

INSTRUMENT # 2003213566 7 PGS

2003 OCT 21 03:14 PM

KAREN E. RUSHING

CLERK OF THE CIRCUIT COURT

SARASOTA COUNTY, FLORIDA

MGEROLMO Receipt#390241



2003213566

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 east of McIntosh Road and 1000' ± south of Sawyer Loop Road in Sarasota County, Florida, owned by Palmer Ranch Holdings, and described in Ordinance No. 2003-039 attached hereto, has been rezoned from OUE-1 (Open Use Estate, 1 unit/5 acres) to RMF-1/PUD (Residential Multi-Family, 6 units per acre/Planned Unit Development Overlay District) pursuant to Rezone Petition No. 03-11 filed by James Paulmann, Agent, and granted by Sarasota County on May 14, 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. 2003-039, attached hereto)

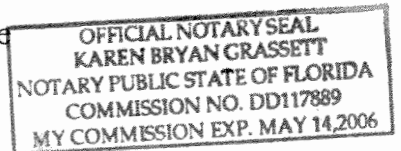
Executive Director
Growth Management Business Center

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

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

2003 MAY 19 PM 2:01

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. 03-11, 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 38.5 acres ± from OUE-1 (Open Use Estate, 1 unit/5 acres) to RMF-1/PUD (Residential Multi-Family, 6 units per acre/Planned Unit Development Overlay District) for the following described property located in Sarasota County, Florida:

The legal description of said property in Sarasota County, Florida being:

EAST OF MCINTOSH ROAD AND 1,000' ± SOUTH OF SAWYER LOOP ROAD, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FL

2003 MAY 15 AM 9:05

A TRACT OF LAND LYING IN SECTIONS 14 AND 23,
TOWNSHIP 37 SOUTH, RANGE 18 EAST, SARASOTA
COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE S.W. 1/4
OF SAID SECTION 14; THENCE N.00°16'17"E. ALONG THE
WESTERLY LINE OF SAID SW. 1/4 A DISTANCE OF 643.09
FEET; THENCE S.89°43'43"E. A DISTANCE OF 153.00 FEET
TO THE EASTERLY LINE OF TRACT 101, PALMER RANCH
INCREMENT II TRACT SUBDIVISION RECORDED IN PLAT
BOOK 34, PAGES 25, 25A THROUGH 25C OF THE PUBLIC
RECORDS OF SARASOTA COUNTY, FLORIDA, FOR THE
POINT OF BEGINNING: (THE FOLLOWING THREE CALLS
ARE ALONG THE EASTERLY LINE OF TRACT 101) THENCE
S.00°16'17"W., A DISTANCE OF 284.44 FEET TO THE POINT
OF CURVATURE (PC) OF A CURVE TO THE LEFT HAVING A
RADIUS OF 515.00 FEET AND A CENTRAL ANGLE OF
40°33'41"; THENCE SOUTHEASTERLY ALONG THE ARC A
DISTANCE OF 364.58 FEET TO THE POINT OF REVERSE
CURVE (PRC) OF A CURVE TO THE RIGHT HAVING A
RADIUS OF 505.00 FEET AND A CENTRAL ANGLE OF
59°41'56"; THENCE SOUTHEASTERLY AND
SOUTHWESTERLY ALONG THE ARC A DISTANCE OF 526.18
FEET TO THE NORTHERLY RIGHT OF WAY LINE OF
McINTOSH ROAD (120' WIDE) AS SHOWN ON THE PLAT OF
PRESTANCIA RECORDED IN PLAT BOOK 31, PAGES 27, 27A
THROUGH 27K OF SAID PUBLIC RECORDS, SAID POINT
BEING A POINT ON A CURVE OF WHICH THE RADIUS
POINT LIES N.45°51'44"E. A RADIAL DISTANCE OF 1085.92
FEET (THE FOLLOWING THREE CALLS ARE ALONG SAID
RIGHT OF WAY LINE); THENCE SOUTHEASTERLY ALONG
THE ARC THROUGH A CENTRAL ANGLE OF 13°47'35" A
DISTANCE OF 261.42 FEET; THENCE S.57°55'51"E. A
DISTANCE OF 637.05 FEET TO THE PC OF A CURVE TO THE
RIGHT HAVING A RADIUS OF 1408.14 FEET AND A
CENTRAL ANGLE OF 46°09'08"; THENCE SOUTHEASTERLY
ALONG THE ARC A DISTANCE OF 1134.27 FEET TO THE
WESTERLY RIGHT OF WAY LINE OF THE SEMINOLE GULF
RAILWAY (100 FEET WIDE); THENCE N.11°46'43"W. ALONG
SAID WESTERLY RIGHT OF WAY LINE A DISTANCE OF
2571.46 FEET; THENCE N.89°43'43"W. A DISTANCE OF 455.28
FEET TO THE PC OF A CURVE TO THE LEFT HAVING A
RADIUS OF 52.28 FEET AND A CENTRAL ANGLE OF
90°00'00"; THENCE SOUTHWESTERLY ALONG THE ARC A
DISTANCE OF 82.12 FEET TO THE PRC OF A CURVE TO THE
RIGHT HAVING A RADIUS OF 50.00 FEET AND A CENTRAL
ANGLE OF 90°00'00"; THENCE SOUTHWESTERLY ALONG
THE ARC A DISTANCE OF 78.54 FEET; THENCE
N.89°43'43"W. A DISTANCE OF 74.52 FEET TO THE PC OF A
CURVE TO THE RIGHT HAVING A RADIUS OF 50.00 FEET
AND A CENTRAL ANGLE OF 41°54'03" THENCE

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NORTHWESTERLY ALONG THE ARC A DISTANCE OF 36.57 FEET TO THE PRC OF A CURVE TO THE LEFT HAVING A RADIUS OF 350.00 FEET AND A CENTRAL ANGLE OF 41°54'03"; THENCE NORTHWESTERLY ALONG THE ARC A DISTANCE OF 255.96 FEET; THENCE N.89°43'43"W., A DISTANCE OF 161.25 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. All development on the subject parcel (i.e., preliminary plans, site and development plans, final plats, and construction plans) shall comply with the Development Order for Increment XVII of the Palmer Ranch Development of Regional Impact (DRI), and the Palmer Ranch Master Development Order (MDO).
2. All development shall occur in substantial accordance with the Development Concept Plan, date-stamped November 15, 2002, and attached hereto as Exhibit "A," including modifications to the requirements of the Zoning Ordinance as outlined on the Development Concept Plan, and as may be necessary to accommodate any grand trees identified on the property at preliminary plan review or the necessity for a second access as noted in Stipulation No. 8. Development shall not exceed a maximum of 192 total dwelling units. This does not imply or confer any other deviations from application zoning or land development regulations, unless expressly granted on said Development Concept Plan.
3. 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.
4. Prior to or concurrent with construction plan submittal, a southbound left turn shall be provided on McIntosh Road at the project entrance. The left turn shall be designed to have adequate storage for traffic expected to be generated by the development and in accordance with Florida Department of Transportation's "Roadway and Traffic Design Standards" manual.
5. The Master Surface Water Management Plans shall be consistent with the Catfish Creek Basin Master Plans and the Palmer Ranch DRI.
6. The impacted wetlands shall be mitigated in accordance with criteria as outlined in the Sarasota County LDR Environmental Technical Manual. A Wetland Mitigation

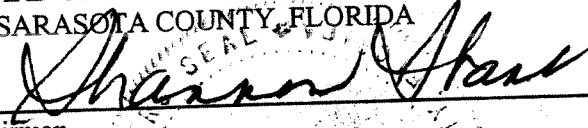
Maintenance Monitoring Plan shall be submitted to Resource Protection prior to or concurrent with site and development submittal.

7. Outdoor recreation 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. Friday and Saturday.
8. Prior to approval of any site and development or construction plans that contain the 101st dwelling unit, a second access to the subject development, not including an emergency access, shall be provided, unless determined at preliminary plan review that, based on engineering practices, that the design of a single access is able to provide safe and reliable ingress and egress.
9. The owner, its successors and/or assigns shall cause a "Notice of Proximity" to be recorded in the Public Records of Sarasota County, indicating the "proximity" of the dwelling units to the Seminole and Gulf Railroad right-of-way and any potential recreational uses associated within the right-of-way.

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 14th day of May, A.D., 2003.

BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA


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. Hinton
Deputy Clerk

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PARCEL C1

FIXED AND VARIABLE DEVELOPMENT CRITERIA,
ZONING VARIANCE, AND OTHER MODIFICATIONS AND NOTES
TO DEVELOPMENT CONCEPT PLAN

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FIXED DEVELOPMENT CRITERIA:

- 1) MULTI FAMILY UNITS SHALL BE ±192.
- 2) OPEN SPACE USE SHALL BE 51.1% OR 19.68 ACRES.
- 3) LOCATION OF FULL MOVEMENT AND CONSTRUCTION/EMERGENCY ACCESS POINT TO PUBLIC ROADWAYS.

VARIABLE DEVELOPMENT CRITERIA:

- 1) DEVELOPMENT POD BOUNDARIES.
- 2) PEDESTRIAN CIRCULATION (INCLUDING SIDEWALKS, BIKE LANES AS REQUIRED).
- 3) STORMWATER LAKE LOCATIONS, CONFIGURATIONS AND SIZE, BASED ON CRITERIA ESTABLISHED THROUGH STORMWATER MODEL RESULTS AS APPLIED THROUGH DEVELOPMENT PERMITTING.
- 4) INTERNAL ROAD ALIGNMENTS.

MODIFICATIONS TO SARASOTA COUNTY ZONING REGULATIONS

- 1) SECTION 11.6f – THE LOCATION OF OUTDOOR REFUSE COLLECTION AND STORAGE AREAS WILL BE PROVIDED ON CONSTRUCTION PLANS.
- 2) SECTION 11.7c(6) – PRIOR TO PRELIMINARY PLAN OR CONSTRUCTION PLAN APPROVAL, INTERNAL TRAFFIC CIRCULATION, INTERNAL ACCESSES, PEDESTRIAN CIRCULATION AND DETAILS OF RECREATIONAL AREAS AND LANDSCAPE BUFFER SHALL BE PROVIDED TO THE COUNTY.
- 3) SECTION 11.7c(8) – FINAL ACREAGES FOR RECREATIONAL FACILITIES AND OTHER PERMITTED USES WILL BE PROVIDED WITH CONSTRUCTION PLANS.
- 4) SECTION 11.9 – SITE PLAN SHALL BE BINDING TO THE EXTENT COMMITTED BY THE DEVELOPMENT CONCEPT PLAN.
- 5) SECTION 13.11 – ELIMINATION OF LANDSCAPE BUFFER SOUTH OF RESTORATION AREA I AND NORTH OF MESIC HAMMOCK ADJACENT TO CATFISH CREEK MAIN.
- 6) SECTION 13.14 – BUFFER B TO BE PROVIDED ALONG RAILROAD CORRIDOR WITH LANDSCAPING PROVIDED ADJACENT TO RESIDENTIAL DEVELOPMENT, NATIVE VEGETATION TO BE RETAINED ONLY TO AREA TO THE SOUTH ADJACENT TO WETLAND PRESERVATION, LAKE AND LITTORAL AREAS AND OTHER OPEN SPACES.

MODIFICATIONS TO SARASOTA COUNTY LAND DEVELOPMENT REGULATIONS

- 1) DEVELOPMENT IMPROVEMENT TECHNICAL MANUAL SECTION B1A ACCESS – ALLOW SECOND ACCESS TO BE FOR EMERGENCY AND CONSTRUCTION PURPOSES ONLY.

OTHER MODIFICATIONS AND NOTES:

- 1) FINAL ACREAGE WILL VARY BASED ON DETAILED SITE PLANNING (LAKES, DEVELOPMENT AREAS, OTHER OPEN SPACE, ETC.).
- 2) LAKES MAY ENCROACH INTO WETLAND BUFFERS AND OTHER OPEN SPACE AREAS AS REQUIRED TO PROVIDE HYDRAULIC CONNECTION.
- 3) THE WETLAND BUFFERS MAY BE ADJUSTED SUBJECT TO FINAL LAND PLAN OR SITE DEVELOPMENT PLAN AND AS APPROVED THROUGH PRELIMINARY PLANS/CONSTRUCTION PLANS AND SUBSEQUENT PERMITTING.
- 4) ONE PHASE OF DEVELOPMENT IS PLANNED BASED ON MARKET CONDITIONS WITH ANTICIPATED BUILDOUT IN 2 YEARS.
- 5) INTERNAL SIDEWALKS WILL BE PROVIDED AS REQUIRED BY COUNTY LDR.
- 6) NATIVE HABITAT PRESERVATION AND CONSERVATION ACREAGES MAY BE SLIGHTLY MODIFIED BASED ON STORMWATER LAKE DESIGN, OTHER ENGINEERING REQUIREMENTS AND FINAL PERMITTING.

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 5-15-03
KAREN E. RUSHING, CLERK OF THE CIRCUIT COURT
EX-OFFICIO CLERK TO THE BOARD OF COUNTY
COMMISSIONERS, SARASOTA COUNTY, FLORIDA

BY: [Signature]
DEPUTY CLERK

DEVELOPMENT CONCEPT PLAN
2 OF 2

SCALE: 1" = 400'

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COUNTY PARK (PARCEL E)

PALMER PARK OF COMMERCE (PARCEL A8/A9)

PARCEL B9

RESTORATION AREA I

PALMER RANCH PARKWAY

CATFISH CREEK MAIN

EMERGENCY/
PRESTANCIA CONSTRUCTION ACCESS

LAKE #1

MESIC HAMMOCK

WP#16/641

SEMINOLE & GULF RAILROAD










LAKE #2

WP#135/641

FULL MOVEMENT
MEDIAN ACCESS

PRESTANCIA

WETLAND MITIGATION

-  DREDGED CANAL
-  OTHER OPEN SPACE
-  DEVELOPMENT POD
-  PERIMETER BUFFER
-  LAKE AND LITTORAL AREAS
-  WETLAND PRESERVATION
-  UPLAND PRESERVATION (WETLAND BUFFER)
-  MAN-MADE PIT/LAKES/PONDS
-  MESIC HAMMOCK

SITE DATA		
DEVELOPMENT POD	ACRES	USE
C1	18.83	MULTI-FAMILY RESIDENTIAL
OPEN SPACE	6.76	LAKE AND LITTORAL AREAS
OPEN SPACE	2.02	PERIMETER BUFFER AREAS/ OTHER OPEN SPACE
OPEN SPACE	5.08	UPLAND PRESERVATION/ MESIC HAMMOCK
OPEN SPACE	0.88	UPLAND PRESERVATION/ IMPROVED PASTURE
OPEN SPACE	4.94	WETLAND PRESERVATION
TOTAL AREA	38.51	

NOTES:
1) TOTAL NUMBER OF MULTI-FAMILY UNITS - 192
2) OPEN SPACE % = 51.1

Wilson Miller

Planners • Engineers • Ecologists • Surveyors
Landscape Architects • Transportation Consultants
Wilson Miller, Inc.
Naples • Fort Myers • Sarasota • Bradenton • Tampa • Tallahassee
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PALMER RANCH
INCREMENT XVII
PARCEL C1

DEVELOPMENT
CONCEPT PLAN

MAP
C-3
1 OF 2

M2003-039