Please record and return to: (Via Inter-Office Mail) Susan F. Carleton, Administrative Coordinator Planning Services √ 1660 Ringling Blvd., 1st Floor Sarasota, FL 34236

Charge to: Planning Services Account# 51800100500489

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

2006 NOV 02 12:10 PM KAREN E. RUSHING CLERK OF THE CIRCUIT COURT SARASOTA COUNTY, FLORIDA TFERNANDEZ Receipt#846966



The following property, located south of US 41 and east of Jacaranda Blvd. in Sarasota County, Florida, owned by Clyde Wilson, Jr., and described in Ordinance No. 2006-039 attached hereto, has been rezoned to District OUE-1/CSZ/PUD (Open Use Estate, 1 unit per 5 acres/Conservation Sending Zone/Planned Unit Development) and District RE-1/FURRZ/PUD (Residential Estate, 1 unit per 2 acres/Future Urban Residential Receiving Zone/Planned Unit Development) pursuant to Rezone Petition No. 05-36 filed by Jeffery Boone, Agent, and granted by Sarasota County on May 23, 2006, 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.

2006-039, attached hereto)

Crystal Allred, Acting Manager

Planning Services

STATE OF FLORIDA **COUNTY OF SARASOTA**

Before me, the undersigned Notary Public, personally appeared Crystal Allred, Acting 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 she acknowledged before me that she executed the same.

Witness my hand and official seal at Sarasota County, Florida, this 31 day of October __, 2006.

This instrument prepared by sfc

State of Florida at Large Cynthia A. Kusner Commission #DD308088 Expires: May 22, 2008 Ronded Thru Bonded Thru Atlantic Bonding Co., Inc.

ORDINANCE NO. 2006-039

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.

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BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, ELORIDA.

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. 05-36, 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. 75-38, 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 Section 2 of the Zoning Ordinance, is hereby amended by revising the legal description for the previously approved Rezone Petition No. 03-46 (Ord. No. 2004-016) to add approximately 42 acres and change the zoning district classification for 24 acres ± from OUE-1 (Open Use Estate, 1 unit/5 acres) to OUE-1/CSZ/PUD (Open Use Estate, 1 unit per 5 acres/Conservation Sending Zone/Planned Unit Development), and for 18 ± from OUE-1 (Open Use Estate, 1 unit/5 acres) to RE-1/FURRZ/PUD (Residential Estate, 1 unit per 2 acres/Future Urban Residential Receiving Zone/Planned Unit Development) zoning district classification. The legal description for the 42± additional acres is as follows:

Sending Zone Petition

To rezone 24 acres ±, from OUE-1 (Open Use Estate, 1 unit per 5 acres) to OUE-1/CSZ/PUD (Open Use Estate, 1 unit per 5 acres/Conservation Sending Zone/Planned Unit Development) or to such other zoning district as the Board of County Commissioners of Sarasota County shall deem appropriate.

See Legal Description for Rezone Parcel R-AJ, attached as Exhibit "B"

02006-039

Receiving Zone Petition

To rezone 18 acres ±, from OUE-1 (Open Use Estate, 1 unit per 5 acres) to RE-1/FURRZ/PUD (Residential Estate, 1 unit per 2 acres/Future Urban Residential Receiving Zone/Planned Unit Development) or to such other zoning district as the Board of County Commissioners of Sarasota County shall deem appropriate.

See Legal Description for Rezone Parcels F-AD and F-AE, attached as Exhibit "C"

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:

The first nine stipulations are contained in the previous Rezone Petition No. 03-46 for the Tuscano DOCC (Ordinance No. 2004-016) and remain in effect (**Proposed changes indicated with strikethrough and underline**). Stipulation Number 10 applies to both Rezone Petition No. 03-46 and Rezone Petition No. 05-36:

- Development shall occur in substantial accordance with the <u>Master</u> Development Concept Plan, dated stamped January 15, 2004 September 6, 2005 (and attached hereto as Exhibit "A,") including a residential product mix which shall not exceed a maximum number of 1,551 1,584 total dwelling units (including no more than 500 multi-family dwelling units which may be located on any of the development pods), a lake clubhouse and related facilities, and up to a 27-hole golf course, including clubhouse and maintenance facilities, including other typical golf course structures (i.e., restrooms and snack bars). This does not imply or confer any variances from applicable zoning or land development regulations, unless expressly granted herein.
- 2. 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.
- 3. All development on the subject property (i.e., preliminary plans, site and development plans, final plats and construction plans) shall comply with the Development Order for the Tuscano Development of Critical Concern.
- 4. All community areas that include, but are not limited to, tennis courts, swimming pool areas, exercise facilities, or neighborhood commercial uses, shall not be illuminated after 10:00 P.M., except as necessary for security and aesthetics.
- 5. All parking lot lighting in the golf course, clubhouse and maintenance area shall be shielded pursuant to Sarasota County Zoning requirements, and after 10:00 P.M., shall be reduced to the minimum standards necessary for security and aesthetics.
- 6. All parking lot, driveway, and security lights located within fifty (50) feet of the subject parcel boundary, except the entrance, shall not exceed six (6) feet in height.
- 7. The required structure separation may be reduced from 12 feet to 6 feet for screened enclosures only.
- 8. The following landscape buffers shall be provided.
 - (a) 50° buffer along U.S. 41 with berms of varying heights, vegetation and entry walls,
 - (b) 10' minimum buffers, as required by the Zoning Ordinance, along the eastern property line;

- (c) 10° minimum buffers, consisting of a continuous three foot high planting and three canopy trees and six accent/understory trees per 100 linear feet, along the <u>East Venice East</u> Boulevard and Manasota Beach Road extension, exclusive of dedicated open spaces and wetlands;
- (d) No buffers will be required along the western property boundary or southern property boundary as the dedicated open spaces and existing wetlands will provide more than adequate buffers; and
- (e) Based on the dedication language from the School Board, no buffers will be required along the school dedication parcels (See Appendix E).
- All residential development rights from the RE-1/PUD zoned property shall be transferred to the RE-1/FURRZ/PUD parcels. Moreover, the RE-1/PUD zoned property shall only be utilized for the golf course and its associated amenities.
- 10. The Master Surface Water Management Plan shall be consistent with the Forked Creek Basin Master 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 23 day of _______, A.D., 2006.

BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA

Jun

ATTEST:

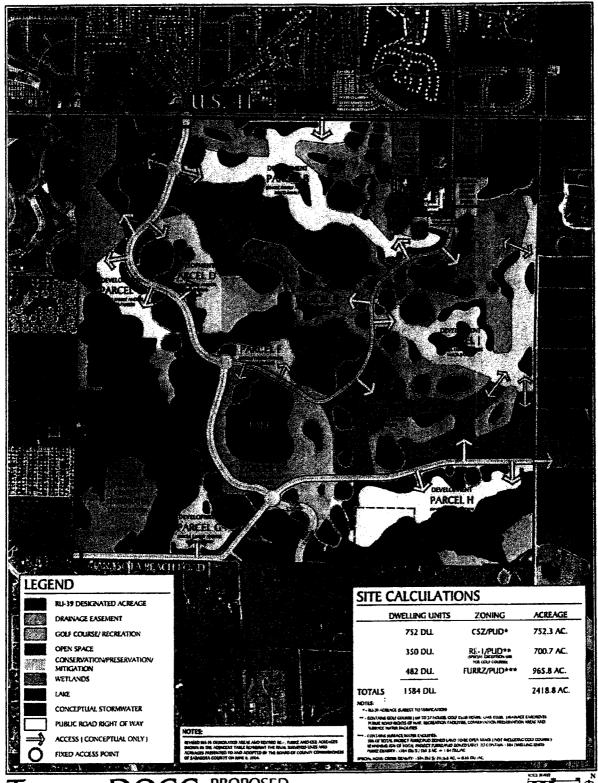
KAREN E. RUSHING, Clerk of the Circuit Court and Ex-Officio Clerk of the Board of County Commissioners of

Sarasota County, Florida.

Deputy Clerk

02006-039

EXHIBIT "A" MASTER DEVELOPMENT PLAN



Tuscano DOCC PROPOSED
SEPTEMBERA 2003

Map C-3 Master Development Plan

TUSCANO, LLC Sarasota County, Florida



EXHIBIT "B" LEGAL DESCRIPTION FOR PARCEL R-AJ

DESCRIPTION: (PARCEL R-AJ)

A Parcel of Land Lying in Section 1, Township 40 South, Range 19 East, Sarasota County, Florida, described as follows:

BEGIN at the Southeast corner of the Southeast Quarter of the Southwest Quarter of Section 1, Township 40 South, Range 19 East, Sarasota County, Florida; thence N.88*59'38"W., along the South line of said Section 1, a distance of 1035.78 feet; thence N.78'42'17"E., leaving said South line, a distance of 18.50 feet; thence N.79*10'11"E, a distance of 33.39 feet; thence N.80°32'19"E., a distance of 20.67 feet; thence N.80°25'22"E., a distance of 11.35 feet; thence N.73°26'35°E., a distance of 8.14 feet; thence N.59°13'06°E., a distance of 5.37 feet; thence N.21'47'48"E., a distance of 7.71 feet; thence N.06'33'22"E., a distance of 7.63 feet; thence N.36'19'22"W., a distance of 8.98 feet; thence N.61'41'42"W., a distance of 8.57 feet; thence N.87'39'48"W., a distance of 12.78 feet; thence N.89'58'58"W., a distance of 19.87 feet; thence S.84'35'43"W., a distance of 14.75 feet; thence S.85'51'25"W., a distance of 37.63 feet; thence S.83'38'47"W., a distance of 63.13 feet; thence S.82'38'34"W., a distance of 100.14 feet; thence S.87'09'46"W., a distance of 114.96 feet; thence S.89'50'38"W., a distance of 32.53 feet; thence S.79°14'11"W., a distance of 24.42 feet; thence S.80'55'38"W., a distance of 24.79 feet to the Southwest corner of the Southeast Quarter of the Southeast Quarter of said Section 1; thence N.01'51'43"E., along the West line of the Southeast Quarter of the Southwest Quarter of said Section 1, a distance of 485.32 feet to a point on a non tangent curve to the left having a radius of 411.53 feet, a central angle of 46'37'54" a chord bearing of S.74'37'15"E., a chord length of 325.76 feet, thence along the arc of said curve, an arc length of 334.93 feet, thence N.79'24'24"E., a distance of 14.28 feet; thence N.69'41'59"E., a distance of 17.19 feet; thence N.55'02'53"E., a distance of 49.36 feet; thence N.43'04'03"E., a distance of 28.27 feet; thence N.47'45'20"E., a distance of 38.67 feet; thence N.46°59'17"E., a distance of 49.80 feet; thence N.48'11'35"E., a distance of 33.45 feet; thence N.54'37'53"E., a distance of 28.93 feet; thence N.55'41'51"E., a distance of 30.01 feet; thence N.57'15'08"E, a distance of 22.69 feet; thence N.49'07'39"E, a distance of 15.39 feet; thence N.35'25'52"E., a distance of 13.23 feet; to the point of curvature of a curve to the right having a radius of 849.06 feet, a central angle of 35'57'56", a chord bearing of N.46'33'46"E. a chord length of 524.26 feet, thence along the arc of said curve, an arc length of 53.27 feet, thence N.78°41'48"E., a distance of 9.00 feet; thence N.47'04'06"E., a distance of 14.25 feet; thence N.34'29'22'E., a distance of 13.56 feet to the point of curvature of a curve to the right having a radius of 269.79 feet, a central angle of 100'39'12" a chord bearing of N.82'48'28"E., a chord length of 415.31 feet, thence along the arc of said curve, an arc length of 473.95 feet to a point on the East line of the Southeast Quarter of the Southwest Quarter of said Section 1; thence S.01°16'10"W., along said East line, a distance of 1067.44 feet to the POINT OF BEGINNING

Parcel contains 1050297 square feet or 24.1115 acres more or less.

NOTES:

 This Sketch does not represent a Boundary Survey. The purpose of this Sketch is to graphically depict the description shown hereon.

2. The description shown hereon has been prepared for this Sketch.

3. This Survey is based on Grid distance and bearings. This Survey is based on Sarasota County GPS control monuments: SAR 096 and SAR 068. The reference bearing between said monuments = \$5.89'40'01"E.

Randall E. Britt, Professional Land Surveyor
Florida Certification Number 3979
Note: Not Vaid Unless Imprinted With Embossed Land Surveyor's Seal

PREPARED FOR:

STOKES & GRIFFITH PROPERTIES, LLC

DATE: <u>OCTOBER 4, 2005</u> JOB NUMBER: <u>05-10-06</u>



BRITT SURVEYING, INC.

LAND SURVEYORS AND MAPPERS CERTIFICATE OF AUTHORIZATION NO. L.B. 8638 606 Cypress Avenue Venice Florida 34285 Telephone: (941) 493-1396 Fax: (941) 484-5768 Email: bsi@brittsurveying.com

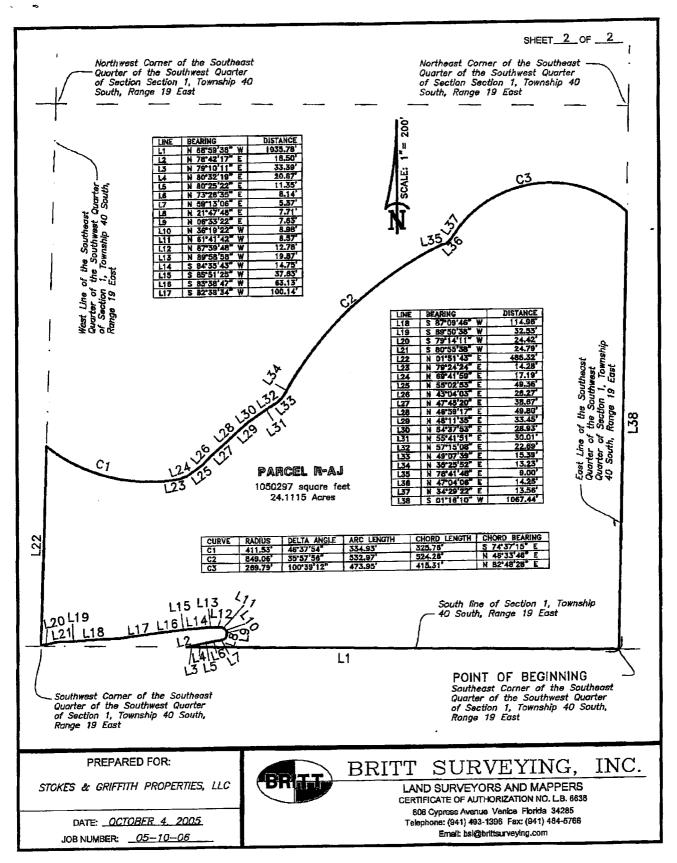


EXHIBIT "C"

LEGAL DESCRIPTIONS FOR PARCELS F-AD AND F-AE

DESCRIPTION: (PARCEL F-AD)

A Parcel of Land Lying in Section 1, Township 40 South, Range 19 East, Sarasota County, Florida, described as follows:

Commence at the Southeast corner of the Southeast Quarter of the Southwest Quarter of Section 1, Township 40 South, Range 19 East, Sarasata County, Florida; thence N.01*16'10"E., along the East line of the Southeast Quarter of the Southwest Quarter of said Section 1, a distance of 1067.44 feet to the POINT OF BEGINNING; thence continue N.01'16'10"E., along the East line of said Section 1, a distance of 256.65 feet to the Northeast corner of the Southeast Quarter of the Southwest Quarter of said Section 1, thence N.89'02'25'W., along the North line of the Southeast Quarter of the Southwest Quarter of said Section 1, a distance of 1379.18 feet to the Northwest corner of the Southeast Quarter of the Southwest Quarter of the Southwes said Section 1, thence S.01°51'43"W., along the West line of the Southeast Quarter of the Southwest Quarter of said Section 1, a distance of 835.41 feet, same being a point on a non tangent curve to the left having a radius of 411.53 feet, a central angle of 46'37'54", a chord bearing of S.74°37'15°E., a chord length of 325.76 feet, thence along the arc of said curve, an arc length of 334.93 feet; thence N.79°24'24"E., a distance of 14.28 feet thence N.69'41'59"E., a distance of 17.19; feet thence N.55'02'53"E., a distance of 49.38; feet thence N.43'04'03"E., a distance of 28.27 feet; thence N.47'45'20"E., a distance of 38.67 feet thence N.46"59'17"E., a distance of 49.80 feet, thence N.48'11'35"E., a distance of 33.45 feet; thence N.54'37'53"E., a distance of 28.93 feet; thence N.55'41'51"E., a distance of 30.01; feet thence N.57'15'08"E., a distance of 22.69 feet; thence N.49'07'39"E., a distance of 15.39 feet; thence N.35'25'52"E., a distance of 13.23 feet to the point of curvature of a curve to the right having a radius of 849.06 feet, a central angle of 35'57'56", a chord bearing of N.46'33'46"E., a chord length of 524.26 feet, thence along the arc of said curve, an arc length of 532.97 feet; thence N.78'41'48"E., a distance of 9.00 feet; thence N.47'04'06"E., a distance of 14.25 feet; thence N.34'29'22"E., a distance of 13.56 feet to the point of curvature of a curve to the right having a radius of 269.79 feet, a central angle of 100°39°12", a chord bearing of N.82°48°28"E., a chord length of 415.31 feet, thence along the arc of said curve, an arc length of 473.95 feet to the POINT OF BEGINNING

Parcel contains 772953 square feet or 17.7446 acres more or less

NOTES:

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2. The description shown hereon has been prepared for this Sketch.

3. This Survey is based on Grid distance and bearings. This Survey is based on Sarasota County GPS control monuments: SAR 096 and SAR 068. The reference bearing between said monuments = S.89'40'01"E.

Randall E. Britt, Professional Land Surveyor Florida Certification Number 3979

Florida Certification Number 3979

Note: Not Vald Unless Imprinted With Emboscod Land Surveyor's Seal

PREPARED FOR:

STOKES & GRIFFITH PROPERTIES, LLC

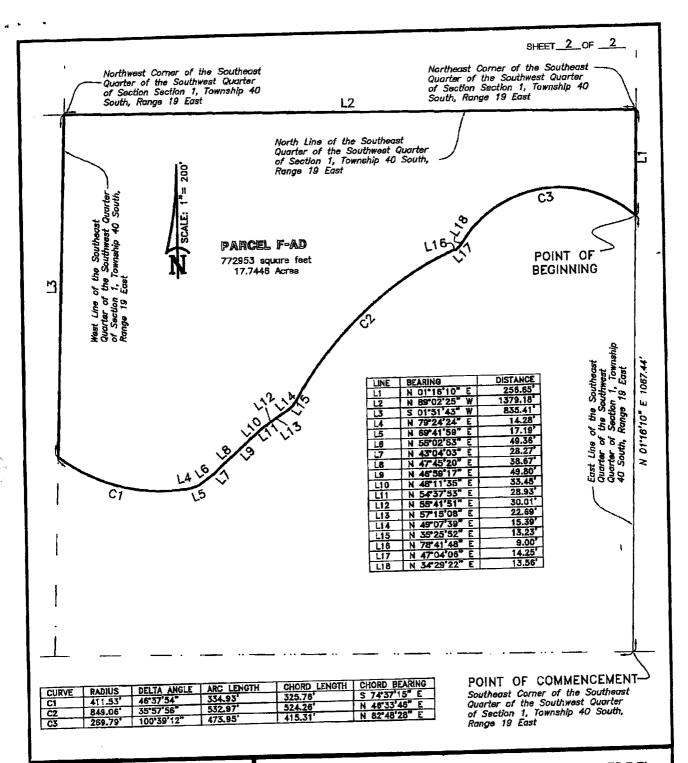
DATE: <u>OCTOBER 4, 2005</u> JOB NUMBER: <u>05-10-06</u>



BRITT SURVEYING, INC.

LAND SURVEYORS AND MAPPERS CERTIFICATE OF AUTHORIZATION NO. L.B. 6638

608 Cypress Avenue Venice Florida 34285 Telephone: (941) 493-1396 Fax: (941) 484-5766 Email: bsi@brittsurveying.com



PREPARED FOR:

STOKES & GRIFFITH PROPERTIES, LLC

DATE: <u>OCTOBER 4, 2005</u> JOB NUMBER: <u>05-10-06</u>



BRITT SURVEYING, INC.

LAND SURVEYORS AND MAPPERS CERTIFICATE OF AUTHORIZATION NO. LB. 6638

606 Cypress Avenue Venice Florida 34285 Telephone: (941) 493-1398 Fax: (941) 484-5766 Email: bsi@britisurveying.com DESCRIPTION: (PARCEL F-AD)

A Parcel of Land Lying in Section 1, Township 40 South, Range 19 East, Sarasota County, Florida, described as follows:

Commence at the Southeast corner of the Southeast Quarter of the Southwest Quarter of Section 1, Township 40 South, Range 19 East, Sarasata County, Florida; thence N.01*16'10"E., along the East line of the Southeast Quarter of the Southwest Quarter of said Section 1, a distance of 1067.44 feet to the POINT OF BEGINNING; thence continue N.01*16'10"E., along the East line of said Section 1, a distance of 256.65 feet to the Northeast corner of the Southeast Quarter of the Southwest Quarter of said Section 1, thence N.89°02'25"W., along the North line of the Southeast Quarter of the Southwest Quarter of said Section 1, a distance of 1379.18 feet to the Northwest corner of the Southeast Quarter of the Southwest Quarter of said Section 1; thence S.01°51'43"W., along the West line of the Southeast Quarter of the Southwest Quarter of said Section 1, a distance of 835.41 feet, same being a point on a non tangent curve to the left having a radius of 411.53 feet, a central angle of 46°37'54", a chord bearing of S.74'37'15"E., a chord length of 325.76 feet, thence along the arc of said curve, an arc length of 334.93 feet; thence N.79°24'24"E., a distance of 14.28 feet thence N.69°41'59°E., a distance of 17.19; feet thence N.55°02'53°E., a distance of 49.36; feet thence N.43°04'03°E., a distance of 28.27 feet; thence N.47°45'20°E., a distance of 38.67 feet thence N.4659'17"E., a distance of 49.80 feet, thence N.48'11'35"E., a distance of 33.45 feet; thence N.54°37′53″E., a distance of 28.93 feet; thence N.55°41′51″E., a distance of 30.01; feet thence N.57'15'08"E, a distance of 22.69 feet; thence N.49'07'39"E., a distance of 15.39 feet; thence N.35°25'52"E., a distance of 13.23 feet to the point of curvature of a curve to the right having a radius of 849.06 feet, a central angle of 35'57'56", a chord bearing of N.46'33'46"E., a chord length of 524.26 feet, thence along the arc of said curve, an arc length of 532.97 feet; thence N.78*41'48"E., a distance of 9.00 feet; thence N.47'04'06"E., a distance of 14.25 feet; thence N.34*29'22"E., a distance of 13.56 feet to the point of curvature of a curve to the right have a radius of 269.79 feet, a central angle of 100°39°12", a chord bearing of N.82°48°28"E., a chord length of 415.31 feet, thence along the arc of said curve, an arc length of 473.95 feet to the POINT OF BEGINNING

Parcel contains 772953 square feet or 17.7446 acres more or less

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PREPARED FOR:

STOKES & GRIFFITH PROPERTIES, LLC

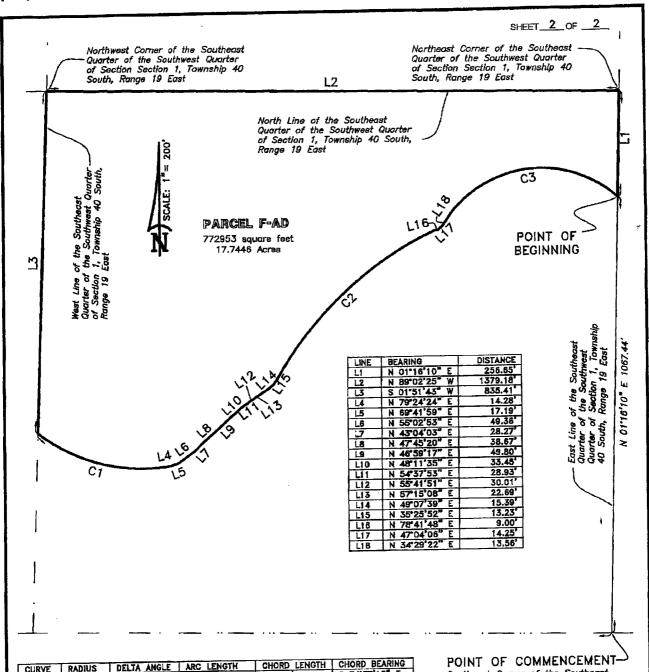
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CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD LENGTH	CHORD BEARING
	411.53	46'37'54"	334.93'	325.76	S 74"37"15" E
<u>C1</u>	849.06	35*57'56"	532,97	524.26	N 46"33"46" E
C2		100'39'12"	473.95'	415.31	N 82°48'28" E
C3	269.79	100 39 12	4/3.33	1 710101	

POINT OF COMMENCEMENT Southeast Corner of the Southeast Quarter of the Southwest Quarter of Section 1, Township 40 South, Range 19 East

PREPARED FOR:

STOKES & GRIFFITH PROPERTIES, LLC

DATE: <u>OCTOBER 4, 2005</u> JOB NUMBER: <u>05-10-06</u>



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