

2001 NOV 19 05:32 PM

KAREN E. RUSHING  
CLERK OF CIRCUIT COURT  
SARASOTA COUNTY, FLORIDA  
FMILLER Receipt#106879

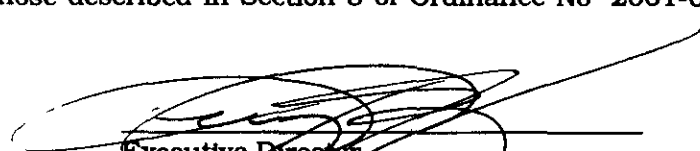
Please record and return to Karen Grasset  
Growth Management Business Center  
1660 Ringling Boulevard, 5th Floor  
Sarasota, FL 34236



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 Alex A. Giannini for Fruitville Property, LLC, and described in Ordinance No. 2001-077 attached hereto, has been rezoned to a OPI (Office, Professional and Institutional) zone district with amended stipulations pursuant to Rezone Petition No 01-41 filed by Anne L. Merrill, Agent, and granted by Sarasota County on October 10, 2001, and is subject to the following stipulations and limitations, violations of which shall constitute a violation of the Sarasota County Zoning Code:

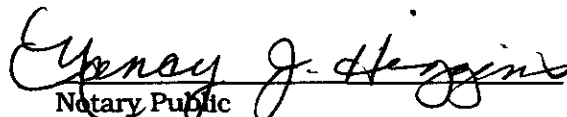
(Stipulations and limitations are those described in Section 3 of Ordinance No 2001-077, attached hereto)

  
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 15<sup>th</sup> day of November, A.D. 2001.

  
Notary Public  
State of Florida at Large

This instrument prepared by:



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

301 Board Record

ORDINANCE NO 2001-077

OCT 12 AM 10:25

AN ORDINANCE OF THE COUNTY OF SARASOTA, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS, AS PART OF SARASOTA COUNTY ORDINANCE NO 75-38, CODIFIED IN 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 01-41, 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 94 acres ± from OPI (Office, Professional and Institutional) with stipulations to OPI (Office, Professional and Institutional) with amended stipulations for the following described property located in Sarasota County, Florida:

Southeast corner of Fruitville Road and Tucker Avenue, more particularly described as follows.

FILED  
OCT 16 AM 2:58  
SARASOTA COUNTY  
FLORIDA

OCT 23 2001

02001-077

Lots 3, 4, 6 and 8 of Tucker's Subdivision recorded in Plat Book 1, Page 165 of the Public Records of Sarasota County, Florida, along with Lots 51 and 52 of the Corrected Plat of Tucker's Addition recorded in Plat Book 3, Page 75 of the Public Records of Sarasota County, Florida

LESS RIGHT-OF-WAY taken in Official Records Book 1811, Page 1377, Official Records Book 1854, Page 832 and Official Records Book 1884, Page 362 of the Public Records of Sarasota County, Florida

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

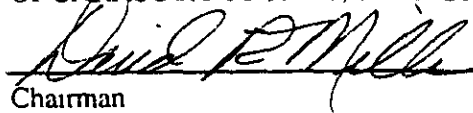
- 1 Prior to the issuance of a Certificate of Occupancy, any local road providing direct access to the subject parcel shall be widened to 22 feet, in accordance with Appendix D2 of the Land Development Regulations, from Fruitville Road to the access point of the subject property on the local road The entire pavement width shall be resurfaced for the entire length of the roadway where the widening is required. The improvements shall be included in the construction plans
- 2 Exterior lighting on the site shall be directed only toward the subject site and away from adjacent properties and streets
- 3 All development shall comply with the Fruitville Road Corridor Plan (Ordinance No 96-082 as amended)
- 4 Refuse areas shall be setback at least 50 feet from any residential property line and visually screened in accordance with the Fruitville Road Corridor plan
- 5 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, in accordance with applicable federal, state or local regulations At the time of recording a plat or prior to final construction plan approval, the Owner shall be required to record in public records a Notice To Purchaser, approved by Sarasota County, putting purchasers on notice that maintenance of drainage facilities is a private responsibility
- 6 The Applicant shall demonstrate the post-development discharge rate does not exceed the pre-development discharge rate
- 7 If the Applicant submits the proposed underground stormwater management system, they shall
  - a) Submit a letter of certification by a Professional Engineer (signed and sealed) to the Stormwater Division of Public Works on an annual basis to ensure the effectiveness of the entire stormwater management system (stormwater treatment and storage facilities);
  - b) Design the stormwater management system to provide means to limit sediment from entering the underground storage system,

- c) Design the system such that the underground storage shall be used for attenuation only. The stormwater treatment and sedimentation shall be designed above ground such that stormwater runoff is treated prior to entering the attenuation vault and in a manner that fencing surrounding the pond is not required, and
- d) Submit the stormwater management system as part of the Site and Development Plans / Construction Plans to the Development Services Business Center. Upon submittal, Staff shall have an initial sixty (60) day review period for the proposed stormwater management plan

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

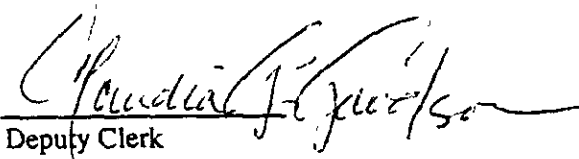
PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY FLORIDA, this 10<sup>th</sup> day of OCTOBER, A D , 2001

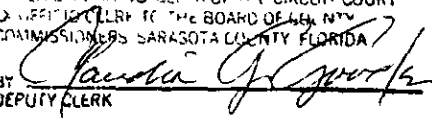
BOARD OF COUNTY COMMISSIONERS  
OF SARASOTA COUNTY, FLORIDA

  
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

STATE OF FLORIDA)  
COUNTY OF SARASOTA)  
I HEREBY CERTIFY THAT THE FOREGOING IS A  
TRUE AND CORRECT COPY OF THE ORIGINAL FILES  
IN THE OFFICE WITNESS MY HAND AND OFFICIAL  
SEAL THIS DATE 10/12/01  
KAREN E RUSHING CLERK OF THE CIRCUIT COURT  
EX-OFFICIO CLERK TO THE BOARD OF COUNTY  
COMMISSIONERS SARASOTA COUNTY FLORIDA  
  
BY  
DEPUTY CLERK