

RECORDED IN OFFICIAL RECORDS
INSTRUMENT # 2002071141 PGS

2002 MAY 02 02:08 PM

KAREN E. RUSHING
CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
FMILLER Receipt#165972

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 Lee Wetherington, and described in Ordinance No 2002-012 attached hereto, has been rezoned to an RSF-1 (Residential, Single Family, 2.5 units/acre), and OPI (Office, Professional and Institutional) zone district pursuant to Rezone Petition No 02-02 filed by Robert Medred, Agent, and granted by Sarasota County on January 23, 2002, and is subject to the following stipulations and limitations, violations of which shall constitute a violation of the Sarasota County Zoning Code

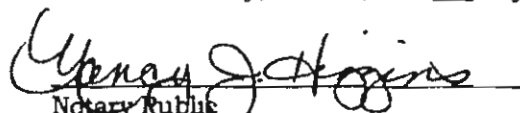
(Stipulations and limitations are those described in Section 3 of Ordinance No 2002-012, attached hereto)


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 30th day of April, A D 2002


Notary Public
State of Florida at Large

This instrument prepared by:
Susan M Anderson



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

COAST COUNTY
FILED FOR RECORD

ORDINANCE NO. 2002-012

2002 FEB -1 PM 4: 07

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. 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. 02-02, 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 81.72 acres ± with 71.72 acres ± from OUE-2 (Open Use, Estate, 1 unit/2 acres) to RSF-
1(Residential, Single Family, 2.5 units/acre) and with 10.0 acres ± from OUE-2 (Open Use, Estate, 1
unit/2 acres) to OPI (Office, Professional and Institutional) for the following described property
located in Sarasota County, Florida:

70

QUE-2 TO RSF-1

East of U.S. 41 and 1,300 feet \pm south of Old Venice Road, more particularly described as follows:

Begin at the northeast corner of the southeast $\frac{1}{4}$ of the northwest $\frac{1}{4}$ of Section 14, Township 38 South, Range 18 East; thence south $0^{\circ} 02' 38''$ west, 662.23 feet for a POINT OF BEGINNING; thence south $0^{\circ} 02' 38''$ west, a distance of 1449.34 feet; thence south $58^{\circ} 24' 53''$ west, a distance of 1670.58 feet to the easterly right-of-way of Tamiami Trail (66 feet wide); thence north $20^{\circ} 09' 40''$ west (SRD Right-of Way Map = north $20^{\circ} 06' 20''$ west) along said easterly right-of-way of Tamiami Trail a distance of 2550.10 feet to a point where the boundary of the southwest $\frac{1}{4}$ of southwest $\frac{1}{4}$ of northwest $\frac{1}{4}$ of said Section intersects the easterly right-of-way of Tamiami Trail; thence south $89^{\circ} 30' 54''$ east, a distance of 2303.25 feet to the POINT OF BEGINNING, lying and being in Sarasota County, Florida, less right-of-way granted to the State of Florida as described in Official Records Book 302, page 617, of the Public Records of Sarasota County, Florida.

LESS THE FOLLOWING DESCRIBED PROPERTY;

A tract of land in Section 14, Township 38 South, Range 18 East, Sarasota County, Florida, described as follows:

Begin at the intersection of the northerly line of the south half of the southwest quarter of the northwest quarter of said Section 14 with the easterly right-of-way line of State Road 45 (184 feet wide) per Official Records Book 302 at page 617 of the Public Records of Sarasota County, Florida; thence south $89^{\circ} 45' 17''$ east along the northerly line of the south half of the southwest quarter of the northwest quarter of Section 14, a distance of 729.09 feet; thence south $05^{\circ} 04' 19''$ west, a distance of 501.15 feet the Point of Curve (PC) of a curve to the left having a radius of 1650.00 feet and a central angle of $07^{\circ} 53' 25''$; thence southwesterly, along the arc, a distance of 227.22 feet; thence south $70^{\circ} 05' 32''$ west, a distance of 384.52 feet to the aforementioned easterly right-of-way line of State Road 45; thence north $19^{\circ} 53' 53''$ west along said easterly right-of-way line, a distance of 914.27 feet to the POINT OF BEGINNING.

Containing 10.007 acres, more or less.

QUE-2 TO OPI

A tract of land in Section 14, Township 38 South, Range 18 East, Sarasota County, Florida, described as follows:

Begin at the intersection of the northerly line of the south half of the southwest quarter of the northwest quarter of said Section 14 with the easterly right-of-way line of State Road 45 (184 feet wide) per Official Records Book 302 at page 617 of the Public Records of Sarasota County, Florida; thence south 89°45'17" east along the northerly line of the south half of the southwest quarter of the northwest quarter of Section 14, a distance of 729.09 feet; thence south 05°04'19" west, a distance of 501.15 feet to the Point of Curve (PC) of a curve to the left having a radius of 1650.00 feet and a central angle of 07°53'25"; thence southwesterly, along the arc, a distance of 227.22 feet; thence south 70°05'32" west, a distance of 384.52 feet to the aforementioned easterly right-of-way line of State Road 45, thence north 19°53'53" west along said easterly right-of-way line, a distance of 914.27 feet to the POINT OF BEGINNING.

Containing 10.007 acres, more or less.

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:

STIPULATIONS FOR THE RSF-1 ZONE DISTRICT

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. All development on the subject parcel shall comply with the U.S. 41 and Blackburn Point Road Sector Plan No. 89-02-SP, adopted by Ordinance No. 93-007, as may be amended.
3. Wetland VI, shown on the Development Concept Plan date stamped September 13, 2001 and attached hereto as Exhibit "A" and the required 30 to 50 feet wide upland vegetative buffer shall be maintained as a preserve and labeled a preserve on all plans. All activities involving filling, excavating, well drilling, altering vegetation (including trimming of both trees and understory) and storing of materials shall be prohibited within preservation areas, unless written approval is first obtained from Resource Protection Services staff. An exception may be granted by Resource Protection Services staff to facilitate implementation of approved management plans or the removal of nuisance/invasive vegetation.

7
C

4. Mesic hammock areas proposed for alteration shall in no event exceed 25 percent of the total on-site mesic hammock area, subject to the review and approval by Resource Protection Services staff during preliminary plan submittal. Clearing of mesic hammock may only be allowed if no significant loss of function would be incurred and if the habitat is not within the 250 feet buffer located along the boundary shared with Oscar Scherer State Park and shown on the Development Concept Plan date stamped September 13, 2001. Mesic hammock areas located within 50 feet of Wetland VI, shown on the Development Concept Plan date stamped September 13, 2001, shall be incorporated within a preservation buffer area that does not qualify for the 25% removal. All activities involving filling, excavating, altering of native vegetation (both trees and understory) and storing of materials shall be prohibited within preservation areas. Clearing of the understory to accommodate nature trails, manage the function and value of the habitat pursuant to a management plan is allowable. All management plans and trails are subject to the approval of Resource Protection Services staff and shall minimize damage to native plants.
5. Nuisance and invasive vegetation shall be removed from the property, preserve, and buffer areas and properly disposed of in an approved landfill or other method approved by Resource Protection Services staff. All removal shall minimize impacts to native vegetation and shall be completed during construction of the development.
6. The 250 feet buffer shown on the Development Concept Plan date stamped September 13, 2001, shall be preserved and managed by the Oscar Scherer State Park subject to their approval in accordance with the provisions of U.S. 41 and Blackburn Point Road Sector Plan established by Ordinance No. 93-007 and the Sarasota County Land Development Regulations. All activities involving filling, excavating, altering of vegetation (both trees and understory) and storing of materials shall be prohibited within this preservation area, unless authorized by the Resource Protection Services approved management plan.
7. In accordance with the U.S. 41 and Blackburn Point Road Sector Plan No. 89-02-SP, and prior to site and development plan or preliminary plan approval, a traffic signal warrant study shall be completed for the intersection of Southbay Drive and U.S. 41. The study shall include the projected traffic from all developments within the U.S. 41 and Blackburn Point Road Sector Plan area that have access to and would use the traffic signal for ingress and egress to U.S. 41. The warrant study shall be submitted to Sarasota County Public Works – Transportation Planning and the Florida Department of Transportation for review and approval. If warranted, the developer of Parcel H of the U.S. 41 and Blackburn Point Road Sector Plan shall construct the signal, and if necessary, front the cost of construction until the proportionate shares can be collected.
8. In accordance with Section 14.7.h. of the Sarasota County Zoning Ordinance, all off-site signs (billboards) on the 81.7 acre \pm subject parcel shall be removed prior to the issuance of a permit for any on-site sign on the subject parcel.

9. A maximum of 145 residential single family dwelling units shall be allowed on the 71.7 acre RSF-1 tract.

STIPULATIONS FOR THE OPI ZONE DISTRICT

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. Refuse areas shall be set back at least 50 feet from any residentially zoned property line and visually screened in accordance with Section 11.6.f. of the Sarasota County Zoning Ordinance.
3. Exterior lighting on the site shall be directed only toward the subject site and away from adjacent properties and streets.
4. All development on the subject parcel shall comply with the U.S. 41 and Blackburn Point Road Sector Plan No. 89-02-SP, adopted by Ordinance No. 93-007, as may be amended.
5. Nuisance and invasive vegetation shall be removed from the property, preserve, and buffer areas and properly disposed of in an approved landfill or other method approved by Resource Protection Services staff. All removal shall minimize impacts to native vegetation and shall be completed during construction of the development.
6. In accordance with the Blackburn Point Road Sector Plan No. 89-02-SP, and prior to site and development plan or preliminary plan approval, a traffic signal warrant study shall be completed for the intersection of Southbay Drive and U.S. 41. The study shall include the projected traffic from all developments within the U.S. 41 and Blackburn Point Road Sector Plan area that have access to and would use the traffic signal for ingress and egress to U.S. 41. The warrant study shall be submitted to Sarasota County Public Works – Transportation Planning and the Florida Department of Transportation for review and approval. If warranted, the developer of Parcel H of the U.S. 41 and Blackburn Point Road Sector Plan shall construct the signal, and if necessary, front the cost of construction until the proportionate shares can be collected.
7. In accordance with Section 14.7.h. of the Sarasota County Zoning Ordinance, all off-site signs (billboards) on the 81.7 acre \pm subject parcel shall be removed prior to the issuance of a permit for any on-site sign on the subject parcel.

70

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 23rd day of January, A.D., 2002.

BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA

Nora Patterson
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. Mintman
Deputy Clerk

02002-012