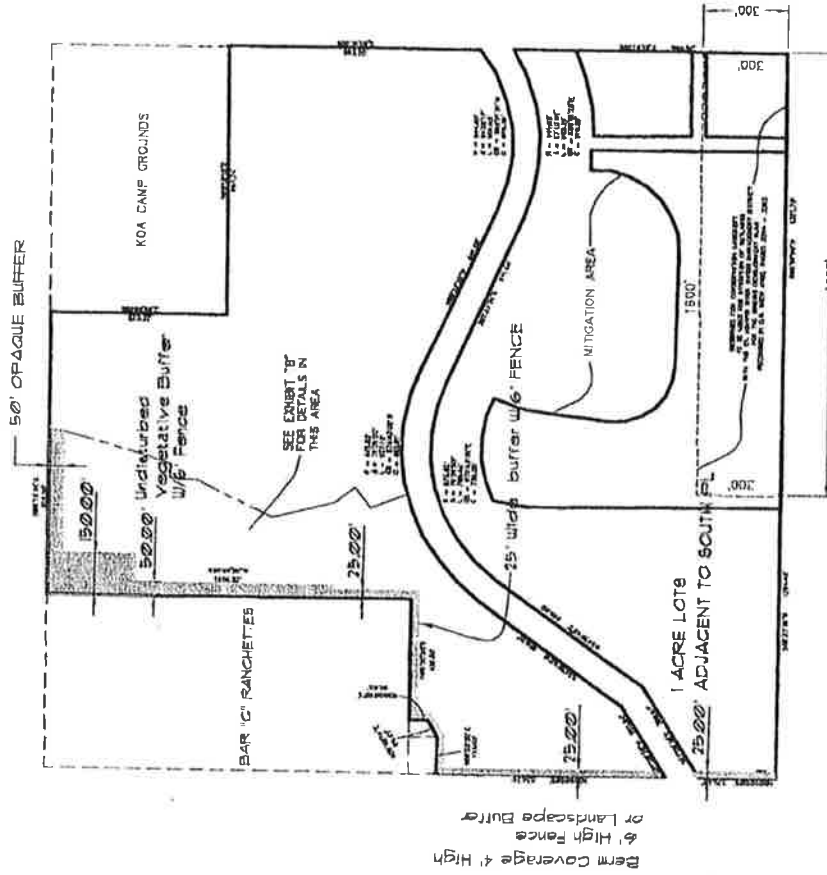
**MILLER LEGG**  
Central Florida Office 831 S. Orlando Avenue • Suite 200  
Winter Park, Florida • 32789-7122  
407-828-8800 • Fax: 407-828-7883  
www.mlglegg.com

EXHIBIT A

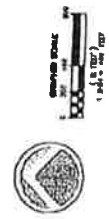
TITUSVILLE, FLORIDA

SEASONS IN THE SUN

BINDING DEVELOPMENT PLAN



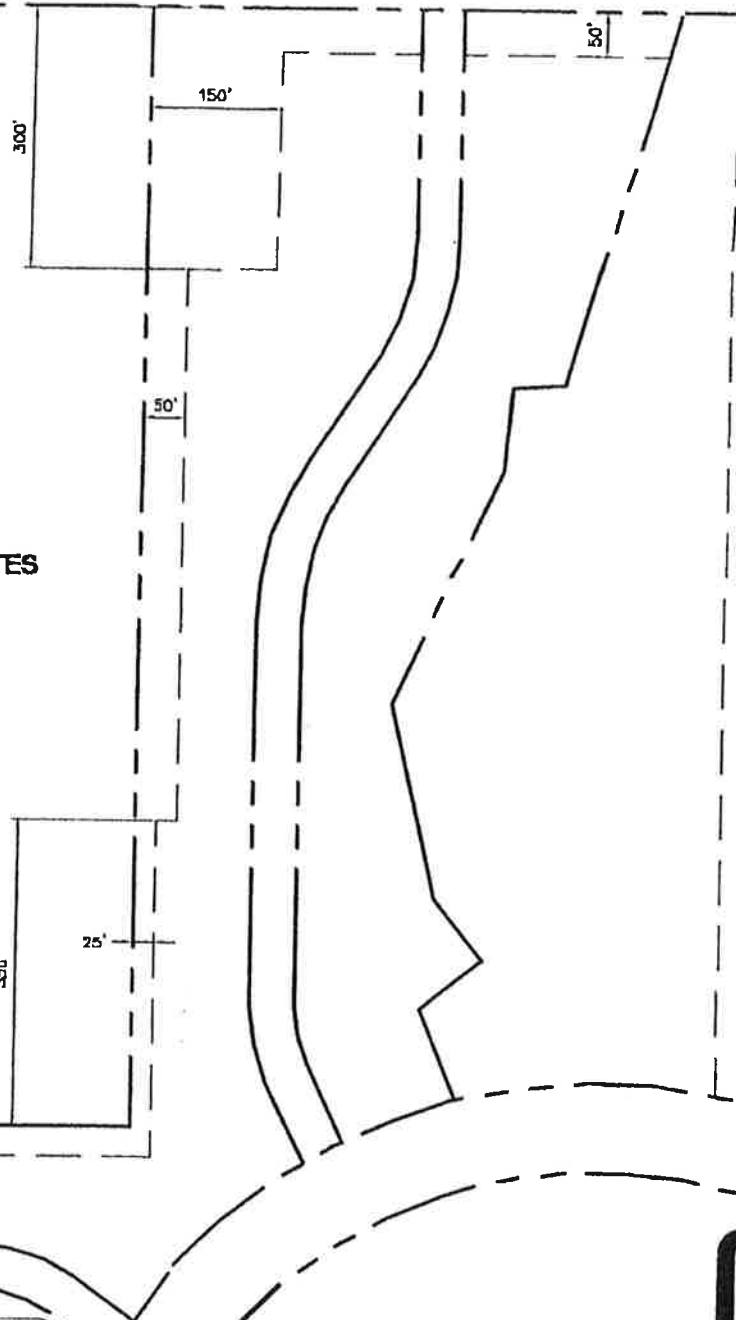
Berm Coverage 4' High  
6' High Fence  
or Landscape Buffer



➔ RETURN: Clerk to the Board #27

# STATE ROAD 46

BAR 'C' RANCHETTES



→ RETURN: Clerk to the Board #27

**MILLER LEGG**

South Florida Office: 1090 North Douglas Road • Suite 200  
 Fort Lauderdale, Florida • 33304-3800  
 954-436-7000 • Fax: 954-436-0884  
 www.millerlegg.com

211076

**EXHIBIT**

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**BUFFER EXHIBIT**

**SEASONS IN THE SUN**

04-00447

EXHIBIT "B"

JOINDER IN BINDING DEVELOPMENT PLAN

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, being the authorized agent and signatory for the owner and holder of that certain Mortgage dated MARCH 11, 2005, given by VERO-PITTSBURGH PARTNERS, LLC, as mortgagor, in favor of the undersigned, S&T BANK, as mortgagee, recorded in Official Records Book 5439, page 0865, Public Records of Brevard County, Florida, and encumbering lands described in said Mortgage, does hereby join in the foregoing Binding Development Plan for the purpose of subordinating the lien of the undersigned's Mortgage to said Binding Development Plan.

WITNESSES:

MORTGAGEE NAME/ADDRESS:

Jonathan M. Kamin  
(Witness name typed or printed)

S&T BANK  
800 Philadelphia Street, Indiana, PA 15701  
(Address)

Jonathan M. Kamin  
(Witness name typed or printed)

Michelle Petrovsky, SVP  
Authorized Agent

Jonathan M. Kamin  
(Witness name typed or printed)

(Name typed, printed or stamped) & Title of Agent

STATE OF Pennsylvania §

COUNTY OF Allegheny §

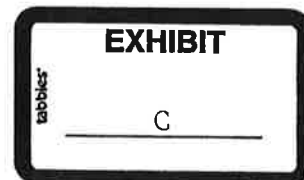
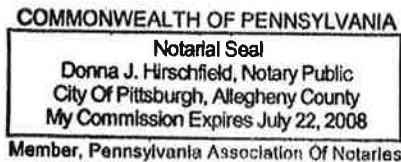
The foregoing instrument was acknowledged before me this 14 day of March, 2005, by Michelle Petrovsky, who is personally known to me or who has produced \_\_\_\_\_ as identification.

My commission expires

Donna J. Hirschfeld  
Notary Public

SEAL  
Commission No.:

Donna J. Hirschfeld  
(Name typed, printed or stamped)



211076



March 23, 2006

MEMORANDUM

TO: Scott Knox, County Attorney                      Attn: Christine Lepore  
RE: Item I.A.13, Binding Development Plan with Vero-Pittsburgh Partners, LLC

The Board of County Commissioners, in regular session on March 21, 2006, executed Binding Development Plan with Vero-Pittsburgh Partners, LLC for property located west of Carpenter Road, south side of Hammock Trail. Said Agreement was recorded in ORB 5620, PGs 5603 through 5609. Enclosed for your necessary action are two certified copies of the recorded document.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

Bernadette S. Talbert, Deputy Clerk

/crc

Encls. (2)

cc: ☒ Zoning – Rick Enos  
Contracts Administration

711158





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 (other than street improvements and maintenance once the same have been dedicated to and accepted by the County). It is the intent of the Parties that the Developer, 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 shall not erect more than three (3) dwelling units on the portion of the Property which has been rezoned to RU-1-11, which is more particularly described in Exhibit "B", which is attached hereto and is incorporated by reference herein (hereinafter referred to as "Rezoned Property"). The Developer shall have the right to use the remaining portion of the Property in accordance with the provisions of its GU zoning, or such other designations as may be applicable.

3. The Parties agree that 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, as amended.

4. Developer shall comply with all regulations and ordinances of Brevard County, Florida. This agreement constitutes Developer's agreement to meet additional standards or restrictions in developing the Properties. 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, 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 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. If the Property is


Z1115 802

annexed into a municipality, the municipality may enforce the agreement or declare it null and void.

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

**COUNTY:**

ATTEST:

  
 Scott Ellis, Clerk  
 (SEAL)

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

By:   
Helen Voltz, Chair

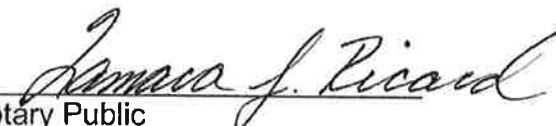
As approved by the Board on March 21, 2006

STATE OF FLORIDA §  
 COUNTY OF BREVARD §

The foregoing instrument was acknowledged before me this 21 day of March, 2006, by, Helen Voltz, as Chairman of the Board of County Commissioners of Brevard County, Florida, who is personally known to me or who has produced \_\_\_\_\_ as identification.



Commission No.:

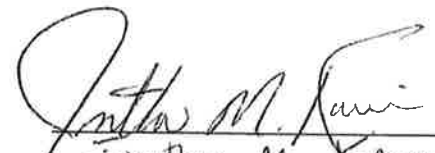
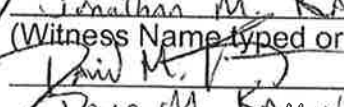
  
 Notary Public

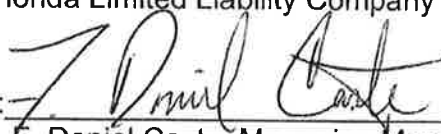
Tamara J. Ricard  
 (Name typed, printed or stamped)

WITNESSES:

**DEVELOPER:**

VERO-PITTSBURGH PARTNERS, LLC,  
 a Florida Limited Liability Company

  
Jonathan M. Kamin  
 (Witness Name typed or printed)  
  
David M. Kamin  
 (Witness Name typed or printed)

By:   
F. Daniel Caste, Managing Member of  
 Welcast Partners, LLC, which is the  
 General Partner of Caste-Woodland  
 Partners, L.P., which is a Managing  
 Member of Vero-Pittsburgh Partners, LLC

Z11158

COMMONWEALTH OF PENNSYLVANIA §  
COUNTY OF ALLEGHENY §

The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of March, 2006, by, F. Daniel Caste, Managing Member of Welcast Partners, LLC, which is the General Partner of Caste-Woodland Partners, L.P., which is a Managing Member of Vero-Pittsburgh Partners, LLC, on behalf of Vero-Pittsburgh Partners, LLC, who is personally known to me or who has produced his driver's license as identification.

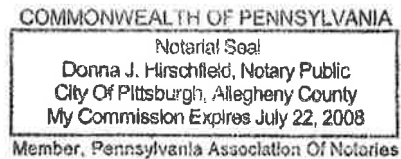
My commission expires:

SEAL

Commission No.:

Donna J. Hirschfield  
Notary Public

Donna J. Hirschfield  
(Name typed, printed or stamped)



211158 (3)



EXHIBIT "A"

LEGAL DESCRIPTION OF THE PROPERTY

Tax Parcel 752, as recorded in ORB 5495, Pages 1377 through 1388, Public Records, Brevard County, Florida. Section 13, Township 21, Range 34 on 6.36 acres.

211158 (31)

EXHIBIT "B"

## LEGAL DESCRIPTION OF THE REZONED PROPERTY

A parcel of land lying in the Southeast 1/4 of Section 13, Township 21 South, Range 34 East, Brevard County, Florida, described as follows: commencing at the Southwest corner of the Southeast 1/4 of said Section 13, thence N. 00° 56' 18" W., along the West line of said Southeast 1/4 of Section 13, a distance of 898.60 feet to the point of beginning of the land herein described; thence continue N. 00° 56' 18" W., along said line, 84.42 feet to a point lying on the Southerly right of way line of Hammock Trail as described in Official Records Book 1212, Page 917 of the public records of Brevard County, Florida and said right of way line being the arc of a circular curve, concave Northwesterly, having a radius of 644.65 feet and to which point a radial line bears S. 33° 25' 34" E.; thence Northeasterly, along the arc of said curve, through a central angle of 22° 14' 51", 250.31 feet to a point lying on the Westerly line of the parcel of land described in Official Records Book 2676, Page 0012 of the public records of Brevard County, Florida; thence along the Westerly boundary of said parcel of land, the following two courses and distances; thence S. 54° 21' 29" E., 247.45 feet; thence S. 32° 57' 46" E., 82.36 feet; thence S. 78° 03' 33" W., 123.00 feet; thence N. 77° 42' 41" W., 18.00 feet; thence S. 83° 32' 24" W., 76.00 feet; thence S. 40° 24' 42" W., 16.00 feet; thence S. 89° 03' 23" W., 198.00 feet to the point of beginning.

Containing 1.45 acres more or less.

Z11158  
(15)

JOINDER IN BINDING DEVELOPMENT PLAN

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, being the authorized agent and signatory for the owner and holder of that certain Mortgage dated July 6, 2005, given by Vero-Pittsburgh Partners, LLC, as Mortgagor, in favor of the undersigned, S & T Bank, as Mortgagee, recorded in Official Records Book 5495, Page 1389, Public Records of Brevard County, Florida, and encumbering lands described in said Mortgage, does hereby join in the foregoing Binding Development Plan, for the purpose of subordinating the lien of the undersigned's Mortgage to said Binding Development Plan.

WITNESSES:

MORTGAGEE NAME/ADDRESS:

S & T Bank  
800 Philadelphia Street  
Indiana, PA 15701

Susan D. Scarnato

Susan D. Scarnato  
(Witness name typed or printed)

Susan D. Scarnato

Susan D. Scarnato  
(Witness name typed or printed)

Michelle Litovsky, SVP

Michelle Litovsky, SVP  
Authorized Agent

MICHELLE PETROVSKY  
(Name typed, printed or stamped) &  
Title of Agent)

COMMONWEALTH OF PENNSYLVANIA

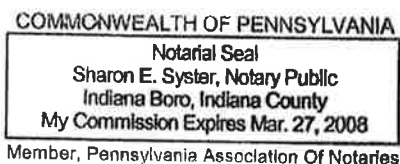
COUNTY OF Indiana

)  
) SS:  
)

The foregoing instrument was acknowledged before me this 24<sup>th</sup> day of January, 2006, by Michelle Litovsky SVP, who is personally known to me or who has produced \_\_\_\_\_ as identification.

My commission expires: 3-27-08

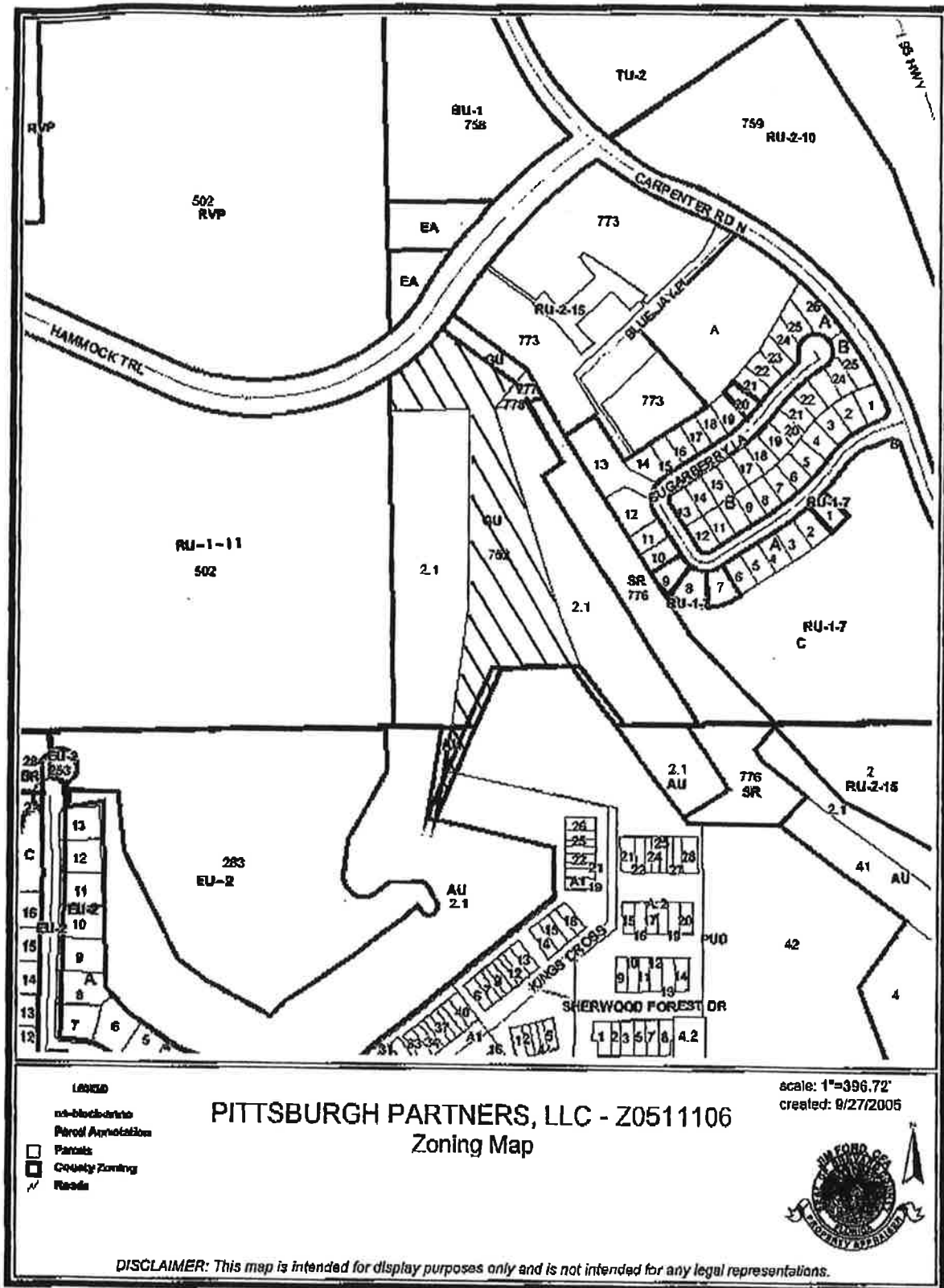
SEAL



Sharon E. Syster  
Notary Public

Sharon E. Syster  
(Name typed, printed or stamped)

Z11158  
(5)



Z11 15 8 (51)