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

KAREN E. RUSHING
CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
MMARSH Receipt#645658

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 East Venice Avenue, between Keystone Road and Lee Road in Sarasota County, Florida, owned by MIH Properties, LLC, and described in Ordinance No. 2005-027 attached hereto, has been rezoned to a RSF-1 (Residential Single Family, 2.5 units/1 acre) zone district pursuant to Rezone Petition No. 04-28 filed by Robert J. Medred, Agent, and granted by Sarasota County on April 26, 2005, 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. 2005-027, attached hereto)

Hank Epstein, Manager
Planning Services

**STATE OF FLORIDA
COUNTY OF SARASOTA**

Before me, the undersigned Notary Public, personally appeared 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 21st day of June, 2005.

Notary Public
State of Florida at Large

This instrument prepared by: les



Shelley E. Hamilton
MY COMMISSION # DD233335 EXPIRES
August 10, 2007
BONDED THRU TROY FAIR INSURANCE, INC.

BUYING RECORDS
FILED FOR RECORD

ORDINANCE NO. 2005-027

2005 APR 32 AM 11:37

BARBARA E. HOCHING
CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FL

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.

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

2005 MAY -4 PM 2:01

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. 04-28, 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 50 acres + from District OUE-1 (Open Use Estate, 1 unit/ 5 acres) to District RSF-1 (Residential Single Family, 2.5 units/ 1 acre) for the following described property located in Sarasota County, Florida:

The legal description of said property in Sarasota County, Florida being: South of East Venice Avenue, between

COUNTY OF SARASOTA, FLORIDA

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

Date: June 28, 2005

MEMORANDUM TO:

Robert J. Medred
6320 Tower Lane
Sarasota, FL 34240

Community Services, Parks & Recreation (Doug Smith)
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, Resource Protection (Paul Semeneć)
Property Appraiser (Jim Todora)
Public Works, Stormwater (Candace Hendrickson)
Public Works, Transportation (Lorraine Branzei)
School Board (Keyl Groff)

SUBJECT: RZ 04-28

PLANNER: Ed Wolfe

ORDINANCE NO. 2005-027

PID#: 0418-08-0001/0418-08-0002/0418-16-0001

ACTION TAKEN ON ABOVE SUBJECT IS AS FOLLOWS:

On **April 26, 2005** the Sarasota County Board of County Commissioners **GRANTED** Rezone Petition No. 04-28 to rezone 50 acres \pm located south of East Venice Avenue, between Keystone Road and Lee Road in Sarasota County, Florida, from District OUE-1 (Open Use Estate, 1 unit/5 acres) to District RSF-1 (Residential Single Family, 2.5 units/1 acre) with stipulations.

A copy of **Ordinance No. 2005-027** is attached for your information.

Keystone Road and Lee Road, being more particularly described as follows; A parcel of land lying and being in Section 12, Township 39 South, Range 19 East, Sarasota County, Florida, being a portion of those lands described in Official Records Book 3069, Pages 670 through 672, of the public Records of Sarasota County, Florida; South of East Venice Avenue between Keystone Rd. and Lee Rd.; being more particularly described as follows: Commence at the Southeast corner of Section 12, Township 39 South, Range 19 East, Sarasota County, Florida; thence North along the East line of said Section 12, a distance of 298.97 feet; thence leaving said east line, West, 99.82 feet for a **POINT OF BEGINNING**; thence S.89°05'44"W., 1164.52 feet; thence N.18°51'22"W., 53.92 feet; thence N.00°02'53"W., 387.16 feet; thence N.18°51'22"W., 52.73 feet, to a point on the east right-of-way line of Keystone Road (a 50' public R/W); thence N.00°02'53"W., along said east right-of-way line, a distance of 1250.93 feet, to the south right-of-way line, of East Venice Avenue (a 100' public R/W); thence along said right-of-way line, N.89°05'44 ½" e., 1267.19 feet, to the west right-of-way line, a distance of 1247.61 feet; thence leaving said right-of-way, S.26°29'51"W., 73.98 feet; thence South, 359.00 feet; thence S.26°29'51"W., 75.80 feet, to the **POINT OF BEGINNING**. All lying and being in Section 12, Township 39 South, Range 19 East, 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 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 onsite wetland and associated upland buffer shall be depicted on preliminary plans and plats, labeled as preserve area, and maintained consistent with the Guiding Principles of Apoxsee. All activities shall be prohibited within the preserve area unless written approval is first obtained from Resource Protection.
3. A resource management plan that maintains the functions and values of preserved native habitats as well as any habitat conserved in open space, and is consistent with the Guiding Principles of Apoxsee, shall be submitted to the County with preliminary plans.
4. Prior to project certification, 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 replacement of any such vegetation removed from preserve or open space areas shall be addressed in the resource management plan. Removed vegetation shall be disposed of in a County-approved landfill or by another method approved by Resource Protection.
5. Prior to or concurrent with submittal of preliminary plans the applicant shall coordinate with all appropriate government agencies in regard to listed species. Any required surveys shall utilize State-accepted sampling techniques to identify endangered, threatened, and species of special concern. The results of the surveys, 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 listed species issues associated with the site.
6. Prior to or concurrent with the development of the subject parcel, the developer shall construct an eastbound to southbound right-turn lane on Venice Avenue at the subject parcel's entrance. The right-turn lane shall be designed in accordance with Indexes 301 and 526 of the Florida Department of Transportation's Roadway and Traffic Design Standards. The improvement shall be included in the construction plans for the subject development.

7. Access to a full median opening (unrestricted turning movements) from the subject parcel's entrance on Venice Avenue shall be prohibited when Venice Avenue is widened to a four-lane divided roadway.
8. The Master Surface Water Plan shall be consistent with the Myakka River Master Plan.
9. The owner may develop up to 75 dwelling units.
10. A declaration of Covenants and Restrictions shall be recorded in the public records of Sarasota County, simultaneously with the recording of any final plat(s) for the development, stating in part, that landfill activities may have occurred on the subject property and/or adjacent properties.

05-027

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 26th day of April, 2005.

BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA

Robert Melcher
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: *Paula J. Lentman*
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 5/2/05
KAREN E. RUSHING, CLERK OF THE CIRCUIT COURT
EX-OFFICIO CLERK TO THE BOARD OF COUNTY
COMMISSIONERS, SARASOTA COUNTY, FLORIDA
BY *Paula J. Lentman*
DEPUTY CLERK