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2003 MAY 19 06:06 PM

KAREN E. RUSHING

CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
DCOURSEY Receipt#321148




✓ 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 is located West of U.S. 41 and south of Marcia Street in Sarasota County, Florida, owned by David and Myrna Band, and described in Ordinance No. 2003-024 attached hereto, has been rezoned from District RMF-1 (Residential, Multi-Family, 6 units/acre) to OPI (Office, Professional and Institutional) pursuant to Rezone Petition No. 02-30 filed by Bruce E. Franklin, Agent, and granted by Sarasota County on April 9, 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. 2003-024, 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 15th day of May, A.D. 2003.

Notary Public
State of Florida at Large

This instrument prepared by:
CF



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

ORDINANCE NO. 2003-024

2003 APR 17 PM 2:51

CLERK OF COUNTY COMMISSIONERS
SARASOTA COUNTY

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA
2003 APR 21 PM 1:59
FILED

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. 02-30, 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 subject .628 acre ± parcel is within the U.S. 41 and Beneva Road Sector Plan No. 84-02-SP (Ordinance No. 96-075). The Sector Plan currently designates the subject parcel as Multi-Family Residential on the Future Land Use Map. The Sector Plan also designates the subject parcel as "Area Recommended To Be Left In Open Space In Native Habitat", due to a wetland covering the entire site. Further, Condition No. 4 of Ordinance No. 96-075 requires the hydroperiod and wetland vegetation of the disturbed wetland located on the site to be restored. Section C.2 of Exhibit "A" of the Critical Area Planning (CAP) Regulations (Ordinance No. 97-074) provides for amendments to a relevant CAP ordinance through the final ordinance adopting the proposed development order where the proposed development is inconsistent with an existing designation in the CAP but is consistent with the Apoxsee Future Land Use Map and with all other relevant components of Apoxsee.

D. The rezoning herein granted is consistent with the Sarasota County Comprehensive Plan and meets the requirements of the Zoning Ordinance.

E. 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 .628 acres ± from District RMF-1 (Residential, Multi-Family, 6 units/acre) to OPI (Office, Professional and Institutional) for the following described property located in Sarasota County, Florida:

West of U.S. 41 and south of Marcia Street, more particularly described as follows:

Lots 40 and 42 west of trail less State Road R/W and all lots 34, 36 and 38 Block B, Plat No. 2 of North Vamo, Section 27, Twp 37s, Range 18E, Plat Book 124 Page 13, 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. 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. All development shall comply with applicable conditions of the U.S. 41/Beneva Road Sector Plan (Ordinance No. 96-075).
3. The on-site wetland proposed for impacts shall be mitigated in accordance with the Land Development Regulations Environmental Technical Manual Section B. The Applicant shall submit a Wetland Mitigation, Maintenance, and Monitoring Plan to Resource Protection Services prior to any site and development plan application for the subject parcel. All off-site mitigation shall be within Sarasota County Boundaries, unless an interlocal agreement or other legal mechanism acceptable to the County exists that ensures the County can maintain compliance with these standards.
4. Exterior lighting not to exceed six feet in height on the site shall be directed only toward the subject site and away from adjacent properties and streets. Parking lot lighting shall be illuminated only during business hours except to the extent necessary to provide security for the site.
5. As part of the site and development plan submittal, the Marcia Street landscape Buffer J shall start south of the proposed right of way line and the retention pond shall be located outside of the landscape buffers.
6. The only access to/from the subject parcel shall be located on Marcia Street and shall be no closer than 100 feet to U.S. 41 (measured inside edge of access to U.S. 41 right-of-way line).

7. Connection to central sewer will be required (400 feet to the north). State and County utilities construction permits will be required.

8. Prior to Construction Plan Approval, the Applicant shall record a cross access easement (minimum 30 feet in width) that will allow future interconnection to the adjacent parcel to the south, across the subject parcel, to the southern property line. The easement shall align with the western most drive aisle of the southern property. The easement shall be paved to the south property line prior to the issuance of the first Certificate of Occupancy for the subject parcel.

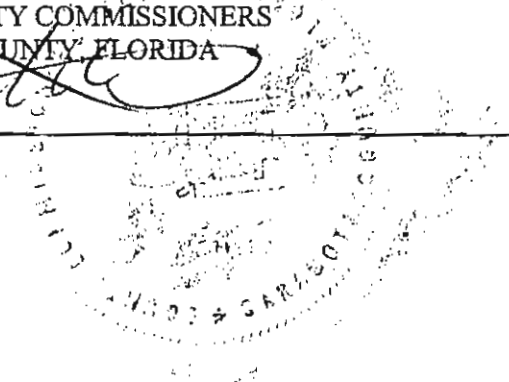
9. There shall be a minimum of a 6 foot high fence constructed on the western portion of the subject parcel within the buffer D.

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 9th day of April, A.D., 2003.

BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA

[Handwritten Signature]
Vice-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

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 4/17/2003
KAREN E. RUSHING, CLERK OF THE CIRCUIT COURT
EX-OFFICIO CLERK TO THE BOARD OF COUNTY
COMMISSIONERS, SARASOTA COUNTY, FLORIDA
BY: *Paula J. Hinton*
DEPUTY CLERK