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KAREN E. RUSHING

CLERK OF CIRCUIT COURT  
SARASOTA COUNTY, FLORIDA  
CBETHEL Receipt#127323




✓ Please record and return to Karen Grasset  
Growth Management Business Center  
1660 Ringling Boulevard, 5<sup>th</sup> 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 Wallace E. Lacey as Trustee of the Wallace E. Lacey Revocable Trust, and described in Ordinance No. 2001-058 attached hereto, has been rezoned to a CI (Commercial Intensive) zone district pursuant to Rezone Petition No. 01-14 filed by Stephen B. Keyser, Agent, and granted by Sarasota County on September 26, 2001, 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. 2001-058, attached hereto)

  
Executive Director  
Growth Management Business Center

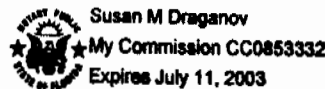
STATE OF FLORIDA  
COUNTY OF SARASOTA

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 14 day of January, A.D. 2002.

  
Notary Public  
State of Florida at Large

This instrument prepared by:  
Susan Draganov



ORDINANCE NO. 2001-058

AN ORDINANCE OF THE COUNTY OF SARASOTA, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS, AS PART OF SARASOTA COUNTY ORDINANCE NO. 75-38, APPENDIX A TO THE SARASOTA COUNTY CODE, 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. 01-14, 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, codified in Appendix A of the Sarasota County Code (hereinafter "the Zoning Ordinance"), 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 the Zoning Ordinance.

D. Pursuant to the provisions of Article VII of Chapter 94 of the Sarasota County Code, 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 the Zoning Ordinance. The Official Zoning Atlas, adopted under Section 2 of the Zoning Ordinance, is hereby amended by changing the zoning district classification for 2.12 acres ± from CG (Commercial, General) and CI (Commercial, Intensive) with stipulations to CI (Commercial, Intensive) with amended stipulations for the following described property located in Sarasota County, Florida:

SARASOTA COUNTY, FL  
CLERK OF COUNTY COURT

2001 OCT -1 PM 12:42

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2001 OCT -4 PM 4:39  
DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA

The following parcels are proposed to be rezoned from CG (Commercial, General) to CI (Commercial, Intensive):

East of U.S. 41 and south of Cass Way, more particularly described as follows:

PARCEL A (PARCEL ID 0111-13-0007):

Begin at the southwest corner of Lot 9, Block B, Siesta Heights, as per plat thereof recorded in Plat Book 8, page 82, of the Public Records of Sarasota County, Florida; thence south 00°01' east, 50 feet to a point on south side of Cass Way (50 feet wide) for a Point of Beginning; thence south 89°38' west, along said Cass Way 30 feet; thence south 00°22' east, 100.15 feet; thence north 89°38' east, 85 feet; thence north 00°22' west, 100.23 feet to south line of said Cass Way; thence south 89°33' west, along Cass Way, 55 feet to the Point of Beginning, being in Section 21, Township 37 South, Range 18 East, Sarasota County, Florida.

PARCEL B (PARCEL ID 0111-13-0008):

Begin at the southwest corner of Lot 9, Block "B", Siesta Heights, as recorded in Plat Book 8, page 82, of the Public Records of Sarasota County, Florida; thence south 00°01' east, 50 feet to a point on the south line of Cass Way (50 feet wide); thence south 89°38' west along the south line of Cass Way 30 feet for a Point of Beginning; thence continue south 89°38' west, 85 feet; thence south 00°22' east, 100.15 feet; thence north 89°38' east, 85 feet; thence north 00°22' west, 100.15 feet to the Point of Beginning; being a portion of the southwest ¼ of the northwest ¼ of Section 21, Township 37 South, Range 18 East, Sarasota County, Florida.

PARCEL C (PARCEL ID 0111-13-0010):

**TRACT 1**

Commence at the southwest corner of Lot 9, Block B, Siesta Heights, as shown on plat thereof recorded in Plat Book 8, page 82, of the Public Records of Sarasota County, Florida; thence south 00°01' east, 50 feet to a point on the south right-of-way line of Cass Way; thence south 89°38' west, 115 feet to the Point of Beginning; thence continue south 89°38' west, 100 feet; thence south 00°22' east, 100.15 feet; thence north 89°38' east, 100 feet; thence north 00°22' west, 100.15 feet to the Point of Beginning; subject to a sewer easement across the east 10 feet thereof.

FINANCIAL DEPARTMENT  
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**TRACT 2**

Commence at the southwest corner of Lot 9, Block B, Siesta Heights, as shown on plat thereof recorded in Plat Book 8, page 82, of the Public Records of Sarasota County, Florida; thence south 00°01' east, 50 feet to a point on the south right-of-way line of Cass Way; thence south 89°38' west, 215 feet to the Point of Beginning; thence continue south 89°38' west, 183.5 feet to the northeast right-of-way line of State Road 45 (Tamiami Trail); thence south 28°20' east, along said State Road right-of-way line 113.39 feet; thence north 89°38' east, 130.35 feet; thence north 00°22' west, 100.15 feet to the Point of Beginning, less the westerly 30 feet taken for right-of-way.

**The following parcel is proposed to be rezoned from CI (Commercial Intensive) with stipulations to CI (Commercial, Intensive) with amended stipulations:**

**PARCEL D (PARCEL ID 0111-13-0024):**

Begin at the northeast corner of the northwest ¼ of the southeast ¼ of the northwest ¼ of Section 21, Township 37 South, Range 18 East; thence south 75 feet; thence westerly and parallel to the north line of the northwest ¼ of the southeast ¼ of the northwest ¼ of said Section 21, 1,925 feet more or less to an intersection with the easterly right-of-way line of the Tamiami Trail (U.S. Highway #41, of 66 foot width); thence south 28°15' east along said Trail 810 feet to a Point of Beginning; thence continue south 28°15' east along said Trail 170 feet; thence north 89°45' east for 400.00 feet; thence north 28°15' west 170.0 feet; thence south 89°45' west 400.0 feet to the Point of Beginning, and being in Section 21, Township 37 South, Range 18 East, Sarasota County, Florida; less the westerly portion thereof previously conveyed to the State of Florida for right-of-way purposes.

Together with an easement of 10 feet by parallel lines off the entire east side of the following described property:

Commence at the southwest corner of Lot 9, Block B, Siesta Heights Subdivision as shown on the plat thereof recorded in Plat Book 8, page 82, of the Public Records of Sarasota County, Florida; thence south 0°01' east 50 feet to a point on the south right-of-way line of Cass Way; thence south 89°38' west 115 feet to the Point of Beginning; thence continue south 89°38' west, 100 feet; thence south 0°22' east 100.15 feet; thence north 89°38' east 100.0 feet; thence north 0°22' west 100.15 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 the Zoning Ordinance, is hereby further limited by and subject to the following restrictions, stipulations and safeguards:

1. The 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, and 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.
2. Prior to the commencement of any CI use on the northerly 0.92 acres of the subject parcel, a site and development plan shall be approved by Sarasota County and all required improvements installed. Concurrent with the Site and Development Plan for the northerly parcel, a landscape plan for the southerly 1.2 acres of the subject parcel, in compliance with Section 13 of the Zoning Ordinance shall be submitted for review and approval and any required improvements shall be installed. The required structure on the eastern side of the entire subject parcel shall be a concrete block stucco wall.
3. The proposed stormwater pond shall be in the location as shown on the Development Concept Plan date stamped March 14, 2001 and attached hereto as Exhibit "A".
4. Customer parking spaces shall be clearly identified with signs or wheel stops.
5. The post-development discharge rate from the site shall not exceed the pre-development discharge rate from either the easterly or westerly outfall.
6. A traffic impact analysis shall be required for development or redevelopment of the subject parcel expected to cause trip generation for the parcel to exceed 128 net new pm peak hour trip ends.
7. Exterior lighting on the site shall be directed only toward the subject site and away from adjacent properties and streets.
8. Refuse areas shall be setback a minimum of 40' from the east property line and visually screened in accordance with Section 11.6 of the Sarasota County Zoning Ordinance.
9. No outdoor service or repair shall be permitted and any buildings containing service or repair shall be oriented so that no service bays face the east property line.

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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 26th day of September, A.D., 2001.

BOARD OF COUNTY COMMISSIONERS  
OF SARASOTA COUNTY, FLORIDA

David P. Miller  
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: Paula J. Clinton  
Deputy Clerk

