

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

RECORDED IN OFFICIAL RECORDS
INSTRUMENT # 2003213568 5 Pgs
2003 OCT 21 03:14 PM
KAREN E. RUSHING
CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
MGEROLMO Receipt#390241



2003213568

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

The following property, located east of Proctor Road and 400' ± north of Clark Road in Sarasota County, Florida, owned by Irwin D. and Ingrid C. Campbell, and described in Ordinance No. 2003-040 attached hereto, has been rezoned to the RSF-2 (Residential, Single Family, 3.5 units/acre) zone district pursuant to Rezone Petition No. 03-08, filed by Ronald DeAnna, Agent, and granted by Sarasota County on June 25, 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. 2003-040, 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 17 day of October, 2003 A.D.



Notary Public
State of Florida at Large



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

This instrument prepared by: SMA

2003 JUN 25 PM 1:33

CLERK OF DISTRICT COURT
SARASOTA COUNTY, FL

2003 JUN 30 PM 1:15
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. 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.03-08 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 31 acres \pm from OUE 1 (Open Use, Estate, 1 unit/5 acres) to District RSF-2 (Residential, Single Family, 3.5 units/acre) for the following described property located in Sarasota County, Florida:

The legal description of said property in Sarasota County, Florida being:
East of Proctor Road and 400' + north of Clark Road, more particularly described as follows;
Commence at the southeast corner of Section 8, Township 37 south, Range 19 east Sarasota County, Florida; thence along the east line of the southeast 1/4 of the southeast 1/4 of said section 8, N.01°08'41"e., 1233.27 feet to the north line of said southeast 1/4 of the southeast 1/4 of section 8; thence along said north line S.89°36'34"w., 921.82 feet; thence leaving said

north line, S.00°50'03"w., 640.66 feet; thence S.89°38'38"w., 408.49 feet to the west line of said southeast 1/4 of the southeast 1/4 of section 8; thence S.00°50'03"w., 323.04 feet to a point lying on the easterly right of way line of Proctor Road as recorded in Road Plat Book 3, Page 48 Public Records of Sarasota County, Florida. Said point also lying on a curve concave to the west whose radius lies S.55°50'06"w., 994.93 feet from said point and having a delta angle of 09°20'49", whose chord bears S.29°29'30"e.; thence along said curve southerly and in a clockwise direction 162.31 feet; thence along a line not tangent to last said curve, S.34°46'47"e., 147.29 feet to the beginning of a curve concave to the east whose radius lies N.55°13'13", 1097.17 feet, having a delta angle of 00°33'53" and whose chord bears S.35°03'44"e.; thence along said curve southerly and in a counter clockwise direction 10.81 feet to the south line of said southeast 1/4 of the southeast 1/4 section 8; thence along said south line N.89°29'04"e., 1149.68 feet to the POINT OF BEGINNING.

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. Pursuant to management guidelines contained within the Environment Chapter of Apoxsee, all wetland areas and associated buffers, shall be designated as Preserve Areas on submitted site and development plans, and maintained consistent with the Guiding Principles of Apoxsee. 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 preservation areas, 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.
2. In accordance with Policy 5.5.11 of the Environment Chapter of Apoxsee, a resource management plan, which maintains the functions and values of the preserved wetland areas, and is consistent with the Guiding Principles of Apoxsee, shall be submitted to Resource Protection with site and development plans.
3. Any site and development plans submitted for the subject property shall depict lot alignments in such a manner as to avoid any impacts to on-site protected habitats and buffer areas.
4. In accordance with Policy 5.6.5 of the Environment Chapter of Apoxsee, during development of the subject property, all nuisance/invasive and exotic plant species shall be removed from the site. Any removal of vegetation from a Preserve 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.
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, a listed species survey shall be conducted at the subject property, using recognized sampling techniques to identify endangered, threatened, and species of special concern, and the results forwarded to Resource Protection. In addition, Resource Protection shall be provided with documentation, from appropriate regulatory agencies, regarding any listed species issues associated with the site.

6. 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.
7. The Applicant shall utilize the Phillippi Creek Study to demonstrate no adverse increase in offsite flood levels will result from this new development.
8. The Master Surface Water Management Plans shall be consistent with the Phillippi Creek Basin Master Plan.
9. The total number of dwelling units on the subject property shall be limited to 73 for an average density on the 31 ± acre property of 2.35 ± dwelling units per acre.
10. The Proctor Road frontage shall be developed with a 50 foot wide buffer utilizing berms and landscaping consistent with a Buffer F as described in the Sarasota County Zoning Code. The 20 foot wide access easement along the southwest boundary of the property shall be shielded by a 30 foot wide buffer with berms and landscaping consistent with a Buffer F as described in the Sarasota County Zoning Code. (NOTE: Buffer F landscaping includes three canopy trees and six understory trees per 100 ft. with a 3 ft. berm and 5 ft. wall or a continuous 4 ft. high planting and 6 ft. wall)
11. The existing native vegetation located along the easterly property line shall remain within the 10 foot buffer easement within the rear setback. Additionally, a supplemental native vegetation planting plan for the 10 foot buffer area shall be submitted with site and development plans to ensure 75% opacity, following the removal of non-native vegetation. The declaration of restrictions recorded with the subdivision plat shall include provisions requiring the individual lot owners to maintain the native vegetation located within the rear yard setback.

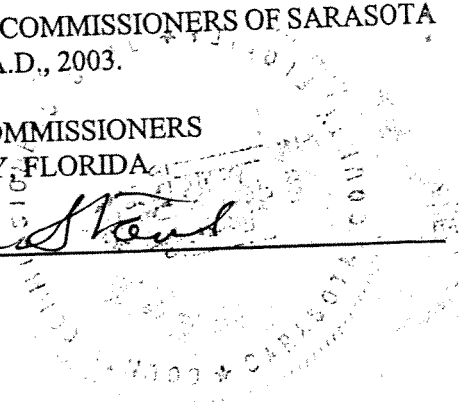
Section 4. Effective Date. This Ordinance shall take effect immediately upon receipt of official acknowledgment from the Office of the Secretary of State of Florida that this Ordinance has been filed with said office.

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PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, this 25th day of June, A.D., 2003.

BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA

Shannon Stead
Chairman



ATTEST:

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

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5 PGS

By: Paula J. Clintman
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 6/25/2003
KAREN E. RUSHING, CLERK OF THE CIRCUIT COURT
EX-OFFICIO CLERK TO THE BOARD OF COUNTY
COMMISSIONERS, SARASOTA COUNTY, FLORIDA
BY: Paula J. Clintman
DEPUTY CLERK

02003-Q10