

2004 MAR 23 03:54 PM

KAREN E. RUSHING

CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
FMILLER Receipt#451336



Please record and return to: (Via Inter-Office Mail)
Susan Anderson
Planning and Development Services 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 at the southwest corner of U.S. 41 and Sarabay Road, in Sarasota County, Florida, owned by Barry Seidel, and described in Ordinance No. 2004-011 attached hereto, has been rezoned to an OPI (Office, Professional and Institutional) zone district, with stipulations, pursuant to Rezone Petition No. 03-09 A filed by Peter M. Dailey, Agent, and granted by Sarasota County on February 11, 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. 2004-011, attached hereto)

Alan Garrett, Manager
Planning Services

**STATE OF FLORIDA
COUNTY OF SARASOTA**

Before me, the undersigned Notary Public, personally appeared 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 22nd day of March, 2004.

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

ORDINANCE NO. 2004-011

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.

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA
2004 FEB 19 PM 3:42

FILED

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. 03-09 A, 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 2.4 acres ± from District RMF-3 (Residential Multi-Family, 13 units/acre) to District OPI (Office, Professional and Institutional) for the following described property located in Sarasota County, Florida:

The legal description of said properties in Sarasota County, Florida being: The southwest corner of U.S. 41 and Sarabay Road, being more particularly described as follows:

SECTION 10, TWP 38, RANGE 18, LOTS 55, 56 & 57 BEG AT PT 10 FT SELY FROM NE COR OF LOT 58 TH RUN IN NWLY DIRECTION 10 FT TO NE COR OF LOT 58 TH WLY TO NE COR OF LOT 58 TH WLY ALG N LINE OF LOT 58 TO COUNTY RD TH SWLY 15 FT ALG WLY LOT LINE TH IN A STRAIGHT LINE IN A ELY DIRECTION TO **POB LESS** STATE ROAD ROW SARABAY ACRES.

KAREN E. RUSHKING
CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FL

2004 FEB 13 AM 9:47

BOARD RECORDS
FILED FOR RECORD

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. 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. Replacement of nuisance/invasive and exotic vegetation with native or ornamental plant species shall be consistent with landscape buffer requirements. All removed vegetation shall be disposed of in a County-approved landfill or by another method approved by Resource Protection.
3. All future development shall be consistent with the adopted Osprey Revitalization Plan No. 98-01-SP as adopted by Ordinance No.99-079.
4. No access to the subject parcel shall be permitted on to Sarabay Road.
5. Access for the subject development on US 41 shall be located and limited to a right-turn in, right-turn out, a minimum of 390 feet southeast of Sarabay Road on Parcel "A", measured centerline to centerline, as approved by F.D.O.T.
6. The required landscape buffer along the west property line shall include a continuous hedge, minimum of one shrub per 3 feet at the time of planting, where parking abuts the landscape buffer.

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 11th day of February, 2004.

BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA

[Handwritten 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: *Paula J. Clementson*
Deputy Clerk

RECEIVED
MAR 16 2004

STATE OF FLORIDA
COUNTY OF SARASOTA
I HEREBY CERTIFY THAT THE FOREGOING IS A
TRUE AND CORRECT COPY OF THE ORIGINAL FILED
IN THIS OFFICE WITNESS MY HAND AND OFFICIAL

SEAL THIS DATE 2/17/04
KAREN E. RUSHING, CLERK OF THE CIRCUIT COURT
EX-OFFICIO CLERK TO THE BOARD OF COUNTY
COMMISSIONERS, SARASOTA COUNTY, FLORIDA

BY *Audrey J. Green*
DEPUTY CLERK