

2003 DEC 01 12:47 PM

KAREN E. RUSHING
CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
TRAIN 1 Receipt#406075

Please record and return to Karen Grasset
Growth Management Business Center
1660 Ringling Boulevard, 5th Floor ✓
Sarasota, FL 34236

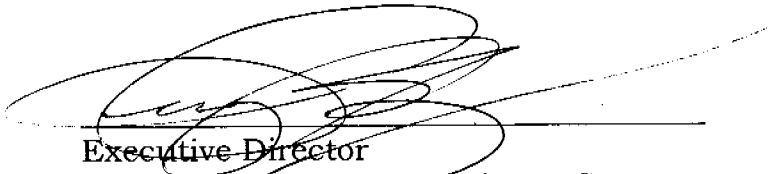


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NOTICE OF STIPULATIONS
AND LIMITATIONS ENCUMBERING
REAL PROPERTY PURSUANT TO
THE SARASOTA COUNTY ZONING CODE

The following property located east of Fielding Lane and 650' south of Ashton Road in Sarasota County, Florida, owned by Mist LLC, and described in Ordinance No. 2003-079 attached hereto, has been rezoned to a RSF-4 (Residential Single-Family 5.5 units/acre) zone district pursuant to Rezone Petition No. 03-16 filed by Peter Dailey, Agent, and granted by Sarasota County on November 4, 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. 2003-079, attached hereto)

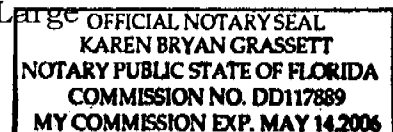

Executive Director
Growth Management Business Center

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 25th day
November, A.D. 2002.


Notary Public
State of Florida at Large



This instrument prepared by:
CS

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. 03-16, 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 15.38 acres ± from OUE-1 (Open Use Estate, 1 unit/5 acres) to RSF-4 (Residential Single Family, 5.5 units/acre) for the following described property located in Sarasota County, Florida:

In Sarasota County Florida Section 12, Township 37 S Range 18 E Tracks 23 & 24 Wood Ranches described as commencing at the NW Corner of Section 12, thence S 0-03-29 W along west lines of Section 2, 705.61 feet to west ¼ corner, thence S 89-36-17 E along ¼ section line 1,340.54 feet, thence S 0-05-25 W along west line of tract 3 for a distance of 682.10 feet for a POB.

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

Thence S 89-41-27 E for a distance of 669.99 feet to the east line of Tract 3, thence S 0-07 40 W for a distance of 666.09 feet to the SE corner of Tract 3, thence N 89-46-38 W along the south line of Tract 3 for a distance of 669.55 feet to the SW corner thereof, thence N 0-05-25 E along the west Line for a distance of 667.11 feet to the POB, and subject to an easement being a part of Lot 3 Blk 3 Sarasota Venice Co. Subdivision of Section 12 ORI 2000132234. Along with: Begin at the northwest corner of Section 12, thence S 0-03-29 W along W line 2,705.61 Ft. to West ¼ corner, Thence S 89-36-17 E along ¼ line Lot Block 3 1,340.54 Ft., Thence S 0-05-25 W along West line of Tract 3 for a distance of 1,016.17 Ft. to the POB Thence S 0-05-25 W along the east line 333.56 Ft, Thence N 89-46-38 W 669.55 Ft to the West line of Lot 4, Thence N-0-03- 10 E along W line 334.07 Ft. Thence S 89-44-03 E 669.77 Ft. to the east line of Lot 4 to the POB being a part of Lot 4 Block 3 Venice Company Subdivision of Section 12.

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. Access from Fielding Lane north of the subject property shall be prohibited.
3. Fielding Lane, improved from the existing end of pavement (approximately 360 feet north of Clark Road) to the subject development's southern entrance, shall be paved to the standards outlined in Appendix D2 of the Land Development Regulations (LDR) and widened to a minimum of 22 feet with 11-foot wide travel lanes.
4. 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. Replacement of nuisance/invasive and exotic vegetation with native or ornamental plant species shall be consistent with landscape buffer requirements. Any nuisance/invasive and exotic vegetation removed from preserve areas shall be replaced with native plant species as part of 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 *Apoosee*, 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. Results shall be forwarded to Resource Protection and shall include a site plan overlaid with survey transect, locations of all identified burrows, nests, or other evidence of listed species, and details of the methodology 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.

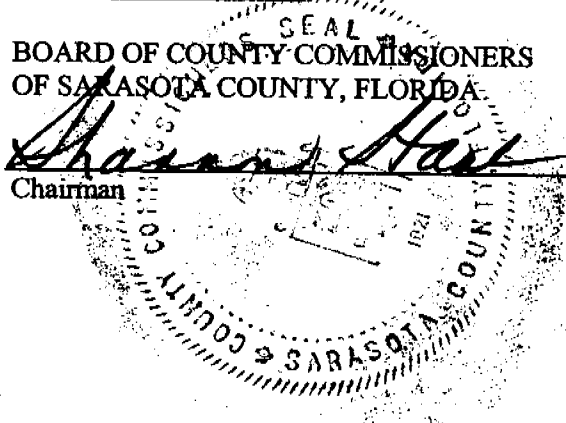
- 6. The Master Surface Water Management Plans shall be consistent with the Phillippi Creek and Catfish Creek Basin Master Plans.
- 7. The maximum number of dwelling units on the subject parcel shall be 60.
- 8. The 10' public drainage easement along the southerly boundary of Covington Place Subdivision, which accommodates drainage from the easterly portion of the subject parcel, shall be piped from the subject parcel to the existing stormwater system in the Gantt Road 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 4th day of November, A.D., 2003.

BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA

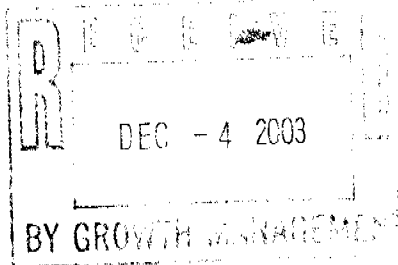
Sharon Hall
Chairman



ATTEST:

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

By: *Karen E. Rushing*
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 11/2/03
KAREN E. RUSHING, CLERK OF THE CIRCUIT COURT
EX-OFFICIO CLERK TO THE BOARD OF COUNTY
COMMISSIONERS, SARASOTA COUNTY, FLORIDA

By: *Karen E. Rushing*
DEPUTY CLERK

