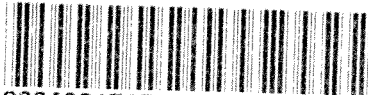


Please record and return to: (Via Inter-Office Mail)
Susan Anderson
Planning and Development Services Business Center
1301 Cattlemen Road, Bldg. A
Sarasota, FL 34232

RECORDED IN OFFICIAL RECORDS
 INSTRUMENT # 2004091717 4 PGS
 2004 MAY 12 06:32 PM
 KAREN E. RUSHING
 CLERK OF THE CIRCUIT COURT
 SARASOTA COUNTY, FLORIDA
 CFOLKINS Receipt#474152

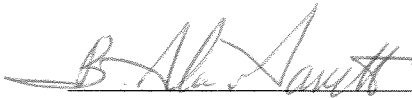


2004091717

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

The following property, located 1050 feet ± north of the intersection of Proctor Road and Hackamore Road, in Sarasota County, Florida, owned by Todd Pezoldt of Tuscana Development, and described in Ordinance No. 2004-037 attached hereto, has been rezoned to the RSF-1 (Residential, Single Family, 2.5 units/acre) zone district, pursuant to Rezone Petition No. 03-47 filed by Robert J. Medred, Agent, and granted by Sarasota County on March 17, 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. 2004-037, attached hereto)

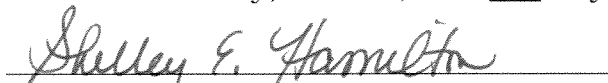


B. Alan Garrett, Manager
Planning Services

**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 11th day of May, 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 - 037

2004 MAR 17 PM 2:11

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.

W. E. RUSHING
CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
MAR 23 PM 2:19
STATE OF FLORIDA
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. 03-47, 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 3.48 acres ± from OUE-1 (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:

The legal description of said property in Sarasota County, Florida being: 1050 feet north of the intersection of Proctor Road and Hackamore Road, being more particularly described as follows;

Begin at the NE corner of the NE ¼ of the SW ¼ of the SE ¼ of Section 6, Township 37 South, Range 19 East; thence run Southerly 63 feet, along the Easterly boundary of said NE ¼ for a **Point of Beginning**; thence continue Southerly along the Easterly boundary line 229.4 feet; thence on a deflection angle to the right of 91° 23' and run a distance of 662.7 feet to the Westerly boundary of said NE ¼; thence run Northerly along said Westerly boundary 228.9 feet; thence turn a deflection angle to the right of 91° 23' and run a distance of 662.7 feet to the **Point of Beginning**; **LESS** that portion thereof lying within the **ROW** of Hackamore Road (f.k.a. Hand Road)

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 properties shall occur in such a manner that all grand trees are adequately protected pursuant to Chapter 54, Article XVIII of the Sarasota County Code. The location and extent of drip-line for any on-site grand tree shall be depicted on all proposed development plans submitted to the County.
3. During development of the subject properties, all vegetative species contained on the 2003 List of Invasive Species, published by the Florida Exotic Pest Plant Council, shall be removed from the property and replaced with native or other appropriate ornamental species. 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. Existing well shall be plugged prior to Subdivision approval unless it is used for irrigation purposes and meets all County and State requirements.
5. The Master Surface Water Management Plans shall be consistent with the Phillippi Creek Basin Master Plan.
6. Development on the subject parcel shall be limited to a total of three single-family detached dwelling units.
7. Construction traffic shall be prohibited on Hackamore Road.

8. Applicant shall construct a 20' wide landscape buffer along the Hackamore Road frontage with a wall similar in height and material to the approved wall north and adjacent to the subject site (Tuscana Development, RZ 00-06).
9. Applicant shall dispose of properly all 55-gallon drums noted on the property in accordance with all applicable local, state and federal regulations.

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 17th day of March, 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: Paula J. Hinton
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 3/17/04
KAREN E. RUSHING, CLERK OF THE CIRCUIT COURT
EX-OFFICIO CLERK TO THE BOARD OF COUNTY
COMMISSIONERS, SARASOTA COUNTY, FLORIDA
BY Paula J. Hinton
DEPUTY CLERK

COUNTY OF SARASOTA, FLORIDA

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

Date: May 4, 2004

MEMORANDUM TO:

Robert J. Medred
6320 Tower Lane
Sarasota FL 34240

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 Semenech)
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. 03-47

PLANNER:

Todd Dary

ORDINANCE NO. 2004-037 **PID#:** 0262-10-0005

ACTION TAKEN ON ABOVE SUBJECT IS AS FOLLOWS:

On **March 17, 2004**, the Sarasota County Board of County Commissioners **GRANTED** Rezone Petition No. 03-47 to rezone 3.48 acres \pm located 1050 feet \pm north of the intersection of Proctor Road and Hackamore Road, in Sarasota County, Florida, from District OUE-1 (Open Use Estate, 1 unit/5 acres) to District RSF-1 (Residential, Single Family, 2.5 units/acre) with stipulations.

A copy of **Ordinance No. 2004-037** is attached for your information.