

RECORDED IN OFFICIAL RECORDS  
INSTRUMENT # 2004219396 6 PGS

2004 NOV 16 03:30 PM

KAREN E. RUSHING  
CLERK OF THE CIRCUIT COURT  
SARASOTA COUNTY, FLORIDA  
FMILLER Receipt#548584

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

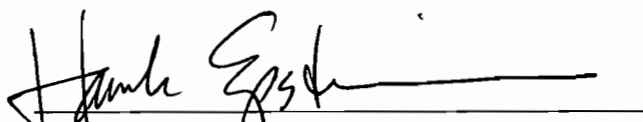
Account# 51800100500489

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



The following property, located south of Fruitville Road and east of Tree Road in Sarasota County, Florida, owned by Richard E. Ross, and described in Ordinance No. 2004-045 attached hereto, has been rezoned to an OPI (Office, Professional and Institutional) zone district pursuant to Rezone Petition No. 03-51 filed by Robert J. Medred, Agent, and granted by Sarasota County on October 26, 2004, and is subject to the following stipulations and limitations, violations of which shall constitute a violation of the Sarasota County Zoning Code:

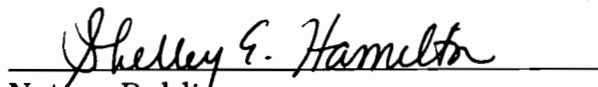
(Stipulations and limitations are those described in Section 3 of Ordinance No. 2004-045, attached hereto)

  
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 12<sup>th</sup> day of November, 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 FAJN INSURANCE, INC.

**SUBSTITUTE ORDINANCE  
ORDINANCE NO. 2004-045**

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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.

BOARD RECORDS  
FILED FOR RECORD

2004 OCT 28 PM 12:19

MARLYN E. BUSH  
CLERK OF CIRCUIT COURT  
SARASOTA COUNTY, FL

DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA

2004 NOV - 3 AM 8:31

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. 03-51, 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 3.00 acres  $\pm$  from District RSF-3 (Residential, Single Family, 4.5 units/acre) to District OPI (Office, Professional and Institutional) for the following described property located in Sarasota County, Florida:

The legal description of said property in Sarasota County, Florida being south of Fruitville Road and east of Tree Road, being more particularly described as follows;

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COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHWEST ¼ OF SECTION 23, TOWNSHIP 36 SOUTH, RANGE 18 EAST; THENCE N.88°58'16"E. ALONG THE NORTH LINE OF THE SOUTHWEST ¼ OF SAID SECTION 23 FOR A BASIS OF BEARING, A DISTANCE OF 967.99 FEET TO A POINT ON THE NORTHERLY EXTENSION OF THE EAST RIGHT-OF-WAY LINE OF TREE ROAD; THENCE S.02°13'13"E. ALONG SAID NORTHERLY EXTENSION OF THE EAST RIGHT-OF-WAY LINE, A DISTANCE OF 44.94 FEET FOR A **POINT OF BEGINNING**; THENCE LEAVING SAID EAST RIGHT-OF-WAY LINE, N.89°14'49"E., A DISTANCE OF 12.63 FEET; THENCE N.00°45'11"W., A DISTANCE OF 15.00 FEET; THENCE N.23°32'03"E. TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF FRUITVILLE ROAD (SR. NO. 780), A DISTANCE OF 41.31 FEET; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE THE FOLLOWING TWO CALLS; N.89°14'49"E., A DISTANCE OF 289.81 FEET; N.89°12'24"E., 118.76 FEET TO THE NORTHWEST CORNER OF OAK COURT SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 38, PAGE 49, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA; THENCE LEAVING SAID SOUTH RIGHT-OF-WAY LINE, S.01°06'02"E. ALONG THE WEST LINE OF SAID OAK COURT SUBDIVISION, A DISTANCE OF 409.71 FEET TO THE SOUTHWEST CORNER OF THE AFOREMENTIONED SUBDIVISION SAID POINT LYING 2.38 FEET SOUTH OF A FOUND CONCRETE MONUMENT MARKED #3868 PRM; THENCE S.89°03'02"W., A DISTANCE OF 207.82 FEET; THENCE N.01°07'22"W., A DISTANCE OF 227.94 FEET; THENCE S.89°03'53"W. A DISTANCE OF 228.04 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SAID TREE ROAD; THENCE N.02°13'13"W. ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 130.51 FEET TO THE **POINT OF BEGINNING**.

**TOGETHER WITH AN EASEMENT FOR ACCESS AND USE OF A WELL DESCRIBED AS FOLLOWS:**

COMMENCE AT THE NORTHEAST CORNER OF LAND CONVEYED TO LESLIE H. TUCKER ON OCTOBER 27, 1924, (RECORDED IN DEED BOOK 19, PAGE 85); THENCE SOUTH 236.7 FEET FOR A **POINT OF BEGINNING**; THENCE WEST 6.0 FEET; THENCE SOUTH 20.0 FEET; THENCE EAST 6.0 FEET; THENCE NORTH 20.0 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. Site and development plans shall accurately depict the locations and extent of the drip-line for any on-site grand trees, and development shall occur in such a manner that all grand trees are adequately protected.
3. During the review period for submitted site and development plans, the applicant shall coordinate with Sarasota County Resource Protection and Transportation Planning staff to design any required roadway improvements in such a manner so as to comply with the requirements of the Sarasota County Tree Protection Code and Canopy Road Code.
4. During development of the subject property, existing oak trees shall be preserved to the greatest extent possible in stormwater and buffer areas.
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 removed from the property. 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.
6. Prior to or concurrent with development of the subject parcel, Tree Road shall be widened to two 11 foot wide travel lanes and be resurfaced over the entire roadway width. The improvements shall be completed between the asphalt cross section of Fruitville Road and the subject parcel's access. Transition from the improved cross section to the existing pavement shall occur south of the access. The improvements shall be included in the construction plans for the proposed development. The design of the improvement shall be in accordance with the Sarasota County Tree Protection Code and Canopy Road Code.

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- 7. The Master Surface Water Management Plan shall be consistent with the Phillippi Creek Basin Master Plan.
- 8. All development shall comply with the Fruitville Road Corridor Plan (Ordinance No. 96-082 as amended).
- 9. A six-foot high wall shall be constructed along the easterly property line adjacent to the Oak Court subdivision.
- 10. All trees, as shown on Exhibit "A" shall be preserved, or if unable to be preserved shall be replaced with three live oak trees per tree that is removed. The size of the replacement trees shall be per the minimum standards per Article 7.3 of ordinance 2003-052 and shall be planted in the eastern landscape buffer adjacent to Oak Court Subdivision.
- 11. Of the required trees to be planted in the Fruitville Road landscape buffer a minimum of 4 trees shall have a minimum of a 4 inch caliper.

Minutes of the Public Hearing reflect twelve stipulations. For clarity stipulation 12 has been combined with stipulation number 10.

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 26<sup>th</sup> day of October, 2004.

BOARD OF COUNTY COMMISSIONERS  
OF SARASOTA COUNTY, FLORIDA

  
Chair

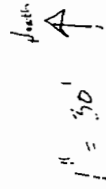
ATTEST:

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

# EXHIBIT "A"

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TREE LEGEND

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- EXISTING TREES  
- LANDSCAPE TREES  
to be planted.

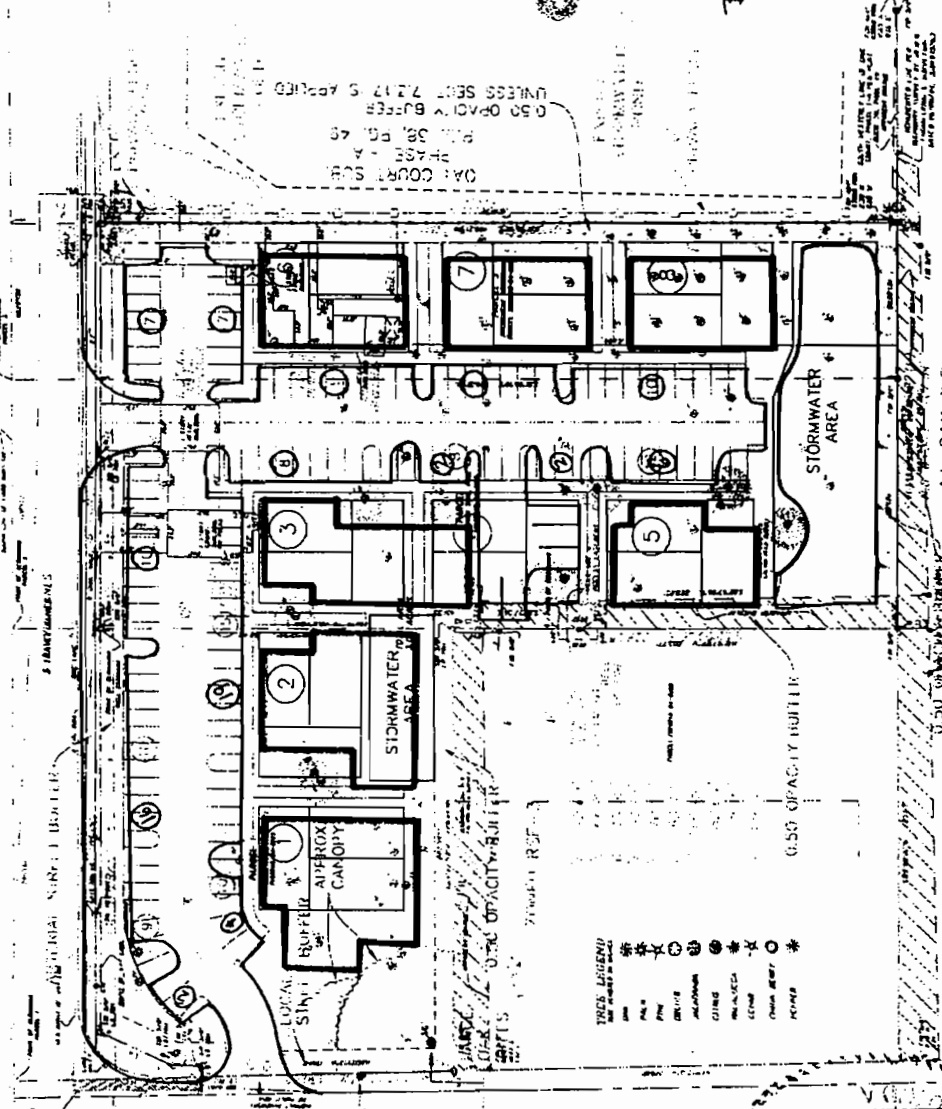
Building Square Footage  
Original Plan - 51,200 SF  
Revised Plan - 29,000 SF  
(Reduction of 22,200 SF)

Required Parking: 116 SPACES  
Approx. Existing Parking: 109 SPACES

ZONED C/P

MORE FAMILY DWELLINGS  
ZONED RSM-2

FRUITVILLE ROAD - STATE ROAD NO. 780



TREE LEGEND

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ALL DAY SUB.  
PC. 96  
ZONED RSM-2

TREE ROAD

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 10/28/04  
KAREN E. RUSHING, CLERK OF THE CIRCUIT COURT  
EX OFFICIO CLERK TO THE BOARD OF COUNTY  
COMMISSIONERS, SARASOTA COUNTY, FLORIDA  
OFFICIAL CLERK