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

Susan Anderson

Planning and Development Services Business Center

1301 Cattlemen Road, Bldg. A

Sarasota, FL 34232

RECORDED IN OFFICIAL RECORDS
INSTRUMENT # 2004127715 6 PGS
2004 JUN 30 05:20 PM
KAREN E. RUSHING
CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
CFOLKINS Receipt#494780



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

The following property, located East of Cattlemen Road and 1600 feet ± north of Cattleridge Boulevard in Sarasota County, Florida, owned by Fred M. Starling, and described in Ordinance No. 2004-014 attached hereto, has been rezoned to an ILW (Industrial Light Warehouse) zone district, pursuant to Rezone Petition No. 02-58 filed by Fred M. Starling, Agent, and granted by Sarasota County on March 16, 2004, 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. 2004-014, attached hereto)

B. Alan Garrett, Manager
Planning Services

**STATE OF FLORIDA
COUNTY OF SARASOTA**

Before me, the undersigned Notary Public, personally appeared B. Alan Garrett, Manager, Planning Services, 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 29th day of June, 2004.

Notary Public
State of Florida at Large

This instrument prepared by:
sma



Shelley E. Hamilton
MY COMMISSION # DD233335 EXPIRES
August 10, 2007
BONDED THRU TROY FAIN INSURANCE, INC

BOARD RECORDS
FILED FOR RECORD

ORDINANCE NO. 2004-014

INSTRUMENT # 2004127715
6 PGS

2004 MAR 22 PM 1:50

2004 MAR 26 PM 3:35
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

FILED

AN ORDINANCE OF THE COUNTY OF SARASOTA, FLORIDA,
AMENDING THE OFFICIAL ZONING ATLAS, AS PART OF
SARASOTA COUNTY ORDINANCE NO. 2003-052, CODIFIED IN
APPENDIX I 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. 02-58, 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. 2003-052, codified in Appendix I 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 Article 4 of the Zoning Ordinance, is hereby amended by changing the zoning district classification for 30.11 acres ± from Districts OUE-1 (Open Use Estate, 1 unit/5 acres) and PCD (Planned Commercial Development) to District ILW (Industrial, Light Warehousing) for the following described property located in Sarasota County, Florida:

The legal description of said property in Sarasota County, Florida being: East of Cattlemen Road and 1600 feet ± north of Cattleridge Boulevard, being more particularly described as follows;
CATTLEMEN LAND CONDOMINIUM, RECORDED IN
CONDOMINIUM BOOK 34, PAGES 16 THROUGH 16-D,
PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA.

02004-014

PARCEL 1:

BEGIN AT THE SOUTHWEST CORNER OF SECTION 31, TOWNSHIP 36 SOUTH, RANGE 19 EAST; THENCE RUN N 89°59'30" E, A DISTANCE OF 1400.0 FEET; THENCE RUN N 0°03'30" W, A DISTANCE OF 2376.0 FEET TO THE NORTH RIGHT-OF-WAY LINE OF WEBBER ROAD; THENCE RUN N 0°03'30" W, A DISTANCE OF 652.0 FEET; THENCE RUN S 87°05'30" W, A DISTANCE OF 1689 FEET; THENCE RUN N 0°06'00" W, A DISTANCE OF 425 FEET; N 89°24'00" W, A DISTANCE OF 532.25 FEET TO A POINT OF BEGINNING; THENCE RUN N 89°24'00" W, A DISTANCE OF 532.25 FEET; THENCE RUN N 0°06'00" W, A DISTANCE OF 175.0 FEET; THENCE RUN S 89°24'00" E, A DISTANCE OF 532.25 FEET; THENCE RUN S 0°06'00" E, A DISTANCE OF 175.0 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SECTION 36, TOWNSHIP 36 SOUTH, RANGE 18 EAST.

PARCEL 2:

BEGIN AT THE SOUTHWEST CORNER OF SECTION 31, TOWNSHIP 36 SOUTH, RANGE 19 EAST; THENCE RUN N 89°59'30" E, A DISTANCE OF 1400.0 FEET; THENCE RUN N 0°03'30" W, A DISTANCE OF 2376.0 FEET TO THE NORTH RIGHT-OF-WAY LINE OF WEBBER ROAD; THENCE RUN N 0°03'30" W, A DISTANCE OF 652.0 FEET; THENCE RUN S 87°05'30" W, A DISTANCE OF 1689 FEET; THENCE RUN N 0°06'00" W, A DISTANCE OF 425 FEET TO A POINT OF BEGINNING; THENCE RUN N 89°24'00" W, A DISTANCE OF 532.25 FEET; THENCE RUN N 0°06'00" W, A DISTANCE OF 175.0 FEET; THENCE RUN S 89°24'00" E, A DISTANCE OF 532.25 FEET; THENCE RUN S 0°06'00" E, A DISTANCE OF 175.0 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SECTION 36, TOWNSHIP 36 SOUTH, RANGE 18 EAST. LESS THAT PORTION TAKEN BY THE STATE OF FLORIDA UNDER ORDER OF TAKING IN RE DIVISION OF ADMINISTRATION, STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION VS. NATIONAL BANK OF GULF GATE, ET AL, CA 76-1506, RECORDED IN OFFICIAL RECORDS BOOK 1133, PAGE 1505, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF SECTION 36, TOWNSHIP 36 SOUTH, RANGE 18 EAST; THENCE RUN NORTH 0°16'12" E, 37.47 FEET; THENCE NORTH 88°25'41" W, 275.95 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 0°23'42" W, 175.00 FEET, THENCE N 88°25'41" W, 152.78 FEET; THENCE NORTH 01°6'12" E 90.65 FEET; THENCE NORTH 4°41'00" W, 84.85 FEET; THENCE SOUTH 88°25'41" E, 160.49 FEET, TO THE POINT OF BEGINNING.
THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA. LESS THAT PORTION PREVIOUSLY CONVEYED TO THE STATE OF FLORIDA AS RIGHT-OF-WAY FOR I-75 AND

0200A-014

ALSO LESS ANY PORTION LYING EAST OF I-75. AND ALSO LESS AND EXCEPT THAT PROPERTY TRANSFERRED TO SARASOTA COUNTY PURSUANT TO WARRANTY DEED DATED NOVEMBER 27, 2000 AND RECORDED IN OFFICIAL RECORDS INSTRUMENT #2001003440, 5 PAGES OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA. SUBJECT TO: PERMANENT UTILITY AND SLOPE EASEMENT AS RECORDED IN OFFICIAL RECORDS INSTRUMENT #2001003442, 5 PAGES, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA. LESS THOSE LANDS CONVEYED TO SARASOTA COUNTY FOR ROAD RIGHT OF WAY DESCRIBED IN OFFICIAL RECORDS INSTRUMENT #2002043017, 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. The landscape buffers shall be as follows: along I-75 a 35' wide, type "I Buffer" and along Cattlemen Road the buffer shall be a minimum 18' wide, type "I Buffer." The "I Buffer" plantings shall be per Section 13.14 of the Sarasota County Zoning Ordinance.
3. Prior to any development on the subject property that cumulatively generates more than 232 PM peak hour net new trips, a traffic study shall be prepared consistent with the Standard Traffic Methodology, as adopted by Resolution No. 98-169. The traffic study shall identify the necessary capacity, operation and safety related improvements to significantly impacted roads and intersections that are needed to accommodate the proposed development. Such improvements may include, but are not limited to, the construction of the Webber Street extension to Cattlemen Road, Honore Avenue between Bee Ridge Road and Fruitville Road, and the construction of Spine Road. The improvements determined to be necessary by the study, shall be constructed prior to or concurrent with the construction of the infrastructure (i.e. roadways, parking areas) for the parcel.
4. In accordance with Policy 5.5.11 of the Environment Chapter of *Apoxsee*, a resource management plan that maintains the functions and values of on-site preserved native habitats, and is consistent with the Guiding Principles of *Apoxsee*, shall be submitted to Resource Protection with site and development plans.
5. In accordance with Policy 5.4.3 of the Environment Chapter of *Apoxsee*, prior to or concurrent with submittal of site and development plans, an appropriate professional shall use State-accepted

methodologies to conduct listed species surveys at the subject property to identify endangered, threatened, and species of special concern for all listed species that may occur in on-site habitats. Results shall be forwarded to Resource Protection and shall include a site plan overlaid with survey transects, locations of all identified burrows, nests, or other evidence of listed species, and details of the methodologies used to conduct the surveys. In addition, Resource Protection shall be provided with all documentation from appropriate regulatory agencies regarding listed species issues associated with the site.

6. In accordance with Policy 5.6.5 of the Environment Chapter of *Apoosee*, during development of the subject property, all nuisance/invasive and exotic plant species shall be removed from the site and, where practical, replaced with native species. The on-site Preserve Area shall be maintained free of nuisance/invasive and exotic plant species. All removed vegetation shall be disposed of in a County-approved landfill or by another method approved by Resource Protection.
7. Submitted site and development plans shall accurately depict the locations and extent of dripline for any on-site grand trees, and shall depict development in such a manner that any grand trees are adequately protected.
8. Should the northern property line be determined to be within 50 feet from the top-of-bank of the adjacent watercourse, site and development plans shall depict a watercourse buffer on the subject property. No impacts shall occur to existing native vegetation located within the watercourse buffer, and removed nuisance/invasive and exotic vegetation shall be replaced with appropriate native species. All activities including, but not limited to, filling, excavation, stockpiling, and storage of materials shall be prohibited within the watercourse buffer, unless expressly allowed by Sarasota County Land Development Regulations.
9. Pursuant to Management Guidelines VI.A.2 (a) and (h), contained within the Environment Chapter of *Apoosee*, the on-site wetland and associated upland buffer shall be depicted as Preserve Area on submitted site and development plans, and maintained consistent with the Guiding Principles of *Apoosee*. All activities including, but not limited to, filling, excavating, well drilling, altering vegetation (including trimming of both trees and understory), and storing of materials, shall be prohibited within the preserve area, unless written approval is first obtained from Resource Protection. Exception may be granted by Resource Protection to facilitate implementation of approved habitat management plans or the removal of nuisance/invasive vegetation.
10. The combined open space for Parcels A and B shall be 30%.
11. Retail Commercial shall be prohibited from fronting on Cattlemen Road.

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 16th day of MARCH, 2004.

BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA

[Signature]
Chair

ATTEST:

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

By: *[Signature]*
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 3/22/04
KAREN E. RUSHING, CLERK OF THE CIRCUIT COURT
EX-OFFICIO CLERK TO THE BOARD OF COUNTY
COMMISSIONERS, SARASOTA COUNTY, FLORIDA
BY *[Signature]*
DEPUTY CLERK

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