

Prepared by and return to:  
Manatee County Neighborhood Services Department  
1112 Manatee Avenue West, Fifth Floor  
Bradenton, FL 34205

**AMENDMENT NUMBER ONE TO THE  
LAND USE RESTRICTION AGREEMENT AND DEED RESTRICTIONS  
FOR WINSTED COMMONS F/K/A ROBION AT THE VILLAGES OF AVIGNON**

**THIS IS AMENDMENT NUMBER ONE** to the Land Use Restriction Agreement, entered into and executed on August 7, 2007, hereinafter referred to as "LURA", between Manatee County, hereinafter referred to as "County", and Avignon Holdings, LLC, a Florida Limited Liability Company, for itself and its successors, assigns, and agents hereinafter referred to as the "Owner".

**WHEREAS**, Owner is required under this LURA to provide for no less than 25% or twenty-four (24) dwelling units, of the total project (as depicted in the final site plan for Winsted Commons f/k/a Robion at the Villages of Avignon) as Affordable Units; and

**WHEREAS**, Article IV, Section 4.6, provides that Owner shall begin construction of the project no later than June 1, 2010; and

**WHEREAS**, Owner has requested an extension to the start of construction date for the project to coincide with the expiration date of the Certificate of Level of Service; and

**WHEREAS**, the Certificate of Level of Service has an expiration date of May 24, 2013, and

**WHEREAS**, Article VI., Section 6.1, provides that the LURA may be amended only by written agreement executed by the governing bodies of both parties; and

**WHEREAS**, the County finds that such Amendment would be in the best interest of the citizens of Manatee County.

**WITNESSETH**

**NOW, THEREFORE**, in consideration of the mutual covenants, promises and representations contained in this Amendment, the parties hereto agree as follows:

**ARTICLE IV. Section 4.6 shall be amended in its entirety to read:**

**Section 4.6** Owner agrees to begin construction of the project no later than May 24, 2013. Should Owner fail to have begun construction of the project by the date listed hereto, the County upon due notice to Owner shall have the right to pursue the remedies as set forth in Sections 4.1, 4.3 and 4.5 above.

All other terms and conditions of the LURA shall remain in full force and effect during the term of the LURA.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to the LURA to be duly executed, in duplicate, by their authorized representatives.

WITNESSES:

Sylvia M. [Signature]  
Agent of [Signature]

AVIGNON HOLDINGS, LLC

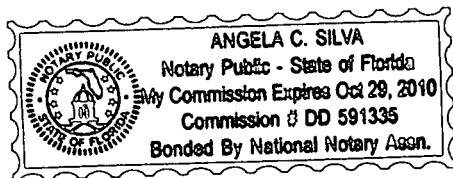
By: [Signature]  
Its: Gene S. Thompson  
vice president

STATE OF Florida

COUNTY OF manatee

SWORN AND SUBSCRIBED before me this 17th day of December, 2009, by Gene Thompson, (known as "Manager" of Avignon Holdings, LLC), who is personally known to me and/or provided \_\_\_\_\_ as identification, and who did take an oath (or affirm). If no type of identification is indicated, the above named persons are personally known to me.

(Stamp & Seal)



[Signature]  
Signature of Notary Public

MANATEE COUNTY, FLORIDA  
By: Board of County Commissioners

By: [Signature]  
Chairman 1/12/2010

ATTEST: R. B. SHORE  
CLERK OF THE CIRCUIT COURT

By: [Signature]



**MANATEE COUNTY GOVERNMENT**  
**AGENDA MEMORANDUM**

|                                           |                                                                                                                    |                                            |                                                                       |
|-------------------------------------------|--------------------------------------------------------------------------------------------------------------------|--------------------------------------------|-----------------------------------------------------------------------|
| <b>SUBJECT</b>                            | Amendment One to Land Use Restriction Agreement (LURA) for Winsted Commons f/k/a Robion at the Villages of Avignon | <b>TYPE AGENDA ITEM</b>                    | Consent                                                               |
| <b>DATE REQUESTED</b>                     | January 12, 2010                                                                                                   | <b>DATE SUBMITTED/REVISED</b>              | December 31, 2009                                                     |
| <b>BRIEFINGS? Who?</b>                    | None                                                                                                               | <b>CONSEQUENCES IF DEFERRED</b>            | Noncompliance with terms of the LURA                                  |
| <b>DEPARTMENT/DIVISION</b>                | Neighborhood Services/Community Development                                                                        | <b>AUTHORIZED BY TITLE</b>                 | Cheri R. Coryea<br>Director <i>CRC 12/22/09</i>                       |
| <b>CONTACT PERSON TELEPHONE/EXTENSION</b> | Suzie Dobbs/ Extension 3937                                                                                        | <b>PRESENTER/TITLE TELEPHONE/EXTENSION</b> | Suzie Dobbs/Community Development Manager<br>Extension 3937 <i>SA</i> |
| <b>ADMINISTRATIVE APPROVAL</b>            |                                                                                                                    | <i>[Signature]</i>                         |                                                                       |

**ACTION DESIRED**  
INDICATE WHETHER 1) REPORT; 2) DISCUSSION; 3) FORM OF MOTION; OR 4) OTHER ACTION REQUIRED

Authorization for the Chairman to execute Amendment Number One to the Land Use and Deed Restriction Agreement for Winsted Commons f/k/a Robion at the Villages of Avignon, an affordable housing development.

**ENABLING/REGULATING AUTHORITY**  
Federal/State law(s), administrative ruling(s), Manatee County Comp Plan/Land Development Code, ordinances, resolutions, policy

11.1.4 Efficiency in Service Delivery

**BACKGROUND/DISCUSSION**

Continued on Page 2 APPROVED IN OPEN SESSION

|                                     |                                                                                                                                                            |                                                          |
|-------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| <b>COUNTY ATTORNEY REVIEW</b>       |                                                                                                                                                            | JAN 12 2010                                              |
| Check appropriate box               |                                                                                                                                                            | BOARD OF COUNTY COMMISSIONERS<br>MANATEE COUNTY, FLORIDA |
| <input type="checkbox"/>            | <b>REVIEWED</b><br>Written Comments:<br><input type="checkbox"/> Attached<br><input type="checkbox"/> Available from Attorney (Attorney's initials: _____) |                                                          |
| <input type="checkbox"/>            | <b>NOT REVIEWED (No apparent legal issues.)</b>                                                                                                            |                                                          |
| <input checked="" type="checkbox"/> | <b>NOT REVIEWED (Utilizes exact form or procedure previously approved by CAO.)</b>                                                                         |                                                          |
| <input type="checkbox"/>            | <b>OTHER</b>                                                                                                                                               |                                                          |

|                                                 |      |                                                                                                                                                                |      |
|-------------------------------------------------|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| <b>ATTACHMENTS: (List in order as attached)</b> |      | <b>INSTRUCTIONS TO BOARD RECORDS:</b>                                                                                                                          |      |
| Amendment Number One to LURA                    |      | Maintain one original, return one original and one certified copy to Neighborhood Services Department - Suzie Dobbs ext. 3937 <i>Intro office 1/13/10</i> (MP) |      |
| <b>COST:</b>                                    | None | <b>SOURCE (ACCT # &amp; NAME):</b>                                                                                                                             | None |
| <b>COMMENTS:</b>                                | None | <b>AMT./FREQ. OF RECURRING COSTS: (ATTACH FISCAL IMPACT STATEMENT)</b>                                                                                         | None |

**BACKGROUND/ DISCUSSION (CONTINUED FROM PAGE 1)**

- On August 7, 2007, BOCC approved the "Land Use Restriction Agreement And Deed Restrictions" for Winsted Commons f/k/a Robion at the Villages of Avignon (LURA), for the purpose of providing no less than 25% of the total project's dwelling units for affordable housing.
- Due to economic conditions, the Developer of Winsted Commons f/k/a Robion at the Villages of Avignon has requested an extension of the beginning of construction deadline specified in the LURA as no later than May 24, 2013.
- The Manatee County Planning Department has indicated that the Certificate of Level of Service issued for this development does not expire until May 24, 2013.
- An amendment to the LURA is hereby requested to extend the beginning of construction date in the LURA to coincide with the expiration date of the CLOS, or no later than May 24, 2013.
- There are no funding considerations for this request. Recording costs will be borne by the Developer.