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2004 SEP 29 11:56 AM

KAREN E. RUSHING
CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
TFERNANDEZ Receipt#529830



Please record and return to: (Via Inter-Office Mail)

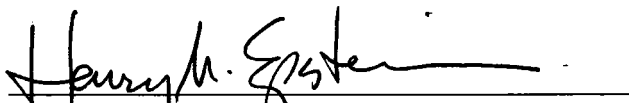
Susan M. Anderson, Administrative Coordinator
Planning Services
1301 Cattlemen Road, Bldg. A
Sarasota, FL 34232

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 east of Pine Street and north and south of Medical Boulevard in Sarasota County, Florida, owned by Westfield Homes of Florida, and described in Ordinance No. 2004-042 attached hereto, has been rezoned to a District RSF-1 (Residential, Single Family, 2.5 units/acre) with amended stipulations zone district pursuant to Rezone Petition No. 03-49 filed by Stephen D. Rees, Agent, and granted by Sarasota County on September 14, 2004, and is subject to the following stipulations and limitations, violations of which shall constitute a violation of the Sarasota County Zoning Code:

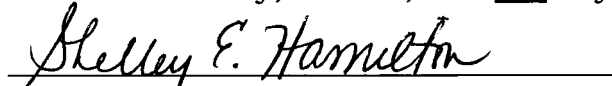
(Stipulations and limitations are those described in Section 3 of Ordinance No. 2004-042, attached hereto)


Henry (Hank) Epstein, Manager
Planning Services

**STATE OF FLORIDA
COUNTY OF SARASOTA**

Before me, the undersigned Notary Public, personally appeared Henry (Hank) Epstein, 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 28th day of September, 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 FAIN INSURANCE, INC.

COUNTY OF SARASOTA, FLORIDA

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

Date: October 5, 2004

MALLEN

MEMORANDUM TO:

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

Emergency Services, Fire Department (Jane Ross)
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 Semeneć)
Property Appraiser (Jim Todora)
Public Works, Stormwater (Chuck Walter)
Public Works, Transportation (Paula Wiggins)
School Board (Kathy Anderson)

SUBJECT:

Rezone Petition No. 03-49

PLANNER:

Jack Wilhelm

ORDINANCE NO. 2004-042 **PID#:** 0856-05-0001

ACTION TAKEN ON ABOVE SUBJECT IS AS FOLLOWS:

On **September 14, 2004**, the Sarasota County Board of County Commissioners **GRANTED** Rezone Petition No. 03-49 to rezone 128.64 acres ± located east of Pine Street and north and south of Medical Boulevard in Sarasota County, Florida, from District RSF-1 (Residential, Single Family, 2.5 units/acre) with stipulations to District RSF-1 (Residential, Single Family, 2.5 units/acre) with amended stipulations.

A copy of **Ordinance No. 2004-042** is attached for your information.

BOARD RECORDS
FILED FOR RECORD

ORDINANCE NO. 2004- 042

2004 SEP 16 AM 8: 13

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.

ARLENE RUSSELL
CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FL

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. 03-49, 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 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
Article 4 of the Zoning Ordinance, is hereby amended by changing the zoning district classification
for ± 128.64 acres from District RSF-1 (Residential, Single Family, 2.5 units/acre) with stipulations
to District RSF-1 (Residential, Single Family, 2.5 units/acre) with amended stipulations for the
following described property located in Sarasota County, Florida:

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2004 SEP 20 PM 1: 38
DEPARTMENT OF TIME
TALLAHASSEE, FLORIDA

02004-042

East of Pine Street and north and south of Medical Boulevard, in Sarasota County, being more particularly described as follows; The south $\frac{3}{4}$ of the southwest quarter (SW-1/4) of Section 32, Township 40 south, Range 20 east, Sarasota County, Florida, less Pine Street right-of-way, as recorded in Official Record Book 1822, Page 2469, of the Public Records of Sarasota County, Florida

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. All portions of on-site preserved, created, and enhanced wetlands and associated upland buffers and buffer compensation areas shall be depicted as Preserve Area on submitted site and development plans and shall be maintained consistent with the Resource Management Plan, dated May 1, 1998, that was previously approved with stipulations by the Sarasota County Resource Permitting Division, dated May 14, 1998 (referred herein as "Resource Management Plan"). All activities including, but not limited to, 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. Exception may be granted by Resource Protection to facilitate implementation of an approved resource management plan.
3. A gopher tortoise (*Gopherus polyphemus*) survey that utilizes State-accepted sampling techniques shall be conducted at the subject property located north of Medical Boulevard at least 45 days prior to clearing of the subject property. The results

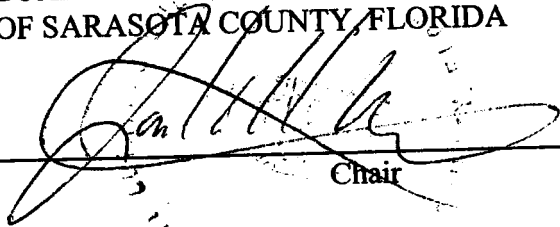
- of the survey, including details of the methodologies used (i.e., location of transects, dates and times of surveys, etc.), shall be forwarded to Resource Protection along with any documentation from appropriate regulatory agencies regarding gopher tortoise issues associated with the site.
4. Where practical, invasive and nuisance plants shall be removed from the subject property located north of Medical Boulevard during development and replaced with native or other appropriate ornamental species in accordance with the approved Resource Management Plan, Sarasota County Level I mitigation success criteria, Pine Street, Dearborn Street, and South River Road Sector Plan (Sector Plan No. 89-01-SP) and required landscape plans. Invasive and nuisance plants shall include those identified in Sarasota County adopted ordinances (e.e., Section 54-621 of Sarasota County's Exotic Plant Code, Article 7.3.3.g of Sarasota County's Zoning Ordinance, and Sector Plan No. 89-01-SP, as amended). Removed invasive and nuisance vegetation shall be disposed of in a County-approved landfill or by another method approved by Resource Protection.
 5. All development on the subject parcel shall comply with the Pine Street, Dearborn Street, and South River Road Sector Plan, (Sector Plan No. 89-01-SP, Ordinance No. 93-059) and the Englewood Sector Plan (Resolution No. 86-480).
 6. Development on the subject parcel shall be limited to 256 dwelling units.
 7. The Gottfried Creek and Ainger Creek Basin Master Plans shall be updated by the Applicant and approved by the Stormwater Environmental Utility prior to site plan submittal to the Development Services Business Center.
 8. A total of 17.0 acres of open space in native habitat and planted and maintained littoral zones shall be provided within the parcel boundaries of Stillwater-Unit 3. This open space acreage shall consist of 2.69 acres of wetland habitat and associated upland buffer, a minimum of 10.10 acres of pine flatwood habitat, 0.45 acres of perimeter landscape buffer in pine flatwood habitat, and a maximum of 3.76 acres of planted and maintained littoral zone. Final stormwater requirements of less than 3.76 acres of littoral zone shall result in the entire acreage of littoral zone being applied

toward open space acreage and the balance of the 17.0 acres of open space consisting of pine flatwood habitat and wetlands and associated upland buffers. Within 30 days following approval of the subject rezone petition, the previously approved resource management plan shall be revised to provide maintenance of the functions and values of the conserved pine flatwood habitat in open space, in accordance with the guiding principles of *Apoxsee*.

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 September, 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 Pauline A. Shaw
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 9/16/04
KAREN E. RUSHING, CLERK OF THE CIRCUIT COURT
EX-OFFICIO CLERK TO THE BOARD OF COUNTY
COMMISSIONERS, SARASOTA COUNTY, FLORIDA

BY: Pauline A. Shaw
DEPUTY CLERK