

Document prepared under supervision of:
Charlotte County Attorney
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The document should be returned to:
Derek Rooney, Esq.
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1404 Dean Street, Suite 300
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FIRST AMENDMENT TO DEVELOPER'S AGREEMENT

THIS FIRST AMENDMENT TO DEVELOPER'S AGREEMENT ("Amendment") is made as of this 9th day of September, 2025, between **Burnt Store Developers, LLC**, (hereinafter referred to as "Developer"), with an address of 7807 Baymeadows Rd. E., Suite 205, Jacksonville, FL 32256, and **CHARLOTTE COUNTY, a political subdivision of the State of Florida**, (hereinafter referred to as "County").

WITNESSETH

WHEREAS, Developer is the fee simple owner of the lands described in Exhibit "A" attached hereto and incorporated herein by reference (hereinafter, "Property"); and

WHEREAS, Developer previously subdivided certain property which includes the Property pursuant to that certain Plat of *Turnleaf Phase 1*, according to the plat thereof recorded on August 2, 2024, in Plat Book 27, Pages 13A through 13Z6 of the Public Records of Charlotte County, Florida, defined in the Developer's Agreement as the "Plat"; and

WHEREAS, in connection with the Plat, County and Developer entered into that certain Developer's Agreement recorded on August 8, 2024 under instrument #3436734 of the Public Records of Charlotte County, Florida (the "Developer's Agreement"), pursuant to which Developer provided a bond in the amount of TWENTY MILLION THREE HUNDRED THIRTY THOUSAND EIGHT HUNDRED EIGHTEEN AND 20/100 DOLLARS (\$20,330,818.20), defined in the Developer's Agreement as the "Security," to ensure completion of those subdivision improvements depicted on the Plans which have not, to date, been certified as complete; and

WHEREAS, Developer submitted construction plans (hereinafter, "Plans") prepared by Barraco and Associates, Inc., dated October 2, 2024, for DRC-24-188 Turnleaf Phase 1 -Amendment, to modify the Planned Development, which was originally approved under DRC-22-00158 via Resolution Number 2023-182. The PD Modification was approved by the County via Resolution 2025-139, signed by the Board of County

Commissioners on April 22, 2025, and recorded on April 23, 2025. The Plans depict certain subdivision improvements which must be required to be constructed prior to receiving certificates of occupancy for structures to be constructed on the Property; and

WHEREAS, Developer has filed a new application to replat the Plat, which will be named Turnleaf Phase 1A, Charlotte County Application Number #PFP-25-05 (hereinafter, "Replat"); and

WHEREAS, County and Developer have agreed to amend the Developer's Agreement to include the Turnleaf Phase 1A (#PFP-25-05), which includes the subdivision improvements in the existing Security amount; and

WHEREAS, the intent of the Developer's Agreement and this First Amendment thereto is to provide the required financial assurances pursuant to the provisions of Section 3-7-65 of the Charlotte County Code of Laws and Ordinances, which is not intended to be construed as a development agreement under Chapter 163.3221, Florida Statutes; and

NOW, THEREFORE, in consideration of their respective undertakings hereunder, County and Developer agree as follows:

1. The foregoing recitals are true and correct and incorporated herein by this reference.
2. The references to "Turnleaf Phase 1" in the Developer's Agreement shall be considered replaced by "Turnleaf Phase 1A."
3. The legal description for the Property is revised, as described in Exhibit "A," attached hereto.
4. The reference to "Plans" in the Developer's Agreement shall be considered replaced with the following approval date and file number:

Approval Date: February 27, 2025

File Number: DRC-24-188

5. Developer agrees to complete the subdivision improvements for the Turnleaf Phase 1A, according to sound engineering standards and County Subdivision Regulations, and according to the engineering plans and specifications submitted by the Developer to the County, as approved by the County. All improvements for the Turnleaf Phase 1A must be completed per the approved Plans to the satisfaction of the County Engineer, no later than two (2) years after the date that the Turnleaf Phase 1A is recorded in the Public Records of Charlotte County, Florida.
6. Prior to final approval of the Turnleaf Phase 1A by the Board of County Commissioners, Developer shall provide a rider to the Security provided with the Developer's Agreement to also include the Turnleaf Phase 1A as part of the Security.

7. Except as amended herein, the remaining terms and provisions of the Developer's Agreement shall remain in full force and effect as if originally set forth therein.
8. This Amendment may be executed in counterparts, each of which shall constitute an original, but all taken together shall constitute one and the same Amendment.

[SIGNATURES TO FOLLOW ON NEXT PAGE]

IN WITNESS WHEREOF, County and Developer have executed this First Amendment on the date first above written.

**CHARLOTTE COUNTY, a political
Subdivision of the State of Florida**

By: _____
Joseph M. Tiseo, Chairman

ATTEST:
Roger D. Eaton, Clerk of the Circuit
Court and Ex-officio Clerk to the
Board of County Commissioners

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By: _____
Janette S. Knowlton, County Attorney
LR25-0729

kmw

DEVELOPER

Burnt Store Developers, LLC.

7807 Baymeadows Rd. E, Suite 205
Jacksonville, FL 32256

By: _____

[Authorized Signature]

[Signature]

1st Witness Signature

Sarah C. Harrison

1st Witness Printed Name

100 N. Tampa St STE. 2700

1st Witness Address

Tampa, FL 33602

1st Witness Address (cont'd.)

[Signature]

2nd Witness Signature

Alice Bronson

2nd Witness Printed Name

100 N. Tampa St 2700

2nd Witness Address

Tampa, FL 33602

2nd Witness Address (cont'd.)

James P. McGowan

[Printed Name]

ACKNOWLEDGEMENT

State of Florida
County of Hillsborough

The foregoing instrument was acknowledged before me, by means of ☒ physical presence or ☐ online notarization, this 7 day of August, 2025, by James McGowan, who ☐ is personally known to me or ☒ has produced Florida DL as identification and did/did not take an oath.

My commission expires: 3/4/2027

(Notary Seal)

Serial or commission number

[Signature]
Notary Public

Joni M. Waters
Printed name of Notary Public



EXHIBIT A

Property Legal Description

Parcel in

Section 9, Township 42 South, Range 23 East

Charlotte County, Florida

A tract or parcel of land being a portion of TRACT "R" and all of TRACT "F-1", TRACT "O-3" and LOT 135 of the record plat of "TURNLEAF PHASE 1" recorded in Plat Book 27, Pages 13A through 13Z6, Charlotte County Records, lying in Section 9, Township 42 South, Range 23 East, Charlotte County, Florida, said tract or parcel of land being more particularly described as follows:

BEGINNING at the Northeast corner of said Section 9 run S00°57'59"E along the East line of the Northeast Quarter (NE 1/4) of said Section 9 for 2,664.03 feet to the East Quarter corner of said Section 9; thence run S00°56'41"E along the East line of the Southeast Quarter (SE 1/4) of said Section 9 for 1,040.12 feet to an intersection with the Northerly line of lands described in a deed recorded in Official Records Book 2856, at Page 2074, Charlotte County Records; thence run S89°02'28"W along the Northerly line of said lands for 2,568.70 feet to the Southwest corner of said TRACT "F-1"; thence run along the Westerly line of said TRACT "F-1" the following courses: N00°57'32"W for 498.75 feet; N27°02'00"W for 115.51 feet to a point on a radial curve; Easterly along an arc of a curve to the right of radius 477.50 feet (delta 17°45'58") (chord bearing N71°50'59"E) (chord 147.47 feet) for 148.06 feet to a point of compound curvature; Southeasterly along an arc of a curve to the right of radius 20.00 feet (delta 98°18'31") (chord bearing S50°06'47"E)

(chord 30.26 feet) for 34.32 feet; N82°57'02"E along a non-tangent line for 45.26 feet to a point on a non-tangent curve; Northeasterly along an arc of a curve to the right of radius 20.00 feet (delta 90°00'00") (chord bearing N44°02'28"E) (chord 28.28 feet) for 31.42 feet; N00°57'32"W along a radial line for 45.00 feet; S89°02'28"W for 18.89 feet to a point of curvature; Westerly along an arc of a curve to the left of radius 522.50 feet (delta

00°04'28") (chord bearing S89°00'14"W) (chord 0.68 feet) for 0.68 feet; N01°02'00"W along a radial line for 152.00 feet to a point on a radial curve; Easterly along an arc of a curve to the right of radius 674.50 feet (delta 00°04'28") (chord bearing N89°00'14"E)

(chord 0.88 feet) for 0.88 feet to a point of tangency; N89°02'28"E for 155.68 feet to a point of curvature; Northeasterly along an arc of a curve to the left of radius 30.00 feet

(delta 89°52'06") (chord bearing N44°06'25"E) (chord 42.38 feet) for 47.05 feet to a point of tangency; N00°49'38"W for 27.10 feet to a point of curvature; Northwesternly along an arc of a curve to the left of radius 30.00 feet (delta 78°03'57") (chord bearing

N39°51'36"W) (chord 37.79 feet) for 40.88 feet to a point of tangency; N78°53'35"W for 111.77 feet to a point of curvature; Westerly along an arc of a curve to the left of radius 594.50 feet (delta 17°08'25") (chord bearing N87°27'47"W) (chord 177.19 feet) for 177.85 feet; N06°02'00"W along a radial line for 133.00 feet to a point on radial curve; Easterly along an arc of a curve to the right of radius 727.50 feet (delta 01°35'00") (chord bearing N84°45'30"E) (chord 20.10 feet) for 20.10 feet; N04°27'00"W along a radial line for 158.00 feet to a point on a radial curve; Easterly along an arc of a curve to the right of radius 885.50 feet (delta 15°33'25") (chord bearing S86°40'17"E) (chord 239.69 feet) for 240.43 feet to a point of tangency; S78°53'35"E for 140.55 feet to a point of curvature; Southeasterly along an arc of a curve to the right of radius 285.50 feet (delta 78°03'57")

(chord bearing S39°51'36"E) (chord 359.60 feet) for 389.00 feet to a point of tangency; S00°49'38"E for 53.47 feet; N89°10'22"E for 20.00 feet to a point on a radial curve; Southeasterly along an arc of a curve to the left of radius 30.00 feet (delta 93°43'29")

(chord bearing S47°41'22"E) (chord 43.78 feet) for 49.07 feet to a point of compound curvature; Northeasterly along an arc of a curve to the left of radius 825.50 feet (delta 82°30'48") (chord bearing N44°11'29"E) (chord 1,088.73 feet) for 1,188.83 feet;

N02°56'05"E for 312.19 feet to a point of curvature and Northerly along an arc of a curve to the right of radius 924.50 feet (delta 12°22'11") (chord bearing N09°07'10"E) (chord 199.20 feet) for 199.59 feet to a point of reverse curvature and an intersection with the Southerly line of said TRACT "O-3"; thence run along the Southerly and Westerly line of said TRACT "O-3" the following courses: Northwesternly along an arc of a curve to the left of radius 40.00 feet (delta 111°18'07") (chord bearing N40°20'48"W) (chord 66.05 feet) for 77.70 feet; N32°32'53"W along a non-tangent line for 24.22 feet and N57°27'07"E for 84.40 feet to the Southerly Most corner of said Lot 135; thence run N32°32'53"W along the Southwesterly line of said Lot 135 for 132.00 feet to the Westerly Most corner of said Lot 135; thence run along the Easterly line of said TRACT "R" the following courses:

N57°27'07"E for 162.01 feet to a point of curvature; Northerly along an arc of a curve to the left of radius 450.00 feet (delta 98°54'48") (chord bearing N07°59'43"E) (chord 683.92 feet) for 776.86 feet to a point of tangency and N41°27'41"W for 132.66 feet to a point of curvature; thence run Northerly along said Easterly line and continuing along the Northerly prolongation thereof along an arc of a curve to the right of radius 470.00 feet (delta

41°05'08") (chord bearing N20°55'07"W) (chord 329.85 feet) for 337.03 feet to a point of tangency; thence run N00°22'33"W for 140.08 feet to the Northeast corner of said TRACT "R"; thence run along the Southerly and Westerly line of said TRACT "F-1" the following courses: S89°37'27"W for 60.00 feet and N00°22'33"W for 50.00 feet to an intersection with the North line of the Northeast Quarter (NE 1/4) of said Section 9; thence run N89°37'27"E along said North line for 1,117.28 feet to the POINT OF BEGINNING. Containing 123.14 acres, more or less.

Bearings hereinabove mentioned are State Plane for the Florida West Zone (1983/NSRS 2011) and are based on East line of the of the Southeast Quarter (SE 1/4) of Section 9 to bear S00°56'41"E.