

RECORDED IN OFFICIAL RECORDS
INSTRUMENT # 2004219397 4 PGS

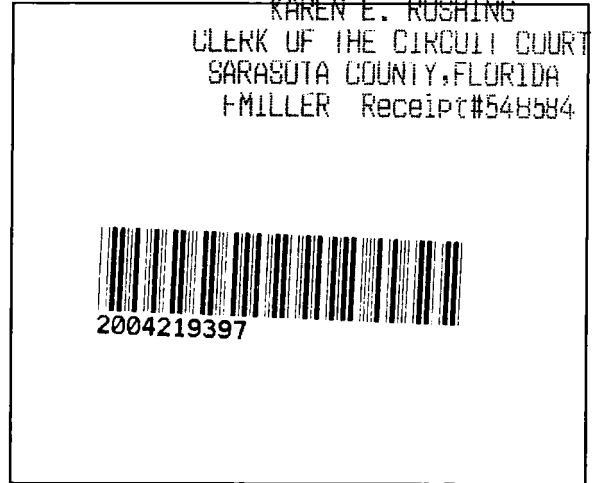
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KAREN E. RUSHING
CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
FMILLER Receipt#548584

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

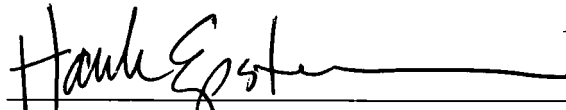
Charge to: Planning Services
Account# 51800100500489

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



The following property, located east of SR 776 and 1,000' ± south of the intersection of SR 776 and Old Englewood Road in Sarasota County, Florida, owned by James C. Devine, and described in Ordinance No. 2004-093 attached hereto, has been rezoned to an RSF-4 (Residential, Single Family, 5.5 units/acre) zone district, pursuant to Rezone Petition No. 04-19, filed by Richard Harris, Agent, and granted by Sarasota County on October 27, 2004, and is subject to the following stipulations and limitations, violations of which shall constitute a violation of the Sarasota County Zoning Code:

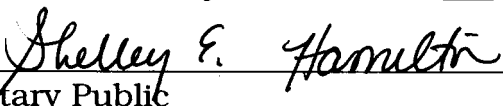
(Stipulations and limitations are those described in Section 3 of Ordinance No. 2004-093, attached hereto)


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 12th 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 FAIN INSURANCE, INC.

COUNTY OF SARASOTA, FLORIDA

Board of County Commissioners
Sarasota County Planning and Development Services Business Center
Date: November 19, 2004

MEMORANDUM TO:

Richard Harris
Gulf Coast Consulting Inc.
13630 58th Street North # 110
Clearwater FL 33760

Emergency Services, Fire Department (Jane Ross)
Environmental Services, Utilities (John Saraniero)
Environmental Services, Utilities (Mike Mylett)
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 (Candace Hendrickson)
Public Works, Transportation (Sage Kamiya)
Public Works, Transportation (Lorraine Branzei)
School Board (Kathy Anderson)

SUBJECT:

Rezone Petition 04-19

PLANNER:

Brian Lichterman

ORDINANCE NO. 2004-093 **PID#:** 0494-11-0002

ACTION TAKEN ON ABOVE SUBJECT IS AS FOLLOWS:

On **October 27, 2004**, the Sarasota County Board of County Commissioners **GRANTED** Rezone Petition No. 04-19 to rezone 15.6 acres \pm located east of SR 776 and 1,000' \pm south of the intersection of SR 776 and Old Englewood Road in Sarasota County, Florida, from District OUE-1 (Open Use Estate, 1 unit/5 acres) to District RSF-4 (Residential, Single Family, 5.5 units/acre) with stipulations.

A copy of **Ordinance No. 2004-093** is attached for your information.

ORDINANCE NO. 2004-093

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
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2004 OCT 28 PM 2:17
MARTIN E. PUGH, CLERK
DEPT. OF COUNTY CLERK
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. 04-19, 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 15.6 acres \pm from District OUE-1 (Open Use Estate, 1 unit/5 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: East of SR 776 and 1,000' \pm south of the intersection of SR 776 and Old Englewood Road, being more particularly described as follows; A parcel of land lying

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DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

in the southeast quarter of the northwest quarter of Section 24, Township 40 South, Range 19 East, Sarasota County, Florida, lying easterly of the easterly ROW line of State Road No. 776 (1100' wide), and being more particularly described as follows; Begin at the southeast corner of the southeast quarter of the northwest quarter of said Section 24, thence on an assumed bearing of N00 58'49"E, along the east said line of the southeast quarter of the northwest quarter of said Section 24, a distance of 1024.52 feet; thence N87 25'05" w a distance of 323.29 feet; thence S52 10'37" w to the easterly ROW line of said State Road No. 776 (D.O.T. Section No. 1705-107 100' ROW) a distance of 764.55 feet; thence S37 50' 19" e along said ROW line a distance of 708.26 feet to the south line of the southwest quarter of the northwest quarter of said Section 24; thence S88 43'32" e along said south line, a distance of 475.01 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:

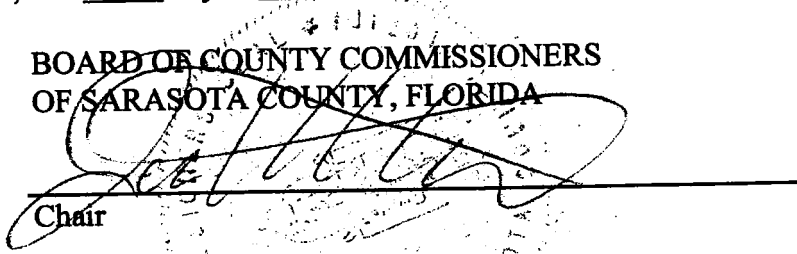
1. The owner shall be required to maintain the appearance of any private drainage facilities to be constructed on the site, including retention ponds and drainage ditches, at its own expense in accordance with applicable federal, state, or local regulations. At the time of recording a plat or prior to final construction approval, the Owner shall be required to record in the public records a Notice to Purchase, approved by Sarasota County, putting purchasers on notice that the maintenance of drainage facilities is a private responsibility.
2. All development shall be consistent with the Conditions For Development Approval contained in the adopted S.R. 776 Corridor Plan (Ord. No. 2003-049, as may be amended), with particular attention given to the following:
 - a. The intent of Condition No. 6 in Ord. No. 2003-049, was to facilitate shared access between adjoining compatible developments. Where possible, new driveways shall be located along property lines. As an alternative, shared access will be required as an access easement to be recorded with the property owner to the north, at the time of Site and Development Plan approval.

- b. The Applicant will provide within the 50 foot pedestrian buffer along S.R. 776, a pedestrian easement as identified in Condition No. 9 in Ord. No. 2003-049, at the time of Site and Development Plan approval.
- 3. The Master Surface Water Management Plans shall be consistent with the Gottfried Creek Basin Master Plan.
- 4. 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, and any such removal and/or replacement within preserve areas shall be in accordance with the County-approved resource management plan. Removed vegetation shall be disposed of in a County-approved landfill or by another method approved by Resource Protection.
- 5. Development on the subject parcel shall be limited to 77 dwelling units.

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.

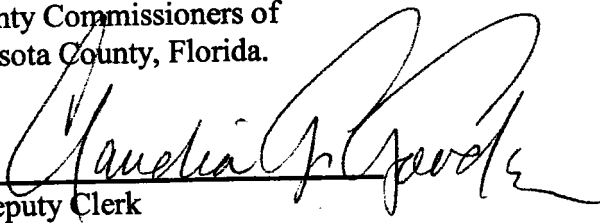
PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, this 27th day of OCTOBER, 2004.

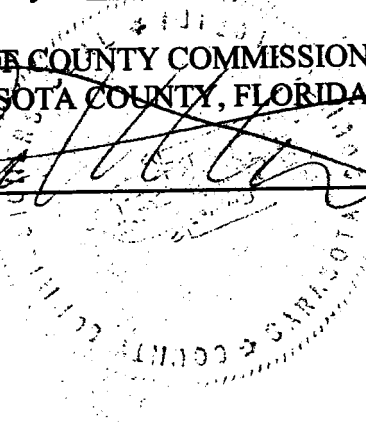
BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA

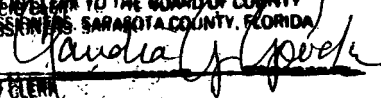

Chair

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



STATE OF FLORIDA
COUNTY OF SARASOTA
I HEREBY CERTIFY THAT THE FOREGOING IS
TRUE AND CORRECT COPY OF THE ORIGINAL FILED
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
By: 
DEPUTY CLERK

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2004-093