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Please record and return to: (Via Inter-Office Mail)
Susan Anderson
Planning and Development Services Business Center
1301 Cattlemen Road, Bldg. A
Sarasota, FL 34232

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

RECORDED IN OFFICIAL RECORDS
INSTRUMENT # 2004091719 6 PGS
2004 MAY 12 06:32 PM
KAREN E. RUSHING
CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
CFOLKINS Receipt#474152



2004091719

The following property, located west of U.S 41 and ± 500' north of Stickney Point Road in Sarasota County, Florida, owned by Rodney Dessberg, and described in Ordinance No. 2004-035 attached hereto, has been rezoned to a CG (Commercial, General) zone district, pursuant to Rezone Petition No. 01-39, filed by John A. Bodziak, Agent, and granted by Sarasota County on April 14, 2004, 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. 2004-035, attached hereto)

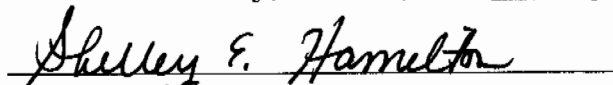


B. Alan Garrett, Manager
Planning Services

**STATE OF FLORIDA
COUNTY OF SARASOTA**

Before me, the undersigned Notary Public, personally appeared B. Alan Garrett, Manager, Planning Services, 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 11th day of May, 2004.



Shelley E. Hamilton
Notary Public
State of Florida at Large

This instrument prepared by:
sma



Shelley E. Hamilton
MY COMMISSION # DD233335 EXPIRES
August 10, 2007
BONDED THRU TROY FAIN INSURANCE, INC.

ORDINANCE NO. 2004-035

BOARU KELLUKUS
FILED FOR RECORD

2004 APR 16 AM 9:37

IVAREN E. KUSHING
CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FL

AN ORDINANCE OF THE COUNTY OF SARASOTA, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS, AS PART OF SARASOTA COUNTY ORDINANCE NO. 2003-052, CODIFIED IN APPENDIX I 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.

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

2004 APR 29 PM 2:18

FILED

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. 01-39, 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. 2003-052, codified in Appendix I 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 Article 4 of the Zoning Ordinance, is hereby amended by changing the zoning district classification for ± .8 acres from CG (Commercial, General) and OPI (Office, Professional, and Institutional) to CG (Commercial, General) for the following described property located in Sarasota County, Florida:

The legal description of said property in Sarasota County, Florida being: West of U.S 41 and ± 500 feet north of Stickney Point Road, being more particularly described as follows;

Beginning at a point on the west line of Tamiami Trail (160' wide), 831.5 feet north of the north right of way line of Stickney Point Road (80' wide) thence S.47°00'00"W., 116.6 feet; thence S.26°41'53"W., 44.5 feet; thence N.60°45'07"W., 111.8 feet to the southern line of Lot 4, Block 3, re-plat of a part of Pine Shore Estates, recorded in Plat Book 5, page 57, public records of Sarasota County, Florida. Thence N.23°12'33"E., 52.73 feet to the northeast corner of said Lot 4; thence N.42°45'00"W., along the northeastern line of Lots 4 and 5, Block 3, 100 feet; thence N.43°53'47"E., 141.07 feet to the westerly right of way, 219.01 feet to the P.O.B., lying and being in the NE ¼ of the SW ¼, and the SE ¼ of the NW ¼ of Section 17, Township 37 South, Range 18 East.

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 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.
2. Within 45 days following approval of the subject petition, all vegetative species contained within Section 54-621 of Sarasota County's Exotic Plant Code, state regulations (Chapters 5B-57.007 and 62C-52.011, FAC), and the Florida Exotic Pest Plant Council's list of Category I and II invasive species, as appropriate to Sarasota County, shall be removed from the property. Any such vegetation removed from required landscape buffers shall be replaced with native species as part of an approved landscape plan. Removed vegetation shall be disposed of in a County-approved landfill or by another method approved by Resource Protection.

3. This zoning map amendment is governed by the provisions of sub-section 1.9.2.b.2.ii. of Ordinance No. 2003-052. The Owner has elected to be bound by the development concept plan submitted with the application. As a result of such election, the following stipulations shall apply:

a. Development shall occur in substantial accordance with the Development Concept Plan date stamped July 2, 2001, and attached hereto as Exhibit "A" provided, however, that in the event of a conflict between the Development Concept Plan and the stipulations contained herein, the stipulations shall take precedence. This does not imply or confer any variance from applicable zoning or land development regulations.

b. At the time of Site and Development Plan review and approval, the provisions and requirements of Zoning Ordinance No. 75-38, revised and updated through Amendment No. 196 (Ordinance No. 2001-054, adopted October 15, 2001) shall apply as to matters depicted on the Development Concept Plan and the provisions and requirements of Ordinance No. 2003-052 shall apply to the extent that they do not conflict with the Development Concept Plan.

c. Any deviations from the Development Concept Plan that are not allowed by this rezoning ordinance (that is, what is not in substantial accordance with the Concept Plan), or amendments must comply with the zoning code in effect at the time of approval of that modification.

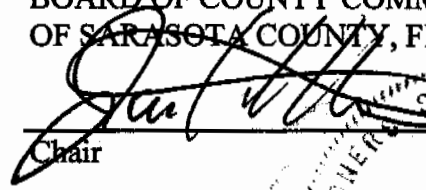
4. Permitted uses on the subject parcel shall be governed by the new Zoning Ordinance No. 2003-052.

5. The existing fence shown on the Development Concept Plan shall only be allowed to be removed provided the adjacent OPI zoned parcel is under common ownership. If the fence is removed and ownership changes so that there is no longer common ownership, the fence shall be re-erected within 45 days. This applies only to that portion that is zoned OPI.

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 14th day of April, 2004.

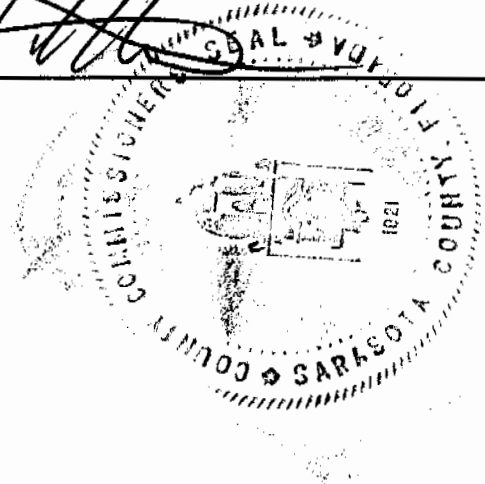
BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA



Chair



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

MAP SERIES/CONCEPT PLAN

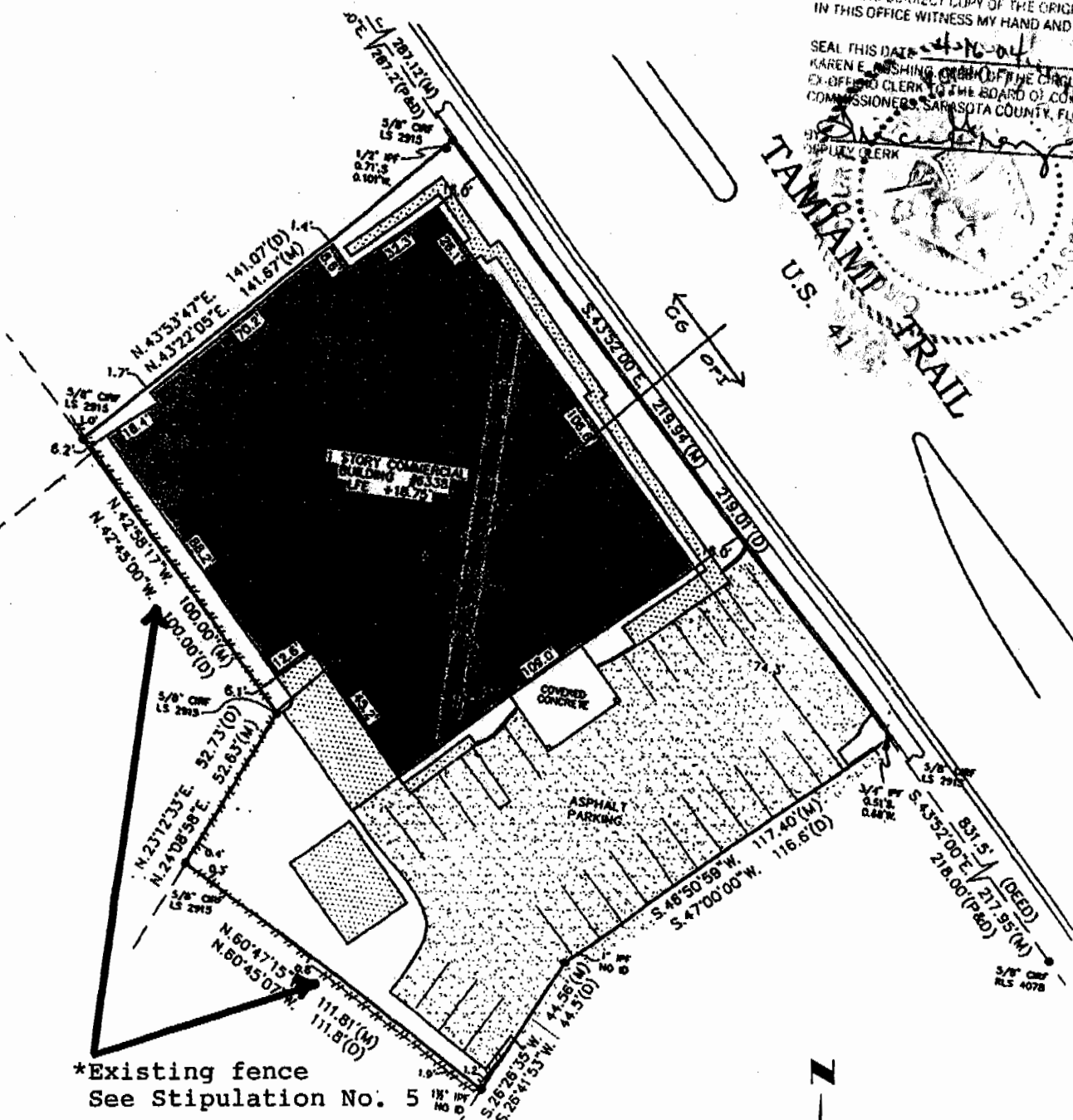
EXHIBIT "A"

INSTRUMENT # 2004091719

6 PGS

STATE OF FLORIDA)
 COUNTY OF SARASOTA)
 I HEREBY CERTIFY THAT THE FOREGOING IS A
 TRUE AND CORRECT COPY OF THE ORIGINAL FILES
 IN THIS OFFICE WITNESS MY HAND AND OFFICIAL

SEAL THIS DATE 4-16-04
 KAREN E. WASHINGTON, CLERK OF THE CIRCUIT COURT
 EX-OFFICIO CLERK TO THE BOARD OF COUNTY
 COMMISSIONERS, SARASOTA COUNTY, FLORIDA



*Existing fence
 See Stipulation No. 5

THIS DOCUMENT RECEIVED BY:
 GROWTH MANAGEMENT ON
 JULY 2, 2001



02004-035