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2000 NOV 06 02:42 PM
KAREN E. RUSHING
CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
DCOURSEY Receipt#087505

✓ Please record and return to Leigh Riley
Growth Management Business Center
1660 Ringling Boulevard, 5th Floor
Sarasota, FL 34236

NOTICE OF STIPULATIONS
AND LIMITATIONS ENCUMBERING
REAL PROPERTY PURSUANT TO
THE SARASOTA COUNTY ZONING CODE

The following property located in Sarasota County, Florida, owned by George Beauregard, and described in Ordinance No. 2000-048 attached hereto, has been rezoned to a CG (Commercial, General) zone district pursuant to Rezone Petition No 00-05 filed by Mark P Barnebey, Agent, and granted by Sarasota County on July 26, 2000, and is subject to the following stipulations and limitations, violations of which shall constitute a violation of the Sarasota County Zoning Code:

(Stipulations and limitations are those described in Section 3 of Ordinance No 2000-048, attached hereto)

Executive Director
Growth Management Business Center

STATE OF FLORIDA
COUNTY OF SARASOTA

Before me, the undersigned Notary Public, personally appeared Jerry Gray, Executive Director of the Growth Management Business Center, to me known to be the individual who executed the foregoing Notice of Stipulations and Limitations Encumbering Real Property pursuant to the Sarasota County Zoning Code, and he acknowledged before me that he executed the same

Witness my hand and official seal at Sarasota County, Florida, this 3rd day of November, A D. 2000

Notary Public
State of Florida at Large

This instrument prepared by
Nancy Higgins



Nancy J. Higgins
Commission # CC 936530
Expires May 15, 2004
Bonded Thru
Atlantic Bonding Co., Inc.

BOARD RECORDS
FILED FOR RECORD

ORDINANCE NO. 2000-048

2000 JUL 31 AM 9:23

W. W. AN ORDINANCE OF THE COUNTY OF SARASOTA, FLORIDA, AMENDING
CLERK OF CIRCUIT COURT THE OFFICIAL ZONING ATLAS, AS PART OF SARASOTA COUNTY
SARASOTA COUNTY, FL ORDNANCE NO. 75-38, RELATING TO ZONING WITHIN THE
UNINCORPORATED AREA OF SARASOTA COUNTY, PROVIDING
FINDINGS, PROVIDING FOR AMENDMENT OF THE ZONING ATLAS,
PROVIDING RESTRICTIONS, STIPULATIONS AND SAFEGUARDS, AND
PROVIDING AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA:

Section 1. Findings The Board of County Commissioners, hereinafter referred to as the "Board," hereby makes the following findings.

A The Board has received and considered the report of the Sarasota County Planning Commission concerning Rezoning Petition No 00-05, requesting rezoning of the property described herein

B The Board has held a public hearing on the proposed rezoning of the property described herein in accordance with the requirements of Sarasota County Ordinance No 75-38 and has considered the information received at said public hearing

C The rezoning herein granted is consistent with the Sarasota County Comprehensive Plan and meets the requirements of Sarasota County Ordinance No 75-38 and any amendments thereto.

D Pursuant to the provisions of Sarasota County Ordinance No. 89-103, an evaluation has been completed of the impacts that the proposed rezoning of the property described herein will have on the levels of service for parks, drainage, solid waste, roads, mass transit and water and sewer systems. With the exception of the provisions of Section 3 of this Ordinance, adequate levels of service are anticipated to be available

Section 2 Amendment of Ordinance No. 75-38 The Official Zoning Atlas, as part of Sarasota County Ordinance No 75-38, is hereby amended by changing the zoning district classification for 8 30 acres ± from CG (Commercial, General) and OUE-2 (Open Use, Estate, 1 unit/2 acres) to CG (Commercial, General) for the following described property located in Sarasota County, Florida

East of U S 41 and 1050' ± south of Bay, more particularly described as follows

Parcel A (Includes Parcel B)

Begin at the Northeast corner of Lot 88, "Sarabay Acres", as per the plat thereof recorded in Plat Book 4, Page 62, of the Public Records of Sarasota County, Florida, thence, South 89°36'16" West along the North Line of said Lot 88, 903 15 feet to the Easterly right-of-way of U S Highway 41, thence, South 24°51'34" East along said right-of-way, 222 50 feet, thence, continue along said right-of-way North 65°08'26" East, 15 00 feet, thence, continue along said right-of-way South 24°51'34" East, 442.40 feet to the intersection of said right-of-way with the South Line of Lot 85 of said "Sarabay Acres"; thence, North 89°41'29" East along the South Line of said Lot 85, 321 10 feet, thence, North 01°03'49" West, 300 00 feet, thence, North 89°41'44" East, 250 05 feet, thence, North 01°03'49" West, 50 00 feet, thence, North 89°41'29" East, 50 00 feet to the East Line of Lot 86 of said "Sarabay Acres", thence, North 01°03'49" West along the East Line of Lots 86, 87 and 88 of said "Sarabay Acres", 250.00 feet to the POINT OF BEGINNING Being and lying in Section 10, Township 38 South, Range 18 East, Sarasota County, Florida

Parcel B

Begin at the Northeast corner of Lot 88, "Sarabay Acres", as per the plat thereof recorded in Plat Book 4, Page 62, of the Public Records of Sarasota County, Florida, thence, South 89°36'16" West along the North Line of said Lot 88, 300 04 feet, thence, South 01°03'49" East, 299 52 feet, thence, North 89°41'44" East, 250 05 feet, thence, North 01°03'49" West, 50 00 feet, thence, North 89°41'29" East, 50 00 feet to the East Line of Lot 86 of said "Sarabay Acres", thence, North 01°03'49" West along the East Line of Lots 86, 87 and 88 of said "Sarabay Acres", 250 00 feet to the POINT OF BEGINNING

Section 3. Restrictions, Stipulations and Safeguards. As used in the stipulations hereinafter set forth, the term "Owner" shall refer to the owner or owners of the property described in Section 2 and their successors and assigns Upon recording in the public records of Sarasota County, these stipulations shall be covenants running with the land. The use of the property described in Section 2 of this Ordinance, in addition to the applicable restrictions imposed by Sarasota County Ordinance No 75-38 and any amendments thereto, is hereby further limited by and subject to the following restrictions, stipulations and safeguards

- 1) Buffer areas along the north and south property lines which abut CG zoned property shall be landscaped in accordance with Section 13 14, Buffer J of the Zoning Ordinance. The buffer area along the US 41 frontage shall be landscaped in accordance with Section 13 14, Buffer K of the Zoning Ordinance. All other landscape buffers shall be in accordance with Section 13 14 of the Zoning Ordinance
- 2) Access to US 41 shall be limited to one full-time movement access located at the median opening servicing Bay Acres Avenue, and one right-turn in/out access driveway located not less than 300 feet (measured between the inside edges of the access points) from the proposed full-movement access location

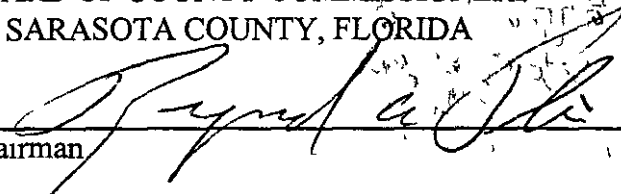
- 3) The petitioner shall construct a southbound left-turn lane and a northbound right-turn lane at the US 41/Bay Acres Avenue intersection.
- 4) Central water and sewer services shall be provided from an off-site source
- 5) A minimum of 200 feet of driveway throat length shall be provided at the full movement access point. No turns shall be permitted within the throat length. The throat length shall be measured from the inside edge of pavement to the inside edge of the pavement.
- 6) Prior to Construction Plan approval, the developer shall record a cross access easement for the adjacent parcel to the south of the subject parcel. Such easement shall be in the location shown on the Development Concept Plan or such other location as acceptable to the developer and the United States Postal Service.
- 7) If warranted and approved by the Florida Department of Transportation, the developer shall be responsible for its fair share of the cost of design and construction of a traffic signal at the US 41/Bay Acres Avenue intersection. If required to front end all or more than its fair share of such costs in order to obtain a building permit, the developer will be entitled to reimbursement of such excess cost through capital contribution front-ending agreement between the developer and the County. The calculation of fair share for the subject development shall be based upon the proportionate share of the traffic on the minor street that triggers the signal warrant. If warranted and approved by the Florida Department of Transportation, the plans for the signalization of the US 41/Bay Acres Avenue intersection shall be included with the development construction plans and the developer shall post a bond for the fair share costs
- 8) Prior to Construction Plan approval for the development on the subject parcel that generates greater than 270 p.m. peak hour trips cumulatively from the entire parcel, the developer shall provide a traffic analysis that demonstrates that the roadway level of service is maintained on all significantly impacted road segments and intersections. The traffic analysis is subject to the approval of Sarasota County Public Works Transportation Planning.
- 9) Development of the subject parcel shall comply with all applicable conditions contained in the Osprey Revitalization Plan (No. 98-01-SP) [Ordinance No. 99-079].
- 10) The Property Owner shall be required to maintain the appearance and function of any private drainage facilities to be constructed on the site, including retention ponds and drainage ditches, at its own expense in accordance with applicable federal, state, or local regulations. At the time of recording a plat or prior to final construction approval, the Owner shall be required to record in the public records a Notice to Purchaser, approved by Sarasota County, putting purchasers on notice that the maintenance of drainage facilities is a private responsibility

- 11) Discharges from the site will be limited to the pro-rata share to each of the basins that receive water from the site
- 12) The North Creek and Bay Acres Coastal Basin flood models will be used as a basis of review to assure no adverse increases in off-site flood levels
- 13) Outdoor refuse areas shall be set back a minimum of 50 feet from the property line and shall be screened in accordance with Section 11.6 f of the Zoning Ordinance.
- 14) Exterior lighting on the site shall be directed only toward the subject site and away from adjacent properties and streets

Section 4. Effective Date This Ordinance shall take effect immediately upon receipt of official acknowledgment from the Office of the Secretary of State of Florida that this Ordinance has been filed with said office

PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, this 26 day of July, A.D. 2000

BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA


Chairman

ATTEST

KAREN E. RUSHING, Clerk of
the Circuit Court and Ex-
Officio Clerk of the Board of
County Commissioners of
Sarasota County, Florida

By 
Deputy Clerk