

2004 FEB 05 10:48 AM

KAREN E. RUSHING

CLERK OF THE CIRCUIT COURT  
SARASOTA COUNTY, FLORIDA  
FMILLER Receipt#431708



Please record and return to: (Via Inter-Office Mail)  
Karen Grasset  
Growth Management Business Center  
1660 Ringling Boulevard, 5<sup>th</sup> 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 northeast corner of Proctor Road and Falcon Lane in Sarasota County, Florida, owned by Philip R. Wilson, and described in Ordinance No. 2004-009 attached hereto, has been rezoned to a RE-2 (Residential, Estate, 1 unit/acre) zone district pursuant to Rezone Petition No. 03-32 filed by Philip R. Wilson, Agent/Owner, and granted by Sarasota County on January 14, 2004, and is subject to the following stipulations and limitations, violations of which shall constitute a violation of the Sarasota County Zoning Code:

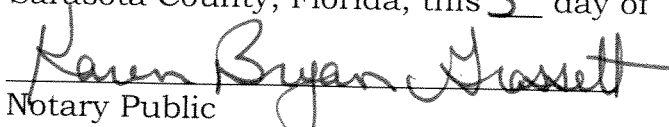
(Stipulations and limitations are those described in Section 3 of Ordinance No. 2004-009, attached hereto)

  
Executive Director  
Growth Management Business Center

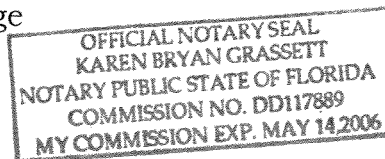
STATE OF FLORIDA  
COUNTY OF SARASOTA

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 3<sup>rd</sup> day of February, 2004.

  
Notary Public  
State of Florida at Large

This instrument prepared by:  
SMA



ORDINANCE NO. 2004-009

2004 JAN 14 PM 4: 38

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.

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

DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA

2004 JAN 20 PM 4: 11

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. 03-32, 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 Section 2 of the Zoning Ordinance, is hereby amended by changing the zoning district classification for 5 acres ± from OUE-1 (Open Use, Estate, 1 unit/5 acres) to District RE-2 (Residential, Estate, 1 unit/acre) for the following described property located in Sarasota County, Florida:

The legal description of said property in Sarasota County, Florida being: The northeast corner of Proctor Road and Falcon Lane, being more particularly described as follows:

Begin at the SW corner of Section 5, Township 37 South, Range 19 East, Sarasota County, Florida, said corner being the P.O.B.; thence North along the West line of Section 5, 1005.08 feet, thence north 87 degrees 27' 00" East, 248 feet, thence South parallel to the West

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4 PGS

line of said Section 5 to the Northerly Right of Way line of Proctor Road; thence Northwesterly along said Right of Way line of Proctor Road to the P.O.B.; Less the Westerly 33 feet of the above described property, as described in official Records Book 1030, Page 1875.

**Also:**

From the SW corner of Section 5, Township 37 South, Range 19 East, Sarasota County, Florida, North along the West line of Section 5, 1005.08 feet; thence North 87 degrees 27' 00" East 248 feet to the P.O.B.; thence continue North 87 degrees 27' 00" East 2 feet; thence South and parallel to the West line of said Section 5 to the Northerly Right of Way line of Proctor Road; thence Northwesterly along said Right of Way line of Proctor Road to a point due South of the P.O.B.; thence North to the P.O.B.

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:

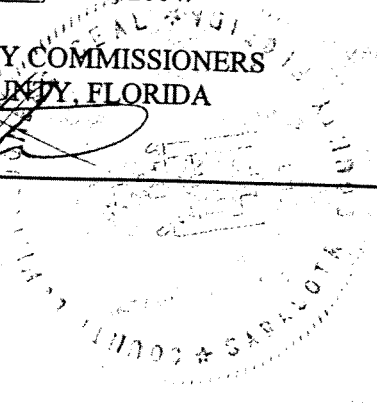
1. Within 30 days following approval of the subject rezoning, a listed species survey shall be conducted at the subject property, using recognized sampling techniques to identify endangered, threatened, and species of special concern. Results shall be forwarded to Resource Protection and shall include a site plan overlaid with survey transects, 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.
2. 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 his/her 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.
3. A 20' wide access easement must be provided to the lot that does not have road frontage. Said easement can only cross one parcel to get to the street.
4. The maximum residential density on the subject parcel shall be 3 dwelling units.

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 January, A.D., 2004.

BOARD OF COUNTY COMMISSIONERS  
OF SARASOTA COUNTY, FLORIDA

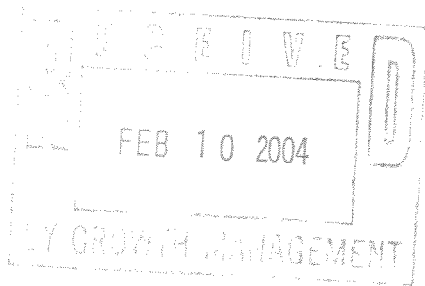
*[Handwritten Signature]*  
Chairman



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. Steinman*  
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 1/14/2004  
KAREN E. RUSHING, CLERK OF THE CIRCUIT COURT  
EX-OFFICIO CLERK TO THE BOARD OF COUNTY  
COMMISSIONERS, SARASOTA COUNTY, FLORIDA  
BY *Paula J. Steinman*  
DEPUTY CLERK

# COUNTY OF SARASOTA, FLORIDA

Board of County Commissioners  
Sarasota County Growth Management Business Center

**Date: February 2, 2004**

**MEMORANDUM TO:**

Philip R. Wilson  
4911 Brywill Circle  
Sarasota FL 34234

Development Services, Code Enforcement (Jim LeGay)  
Development Services, County Surveyor (Gayle Fosness)  
Development Services, Land Dev., (Mary Beth Humphreys)  
Development Services, Land Dev., (Efrain Duque)  
Development Services, Resource Protection (Jim Dierolf)  
Development Services, Zoning (Donna Blades)  
Emergency Services, Fire Department (Jane Ross)  
Environmental Services, Utilities (John Saraniero, Robert Wright)  
Growth Management (Elaine Wickwire/Steve Brown)  
Health/Human Services (Rob Bolesta)  
History Center (Dan Hughes)  
Natural Resources (Laird Wreford)  
Property Appraiser (Jim Todora)  
Public Works, Stormwater (Steve Suau)  
Public Works, Transportation (Paula Wiggins)  
School Board (Ken Marsh)

**SUBJECT:** RZ 03-32

**PLANNER:** Carter Thompson

**ORDINANCE NO.** 2004-009

**PID#:** 0260-12-0001

**ACTION TAKEN ON ABOVE SUBJECT IS AS FOLLOWS:**

On **January 14, 2004**, the Sarasota County Board of County Commissioners **GRANTED** Rezone Petition No. 03-32 to rezone 5 acres  $\pm$  located at the northeast corner of Proctor Road and Falcon Lane in Sarasota County, Florida, from District OUE-1 (Open Use, Estate, 1 unit/5 acres) to District RE-2 (Residential, Estate, 1 unit/acre) with stipulations.

A copy of **Ordinance No. 2004-009** is attached for your information.

BY: /s/Jerry Gray  
Executive Director  
Growth Management Business Center