

FIRST AMENDMENT TO SUMMERWOODS AMENDED AND RESTATED LOCAL DEVELOPMENT AGREEMENT

This **FIRST AMENDMENT TO SUMMERWOODS AMENDED AND RESTATED LOCAL DEVELOPMENT AGREEMENT** (“First Amendment”) is made and entered into this ____ day of _____, 2014, by and between **MANATEE COUNTY**, a political subdivision of the State of Florida, whose address is 1112 Manatee Avenue West, Bradenton, Florida 34205, (the “County”) and **GULF LAND INVESTMENTS, LLC**, a Florida limited liability company (as to an undivided fifty percent interest), **SHORE ROAD, LLC**, a Florida limited liability company (as to an undivided twenty five percent interest), and **HANOVER REAL ESTATE GROUP, LLC**, (as to an undivided twenty five percent interest), as Tenants In Common, whose address is 5800 Lakewood Ranch Blvd, Sarasota, Florida 34240 (the “Applicant”).

WITNESSETH:

WHEREAS, County and Applicant’s predecessor in title are parties to that certain Summerwoods Amended and Restated Local Development Agreement, dated April 24, 2012, as recorded in OR Book 2417, Page 6603, of the Public Records of Manatee County, Florida (the “LDA”), which LDA concerns a 268.14± acre parcel of real property located in Manatee County and generally bounded by Moccasin-Wallow Road to the north, 115th Avenue East to the east, Buffalo Canal to the south, and Sawgrass Road (future) to the west (the “Project Site”), the complete legal description for which is attached hereto as Exhibit “A”; and

WHEREAS, the Applicant has applied for an amended preliminary site plan approval from Manatee County pursuant to Application No. PDR-14-14 (P), to allow single family residential units, single family detached residential units, and single family semi-detached residential units to be constructed on the Project Site (the “Project”), and

WHEREAS, the parties desire to amend the LDA to make certain that it remains consistent with the preliminary site plan approved pursuant to Application No. PDR-14-14 (P), all as more fully set forth herein;

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, the parties hereby agree as follows:

1. **Recitals True and Correct.** The recitals set forth above are true and correct and are incorporated herein by reference.
2. **Identification of Approval Ordinance.** The Manatee County Ordinance to which this LDA shall apply is now known as, and shall be known as PDR-14-14 (P).
3. **Description of Development Uses.** The first sentence of Paragraph 2 of the LDA is hereby amended and restated in its entirety to read as follows:
“2. **Description of Development Uses.** The Project shall be developed including the following components:

* Five Hundred Sixty Two (562) single family residential units, single family detached residential units, and single family semi-detached residential units.”

4. **Recording of this First Amendment.** The Clerk of the Circuit Court of Manatee County, as Clerk to the Board of County Commissioners (the “Clerk”) shall record this First Amendment in the Public Records of Manatee County, Florida, no later than fourteen (14) days after the execution by all parties. Applicant shall bear the expense of recording this First Amendment.

5. **Conflict.** In the event of any conflict between the terms, provisions and conditions of this First Amendment or the LDA, the terms, provisions and conditions of this First Amendment shall control.

6. **Effective Date.** This First Amendment shall become effective immediately upon the occurrence of all the following:

- (A) Adoption and approval of the amended preliminary site plan by the Board of County Commissioners;
- (B) The recordation of a fully executed original of this First Amendment in the public records of Manatee County, Florida, as provided in Paragraph 4 hereof; and
- (C) The expiration of any and all appeal periods for any challenge to the approval of the preliminary site plan or this First Amendment.

7. **No Other Amendment.** All other provisions of the LDA shall be unaffected by this First Amendment, and shall remain in full force and effect.

WHEREFORE, the parties hereto have executed this Second Amendment as of the date set forth above.

MANATEE COUNTY, FLORIDA

By: Board of County Commissioners

ATTEST: R.B. SHORE,

Clerk of the Circuit Court By: _____
Chairman

By: _____

Deputy Clerk

Date: _____

GULF LAND INVESTMENTS, LLC a Florida Limited Liability Company

By:

Name:

WITNESSES:

Title:

Signature Date:

Print Name

Signature

Print Name

STATE OF FLORIDA
COUNTY OF MANATEE

The foregoing instrument was acknowledged before me this ___ day of _____, 2014, by _____ as Managing Member of **GULF LAND INVESTMENTS, LLC**, on behalf of the Limited Liability Company. He/she is personally known to me or who has produced _____ as identification and did not take an oath.

Notary Public, State of Florida
(Seal) Print Name: _____

SHORE ROAD, LLC, LLC a Florida Limited Liability Company

By:

Name:

WITNESSES:

Title:

Signature Date:

Print Name

Signature

Print Name

**STATE OF FLORIDA
COUNTY OF MANATEE**

The foregoing instrument was acknowledged before me this ___ day of _____, 2014, by _____ as Managing Member of **SHORE ROAD, LLC, LLC**, on behalf of the Limited Liability Company. He/she is personally known to me or who has produced _____ as identification and did not take an oath.

Notary Public, State of Florida
(Seal) Print Name: _____

HANOVER REAL ESTATE GROUP, LLC, a Florida Limited Liability Company

By:

Name:

WITNESSES:

Title:

Signature Date:

Print Name

Signature

Print Name

**STATE OF FLORIDA
COUNTY OF MANATEE**

The foregoing instrument was acknowledged before me this ___ day of _____, 2014, by _____ as Managing Member of **HANOVER REAL ESTATE GROUP, LLC**, on behalf of the Limited Liability Company. He/she is personally known to me or who has produced _____ as identification and did not take an oath.

Notary Public, State of Florida
(Seal) Print Name: _____

EXHIBIT A

DESCRIPTION (FROM OFFICIAL RECORDS BOOK 1746, PAGE 5246):

PARCEL A: THE N 1/2 OF THE SW 1/4 OF SECTION 24, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

PARCEL B: THAT PORTION OF THE SE 1/4 OF SECTION 24, TOWNSHIP 33 SOUTH, RANGE 18 EAST, LYING NORTH OF THE CENTER LINE OF THE BUFFALO CANAL, MANATEE COUNTY, FLORIDA.

PARCEL C: BEGIN AT THE NW CORNER OF THE SW 1/4 OF SECTION 19, TOWNSHIP 33 SOUTH, RANGE 19 EAST; THENCE SOUTH 89°25'15" EAST ALONG THE NORTH LINE OF SAID SW 1/4 A DISTANCE OF 2002.87 FEET; THENCE SOUTH 00°36'15" EAST 1815.0 FEET TO THE CENTER OF THE BUFFALO CANAL; THENCE WESTERLY ALONG THE CENTER OF SAID BUFFALO CANAL A DISTANCE OF 2025.94 FEET TO THE WEST LINE OF SAID SECTION 19; THENCE NORTH 00°07'30" EAST 1852.9 FEET TO THE POINT OF BEGINNING. LESS 35 FEET FOR ROAD RIGHT-OF-WAY OFF NORTH.

ALSO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A tract lying in Section 19, Township 33 South, Range 19 East and Section 24, Township 33 South, Range 18 East, Manatee County, Florida and described as follows:

Commence at the Northwest corner of Section 24, Township 33 South, Range 18 East; thence S.00°10'10"W., along the East line of the Northwest 1/4 of said Section 24, a distance of 2,569.32 feet to the Northwest corner of the Southwest 1/4 of said Section 24 for the POINT OF BEGINNING; thence S.89°49'01"E., along the monumented North line of the Southwest 1/4 of Section 24, a distance of 2,586.23 feet to the Northeast corner of the Southwest 1/4 of said Section 24; thence S.89°43'08"E., along the monumented North line of the Southeast 1/4 of said Section 24, a distance of 2,245.61 feet to the south maintained right-of-way line of Moccasin Wallow Road as recorded in Road Plat Book 4, Page 153 through 210, Affidavits Recorded in Official Record Book 818, Pages 218 and 219 both of the Public Records of Manatee County, Florida, said point also being the beginning of a non-tangent curve to the left, of which the radius point lies N.09°09'17"E., a radial distance of 2,939.48 feet; (the following three calls are along said south maintained right-of-way line of Moccasin Wallow Road): (1) thence easterly along the arc of said curve, through a central angle of 07°56'32", an arc length of 407.46 feet to the end of said curve; (2) thence S.88°59'55"E., along a line not tangent to the previously described curve, a distance of 971.38 feet; (3) thence S.89°19'43"E., a distance of 1,032.04 feet to the westerly line of the tract of land described in Official Record Book 1903, Page 7711 of said public records; thence S.00°10'56"E., along said westerly line, a distance of 1,784.27 feet to the center line of Buffalo Canal as shown on a survey by Leo Mills & Associates, Inc., Job Number C1594, Drawing Number 23#36, dated April 24, 2002 and revised May 9, 2002 and annexed hereto as Attachment 1; (the following eight calls are along said center line of Buffalo Canal); (1) thence S.89°51'55"W., a distance of 2,025.93 feet; (2) thence S.89°51'16"W., a distance of 1,344.47 feet; (3) thence N.66°04'29"W., a distance of 163.62 feet; (4) thence N.64°42'30"W., a distance of 265.13 feet; (5) thence N.68°25'30"W., a distance of 255.56 feet to the beginning of a non-tangent curve to the left, of which the radius point lies S.10°49'22"W., a radial distance of 185.19 feet; (6) thence westerly along the arc of said curve, through a central angle of 36°54'51", an arc length of 119.31 feet to the end of said curve; (7) thence S.74°33'11"W., along a line not tangent to the previously described curve, a distance of 575.06 feet; (8) thence S.82°07'08"W., a distance of

13.56 feet to the monumented West line of the Southeast 1/4 of Section 24, Township 33 South, Range 18 East; thence N.00°41'31"E., along said West line of the Northwest 1/4 of the Southeast 1/4 of Section 24, a distance of 458.34 feet to the South line of the North 1/2 of the Southwest 1/4 of said Section 24; thence N.89°09'00"W., along said South line, a distance of 2,585.90 feet to the West line of the Southwest 1/4 of said Section 24; thence N.00°40'52"E., along said West line, a distance of 1,277.99 feet to the POINT OF BEGINNING.

Said tract contains 11,680,326 square feet or 268.1434 acres, more or less.