

RECORDED IN OFFICIAL RECORDS
INSTRUMENT # 2005022549 5 PGS

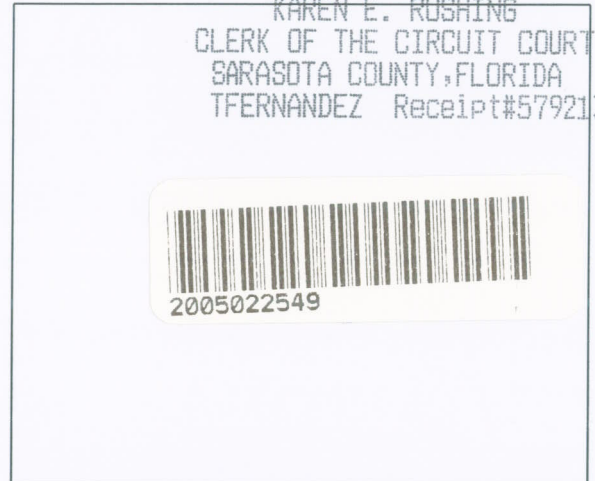
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KAREN E. RUSHING
CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
TFERNANDEZ Receipt#579213

Please record and return to: **(Via Inter-Office Mail)**
Susan M. Anderson, Administrative Coordinator
Planning Services
1301 Cattlemen Road, Bldg. A
Sarasota, FL 34232

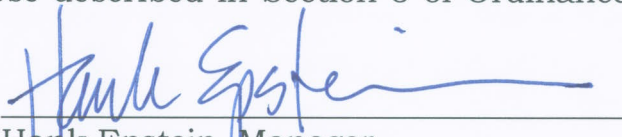
Charge to: **Planning Services**
Account# **51800100500489**

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



The following property, located East of Cattlemen Road and 1,950' ± north of Bee Ridge Road in Sarasota County, Florida, owned by Cattle Ridge Development Co., and described in Ordinance No. 2004-105 attached hereto, has been rezoned to a ILW (Industrial, Light Manufacturing and Warehousing) zone district pursuant to Rezone Petition No. 03-23 filed by Fred M. Starling, Agent, and granted by Sarasota County on December 15, 2004, and is subject to the following stipulations and limitations, violations of which shall constitute a violation of the Sarasota County Zoning Code:

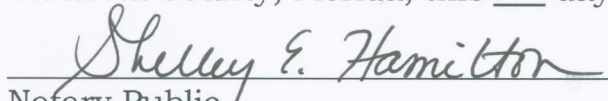
(Stipulations and limitations are those described in Section 3 of Ordinance No. 2004-105, attached hereto)


Hank Epstein, Manager
Planning Services

**STATE OF FLORIDA
COUNTY OF SARASOTA**

Before me, the undersigned Notary Public, personally appeared B. 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 31st day of January, 2005.


Notary Public
State of Florida at Large

This instrument prepared by:
lam



Shelley E. Hamilton
MY COMMISSION # DD233335 EXPIRES
August 10, 2007
BONDED THRU TROY FAIR INSURANCE, INC

COUNTY OF SARASOTA, FLORIDA

Board of County Commissioners
Sarasota County Planning and Development Services Business Center

Date: January 26, 2005

MEMORANDUM TO:

Fred Starling
2201 Cantu Court, Suite 104
Sarasota, FL 34232

Community Services, Parks & Recreation (Doug Smith)
Emergency Services, Fire Department (Jane Ross)
Environmental Services, Utilities (John Saraniero)
Environmental Services, Utilities (Mike Mylett)
Health/Human Services (Mike Berry)
History Center (Dan Hughes)
Planning & Development Services, Code Enforcement (Jim LeGay)
Planning & Development Services, County Surveyor (Gayle Fosness)
Planning & Development Services, Land Dev. (Isaac Brownman)
Planning & Development Services, Land Dev. (Mary Stephens)
Planning & Development Services, Landscape (Martha Horton)
Planning & Development Services (Steve Brown)
Planning & Development Services (Elaine Wickwire)
Planning & Development Services, Resource Protection (Paul Semenech)
Property Appraiser (Jim Todora)
Public Works, Stormwater (Candace Hendrickson)
Public Works, Transportation (Lorraine Branzei)
School Board (Kathy Anderson)

SUBJECT:

RZ Petition 03-23

PLANNER:

Edward Wolfe

ORDINANCE NO. 2004-105 **PID#:** 0065-09-0001, 0065-09-0002, 0065-09-0003, 0065-09-0004

ACTION TAKEN ON ABOVE SUBJECT IS AS FOLLOWS:

On **December 8, 2004** the Sarasota County Board of County Commissioners **approved** Rezone Petition No. 03-23 to rezone 3 acres ± located East of Cattlemen Road and 1,950' ± north of Bee Ridge Road in, Sarasota County, Florida, from District OUE-1 (Open Use Estate, 1 unit/5 acres) to district ILW (Industrial, Light Warehousing) with stipulations.

A copy of **Ordinance No. 2004-105** is attached for your information.

INSTRUMENT # 2005022549
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ORDINANCE NO. 2004 - 105

BOARD RECORDED
FILED FOR RECORD

2004 DEC 17 PM 3:16

MARKER 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. 2003-052, 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. 03-23, 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 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 Article 4 of the Zoning Ordinance, is hereby amended by changing the zoning district classification for 3 acres \pm from District OUE-1 (Open Use Estate, 1 unit/5 acres) to District ILW (Industrial, Light Warehousing) for the following described property located in Sarasota County, Florida:

The legal description of said property in Sarasota County, Florida being: East of Cattlemen Road and 1,950' \pm north of Bee Ridge Road, being more particularly described as follows;

COMMENCE AT THE NORTHEAST CORNER OF SECTION 3, TOWNSHIP 36 S., RANGE 19 E., SAME BEING THE NORTHWEST CORNER OF SECTION 2, TOWNSHIP 36 S., RANGE 19 E.; THENCE S00°09'14"W, ALONG THE SECTION LINE COMMON TO SAID SECTIONS 2 AND 3, A DISTANCE OF 3090.67 FT. FOR A **POINT OF BEGINNING**, THENCE S87°42'17"E, 78.66 FT.; THENCE S36°06'54"E, 562.65 FT.; THENCE S17°37'58"W, 102.47 FT.; THENCE S40°01'28"E, 134.76 FT.; THENCE N75°26'03"E, 51.40 FT.; THENCE S59°41'36"E, 214.71 FT.; THENCE S10°09'26"E, 110.92 FT.; THENCE S10°26'26"W, 125.93 FT.; THENCE S73°53'28"W, 76.35 FT.; THENCE N79°17'09"W, 587.28 FT.; THENCE N69°15'55"W, A DISTANCE OF 53.12 FT. TO THE INTERSECTION WITH THE SECTION LINE COMMON TO SAID SECTIONS 2 AND 3; THENCE CONTINUE N69°15'55"W, 241.55 FT.; THENCE N44°46'55"W, 150.31 FT.; THENCE N61°01'15"W, 107.90 FT.; THENCE N80°28'53"W, 139.43 FT.; THENCE N48°03'25"W, 690.92 FT.; THENCE N18°48'04"W, 162.64 FT.; THENCE N26°31'54"W, 232.08 FT.; THENCE N33°15'58"W, 593.17 FT.; THENCE N26°28'28"W, 360.00 FT.; THENCE N80°34'00"E, 592.25 FT.; THENCE S10°06'06"E, 261.21 FT.; THENCE S27°30'08"E, 193.17 FT.; THENCE S41°51'17"E, 217.61 FT.; THENCE N67°59'44"E, 204.86 FT.; THENCE N81°48'25"E, 144.85 FT.; THENCE S77°14'21"E, 217.09 FT.; THENCE S04°24'04"E, 371.38 FT.; THENCE S17°32'22"E, 142.19 FT.; THENCE S58°32'40"E, 142.45 FT.; THENCE S87°42'17"E, A DISTANCE OF 119.59 FT. TO THE **POINT OF BEGINNING**, BEING AND LYING IN SECTIONS 2 AND 3, TOWNSHIP 36 SOUTH, RANGE 19 EAST, SARASOTA COUNTY, FLORIDA.

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. Site and development plans shall accurately depict the locations and extent of the drip-line for any on-site grand trees, and development shall occur in such a manner that all grand trees are adequately protected.
3. During development of the subject property, all vegetative species contained within Section 54-621 of Sarasota County's Exotic Plant Code, state regulations (Chapters 5B-57.007 and 62C-52.011, FAC), and the Florida Exotic Pest Plant Council's list of Category I and II invasive species, as appropriate to this geographic region, shall be removed from the property. Any such vegetation removed from required landscape buffers shall be replaced with native species as part of an approved landscape plan. Removed vegetation shall be disposed of in a County-approved landfill or by another method approved by Resource Protection.
4. Prior to or concurrent with submittal of a site and development plans the owner shall coordinate with all appropriate government agencies in regard to listed (endangered, threatened, and species of special concern) species. Any required surveys shall utilize State-accepted methodologies. The results of the surveys, including details of the methodologies used (i.e., location of transects, dates and times of surveys, etc.), shall be forwarded to Resource Protection along with any documentation from appropriate regulatory agencies regarding listed species issues.
5. The Master Surface Water Management Plan shall be consistent with the Phillippi Creek Basin Master Plan.
6. All development shall comply with the I-75 Corridor Plan (Ordinance No. 89-35 as amended) and I-75/Bee Ridge Road Sector Plan (NO. 83-01-SP-A-North as amended).
7. There shall be no Construction Authorization for the subject parcel until the connection of Honore Avenue from Bee Ridge Road to Fruitville Road and the extension of Webber Street from Linwood Drive to Cattlemen Road both have available transportation capacity to accommodate the use pursuant to Chapter 94, Article VII, Exhibit A, Section F.1. of the Sarasota County Code of Ordinances.
8. Direct access to Cattlemen Road shall be prohibited.

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 8th day of December, 2004.

BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA


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: 
Deputy Clerk