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

RECORDED IN OFFICIAL RECORDS
 INSTRUMENT # 2002201646 4 PGS
 2002 DEC 04 12:32 PM
 KAREN E. RUSHING
 CLERK OF THE CIRCUIT COURT
 SARASOTA COUNTY, FLORIDA
 MMARDEN Receipt#249800




2002201646

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

The following property, located on the southeast corner of Honore Avenue and 17th Street in Sarasota County, Florida, owned by Leonard Garner, and described in Ordinance No. 2002-074 attached hereto, has been rezoned to a RSF-4 (Residential, Single Family, 5.5 units/acre) zone district pursuant to Rezone Petition No. 02-40 filed by Leonard Garner, Agent/Owner, and granted by Sarasota County on October 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. 2002-074, attached hereto)

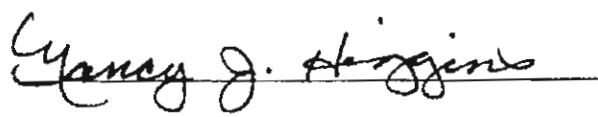


Executive Director
Growth Management Business Center

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 November, A.D. 2002.



Notary Public
State of Florida at Large

This instrument prepared by:
SMA



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

FILED OCT 24 2002

ORDINANCE NO. 2002-074

2002 OCT 24 AM 11:39

CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FLORIDA

DEPT. OF STATE
TALLAHASSEE, FLORIDA

2002 OCT 30 PM 4:10

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. 02-40, 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 13.489 acres ± from District RMF-2 (Residential, Multi-Family, 9 units/acre) to District RSF-4 (Residential, Single Family, 5.5 units/acre) for the following described property located in Sarasota County, Florida:

A parcel of land being part of the Southwest 1/4 of Section 13, Township 36 South, Range 18 East, Sarasota County, Florida, being more particularly described as follows: Commence at the northwest corner of said Southwest 1/4 of Section 13; Thence South 89°10'12" East along the north line of said Southwest 1/4, 30 feet; Thence South 00°23'55" East along the extension of the east right-of-way line of Honore Avenue, 50.03 feet to the intersection of the said east right-of-way line with the south right-of-way line of 17th

Street; Thence South 00°23'55" East along said east right-of-way line of Honore Avenue, 857.18 feet, to a Point-of-Beginning. Thence North 87°29'42" East, 429.01 feet to the westerly line of Lot 5, Block J of Coffman Manor Subdivision, as recorded in Plat Book 7, Page 15, Public Records of Sarasota County, Florida; Thence South 00°12'06" East along the west line of said Coffman Manor Subdivision, 524.03 feet; Thence North 89°10'12" West along the southerly line of the property, a distance of 427.01 feet to a point on the said east right-of-way line of Honore Avenue; Thence North 00°23'55" West along said east right-of-way line, 499.10 feet to the Point-of-Beginning; containing 5.024 acres, more or less. Subject to a (15 feet wide) drainage easement, as recorded in Official Records Book 1136, Page 337, Public Records of Sarasota County, Florida.

A parcel of land being part of the Southwest 1/4 of Section 13, Township 36 South, Range 18 East, Sarasota County, Florida, being more particularly described as follows; Commence at the Northwest corner of said Southwest 1/4 of Section 13; Thence South 89°10'12" East along the north line of said Southwest 1/4, 30 feet; Thence South 00°23'55" East along the extension of the east right-of-way line of Honore Avenue, 50.03 feet to the intersection of the said east right-of-way line with the south right-of-way line of 17th Street, said point being Point-of-Beginning. Thence North 87°30'36" East along said south right-of-way line of 17th Street as recorded in Official Records Book 1877, Page 1867, Public Records of Sarasota County, Florida, 431.95 feet to the northwest corner of Lot 15, Block J of Coffman Manor Subdivision, as recorded in Plat Book 7, Page 15, Public Records of Sarasota County, Florida; Thence South 00°12'06" East along the west line of said Coffman Manor Subdivision, 857.18 feet; Thence South 87°29'42" West 429.01 feet to a point on the said east right-of-way line of Honore Avenue; Thence North 00°23'55" West along said east right-of-way line, 857.18 feet to the Point-of-Beginning; containing 8.465 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:

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. The wetland and associated 30-foot wide upland vegetative buffer shall be maintained consistent with the Guiding Principles of the Comprehensive Plan as a preserve and labeled a Preserve Area on all plans. All activities involving filling, stockpiling, silting, excavating, removing or other alteration of 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.
3. Materials, which have been dumped, and all nuisance/invasive vegetation shall be removed from the property and properly disposed of in County-approved landfill or other location permitted to receive such materials.
4. The density on the southerly portion of the subject parcel shall be limited to a maximum of 9 dwelling units.
5. Any common outdoor recreation or pool areas shall not be illuminated from 10:00 p.m. to 7:00 a. m., Sunday through Thursday and from 11:00 p.m. to 7:00 a.m. on Friday and Saturday.
6. The Applicant shall utilize the Phillippi Creek Model to demonstrate that there are no adverse impacts to off-site flood levels upstream or downstream of the development. Additionally, the Applicant shall demonstrate that no net encroachment into the floodplain, as encompassed by the 100 year event which affects the on site storage function (storage volume), will be allowed.
7. Prior to or concurrent with the submittal of the Site and Development Plan/Construction Plan Approval, the Applicant shall obtain a drainage easement from the owner(s) of the adjacent properties for the attenuation of runoff into the existing wetland.

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 October, 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. Clinton
Deputy Clerk

STATE OF FLORIDA
COUNTY OF SARASOTA
I HEREBY CERTIFY THAT THE FOREGOING IS A
TRUE AND CORRECT COPY OF THE ORIGINAL FILE
IN THIS OFFICE WITNESS MY HAND AND OFFICIAL
SEAL THIS DATE 10/24/2002
KAREN E. RUSHING, CLERK OF THE CIRCUIT COURT
EX-OFFICIO CLERK TO THE BOARD OF COUNTY
COMMISSIONERS, SARASOTA COUNTY, FLORIDA
Paula J. Clinton