

Meeting Date
July 22, 2014



AGENDA	
Section	Public Hearing
Item No.	III D

AGENDA REPORT
 BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	PUBLIC HEARING RE: MINOR AMENDMENT TO THE VIERA DRI DEVELOPMENT ORDER (DISTRICT 4)
DEPT/OFFICE:	PLANNING & DEVELOPMENT DEPARTMENT

Requested Action:

It is requested that the Board of County Commissioners consider approval of a minor amendment to the Viera DRI Development Order and authorize the Chairman to execute the resolution if approved.

Summary Explanation & Background:

The Development Order for substantial deviation #2 to the Viera DRI was adopted on December 15, 2009 as Resolution 09-272. This development order included end dates for each of the phases and set forth commencement and completion dates for the required mitigation projects. In 2011 the Florida Legislature adopted HB 7207 which provided DRI developers the option of extending the various commencement and expiration dates without seeking the approval of the local government. On December 28, 2011 the Viera Company notified the County that they had elected to take advantage of this statutory extension for all commencement and expiration dates including those for the required transportation mitigation.

The proposed amendment to Resolution 09-272 will memorialize the extended dates from the statutory exemption notice and clarify the payment process for the Barnes Boulevard Widening Project which is one of the required mitigation projects. and

At the request of the Viera Company, the proposed amendment also enlists the non-financial cooperation of the Board of County Commissioners with the Company's efforts to obtain a loan or other financial assistance from the State Infrastructure Bank. The Transportation Impact Fee Moratorium has negated the Transportation Impact Fee Credits that were intended to offset the Viera Company's construction costs for required roadway improvements. Financial assistance from the State Infrastructure Bank would serve to mitigate this adverse financial impact. Such local cooperation is typically a prerequisite of such a loan.

Staff Contact: Stephen M. Swanke
 (321) 633-2069

Clerk to the Board instruction:

Exhibits Attached:

Notice of Statutory Exemption, Draft Development Order in legislative format, Draft Development Order

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

County Manager Stockton Whitten	Assistant County Manager Mel Scott, AICP	Department Director / Extension Robin M. Sobrino, AICP 5-2069
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Tammy Etheridge, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
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July 23, 2014

MEMORANDUM

TO: Robin Sobrino, Planning and Development Director Attn: Stephen Swanke

RE: Item III.D, Minor Amendment to the Viera DRI Development Order

The Board of County Commissioners, in regular session on July 22, 2014, adopted Resolution No. 14-120, amending Resolution No. 09-272; and executed the Minor Amendment to the Viera DRI Development Order. Enclosed are a certified copy of the Resolution and a fully-executed copy of the Agreement.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

bor
Tammy Etheridge, Deputy Clerk

/clm

Encls. (2)

cc: Contract Administration
Finance
Budget

RESOLUTION NO. 14- 120
JULY 22 2014
AMENDING RESOLUTION 09-272
AS AMENDED BY RESOLUTION 10-105

**SECOND AMENDMENT TO THE AMENDED AND RESTATED
DEVELOPMENT ORDER, AS AMENDED
VIERA DEVELOPMENT OF REGIONAL IMPACT**

WHEREAS, the Viera Development of Regional Impact (the “DRI”) is a mixed-use development on approximately 20,646 acres located east and west of Interstate 95 in central Brevard County approved pursuant to the original Application for Development Approval and the Application for Development Approval for Substantial Deviations #1 and 2 on property described in **EXHIBIT 1**, attached and incorporated by reference; and

WHEREAS, Brevard County adopted Resolution 09-272 on December 15, 2009 which created the Amended and Restated Development Order for the Viera DRI (the Amended and Restated DRI”) which incorporated all previous changes and amendments to the Viera DRI into a single Development Order that controls the development of the property (the “Development Order”); and

WHEREAS, Brevard County adopted Resolution 10-105 on May 27, 2010 which is an Amendment to the Amended and Restated Development DRI (the “First Amendment”) to include provisions to settle an administrative appeal. Together, the Amended and Restated DRI and the First Amendment comprise the current Viera DRI Development Order; and

WHEREAS, Brevard County has noticed the Developer that it wishes to commence the anticipated widening of Barnes Boulevard, the parties have conferred and now seek to clarify some of the transportation conditions in the DRI to accomplish this and, at the same time, modify dates within the DRI to reflect timely filed statutory extensions pursuant to s. 380.06(19), F.S., which have affected several portions of the Viera DRI DO and impact transportation mitigation timing; and

WHEREAS, this Second Amendment to the Amended and Restated Development Order, As Amended (the “Second Amendment”), specifically modifies only those portions of

As approved by the Board
on JUL 22 2014

Resolutions 09-272, as amended by Resolution 10-105 that are reflected in this amendment. All other language shall remain in full force and effect.

I. FINDINGS OF FACT AND CONCLUSIONS OF LAW.

The following amendments to the Resolution No 09-272, as amended are adopted as follows:

1. Extension of dates in Amended and Restated DRI and clarification of Wickham/Murrell traffic mitigation:

Developer timely filed a Notice of Statutory Extension of Commencement, Phase, Buildout and Expiration Dates and Associated Mitigation dated June 30, 2011 and subsequently filed a Revised and Restated Notice of Statutory Extension, dated December 28, 2011 (collectively the “Statutory Notices”).

Pursuant to House Bill 7207, Section 54, which was later codified at Section 380.06(19), F.S., the Developer notified Brevard County and copied the City of Rockledge, the then predecessor to the Department of Economic Opportunity, the East Central Florida Regional Planning Council and the Department of Transportation of Developer’s election to extend the following DRI dates:

Phase Buildout	Dates
Phase 1	December 29, 2015 extended to December 29, 2019
Phase 2A	December 29, 2015 extended to December 29, 2019
Phase 3	December 29, 2015 extended to December 29, 2019
Phase 4	December 29, 2025 extended to December 29, 2029
Viera DRI Expiration	December 29, 2025 extended to December 29, 2029
Viera DRI Termination	December 29, 2025 extended to December 29, 2029

Additionally, transportation mitigation was also extended by the same 4 years.

Finally, the County has requested and Developer has agreed to clarify the Wickham Road and Murrell Road mitigation timing and process.

Accordingly, the specified paragraphs of the Viera DRI DO are modified as follows:

- a. To add the extended dates above to the DRI Development Order, the first paragraph of Monitoring and Modeling (M&M) Paragraph 84 on page 43 of Resolution 09-272 is amended as follows:

84. Prior to the initiation of each subphase (4a, 4b, 4c and 4d) as identified in the preceding paragraph, the Developer shall conduct a monitoring/modeling program. In any event, the M&M shall be provided no less than every five years regardless of the development schedule. Therefore, the first M&M shall be initiated prior to 1/9/2019. Brevard County will continue to accept complete building permit applications until 12/29/2019 during the pendency of the M&M. After 12/29/2019 the County has no obligation to accept complete Phase 3 building permit applications unless the development order is amended to extend the Phase 3 completion date pursuant to Florida Statutes. This program shall ascertain the Level of Service ("LOS") on facilities where the Viera DRI is estimated to contribute an amount of traffic greater than or equal to five percent (5%) of the adopted LOS service volume. The methodology of the monitoring/modeling program shall be agreed upon by Brevard County, the City of Rockledge, the ECFRPC, the City of Melbourne, the Florida Department of Transportation ("FDOT"), and the Florida Department of Economic Opportunity ("DEO") and the Developer. The depth of each monitoring and modeling effort shall be similar to that required within an ADA (to include all subsequent phases for projected roadway adversity testing) but shall be consistent with the requirements of the Brevard County Concurrency Management Systems as it relates to facilities within that jurisdiction. All studies and monitoring/modeling programs shall be consistent with the ECFRPC's methodology. Empirical data will be required to be collected for the monitoring and modeling program on facilities where it is estimated that the project contributes an amount of traffic greater than or equal to five percent (5%) of the adopted LOS maximum service volume. This shall include an origin-destination survey to verify trip length and project trip distribution on the external roadway network no earlier than seventy-five percent (75%) through any applicable Phase or Subphase. Concurrent with

the timing of the origin-destination study, a trip generation and internal capture study shall be performed to verify trip generation and internal capture assumptions for the development. In the event that all parties cannot come to agreement on the methodology, the ECFRPC, FDOT, Brevard County, the City of Rockledge and the City of Melbourne shall be the final arbiters. Brevard County's decision shall be final on Brevard County facilities, The City of Rockledge's decision shall be final as it relates to the City of Rockledge facilities, the City of Melbourne's decision shall be final as it relates to the City of Melbourne facilities, the FDOT's decision shall be final on state facilities, and the ECFRPC's decisions shall be final as it relates to all other facilities.

- b. Paragraph 85 on page 47 of Resolution 09-272 shall be amended as follows:

85. The DRI shall not commence beyond Phase 3 into Phase 4a or from Subphase 4b into Subphase 4c or from Subphase 4c into Phase 4d when service levels are below the minimum service level adopted in the applicable local government's comprehensive plan during the peak hour and the project contributes, or is projected to contribute with the next phase of traffic, five percent (5%) of the adopted LOS service volume of the roadway or intersection as determined by the monitoring program required in the preceding condition, unless mitigation measures and/or improvements are secured and committed for construction during the phase or subphase in which the impacts occur. The Development Order shall be amended to incorporate the required improvements and the commensurate trip level by which the improvement is needed to support such subphase development. No additional payments, contributions or improvements for transportation mitigation beyond the transportation mitigation which Developer is obligated to provide under Condition 92 herein shall be required or requested for Phase 3 of the DRI, provided all required transportation mitigation payments have been made or secured by December 29, 2019. In the event the date for completion of Phase 3 is extended and a transportation mitigation payment for a particular improvement has not been made or secured, the amount of the proportionate fair share contribution for such improvement,

which is identified in Condition 92 herein, shall be recalculated to determine Developer's proportionate fair share for the improvement at the time of Developer's payment for the improvement.

- c. Footnotes 3 and 4 in Paragraph 92 on pages 51-52 of Resolution 09-272 are amended and footnote 6 added as follows:

3. Funds for mitigation of traffic impacts paid by Developer to Brevard County are to be pipelined for improvements to Washingtonia Boulevard from the southern boundary of the DRI to Ellis Road in the amount of \$5,000,000. The funds shall be used to reimburse Brevard County for acquisition of the road right of way as well as planning and engineering design of the roadway. The funds for Washingtonia Boulevard shall be paid to Brevard County prior to December 29, 2019. In addition, Developer shall mitigate impacts to Wickham Road and Murrell Road intersections by paying Brevard County a total of \$12,290,000 to reimburse Brevard County for the cost of widening Barnes Boulevard from two lanes to four lanes from Fiske Road to Murrell Road intersection and intersection improvements. Developer shall begin reimbursing the County for these costs on September 1, 2015, a date previously extended from September 1, 2011 by the Statutory Notices. On September 1, 2015, Developer shall provide payment to reimburse to the County for all expenditures made as of that date on a pro rated basis as described below. Developer shall also provide a letter of credit in favor of Brevard County which can be presented for payment in the State of Florida in the amount of the remaining amount of funds due from Developer to County after the payment/ reimbursement for Barnes Boulevard described above for construction costs already incurred. Thereafter, Developer shall make monthly reimbursement payments to County based on its pro rated share of the expenditures by the County for the Barnes Boulevard widening project each month until the project is completed. The pro rated share of the Developer's payment shall be based on the ratio of the total payment of \$12,290,000 to the contract price for Barnes Boulevard, less the amounts paid by the County for alteration to the potable water lines (currently estimated at \$1,876,998.75) and

force main and reuse lines (currently estimated at \$666,784.55) as part of the Barnes Boulevard widening project. Reimbursement funds paid to the County by Developer may be spent on any type of transportation project which could have been eligible to use 2007 Local Option Gas Tax (LOGT) bond proceeds. In the event funds other than LOGT bond proceeds are used to pay for the widening of Barnes Boulevard, the reimbursement funds shall be used for any transportation purpose for which the funds used by Brevard County to pay for the Barnes Boulevard Widening Project may have been used. The mitigation above satisfies the cumulative Phase 3 impacts to Wickham Road and the Murrell Road intersection improvements.

On March 5, 2009, Brevard County adopted an emergency ordinance imposing a 2 year moratorium on the collection of transportation impact fees, which moratorium was subsequently extended and currently remains in effect. To assist the Developer in obtaining alternative and innovative means of financing for Developer's payment of \$12,290,000.00 described above, Brevard County (as the constructing authority) shall cooperate with the Developer's efforts to obtain a loan or other financial assistance from the State-funded State Infrastructure Bank ("SIB") pursuant to Section 339.55, Florida Statutes; provided, however, that (i) Brevard County shall not incur any direct cost or expense in connection with such cooperation, (ii) Brevard County shall not be a funding source to repay the SIB loan or liable in any other manner under the SIB loan, and (iii) the Developer shall remain responsible for the timely payment of all funds due hereunder notwithstanding the Developer's failure to obtain such loan. Such cooperation shall include sponsoring the Developer's SIB loan application so long as such sponsorship imposes no liability on Brevard County and providing project-related information for the SIB loan application (e.g. verification of all necessary right-of-way acquisition and consistency with local comprehensive and transportation plans, project cost estimates, project funding, construction drawings, engineering reports, and environmental impact studies)."

4 The improvements shown address the cumulative Phase 3 impacts to intersections along US1 from Dixon Blvd. to Sarno Road and Interstate 95 interchange intersections at SR 406, SR 50, SR 520, Eau Gallie Blvd., and Palm Bay Rd. This mitigation reflects the pipelining of proportionate share contributions to these intersections. Developer will pay FDOT for these intersection improvements \$323,000 by December 15, 2009, \$950,000 by June 29, 2016, and \$950,000 by December 29, 2019.

6. Commencement and completion dates in footnotes 1 and 2 have been extended pursuant to the Statutory Notices.

- d. DEVELOPMENT PHASING, Paragraph 104 on page 62 of Resolution 09-272 shall be amended as follows:

104. The Developer shall adhere to the Master Development Program set forth in Exhibit 4 in four phases: "Phase 1" (1990 to December 29, 2019), "Phase 2A" (December 29, 2005 to December 29, 2019; "Phase 3" (December 29, 2010 to December 29, 2019), and "Phase 4" (December 29, 2019 to December 29, 2029). Because the traffic impacts for Phase 1 and Phase 2A development have been cumulatively assessed and cumulative mitigation provided for them through the end of Phase 3 of this Development Order, any portion of Phase 1 and Phase 2A development that has not been completed by December 29, 2019 may continue through the buildout date of Phase 3.

- e. IV. PERIOD OF EFFECTIVENESS on page 62 of Resolution 09-272 shall be amended as follows:

This Development Order shall take effect upon transmittal by certified U.S. Mail, return receipt requested, to the East Central Florida Regional Planning Council and the Florida Department of Community Affairs, and shall remain in effect until its expiration on December 29, 2029. The termination date is also December 29, 2029. The effectiveness of this Development Order, including without limitation all development phases of the DRI may be extended by operation of law or by the Brevard County Board of County Commissioners in a public hearing upon a

showing by the Developer that the completed portions of the DRI comply with the conditions of this Development Order and the provisions of Chapter 380.06, Florida Statutes.

- f. VII. RESTRICTIONS ON DOWNZONING on page 64 of Resolution 09-272 shall be amended as follows:

The Viera Development of Regional Impact as described within this Development Order shall not be subject to down-zoning, unit density reduction or intensity reduction until December 29, 2029, unless extended by law or by the provisions of Paragraph IV herein, unless it is demonstrated and affirmatively found by the Brevard County Board of County Commissioners at a public hearing that substantial changes in the conditions underlying the approval of this Development Order have occurred, or that this Development Order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by Brevard County to be essential to the public health or safety.

II. The DRI (as described on the Original DRI, the Amended and Restated DRI, the First Amendment and this Second Amendment) is consistent with the State Comprehensive plan;

III. The DRI is consistent with the Brevard County Comprehensive Plan, as amended, and local land development regulations

NOW THEREFORE, BE IT ORDERED AND RESOLVED by the Board of County Commissioners of Brevard County, Florida that this Second Amendment to the Amended and Restated Development Order for the Viera Development of Regional Impact (No. 14-_____) is APPROVED pursuant to Chapter 380.06, F.S. subject to the terms and conditions of Resolution 09-272, Resolution 10-105 and this Resolution.

ATTEST:



Scott Ellis, Clerk

BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA



Mary Bolin Lewis, Chairman

ACCEPTANCE BY THE DEVELOPER:

THE VIERA COMPANY, INC. HEREBY ACCEPTS AND CONSENTS TO THE FOREGOING DEVELOPMENT ORDER FOR THE VIERA DEVELOPMENT OF REGIONAL IMPACT.



STEPHEN L. JOHNSON
PRESIDENT

As of 7-22-14

DATE

EXHIBIT 1

**LEGAL DESCRIPTION
OF VIERA DRI**

EXHIBIT 1

Original DRI - Legal Description

A parcel of land lying in Sections 28, 29, 32 and 33, Township 25 South, Range 36 East, and Sections 4, 5, 8, 9, 10, 10, 15, 16, 17, 20, 21, 22, 28 and 29, Township 26 South, Range 36 East, Brevard County, Florida, being more particularly described as follows:

Begin at the Northeast corner of Section 29, Township 25 South, Range 36 East; thence N89°37'03"E, along the North line of Section 28, Township 25 South, Range 36 East, a distance of 236.93 feet, to a point on the West right of way line of Interstate 95 (a 300.00 foot wide Limited Access Right of Way as described in Circuit Court Minute Book 53, Pages 359 through 363 of the Public Records of Brevard County, Florida) and a point of intersection with a non-tangent curve, concave Southwesterly, having a radius of 5,579.65 feet and a central angle of 26°53'09"; thence the following 3 courses along said West right of way line of Interstate 95: (1) Southeasterly, along the arc of said curve to the right, a distance of 2,618.22 feet (said arc subtended by a chord bearing S27°57'34"E, a distance of 2,594.27 feet), to a point of tangency; (2) S14°30'59"E, a distance of 18,066.03 feet; (3) S04°15'31"E, a distance of 437.30 feet, to a point on the North line of lands described in Official Records Book 2355, Pages 1570 and 1571 of the Public Records of Brevard County, Florida; thence S75°28'38"W, along the North line of said lands, a distance of 839.48 feet, to the Northwest corner of said lands; thence S14°31'21"E, along the West line of said lands, a distance of 531.92 feet, to the Southwest corner of said lands; thence N89°33'38"E, along the South line of said lands, a distance of 21.66 feet; thence N00°26'21"W, along the South line of said lands, a distance of 50.00 feet; thence N89°33'38"E, along the South line of said lands, a distance of 291.22 feet, to a point on the West right of way line of said Interstate 95; thence the following 5 courses along said West right of way line of Interstate 95: (1) S00°26'21"E, a distance of 230.00 feet; (2) N89°33'39"E, a distance of 100.00 feet; (3) S64°31'58"E, a distance of 389.10 feet; (4) S25°00'16"E, a distance of 1,441.86 feet; (5) S14°30'59"E, a distance of 4,249.29 feet, to a point 351.49 feet South of, by perpendicular measurement, the North line of said Section 22, Township 26 South, Range 36 East; thence S87°31'12"W, parallel with and 351.49 feet South of the North line of said Section 22, a distance of 2,383.56 feet, to a point on the East line of Section 21, Township 26 South, Range 36 East; thence S00°52'01"E, along the East line of said Section 21, a distance of 4,941.06 feet, to the Northeast corner of Section 28, Township 26 South, Range 36 East; thence S00°22'01"E, along the East line of said Section 28, a distance of 2,641.30 feet, to the East one-quarter corner of said Section 28; thence S89°09'50"W, along the South line of the North one-half of said Section 28, a distance of 5,316.03 feet, to the West one-quarter corner of said Section 28; thence S89°24'21"W, along the South line of the Northeast one-quarter of Section 29, Township 26 South, Range 36 East, a distance of 1,321.53 feet, to the Southwest corner of the East one-half of the Northeast one-quarter of said Section 29; thence N00°42'48"W, along the West line of the East one-half of the Northeast one-quarter of said Section 29, a distance of 2,644.74 feet, to a point on the South line of Section 20, Township 26 South, Range 36 East; thence N00°25'43"W, along the West line of the East one-quarter of said Section 20, a distance of 5,296.74 feet, to a point on the South line of Section 17, Township 26 South, Range 36 East; thence N00°35'21"E, along the West line of the East one-quarter of said Section 17, a distance of 5,204.77 feet, to a

point 67.27 feet South of, by perpendicular measurement, the South line of Section 8, Township 26 South, Range 36 East; thence S89°08'33"W, a distance of 3,998.76 feet, to a point on the West line of said Section 17; thence N00°35'19"W, along the West line of said Section 17, a distance of 75.00 feet, to the Southwest corner of said Section 8; thence N00°35'22"W, along the West line of said Section 8, a distance of 5,302.92 feet, to the Southwest corner of Section 5, Township 26 South, Range 36 East; thence N00°33'35"W, along the West line of said Section 5, a distance of 5,290.28 feet, to the Southwest corner of Section 32, Township 25 South, Range 36 East; thence N00°31'18"E, along the West line of said Section 32, a distance of 4,667.92 feet; thence N66°33'30"E, a distance of 1,990.78 feet, to the point of curvature of a curve, concave Northwesterly, having a radius of 2,988.25 feet and a central angle of 28°53'46"; thence Northeasterly, along the arc of said curve to the left, a distance of 1,507.07 feet, to a point of intersection with a non-tangent line; thence N26°25'15"W, a distance of 1,508.04 feet; thence N00°33'05"W, a distance of 470.00 feet; thence N45°39'16"W, a distance of 1,200.05 feet; thence S89°26'55"W, a distance of 150.00 feet; thence N45°51'06"W, a distance of 274.34 feet; thence N00°33'05"W, a distance of 1,456.42 feet, to a point on the North line of Section 29, Township 25 South, Range 36 East; thence N89°20'44"E, along the North line of said Section 29, a distance of 4,125.06 feet, to the POINT OF BEGINNING; Containing 6,249.54 acres, more or less.

LESS AND EXCEPT:

A portion of Section 29, Township 25 South, Range 36 East, Brevard County, Florida, being more particularly described as follows:

Commence at the Northeast corner of Section 29, Township 25 South, Range 36 East; thence S89°20'44"W, along the North line of said Section 29, a distance of 818.56 feet; thence S00°27'28"E, a distance of 60.00 feet, to the Northeast corner of that tract of land described as Parcel #1 in Official Records Book 2885, Page 0986, of the Public Records of Brevard County, Florida, and the POINT OF BEGINNING of the herein described parcel; thence continue, S00°27'28"E, along the East line of said Parcel #1, a distance of 127.53 feet, to the Southeast corner of said Parcel #1; thence S89°20'44"W, along the South line of said Parcel #1, a distance of 466.24 feet, to the Northeast corner of that tract of land described as Parcel #2 in said Official Records Book 2885, Page 0986; thence S00°27'28"E, along the East line of said Parcel #2, a distance of 50.00 feet, to the Southeast corner of said Parcel #2; thence S89°20'44"W, along the South line of said Parcel #2, a distance of 185.00 feet, to the Southwest corner of said Parcel #2; thence N00°27'28"W, along the West line of said Parcel #2, a distance of 50.00 feet, to the Northwest corner of said Parcel #2; thence N89°20'44"E, along the North line of said Parcel #2, a distance of 150.00 feet, to the Southwest corner of aforesaid Parcel #1; thence N00°27'28"W, along the West line of said Parcel #1, a distance of 50.00 feet; thence N89°20'44"E, a distance of 50.00 feet; thence N00°27'28"W, a distance of 77.53 feet, to the Northwest corner of said Parcel #1, and a point 60.00 feet South of, by perpendicular measurement, the North line of said Section 29; thence N89°20'44"E, along the North line of said Parcel #1, parallel with and 60.00 feet South of the North line of said Section 29, a distance of 451.24 feet, to the POINT OF BEGINNING; Containing 1.59 acres, more or less.

Together with:

All of Section 27 and portions of Sections 22, 28, 33, 34 and 35, Township 25 South, Range 36 East and portions of Sections 2, 3, 4, 10 and 11, Township 26 South, Range 36 East, all in Brevard County, Florida, more particularly described as follows:

Commence at the Southeast corner of said Section 10; thence $N00^{\circ}56'27''W$, along the east line of said Section 10, a distance of 50.01 feet, to a point on the North right of way line of Wickham Road (a 100.00 foot right of way) said point also being the POINT OF BEGINNING of the herein described parcel; thence $S88^{\circ}04'16''W$, along the North right of way line of said Wickham Road, a distance of 1.46 feet; thence $S86^{\circ}42'08''W$, along the North right of way line of said Wickham Road, a distance of 1791.20 feet; thence $S89^{\circ}33'39''W$, along said North right of way line of Wickham Road, a distance of 1230.64 feet, to a point on the East line of lands described in Official Records Book 876 Page 569 of the Public Records of Brevard County, Florida; thence $N14^{\circ}30'59''W$, along the East line of said lands, a distance of 767.04 feet, to the Northeast corner of lands described in Official Records Book 876 Page 569; thence $S75^{\circ}29'01''W$, along the North line of said lands, a distance of 768.60 feet, to the Easterly right of way line of Interstate 95 (a 300.00 foot Limited Access right of way) as described in Circuit Court Book 53 Pages 359-363 of said Public Records of Brevard County, Florida, thence $N25^{\circ}59'45''W$, along said Easterly right of way line, a distance of 745.37 feet; thence $N14^{\circ}30'59''W$, along said Easterly right of way line, a distance of 2308.05 feet, to a point on the Westerly extension of the North line of Tract "A" CRANE CREEK UNIT ONE according to the plat thereof as recorded in Plat Book 35 pages 98 and 99 of said Public Records; thence along the North line of said Tract "A" the following courses: $N60^{\circ}50'37''E$, a distance of 345.53 feet; thence $N37^{\circ}55'22''E$, a distance of 170.97 feet; thence $N52^{\circ}14'42''E$, a distance of 84.63 feet; thence $N75^{\circ}32'52''E$, a distance of 550.00 feet; thence $N77^{\circ}53'10''E$, a distance of 75.00 feet; thence $S84^{\circ}57'29''E$, a distance of 75.00 feet; thence $S82^{\circ}54'27''E$, a distance of 410.74 feet; thence $N07^{\circ}05'33''E$, a distance of 104.22 feet, to a point of intersection with a non-tangent curve, concave Northerly, having a radius of 813.27 feet and a central angle of $23^{\circ}09'47''$; thence Easterly, along the arc of said curve to the left, a distance of 328.78 feet, (said arc subtended by a chord which bears $N79^{\circ}40'16''E$, for 326.55 feet) to a point of tangency; thence $N68^{\circ}05'23''E$, a distance of 243.76 feet, to a point lying 30.00 feet West of, by perpendicular measurement, the West right of way line of Murrell Road (a proposed 120.00 foot right of way) as described in Official Records Book 2953 Page 2101 of said Public Records; thence Northerly and 30.00 West of, by perpendicular measurement, said West right of way line of Murrell Road the following courses: $N21^{\circ}58'12''W$, a distance of 742.63 feet, to a point of curvature with a curve, concave Easterly having a radius of 1235.92 feet and a central angle of $27^{\circ}00'44''$;

thence Northerly, along the arc of said curve to the right, a distance of 582.68 feet, (said arc subtended by a chord which bears $N08^{\circ}27'42''W$, for 577.30 feet) to a point of tangency; thence $N05^{\circ}02'40''E$, a distance of 468.35 feet; to the point of curvature of a curve, concave Westerly, having a radius of 1055.92 feet and a central angle of $26^{\circ}59'03''$; thence Northerly, along the arc of said curve to the left, a distance of 497.30 feet, to a point of tangency; thence $N21^{\circ}56'23''W$, a distance of 1400.38 feet; to the point of curvature of a curve, concave Easterly, having a radius of 1235.92 feet and a central angle of $27^{\circ}28'01''$; thence Northerly, along the arc of said curve to the right, a distance of 592.49 feet, to a point of tangency; thence $N05^{\circ}31'38''E$, a distance of 1379.39 feet; thence $N84^{\circ}28'22''W$, a distance of 600.00 feet; thence $N05^{\circ}31'38''E$, a distance of 436.54 feet; to the point of curvature of a curve, concave Westerly having a radius of 947.02 feet

and a central angle of 29°17'27"; thence Northerly, and Northwesterly, along the arc of said curve to the left, a distance of 484.14 feet, to a point of tangency; thence N23°45'49"W, a distance of 80.18 feet; thence S75°26'47"W, a distance of 2378.80 feet, to the Easterly right of way line of aforesaid Interstate 95; thence along said Easterly right of way line, N14°30'59"W, a distance of 8447.89 feet, to a point on the South line of North ½ of Section 28, Township 25 South, Range 36 East, of Brevard County, Florida; thence N89°33'30"E, along said South line of the North ½ of Section 28, a distance of 472.99 feet, to a point of intersection with a non-tangent curve, concave Easterly, having a radius of 305.96 feet and a central angle of 29°59'46"; thence Southerly, along the arc of said curve to the left, a distance of 160.18 feet (said arc subtended by a chord which bears S01°19' 19"W, a distance of 158.36 feet) to a point of tangency; thence S13°40'34"E, a distance of 303.04 feet, to the point of curvature of a curve, concave Northeasterly, having a radius of 458.10 feet and a central angle of 56°01'11"; thence Southeasterly, along the arc of said curve to the left, a distance of 447.90 feet, to a point of tangency; thence S69°41'45"E, a distance of 425.30 feet, to the point of curvature of a curve, concave Northerly, having a radius of 50.00 feet and a central angle of 63°22' 16"; thence Easterly, along the arc of said curve to the left, a distance of 55.30 feet, to a point of tangency; thence N46°55'59"E, a distance of 360.24 feet, to the point of curvature of a curve, concave Westerly, having a radius of 50.00 feet and a central angle of 65°10'20"; thence Northerly, along the arc of said curve to the left, a distance of 56.87 feet, to a point of tangency; thence N18° 14'21" W, a distance of 634.87 feet, to the point of curvature of a curve, concave Westerly, having a radius of 335.00 feet and a central angle of 03°04'30"; thence Northerly, along the arc of said curve to the left, a distance of 17.98 feet, to a point on the South line of the North one-half of said Section 28, and a point of intersection with a non-tangent line; thence N89°33'30"E, along said South line, a distance of 372.80 feet, to a point of intersection with a non-tangent curve, concave Northerly, having a radius of 407.17 feet and a central angle of 39°26' 11"; thence Easterly, along the arc of said curve to the left, a distance of 280.25 feet (said arc subtended by a chord which bears S71°26'34"E, a distance of 274.75 feet), to a point of tangency; thence N88°50'21"E, a distance of 296.03 feet; thence N01°09'39"W, a distance of 85.74 feet; to a point on the South line of the North one-half of said Section 28; thence N89°33'30"E, along said South line, a distance of 373.86 feet; thence N61°33'05"E, a distance of 211.23 feet, to a point of intersection with a non-tangent curve, concave Northeasterly, having a radius of 75.06 feet and a central angle of 71°38'52"; thence Southeasterly, along the arc of said curve to the left, a distance of 93.87 feet (said arc subtended by a chord which bears S64°16'20"E, a distance of 87.87 feet), to a point of tangency; thence N79°54' 14"E, a distance of 143.40 feet; thence S01°14'17"E, a distance of 84.49 feet, to a point on the South line of the North one-half of said Section 28; thence N89°33'30"E, along said South line, a distance of 406.31 feet, to the East ¼ corner of said Section 28; thence N00°52'33"W, along the East line of said Section 28, a distance of 2689.25 feet, to the Northwest corner of Section 27, Township 25 South, Range 36 East, of said Brevard County, Florida; thence N89°44'56"E, along the North line of said Section 27, a distance of 4533.52 feet, to a point on the West line of lands described in Official Records Book 2237, Page 2896 of said Public Records; thence N00°14'41" W, along said West line of said lands, a distance of 1969.91 feet, to a point on the South right of way line of Barnes Boulevard (a 100.00 foot right of way); thence S89°47'34"E, along the South right of way line of said Barnes Boulevard, a distance of 800.02 feet, to a point on the East line of lands described in said Official Records Book 2237, Page 2896; thence S00°14'41"E, along the East line of said lands, a

distance of 1963.51 feet, to the Northeast corner of aforesaid Section 27; thence S00°21'25"E, along the East line of said Section 27, a distance of 2660.01 feet; thence S00° 41'06"W, along the East line of said Section 27, a distance of 2181.04 feet; thence S38°50'01"E, a distance of 1283.83 feet; thence S00°00'17"W, a distance of 1950.00 feet; thence S40°13'54"E, a distance of 170.29 feet; thence S00°00'17"W, a distance of 575.80 feet; thence S00°47'41"W, a distance of 160.33 feet; thence S00°02'33"W, a distance of 285.27 feet; thence S40°33'32"E, a distance of 322.68 feet; thence S39°45'09"W, a distance of 309.83 feet; thence S39°45'09"W, a distance of 73.64 feet; thence S01°44'51"E, a distance of 160.08 feet; thence S56°16'03"E, a distance of 396.61 feet; thence S60°35'59"E, a distance of 91.79 feet; thence S03°13'41"E, a distance of 350.57 feet; thence S40°30'27"W, a distance of 467.42 feet, to a point on the South line of Section 35, Township 25 South, Range 36 East of said Brevard County, Florida; thence S88°58'58"W, along the South line of said Section 35, a distance of 1034.88 feet, to the Northeast corner of Section 3, Township 26 South, Range 36 East of Brevard County, Florida; thence S01°18'21"W, along the East line of said Section 3, Township 26 South, Range 36 East of Brevard County, Florida; thence S01°18'21"W, along the East line of said Section 3, a distance of 1245.65 feet, to the Northeast corner of INDIAN RIVER COLONY CLUB, P.U.D., PHASE 2, UNIT 1, according to the plat thereof as recorded in Plat Book 34, Page 92 of said Public Records; thence S88°36'35" W, along the North line of said INDIAN RIVER COLONY CLUB, P.U.D., PHASE 2, UNIT 1, and the North line of INDIAN RIVER COLONY CLUB, P.U.D., PHASE 1, UNIT 2, according to the plat thereof as recorded in Plat Book 34 Page 36 of said Public Records, a distance of 2634.53 feet; thence S88°29'51"W, along the North line of said INDIAN RIVER COLONY CLUB, P.U.D., PHASE 1, UNIT 2, and the North line of INDIAN RIVER COLONY CLUB, P.U.D., PHASE 1, UNIT 1, according to the plat thereof as recorded in Plat Book 34 Pages 31 and 32 of said Public Records, and the North line of INDIAN RIVER COLONY CLUB, P.U.D., PHASE 1, UNIT 3, according to the plat thereof as recorded in Plat Book 35 Page 91 of said Public Records, a distance of 883.37 feet, to the East right of way line of aforesaid Murrell Road; thence Southerly along the East right of way of said Murrell Road the following courses: S05°31'38"W, a distance of 785.27 feet; to the point of curvature of a curve, concave Easterly, having a radius of 1085.92 feet and a central angle of 27°28'01"; thence Southerly, along the arc of said curve to the left, a distance of 520.58 feet, to a point of tangency; thence S21°56'23"E, a distance of 1400.38 feet; to the point of curvature of a curve, concave Westerly, having a radius of 1205.92 feet and a central angle of 26°59'03"; thence Southerly, along the arc of said curve to the right, a distance of 567.94 feet, to a point of tangency; thence S05°02'40"W, a distance of 468.35 feet; to the point of curvature of a curve, concave Easterly, having a radius of 1085.92 feet and a central angle of 27°00'44"; thence Southerly, along the arc of said curve to the left, a distance of 511.96 feet, to a point of tangency; thence S21°58'05"E, a distance of 592.75 feet; to the point of curvature of a curve, concave Northeasterly, having a radius of 50.00 feet and a central angle of 90°00'00"; thence along the South line of lands described in Official Records Book 2952 Page 1046, of said Public Records the following courses: Southeasterly along the arc of aforesaid curve to the left, and a distance of 78.54 feet, to a point of tangency; thence N68°01'55"E, a distance of 423.19 feet; to the point of curvature of a curve, concave Southerly, having a radius of 960.00 feet and a central angle of 19°01'19"; thence Easterly, along the arc of said curve to the right, a distance of 318.72 feet, to a point of tangency; thence N87°03'14"E, a distance of 221.13 feet; thence N02°52'32"W, along the East line of said Official Records Book 2952, Page 1046, a distance of 693.18 feet, to a point on the South line of

INDIAN RIVER COLONY CLUB, P.U.D., PHASE 2, UNIT 4, according to the plat thereof as recorded in Plat Book 35 Pages 65, 66 and 67 of said Public Records; thence N86°32'28" E, along the South line of said INDIAN RIVER COLONY CLUB, P.U.D., PHASE 2, UNIT 4, a distance of 1619.95 feet, to the Southeast corner of the aforesaid Section 3; thence N01°19'53"E, along the East line of said Section 3, and the East line of INDIAN RIVER COLONY CLUB, P.U.D., PHASE 2, UNIT 4, and the East line of INDIAN RIVER COLONY CLUB, P.U.D., PHASE 2, UNIT 2, according to the plat thereof as recorded in Plat Book 34 Pages 99 and 100, and the East line of the aforesaid INDIAN RIVER COLONY CLUB, P.U.D., PHASE 2, UNIT 1, a distance of 2506.80 feet, to a point on the North line of the West ½, of the Southwest ¼ of Section 2, Township 26 South, Range 36 East of said Brevard County, Florida; thence N87°30'13"E, along said North line, a distance of 1347.63 feet, to a point on the East line of the West ½ of the Southwest ¼ of said Section 2; thence S00°58'04"W, along said East line, a distance of 2563.79 feet, to the Southeast corner of the West ½ of the Southwest ¼ of said Section 2; thence S00°29'09"E, along the East line of the Northwest ¼ of the Northwest ¼ of Section 11, Township 26 South, Range 36 East of said Brevard County, Florida, a distance of 1335.62 feet, to a point on the South line of said Northwest ¼ of the Northwest ¼ of Section 11; thence N89°30'57"W, along said South line, a distance of 1350.86 feet, to a point on the East line of Section 10, Township 26 South, Range 36 East; thence S00°56'39"E, along the East line of said Section 10, a distance of 1322.93 feet; thence S00°56'27"E, along the East line of said Section 10, a distance of 541.54 feet, to the Northeast corner of lands described in Official Records Book 2812, Page 2063 of said Public Records; thence along the North boundary of said Official Records Book 2812 Page 2063, the following courses: S87°58'09"W, a distance of 649.89 feet; thence S00°56'33"E, a distance of 288.93 feet; thence S59°06'00"W, a distance of 245.74 feet; thence N88°22'27"W, a distance of 502.08 feet; thence S59°06'25"W, a distance of 503.21 feet; thence S00°56'41"E, a distance of 575.05 feet; thence S44°01'53"W, a distance of 158.94 feet; thence S87°56'38"W, a distance of 359.28 feet, to the East right of way line of aforesaid Murrell Road; thence S12°26'11"E, along the East right of way line of said Murrell Road, a distance of 152.27 feet, to a point on the South line of lands described in said Official Records Book 2812 Page 2063; thence N87°58'46"E, along the South line of said lands, a distance of 2241.81 feet, to a point on the East line of aforesaid Section 10; thence S00°56'27"E, along the East line of said Section 10, a distance of 600.02 feet, to the POINT OF BEGINNING.

Together with:

A portion of Section 28, Township 25 South, Range 36 East, Brevard County, Florida, lying East of Interstate 95, being more particularly described as follows:

Commence at the Northwest corner of said Section 28; thence N89°37'03"E, along the North line of the Northwest one-quarter of said Section 28, a distance of 627.16 feet, to a point on the East right of way line of Interstate 95 (a 300.00 foot wide right of way) and the POINT OF BEGINNING of the herein described parcel; thence continue, N89°37'03"E, along said North line, a distance of 2,011.74 feet, to the North ¼ corner of said Section 28; thence N89°37'23"E, along the North line of the Northeast one-quarter of said Section 28, a distance of 2,649.15 feet, to the Northeast corner of said Section 28; thence S00°52'33"E, along the East line of said Section 28; a distance of 2,689.25 feet, to the East ¼ corner of said Section 28; thence S89°33'30"W, along the South line of the North one-half of said Section 28, a distance of 406.31

feet; thence N01°14'17"W, a distance of 84.49 feet; thence S79°54'14"W, a distance of 143.40 feet, to the point of curvature of a curve, concave Northeasterly, having a radius of 75.06 feet and a central angle of 71°38'52"; thence Northwesterly, along the arc of said curve to the right, a distance of 93.87 feet, to a point of intersection with a non-tangent line; thence S61°33'05"W, a distance of 211.23 feet, to a point on the South line of the North one-half of said Section 28; thence S89°33'30"W, along said South line, a distance of 373.86 feet; thence S01°09'39"E, a distance of 85.74 feet; thence S88°50'21"W, a distance of 296.03 feet, to the point of curvature of a curve, concave Northerly, having a radius of 407.17 feet and a central angle of 39°26'11"; thence Westerly, along the arc of said curve to the right, a distance of 280.25 feet, to a point on the South line of the North one-half of said Section 28, and a point of intersection with a non-tangent line; thence S89°33'30"W, along said South line; a distance of 372.80 feet, to a point of intersection with a non-tangent curve, concave Westerly, having a radius of 335.00 feet and a central angle of 03°04'30"; thence Southerly, along the arc of said curve to the right, a distance of 17.98 feet (said arc subtended by a chord which bears S19°46'36" E, a distance of 17.98 feet, to a point of tangency; thence S18°14'21"E, a distance of 634.87 feet, to the point of curvature of a curve, concave Westerly, having a radius of 50.00 feet and a central angle of 65°10'20"; thence Southerly, along the arc of said curve to the right, a distance of 56.87 feet, to a point of tangency; thence S46°55'59"W, a distance of 360.24 feet, to the point of curvature of a curve, concave Northerly, having a radius of 50.00 feet and a central angle of 63°22'16"; thence Westerly, along the arc of said curve to the right, a distance of 55.30 feet, to a point of tangency; thence N69°41'45"W, a distance of 425.30 feet, to the point of curvature of a curve, concave Northeasterly, having a radius of 458.10 feet and a central angle of 56°01'11"; thence Northwesterly, along the arc of said curve to the right, a distance of 447.90 feet, to a point of tangency; thence N13°40'34"W, a distance of 303.04 feet, to the point of curvature of a curve, concave Easterly, having a radius of 305.96 feet and a central angle of 29°59'46"; thence Northerly, along the arc of said curve to the right, a distance of 160.18 feet, to a point on the South line of the North one-half of said Section 28, and a point of intersection with a non-tangent line; thence S89°33'30"W, along said South line, a distance of 472.99 feet, to a point on the East right of way line of said interstate 95; thence N14°30'59"W, along said East right of way line, a distance of 481.28 feet, to the point of curvature of a curve, concave Southwesterly, having a radius of 5,879.65 feet and a central angle of 24°23'21"; thence Northwesterly, along said East right of way line, and along the arc of said curve to the left, a distance of 2,502.80 feet, to the POINT OF BEGINNING; containing 260.84 acres, more or less.

West Viera Expansion Area – Legal Description

Begin at a 4" X 4" concrete monument at the Northwest corner of said Section 30, Township 25 South, Range 36 East; thence N89°21'55"E, along the North line of said Section 30, a distance of 2,545.93 feet, to an iron rod; thence S08°24'33"E, a distance of 748.62 feet, to an iron rod; thence S08°55'25"E, a distance of 405.40 feet, to an iron rod; thence S07°53'09"E, a distance of 404.42 feet, to an iron rod; thence S07°41'38"E, a distance of 556.16 feet, to an iron rod; thence S08°07'57"E, a distance of 556.72 feet, to an iron rod; thence S07°54'48"E, a distance of 556.44 feet, to an iron rod; thence S08°10'16"E, a distance of 880.33 feet, to an iron rod; thence S07°57'39"E, a distance of 482.44 feet, to an iron rod; thence S79°41'18"W, a distance of 8.69 feet, to an iron rod; thence S07°38'31"E, a distance of 396.84 feet, to an iron rod; thence S13°30'01"W, a distance of 6.84 feet, to an iron rod; thence S68°53'11"W, a distance of 456.26 feet, to an iron rod; thence S75°44'29"W, a distance of 86.29 feet, to an iron rod; thence S64°14'40"W, a distance of 129.79 feet, to an iron rod; thence S68°29'29"W, a distance of 703.75 feet, to an iron rod; thence S03°43'55"E, a distance of 774.28 feet, to an iron rod; thence S03°43'05"E, a distance of 420.39 feet, to an iron rod; thence S17°31'55"W, a distance of 31.51 feet, to an iron rod; thence S02°10'23"W, a distance of 15.32 feet, to an iron rod; thence S84°49'06"W, a distance of 1,260.85 feet, to an iron rod; thence S65°26'07"W, a distance of 553.39 feet, to an iron rod; thence S65°16'09"W, a distance of 553.65 feet, to an iron rod; thence S65°26'06"W, a distance of 552.21 feet, to an iron rod; thence S65°42'09"W, a distance of 553.14 feet, to an iron rod; thence S86°33'52"W, a distance of 560.20 feet, to an iron rod; thence S86°36'43"W, a distance of 1,119.98 feet, to an iron rod; thence N15°49'12"W, a distance of 53.08 feet, to an iron rod; thence S88°41'21"W, a distance of 144.31 feet to an iron rod; thence S86°14'12"W, a distance of 360.22 feet, to an iron rod; thence S44°22'00"W, a distance of 2,194.87 feet, to an iron rod; thence S02°24'20"E, a distance of 99.12 feet, to an iron rod; thence S46°55'21"W, a distance of 146.56 feet, to an iron rod; thence S65°38'19"W, a distance of 194.77 feet, to an iron rod; thence S63°42'25"W, a distance of 577.43 feet, to an iron rod; thence S69°45'01"W, a distance of 412.41 feet, to an iron rod; thence N89°15'09", a distance of 79.29 feet, to an iron rod; thence S73°35'49W, a distance of 521.37 feet, to an iron rod; thence S87°25'48"W, a distance of 483.14 feet, to an iron rod; thence S87°26'32"W, a distance of 966.55 feet, to an iron rod; thence S87°21'06"W, a distance of 485.66 feet, to an iron rod; thence S62°14'38"W, a distance of 444.40 feet, to an iron rod; thence S62°17'07"W, a distance of 446.88 feet, to an iron rod; thence S62°19'23"W, a distance of 358.90 feet, to an iron rod; thence S62°27'13"W, a distance of 370.19 feet, to an iron rod; thence S77°23'47"W, a distance of 411.83 feet, to an iron rod; thence S00°53'45"W, a distance of 125.73 feet, to an iron rod; thence S00°13'05"W, a distance of 658.60 feet, to an iron rod; thence S00°02'40"E, a distance of 1,583.00 feet, to an iron rod; thence S00°01'31"E, a distance of 543.46 feet, to an iron rod; thence S06°38'41"E, a distance of 236.05 feet, to an iron rod; thence S00°05'15"W, a distance of 1,609.02 feet, to an iron rod, thence N89°56'44"E, a distance of 1,150.63 feet, to an iron rod; thence N89°41'56"E, a distance of 575.37 feet, to an iron rod; thence S89°48'28"E, a distance of 575.27 feet, to an iron rod; thence S05°17'41"E, a distance of 5,150.06 feet, to an iron rod; thence S88°28'59"W, a distance of 892.20 feet, to an iron rod; thence S89°18'35"W, a distance of 1,352.16 feet, to an iron rod; thence N88°11'42"W, a distance of 478.57 feet, to an iron rod;

thence S04°20'09"W, a distance of 165.35 feet, to an iron rod; thence S44°31'42"E, a distance of 1,884.04 feet, to an iron rod; thence S44°35'30"E, a distance of 3,917.97 feet, to an iron rod; thence S62°09'21"E, a distance of 2,317.97 feet, to an iron rod; thence S61°05'48"E, a distance of 649.92 feet, to an iron rod; thence N47°16'55", a distance of 35.75 feet, to an iron rod; thence S61°57'44"E, a distance of 923.38 feet, to an iron rod; thence S41°26'58"E, a distance of 273.10 feet, to an iron rod; thence S30°04'29"E, a distance of 310.25 feet, to an iron rod; thence S34°43'38"E, a distance of 598.07 feet, to an iron rod; thence S26°25'22"E, a distance of 301.86 feet, to an iron rod; thence S04°19'41"E, a distance of 773.92 feet, to an iron rod; thence S03°54'52"E, a distance of 1,444.29 feet, to an iron rod; thence S88°57'24"E, a distance of 504.03 feet, to an iron rod; thence S13°21'03"W, a distance of 118.12 feet, to an iron rod; thence S34°02'56"W, a distance of 1,348.21 feet, to an iron rod; thence S45°13'06"W, a distance of 1,297.85 feet, to an iron rod; thence S63°01'28"W, a distance of 72.85 feet, to an iron rod; thence S35°48'10"E, a distance of 45.45 feet, to an iron rod; thence S36°43'44"E, a distance of 81.14 feet, to an iron rod; thence S43°22'10"E, a distance of 2,416.90 feet, to an iron rod; thence S54°43'27"E, a distance of 118.25 feet, to an iron rod; thence S76°01'08"E, a distance of 114.63 feet, to an iron rod; thence S89°15'48"E, a distance of 397.01 feet, to an iron rod; thence S67°53'23"E, a distance of 92.26 feet, to a iron rod; thence S27°40'02"E, a distance of 156.14 feet, to an iron rod; thence S64°16'29"E, a distance of 37.61 feet, to an iron rod; thence S89°15'14"E, a distance of 352.87 feet, to an iron rod; thence S85°51'17"E, a distance of 307.67 feet, to an iron rod; thence N86°54'20"E, a distance of 151.74 feet, to an iron rod; thence N76°30'06"E, a distance of 261.56 feet, to an iron rod; thence N87°06'14"E, a distance of 251.77 feet, to an iron rod; thence N88°53'08"E, a distance of 158.24 feet, to an iron rod; thence N85°02'05"E, a distance of 159.48 feet, to an iron rod; thence S87°50'11"E, a distance of 174.88 feet, to an iron rod; thence S83°44'02"E, a distance of 176.43 feet, to an iron rod; thence S86°24'25"E, a distance of 258.17 feet, to an iron rod; thence S81°07'19"E, a distance of 151.23 feet, to an iron rod; thence N73°40'28"E, a distance of 247.99 feet, to an iron rod; thence N84°35'54"E, a distance of 81.80 feet, to an iron rod; thence S79°39'38"E, a distance of 98.82 feet, to an iron rod; thence S67°29'44"E, a distance of 168.94 feet, to an iron rod; thence S56°25'12"E, a distance of 206.81 feet, to an iron rod; thence S70°16'15"E, a distance of 241.47 feet, to an iron rod; thence S71°16'02"E, a distance of 271.51 feet, to an iron rod; thence S76°57'22"E, a distance of 144.38 feet, to an iron rod; thence S83°43'51"E, a distance of 362.54 feet, to an iron rod; thence S82°09'02"E, a distance of 428.93 feet, to an iron rod; thence S76°54'20"E, a distance of 74.04 feet, to an iron rod; thence S69°05'45"E, a distance of 73.41 feet, to an iron rod; thence S54°06'44"E, a distance of 97.18 feet, to an iron rod; thence S37°26'00"E, a distance of 287.82 feet, to an iron rod; thence S54°56'39"E, a distance of 72.06 feet, to an iron rod; thence S73°11'26"E, a distance of 65.07 feet, to an iron rod; thence S79°38'52"E, a distance of 374.93 feet, to an iron rod; thence S74°51'17"E, a distance of 156.56 feet, to an iron rod; thence S60°41'38"E, a distance of 171.07 feet, to an iron rod; thence S75°22'42"E, a distance of 109.56 feet, to an iron rod; thence S52°26'28"E, a distance of 84.10 feet, to an iron rod; thence S41°24'22"E, a distance of 210.47 feet, to an iron rod; thence S38°52'45"E, a distance of 174.40 feet, to an iron rod; thence S33°54'38"E, a distance of 212.94 feet, to an iron rod; thence S37°40'21"E, a distance of 119.90 feet, to an iron rod; thence S63°38'27"E, a distance of 397.23 feet, to an iron rod; thence S54°42'23"E, a distance of 137.02 feet, to an iron rod; thence S66°28'00"E, a distance of 72.13 feet, to an iron rod; thence S74°03'50"E, a distance of 526.89 feet, to an iron rod; thence S65°07'14"E, a distance of 169.50

feet, to an iron rod; thence S56°11'35"E, a distance of 261.82 feet, to an iron rod; thence S62°05'45"E, a distance of 141.63 feet, to an iron rod; thence S82°38'30"E, a distance of 227.95 feet, to an iron rod; thence S64°34'06"E, a distance of 134.09 feet, to an iron rod; thence S44°50'15"E, a distance of 117.21 feet, to an iron rod; thence S36°18'31"E, a distance of 242.72 feet, to an iron rod; thence S49°43'39"E, a distance of 178.02 feet, to an iron rod; thence S45°48'41"E, a distance of 179.26 feet, to an iron rod; thence S49°49'20"E, a distance of 214.19 feet, to an iron rod; thence S41°48'48"E, a distance of 222.20 feet, to an iron rod; thence S48°35'30"E, a distance of 200.25 feet, to an iron rod; thence S61°25'40"E, a distance of 428.09 feet, to an iron rod; thence S63°06'44"E, a distance of 644.39 feet, to an iron rod; thence S62°46'04"E, a distance of 678.14 feet, to an iron rod; thence S62°43'50"E, a distance of 652.63 feet, to an iron rod; thence S53°36'34"E, a distance of 218.94 feet, to an iron rod; thence S64°10'09"E, a distance of 726.09 feet, to an iron rod; thence S64°07'34"E, a distance of 634.55 feet, to an iron rod; thence S62°56'15"E, a distance of 752.40 feet, to an iron rod; thence S65°29'06"E, a distance of 118.42 feet, to an iron rod; thence S59°29'15"E, a distance of 116.71 feet, to an iron rod; thence S41°56'01"E, a distance of 88.47 feet, to an iron rod; thence S39°21'46"E, a distance of 287.92 feet, to an iron rod; thence S39°13'55"E, a distance of 321.23 feet, to an iron rod; thence S39°37'39"E, a distance of 318.13 feet, to an iron rod; thence S51°26'09"E, a distance of 73.03 feet, to an iron rod; thence S75°43'21"E, a distance of 132.64 feet, to an iron rod; thence S81°00'26"E, a distance of 449.69 feet, to an iron rod; thence S61°25'12"E, a distance of 181.24 feet, to an iron rod; thence S76°11'38"E, a distance of 79.34 feet, to an iron rod; thence N83°23'17"E, a distance of 57.02 feet, to an iron rod; thence N57°28'51"E, a distance of 65.75 feet, to an iron rod; thence N48°12'37"E, a distance of 218.65 feet, to an iron rod; thence S71°43'37"E, a distance of 109.38 feet, to an iron rod; thence S55°14'02"E, a distance of 91.32 feet, to an iron rod; thence S38°01'21"E, a distance of 56.46 feet, to an iron rod; thence S03°46'11"E, a distance of 62.49 feet, to an iron rod; thence S00°46'56"W, a distance of 262.22 feet, to an iron rod; thence S13°01'47"E, a distance of 243.27 feet, to an iron rod; thence S16°57'33"E, a distance of 140.72 feet, to an iron rod on the South line of the Southeast one-quarter of Section 33, Township 26 South, Range 36 East; thence N88°28'46"E along the South line of said Section 33, 1212.95 feet to Southwest Corner of Section 34, Township 26 South, Range 36 East; thence N89°06'05"E along the South line of said Section 34, 4798.14 feet; to a point on the West Right-of-Way line of Interstate 95 (Circuit Court Book 53, Pages 359-363, Public Records of Brevard County Florida), thence N00°03'59"W, along said Right-of-Way 2480.30 feet; thence N00°28'45"W, 328.41 feet, to a point on the South Boundary line of Nail Farms (Deed Book 63, Page 155, Public Records of Brevard County, Florida); thence S78°21'10"W along said South Line, 303.63 feet; thence N00°38'50"W, 554.40 feet; thence N89°21'11"E, 290.53 feet, to a point on the said West Right-of-Way line of Interstate 95 and a non-tangent intersection with a curve to the left; Thence along said Right-of-Way and the arc of said curve, (said curve being concave to the West and having a radius of 22800.32 feet; a radial bearing of S87°51'38"W, a delta angle of 12°22'37", a chord distance of 4915.73 feet; and a chord bearing of N08°19'41"W) a distance of 4925.30 feet; to the end of said curve; thence N14°30'59"W, 4457.16 feet; thence S75°29'01"W, 200.00 feet; thence N14°30'59"W, 950.00 feet; thence N75°29'01"E, 200.00 feet; thence N14°30'59"W, 2229.09 feet, to a point on the East line of the Viera Development of Regional Impact (DRI) (as described in Official Records Book 4459, Page 3677, Public Records of Brevard County, Florida); thence along said DRI Line the following 24 courses and distances:

1. S87°31'12"W, 2376.76 feet, to a point on the East line of Section 21, Township 26, Range 36 East;
2. S00°52'01"E, along said East line of Section 21, 2322.94 feet to the Southeast Corner of the Northeast Quarter of said Section 21;
3. S00°52'01"E along said East Line of Section 21, 2646.34 feet, to the Northeast Corner of Section 28, Township 26, Range 36 East;
4. S00°22'01"E along said East line of Section 28, 2641.30 feet, to the Southeast Corner of the Northeast Quarter of said Section 28;
5. S89°09'50"W, 5316.03 feet to the Southwest Corner of the Northwest Quarter of said Section 28;
6. S89°24'21"W, 1321.53 feet;
7. N00°42'48"W, 2644.74 feet to a point on the South line of Section 20, Township 26, Range 36 East;
8. N00°25'43"W, 5296.74 feet to a point on the North line of said section 20;
9. N00°35'21"E, 5204.79 feet;
10. S89°08'33"W, 3998.77 feet to a point on the West Line of Section 17, Township 26 South, Range 36 East;
11. N00°35'19"W along the West line of said Section 17, 74.98 feet to the Southwest corner of Section 8; Township 26 South, Range 36 East;
12. N00°35'22"W along the West line of said Section 8, 5302.92 feet to the Southwest Corner of Section 5, Township 26 South, Range 36 East;
13. N00°33'35"W along the West line of said Section 5, 5290.28 feet; to the Southwest corner of Section 32, Township 25 South, Range 36 East;
14. N00°31'18"E along the West line of said Section 32, 4667.92 feet;
15. N66°33'30"E, 1990.78 feet; to the beginning of a curve to the left;
16. along the arc of said curve, (said curve being curved concave to the Northwest and having a radius of 2988.25 feet; a delta angle of 28°53'46", a chord distance of 1491.15 feet; , and a chord bearing of N52°06'37"E) a distance of 1507.07 feet; to the end of said curve;
17. N26°25'15"W, 1508.04 feet;
18. N00°33'05"W, 470.00 feet;

19. N45°39'16"W, 1200.05 feet;
20. S89°26'55"W, 150.00 feet;
21. N45°51'06"W, 274.34 feet;
22. N00°33'05"W, 1456.41 feet to a point on the North line of Section 29, Township 25 South, Range 36 East;
23. S89°20'44"W along the North line of said Section 29, 1153.36 feet to the Northeast corner of Section 30, Township 25 South, Range 36 East;
24. S89°23'19"W along the North line of said Section 30 2789.62 feet to the POINT OF BEGINNING.

Subject to Easements, Restrictions, Reservations and Rights-of-way of record.

LESS AND EXCEPT those certain parcels of land described in Official Records Book 2951, Page 1574; Official Records Book 3412, Page 4823; Official Records Book 4203, Page 2463; Official Records Book 5262, Page 3838; **AND LESS AND EXCEPT** that certain parcel of land described in Civil Action Documents 96-16731-CA-F; all being recorded in the Public Records of Brevard County, Florida.

TOGETHER WITH that certain parcel described in Official Records Book 5262, Page 3836, Public Records of Brevard County, Florida

CONTAINING 11567.01 Acres, MORE OR LESS



7380 Murrell Road, Suite 201 | Viera, Florida 32940
P: 321.242.1200 | F: 321.253.1800 | VIERA.com

July 21, 2014

VIA HAND DELIVERY

Scott Knox, Esq.
County Attorney for Brevard County
Office of the County Attorney
2725 Judge Fran Jamieson Way
Viera, FL 32940

Re: Viera Development of Regional Impact - Second Amendment to the Amended and Restated Development Order

Dear Mr. Knox:

In advance of tomorrow's county commission hearing to consider the above-referenced matter, enclosed are two (2) duplicate originals of the proposed Second Amendment (together with the legal description of the Viera DRI attached as Exhibit 1) executed on behalf of The Viera Company. Once executed on behalf of the Board of County Commissioners, please return a fully executed duplicate original to me for my files.

Please note that the enclosed executed duplicates reflect a correction in the "Buildout" table appearing on page 2. Specifically, the buildout date for Phase 4 is now extended from 2025 to 2029, which is correct, instead of from 2015 to 2029. Additionally, as discussed, "Footnote 6" is added to Condition 92 indicating that the commencement and completion dates for the Viera Boulevard Interchange and Viera Boulevard 4-laning are also extended pursuant to the "Statutory Notices".

If you have any questions or require anything else prior to tomorrow's hearing, please let me know.

Sincerely,

Jay A. Decator III
Corporate Counsel

JAD
enclosures
Cc: Nancy G. Linnan, Esq. (w/enclosure)



7380 Murrell Road Suite 201 | Viera Florida 32940
P 321 242 1200 | F 321 253 1800 | VIERA.com

December 28, 2011

DELIVERED VIA HAND DELIVERY OR FEDERAL EXPRESS

Mr Stephen M. Swanke, AICP
Planning Manager
Brevard County Planning & Zoning Office
2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, FL 32940

Mr George Kinney
Interim Executive Director
East Central Florida Regional Planning Council
309 Cranes Roost Blvd., Suite 2000
Altamonte Springs, FL 32701

Mr Don Griffin
City Planning Director
City of Rockledge
1600 Huntington Lane
Rockledge, FL 32955

Mr James Stansbury
Regional Planning Administrator
Department of Economic Opportunity
407 East Madison Street MSC#160
Caldwell Building
Tallahassee, FL. 32339-4120

Ms. Noranne B Downs, Secretary
Florida Department of Transportation
719 S Woodland Boulevard, MS 503
Deland, Florida 32720

Re: Viera Development of Regional Impact (the “**Viera DRI**”), described in that certain Development Order issued by the Brevard County Board of County Commissioners on November 13, 1990; as amended and restated by Resolution 09-272 adopted by the Brevard County Board of County Commissioners in regular session on December 15, 2009; as amended by Resolution 10-105 adopted by the Brevard County Board of County Commissioners in regular session on May 27, 2010; and described in that certain “Notice of Amendment to Development Order for a Development of Regional Impact Known as the Viera Development of Regional Impact”, recorded in Official Records Book 6105, at page 1085, Public Records of Brevard County, Florida (the “**Viera Development Order**”).

**REVISED AND RESTATED NOTICE OF STATUTORY EXTENSION OF
COMMENCEMENT, PHASE, BUILDOUT AND EXPIRATION DATES AND ASSOCIATED
MITIGATION; MODIFYING EXTENSION OF VIERA BLVD./I-95 INTERCHANGE
IMPROVEMENTS**

(Revising Notice dated June 30, 2011)

Pursuant to HB 7207, §54 (codified at §380.06(19)(c)(2), Florida Statutes), The Viera Company (“**TVC**”) hereby notifies Brevard County, the City of Rockledge, the Department of Economic Opportunity, the East Central Florida Regional Planning Council and the Florida Department of Transportation of TVC’s election to extend all commencement, phase, buildout and expiration dates under the Viera Development Order for four (4) years in accordance with the above-referenced statute, including, but not limited to, the following:

EXHIBIT "A"
CONDITION 92 OF VIERA DEVELOPMENT ORDER
(2 pages)

92. The following Improvements shall be the Mitigation for Phase 3 and the Developer is authorized to commence Phase 3 provided the Developer complies with the conditions hereto. Alternative improvements may also be presented based on future monitoring and modeling study results. Developer shall be eligible for impact fee credits for all improvements as provided by state law and Brevard County Ordinance.

ROADWAY	LIMITS	IMPROVEMENT	ESTIMATED COST (IN MILLIONS)
Viera Blvd. /I-95 ¹	Interchange	Construct interchange ramps	\$8.76
Viera Blvd ²	DRI boundary to US 1	Widen to 4 lanes	\$4.01
Wickham Road ³	Lake Andrew Dr. to Lake Washington Rd., including intersections	Roadway and intersection improvements	\$16.43
Brevard County Intersection Improvements ³	Murrell/Eyster and Murrell/Barnes	Intersection Improvements	\$0.86
FDOT Intersection Improvements ⁴	1 st priority: I-95/Fiske Blvd. 2 nd priority: US1/Viera Blvd. 3 rd priority: US1/Barnes	Add NB left turn lane along Fiske Blvd Add NB left turn lane along US1 Add NB left turn lane along US1	\$2.223
Wickham Road ⁵	Murrell Road to Lake Andrew Drive	Widen to six lanes	\$9.4
Total Estimated Cost			\$41.683
DETAILED MITIGATION PROJECT REQUIREMENTS FOR ROADWAY SEGMENTS AND INTERSECTIONS DESCRIBED ABOVE: ¹ Assumes Developer will provide right of way required to support interchange. If LJR is not approved, Developer will conduct an additional assessment to identify an appropriate plan to mitigate Fiske Boulevard within six months of the LJR decision. Within 30 days after conclusion of the appeal period or the conclusion of all appeals of this Development Order, but in no event earlier than July 15, 2010, Developer will pay FDOT \$500,000 for preparation of the LJR and PD&E. Within 30 days after the later of approval of both the LJR and PD&E or December 29, 2011 Developer will pay FDOT \$870,000 for design and permitting of the Interchange. Subject to FDOT completion of design and permitting, Developer shall (i) commence construction of the Interchange prior to December 29, 2014, or (ii) provide financial assurance acceptable to FDOT on or before such date so that construction commences not later than December 29, 2016. Simultaneously with the commencement construction, Developer shall pay FDOT \$380,000 for post design services.			

ROADWAY	LIMITS	IMPROVEMENT	ESTIMATED COST - (IN MILLIONS)
<p>² This improvement and the Viera Blvd./195 Interchange are alternative mitigation for cumulative Phase 3 impacts on Fiske Blvd. between the DRI boundary and Barnes Boulevard, including intersections. Construction shall begin the later of December 29, 2014 or 180 days after completion of the Viera Interchange.</p>			
<p>³ Funds shall be pipelined to parallel facilities of Washingtonia Blvd. (\$5.0 m for planning and design and to acquire ROW from the southern boundary of the DRI to Ellis Road) and Barnes Blvd. (\$10.77 m, \$.66 m and \$.86 m to complete widening to four lanes from Fiske Blvd. to Murrell Rd.) The mitigation above satisfies the cumulative Phase 3 impacts to Wickham Road and the Murrell Road intersections as listed above. The funds for the Washingtonia Blvd. shall be paid to reimburse Brevard County for acquisition of right of way from the southern boundary of the DRI to Ellis Blvd. prior to the end of Phase 3 Within ten days after notification by the County of County's intent to release the bid documents for construction of Barnes Blvd., but no earlier than September 1, 2011, Developer shall provide to County an Irrevocable Letter of Credit in the amount of \$12,290,000. The funds for Barnes Blvd. shall be paid to reimburse Brevard County for completed construction on a monthly basis beginning no earlier than December 1, 2011</p>			
<p>⁴ The improvements shown address the cumulative Phase 3 impacts to intersections along US1 from Dixon Blvd. to Sarno Road and Interstate 95 interchange intersections at SR 406, SR 50, SR 520, Eau Gallie Blvd., and Palm Bay Rd. This mitigation reflects the pipelining of proportionate share contributions to these intersections. Developer will pay FDOT for these intersection improvements \$323,000 by December 15, 2009, \$950,000 by June 29, 2012, and \$950,000 by December 29, 2015.</p>			
<p>⁵ Developer shall pay for design, acquisition of right of way and construction pursuant to the Joint Facilitation of Public Infrastructure Agreement between Developer and Brevard County dated September 1, 2009.</p>			

EXHIBIT "B" TO REVISED AND RESTATED STATUTORY NOTICE – MODIFYING EXTENSION OF VIERA
BLVD./I-95 INTERCHANGE IMPROVEMENTS

IMPROVEMENT	TASK	AMOUNT	TIMING
Viera Blvd./I-95 Interchange Ramps	IJR and PD&E	\$ 500,000	(Previously Paid by Viera)
	Design and Permitting	\$ 870,000	Viera pays FDOT within 30 days after the later of (i) approval of both the IJR and PD&E or (ii) July 16, 2013
	Construction	\$7,010,000	Subject to FDOT completion of design and permitting, Viera shall commence construction prior to December 29, 2018
	Construction Mgt., Inspection and Post Design Services	\$ 380,000	Viera shall pay simultaneously with commencement of construction