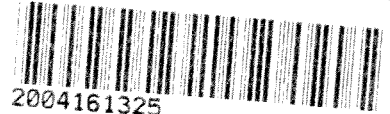


RECORDED IN OFFICIAL RECORDS  
INSTRUMENT # 2004161325 6 PGS

2004 AUG 18 04:52 PM

KAREN E. RUSHING

CLERK OF THE CIRCUIT COURT  
SARASOTA COUNTY, FLORIDA  
CBETHEL Receipt#514296



6  
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 at the southeast corner of Laurel Road and the Seminole Gulf Railroad right-of-way, in Sarasota County, Florida, owned by Robert L. Williams, Trustee, and described in Ordinance No. 2004-046 attached hereto, has been rezoned to an RSF- 4 (Residential, Single Family, 5.5 units/acre) zone district pursuant to Rezone Petition No. 03-45, filed by Stephen D. Rees, Agent, and granted by Sarasota County on July 27, 2004, and is subject to the following stipulations and limitations, violations of which shall constitute a violation of the Sarasota County Zoning Code:

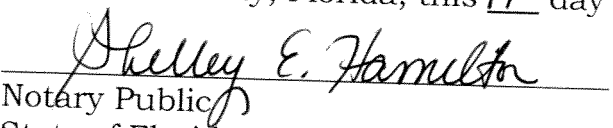
(Stipulations and limitations are those described in Section 3 of Ordinance No. 2004-046, attached hereto)

  
Tate Taylor, Senior Planner  
Planning Services

**STATE OF FLORIDA  
COUNTY OF SARASOTA**

Before me, the undersigned Notary Public, personally appeared Tate Taylor, Senior Planner, 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 17<sup>th</sup> day of August, 2004.

  
Notary Public  
State of Florida at Large

This instrument prepared by:  
sma



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



BOARD RECORDS  
FILED FOR RECORD

**ORDINANCE NO. 2004-046**

2004 JUL 28 PM 4:09

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. RUSSELL  
CLERK OF CIRCUIT COURT  
SARASOTA COUNTY, FL  
AUG - 2 PM 3:42  
FILED  
CLERK OF STATE  
SARASOTA COUNTY, FLORIDA

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. 03-45, 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 19.39 acres ± from District OUE-2 (Open Use Estate, 1 unit/2 acres) to District RSF- 4 (Residential, Single Family, 5.5 units/acre) for the following described property located in Sarasota County, Florida:

The legal description of said property in Sarasota County, Florida being: The southeast corner of Laurel Road and the

02004-046

Seminole Gulf Railroad right-of-way, being more particularly described as follows;

Commence at the Northwest corner of Section 31, Township 38 South, Range 19 East, Sarasota County, Florida; thence N.89°50'22"E. along the North line of said Section 31, a distance of 959.70 feet to the northerly extension of the westerly line of SKELTON SUBDIVISION, recorded in Plat Book 32, at Page 18, Public Records of Sarasota County, Florida; thence S.00°26'07"W., along said westerly line of SKELTON SUBDIVISION, and its northerly extension, a distance of 49.72 feet to the South right of way line of Laurel Road (per Sarasota County Right-of-Way Map, prepared by William F. Bishop & Associates, Inc. last revised date 12/10/92) for a **POINT OF BEGINNING**; thence continue S.00°26'07"W., along said westerly line of SKELTON SUBDIVISION, a distance of 1290.87 feet to the Southwest corner of said SKELTON SUBDIVISION; thence S.89°23'02"W., along the South line of lands described in Official Records Instrument Number 2001133675, a distance of 511.70 feet to the easterly right of way line of the Seminole Gulf Railway (100 feet wide); thence N.11°46'07"W., along said easterly right of way line of the Seminole Gulf Railway, a distance of 1317.53 feet to said South right of way line of Laurel Road, same being a curve to the left, having a radius of 68805.00 feet, a central angle of 00°05'01", a chord bearing of S.89°33'55"W., and a chord length of 100.29 feet; thence easterly along said South right of way line of Laurel Road, an arc length of 100.29 feet to the point of tangency of said curve; thence continue along said South right of way line of Laurel Road, N.89°31'25"E., a distance of 689.94 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 on the subject parcel shall not exceed 96 dwelling units.

3. On-site wetlands and associated wetland buffers shall be designated as preserve area on submitted site and development plans and plats, and maintained consistent with the Guiding Principles of *Apoxsee*. All activities involving filling, excavating, well drilling, altering 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. An exception may be granted by Resource Protection to facilitate implementation of approved habitat management plans or the removal of nuisance/invasive vegetation.

4. A resource management plan that maintains the functions and values of on-site preservation and conservation areas and is consistent with the Guiding Principles of *Apoxsee* shall be submitted to Resource Protection with preliminary development plans.

5. 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 eradicated from the property. Any such vegetation eradicated from required landscape buffers shall be replaced with native species as part of an approved landscape plan. Any eradication of such vegetation from preservation or conservation areas shall adhere to guidelines contained within a County-approved resource management plan. Removed vegetation shall be disposed of in a County-approved landfill or by another method approved by Resource Protection.

6. Prior to or concurrent with submittal of preliminary development plans, listed species surveys shall be conducted at the subject property, using State-accepted sampling techniques to identify endangered, threatened, and species of special concern. 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 associated with the site.
7. The Master Surface Water Management Plans shall be consistent with the Cow Pen Slough Basin Master Plan.
8. The access to the subject parcel on Laurel Road shall be located no closer than 245 feet from the east property line to the inside edge of the access driveway.
9. Prior to or concurrent with the development of the subject parcel the Owner shall construct a westbound to southbound left turn lane at the intersection of Laurel Road and the development's access driveway. 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 proposed development and be completed prior to or concurrent with the development of the subject parcel.
10. The Owner shall record in the public records a written notice to prospective lot purchasers as to the existence of a commercial animal boarding kennel and pet cemetery operating on the OUE zoned property east of the subject parcel which notice shall be recorded at time of the recording of a final record plat or condominium plat/survey and which recording information shall be set forth within such plat.

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 27th day of July, 2004.

BOARD OF COUNTY COMMISSIONERS  
OF SARASOTA COUNTY, FLORIDA

  
Chair

ATTEST:

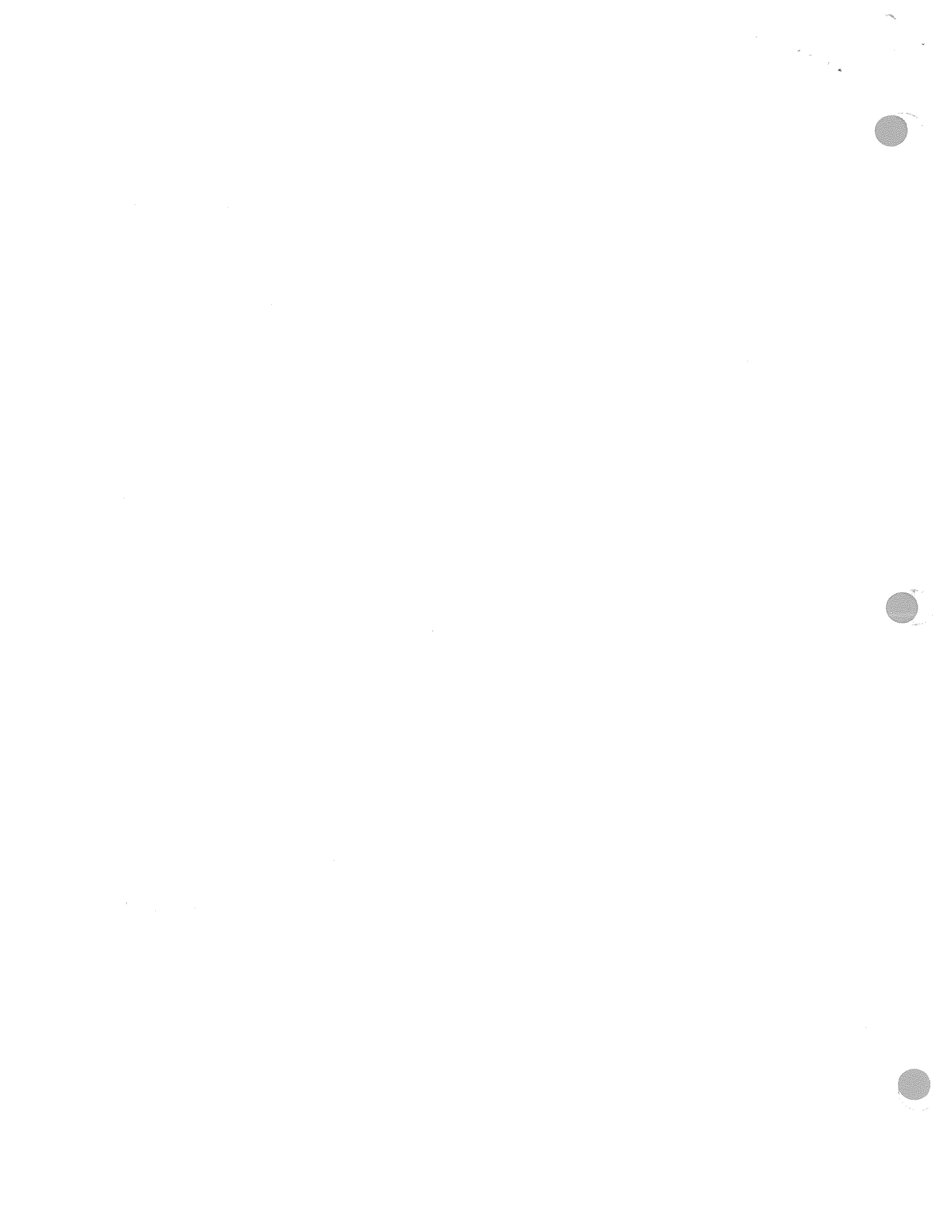
KAREN E. RUSHING, Clerk of  
the Circuit Court and Ex-  
Officio Clerk of the Board of  
County Commissioners of  
Sarasota County, Florida.

By:   
Deputy Clerk

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 7/28/04  
KAREN E. RUSHING, CLERK OF THE CIRCUIT COURT  
EX-OFFICIO CLERK TO THE BOARD OF COUNTY  
COMMISSIONERS, SARASOTA COUNTY, FLORIDA

BY:   
DEPUTY CLERK





**COUNTY OF SARASOTA, FLORIDA**

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

**Date: August 26, 2004**

**MEMORANDUM TO:**

Stephen D. Rees, Agent  
2033 Main Street, Suite 600  
Sarasota FL 34237

Emergency Services, Fire Department (Michael Frantz)  
Environmental Services, Utilities (John Saraniero)  
Environmental Services, Utilities (Robert Wright)  
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 Semene)  
Planning & Development Services, Zoning (Donna Blades)  
Property Appraiser (Jim Todora)  
Public Works, Stormwater (Chuck Walter)  
Public Works, Transportation (Paula Wiggins)  
School Board (Kathy Anderson)

**SUBJECT:**

Rezone Petition No. 03-45

**PLANNER:**

Jack Wilhelm

**ORDINANCE NO.** 2004-046    **PID#:** 0383-04-0002

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

On **July 27, 2004**, the Sarasota County Board of County Commissioners **GRANTED** Rezone Petition No. 03-45 to rezone 19.39 acres  $\pm$  located at the southeast corner of Laurel Road and the Seminole Gulf Railroad right-of-way, in Sarasota County, Florida, from District OUE-2 (Open Use Estate, 1 unit/2 acres) to District RSF- 4 (Residential, Single Family, 5.5 units/acre, with stipulations.

A copy of **Ordinance No. 2004-046** is attached for your information.

*Mailed*

