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INSTRUMENT # 2003225059 6 PGS

2003 NOV 06 05:23 PM

KAREN E. RUSHING

CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
CBETHEL Receipt#397439



NOV 12 2003


Please record and return to: Karen Grasset
(VIA INTER-OFFICE MAIL)
Growth Management Business Center
1660 Ringling Boulevard, 5th Floor
Sarasota, FL 34236

Inter-office

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

The following property, located north of Manasota Beach Road and east of S.R. 776, in Sarasota County, Florida, owned by S. Sy Sherr, as trustee, and described in Ordinance No. 2003-065 attached hereto, has been rezoned to the RSF-2 (Residential Single Family, 3.5 dwelling units per acre), zone district pursuant to Rezone Petition No. 03-13 filed by Stephen D. Rees, Agent, and granted by Sarasota County on September 23, 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. 2003-065, 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 5th day of November, 2003 A.D.


Notary Public
State of Florida at Large

This instrument prepared by:
SMA



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

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6 PGS

ORDINANCE NO. 2003-065

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

2003 OCT - 1 PM 1:56

FILED

BOARD RECORDS
FILED FOR RECORD

2003 SEP 29 AM 8:42

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

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. 03-13, 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.

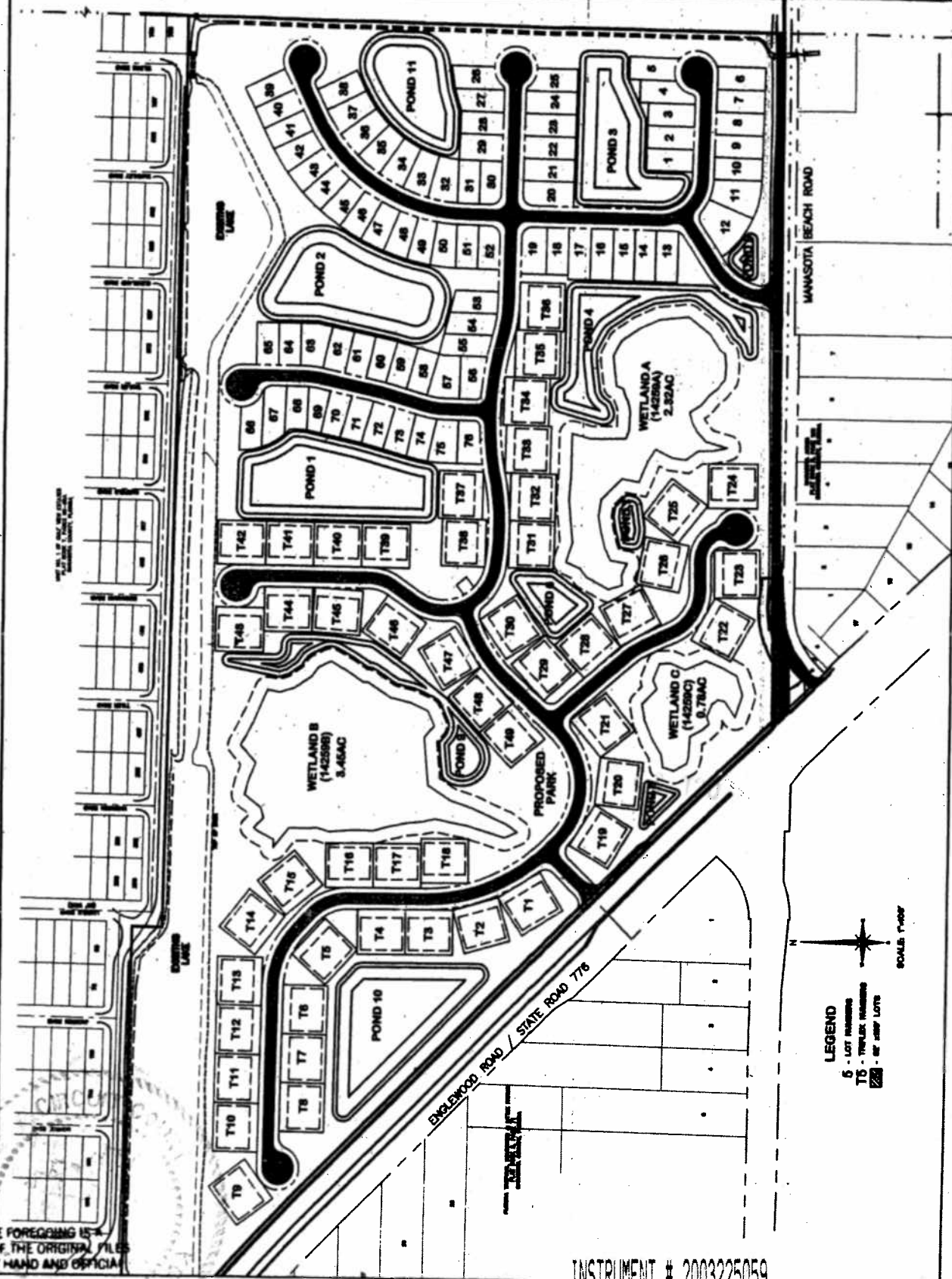
C. The rezoning herein granted is consistent with the Sarasota County Comprehensive Plan and meets the requirements of the Zoning Ordinance.

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 77.72 acres ± from OUE-2 to RSF-2 for the following described property located in Sarasota County, Florida:

Part of Lots 3 & 4, Block K, & Lots 3, 12, 15 & 16, Block L, lying South of Pierce Drive described in Plat book 7, Page 86 & Official Records Book 1403, Page 1731; Less right-of-way for State Road 776. The above described property is more particularly described as follows: **DESCRIPTION** (as prepared by the certifying Surveyor and Mapper): A tract of land lying in Section 3, Township 40 South, Range 19 East; Sarasota County, Florida and described as follows: Commence at the southeast corner of said Section 3; thence N.01°01'39"E. along the east line of said Section 3, a distance of

2. Prior to submittal of any site and development plan application, a final survey using recognized sampling techniques to identify endangered, threatened, and species of special concern shall be performed. Prior to construction plan approval, the Applicant shall provide documentation of efforts to resolve any listed species issues associated with the site with the appropriate regulatory agencies.
3. Nuisance and invasive vegetation shall be removed from the property, where practical, and properly disposed of in an approved landfill or other method approved by Resource Protection Services. If this vegetation is acting as a visual buffer a phased removal and planting plan can be used with written approval from Resource Protection Services, which plan shall locate recommended trees and shrubs either within the rear yard of a proposed structure(s) along the south line of the County easement or within the abutting common area to reduce visibility of such proposed structure by Gulf View Estates homes fronting Pierce Drive.
4. Prior to or concurrent with development of the subject parcel, Manasota Beach Road shall be widened to two 11 foot wide travel lanes and a 5 foot wide sidewalk and be resurfaced over the entire roadway width. The improvements shall be completed between the asphalt cross section of S.R. 776 and the subject parcel's access. The transition from the improved cross section to the existing pavement shall occur east of the access. The improvements shall be included in the construction plans for the proposed development.
5. The required Master Surface Water Management Plans shall be consistent with the Forked Creek and Woodmere Creek Basin Master Plans and shall be used to demonstrate no increase in off-site flood elevations, particularly respecting abutting Gulf View Estates Subdivision.
6. No construction will be permitted within the County easements along the northern property line without the prior approval of Sarasota County Stormwater Environmental Utilities.
7. The existing on-site ponds within the County easements along the northern property line which constitute part of the Surface Water Management System for abutting Gulf View Estates Subdivision will not be used for the stormwater management system to be constructed for the proposed Subdivision.
8. All development on the subject parcel shall be consistent with all applicable conditions for development approval contained in the adopted S.R. 776 Corridor Plan.
9. The total number of units allowed on the subject parcel shall be limited to 222 units.
10. Development on the subject parcel shall be consistent as practicably as possible with the revised development concept plan date stamped September 19, 2003, attached hereto as Exhibit "A", subject to modifications resulting from requirements proposed by governmental jurisdictions as part of their final construction plan approval processes.
11. A Homeowners Association, or other designated responsible entity, shall be granted the power and authority necessary to ensure that:
 - A. All buildings constructed along the southerly line of the County easement shall be initially painted and subsequently repainted in "earth tones".



LEGEND
 6 - LOT NUMBER
 T6 - TRAPEZOIDAL LOTS
 28 - 28' WIDE LOTS



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 9-29-03

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

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