

Meeting Date
February 21, 2017



AGENDA	
Section	CONSENT
Item No.	<i>II.A.1</i>

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Binding Development Plan, Re: Sharpes Executive Golf Course, Inc. (District 1) FISCAL IMPACT: NONE
DEPT/OFFICE:	Planning & Development Department

Requested Action:
 It is requested that the Board approve, and the Chairman sign, the subject Binding Development Plan.

Summary Explanation & Background:
 A Binding Development Plan (BDP) is a voluntary agreement by a 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 approval of the zoning application by the Board. Following staff and legal review, a BDP is routinely presented to the Board in recordable form as a Consent agenda item in order to finalize the zoning action.

On December 1, 2016, the Board of County Commissioners approved a change from AU and RU-2-15(12) to RU-1-7, on property located on the west side of U.S. Hwy 1, approx. 0.26 mile south of Camp Rd. (4247 N. U.S. Hwy 1, Cocoa), subject to a Binding Development Plan as follows:

- Developer/Owner shall limit density to four (4) units per acre.
- Developer/Owner shall make a sanitary sewer connection to the City of Cocoa force main located on the east side of U.S. Hwy 1 along the property frontage. The connection shall include a new sanitary sewer lift station, gravity collection system & force main to serve the development. All dwelling units constructed on the property described in Exhibit "A" shall be connected to sanitary sewer prior to issuance of a Certificate of Occupancy.

Staff Contact: Jennifer Jones

Clerk to the Board instruction: After recordation, forward two certified copies to the Planning and Development Department

Exhibits Attached: Binding Development Plan, with exhibits, and check for recording

Contract /Agreement (If attached): Reviewed by County Attorney Yes No PR

County Manager

Stockton Whitten

Department Director / Extension
 Robin M. DiFabio, AICP, Director
 Planning & Development Dept. Ext. 56363

Robin M DiFabio



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

Telephone: (321) 637-2001
Fax: (321) 264-6972
Tammy.Rowe@brevardclerk.us

February 22, 2017

MEMORANDUM

TO: Recording

RE: Item II.A.1, Binding Development Plan Agreement with Sharpes Executive Golf Course, Inc.

The Board of County Commissioners, in regular session on February 21, 2017, executed Binding Development Plan Agreement with Sharpes Executive Golf Course, Inc. for property located on the west side of U.S. Highway 1, approximately .26 mile south of Camp Road, at 4247 North U.S. Highway 1, Cocoa. Enclosed are original Binding Development Plan Agreement and Check Number 8034 for \$44.00. **Please record the Agreement in the Public Records and return the recorded instrument to this office**

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

/dt

Encls. (2)



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

Telephone: (321) 637-2001
Fax: (321) 264-6972
Tammy.Rowe@brevardclerk.us

February 22, 2017

MEMORANDUM

TO: Jennifer Jones, Zoning

RE: Item II.A.1, Binding Development Plan Agreement with Sharpes Executive Golf Course, Inc.

The Board of County Commissioners, in regular session on February 21, 2017, executed Binding Development Plan with Sharpes Executive Golf Course, Inc. for property located on the west side of U.S. Highway 1, approximately .26 mile south of Camp Road, at 4247 North U.S. Highway 1, Cocoa. Said Plan was recorded in OR BK/PG 7825/1659. Enclosed for your necessary action are two certified copies of the recorded document.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe

Tammy Rowe, Deputy Clerk

/dt

Encls. (2)

cc: Contracts Administration

On motion by Commissioner Barfield, seconded by Commissioner Isnardi, the following resolution was adopted by a unanimous vote:

WHEREAS, SHARPES EXECUTIVE GOLF COURSE, INC. has applied for a change of classification from AU (Agricultural Residential) and RU-2-15(12) (Medium Density Multi-Family Residential with a Cap of 12 Units) to RU-1-7 (Single-Family Residential), with a BDP (Binding Development Plan) limited to four (4) units per acre, on property described as: SEE ATTACHED

Section 31, Township 23 S, Range 36 E, and,

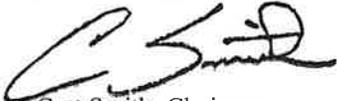
WHEREAS, a public hearing of the Brevard County Planning & Zoning Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the Brevard County Planning & Zoning Board recommended that the application be approved with a BDP limited to four (4) units per acre, and inclusion of sewer connection; and,

WHEREAS, the Board, on December 1, 2016, after considering said application and the Brevard County Planning & 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 a BDP limited to four (4) units per acre, and inclusion of sewer connection; now therefore,

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested change of classification from AU and RU-2-15(12) to RU-1-7, be APPROVED with a BDP, recorded in ORB 7825, Pages 1659 – 1663, dated February 22, 2017, limited to four (4) units per acre, and inclusion of sewer connection, and that the zoning classification relating to the above described property be changed, and the Planning & Zoning 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 BDP recordation date of February 22, 2017.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida



by Curt Smith, Chairman
Brevard County Commission

As approved by Brevard County Commission on February 21, 2017.

ATTEST:



SCOTT ELLIS, CLERK
(SEAL)

(P&Z Hearing – November 21, 2016)
(BCC Hearing – December 1, 2016)

Please note: A Conditional Use Permit will generally expire on the three year anniversary of its approval if the use is not established prior to that date. Conditional Use Permits for Towers and Antennas shall expire if a site plan for the tower is not submitted within one (1) year of approval or if construction does not commence within two years of approval. A PUD 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.

LEGAL DESCRIPTION:

lands described in ORB 2480, Page 307, of the Public Records of Brevard County, Florida, being more particularly described as follows: Parcel No. 1: Being part of **Section 31, Township 23S, Range 36E**, Brevard County, Florida, and described as follows: From a stone set at the SW corner of Section 31, Township 23S, Range 36E, run north along the west line of said Section 2,685.10 ft. to an iron pipe set at the west $\frac{1}{4}$ corner; thence N89deg26'E along the center line of said Section 31, 1,319.11 ft. to a concrete monument which is the point of beginning of the land herein described; thence continue N89deg26'E along the center line of said Section 1,319.11 ft. to an iron pipe; thence N0deg30'E 1,330 ft. to a point; thence S89deg43'W 1,319.56 ft. to a concrete monument set 1,319.56 ft. east of the west line of said Section 31; thence S0deg15'W 1,336.45 ft. to the point of beginning, and containing 40.40 acres of land, more or less, excepting the right-of-way of State Hwy 5. Parcel No. 2: Begin at a concrete post at NE corner of U.S. Lot 2, Section 31, Township 23S, Range 36E, Brevard County, Florida, run thence south on east side said lot 2 a distance of 665 ft. to a concrete post; run thence west and parallel to north line of said Lot 2 a distance of 615.8 ft. to a concrete post on west side of FECRR; run thence northwesterly along said railway a distance of 705.4 ft. to a concrete post on the north line of said U.S. Lot 2; run thence east along the north line of said Lot 2, a distance of 854 ft. to point of beginning. Containing 11.15 acres according to Deed Book 240, Page 543, less and except the portion thereof within the right-of-way of S.R. 5. Parcel No. 3: A tract or parcel of land in Section 31, Township 23S, Range 36E, Brevard County, Florida, described as follows: Beginning at a point 6.32 chains north of the SW corner of Government Lot 1, Section 31, Township 23S, Range 36E, said point being the SW corner of Orange Park Subdivision, recorded in Plat Book 7, Page 23, Public Records of Brevard County, Florida; thence run north on the west line of said Government Lot 1 (being also the west line of said Orange Park Subdivision) to the point where said line intersects the proposed new right-of-way line of S.R. 5, also known as U.S. Hwy 1; thence run southeasterly along the westerly line of said proposed new right-of-way line of S.R. 5, also known as U.S. Hwy 1, to the point where said proposed new right-of-way line intersects the south line of said Orange Park Subdivision which point is 6.32 chains north of the south line of said Government Lot 1, by right angle measurement; thence run west on the south line of said Orange Park Subdivision to the point of beginning of the land conveyed hereby. Parcel No. 4: Commence at SE corner of SW $\frac{1}{4}$ of NW $\frac{1}{4}$ running north 276 ft. thence run due west 825 ft. more or less to right-of-way of FECRR thence run southeasterly along railway 276 ft. more or less to south line of SW $\frac{1}{4}$ of NW $\frac{1}{4}$ thence run east to point of beginning, being in Section 31, Township 23S, Range 36E, Public Records of Brevard County, Florida. Parcel No. 5: Begin at a point on the west line of Government Lot 1, in Section 31, Township 23S, Range 36E, 239.10 ft. north of the SW corner of said Government Lot 1, and from said point of beginning continue north on the west line of said Government Lot 1 a distance of 172.6 ft. to a point; thence run east and parallel with the south line of said Government Lot 1, a distance of 63.7 ft. to a point on the west line of the right-of-way of U.S. Hwy 1, being also known as S.R. 5, as presently located; thence run southeasterly along the west line of the right-of-way of said U.S. Hwy. 1, a distance of 179 ft. to a concrete post; thence run west and parallel with the south line of said Government Lot 1, and 239.10 ft. distant north therefrom, a distance of 110.6 ft. to the concrete post set on the west line of said Government Lot 1, being the point of beginning of the land conveyed hereby. Parcel No. 6: Beginning at the SW corner of U.S. Government Lot 1, in Section 31, Township 23S, Range 36E, and thence run north along the west line of said U.S. Government Lot 1, a distance of 239.10 ft. to a point, said point being the NW corner of the land described in Deed Book 383, Page 282, Public Records of Brevard County, Florida; thence run east along the north line of said land described in Deed Book 383, Page 282, and parallel to the south line of said U.S. Government Lot 1, to the center line of S.R. 5, being also U.S. Hwy 1 as presently located; thence run southerly along the center line of said S.R. 5, being U.S. Hwy 1, to a point on the south line of U.S. Government Lot 1, aforesaid; thence run west along the south line of said U.S. Government Lot 1 to the SW corner thereof, being the point of beginning of the land conveyed hereby, and excepting therefrom the right-of-way of S.R. 5. Being also known as U.S. 1, and further excepting the rights of way or easement of any public utilities on or across said land. Overall description by surveyor: A parcel of land being a portion of Section 31, Township 23S, Range 36E, Brevard County, Florida, being more particularly described as follows: Commence at the SW corner of said Section 31, thence N88deg10'45"E, along the south line of said Section 31, a distance of 1,532.39 ft. to the SE corner of Government Lot 3 of said Section 31, said point also being the SW corner of the SE $\frac{1}{4}$ of said Section 31; thence continue N88deg10'45"E, along said south line, a distance of 1,320.51 ft. to the SE corner of the west $\frac{1}{2}$ of the SE $\frac{1}{4}$ of said Section 31; thence N00deg13'57"W, along the east line of the west $\frac{1}{2}$ of the SE $\frac{1}{4}$ of said Section 31, a distance of 2,623.93 ft. to the NE corner of the west $\frac{1}{2}$ of the SE $\frac{1}{4}$ of said Section 31; thence S89deg26'00"W, along the south line of Government Lot 1 of said Section 31 and the north line of the south $\frac{1}{2}$ of said Section 31, a distance of 32.89 ft. to the intersection of said south and north line and the west right-of-way line of U.S. Hwy 1 (aka S.R. 5 as shown on FDOT right-of-way map Section 7002-177), said point also being the point of beginning of the herein described parcel; thence continue S89deg26'00"W, along said south and north line, a distance of 1,287.13 ft. to the NE corner of Government Lot 2 of said Section 31, said point also being the NW corner of the SE $\frac{1}{4}$ of said Section 31; thence S00deg13'57"E, along the east line of said Government Lot 2 and the west line of the west $\frac{1}{2}$ of the SE $\frac{1}{4}$ of said Section 31, a distance of 661.36 ft. to the NW corner of lands described in ORB 2603, Page 400 and the NE corner of lands described in Deed Book 423, Page 430, all of the Public Records of Brevard County, Florida; thence S89deg12'15"W, along the north line of said Deed Book 423, Page 430, a distance of 622.26 ft. to a point on the easterly right-of-way line of FECRR; thence N19deg44'09"W, along said easterly right-of-way line, a distance of 995.25 ft. to the SW corner of Williams Point Trailer Town Addition, according

to the plat thereof, as recorded in Plat Book 18, Page 54, of the said Public Records of Brevard County; thence N89deg24'02"E, along the south line of said Williams Point Trailer Town Addition, a distance of 747.01 ft. to the SE corner of said Williams Point Trailer Town Addition; thence N00deg10'15"W, along the east line of said Williams Point Trailer Town Addition, a distance of 1,060.43 ft. to a point on the south line of Williams Point Trailer Town, according to the plat thereof, as recorded in Plat Book 17, Page 83, of the said Public Records of Brevard County; thence N89deg48'18"E, along the south line and it's easterly extension of said Williams Point Trailer Town, a distance of 1,216.00 ft. to a point on the said west right-of-way line of U.S. Hwy 1; thence run along said west right-of-way line for the following four (4) calls: S00deg12'26"W, a distance of 59.24 ft. to the point of curvature of a curve concave northeasterly, having a radius of 1,956.08 ft., a central angle of 15deg40'31", and a radial bearing of S89deg47'34"E, thence southeasterly along the arc a distance of 535.15 ft. to a point; thence S16deg59'47"E, a distance of 348.76 ft.; thence S15deg14'13"E, a distance of 419.67 ft. to the point of beginning. Containing 56.17 acres, more or less. Located on the west side of U.S. Hwy 1, approx. 0.26 mile south of Camp Rd. (4247 N. U.S. Hwy 1, Cocoa)

THIS AGREEMENT, entered into this 21 day of February, 2017 between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and SHARPES EXECUTIVE GOLF COURSE, INC., (hereinafter referred to as "Developer/Owner").

RECITALS

WHEREAS, Developer/Owner is the owner of 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(s) and desires to develop the Property as a single-family subdivision, 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 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. The Developer/Owner shall limit density to 4 units per acre and may be further restricted by any changes to the Comprehensive Plan or the Land Development Regulations.

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. As part of its plan of development, Developer/Owner shall make a sanitary sewer connection to the City of Cocoa force main located on the east side of U.S. Highway 1 along the property frontage. The connection shall include a new sanitary sewer lift station, gravity collection system & force main to serve the development. All dwelling units constructed on the property described in Exhibit "A" shall be connected to sanitary sewer prior to issuance of a certificate of occupancy.

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

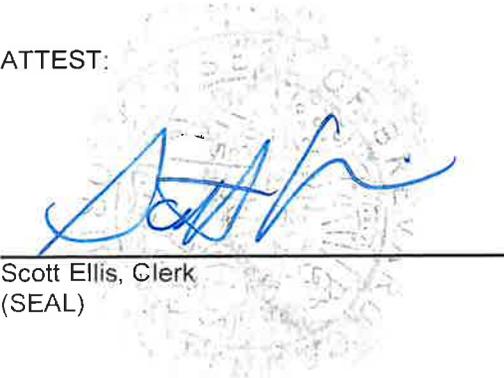
6. This Agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject Property unless or until rezoned and be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject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

7. 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.

8. 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 7 above.

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

ATTEST:


Scott Ellis
Scott Ellis, Clerk
(SEAL)

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

Curt Smith
CURT SMITH CHAIRMAN
As approved by the Board on 2/21/17

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

WITNESSES:

DEVELOPER/OWNER

Diana J. Jabbour
Sherri D. Demmer

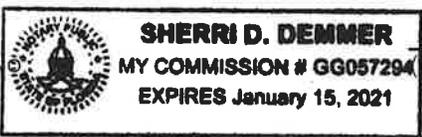
Elizabeth L. Kuehnast
SHARPES EXECUTIVE GOLF COURSE, INC.
By: Elizabeth Kuehnast, President
4255 N Highway 1
Sharpes, Fl. 32959

DIANA J. JABBOUR
Sherri D. Demmer
(Witness Name typed or printed)

STATE OF Florida §
COUNTY OF Brevard §

The foregoing instrument was acknowledged before me this 18th day of January, 2017, by, Elizabeth Kuehnast, the President of Sharpes Executive Golf Course, Inc., who is personally known to me or who has produced _____ as identification.

My commission expires _____
Sherri D. Demmer
Notary Public

SEAL
Commission No.  **SHERRI D. DEMMER**
MY COMMISSION # GG057294
EXPIRES January 15, 2021

Sherri D. Demmer
Name typed, printed, or stamped)

EXHIBIT A

Lands described in ORB 2480, Page 307, of the Public Records of Brevard County, Florida, being more particularly described as follows: Parcel No. 1: Being part of **Section 31, Township 23S, Range 36E**, Brevard County, Florida, and described as follows: From a stone set at the SW corner of Section 31, Township 23S, Range 36E, run north along the west line of said Section 2,685.10 ft. to an iron pipe set at the west $\frac{1}{4}$ corner; thence N89deg26'E along the center line of said Section 31, 1,319.11 ft. to a concrete monument which is the point of beginning of the land herein described; thence continue N89deg26'E along the center line of said Section 1,319.11 ft. to an iron pipe; thence N0deg30"E 1,330 ft. to a point; thence S89deg43'W 1,319.56 ft. to a concrete monument set 1,319.56 ft. east of the west line of said Section 31; thence S0deg15"W 1,336.45 ft. to the point of beginning, and containing 40.40 acres of land, more or less, excepting the right-of-way of State Hwy 5. Parcel No. 2: Begin at a concrete post at NE corner of U.S. Lot 2, Section 31, Township 23S, Range 36E, Brevard County, Florida, run thence south on east side said lot 2 a distance of 665 ft. to a concrete post; run thence west and parallel to north line of said Lot 2 a distance of 615.8 ft. to a concrete post on west side of FECRR; run thence northwesterly along said railway a distance of 705.4 ft. to a concrete post on the north line of said U.S. Lot 2; run thence east along the north line of said Lot 2, a distance of 854 ft. to point of beginning. Containing 11.15 acres according to Deed Book 240, Page 543, less and except the portion thereof within the right-of-way of S.R. 5. Parcel No. 3: A tract or parcel of land in Section 31, Township 23S, Range 36E, Brevard County, Florida, described as follows: Beginning at a point 6.32 chains north of the SW corner of Government Lot 1, Section 31, Township 23S, Range 36E, said point being the SW corner of Orange Park Subdivision, recorded in Plat Book 7, Page 23, Public Records of Brevard County, Florida; thence run north on the west line of said Government Lot 1 (being also the west line of said Orange Park Subdivision) to the point where said line intersects the proposed new right-of-way line of S.R. 5, also known as U.S. Hwy 1; thence run southeasterly along the westerly line of said proposed new right-of-way line of S.R. 5, also known as U.S. Hwy 1, to the point where said proposed new right-of-way line intersects the south line of said Orange Park Subdivision which point is 6.32 chains north of the south line of said Government Lot 1, by right angle measurement; thence run west on the south line of said Orange Park Subdivision to the point of beginning of the land conveyed hereby. Parcel No. 4: Commence at SE corner of SW $\frac{1}{4}$ of NW $\frac{1}{4}$ running north 276 ft. thence run due west 825 ft. more or less to right-of-way of FECRR thence run southeasterly along railway 276 ft. more or less to south line of SW $\frac{1}{4}$ of NW $\frac{1}{4}$ thence run east to point of beginning, being in Section 31, Township 23S, Range 36E, Public Records of Brevard County, Florida. Parcel No. 5: Begin at a point on the west line of Government Lot 1, in Section 31, Township 23S, Range 36E, 239.10 ft. north of the SW corner of said Government Lot 1, and from said point of beginning continue north on the west line of said Government Lot 1 a distance of 172.6 ft. to a point; thence run east and parallel with the south line of said Government Lot 1, a distance of 63.7 ft. to a point on the west line of the right-of-way of U.S. Hwy 1, being also known as S.R. 5, as presently located; thence run southeasterly along the west line of the right-of-way of said U.S. Hwy. 1, a distance of 179 ft. to a concrete post; thence run west and parallel with the south line of said Government Lot 1, and 239.10 ft. distant north therefrom, a distance of 110.6 ft. to the concrete post set on the west line of said Government Lot 1, being the point of beginning of the land conveyed hereby. Parcel No. 6: Beginning at the SW corner of U.S. Government Lot 1, in Section 31, Township 23S, Range 36E, and thence run north along the west line of said U.S. Government Lot 1, a distance of 239.10 ft. to a point, said point being the NW corner of the land described in Deed Book 383, Page 282, Public Records of Brevard County, Florida; thence run east along the north line of said land described in Deed Book 383, Page 282, and parallel to the south line of said U.S. Government Lot 1, to the center line of S.R. 5, being also U.S. Hwy 1 as presently located; thence run southerly along the center line of said S.R. 5, being U.S. Hwy 1, to a point on the south line of U.S. Government Lot 1, aforesaid; thence run west along the south line of said U.S. Government Lot 1 to the SW corner thereof, being the point of beginning of the land conveyed hereby, and excepting therefrom the right-of-way of S.R. 5. Being also known as U.S. 1, and further excepting the rights of way or easement of any public utilities on or across said land. Overall description by surveyor: A parcel of land being a portion of Section 31, Township 23S, Range 36E, Brevard County, Florida, being more particularly described as follows: Commence at the SW corner of said Section 31, thence N88deg10'45"E, along the south line of said Section 31, a distance of 1,532.39 ft. to the SE corner of Government Lot 3 of said Section 31, said point also being the SW corner of the SE $\frac{1}{4}$ of said Section 31; thence continue N88deg10'45"E, along said south line, a distance of 1,320.51 ft. to the SE corner of the west $\frac{1}{2}$ of the SE $\frac{1}{4}$ of

(EXHIBIT A – CONTINUED)

said Section 31; thence N00deg13'57"W, along the east line of the west ½ of the SE ¼ of said Section 31, a distance of 2,623.93 ft. to the NE corner of the west ½ of the SE ¼ of said Section 31; thence S89deg26'00"W, along the south line of Government Lot 1 of said Section 31 and the north line of the south ½ of said Section 31, a distance of 32.89 ft. to the intersection of said south and north line and the west right-of-way line of U.S. Hwy 1 (aka S.R. 5 as shown on FDOT right-of-way map Section 7002-177), said point also being the point of beginning of the herein described parcel; thence continue S89deg26'00"W, along said south and north line, a distance of 1,287.13 ft. to the NE corner of Government Lot 2 of said Section 31, said point also being the NW corner of the SE ¼ of said Section 31; thence S00deg13'57"E, along the east line of said Government Lot 2 and the west line of the west ½ of the SE ¼ of said Section 31, a distance of 661.36 ft. to the NW corner of lands described in ORB 2603, Page 400 and the NE corner of lands described in Deed Book 423, Page 430, all of the Public Records of Brevard County, Florida; thence S89deg12'15"W, along the north line of said Deed Book 423, Page 430, a distance of 622.26 ft. to a point on the easterly right-of-way line of FECRR; thence N19deg44'09"W, along said easterly right-of-way line, a distance of 995.25 ft. to the SW corner of Williams Point Trailer Town Addition, according to the plat thereof, as recorded in Plat Book 18, Page 54, of the said Public Records of Brevard County; thence N89deg24'02"E, along the south line of said Williams Point Trailer Town Addition, a distance of 747.01 ft. to the SE corner of said Williams Point Trailer Town Addition; thence N00deg10'15"W, along the east line of said Williams Point Trailer Town Addition, a distance of 1,060.43 ft. to a point on the south line of Williams Point Trailer Town, according to the plat thereof, as recorded in Plat Book 17, Page 83, of the said Public Records of Brevard County; thence N89deg48'18"E, along the south line and it's easterly extension of said Williams Point Trailer Town, a distance of 1,216.00 ft. to a point on the said west right-of-way line of U.S. Hwy 1; thence run along said west right-of-way line for the following four (4) calls: S00deg12'26"W, a distance of 59.24 ft. to the point of curvature of a curve concave northeasterly, having a radius of 1,956.08 ft., a central angle of 15deg40'31", and a radial bearing of S89deg47'34"E, thence southeasterly along the arc a distance of 535.15 ft. to a point; thence S16deg59'47"E, a distance of 348.76 ft.; thence S15deg14'13"E, a distance of 419.67 ft. to the point of beginning. Containing 56.17 acres, more or less.

On motion by Commissioner Barfield, seconded by Commissioner Isnardi, the following resolution was adopted by a unanimous vote:

WHEREAS, SHARPES EXECUTIVE GOLF COURSE, INC. has applied for a change of classification from AU (Agricultural Residential) and RU-2-15(12) (Medium Density Multi-Family Residential with a Cap of 12 Units) to RU-1-7 (Single-Family Residential), with a BDP (Binding Development Plan) limited to four (4) units per acre, on property described as: SEE ATTACHED

Section 31, Township 23 S, Range 36 E, and,

WHEREAS, a public hearing of the Brevard County Planning & 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 & Zoning Board recommended that the application be approved with a BDP limited to four (4) units per acre, and inclusion of sewer connection; and,

WHEREAS, the Board, on December 1, 2016, after considering said application and the Brevard County Planning & 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 a BDP limited to four (4) units per acre, and inclusion of sewer connection; now therefore,

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested change of classification from AU and RU-2-15(12) to RU-1-7, be APPROVED with a BDP, recorded in ORB 7825, Pages 1659 – 1663, dated February 22, 2017, limited to four (4) units per acre, and inclusion of sewer connection, and that the zoning classification relating to the above described property be changed, and the Planning & Zoning 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 BDP recordation date of February 22, 2017.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida



by Curt Smith, Chairman
Brevard County Commission

As approved by Brevard County Commission on February 21, 2017.

ATTEST:



SCOTT ELLIS, CLERK
(SEAL)

(P&Z Hearing – November 21, 2016)
(BCC Hearing – December 1, 2016)

Please note: A Conditional Use Permit will generally expire on the three year anniversary of its approval if the use is not established prior to that date. Conditional Use Permits for Towers and Antennas shall expire if a site plan for the tower is not submitted within one (1) year of approval or if construction does not commence within two years of approval. A PUD 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.

LEGAL DESCRIPTION:

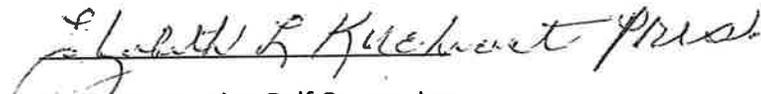
lands described in ORB 2480, Page 307, of the Public Records of Brevard County, Florida, being more particularly described as follows: Parcel No. 1: Being part of **Section 31, Township 23S, Range 36E**, Brevard County, Florida, and described as follows: From a stone set at the SW corner of Section 31, Township 23S, Range 36E, run north along the west line of said Section 2,685.10 ft. to an iron pipe set at the west ¼ corner; thence N89deg26'E along the center line of said Section 31, 1,319.11 ft. to a concrete monument which is the point of beginning of the land herein described; thence continue N89deg26'E along the center line of said Section 1,319.11 ft. to an iron pipe; thence N0deg30"E 1,330 ft. to a point; thence S89deg43"W 1,319.56 ft. to a concrete monument set 1,319.56 ft. east of the west line of said Section 31; thence S0deg15"W 1,336.45 ft. to the point of beginning, and containing 40.40 acres of land, more or less, excepting the right-of-way of State Hwy 5. Parcel No. 2: Begin at a concrete post at NE corner of U.S. Lot 2, Section 31, Township 23S, Range 36E, Brevard County, Florida, run thence south on east side said lot 2 a distance of 665 ft. to a concrete post; run thence west and parallel to north line of said Lot 2 a distance of 615.8 ft. to a concrete post on west side of FECRR; run thence northwesterly along said railway a distance of 705.4 ft. to a concrete post on the north line of said U.S. Lot 2; run thence east along the north line of said Lot 2, a distance of 854 ft. to point of beginning. Containing 11.15 acres according to Deed Book 240, Page 543, less and except the portion thereof within the right-of-way of S.R. 5. Parcel No. 3: A tract or parcel of land in Section 31, Township 23S, Range 36E, Brevard County, Florida, described as follows: Beginning at a point 6.32 chains north of the SW corner of Government Lot 1, Section 31, Township 23S, Range 36E, said point being the SW corner of Orange Park Subdivision, recorded in Plat Book 7, Page 23, Public Records of Brevard County, Florida; thence run north on the west line of said Government Lot 1 (being also the west line of said Orange Park Subdivision) to the point where said line intersects the proposed new right-of-way line of S.R. 5, also known as U.S. Hwy 1; thence run southeasterly along the westerly line of said proposed new right-of-way line of S.R. 5, also known as U.S. Hwy 1, to the point where said proposed new right-of-way line intersects the south line of said Orange Park Subdivision which point is 6.32 chains north of the south line of said Government Lot 1, by right angle measurement; thence run west on the south line of said Orange Park Subdivision to the point of beginning of the land conveyed hereby. Parcel No. 4: Commence at SE corner of SW ¼ of NW ¼ running north 276 ft. thence run due west 825 ft. more or less to right-of-way of FECRR thence run southeasterly along railway 276 ft. more or less to south line of SW ¼ of NW ¼ thence run east to point of beginning, being in Section 31, Township 23S, Range 36E, Public Records of Brevard County, Florida. Parcel No. 5: Begin at a point on the west line of Government Lot 1, in Section 31, Township 23S, Range 36E, 239.10 ft. north of the SW corner of said Government Lot 1, and from said point of beginning continue north on the west line of said Government Lot 1 a distance of 172.6 ft. to a point; thence run east and parallel with the south line of said Government Lot 1, a distance of 63.7 ft. to a point on the west line of the right-of-way of U.S. Hwy 1, being also known as S.R. 5, as presently located; thence run southeasterly along the west line of the right-of-way of said U.S. Hwy. 1, a distance of 179 ft. to a concrete post; thence run west and parallel with the south line of said Government Lot 1, and 239.10 ft. distant north therefrom, a distance of 110.6 ft. to the concrete post set on the west line of said Government Lot 1, being the point of beginning of the land conveyed hereby. Parcel No. 6: Beginning at the SW corner of U.S. Government Lot 1, in Section 31, Township 23S, Range 36E, and thence run north along the west line of said U.S. Government Lot 1, a distance of 239.10 ft. to a point, said point being the NW corner of the land described in Deed Book 383, Page 282, Public Records of Brevard County, Florida; thence run east along the north line of said land described in Deed Book 383, Page 282, and parallel to the south line of said U.S. Government Lot 1, to the center line of S.R. 5, being also U.S. Hwy 1 as presently located; thence run southerly along the center line of said S.R. 5, being U.S. Hwy 1, to a point on the south line of U.S. Government Lot 1, aforesaid; thence run west along the south line of said U.S. Government Lot 1 to the SW corner thereof, being the point of beginning of the land conveyed hereby, and excepting therefrom the right-of-way of S.R. 5. Being also known as U.S. 1, and further excepting the rights of way or easement of any public utilities on or across said land. Overall description by surveyor: A parcel of land being a portion of Section 31, Township 23S, Range 36E, Brevard County, Florida, being more particularly described as follows: Commence at the SW corner of said Section 31, thence N88deg10'45"E, along the south line of said Section 31, a distance of 1,532.39 ft. to the SE corner of Government Lot 3 of said Section 31, said point also being the SW corner of the SE ¼ of said Section 31; thence continue N88deg10'45"E, along said south line, a distance of 1,320.51 ft. to the SE corner of the west ½ of the SE ¼ of said Section 31; thence N00deg13'57"W, along the east line of the west ½ of the SE ¼ of said Section 31, a distance of 2,623.93 ft. to the NE corner of the west ½ of the SE ¼ of said Section 31; thence S89deg26'00"W, along the south line of Government Lot 1 of said Section 31 and the north line of the south ½ of said Section 31, a distance of 32.89 ft. to the intersection of said south and north line and the west right-of-way line of U.S. Hwy 1 (aka S.R. 5 as shown on FDOT right-of-way map Section 7002-177), said point also being the point of beginning of the herein described parcel; thence continue S89deg26'00"W, along said south and north line, a distance of 1,287.13 ft. to the NE corner of Government Lot 2 of said Section 31, said point also being the NW corner of the SE ¼ of said Section 31; thence S00deg13'57"E, along the east line of said Government Lot 2 and the west line of the west ½ of the SE ¼ of said Section 31, a distance of 661.36 ft. to the NW corner of lands described in ORB 2603, Page 400 and the NE corner of lands described in Deed Book 423, Page 430, all of the Public Records of Brevard County, Florida; thence S89deg12'15"W, along the north line of said Deed Book 423, Page 430, a distance of 622.26 ft. to a point on the easterly right-of-way line of FECRR; thence N19deg44'09"W, along said easterly right-of-way line, a distance of 995.25 ft. to the SW corner of Williams Point Trailer Town Addition, according

to the plat thereof, as recorded in Plat Book 18, Page 54, of the said Public Records of Brevard County; thence N89deg24'02"E, along the south line of said Williams Point Trailer Town Addition, a distance of 747.01 ft. to the SE corner of said Williams Point Trailer Town Addition; thence N00deg10'15"W, along the east line of said Williams Point Trailer Town Addition, a distance of 1,060.43 ft. to a point on the south line of Williams Point Trailer Town, according to the plat thereof, as recorded in Plat Book 17, Page 83, of the said Public Records of Brevard County; thence N89deg48'18"E, along the south line and it's easterly extension of said Williams Point Trailer Town, a distance of 1,216.00 ft. to a point on the said west right-of-way line of U.S. Hwy 1; thence run along said west right-of-way line for the following four (4) calls: S00deg12'26"W, a distance of 59.24 ft. to the point of curvature of a curve concave northeasterly, having a radius of 1,956.08 ft., a central angle of 15deg40'31", and a radial bearing of S89deg47'34"E, thence southeasterly along the arc a distance of 535.15 ft. to a point; thence S16deg59'47"E, a distance of 348.76 ft.; thence S15deg14'13"E, a distance of 419.67 ft. to the point of beginning. Containing 56.17 acres, more or less. Located on the west side of U.S. Hwy 1, approx. 0.26 mile south of Camp Rd. (4247 N. U.S. Hwy 1, Cocoa)

January 24, 2017

To: County Attorney of Brevard County

This letter serves as confirmation that there is no mortgage against the property owned by Sharpe's Executive Golf Course, Inc. which is legally described as reflected on Exhibit A attached. Also attached is a copy of a Title commitment from DHI Title of Florida, Inc. confirming same.

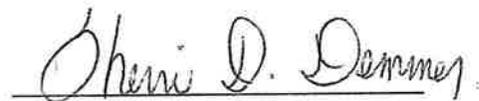

Sharpe's Executive Golf Course, Inc.

By: Elizabeth Kuehnast, President

State of Florida

County of Brevard

Sworn to and subscribed before me this 24th day of January, 2017 by Elizabeth Kuehnast, President of Sharpe's Executive Golf Course, Inc. who is known to me or produced her license as ID.



Notary Public



Exhibit A legal description

PARCEL 1:

Being part of Section 31, Township 23 South, Range 36 East, Brevard County, Florida and described as follows: From a stone set at the southwest corner of Section 31, Township 23 South, Range 36 East, run North along the West line of said Section 2, 685.10 feet to an iron pipe set at the West quarter corner; thence North 89°26' East along the center line of said Section 31, 1,319.11 feet to a concrete monument which is the point of beginning of the land herein described; thence continue North 89°26' East along the Center line of said Section 1,319.11 feet to an iron pipe; thence North 0°30' East 1,330 feet to a point; thence South 89°43' West 1,319.56 feet to a concrete monument set 1,319.56 feet East of the West line of said Section 31; thence South 0°15' West 1,336.45 feet to the point of beginning; Excepting the Right of Way of State Highway 5.

PARCEL 2:

Begin at a concrete post at Northeast corner of U.S. Lot 2, Section 31, Township 23 South, Range 36 East, Brevard County, Florida, run thence South on East side said Lot 2, a distance of 665 feet to a concrete post; run thence West and parallel to North line of said Lot 2, a distance of 615.8 feet to a concrete post on West side of Florida East Coast Railway; run thence Northwesterly along said Railway a distance of 705.4 feet to a concrete post on the North line of said U.S. Lot 2; run thence East along the North line of said U.S. Lot 2, a distance of 854 feet to point of beginning. Less and Except portion thereof within the right of way of State Road 5.

PARCEL 3:

A tract or parcel of land in Section 31, Township 23 South, Range 36 East, Brevard County, Florida, described as follows: Beginning at a point 6.32 chains North of the Southwest corner of Government Lot 1, Section 31, Township 23 South, Range 36 East, said point being the Southwest corner of Orange Park Subdivision, recorded in Plat Book 7, page 23, of the Public Records of Brevard County, Florida; thence run North on the West line of said government Lot 1 (being also the West line of said Orange Park Subdivision) to the point where said line intersects the proposed new right of way line of State Road No. 5, also known as U.S. Highway No. 1; thence run Southeasterly along the Westerly line of said proposed new right of way line of State Road No. 5, also known as U.S. Highway No. 1, to a point where said proposed new right of way line intersects the South line of said Orange Park Subdivision which point is 6.32 chains North of the South line of said Government Lot 1, by right angle measurement; thence run West on South line of said Orange Park Subdivision to the Point of Beginning.

PARCEL 4:

Commence at the SE corner of SW 1/4 of the NW 1/4 running N. 276 feet, thence run due W. 825 feet, more or less, to right of way of Florida East Coast Railroad; thence run Southeasterly along railway, 276 feet, more or less, to S. line of the SW 1/4 of the NW 1/4; thence run E to Point of Beginning. All being in Section 31, Township 23 South, Range 36 East, Brevard County, Florida.

PARCEL 5:

Begin at a point on the West line of Government Lot 1 in Section 31, Township 23

Exhibit A legal description

South, Range 36 East, 239.10 feet North of the Southwest corner of said Government Lot 1, and from said point of beginning continue North on the West line of said Government Lot 1, a distance of 172.6 feet to a point; thence run East and parallel with the South line of said Government Lot 1, a distance of 63.7 feet to a point on the West line of the right of way of U.S. Highway No. 1, being also known as State Road No. 5, as presently located; thence run Southeasterly along the West line of the right of way of said U.S. Highway No. 1, a distance of 179.00 feet to a concrete post; thence run West and parallel with the South line of said Government Lot 1, and 239.10 feet distance North therefrom, a distance of 110.6 feet to the concrete post set on the West line of said Government Lot 1, being the point of beginning.

PARCEL 6:

Beginning at the Southwest corner of U.S. Government Lot 1, in Section 31, Township 23 South, Range 36 East, and thence run North along the West line of said U.S. Government Lot 1, a distance of 239.10 feet to a point; said point being the Northwest corner of the land described in Deed Book 383, page 282 of the Public Records of Brevard County, Florida; thence run East along the the North line of said land described in Deed Book 383, page 282 and parallel to the South line of said U.S. Government Lot 1, to the center line of State Road No. 5, being also U.S. Highway No. 1 presently locates; thence run southerly along the center line of said State Highway No. 5, being U.S. Highway No. 1 to a point on the South line of U.S. Government Lot 1, aforesaid; thence run West along the South line of said Government Lot 1 to the Southwest corner thereof, being the point of beginning. Excepting therefrom the right of way of State Highway No. 5 a/k/a U.S. Highway No. 1.

**ALTA COMMITMENT 6-17-06
(With Florida Modifications)**

SCHEDULE A

1. Effective Date: June 01, 2016 @ 06:00 AM

2. Policy or Policies to be issued:

A. Owner's Policy: **\$1,500,000.00**

Proposed Insured: **D.R. Horton, Inc., a Delaware corporation**

B. Loan Policy: **\$0.00**

Proposed Insured:

3. The estate or interest in the land described or referred to in this Commitment is: Fee Simple

4. Title to the Fee Simple estate or interest in the land is at the Effective Date vested in:

Sharpes Executive Golf Course, Inc., a Florida corporation

5. The land referred to in this Commitment is described as follows:

See Attached Schedule A Continuation for Legal Description

Schedule A Continuation

PARCEL 1:

Being part of Section 31, Township 23 South, Range 36 East, Brevard County, Florida and described as follows: From a stone set at the southwest corner of Section 31, Township 23 South, Range 36 East, run North along the West line of said Section 2, 685.10 feet to an iron pipe set at the West quarter corner; thence North 89°26' East along the center line of said Section 31, 1,319.11 feet to a concrete monument which is the point of beginning of the land herein described; thence continue North 89°26' East along the Center line of said Section 1,319.11 feet to an iron pipe; thence North 0°30' East 1,330 feet to a point; thence South 89°43' West 1,319.56 feet to a concrete monument set 1,319.56 feet East of the West line of said Section 31; thence South 0°15' West 1,336.45 feet to the point of beginning; Excepting the Right of Way of State Highway 5.

PARCEL 2:

Begin at a concrete post at Northeast corner of U.S. Lot 2, Section 31, Township 23 South, Range 36 East, Brevard County, Florida, run thence South on East side said Lot 2, a distance of 665 feet to a concrete post; run thence West and parallel to North line of said Lot 2, a distance of 615.8 feet to a concrete post on West side of Florida East Coast Railway; run thence Northwesterly along said Railway a distance of 705.4 feet to a concrete post on the North line of said U.S. Lot 2; run thence East along the North line of said U.S. Lot 2, a distance of 854 feet to point of beginning. Less and Except portion thereof within the right of way of State Road 5.

PARCEL 3:

A tract or parcel of land in Section 31, Township 23 South, Range 36 East, Brevard County, Florida, described as follows: Beginning at a point 6.32 chains North of the Southwest corner of Government Lot 1, Section 31, Township 23 South, Range 36 East, said point being the Southwest corner of Orange Park Subdivision, recorded in Plat Book 7, page 23, of the Public Records of Brevard County, Florida; thence run North on the West line of said government Lot 1 (being also the West line of said Orange Park Subdivision) to the point where said line intersects the proposed new right of way line of State Road No. 5, also known as U.S. Highway No. 1; thence run Southeasterly along the Westerly line of said proposed new right of way line of State Road No. 5, also known as U.S. Highway No. 1, to a point where said proposed new right of way line intersects the South line of said Orange Park Subdivision which point is 6.32 chains North of the South line of said Government Lot 1, by right angle measurement; thence run West on South line of said Orange Park Subdivision to the Point of Beginning.

PARCEL 4:

Commence at the SE corner of SW 1/4 of the NW 1/4 running N. 276 feet, thence run due W. 825 feet, more or less, to right of way of Florida East Coast Railroad; thence run Southeasterly along railway, 276 feet, more or less, to S. line of the SW 1/4 of the NW 1/4; thence run E to Point of Beginning. All being in Section 31, Township 23 South, Range 36 East, Brevard County, Florida.

PARCEL 5:

Begin at a point on the West line of Government Lot 1 in Section 31, Township 23 South, Range 36 East, 239.10 feet North of the Southwest corner of said Government Lot 1, and from said point of beginning continue North on the West line of said Government Lot 1, a distance of 172.6 feet to a point; thence run East and parallel with the South line of said Government Lot 1, a distance of 63.7 feet to a point on the West line of the right of way of U.S. Highway No. 1, being also known as State Road No. 5, as presently located; thence run Southeasterly along the West line of the right of way of said U.S. Highway No. 1, a distance of 179.00 feet to a concrete post; thence run West and parallel with the South line of said Government Lot 1, and 239.10 feet distance North therefrom, a distance of 110.6 feet to the concrete post set on the West line of said Government Lot 1, being the point of beginning.

PARCEL 6:

Beginning at the Southwest corner of U.S. Government Lot 1, in Section 31, Township 23 South, Range 36 East, and thence run North along the West line of said U.S. Government Lot 1, a distance of 239.10 feet to a point; said point being the Northwest corner of the land described in Deed Book 383, page 282 of the Public Records of Brevard County, Florida; thence run East along the the North line of said land described in Deed Book 383, page 282 and parallel to the South line of said U.S. Government Lot 1, to the center line of State Road No. 5, being also U.S. Highway No. 1 presently locates; thence run southerly along the center line of said State Highway No. 5, being U.S. Highway No. 1 to a point on the South line of U.S. Government Lot 1, aforesaid; thence run West along the South line of said Government Lot 1 to the Southwest corner thereof, being the point of beginning. Excepting therefrom the right of way of State Highway No. 5 a/k/a U.S. Highway No. 1.



SCHEDULE B –I

Requirements:

1. Payment to or for the account of the grantors or mortgagors of the full consideration for the estate or interest to be insured;
2. Proper instrument (s) creating the estate or interest to be insured must be executed and duly filed for record, to wit:
 - a. Deed from Sharpes Executive Golf Course, Inc., a Florida corporation to D.R. Horton, Inc., a Delaware corporation conveying the property as described in Schedule A of this Commitment.
3. Affidavit(s) in recordable form properly executed by the seller(s) and/or mortgagor(s) evidencing no other parties in possession, no claims or rights to a lien for services, labor or materials in connection with any repairs, alterations or improvements on the subject property, any adverse claims, no pending claims or court cases, or other matters. As to matters which may be disclosed by said Affidavit(s), the Company reserves the right to make such further requirements and/or exceptions as it may deem necessary.
4. Payment of any delinquent water, sewer or garbage removal service charges due and payable to Brevard County, Florida.
5. Receipt and review of a current survey of the subject property properly certified to the Company evidencing no encroachments, violations, adverse claims or other matters which are uninsurable. The company reserves the right to make further requirements and/or exceptions which may be deemed necessary.

NOTE: A search of the public records reveals no open mortgage. Closer should confirm with owner that property is free and clear.



SCHEDULE B – II

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the Proposed Insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.
2. Rights or Claims of parties in possession not shown by the public records.
3. Easements or claims of easements not shown by the public records.
4. Discrepancies, conflicts in boundary lines, encroachments, overlaps, variations or shortage in area or content, party walls and any other matters that would be disclosed by a correct survey and/or physical inspection of the land.
5. Any lien, or right to a lien, for services, labor, or materials heretofore or hereafter furnished, imposed by law and not shown by the public records.
6. All taxes, assessments, levies and charges which constitute liens or are due or payable including unredeemed tax sales.

Special Exceptions:

7. Taxes for the year 2016, which are not yet due and payable.
8. Any lien provided by Chapter 159, Florida Statutes, in favor of any city, town, village, or port authority for unpaid service charges for service by any water systems, sewer systems or gas systems serving the lands described herein.
9. Easement Right of Way to Brevard County, recorded in Official Records Book 900, 417, of the Public Records of Brevard County, Florida.
10. Easement pursuant to Judgment recorded in Official Records Book 6794, page 1234, of the Public Records of Brevard County, Florida.

Note: Taxes for the year 2015 under Tax ID 23-36-31-00-12, in the gross amount of \$9291.70 have been paid on 11/30/2015.

DISTRICT 1

IV.B.6. (16PZ00095) – SEASONS IN THE SUN, LLC – (Rodney Honeycutt) – requests an amendment to an existing BDP to add all types of RVs with a minimum length of 22 feet, in an RVP zoning classification, on 38.10 acres, located on the south side of S.R. 46, approx. 0.23 mile west of N. Carpenter Rd. (2400 Seasons in the Sun Blvd., Mims)

P&Z Recommendation: Lawandales/Moia – Approved with a Binding Development Plan (BDP) limiting density to 232 sites, and allowing all types of recreational vehicles with a minimum length of 22 feet. Vote was unanimous.

BCC ACTION: Pritchett/Barfield – APPROVED with a BDP, recorded on December 21, 2016, in ORB 7782, Pages 0523 – 0527, limiting density to 232 sites, and allowing all types of recreational vehicles with a minimum length of 22 feet. Vote was unanimous. 16PZ00095.

IV.B.7. (16PZ00102) – SHARPES EXECUTIVE GOLF COURSE, INC. – (Boaz Bar-Navon and Rodney Honeycutt) – requests a change of classification from AU and RU-2-15(12) to RU-1-7, with a BDP limited to 4 units per acre, on 56.17 +/- acres, located on the west side of U.S. Hwy 1, approx. 0.26 mile south of Camp Rd. (4247 N. U.S. Hwy 1, Cocoa)

P&Z Recommendation: Moia/LaMarr – Approved with inclusion of sewer connection in BDP. Vote was unanimous.

BCC ACTION: Pritchett/Barfield – APPROVED with BDP limited to four (4) units per acre, and inclusion of sewer connection. Vote was unanimous. BDP TO BE SCHEDULED AS A CONSENT ITEM ON A SUBSEQUENT BCC AGENDA, PER POLICY BCC-52. RESOLUTION NUMBER TO BE ASSIGNED UPON RECEIPT OF RECORDED BDP.

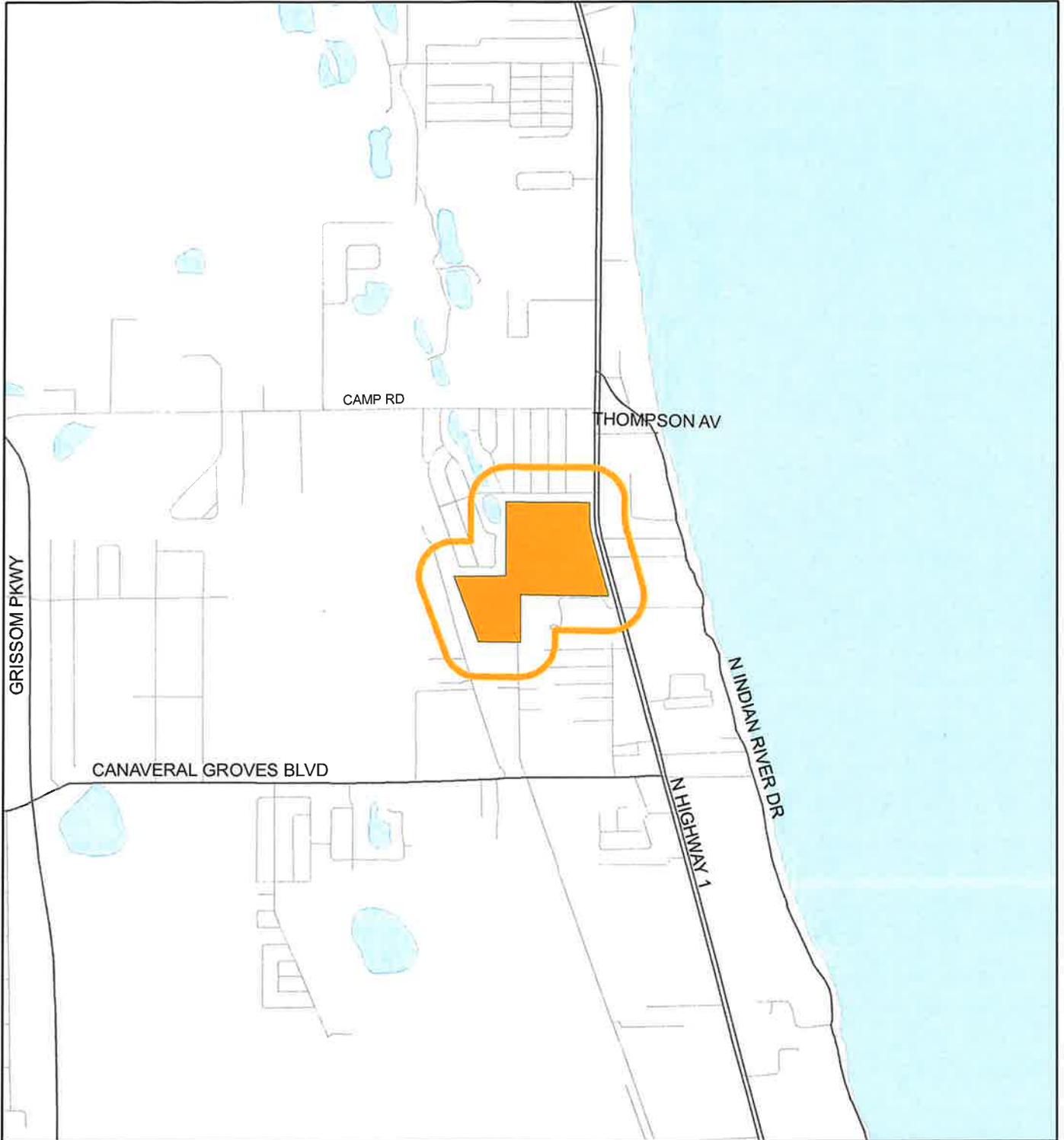
**PLANNING AND ZONING BOARD RECOMMENDATIONS OF NOVEMBER 7, 2016;
AND NORTH MERRITT ISLAND RECOMMENDATION OF NOVEMBER 10, 2016**

- Item IV.B.1. Melbourne Suites, LLC. Barfield/Isnardi, approved as recommended.
- Item IV.B.2. Home Depot USA, Inc. Barfield/Pritchett, tabled to the February 2, 2017, Zoning meeting.
- Item IV.B.3. Gregory D. Taylor and Rachael J. Fitzpatrick. Barfield/Isnardi, approved as recommended; and approved the hours of business being 11:00 a.m. to 11:00 p.m. five days a week, having landscape buffering on the north and east sides with Lemon Bamboo, and for the CUP to be in conjunction with retail.
- Item IV.B.4. Albert Heredia & Susan Kadlac Heredia. Barfield/Pritchett. Approved as recommended.
- Item IV.B.5. Florida Premier Promenade. Pritchett/Isnardi. Approved as recommended.
- Item IV.B.6. Seasons in the Sun, LLC. Pritchett/Barfield. **Approved with a BDP limiting density to 232 sites, and allowing all types of recreational vehicles with a minimum length of 22 feet**
- Item IV.B.7. Sharpes Executive Golf Course, Inc. Pritchett/Barfield. Approved as recommended.

**THE FOLLOWING ITEM WAS TABLED FROM THE OCTOBER 13, 2016, AND
NOVEMBER 10, 2016, NORTH MERRITT ISLAND MEETINGS**

- Item IV.B.8. Gerald Crayton, Trustee. Barfield/Pritchett, tabled to the February 2, 2017, Zoning meeting.

LOCATION MAP
SHARPES EXECUTIVE GOLF COURSE, INC.
16PZ00102



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

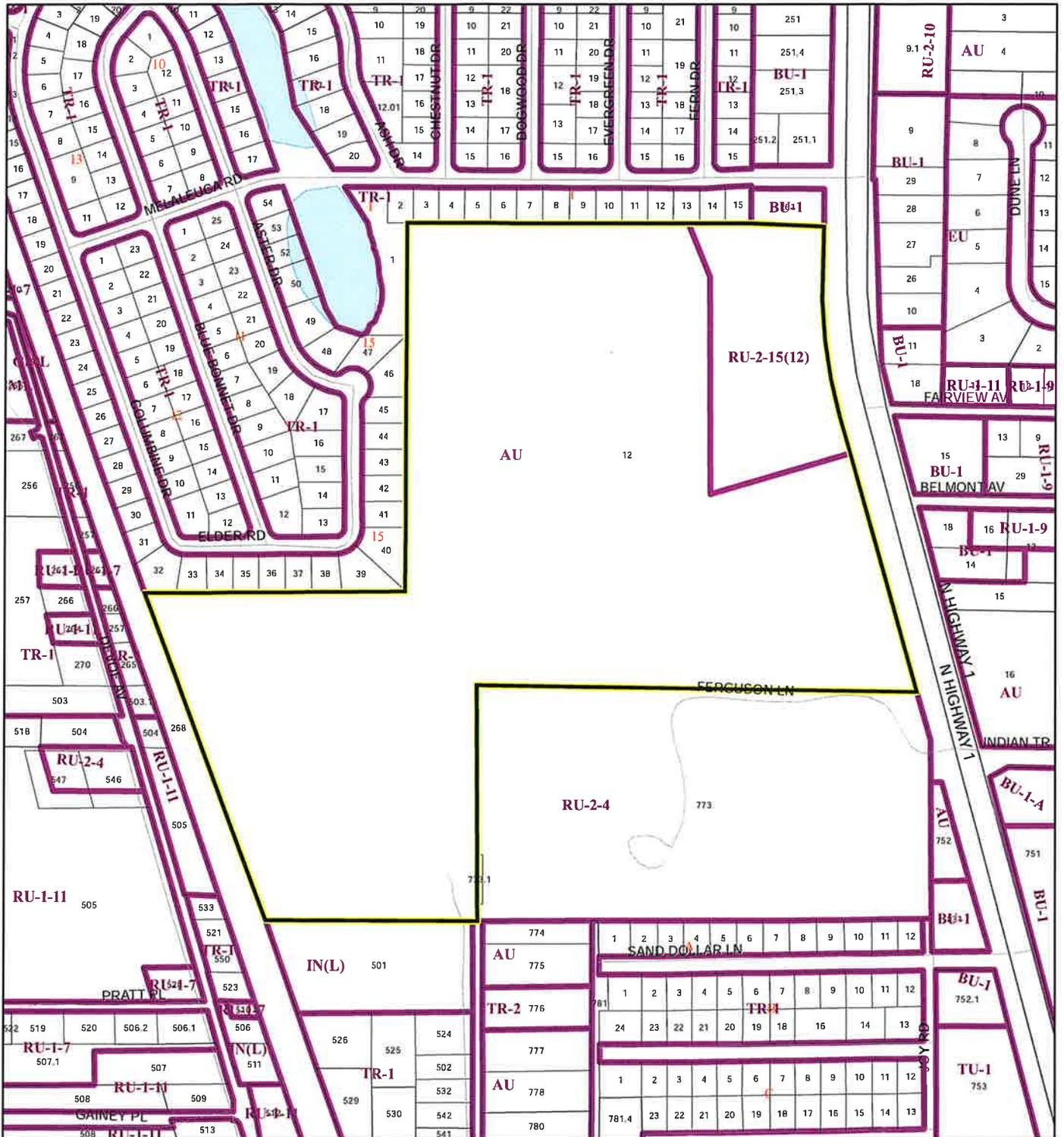
Buffer Distance: 500 feet

-  Buffer
-  Subject Property

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.

ZONING MAP

SHARPES EXECUTIVE GOLF COURSE, INC.
16PZ00102



1:4,800 or 1 inch = 400 feet

- Subject Property
- Parcels
- Zoning

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.

BrevardClerk.US

Scott Ellis, Clerk of Court

700 South Park Avenue, Bldg. B
 P.O. Box 2767
 Titusville, FL 32781-2767
 (321) 637-2006

DBLIVE Transaction
 #: 1854239
 Receipt #: 61818959
 Cashier Date: 2/22/2017
 4:15:35 PM



Print Date:
 2/22/2017 4:15:43 PM

Customer Information	Transaction Information	Payment Summary
() HONEYCUTT & ASSOCIATES 3700 S WAHINGTON AVE TITUSVILLE, FL 32780	DateReceived: 02/22/2017 Source Code: Titusville - Six Story Q Code: Titusville - Six Story Mail (U.S. Return Code:Postal Service) Trans Type: Recording Agent Ref Num:	Total Fees \$44.00 Total Payments \$44.00

1 Payments	
CHECK 8034	\$44.00

1 Recorded Items		
(AG) AGREEMENT	BK/PG: 7825/1659 CFN:2017037243 Date:2/22/2017 4:15:34 PM From: To:	
Recording @ 1st=\$10 Add'l=\$8.50 ea.	5	\$44.00
Indexing @ 1st 4 Names Free, Add'l=\$1 ea.	2	\$0.00

0 Search Items

0 Miscellaneous Items
