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KAREN E. RUSHING

CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
FMILLER Receipt#451336



Please record and return to: (Via Inter-Office Mail)
Susan Anderson
Planning and Development Services 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 north of U.S. 41 and 200 feet \pm east of Venice East Boulevard in Sarasota County, Florida, owned by Varkis A Markarian, and described in Ordinance No. 2004-020 attached hereto, has been rezoned to an RSF-2 (Residential Single-Family 3.5 Units/Acre) zone district pursuant to Rezone Petition No. 03-36 filed by Paul Reynolds, Agent, and granted by Sarasota County on January 27, 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. 2004-020, attached hereto)

Alan Garrett, Manager
Planning Services

**STATE OF FLORIDA
COUNTY OF SARASOTA**

Before me, the undersigned Notary Public, personally appeared 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 22 day of March, 2004.

Notary Public
State of Florida at Large

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

This instrument prepared by:
sma

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.

E. RUSHING
CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FL
2004 FEB -9 PM 4:53
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

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. 03-36, 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 Article 4 of the Zoning Ordinance, is hereby amended by changing the zoning district classification for 12.5 acres ± from RE-1 (Residential Estate 1 Unit/2Acres) to RSF-2 (Residential Single-Family 3.5 Units/Acre) for the following described property located in Sarasota County, Florida:

The legal description of said property in Sarasota County, Florida being north of U.S. 41 and 200 feet ± east of Venice East Boulevard, being more particularly described as follows:

PARCEL ID 0446-15-0001

COM AT SW COR OF SE ¼ OF SEC 26 TH N-00-50-49-E 32.11 FT FOR POB TH CONT N-00-50-49-E 466 FT TH E 700 FT TH S-00-50-49-W 466' FT TH W 700 FT TO POB LESS W 33 FT

THEREOF FOR FELSMERE RD R/W & LESS R/W FOR US HWY 41 AS SHOWN IN RPB 1/111-J BEING PART OF LOTS 181,182,183, 184 &185 CONTAINING 7.1 C-AC M/L FIRST ADD TO VENICE GROVES.

TOGETHER WITH

PARCEL ID 0446-15-0005

COM AT SW COR OF SE ¼ OF SEC 26 TH N-00-50-49-E 32.11 FT TH E 700 FT FOR POB TH N-00-50-49-E 466 FT TH E 510 FT TH S-00-50-49-W 466 FT TH W 510 FT TO POB LESS R/W FOR US HWY 41 AS DESC IN OR 1046/1618 BEING PART OF LOTS 185 186 187 &188 CONTAINING 5.4 C-AC M/L FIRST ADD TO VENICE GROVES 1046-1618 TO STATE

Located in: Section 26, Township 39S and Range 19E

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, in accordance with applicable federal, state or local regulations. At the time of recording a plat or prior to final construction plan approval, the Owner shall be required to record in public records a Notice To Purchaser, approved by Sarasota County, putting purchasers on notice that maintenance of drainage facilities is a private responsibility.
2. Submitted site and development plans shall accurately depict the on-site watercourses as determined during site and development review and associated upland buffers. Proposed lots shall be designed in such a manner so as not to encroach within watercourse upland buffers. Native vegetation shall not be removed from the watercourses or associated upland buffers.
3. 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 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.
4. During development of the subject property, all nuisance/invasive and exotic plant species shall be removed from the site and, where practical, replaced with native species. The property shall be maintained free of nuisance/invasive and exotic plant species. All removed vegetation shall be disposed of in a County-approved landfill or by another method approved by Resource Protection.
5. The Master Surface Water Management Plans shall be consistent with the Alligator Creek

Basin Master Plan.

- 6. Prior to or concurrent with the development of the subject parcel, the developer shall construct a westbound left turn lane at the intersection of U.S. 41 and Venice East Boulevard. The left-turn lane shall be designed in accordance with Index 301 and 526 of the Florida Department of Transportation's Roadway and Traffic Design Standards. The improvements shall be included in the construction plans for the subject development.
- 7. Prior to or concurrent with the development of the subject parcel, a westbound to northbound right-turn lane shall be constructed at the entrance to the subject development on U.S. 41. The right-turn lane shall be designed in accordance with Index 301 and 526 of the Florida Department of Transportation's Roadway and Traffic Design Standards. The improvements shall be included in the construction plans for the subject development.

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 21st day of January, 2004.

BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA

Paul H. Mercier
Vice-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: [Signature]
Deputy Clerk

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 1-29-04
KAREN E. RUSHING, CLERK OF THE CIRCUIT COURT
EX-OFFICIO CLERK TO THE BOARD OF COUNTY
COMMISSIONERS, SARASOTA COUNTY, FLORIDA

BY: [Signature]
DEPUTY CLERK

MAR 16 2004

COUNTY OF SARASOTA, FLORIDA

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

Date: March, 18, 2004

MEMORANDUM TO:

Paul Reynolds
1051 US 41 South
Venice FL 34292

Emergency Services, Fire Department (Jane Ross)
Environmental Services, Utilities (John Saraniero)
Environmental Services, Utilities (Robert Wright)
Health/Human Services (Rob Bolesta)
History Center (Dan Hughes)
Planning & Development Services, Code Enforcement (Jim LeGay)
Planning & Development Services, County Surveyor (Gayle Fosness)
Planning & Development Services, Land Dev. (Efrain Duque)
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 Semene)
Planning & Development Services, Zoning (Donna Blades)
Property Appraiser (Jim Todora)
Public Works, Stormwater (Chuck Walter)
Public Works, Transportation (Paula Wiggins)
School Board (Ken Marsh)

SUBJECT:

Rezone Petition No. 03-36

PLANNER:

Matt Lewis

ORDINANCE NO. 2004-020 **PID#:** 0446-15-0001 and 0446-15-0005

ACTION TAKEN ON ABOVE SUBJECT IS AS FOLLOWS:

On **January 27, 2004**, the Sarasota County Board of County Commissioners **GRANTED** Rezone Petition No. 03-36 to rezone 12.5 acres \pm located north of U.S. 41 and 200 feet \pm east of Venice East Boulevard in Sarasota County, Florida, from RE-1 (Residential Estate 1 Unit/2Acres) to RSF-2 (Residential Single-Family 3.5 Units/Acre) with stipulations.

A copy of **Ordinance No. 2004-020** is attached for your information.