

Document prepared under the supervision of:  
Charlotte County Attorney  
18500 Murdock Circle  
Port Charlotte, FL 33948

This instrument prepared by  
and after recording return to:  
Williams Parker Harrison Dietz & Getzen  
50 Central Avenue, Eighth Floor  
Sarasota, Florida 34236  
(941) 366-4800  
Attn: Kyle D. Elliott, Esq.

### FIRST AMENDMENT TO DEVELOPER'S AGREEMENT

THIS FIRST AMENDMENT TO DEVELOPER'S AGREEMENT (this "**Amendment**") is made this 25<sup>th</sup> day of February, 2025, by and between CHARLOTTE COUNTY, a political subdivision of the State of Florida, herein called "**County**", and MERITAGE HOMES OF FLORIDA, INC., a limited liability company registered to conduct business in the State of Florida, with an address of 1395 University Blvd., Suite 300, Jupiter, FL 33458, herein called "**Developer**".

### WITNESSETH

WHEREAS, Developer is the fee simple owner of the lands described in Exhibit "A" (hereinafter, the "**Property**"); and

WHEREAS, Developer subdivided the Property and caused a plat named Babcock Ranch Community Crescent Lakes Phase 2 recorded at Plat Book 27, Pages 6A – 6H, in the Public Records of Charlotte County, Florida (the "**Plat**"); and

WHEREAS, to ensure the completion of certain improvements depicted on plans approved by the County, and required for the Plat, County and Developer entered into that certain Developer's Agreement dated October 24, 2023, and recorded on November 3, 2023 at Instrument Number 3334473 in the Public Records of Charlotte County (the "**Developer's Agreement**"); and

WHEREAS, pursuant to the terms of the Developer's Agreement, Developer provided a Performance Assurance Bond No.024268032 in the amount of Two Million Five Hundred Fifty-Seven Thousand Two Hundred Three Dollars and 06/100ths (\$2,557,203.06) (hereinafter, the "**First Security**") to ensure completion of the improvements; and

WHEREAS, a portion of the subdivision improvements shown on the approved plans have been certified as completed in substantial compliance with the Plans by a licensed engineer; and

WHEREAS, County and Developer have agreed to amend the Developer's Agreement to facilitate the reduction of the amount of securing necessary to ensure completion of remaining improvements for the Plat; and

WHEREAS, the intent of the Developer's Agreement and this 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.

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

1. Developer agrees to complete the subdivision improvements shown on the Plans, which have not yet been certified as complete.

2. County hereby reduces the amount of the First Security from \$2,557,203.06 down to Two Hundred Sixty-Eight Thousand Six Hundred Eighty-One Dollars and 05/100<sup>ths</sup> (\$268,681.05) (the "**Second Security**") and Developer shall provide a rider to the bond in such amount.

3. All improvements as shown on the Plans must be completed per the approved Plans to the satisfaction of the County Engineer no later than April 2026.

4. The parties agree that the Developer's Agreement remains in full force and effect, except as modified herein.

5. This Amendment may be executed in counterparts, each of which shall constitute an original, but all taken together shall constitute one and the same Developer's Agreement.

[Signature Pages to Follow]

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

Attest:

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

By: \_\_\_\_\_  
Joseph M. Tiseo, Chairman

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

By: \_\_\_\_\_  
Deputy Clerk

Approved as to Form  
and Legal Sufficiency:

By: Janette S. Knowlton  
Janette S. Knowlton  
County Attorney  
LR24-1050 *xmw*

[Signature]  
1<sup>st</sup> Witness Signature

Michael A. Anello 1395 University Blvd #300 Jupiter FL 33458  
1<sup>st</sup> Witness Printed Name and Address

[Signature]  
2<sup>nd</sup> Witness Signature

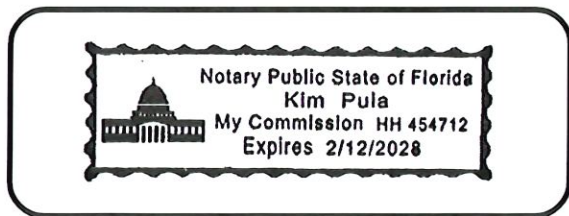
Jenei Ferguson 1395 University Blvd #300 Jupiter FL 33458  
2<sup>nd</sup> Witness Printed Name and Address

**Meritage Homes of Florida, Inc.,**  
1395 University Boulevard  
Suite 300  
Jupiter, FL 33458

By: [Signature]  
Name: JEFF ALEXANDER  
Title: VICE PRESIDENT Land Development

STATE OF FLORIDA  
COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 23<sup>rd</sup> day of January, 2025, by Jeff Alexander, as VPLand Development of Meritage Homes of Florida, Inc., on behalf of the same. He ☒ is personally known to me, or ☐ produced \_\_\_\_\_ as identification and did not take an oath.



Notary Stamp

[Signature]  
Signature of Notary

Kim Pula  
Print Name of Notary

My Commission Expires: 2/12/2028

**EXHIBIT "A"**  
**Property Legal Description**

All of "BABCOCK RANCH COMMUNITY CRESCENT LAKES PHASE 2" recorded in Plat Book 27, Page 6A through 6H, of the Public Records of Charlotte County, Florida. A subdivision lying in Section 28, Township 42 South, Range 26 East, Charlotte County, Florida.