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RECORDED IN OFFICIAL RECORDS
INSTRUMENT # 2004139021 4 PGS

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

Susan M. Anderson, Administrative Coordinator

Planning Services

1301 Cattlemen Road, Bldg. A

Sarasota, FL 34232

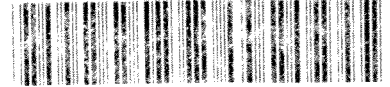
2004 JUL 16 06:49 PM

KAREN E. RUSHING

CLERK OF THE CIRCUIT COURT

SARASOTA COUNTY, FLORIDA

RAGIORDA Receipt#501522



2004139021

Charge to: Account# 51800100500489

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

The following property, located on the northwest corner of Pine Street and Morningside Drive, in Sarasota County, Florida, owned by Susan D. Whitworth and Robert P. Brill, and described in Ordinance No. 2004-038 attached hereto, has been rezoned to an RMF-2 (Residential, Multi-Family, 9 units/acre) zone district, pursuant to Rezone Petition No. 03-52 filed by Sandra Newell, Agent, and granted by Sarasota County on June 9, 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. 2004-038, 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.

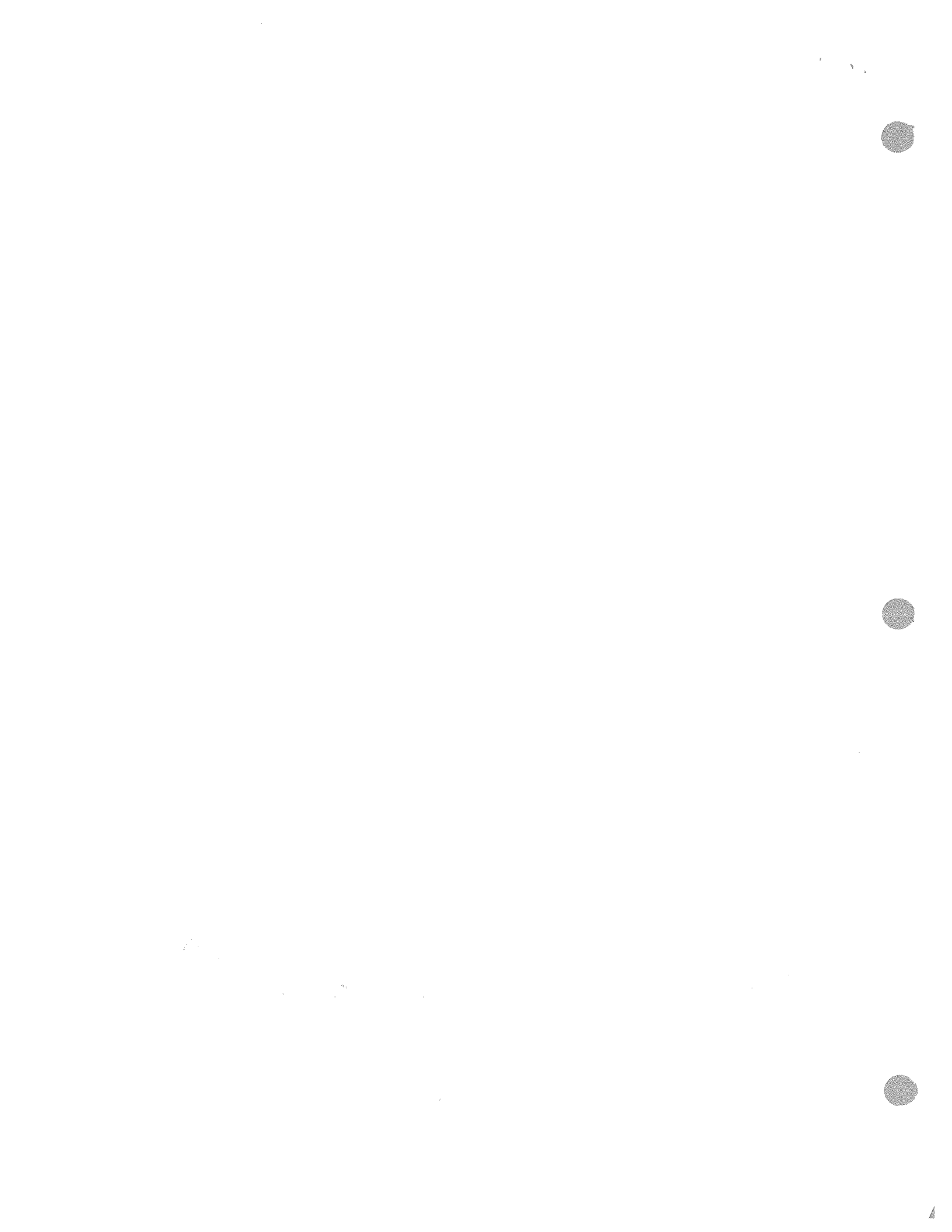
Witness my hand and official seal at Sarasota County, Florida, this 15th day of July, 2004.

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 PAIN INSURANCE, INC.



ORDINANCE NO. 2004 - 038

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.

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

2004 JUN 16 PM 4:10

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. 03-52, 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 7.5 acres ± from District OPI (Office, Professional and Institutional) and RE-2 (Residential Estate, 1 unit/acre) to District RMF-2 (Residential, Multi-Family, 9 units/acre) for the following described property located in Sarasota County, Florida:

On the northwest corner of Pine Street and Morningside Drive, in Sarasota County, Florida, being more particularly described as follows;

The east ½ of Lot 618 LESS east 7 feet thereof for ROW Englewood Gardens Unit 2. PID 0853-16-0001. Lot 619 LESS east 7 feet for Pine Road ROW and west ½ of Lot 618 containing 3.7 C-AC M/L Englewood Gardens Unit 2. PID 0853-16-0011. Lot 620 LESS east 7 feet Englewood Gardens Unit 2. PID 0853-16-0003.

BOARD RECORDS
FILED FOR RECORD

2004 JUN 11 AM 11:51

KAREN E. RUSHING
CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FL

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. The Master Surface Water Management Plans shall be consistent with the Gottfried Creek Basin Master Plan.
3. During development of the subject property, all vegetative 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.
4. All future development shall be consistent with the adopted Pine Street, Dearborn Street and South River Road Sector Plan 89-01-SP (Ord. No. 93-059).

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.

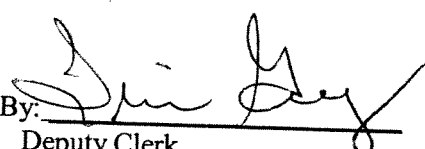
PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, this 9th day of June, 2004.

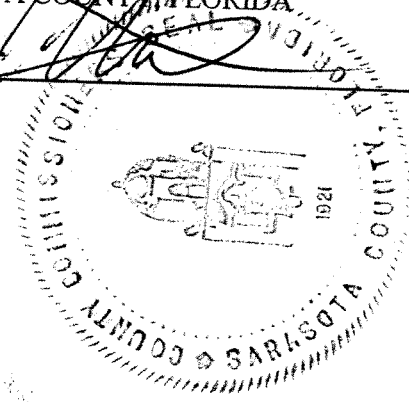
BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA


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



INSTRUMENT # 2004139021
4 PGS



COUNTY OF SARASOTA, FLORIDA

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

Date: July 14, 2004

MEMORANDUM TO:

Sandra Newell
900 Pine Street # 225
Englewood FL 34223

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 Semenecc)
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. 03-52

PLANNER:

Wendy Thomas

ORDINANCE NO. 2004-038 **PID#:** 0853-16-0001, 0853-16-0011 and 0853-16-0003

ACTION TAKEN ON ABOVE SUBJECT IS AS FOLLOWS:

On **June 9, 2004**, the Sarasota County Board of County Commissioners **GRANTED** Rezone Petition No. 03-52 to rezone 7.5 acres \pm located on the northwest corner of Pine Street and Morningside Drive, in Sarasota County, Florida, from District OPI (Office, Professional and Institutional) and RE-2 (Residential Estate, 1 unit/acre) to District RMF-2 (Residential, Multi-Family, 9 units/acre) with stipulations.

A copy of **Ordinance No. 2004-038** is attached for your information.

*Maded
7-14-04*

