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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

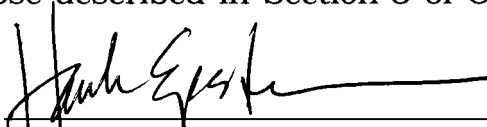
Charge to: **Planning Services**

Account# 51800100500489

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

The following property, located north of US 41, south of Center Road and both sides of Rockley Boulevard in Sarasota County, Florida, owned by Waterford land Group Inc., and described in Ordinance No. 2004-088 attached hereto, has been rezoned to an RSF-2/PUD (Residential, Single Family, 3.5 units/acre, Planned Unit Development) with stipulations and an amended Master Conceptual Development Plan pursuant to Rezone Petition No. 04-26 filed by Jeffrey A. Boone, 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:

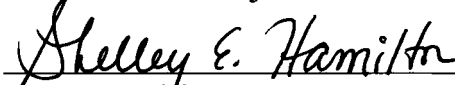
(Stipulations and limitations are those described in Section 3 of Ordinance No. 2004-088, attached hereto)


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.

ORDINANCE NO. 2004 - 088

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; AMENDING THE MASTER CONCEPTUAL DEVELOPMENT PLAN FOR THE PLANNED UNIT DEVELOPMENT KNOWN AS "THE PLANTATION" ADOPTED BY SARASOTA COUNTY RESOLUTION NO. 73-23, AS AMENDED BY RESOLUTION NO. 86-246, ORDINANCE NO. 94-011, ORDINANCE NO. 95-078 AND ORDINANCE NO. 2002-021; PROVIDING FINDINGS PROVIDING FOR AMENDMENT OF THE ZONING ATLAS; PROVIDING AMENDMENTS TO THE MASTER CONCEPTUAL DEVELOPMENT PLAN CONTAINED IN RESOLUTION NO. 73-23, AS AMENDED BY RESOLUTION NO. 86-246, ORDINANCE NO. 94-011, ORDINANCE NO. 95-078 AND ORDINANCE 2002-021; PROVIDING RESTRICTIONS, STIPULATIONS AND SAFEGUARDS; PROVIDING FOR THE RATIFICATION AND INCORPORATION OF THE TERMS, CONDITIONS, STIPULATIONS, EXHIBITS AND AGREEMENTS CONTAINED IN SARASOTA COUNTY RESOLUTION NO. 73-23 AS AMENDED BY RESOLUTION NO. 86-246, ORDINANCE NO. 94-011, ORDINANCE NO. 95-078 AND ORDINANCE 2002-021; AND PROVIDING AN EFFECTIVE DATE.

BOARD RECORDS
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2004 OCT 28 PM 2:22
CLERK OF
SARASOTA COUNTY
FLORIDA

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. 04-26, 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.

FILED
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DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

E. The Applicant has demonstrated that sufficient measures for mitigating potential adverse impacts have been taken. In addition, the modifications were indicated at the time of filing the application, and all modifications are labeled and identified on the Development Concept Plan.

1.1 On May 28, 2004, Mr. Jeffrey Boone, authorized agent (hereinafter "Applicant"), for Plantation Associates (hereinafter "Developer"), submitted to Sarasota County an application for approval of proposed changes to The Plantation Planned Unit Development, pursuant to Section 6.11.2,f, of Sarasota County Ordinance No. 2003-052, as amended. The proposed changes include revisions to the Master Conceptual Development Plan to change the designation of Tract G from Commercial to Residential.

1.2 A duly noticed public hearing was held on the 19th day of August, 2004 and after considering the testimony of the Applicant and the general public, the Sarasota County Planning Commission recommended to the Board that the proposed changes to The Plantation Planned Unit Development be approved with stipulations.

1.3 This Board, after due public notice, did on the 27th day of October, 2004, hold a public hearing in accordance with the requirements of Sarasota County Ordinance No. 2003-052 to consider all matters relevant to said changes to The Plantation Planned Unit Development, and the testimony of the general public.

1.4 The proposed change to The Plantation Planned Unit Development Master Conceptual Development Plan is consistent with the Sarasota County Comprehensive Plan and not in conflict with other local land development regulations.

1.5 The proposed change to the approved Master Conceptual Development Plan for The Plantation Planned Unit Development meets the requirements of Section 6.11.2,F of the Sarasota County Zoning Ordinance, Sarasota County Ordinance No. 2003-052, as amended.

Section 2. Amendment of the Zoning Ordinance and Resolution No. 73-23 as amended by Resolution No. 86-246, Ordinance No. 94-011, Ordinance No. 95-078 and Ordinance No. 2002-021.

2.1 The Official Zoning Atlas, adopted under Article 4 of the Zoning Ordinance, is hereby amended by changing the zoning district classification for 1,223 acres ± from District RSF-2 / PUD (Residential, Single Family, 3.5 units/acre, Planned Unit Development) with stipulations to District RSF-2/PUD (Residential, Single Family, 3.5 units/acre, Planned Unit Development) with stipulations and an amended Master Conceptual Development Plan for the following described property located in Sarasota County, Florida:

North of US 41, South of Center Road and both sides of Rockley Boulevard, more particularly described as follows: All of Section 24 and all of Section 25, Township 39, Range 19 East; Sarasota County, Florida, less right-of-way for Center Road and right-of-way for State Road 45 (U.S. Highway 41) and LESS the following described parcels: **Parcel 1:** Commence at a point 50 feet north of the southwest corner of said Section 25, said point being on the north right-of-way line of State Road 45; thence run

north along said Section line 466 feet; thence east 466 feet; thence south 466 feet to said north right-of-way line; thence west 466 feet along said north right-of-way line to the **Point of Beginning. Parcel 2:** The south 1,200 feet of the east 1,985 feet of said Section 25.

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2.2 The Exhibit to Resolution No. 73-23, as amended by Resolution No. 86-246, Ordinance No. 94-011, Ordinance No. 95-078 and Ordinance No. 2002-021, designated as "Master Site Development Plan" for The Plantation Planned Unit Development is hereby amended as depicted on Exhibit "A" attached hereto and shall remain binding on the owners, successors, and assigns.

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. 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.

3. The master Surface Water Management Plans shall be consistent with the Alligator Creek Basin Master Plan and the Plantation Master Site Development Plan.

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 21st day of OCTOBER, 2004.

BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA

Chair

ATTEST:

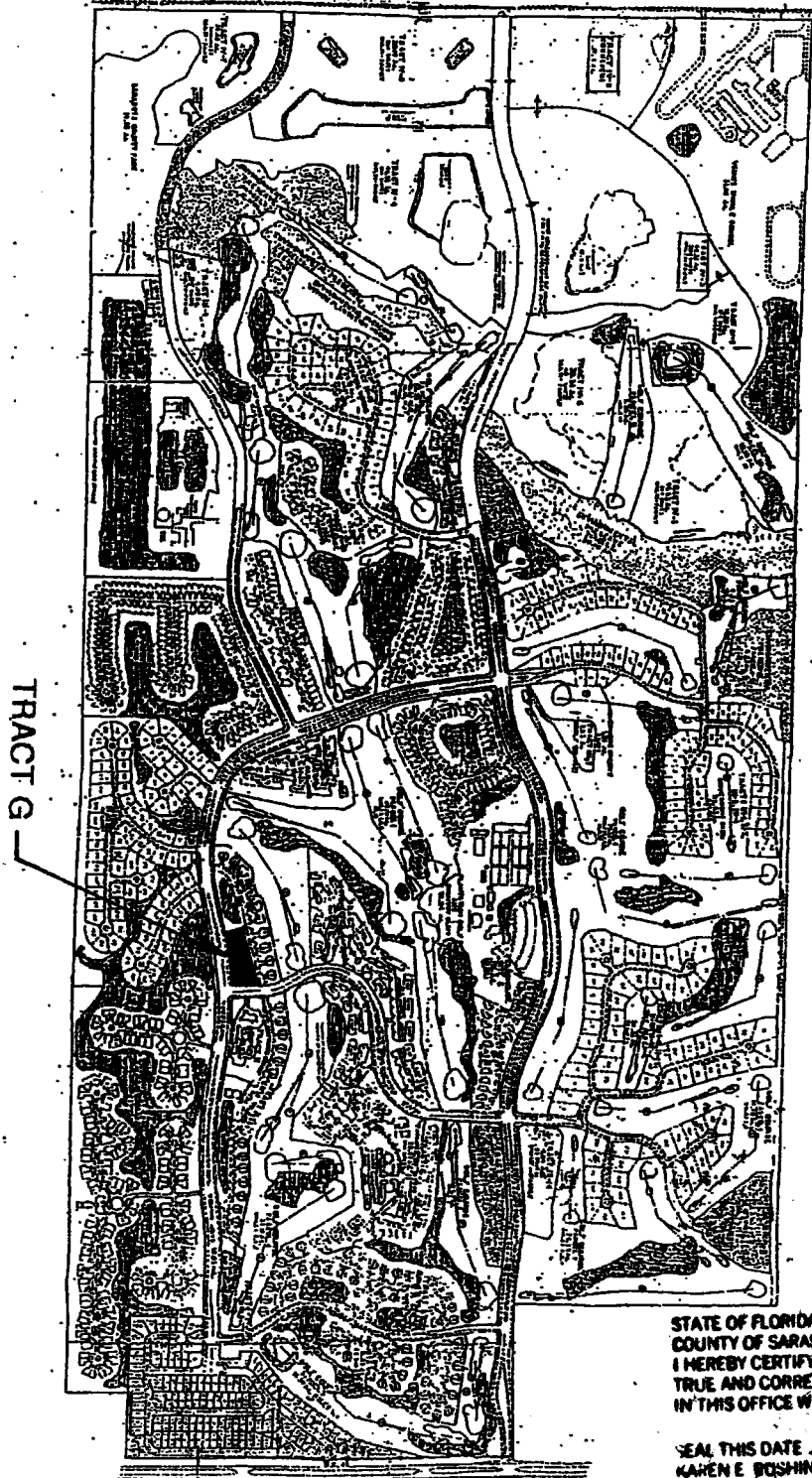
KAREN E. RUSHING, Clerk of
the Circuit Court and Ex-
Officio Clerk of the Board of
County Commissioners of
Sarasota County, Florida.

By: _____

Deputy Clerk

EXHIBIT "A"

Center Road



MAY 2004 REVISIONS TO CONCEPT PLAN INCLUDE:
 CHANGE TRACT G FROM COMMERCIAL TO
 Residential 6 Dwelling units
 Future Impervious area will be equal to or less
 than that approved in the master drainage plan.



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. BUSHING, CLERK OF THE CIRCUIT COURT
 EX-OFFICIO CLERK TO THE BOARD OF COUNTY
 COMMISSIONERS, SARASOTA COUNTY, FLORIDA
 BY *Chanelle P. Spode*
 DEPUTY CLERK

04-26



THIS DOCUMENT RECEIVED BY:
 PLANNING SERVICES
 JUNE 2, 2004

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COUNTY OF SARASOTA, FLORIDA

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

Date: November 19, 2004

MEMORANDUM TO:

Jeffrey A. Boone
PO Box 1596
Venice FL 34284

Emergency Services, Fire Department (Jane Ross)
Environmental Services, Utilities (John Saraneiro)
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 04-26

PLANNER:

Nita L. Hester

ORDINANCE NO. 2004-088 **PID#:** 0443-12-0001

ACTION TAKEN ON ABOVE SUBJECT IS AS FOLLOWS:

On **October 27, 2004**, the Sarasota County Board of County Commissioners **GRANTED** Rezone Petition No. 04-26 to rezone 1223.58 acres \pm located north of US 41, south of Center Road and both sides of Rockley Boulevard in, Sarasota County, Florida, from District RSF-2 / PUD (Residential, Single Family, 3.5 units/acre, Planned Unit Development) with stipulations to District RSF-2/PUD (Residential, Single Family, 3.5 units/acre, Planned Unit Development) with stipulations and an amended Master Conceptual Development Plan.

A copy of **Ordinance No. 2004-088** is attached for your information.

