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INSTRUMENT # 2003012258 7 PGS

2003 JAN 21 08:33 PM

KAREN E. RUSHING

CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
CBETHEL Receipt#268198

Please record and return to: (Via Inter-Office Mail)

Karen Grassett

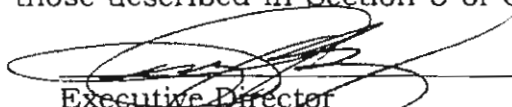
✓ Growth Management Business Center
1660 Ringling Boulevard, 5th Floor
Sarasota, FL 34236



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

The following property, located 3,500 feet ± east of Venice Golf and Country Club Boulevard and north of Center Road in Sarasota County, Florida, owned by Robert J. Hochman and Sanford E. Becker as Trustee, and described in Ordinance No. 2002-039 attached hereto, has been rezoned to the RSF-1 (Residential, Single Family, 2.5 units/acre) zone district (with amended stipulations) pursuant to Rezone Petition No. 02-08 filed by Jeffrey A. Boone, Agent, and granted by Sarasota County on January 7, 2003, and is subject to the following stipulations and limitations, violations of which shall constitute a violation of the Sarasota County Zoning Code:

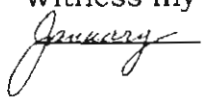
(Stipulations and limitations are those described in Section 3 of Ordinance No. 2002-039, attached hereto)

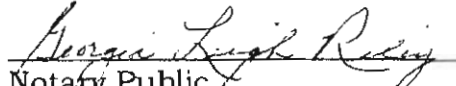

Executive Director
Growth Management Business Center

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 21st day of January, A.D. 2003.




Notary Public
State of Florida at Large

This instrument prepared by:
SMA



Georgia Leigh Riley
Commission # CC 930635
Expires April 23, 2004
Bonded Thru
Atlantic Bonding Co., Inc.

BOARD OF COUNTY COMMISSIONERS
FILED

ORDINANCE NO. 2002- 039

2003 JAN -7 PM 2:00

CLERK OF CIRCUIT COURT
SARASOTA COUNTY

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.

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

2003 JAN -9 PM 4:33

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. 02-08, 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 280.21 acres ± from RSF-1 (Residential, Single Family, 2.5 units/acre) with stipulations to RSF-1 (Residential, Single Family, 2.5 units/acre) with amended stipulations for the following described property located in Sarasota County, Florida:

3,500 feet ± east of Venice Golf and Country Club Boulevard and north of Center Road, more particularly described as follows:

The East ½, Less the North ½ of the North ½ of the Northeast ¼, of Section 13, Township 39 South, Range 19 East, Sarasota County, Florida. Less road right-of-way for Center Road as recorded in Road Plat Book 4, Pages 4 thru 4F. Public Records of Sarasota County, Florida. Parcel contains 280.25 acres ±.

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. Development on the subject property shall comply with Sector Plan No. 83-08-SP (Ordinance No. 89-116, as amended).
2. The Applicant shall cause to be recorded in the Public Records of Sarasota County, Florida, a Notice of Proximity to the former Sarasota County landfill, and future County uses; the exact wording shall be subject to review and approval by the Office of the County Attorney. Said notice shall contain a reference to the Plat Book and Pages for those existing subdivision plats of record subdividing portions of the entire 280 acre tract currently known as The Anchin Trust property into Units which are totally or partially located within 800-feet of the east boundary of the Sarasota County landfill. As additional subdivision plats are recorded to create additional Units, the Applicant shall cause to be recorded in the Public Records of Sarasota County, Florida, an Amendment to this Notice of Proximity containing a reference to the Plat Book and Pages for this newly created plat. The Notice and Amendment each shall be properly executed in such a manner as to be suitable for recording in the Public records. A copy of said Notice and Amendment each shall be provided to Sarasota County Planning Services after it has been recorded.
3. The on-site wetlands and associated upland vegetative buffer shall be maintained consistent with Guiding Principles of the Comprehensive Plan as preserves and labeled preserves on all future plans and final plats. Final wetland preservation demarcation shall be determined during the preliminary plan or site and development plan submittal. All activities involving filling, excavating, removing of vegetation (both trees and understory) and storing of materials shall be prohibited within preservation areas, unless written approval is first obtained from the Resource Protection Services.
4. The Applicant shall preserve a minimum of 42 acres of pine flatwoods on-site consistent with Guiding Principles of the Comprehensive Plan. This preservation area shall be labeled preserves on all future plans and final plats. All activities involving filling, excavating, removing of vegetation (both trees and understory) and storing of materials shall be prohibited within preservation areas, unless written approval is first obtained from Resource Protection Services.
5. The Applicant shall provide documentation to the Resource Protection Services of efforts to resolve any listed species issues associated with the site with the appropriate regulatory agencies prior to site and development plan approval.
6. Buffers shall be provided as shown on the Development Concept Plan dated September 28, 2001, attached hereto as Exhibit A, and the following additional buffers shall be provided as detailed below:
 - a. A 220-foot buffer along the north boundary of the subject parcel, pursuant to Sector Plan No. 83-08-SP. Existing vegetation shall be retained within the buffer;

- b. 25-foot buffers on both sides of the Jackson Road Extension Right-of-Way, pursuant to Sector Plan No. 83-08-SP. Buffers along the segment of Jackson Road extension passing through the site shall be landscaped in accordance with Section 13.14.K of the Zoning Ordinance, and of uniform design as established by the first subdivision plat;
 - c. A landscape buffer in accordance with Section 13.14.D of the Zoning Ordinance along the Center Road frontage of the site;
 - d. A 90-foot vegetated buffer northerly of the proposed Jackson Road extension Right-of-Way, along the west boundary of the subject parcel;
 - e. A minimum of a 90-foot vegetated buffer along the west property line, southerly of the proposed Jackson Road extension Right-of-Way to a point 90-feet south of the southeast corner of the County waste transfer site, as depicted in Exhibit A attached hereto; and,
 - f. Existing vegetation in the buffer areas described in d) and e) above shall be retained and supplemented as follows:
 - Trees shall be: oak (*Quercus laurifolia* and *virginiana*), slash pine (*Pinus elliotti*), and dahoon holly (*Ilex cassine*), planted approximately 15-feet on-center in naturalized groupings with an 85% survival rate after one year;
 - Oaks (*Quercus laurifolia* and *virginiana*) shall comprise at least 30% of the trees planted;
 - Slash pine (*Pinus elliotti*) shall comprise at least 50% of the trees planted;
 - A minimum of 30% of each tree species shall be 7-gallon or larger sized and at least 6-foot height at the time of planting.
 - A maximum of 70% of each tree species shall be 3-gallon sized.
 - Saw palmetto (*Serenoa repens*), wax myrtle (*Myrica cerifera*), and viburnum (*Viburnum obovatum*), a minimum of 1-gallon size, shall be planted on approximately 6-foot centers.
7. The number of building permits which may be issued for residential construction shall not exceed the number of building permits set forth below:
- a. No more than 20 building permits may issued prior to January 1, 2004;
 - b. No more than 170 building permits (in total) may issued prior to January 1, 2005;
 - c. No more than 370 building permits (in total) may issued prior to January 1, 2006;

Notwithstanding the above, if a contract has not been awarded for the four-lane widening of Center Road between the proposed access to Center Road opposite the Venice Middle School driveway and a point 1,400 feet east of Jacaranda Boulevard, by January 2, 2006, the Applicant shall widen the travel lanes on Center Road to 12-feet for the roadway segment as noted.

8. Prior to the development of the subject parcel, an eastbound left turn lane at the Center Road/Jackson Road Extension intersection shall be striped. The improvements shall be included in the construction plans. The improvements shall be completed by re-striping existing pavement.
9. The access point north of the Venice Middle School driveway shall be limited to an Emergency access only, until Center Road is widened. Once Center Road is widened, the access to the subject parcel shall become right-in/right-out only.
10. Prior to Site and Development Plan Approval, the Applicant shall contribute to Sarasota County, the cost for the construction of a 5-foot wide sidewalk along the frontage of the subject parcel on Center Road.
11. Prior to construction plan approval(s) for the subdivision, a Turbidity Monitoring Plan (TMP) shall be approved by Air and Water Quality Protection Services and implemented by the developer(s) of the subject parcel.
12. 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.
13. The Applicant shall cause to be recorded in the Public Records of Sarasota County, Florida, a Notice to Buyers that the Jackson Road/Rockley Boulevard extension is planned to be developed as a 4-lane "major collector" road between Center Road and Venice Avenue as designated on the Future Thoroughfare Plan (Apoxsee, Figures 6-9 & 6-10). Said notice shall be recorded prior to the approval of each and any plat for the 280± acre tract currently known as the Anchin Trust Property. The notice shall be properly executed in such a manner as to be suitable for recording in the Public Records. The wording of said notice shall be subject to review and approval by the Office of the County Attorney prior to recording.
14. There shall be a maximum of three (3) intersections on the segment of Jackson Road extension passing through the site, as shown on the Development Concept Plan dated September 28, 2001, attached hereto as Exhibit A, and there shall be no private access points allowed on the segment of Jackson Road extension passing through the site.

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.

JAN 15 2003

INSTRUMENT # 2003012258
7 PGS

PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, this 7th day of January, A.D., 2003.

BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA

Shannon Havel
Chairman

ATTEST:

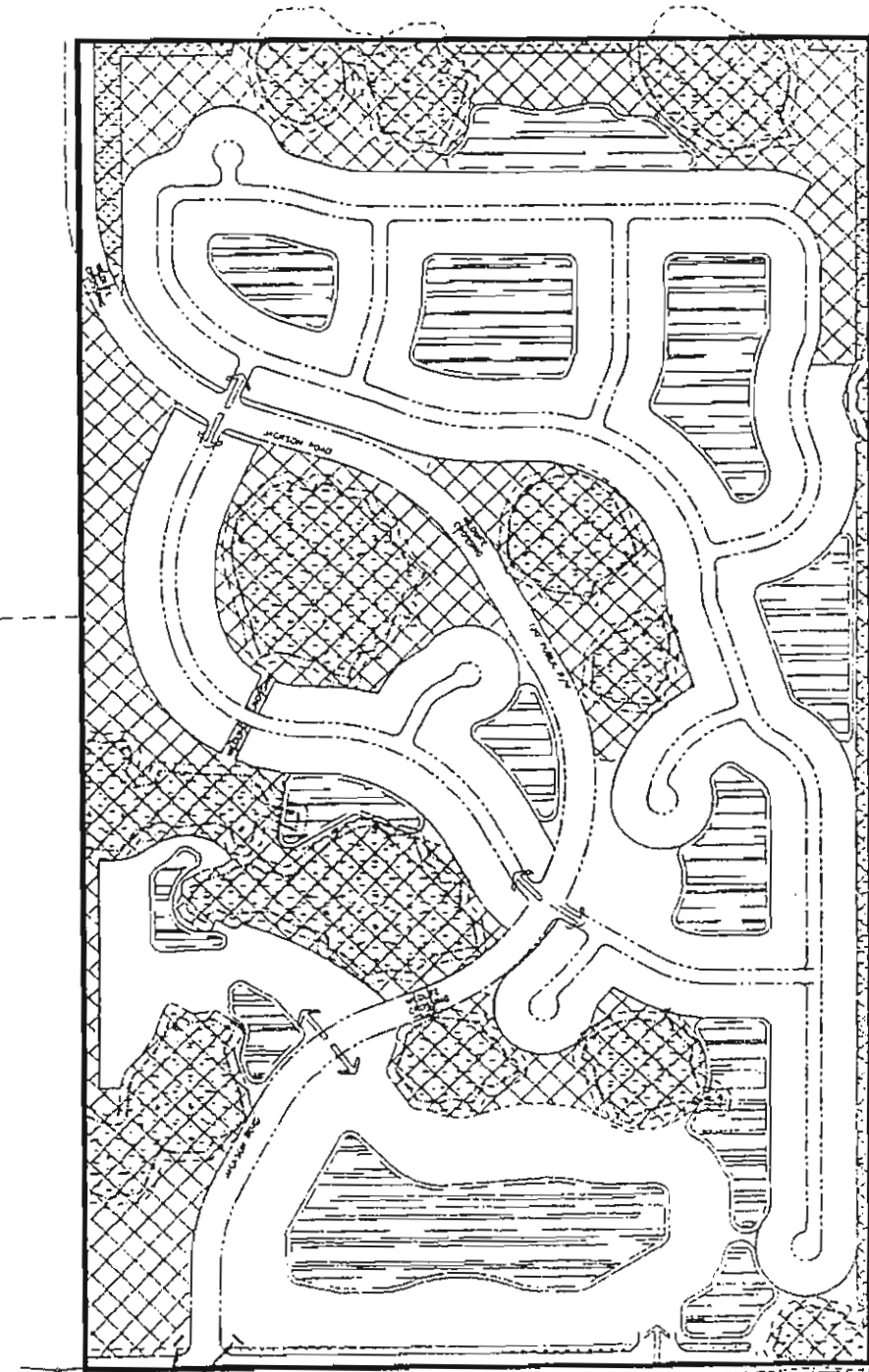
KAREN E. RUSHING, Clerk of
the Circuit Court and Ex-
Officio Clerk of the Board of
County Commissioners of
Sarasota County, Florida.

By: *Paula J. Hinton*
Deputy Clerk

MAP SERIES/CONCEPT PLAN

EXHIBIT "A"






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SITE DATA

EXISTING USE: VACANT
 PROPOSED: RESIDENTIAL
 EXISTING ZONING: RSF-1
 PROPOSED ZONING: RSF-1
 TOTAL DWELLING UNITS PROPOSED: 700
 DWELLING UNITS PER ACRE: 2.5
 GROSS ACREAGE: 280.21 +/-

GRAPHIC LEGEND

-  - WETLAND PRESERVATION
-  - WETLAND BUFFERS
-  - PERIMETER BUFFER
-  - NATIVE HABITAT PRESERVATION CONSERVATION AREA
-  - PROPOSED LAKE



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 11/7/2003
 KAREN E. RUSHING, CLERK OF THE CIRCUIT COURT
 EX-OFFICIO CLERK TO THE BOARD OF COUNTY COMMISSIONERS, SARASOTA COUNTY, FLORIDA

BY: Gaule F. Blanton
 DEPUTY CLERK

THIS DOCUMENT RECEIVED BY:
 GROWTH MANAGEMENT ON SEPTEMBER 28, 2001