

PROPOSED BINDING DEVELOPMENT AGREEMENT

Prepared by:

John R. Campbell, Surveyor
John R. Campbell Surveying LLC
115 Alma Boulevard, Suite 102
Merritt Island, Fl 32953

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this _____ day of _____ August, 2014 between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida, herein referred to as the "County", and LOYAL ORDER OF THE MOOSE LODGE NO. 2073, Inc., hereinafter referred to as the "Owner"

RECITALS

WHEREAS, the Owner who owns the property herein referred to as the "Property", in Brevard county, Florida, as more particularly described in the attached "EXHIBIT A" and incorporated herein by reference; and

WHEREAS, THE OWNER ENTERED into a BINDING DEVELOPMENT PLAN with the County on July 13, 2004 and the agreement was recorded in Official Records Book 5338 at Page 6462 of the Public Records of Brevard County, Florida, said Agreement is attached and marked as "EXHIBIT B" and

WHEREAS, the Owner wishes to revise and amend the Agreement and wishes to mitigate perceived negative impacts of abutting land owners and affected facilities or services.

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

NOW, THEREFORE, the parties agree as follows to only the following amendments and that all other matters of the ORIGINAL AGREEMENT ARE NOT TO BE CHANGED:

1. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements. It is the intent of the parties that the Owner its grantees, successors or assigns in interest or some other association and or assigns satisfactory to the County shall be responsible for the maintenance of any improvements.
2. The Owner is granted a density change from 2 units per acre to **4 UNITS PER ACRE**, as shown in the **ORIGINAL AGREEMENT**, of that portion of the Owners property that is zoned RVP. The Owner is granted a change of a maximum of 10 recreational spaces to be changed to **A MAXIMUM OF 20 RECRETIONAL SPACES**, that the Moose Lodge members from Moose international Affiliate Lodges will be the only persons authorized to use the spaces for a limit of 30 days for the months of April through November, the balance of the year will be limited to one visit per 14 days. Further, only one visit is permitted within a ninety day period.

3. That the Owner shall plant 11 additional Red Cedar trees of approximately 10 feet of height in order to add additional screening and landscaping within the recreational parking area. That the spaces and additional trees will be laid out in accordance with the attached plot plan prepared by John R. Campbell Surveying, LLC, Project Number 2003-312.
4. The Owner shall comply With all regulations and ordinances of Brevard County, Florida. This Agreement constitutes 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.
5. The Owner, upon execution of this Agreement shall pay to the County the cost of recording this Agreement in Brevard County, Florida.
6. This Agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject property unless or until rezoned and be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject property.

IN WITNESS THEREOF, THE PARTIES HERETO HAVE CAUSED THESE PRESENTS TO THE SIGNED ALL AS OF THE SATE AND YEAR FIRST WRITTEN ABOVE.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA
2775 Judge Fran Jamieson Way
Viera, Florida 32940

Scott Ellis, Clerk

Chair Person

Seal

STATE OF FLORIDA
COUNTY OF BREVARD

The forgoing instrument was acknowledged befor me this _____ day of _____, 2014 by _____ Chair Person of the Board of County Commissioners of Brevard County who is personally known to me or who produced _____ as identification.

NOTARY PUBLIC

WITNESS: _____

WITNESS _____

STATE OF FLORIDA
COUNTY OF BREVARD

The forgoing instrument was acknowledged before me this _____ day of _____, 2014, by _____, President of the Loyal Order of the Moose, Inc. who is personally known to me or produced _____ as identification.

NOTARY PUBLIC

President, Loyal Order of the Moose,
Lodge 2073

WITNESS: _____

WITNESS _____

