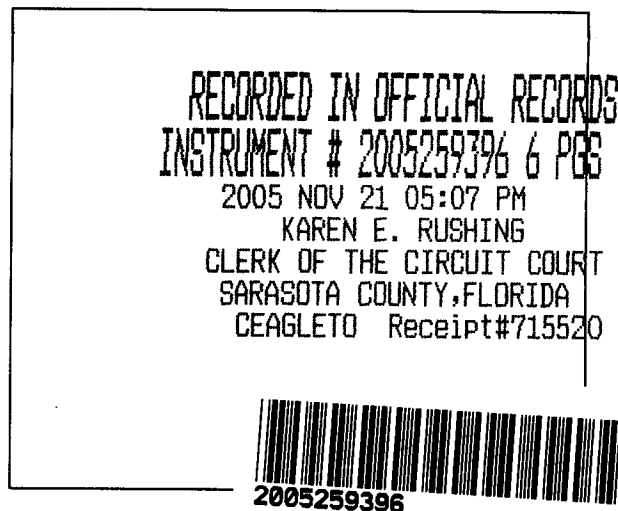


Please record and return to: (Via Inter-Office Mail)
Linda Spurling, Administrative Coordinator
Planning Services
1301 Cattlemen Road, Bldg. A
Sarasota, FL 34232

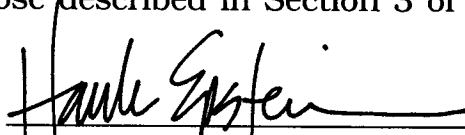
Charge to: Planning Services
Account# 51800100500489

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



The following property, located at the southeast corner of Venice Avenue and Fellsmere Road in Sarasota County, Florida, owned by Venterra Developments, Inc., and described in Ordinance No. 2005-039 attached hereto, has been rezoned to the RSF-3 (Residential Single Family 4.5 units/acre) zone district pursuant to Rezone Petition No. 05-04, filed by Fabian Bianchi, Agent, and granted by Sarasota County on July 26, 2005 and is subject to the following stipulations and limitations, violations of which shall constitute a violation of the Sarasota County Zoning Code:

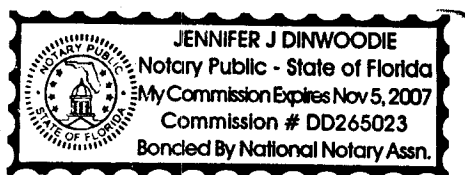
(Stipulations and limitations are those described in Section 3 of Ordinance No. 2005-039, attached hereto)

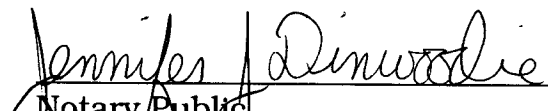

Hank Epstein, Manager
Planning Services

**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 18 day of November, 2005.




Notary Public
State of Florida at Large

This instrument prepared by: sma

ORDINANCE NO. 2005-039

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.

CLERK OF COUNTY BOARD OF COUNTY COMMISSIONERS
2005 AUG 19 PM 4:00
BOARD RECORDS
FILED FOR RECORDS

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. 05-04, 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 38.34 acres ± from District OUE-1 (Open Use Estate 1 unit/ 5 acres) to District RSF-3 (Residential Single Family 4.5 units/acre) for the following described property located in Sarasota County, Florida:

FILED
2005 AUG 24 AM 11:46
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

02005-039

The legal description of said property in Sarasota County, Florida being: The southeast corner of Venice Avenue and Fellsmere Road being more particularly described as follows:

Parcel 1:

Commence at the S.E. corner of Section 11, Twp. 39 South, Range 19 East, Sarasota County, Florida; thence S 89°54'05" W, along the South line of said Section 11, a distance of 2704.60 feet; thence N 00° 05'29" W, 881.08 feet for a point of beginning; thence continue N.00°05'29"W, 410.09 feet; thence S.89°20'48"E, 300.00 feet; thence N.00°05'29"W, 169.13 feet; thence S.86°27'57"E, 399.06 feet, to the N.W. corner of that certain parcel of land described in O.R. Book 245, page 634, Public Records of Sarasota, County, Florida; thence S.00° 07'18"E, along the West line of said parcel, 550.00 feet to the S. W. corner thereof; thence S.89°54'05"W, 698.53 feet to the point of beginning. Lying and being in Section 11, Twp. 39 South, Range 19 East, Sarasota County, Florida.

Parcel 2:

Commence at the S.E. corner of Section 11, Twp. 39 South, Range 19 East, Sarasota County, Florida; thence S.89°54'05" W, along the South line of said Section 11, a distance of 1369.61 feet for a point of beginning; thence continue S.89°54'05" W along said Section line, 1314.99 feet; thence N.00°05'29" W, 881.08 feet; thence N.89° 54'05" E, 698.53 feet to the S.W. corner of that certain parcel of land described in O.R. Book 245, page 634, Public Records of Sarasota County, Florida; thence S.69°52'21" E, along the southerly line of said parcel, 422.08 feet to the S.E. corner thereof; thence S.72°56'08" E, 230.29 feet; thence S.00°07'18" E, 667.20 feet to the point of beginning. Lying and being in Sec. 11, Twp. 39 South, Range 19 East Sarasota County, Florida.

Parcel 3:

A Part of Tract 128, VENICE FARMS, and part of Section 11, Twp. 39 South, Range 19 East, these parts more particularly described as follows: begin at the NW corner of Tract 128, VENICE FARMS, recorded in Plat Book 2, Page 179, public records of Sarasota County, Florida; thence S.89°20'48" E, along South R/W of Venice Avenue (100' width) a distance of 233.99 ft.; thence S.00°05'29" E, 774.13 ft; thence N.89°20'48" W, 300.00 ft; thence N.00°05'29" W, 574.52 ft; thence S.62°59' E, 74.14 ft; thence N.00°05'29" W, 232.54 ft. to the point of beginning, All lying and being in

Section 11, Twp. 39 South, Range 19 East, Sarasota County, Florida. Together with that part of vacated Fellsmere Road; described as follows: begin at Northwest corner of Tract 128 of VENICE FARMS, recorded in Plat Book 2, Page 179, of Public Records of Sarasota County, Florida; thence S.00°05'29" E, along west line of said Tract 128, a distance of 232.54 feet to Southeast corner of said Tract 128; thence N.62°59' W, along an extension of the southerly line of said Tract 128; a distance of 74.14 ft to the Southeast corner of Tract 127 of said VENICE FARMS; Thence N.00°05'29" W, along east line of said Tract 127 a distance of 199.61 ft., to the Northeast corner of said Tract 127, thence S.89°20'48" W, along an extension of the South Right-of-Way line of Venice Avenue, 66.0 ft., to 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:

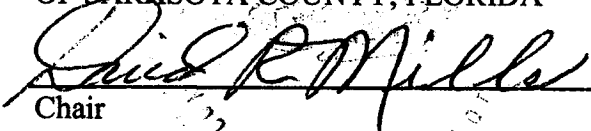
1. The Owner shall maintain the appearance and function of any private drainage facilities to be constructed on the site, including retention ponds and drainage ditches, at its own expense in accordance with applicable federal, state, or local regulations. At the time of recording a plat or prior to final construction approval, the Owner shall 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. Prior to or concurrent with development of the subject parcel, the improvements identified in Capital Improvement Program project #95773 (an additional through lane for all approaches, a second left-turn lane for the eastbound, westbound and southbound approaches, and an exclusive northbound to eastbound right-turn lane) for the intersection Jacaranda Boulevard and Venice Avenue shall be the subject of a binding executed contract.

3. Access to a full median opening (unrestricted turning movements) from the subject parcel's entrance on Venice Avenue via Fellsmere Road will be prohibited when Venice Avenue is widened to a four-lane divided roadway, unless Fellsmere Road south of Venice Avenue is realigned with Fellsmere Road north of E. Venice Avenue.
4. A cross-access easement shall be obtained by the Owner across the adjacent parcel (s) to the east, in order to construct and maintain a roadway and utilities within the easement. This easement will provide the internal connection needed within the development to have full use of the access through the northern half of the site. The easement shall be identified on the final construction plans and shall be dedicated upon plat recordation.
5. The Master Surface Water Management Plan shall be consistent with the Curry Creek and Myakka River Basin Master Plans.
6. Prior to or concurrent with submittal of preliminary plans, the owner 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 subject project.
7. The owner shall design and provide a focal point other than the clubhouse shown on the concept plan. The focal point shall be shown on development plans for the subject property. The clubhouse shall not be considered or counted as the focal point in order to determine compliance with cluster housing requirements.

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 day of July, 2005.

BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA



Chair

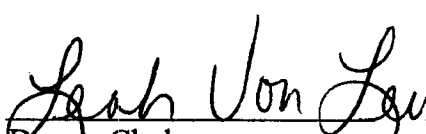
ATTEST:

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

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 8/19/05
KAREN E. RUSHING, CLERK OF THE CIRCUIT COURT
EX-OFFICIO CLERK TO THE BOARD OF COUNTY
COMMISSIONERS, SARASOTA COUNTY, FLORIDA

BY: 
DEPUTY CLERK

By: 
Deputy Clerk