

2004 MAR 18 05:23 PM

KAREN E. RUSHING

CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
RAGIORDA Receipt#449539



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Please record and return to: (Via Inter-Office Mail)
Karen Grassett
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 at the southwest corner of Coash Road and Bee Ridge Road Extension in Sarasota County, Florida, owned by James H. and Susan L. Lanier, and described in Ordinance No. 2004-017 attached hereto, has been rezoned to an RSF-1 (Residential, Single Family, 2.5 units/acre) zone district pursuant to Rezone Petition No. 03-37 filed by Robert J. Medred, Agent, and granted by Sarasota County on February 11, 2004, and is subject to the following stipulations and limitations, violations of which shall constitute a violation of the Sarasota County Zoning Code:

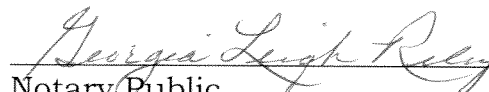
(Stipulations and limitations are those described in Section 3 of Ordinance No. 2004-017, attached hereto)


Jerry Gray
Planning and Development Services

STATE OF FLORIDA
COUNTY OF SARASOTA

Before me, the undersigned Notary Public, personally appeared Jerry Gray, 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 15th day of March, 2004.


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.

BOARD RECORDS
FILED FOR RECORD

ORDINANCE NO. 2004-017

2004 FEB 12 AM 8:55

FILED
2004 FEB 19 PM 3:42
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

KAREN E. HOUSTON
CLERK OF COUNTY
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. 03-37, 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 12.85 acres ± from OUE (Open Use Estate, 1 unit/5 acres) to RSF-1 (Residential, Single Family, 2.5 units/acre) for the following described property located in Sarasota County, Florida:

A parcel of land being in Section 9, Township 37 South, Range 19 East, Sarasota County, Florida, being more particularly described as follows:

Begin at the northeast corner of the southeast $\frac{1}{4}$ of the southeast $\frac{1}{4}$ of Section 9, Township 37 South, Range 19 East, Sarasota County, Florida; thence S $02^{\circ}52'21''$ W, along the east line of said southeast $\frac{1}{4}$ of the southeast $\frac{1}{4}$, a distance of 326.10 feet to the southeast corner of the north $\frac{1}{4}$ of said southeast $\frac{1}{4}$ of the southeast $\frac{1}{4}$; thence S $89^{\circ}59'25''$ W, along the south line of said north $\frac{1}{4}$ of the southeast $\frac{1}{4}$ of the southeast $\frac{1}{4}$ and its westerly extension, a distance of 1378.48 feet to intersect the east right of way line of Coash Road as shown in Road Plat Book 3, page 9A, public records of Sarasota County, Florida; thence N $00^{\circ}04'45''$ W, along said east right of way line, a distance of 390.69 feet to intersect the south right of way line of Coash Road as shown on the record plat of Heritage Oaks, Unit 1, Plat Book 39, pages 7 through 7F of the public records of Sarasota County, Florida; thence N $88^{\circ}32'25''$ E, along said south right of way line, a distance of 1325.64 feet to intersect the west right of way line of Bee Ridge Road as recorded in Official Records Book 387, Page 322, public records of Sarasota County, Florida; thence S $02^{\circ}52'21''$ W, along said west right of way line, a distance of 98.98 feet to intersect the north line of said southeast $\frac{1}{4}$ of the southeast $\frac{1}{4}$; thence N $89^{\circ}45'31''$ E, along said north line, a distance of 75.12 feet to the point of beginning.

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:

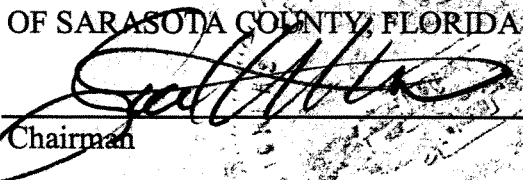
1. The Owner shall be required to maintain the appearance and function of any private drainage facilities to be constructed on the site, including retention ponds and drainage ditches, at its own expense in accordance with applicable federal, state or local regulations. At the time of recording a plat 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. Development of the subject parcel shall be limited to a maximum of eleven (11) residential lots.
3. There shall be no direct access to Bee Ridge Road Extension from the subject parcel.
4. The Master Surface Water Management Plans shall be consistent with the Cow Pen Slough Basin Master Plan.

5. A landscape "Buffer D," minimum of 10' wide, shall be located west of the future right-of-way acquisition line of Bee Ridge Road Extension.
6. A 30 foot wide natural landscape buffer shall be provided along the south and west property lines of the subject parcel. There shall be no fill, stormwater facilities, or utility lines located within the buffer area, except that a lift station and appurtenant lines and improvements may be located within the west buffer.
7. Pursuant to management guidelines contained within the Environment Chapter of *Apoxsee*, the on-site wetland and associated buffer area shall be designated as Preserve Areas on submitted site and development plans, and maintained consistent with the Guiding Principles of *Apoxsee*. All activities including, but not limited to, excavating, filling, stockpiling, well drilling, altering of vegetation (including trimming of both trees and understory), and storing of materials shall be prohibited within preservation areas, unless written approval is first obtained from Resource Protection. Exception may be granted by Resource Protection to facilitate implementation of approved habitat management plans or the removal of nuisance/invasive vegetation.
8. A resource management plan that maintains the functions and values of the on-site preserve area and open space areas, and is consistent with the Guiding Principles of *Apoxsee*, shall be submitted to Resource Protection with Preliminary Subdivision Plans.
9. 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.
10. Development on the subject parcel shall be required to connect to central sewer facilities prior to issuance of certificates of occupancy.
11. The number of access points onto Coash Lane from the subject parcel shall be limited to a maximum of 6 driveways.
12. The owner of the subject property, its successors and assigns, shall include in any contract for the sale of a lot or dwelling unit on the subject property, a notice that agricultural activities and uses, including the raising of livestock, exist adjacent to the boundaries of the subject property. Deed restrictions for the proposed development shall include a provision that residents of the development shall not object to the adjacent agricultural activities and uses permitted in the OUE-1 district, and that no attempt shall be made to abolish and restrict those agricultural activities.

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.

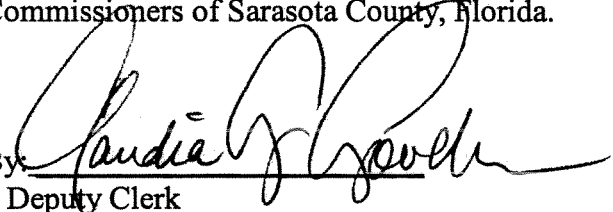
PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, this 11th day of February, A.D., 2004.

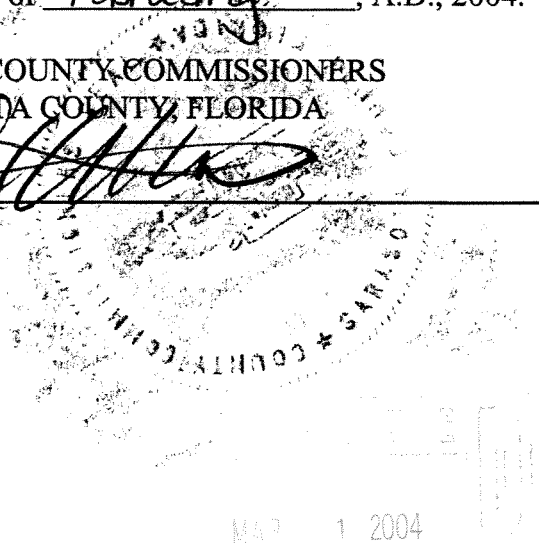
BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA

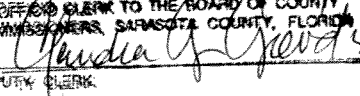

Chairman

ATTEST:

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

By 
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 2/12/04
KAREN E. RUSHING, CLERK OF THE CIRCUIT COURT
EX-OFFICIO CLERK TO THE BOARD OF COUNTY
COMMISSIONERS, SARASOTA COUNTY, FLORIDA
By 
DEPUTY CLERK

02004-017