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KAREN E. RUSHING

CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
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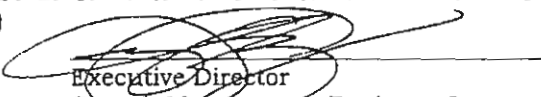


✓ Please record and return to: Karen Grasset
(Via Inter-Office Mail)
Growth Management Business Center
1660 Ringling Boulevard, 5th Floor
Sarasota, FL 34236

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

The following property, located 1300' ± east of State Road 776 and north of Gulf View Estates in Venice, Florida, owned by Seymour Sy Sherr, Trustee, and described in Ordinance No. 2003-017 attached hereto, has been rezoned from District OUE-2 (Open Use, Estate, 1 unit/2 acres) to District RSF-2 (Residential, Single Family, 3.5 units/acre) pursuant to Rezone Petition No. 02-45 filed by Robert J. Medred, Agent, and granted by Sarasota County on March 18th, 2003, and is subject to the following stipulations and limitations, violations of which shall constitute a violation of the Sarasota County Zoning Code:

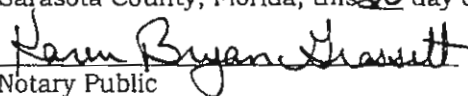
(Stipulations and limitations are those described in Section 3 of Ordinance No. 2003-017, attached hereto)


Executive Director
Growth Management Business Center

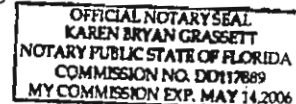
STATE OF FLORIDA
COUNTY OF SARASOTA

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 20th day of ~~October~~ 2003 A.D.


Notary Public
State of Florida at Large

This instrument prepared by: SMA



ORDINANCE NO. 2003 - 017

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.

BOARD OF COUNTY COMMISSIONERS
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CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FL

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. 02-45, 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 157 acres ± from District OUE-2 (Open Use, Estate, 1 unit/2 acres) to District RSF-2 (Residential, Single Family, 3.5 units/acre) for the following described property located in Sarasota County, Florida:

1300' ± east of State Road 776 and North of Gulf View Estates in Venice, Florida, more particularly described as follows;
THE NORTHEAST 1/4 OF SECTION 3 TOWNSHIP 40 SOUTH RANGE 19 EAST LESS LAND DESCRIBED AS PARCEL "A" AND PARCEL "B" RECORDED IN OFFICIAL RECORDS BOOK 2026, PAGE 0879 PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, ALSO LESS THE WEST 268.57 FEET OF

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA
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FILED

LOT 9, BLOCK A MANASOTA—LAND & TIMBER CO. AS RECORDED IN OFFICIAL RECORDS BOOK 2996, PAGE 1172 PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA.

SUBJECT TO ANY PLATTED RIGHTS OF WAY AS SHOWN ON PLAT OF THE MANASOTA—LAND & TIMBER CO. RECORDED IN PLAT BOOK A, PAGE 27 PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA.

ALSO SUBJECT TO A PERMANENT DRAINAGE EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 1403, PAGE 1728; TOGETHER WITH THAT PORTION OF THE SOUTHEAST 1/4 OF SECTION 3, TOWNSHIP 40 SOUTH, RANGE 19 EAST LYING NORTH OF THE NORTH LINE OF GULFVIEW ESTATES, UNIT NO. 1 AS RECORDED IN PLAT BOOK 7, PAGES 86-86A PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA AND SOUTH OF THE SOUTH LINE OF A 30 FEET WIDE RIGHT OF WAY AS SHOWN ON SAID PLAT OF THE MANASOTA—LAND & TIMBER CO. LYING EAST OF THE EAST LINE OF LOT 36, GULFVIEW ESTATES, UNIT NO. 1 AND WEST OF THE EAST LINE OF THE SAID SOUTH EAST 1/4 OF SECTION 3, TOWNSHIP 40 SOUTH, RANGE 19 EAST; SUBJECT TO A DRAINAGE EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 1403, PAGE 1726 PUBLIC RECORD OF SARASOTA COUNTY, FLORIDA.

ALL THE ABOVE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF SECTION 3, TOWNSHIP 40 SOUTH, RANGE 19 EAST, SARASOTA COUNTY, FLORIDA; THENCE S.00°54'12"E., 20.54 FEET TO THE NORTHEAST CORNER OF GULFVIEW ESTATES, UNIT NO. 1, A SUBDIVISION RECORDED IN PLAT BOOK 7, PAGES 86—86A PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA; THENCE ALONG THE NORTH LINE OF SAID GULFVIEW ESTATES, UNIT NO. 1. S.89°33'10"W., 2638.55 FEET TO THE EAST LINE OF LOT 36, GULFVIEW ESTATES, UNIT NO. 1; THENCE ALONG SAID EAST LINE N.00°26'50"W., 17.05 FEET TO THE SOUTH LINE OF SAID NORTHEAST 1/4 OF SECTION 3; THENCE ALONG SAID SOUTH LINE OF SECTION 3, N.89°28'37"E., 183.54 FEET TO THE SOUTHERLY EXTENSION OF THE EAST LINE OF THE WEST 268.57 FEET OF LOT 9, BLOCK A, MANASOTA-LAND & TIMBER CO. AS RECORDED IN PLAT BOOK A, PAGE 27 PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA; THENCE ALONG SAID EAST LINE N.01°11'32"W., 344.43 FEET TO THE NORTH LINE OF SAID LOT 9; THENCE ALONG SAID NORTH LINE OF LOT 9, S.88°46'36"W., 284.41 FEET TO THE WEST LINE OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 3, THENCE ALONG SAID WEST LINE N.01°20'40"W., 970.29 FEET; THENCE ALONG THE WEST LINE OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4, N.00°07'57"E., 1311.49 FEET TO THE NORTHWEST CORNER OF NORTHEAST 1/4 OF SAID SECTION 3; THENCE ALONG THE NORTH LINE OF SAID NORTHEAST 1/4 OF SECTION 3, N.89°09'51"E. 2748.92 FEET TO THE NORTHEAST CORNER OF SAID NORTHEAST 1/4 OF SECTION 3; THENCE ALONG THE EAST LINE OF SAID NORTHEAST 1/4 OF SECTION 3, S.00°22'38"E., 2637.55 FEET TO THE POINT OF BEGINNING.

LESS LAND DESCRIBED IN OFFICIAL RECORDS BOOK 2026, PAGE 0879, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL "A"

COMMENCE AT THE SOUTHEAST OF THE NORTHEAST 1/4 OF SECTION 3, TOWNSHIP 40 SOUTH, RANGE 19 EAST SARASOTA COUNTY, FLORIDA; THENCE ALONG THE SOUTH LINE OF SAID NORTHEAST 1/4 S.89°28'37"W., 138.35 FEET; THENCE N.01°31'23"W., 15.12 FEET FOR A POINT OF BEGINNING OF PARCEL "A"; THENCE N.00°31'59"W., 155.57 FEET; THENCE S.89°28'01"W., 700.00 FEET; THENCE S.00°31'59"E., 155.57 FEET; THENCE N.89°28'01"E., 700.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 108,899.00 SQUARE FEET AND/OR 2.50 ACRES, MORE OR LESS.

PARCEL 'B':

COMMENCE AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 SECTION 3, TOWNSHIP 40 SOUTH, RANGE 19 EAST, SARASOTA COUNTY, FLORIDA; THENCE ALONG THE SOUTH LINE OF SAID NORTHEAST 1/4 S.89°28'37"W., 638.35 FEET; THENCE N.01°31'23"W., 15.00 FEET FOR A POINT OF BEGINNING OF PARCEL "B"; THENCE N.00°31'59"W., 155.57'; THENCE N.89°28'01"E., 525.25 FEET; THENCE N.81°51'30"W., 35.05 FEET; THENCE N.00°31'59"W., 383.18 FEET; THENCE S.89°28'01"W., 544.50 FEET; THENCE S.00°31'59"E., 555.57'; THENCE N.89°28'01"E., 50.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 225,836.45 SQUARE FEET AND/OR 5.19 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. Site and development plans submitted for the subject property shall depict lot alignments in such a manner as to avoid impacts to on-site protected habitats and buffer areas, unless written approval is first obtained from Resources Protection Services.
2. In accordance with Section 74-61.a.2.c of Sarasota County's Land Development Regulations; during development of the subject property, all nuisance/invasive plant species shall be removed from the site. Any removal of vegetation from a Preservation Area shall be done in accordance with an approved resource management plan. All removed vegetation shall be disposed of in a County approved landfill or by another method approved by Resource Protection Services.
3. Pursuant to management guidelines contained within the Environmental Chapter of Apoxsee, all wetland areas and associated buffers, as well as any other protected habitat not approved for impact, shall be designated as Preserve Areas on submitted site and development plans, and maintained consistent with the Guiding Principles of Apoxsee. 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 to facilitate implementation of approved habitat management plans or the removal of nuisance/invasive vegetation.

4. In accordance with Policy 5.5.11 of Apoxsee, a resource management plan, which maintains the functions and values of all preserved and conserved native habitats, and is consistent with the guiding principles of Apoxsee, shall be submitted to Resource Protection Services with site and development plans. The plan needs to address removal of nuisance/invasive plant species from the areas, as well as any proposed planting of native trees and /or understory.

5. In accordance with Policy 5.4.3 of Apoxsee, prior to (or concurrent with) submittal of site and development plans, a listed species survey shall be conducted at the subject property, using recognized sampling techniques to identify endangered, threatened, and species of special concern. In addition, Resource Protection Services shall be provided with documentation, from appropriate regulatory agencies, regarding any listed species issues associated with the site.

6. The Master Surface Water Management Plan shall be consistent with the Woodmere Creek and Forked Basin Master Plan.

7. No construction traffic shall be permitted through the Gulf View Estates Subdivision.

8. Prior to approval of any final subdivision plans that contain the 101st platted parcel, a bond in a form acceptable to the County shall be posted to guarantee that a second access point to the subject development, not including merely an emergency access, shall be constructed upon the earlier of (a) development of the 286th platted residential parcel, or (b) December 31, 2005. The bond shall be in the amount of 110% of the estimated cost of design and construction of the second access point.

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 18th day of March, A.D., 2003.

BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA

Shannon Staut
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: Cynthia A. Strath
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 3/18/03
KAREN E. RUSHING, CLERK OF THE CIRCUIT COURT
EX-OFFICIO CLERK TO THE BOARD OF COUNTY
COMMISSIONERS, SARASOTA COUNTY, FLORIDA

BY Cynthia A. Strath
DEPUTY CLERK