

2009 JAN 16 PM 1:08

ORDINANCE NO. 2009-003

KAREN E. PUSHING
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.

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. 07-30, 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
from OUR (Open Use Rural, 1 unit/10 acres) to RE-1/CS (Residential Estate, 1 unit/2
acres/Conservation Subdivision) zone district for the following described property located in
Sarasota County, Florida:

The legal description of said property in Sarasota County, Florida, being
south of Boleyn Road and approximately 1700 feet east of
Debrecen Road and being more particularly described as follows:

Lots 7, 8, 9, 10, and 11, block 29, Palmer Farms, unit 3, a subdivision
according to the plat thereof as recorded in plat book 3, page 39, of
the public records of 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. Development shall take place in substantial compliance with the Development Concept Plan date stamped October 15, 2008 and attached hereto as Exhibit "A." This does not imply or confer any variances from applicable zoning or land development regulations.
2. The development shall be certified by the Florida Green Building Coalition, Inc. The plat or deed shall require that the structures and yards must remain "green."
3. The Master Surface Water Management Plan shall be consistent with the Phillippi Creek Basin Master Plan.
4. The Owner shall provide a Water Quality Plan that demonstrates how the development will maintain compliance with applicable water quality standards within the development without the need for flushing of the water lines. This Plan shall be submitted to the Utilities Department and approved by Sarasota County prior to Construction Plan approval
5. Prior to receiving Construction Authorization, the owner shall submit a Lift Station Plan and hydraulic model of the wastewater collection system. The owner shall be responsible for any off-site improvements necessary to accommodate the additional flows within the wastewater system.
6. Sarasota County Utilities shall be the purveyor of reclaimed water to the site. An isolated storage pond shall be provided within the development to accommodate storage of reclaimed water for irrigation purposes.
7. All trees designated by Resource Protection staff as Grand Trees shall be preserved, unless it is determined by staff that the tree(s) may adversely affect the public's health, safety and welfare.
8. During Site and Development submittal a wetland restoration plan shall be provided and be consistent with the Land Development Environmental Technical Manual.
9. Within 30 days of adoption, a Conservation Easement for the Conservation Open Space, shown on Exhibit "A" (Development Concept Plan date stamped October 15, 2008) and in the form of Exhibit "B", shall be recorded in the public records of Sarasota County, Florida. The Owner shall comply with the provisions of the Conservation Easement and the attached Resource Management Plan as a condition of this ordinance.

10. Prior to site and development approval the owner shall commission, and provide the results of an environmental site assessment (Phase I and Phase II as necessary) demonstrating the presence/absence of environmental contamination on the subject properties. The owner shall take all appropriate actions required by County, state, and federal agencies in the event that contamination is found. Said actions shall be performed prior to the commencement of site development.
11. Prior to or concurrent with the development of the subject parcel, Boleyn Road shall be improved to Sarasota County's local road standards and resurfaced over the entire roadway from Debreceen Road to the subject parcel's proposed driveway. Transition from the improved section to the existing pavement shall occur east of the subject parcel's driveway. The improvements shall be included in the construction plans for the proposed development.

Section 4. Effective Date. This Ordinance shall take effect upon filing with the Department of State.

PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, this 13th day of January, 2009.

BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA




Chair

ATTEST:

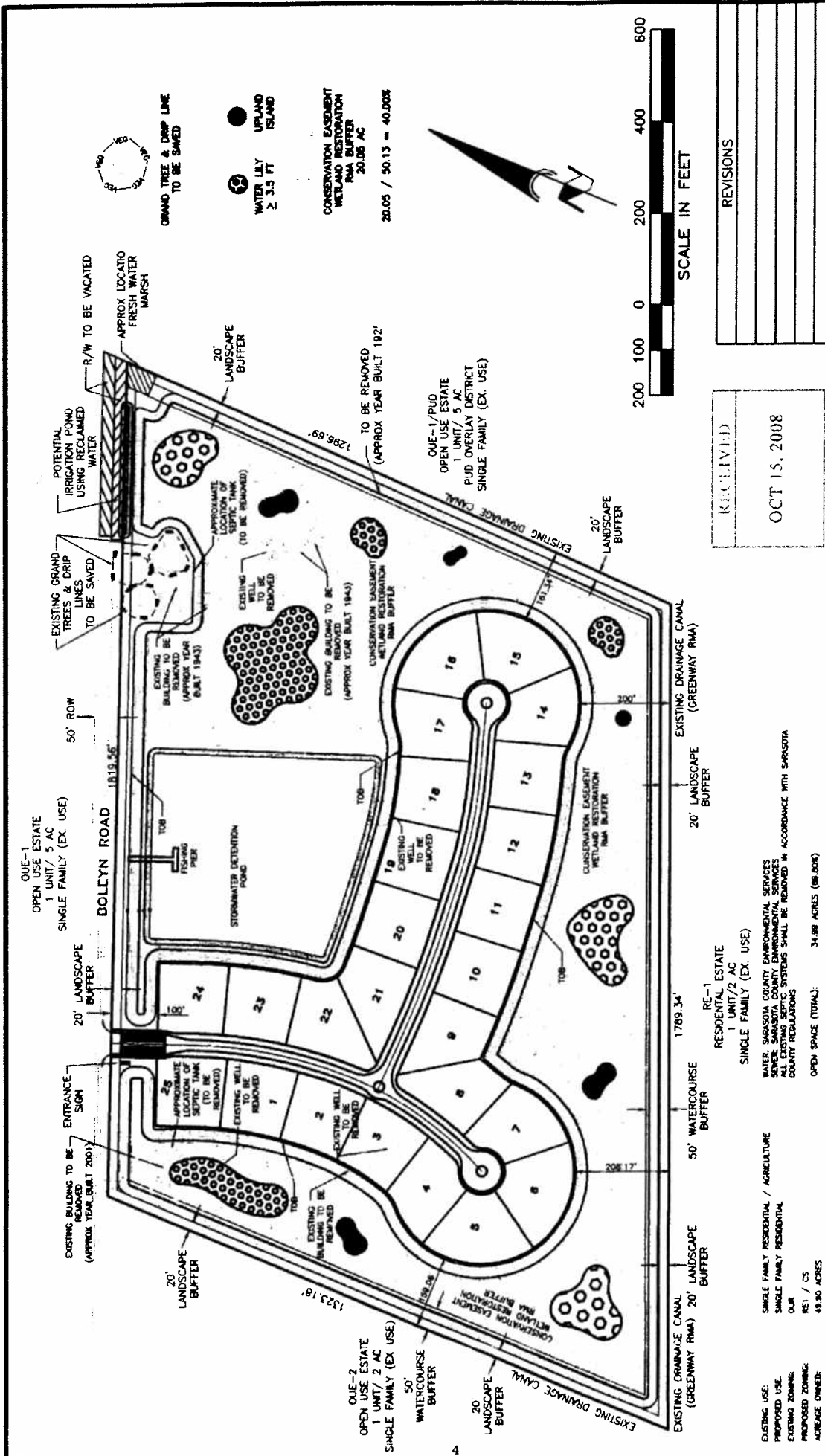
KAREN E. RUSHING, Clerk of
the Circuit Court and Ex-
Officio Clerk of the Board of
County Commissioners of
Sarasota County, Florida.

By:



Deputy Clerk

EXHIBIT A TO ORDINANCE

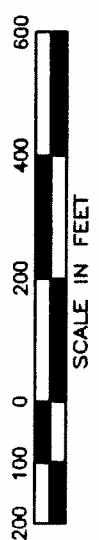


<p>RECEIVED OCT 15, 2008</p>		<p>ENGINEERING, INC. 8300 TOWER LANE SARASOTA, FL 34240 EB #4334 PHONE: (941) 377-9178</p>	
<p>BOLEYN LAKE ESTATES BRIDING DEVELOPMENT CONCEPT PLAN</p>		<p>APPROVED BY: [Signature] DATE: 9/23/08 JOB NO: 080001 JOB FILE: 080001</p>	
<p>FAIRWAY BD, LLC</p>		<p>25 LOT LAYOUT</p>	

EXISTING USE:	RESIDENTIAL ESTATE	34.99 ACRES (89.20%)
PROPOSED USE:	1 UNIT/2 AC	
EXISTING ZONING:	RE-1 / CS	
PROPOSED ZONING:	RESIDENTIAL ESTATE	
ACREAGE OWNED:	49.90 ACRES	
R/W ACREAGE VACATED:	0.44 ACRES	
R/W ACREAGE TO PROJECT:	0.23 ACRES	
GRASS ACRES WITH UNLANTED R/W:	50.13 ACRES	
SINGLE FAMILY LOTS:	25	
IMPELLING UNITS PER A.C.R.E.:	0.499 UNITS/AC	
HOUSING TYPE:	CS SINGLE FAMILY DETACHED HOUSE	

OPEN SPACE (TOTAL):	34.99 ACRES (89.20%)
LANDSCAPE BUFFER:	2.82 ACRES (5.13%)
CONSERVATION EASEMENT/ WETLAND RESTORATION:	20.05 ACRES (40.01%)
OTHER OPEN SPACE:	12.12 ACRES (24.18%)

LOT WIDTHS SHALL BE IN ACCORDANCE WITH SECTION 6.4.4 OF THE SARASOTA COUNTY ZONING ORDINANCE



REVISIONS

QUE-2
OPEN USE ESTATE
1 UNIT/ 2 AC
SINGLE FAMILY (EX USE)

QUE-1/PUD
OPEN USE ESTATE
1 UNIT/ 5 AC
PUD OVERLAY DISTRICT
SINGLE FAMILY (EX. USE)

EXHIBIT B TO ORDINANCE

This Instrument Prepared By:
Stephen D. Rees, Esquire
Icard Merrill
8470 Enterprise Cir., Suite 201
Lakewood Ranch, FL 34202

CONSERVATION EASEMENT
(Conservation Subdivision)

THIS INDENTURE, made this _____ day of _____, 2009 between Fairway BD, LLC, a Florida limited liability company, whose address is 2033 Main Street, Suite 309, Sarasota, FL 34237 hereinafter referred to as GRANTOR, and SARASOTA COUNTY, a political subdivision of the State of Florida, hereinafter referred to as GRANTEE.

WITNESSETH, that the GRANTOR, in consideration of the premises, terms, conditions and restrictions contained herein, and in consideration of the sum of TEN DOLLARS (\$10.00) and other valuable considerations paid, the receipt of which is hereby acknowledged, does hereby grant unto the GRANTEE, its successors and assigns forever, a PERPETUAL CONSERVATION EASEMENT pursuant to the provisions of Section 704.06, Florida Statutes, over and upon the following described lands of each of the GRANTORS, to-wit:

**SEE EXHIBIT "A" ATTACHED HERETO AND MADE
A PART HEREOF (the "Easement Parcel")**

1. Purpose: The purpose of this Conservation Easement is to assure that the conserved area will be retained in its existing or restored natural condition and to prevent use of the Easement Parcel that will impair or interfere with the environmental or wildlife habitat value of the conserved area. It is intended to fulfill the conditions of a rezoning of the Grantor's property (as described in Exhibit "B" hereof) in accordance with the Sarasota County Zoning Regulations. Grantee has approved a Resource Management Plan attached as Exhibit "C" hereof. Any activities of Grantor that are specifically authorized by said Resource Management Plan shall not be deemed to constitute a violation of the provisions of this Conservation Easement. Compliance with the terms of this Conservation Easement and the attached Resource Management Plan is a condition of the rezoning and subdivision approval.

2. Prohibited Uses: Except as is provided above, any activity on or use of the conserved area inconsistent with the terms and purpose of this Conservation Easement is prohibited. Without limiting the generality of the foregoing, the following acts and activities are expressly prohibited within the boundaries of the Easement Parcel hereinafter provided, to-wit:

- A. Construction including but not limited to placing of buildings, roads, signs, billboards or other advertising, or other structures on, above or below the ground.
- B. Filling, dumping or placing of soil or other substances or material as landfill, or dumping or placing of trash, waste, organic debris, stormwater, or unsightly or offensive materials.
- C. Any trimming, alteration, removal, or destruction of native plants, dead or alive, including trees, shrubs, grasses, forbs or other vegetation including mangrove trees and any vegetation planted for purposes of mitigation.
- D. Excavating, dredging, altering, or removing loam, peat, gravel, soil, rock, sand, or other material substances.
- E. Surface use except for purposes that permit the land or water areas to remain predominately in their natural conditions.
- F. Activities detrimental to drainage, flood control, water conservation, erosion control, or soil conservation.
- G. Installation or retention of any plant material, including sod and turf grasses, that is not native to Sarasota County.
- H. Any cultural maintenance practices, including mowing, pruning, trimming, the creation and maintenance of viewsheds, edging and the application of fertilizers, herbicides, and pesticides.
- I. Acts or uses detrimental to such retention of land or water areas.

3. **Reserved Rights:** Grantors reserve to themselves and their successors and assigns, all rights accruing from its ownership of the Easement Parcel, including the right to engage in or permit or invite others to engage in all uses of the Easement Parcel that are not prohibited herein and are not inconsistent with the terms and purpose of this Grant and to sell or otherwise convey the Easement Parcel subject to the terms, conditions and restrictions of this Grant. Grantor also reserves the rights to construct and maintain stormwater retention facilities to the extent specifically authorized as part of the County Rezoning approval. It may also engage in passive recreation and habitat management activities, including construction of foot and bike trails, and such other activities as may be specifically permitted by the above-mentioned Resource Management Plan.

4. **Rights of Grantee:** To accomplish the purposes stated herein, the Grantor conveys the following rights to the Grantee:

- A. To allow reasonable access to County staff to inspect the Easement Parcel, to study and make scientific observations of its ecosystems, and to determine that activities conducted within the Easement Parcel are in compliance with the terms

of this Easement, in a manner that does not unreasonably disturb the use of the Easement Parcel.

- B. To proceed at law or in equity to enforce the provisions of this Conservation Easement and the covenants set forth herein, to prevent the occurrence of any of the prohibited activities set forth herein, and require the restoration of areas or features of the conserved area that may be damaged by any activity inconsistent with the Conservation Easement.

5. Successors: The covenants, terms, conditions and restrictions of this Conservation Easement shall be binding upon, and inure to the benefit of (i) the parties hereto and their respective personal representatives, heirs, successors and assigns and (ii) the additional properties of Grantor which are to be developed as single family homesites as described on Exhibit "B" hereof and said covenants, terms, conditions and restrictions shall continue to be binding upon the Easement Parcel and the properties described on Exhibit "B" hereof.

GRANTOR covenants with the GRANTEE that the GRANTOR is lawfully seized of the Easement Parcel in fee simple; that GRANTOR has good right and lawful authority to grant this easement and shall take no action which would constitute a violation of GRANTEE'S easement rights hereunder; that the GRANTOR hereby fully warrants the easement being granted and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF the GRANTOR hereunto sets their hand and seal this first date written above.

WITNESSES:

Sign: _____

GRANTOR

Print Name: _____

FAIRWAY BD, LLC

Sign: _____

By: Fairway Development Group, Inc., a
Florida corporation, Its Manager

Print Name: _____

By: _____
Robert C. Morey, President

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of
_____, 2009, by Robert C. Morey, as President of Fairway Development
Group, Inc., a Florida corporation as Manager Member of Fairway BD, LLC, a Florida
limited liability company on behalf of said company.

Notary Public
Print Name:
My Commission Expires:

Personally Known (OR) Produced Identification
____ Type of identification produced

APPROVED AS TO FORM:

By:

COUNTY ATTORNEY

EXHIBIT "A" TO CONSERVATION EASEMENT
DESCRIPTION OF EASEMENT PARCEL

LEGAL DESCRIPTION

THIS IS NOT A BOUNDARY SURVEY

CONSERVATION EASEMENT

COMMENCE AT THE NORTHWEST CORNER OF LOT 7, BLOCK 29, PALMER FARMS THIRD UNIT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 3, PAGE 39, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA; THENCE N 68°41'37" E ALONG THE SOUTHERLY RIGHT-OF WAY OF BOLEYN ROAD (50 FEET WIDE) A DISTANCE OF 37.45 FEET; THENCE S 21°18'23" E 20.00 FEET TO THE POINT OF BEGINNING; THENCE N 68°41'37" E 213.17 FEET; THENCE THROUGH A CURVE CONCAVE TO THE SOUTH WEST WITH AN ARC LENGTH OF 47.38', A RADIUS OF 30.00', A CHORD BEARING OF S 68°03'37" E, AND A CHORD LENGTH OF 42.61'; WITH A DELTA ANGLE OF 90°29'31", THENCE S 20°48'52" E 15.00 FEET; THENCE THROUGH A CURVE CONCAVE TO THE NORTH WEST WITH AN ARC LENGTH OF 48.87', A RADIUS OF 30.00', A CHORD BEARING OF S 23°58'23" W, AND A CHORD LENGTH OF 42.24', WITH A DELTA ANGLE OF 89°30'29", THENCE S 68°41'37" W 99.37 FEET; THENCE THROUGH A CURVE CONCAVE TO THE EAST WITH AN ARC LENGTH OF 8.27', A RADIUS OF 5.00', A CHORD BEARING OF S 21°18'25" W, AND A CHORD LENGTH OF 7.36', WITH A DELTA ANGLE OF 94°48'24" THENCE THROUGH A CURVE CONCAVE TO THE WEST WITH AN ARC LENGTH OF 352.24', A RADIUS OF 820.00', A CHORD BEARING OF S 13°48'25" E, AND A CHORD LENGTH OF 349.54', WITH A DELTA ANGLE OF 24°38'43", THENCE S 06°48'21" W 184.04 FEET; THENCE THROUGH A CURVE CONCAVE TO THE NORTH WEST WITH AN ARC LENGTH OF 49.70', A RADIUS OF 95.00', A CHORD BEARING OF S 30°04'03" W, AND A CHORD LENGTH OF 49.14', WITH A DELTA ANGLE OF 29°58'38", THENCE THROUGH A CURVE CONCAVE TO THE SOUTH WITH AN ARC LENGTH OF 809.44', A RADIUS OF 205.00', A CHORD BEARING OF S 68°03'34" E, AND A CHORD LENGTH OF 377.08', WITH A DELTA ANGLE OF 228°13'50", THENCE THROUGH A CURVE CONCAVE TO THE EAST WITH AN ARC LENGTH OF 33.06', A RADIUS OF 95.00', A CHORD BEARING OF N 08°47'48" E, AND A CHORD LENGTH OF 32.90', WITH A DELTA ANGLE OF 19°58'30", THENCE THROUGH A CURVE CONCAVE TO THE WEST WITH AN ARC LENGTH OF 57.07', A RADIUS OF 830.00', A CHORD BEARING OF N 17°00'32" E, AND A CHORD LENGTH OF 57.06', WITH A DELTA ANGLE OF 3°30'57", THENCE THROUGH A CURVE CONCAVE TO THE NORTH WITH AN ARC LENGTH OF 284.83', A RADIUS OF 2180.00', A CHORD BEARING OF N 87°53'11" E, AND A CHORD LENGTH OF 284.67', WITH A DELTA ANGLE OF 8°57'37", THENCE N 84°24'22" E 104.64 FEET; THENCE THROUGH A CURVE CONCAVE TO THE NORTH WITH AN ARC LENGTH OF 249.59', A RADIUS OF 1180.00', A CHORD BEARING OF N 78°20'48" E, AND A CHORD LENGTH OF 249.12', WITH A DELTA ANGLE OF 12°07'08", THENCE N 72°17'14" E 42.88 FEET; THENCE THROUGH A CURVE CONCAVE TO THE SOUTH WITH AN ARC LENGTH OF 39.06', A RADIUS OF 95.00', A CHORD BEARING OF N 84°03'56" E, AND A CHORD LENGTH OF 38.78', WITH A DELTA ANGLE OF 2°33'23", THENCE THROUGH A CURVE CONCAVE TO THE EAST WITH AN ARC LENGTH OF 812.59', A RADIUS OF 205.00', A CHORD BEARING OF N 17°42'48" W, AND A CHORD LENGTH OF 375.83', WITH A DELTA ANGLE OF 227°06'47", THENCE THROUGH A CURVE CONCAVE TO THE NORTH WITH AN ARC LENGTH OF 39.06', A RADIUS OF 95.00', A CHORD BEARING OF S 80°30'33" W, AND A CHORD LENGTH OF 38.78', WITH A DELTA ANGLE OF 2°33'23", THENCE S 72°17'14" W 42.88 FEET; THENCE THROUGH A CURVE CONCAVE TO THE NORTH WITH AN ARC LENGTH OF 173.44', A RADIUS OF 820.00', A CHORD BEARING OF S 78°20'48" W, AND A CHORD LENGTH OF 173.12', WITH A DELTA ANGLE OF 12°07'08", THENCE S 84°24'22" W 104.64 FEET; THENCE THROUGH A CURVE CONCAVE TO THE NORTH WITH AN ARC LENGTH OF 182.80', A RADIUS OF 1820.00', A CHORD BEARING OF S 86°58'08" W, AND A CHORD LENGTH OF 182.75', WITH A DELTA ANGLE OF 5°07'31", THENCE THROUGH A CURVE CONCAVE TO THE NORTH EAST WITH AN ARC LENGTH OF 64.93', A RADIUS OF 45.00', A CHORD BEARING OF N 49°08'00" W, AND A CHORD LENGTH OF 59.44', WITH A DELTA ANGLE OF 82°40'14", THENCE THROUGH A CURVE CONCAVE TO THE WEST WITH AN ARC LENGTH OF 288.07', A RADIUS OF 1180.00', A CHORD BEARING OF N 14°18'22" W, AND A CHORD LENGTH OF 287.49', WITH A DELTA ANGLE OF 13°00'59", THENCE N 20°48'52" W 78.74 FEET; THENCE THROUGH A CURVE CONCAVE TO THE SOUTH WEST WITH AN ARC LENGTH OF 7.90', A RADIUS OF 5.00', A CHORD BEARING OF N 68°03'37" W, AND A CHORD LENGTH OF 7.10', WITH A DELTA ANGLE OF 90°29'31", THENCE S 68°41'37" W 105.70 FEET; THENCE THROUGH A CURVE CONCAVE TO THE NORTH EAST WITH AN ARC LENGTH OF 47.38', A RADIUS OF 30.00', A CHORD BEARING OF N 68°03'37" W, AND A CHORD LENGTH OF 42.61', WITH A DELTA ANGLE OF 90°29'31", THENCE N 20°48'52" W 5.00 FEET; THENCE THROUGH A CURVE CONCAVE TO THE SOUTH EAST WITH AN ARC LENGTH OF 48.87', A RADIUS OF 30.00', A CHORD BEARING OF N 23°58'23" E, AND A CHORD LENGTH OF 42.24', WITH A DELTA ANGLE OF 89°30'29", THENCE N 68°41'37" E 818.34 FEET; THENCE THROUGH A CURVE CONCAVE TO THE SOUTH WEST WITH AN ARC LENGTH OF 48.34', A RADIUS OF 29.00', A CHORD BEARING OF S 68°31'47" E, AND A CHORD LENGTH OF 41.56', WITH A DELTA ANGLE OF 91°33'13", THENCE S 19°45'10" E 83.09 FEET; THENCE THROUGH A CURVE CONCAVE TO THE NORTH EAST WITH AN ARC LENGTH OF 15.97', A RADIUS OF 10.00', A CHORD BEARING OF S 65°30'27" E, AND A CHORD LENGTH OF 14.33', WITH A DELTA ANGLE OF 91°30'33", THENCE N 68°44'17" E 131.92 FEET; THENCE THROUGH A CURVE CONCAVE TO THE NORTH WITH AN ARC LENGTH OF 5.03', A RADIUS OF 10.00', A CHORD BEARING OF N 54°19'28" E, AND A CHORD LENGTH OF 4.98', WITH A DELTA ANGLE OF 28°49'37", THENCE N 39°54'38" E 60.80 FEET; THENCE THROUGH A CURVE CONCAVE TO THE WEST WITH AN ARC LENGTH OF 13.98', A RADIUS OF 20.00', A CHORD BEARING OF N 19°55'24" E, AND A CHORD LENGTH OF 13.67', WITH A DELTA ANGLE OF 39°58'31", THENCE N 00°03'32" W 5.29 FEET; THENCE THROUGH A CURVE CONCAVE TO THE SOUTH WEST WITH AN ARC LENGTH OF 27.18', A RADIUS OF 20.00', A CHORD BEARING OF N 39°00'01" W, AND A CHORD LENGTH OF 25.14', WITH A DELTA ANGLE OF 77°52'19", THENCE N 77°56'11" W 6.83 FEET; THENCE THROUGH A CURVE CONCAVE TO THE NORTH EAST WITH AN ARC LENGTH OF 27.18', A RADIUS OF 20.00', A CHORD BEARING OF N 39°00'17" W, AND A CHORD LENGTH OF 25.14', WITH A DELTA ANGLE OF 77°51'48", THENCE N 00°04'23" W 24.76 FEET; THENCE THROUGH A CURVE CONCAVE TO THE SOUTH EAST WITH AN ARC LENGTH OF 24.00', A RADIUS OF 20.00', A CHORD BEARING OF N 34°18'37" E, AND A CHORD LENGTH OF 22.59', WITH A DELTA ANGLE OF 68°48'00", THENCE N 68°41'37" E 247.97 FEET; THENCE THROUGH A CURVE CONCAVE TO THE SOUTH WEST WITH AN ARC LENGTH OF 19.43', A RADIUS OF 10.00', A CHORD BEARING OF S 58°39'11" E, AND A CHORD LENGTH OF 18.51', WITH A DELTA ANGLE OF 111°18'23", THENCE S 00°00'00" E 22.65 FEET; THENCE THROUGH A CURVE CONCAVE TO THE NORTH EAST WITH AN ARC LENGTH OF 15.71', A RADIUS OF 10.00', A CHORD BEARING OF S 45°00'00" E, AND A CHORD LENGTH OF 14.14', WITH A DELTA ANGLE OF 90°00'00", THENCE N 80°00'00" E 17.82 FEET; THENCE THROUGH A CURVE CONCAVE TO THE SOUTH WEST WITH AN ARC LENGTH OF 46.63', A RADIUS OF 29.00', A CHORD BEARING OF S 43°58'17" E, AND A CHORD LENGTH OF 41.77', WITH A DELTA ANGLE OF 92°07'28", THENCE S 02°07'28" W 1130.52 FEET; THENCE THROUGH A CURVE CONCAVE TO THE NORTH WEST WITH AN ARC LENGTH OF 33.02', A RADIUS OF 29.00', A CHORD BEARING OF S 34°44'48" W, AND A CHORD LENGTH OF 31.27', WITH A DELTA ANGLE OF 85°14'44", THENCE S 87°22'10" W 1684.40 FEET; THENCE THROUGH A CURVE CONCAVE TO THE NORTH EAST WITH AN ARC LENGTH OF 57.10', A RADIUS OF 29.00', A CHORD BEARING OF N 56°13'10" W, AND A CHORD LENGTH OF 48.32', WITH A DELTA ANGLE OF 112°49'20", THENCE N 00°11'30" E 1208.69 FEET; THENCE THROUGH A CURVE CONCAVE TO THE SOUTH EAST WITH AN ARC LENGTH OF 41.85', A RADIUS OF 35.00', A CHORD BEARING OF N 34°28'34" E, AND A CHORD LENGTH OF 39.40', WITH A DELTA ANGLE OF 68°30'07", TO THE POINT OF BEGINNING.

CONTAINING 1323456.4 SQUARE FEET, 30.38 ACRES MORE OR LESS.

CERTIFICATION :

I CERTIFY THAT THIS SKETCH & LEGAL WERE PREPARED UNDER MY DIRECTION AND THAT IT MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE BOARD OF PROFESSIONAL LAND SURVEYORS AND MAPPERS IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

BY : *C. Drew Branch* DATE : 01/09/2009

C. DREW BRANCH, PSM #5542

NOT A CERTIFICATION OF TITLE, ZONING, EASEMENTS OR FREEDOM OF ENCUMBRANCES.
NOT VALID WITHOUT SURVEYOR'S SIGNATURE AND EMBOSSED SEAL

DREW BRANCH SURVEYING & MAPPING, INC.
LICENSED BUSINESS #7011

4123 N. TAMiami TRAIL #204
SARASOTA, FL 34233
941-925-3402 FAX 941-925-3970

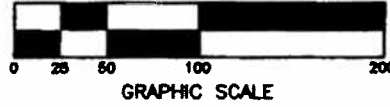
REVISIONS

PROJECT NO:
0610086

DRAWN BY: DB CHECKED BY: CDB

SKETCH OF LEGAL DESCRIPTION

THIS IS NOT A BOUNDARY SURVEY



SCALE 1" = 100'

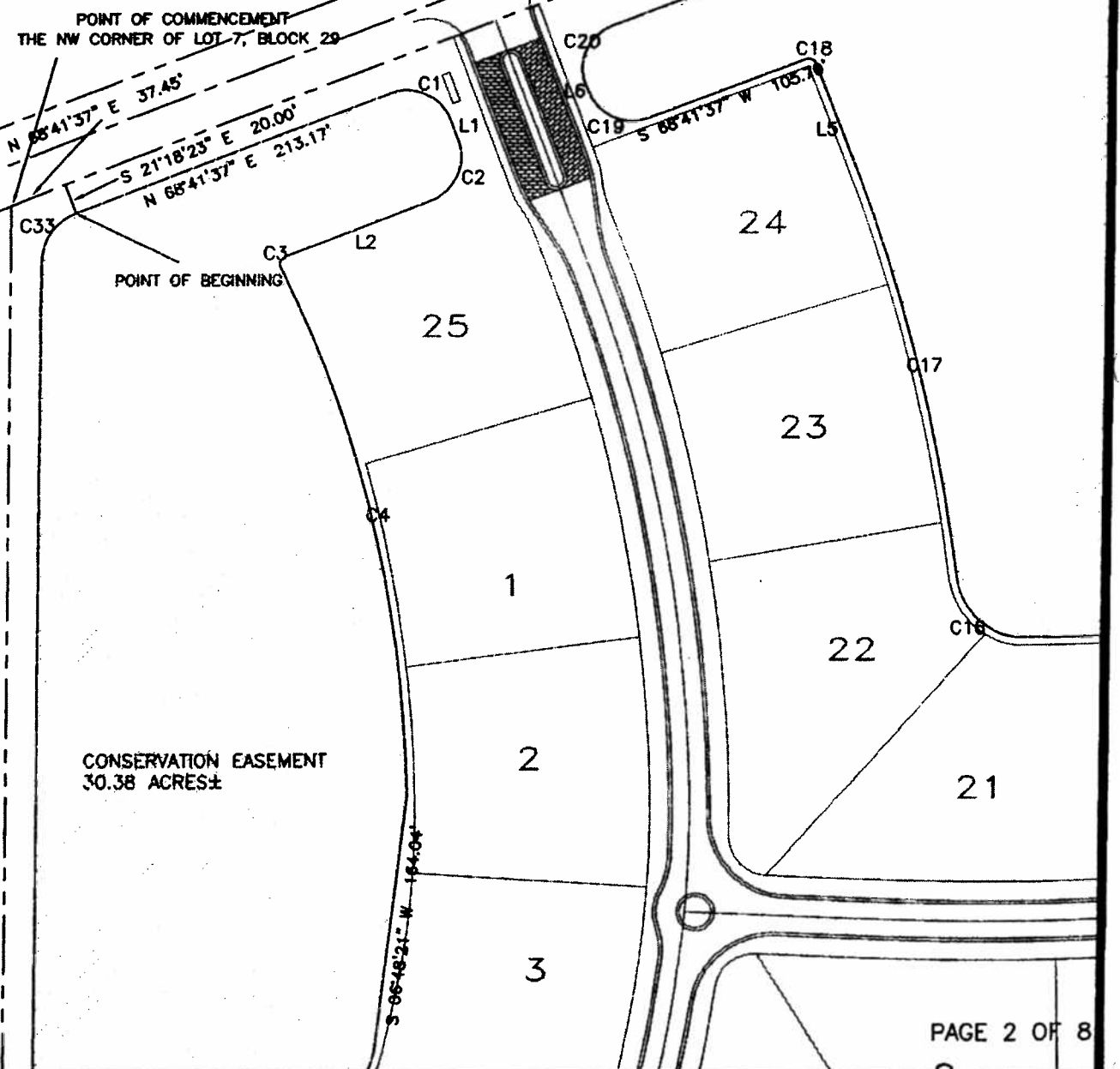
POINT OF COMMENCEMENT
THE NW CORNER OF LOT-7, BLOCK 29

N 68°41'37" E 37.45'
S 21°18'23" E 20.00'
N 68°41'37" E 213.17'

POINT OF BEGINNING

CONSERVATION EASEMENT
30.38 ACRES±

BOLEYN



PAGE 2 OF 8

REVISIONS

PROJECT NO:
0610086

DREW BRANCH SURVEYING & MAPPING, INC.
LICENSED BUSINESS #7011

4123 N. TAMiami TRAIL #204
SARASOTA, FL. 34233
941-925-3402 FAX 941-925-3970

DRAWN BY: DB

CHECKED BY: CDB

SKETCH OF LEGAL DESCRIPTION

THIS IS NOT A BOUNDARY SURVEY



SCALE 1" = 100'

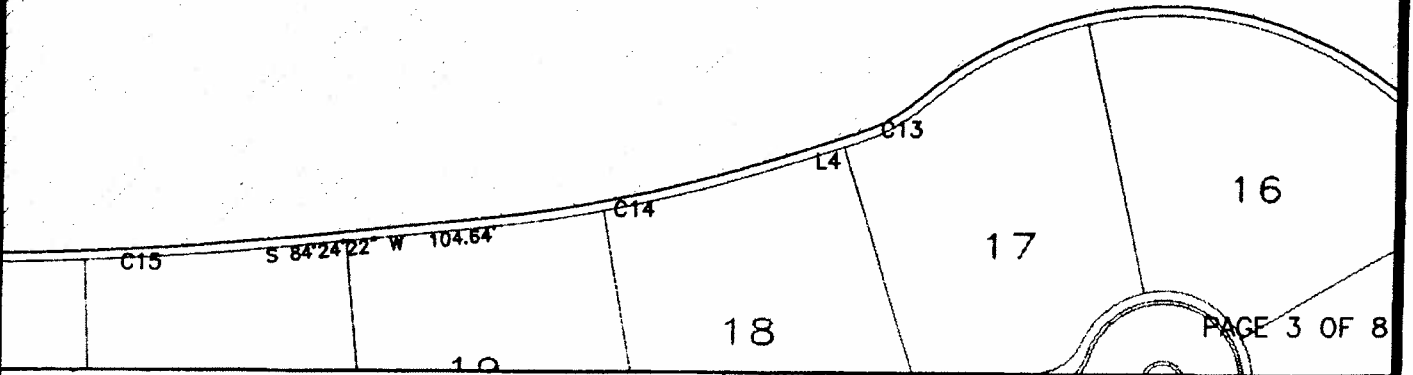
YN ROAD

N 68°41'37" E 818.34'

C21
L7
C22 N 68°44'17" E 131.92'
C23
L8
C24
L9
C25
L10
C26
L11
C27

CONSE
30.38

CONSERVATION EASEMENT
30.38 ACRES±



PAGE 3 OF 8

DREW BRANCH SURVEYING & MAPPING, INC.
LICENSED BUSINESS #7011

4123 N. TAMiami TRAIL #204
SARASOTA, FL. 34233
941-925-3402 FAX 941-925-3970

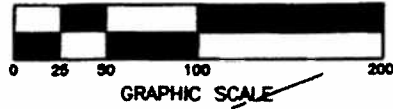
REVISIONS

PROJECT NO:
0610086

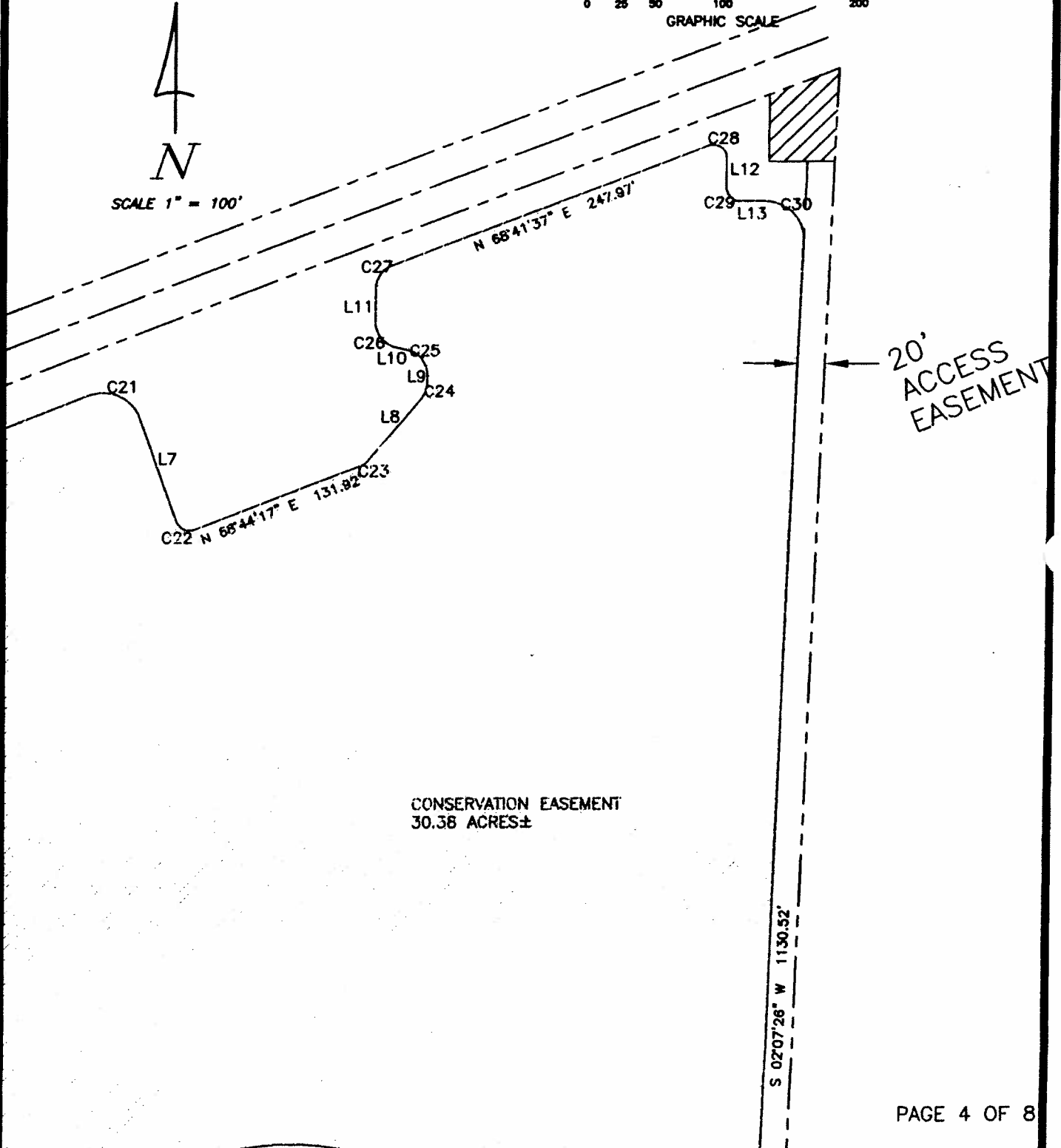
DRAWN BY: DB CHECKED BY: CDB

SKETCH OF LEGAL DESCRIPTION

THIS IS NOT A BOUNDARY SURVEY



SCALE 1" = 100'



PAGE 4 OF 8

DREW BRANCH SURVEYING & MAPPING, INC.
LICENSED BUSINESS #7011

4123 N. TAMiami TRAIL #204
SARASOTA, FL. 34233
941-925-3402 FAX 941-925-3970

REVISIONS
PROJECT NO:
0610086

DRAWN BY: DB CHECKED BY: CDB

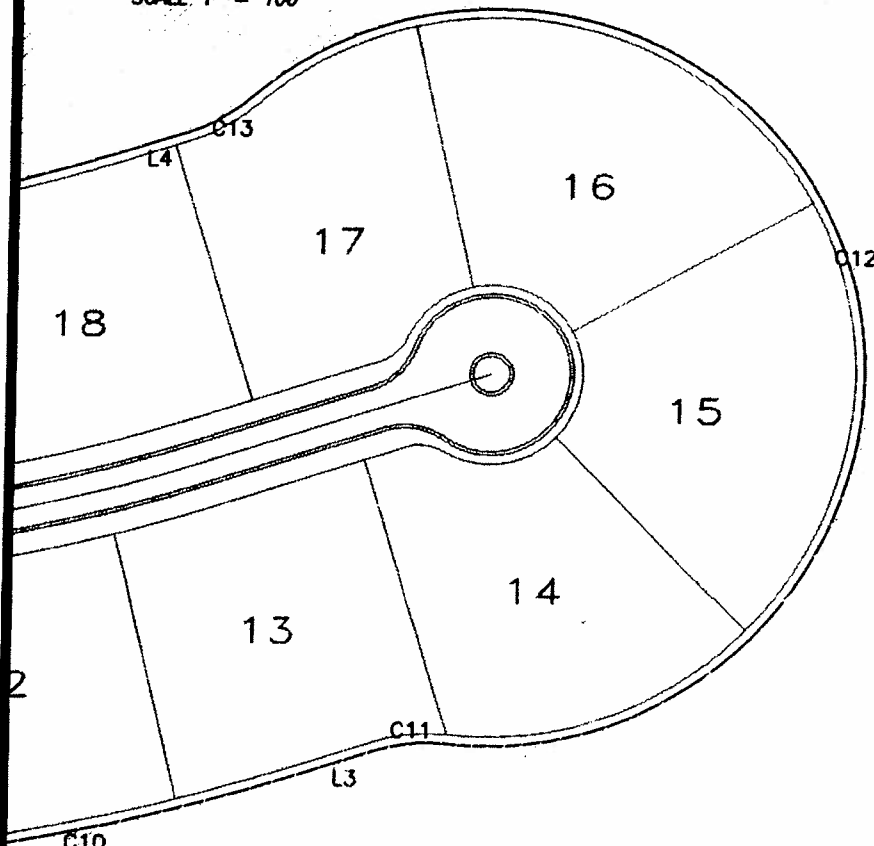
SKETCH OF LEGAL DESCRIPTION

THIS IS NOT A BOUNDARY SURVEY



SCALE: 1" = 100'

S 02°07'26" W 1130.52'



CONSERVATION EASEMENT
30.38 ACRES±

20'
ACCESS
EASEMENT

20'
ACCESS
EASEMENT

PAGE 5 OF 8

DREW BRANCH SURVEYING & MAPPING, INC.
LICENSED BUSINESS #7011

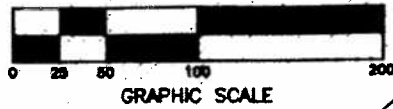
4123 N. TAMiami TRAIL #204
SARASOTA, FL 34233
941-925-3402 FAX 941-925-3970

REVISIONS
PROJECT NO:
0610086

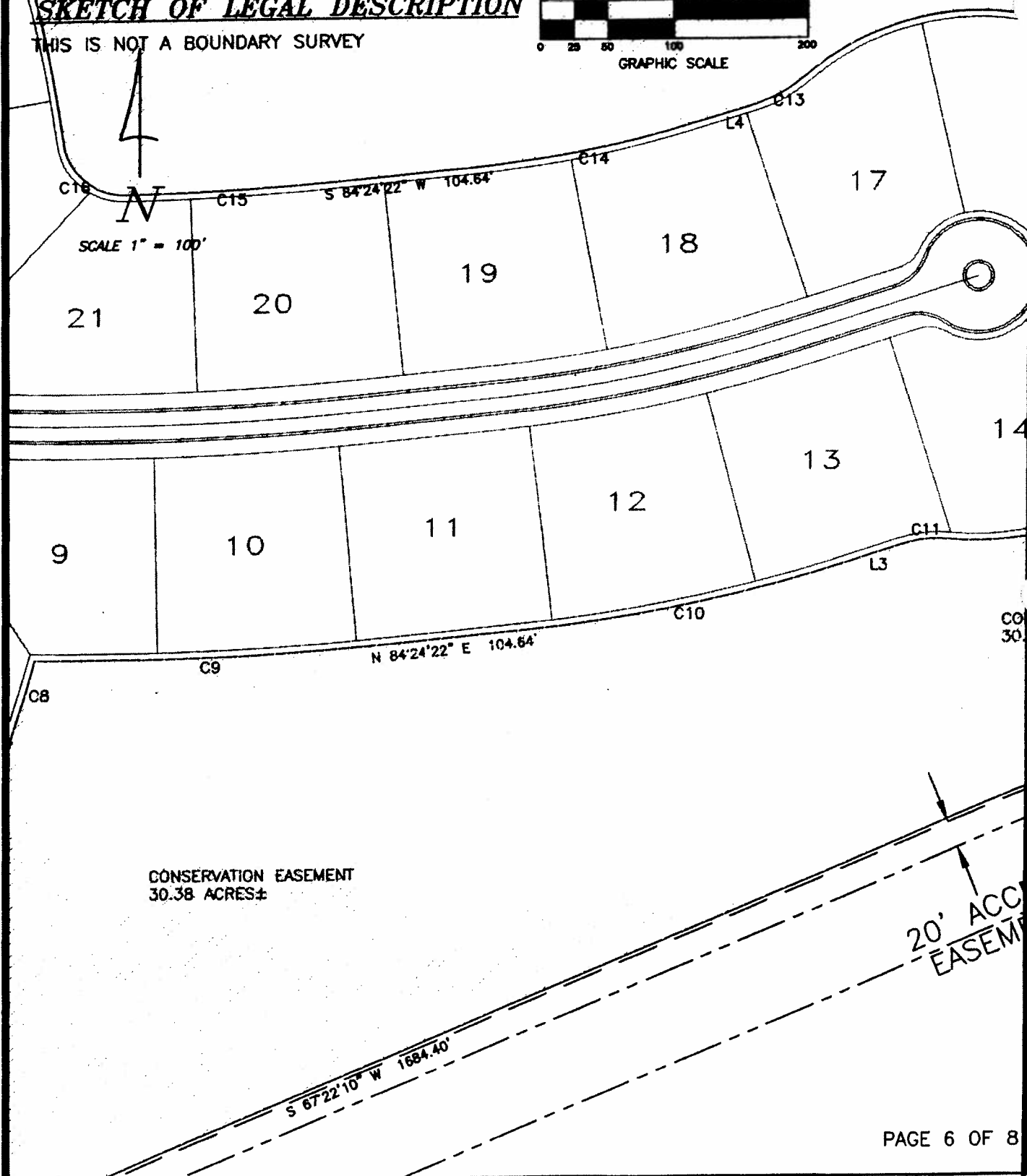
DRAWN BY: DB CHECKED BY: CDB

SKETCH OF LEGAL DESCRIPTION

THIS IS NOT A BOUNDARY SURVEY



SCALE 1" = 100'



PAGE 6 OF 8

DREW BRANCH SURVEYING & MAPPING, INC.
 LICENSED BUSINESS #7011

4123 N. TAMiami TRAIL #204
 SARASOTA, FL. 34233
 941-925-3402 FAX 941-925-3970

REVISIONS
 PROJECT NO:
 0610086

DRAWN BY: DB CHECKED BY: CDB

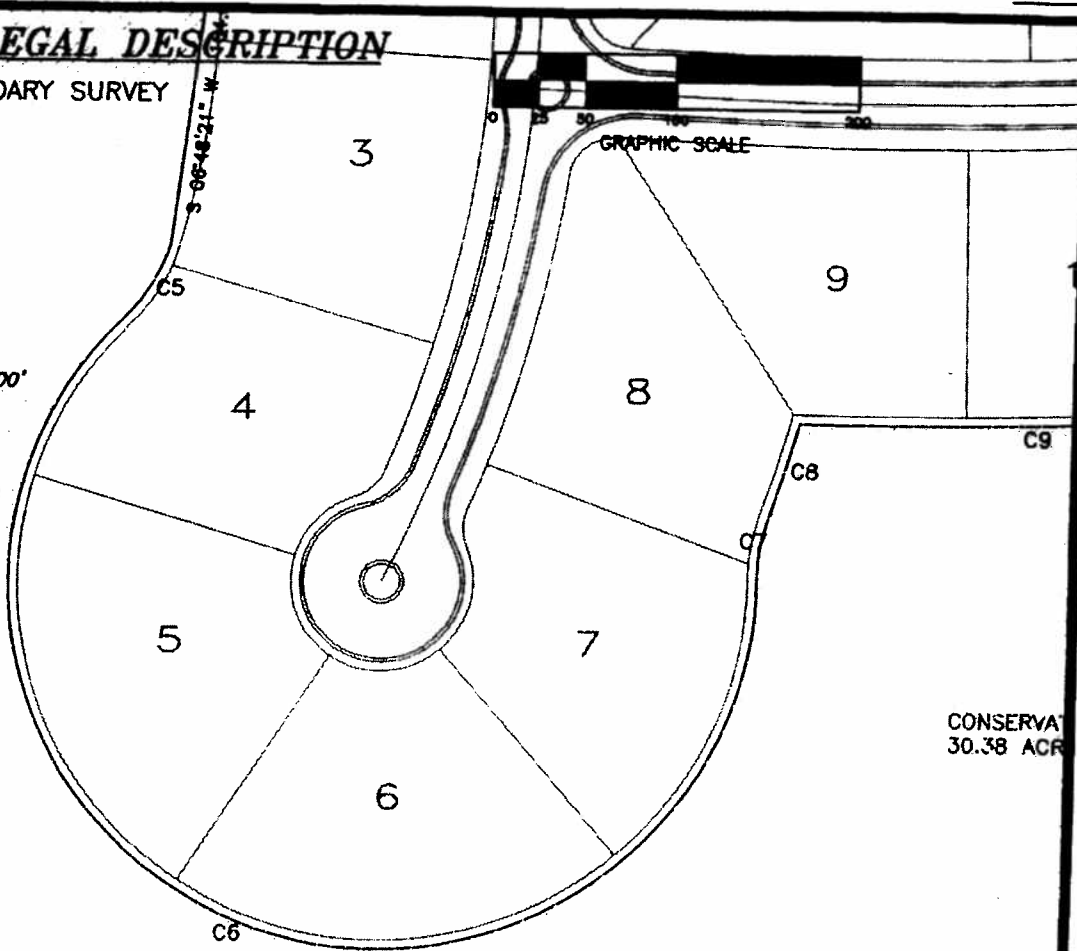
SKETCH OF LEGAL DESCRIPTION

THIS IS NOT A BOUNDARY SURVEY



SCALE 1" = 100'

N 00°11'30" E 1208.69'



CONSERVA
30.38 ACR

CONSERVATION EASEMENT
30.38 ACRES±

20' ACCESS
EASEMENT

C32

PAGE 7 OF 8

DREW BRANCH SURVEYING & MAPPING, INC.
LICENSED BUSINESS #7011

4123 N. TAMiami TRAIL #204
SARASOTA, FL. 34233
941-925-3402 FAX 941-925-3970

REVISIONS
PROJECT NO:
0610086

DRAWN BY: DB CHECKED BY: CDB

SKETCH OF LEGAL DESCRIPTION

THIS IS NOT A BOUNDARY SURVEY

LINE	BEARING	DISTANCE
L1	S 20°48'52" E	15.00'
L2	S 68°41'37" W	99.37'
L3	N 72°17'14" E	42.86'
L4	S 72°17'14" W	42.86'
L5	N 20°48'52" W	78.74'
L6	N 20°48'52" W	5.00'
L7	S 19°45'10" E	83.09'
L8	N 39°54'39" E	60.80'
L9	N 00°03'52" W	5.29'
L10	N 77°56'11" W	6.83'
L11	N 00°04'23" W	24.76'
L12	S 00°00'00" E	22.65'
L13	N 90°00'00" E	17.82'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	30.00'	47.38'	42.61'	S 66°03'37" E	90°29'31"
C2	30.00'	46.87'	42.24'	S 23°56'23" W	89°30'29"
C3	5.00'	8.27'	7.36'	S 21°18'25" W	94°46'24"
C4	820.00'	352.24'	349.54'	S 13°46'25" E	24°36'43"
C5	95.00'	49.70'	49.14'	S 30°04'03" W	29°58'36"
C6	205.00'	809.44'	377.08'	S 68°03'34" E	226°13'50"
C7	95.00'	33.06'	32.90'	N 08°47'46" E	19°56'30"
C8	930.00'	57.07'	57.06'	N 17°00'32" E	03°30'57"
C9	2180.00'	264.83'	264.67'	N 87°53'11" E	06°57'37"
C10	1180.00'	249.59'	249.12'	N 78°20'48" E	12°07'08"
C11	95.00'	39.06'	38.78'	N 84°03'56" E	23°33'23"
C12	205.00'	812.59'	375.83'	N 17°42'46" W	227°06'47"
C13	95.00'	39.06'	38.78'	S 60°30'33" W	23°33'23"
C14	820.00'	173.44'	173.12'	S 78°20'48" W	12°07'08"
C15	1820.00'	162.80'	162.75'	S 86°58'08" W	05°07'31"
C16	45.00'	64.93'	59.44'	N 49°08'00" W	82°40'14"
C17	1180.00'	268.07'	267.49'	N 14°18'22" W	13°00'59"
C18	5.00'	7.90'	7.10'	N 66°03'37" W	90°29'31"
C19	30.00'	47.38'	42.61'	N 66°03'37" W	90°29'31"
C20	30.00'	46.87'	42.24'	N 23°56'23" E	89°30'29"
C21	29.00'	46.34'	41.56'	S 65°31'47" E	91°33'13"
C22	10.00'	15.97'	14.33'	S 65°30'27" E	91°30'33"
C23	10.00'	5.03'	4.98'	N 54°19'28" E	28°49'37"
C24	20.00'	13.95'	13.67'	N 19°55'24" E	39°58'31"
C25	20.00'	27.18'	25.14'	N 39°00'01" W	77°52'19"
C26	20.00'	27.18'	25.14'	N 39°00'17" W	77°51'48"
C27	20.00'	24.00'	22.59'	N 34°18'37" E	68°46'00"
C28	10.00'	19.43'	16.51'	S 55°39'11" E	111°18'23"
C29	10.00'	15.71'	14.14'	S 45°00'00" E	90°00'00"
C30	29.00'	46.63'	41.77'	S 43°56'17" E	92°07'26"
C31	29.00'	33.02'	31.27'	S 34°44'48" W	65°14'44"
C32	29.00'	57.10'	48.32'	N 56°13'10" W	112°49'20"
C33	35.00'	41.85'	39.40'	N 34°26'34" E	68°30'07"

DREW BRANCH SURVEYING & MAPPING, INC.
 LICENSED BUSINESS #7011

4123 N. TAMiami TRAIL #204
 SARASOTA, FL. 34233
 941-925-3402 FAX 941-925-3970

REVISIONS

PROJECT NO:
 0610086

DRAWN BY: DB CHECKED BY: CDB

**EXHIBIT "B" TO CONSERVATION EASEMENT DESCRIPTION
OF ADDITIONAL PROPERTY BOUNDARY
(OVERALL DESCRIPTION LESS EXHIBIT "A").**

LEGAL DESCRIPTION

LOTS 7, 8, 9, 10, AND 11, BLOCK 29, PALMER FARMS, UNIT 3, A SUBDIVISION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 39, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, CONTAINING 2173543.4 SQ. FT., 49.90 ACRES, MORE OR LESS.

LESS THE FOLLOWING DESCRIBED PARCEL:

COMMENCE AT THE NORTHWEST CORNER OF LOT 7, BLOCK 29, PALMER FARMS THIRD UNIT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 3, PAGE 39, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA; THENCE N 68°41'37" E ALONG THE SOUTHERLY RIGHT-OF WAY OF BOLEYN ROAD (50 FEET WIDE) A DISTANCE OF 37.45 FEET; THENCE S 21°18'23" E 20.00 FEET TO THE POINT OF BEGINNING; THENCE N 68°41'37" E 213.17 FEET; THENCE THROUGH A CURVE CONCAVE TO THE SOUTH WEST WITH AN ARC LENGTH OF 47.38', A RADIUS OF 30.00', A CHORD BEARING OF S 66°03'37" E, AND A CHORD LENGTH OF 42.61', WITH A DELTA ANGLE OF 90°29'31", THENCE S 20°48'52" E 15.00 FEET; THENCE THROUGH A CURVE CONCAVE TO THE NORTH WEST WITH AN ARC LENGTH OF 46.87', A RADIUS OF 30.00', A CHORD BEARING OF S 23°56'23" W, AND A CHORD LENGTH OF 42.24', WITH A DELTA ANGLE OF 89°30'29", THENCE S 68°41'37" W 99.37 FEET; THENCE THROUGH A CURVE CONCAVE TO THE EAST WITH AN ARC LENGTH OF 8.27', A RADIUS OF 5.00', A CHORD BEARING OF S 21°18'25" W, AND A CHORD LENGTH OF 7.36', WITH A DELTA ANGLE OF 94°46'24" THENCE THROUGH A CURVE CONCAVE TO THE WEST WITH AN ARC LENGTH OF 352.24', A RADIUS OF 820.00', A CHORD BEARING OF S 13°46'25" E, AND A CHORD LENGTH OF 349.54', WITH A DELTA ANGLE OF 24°36'43", THENCE S 06°48'21" W 164.04 FEET; THENCE THROUGH A CURVE CONCAVE TO THE NORTH WEST WITH AN ARC LENGTH OF 49.70', A RADIUS OF 95.00', A CHORD BEARING OF S 30°04'03" W, AND A CHORD LENGTH OF 49.14', WITH A DELTA ANGLE OF 29°58'36", THENCE THROUGH A CURVE CONCAVE TO THE SOUTH WITH AN ARC LENGTH OF 809.44', A RADIUS OF 205.00', A CHORD BEARING OF S 68°03'34" E, AND A CHORD LENGTH OF 377.08', WITH A DELTA ANGLE OF 226°13'50", THENCE THROUGH A CURVE CONCAVE TO THE EAST WITH AN ARC LENGTH OF 33.06', A RADIUS OF 95.00', A CHORD BEARING OF N 08°47'46" E, AND A CHORD LENGTH OF 32.90', WITH A DELTA ANGLE OF 19°56'30", THENCE THROUGH A CURVE CONCAVE TO THE WEST WITH AN ARC LENGTH OF 57.07', A RADIUS OF 930.00', A CHORD BEARING OF N 17°00'32" E, AND A CHORD LENGTH OF 57.06', WITH A DELTA ANGLE OF 3°30'57", THENCE THROUGH A CURVE CONCAVE TO THE NORTH WITH AN ARC LENGTH OF 264.83', A RADIUS OF 2180.00', A CHORD BEARING OF N

87°53'11" E, AND A CHORD LENGTH OF 264.67', WITH A DELTA ANGLE OF 6°57'37", THENCE N 84°24'22" E 104.64 FEET; THENCE THROUGH A CURVE CONCAVE TO THE NORTH WITH AN ARC LENGTH OF 249.59', A RADIUS OF 1180.00', A CHORD BEARING OF N 78°20'48" E, AND A CHORD LENGTH OF 249.12', WITH A DELTA ANGLE OF 12°07'08", THENCE N 72°17'14" E 42.86 FEET; THENCE THROUGH A CURVE CONCAVE TO THE SOUTH WITH AN ARC LENGTH OF 39.06', A RADIUS OF 95.00', A CHORD BEARING OF N 84°03'56" E, AND A CHORD LENGTH OF 38.78', WITH A DELTA ANGLE OF 23°33'23", THENCE THROUGH A CURVE CONCAVE TO THE EAST WITH AN ARC LENGTH OF 812.59', A RADIUS OF 205.00', A CHORD BEARING OF N 17°42'46" W, AND A CHORD LENGTH OF 375.83', WITH A DELTA ANGLE OF 227°06'47", THENCE THROUGH A CURVE CONCAVE TO THE NORTH WITH AN ARC LENGTH OF 39.06', A RADIUS OF 95.00', A CHORD BEARING OF S 60°30'33" W, AND A CHORD LENGTH OF 38.78', WITH A DELTA ANGLE OF 23°33'23", THENCE S 72°17'14" W 42.86 FEET; THENCE THROUGH A CURVE CONCAVE TO THE NORTH WITH AN ARC LENGTH OF 173.44', A RADIUS OF 820.00', A CHORD BEARING OF S 78°20'48" W, AND A CHORD LENGTH OF 173.12', WITH A DELTA ANGLE OF 12°07'08", THENCE S 84°24'22" W 104.64 FEET; THENCE THROUGH A CURVE CONCAVE TO THE NORTH WITH AN ARC LENGTH OF 162.80', A RADIUS OF 1820.00', A CHORD BEARING OF S 86°58'08" W, AND A CHORD LENGTH OF 162.75', WITH A DELTA ANGLE OF 5°07'31", THENCE THROUGH A CURVE CONCAVE TO THE NORTH EAST WITH AN ARC LENGTH OF 64.93', A RADIUS OF 45.00', A CHORD BEARING OF N 49°08'00" W, AND A CHORD LENGTH OF 59.44', WITH A DELTA ANGLE OF 82°40'14", THENCE THROUGH A CURVE CONCAVE TO THE WEST WITH AN ARC LENGTH OF 268.07', A RADIUS OF 1180.00', A CHORD BEARING OF N 14°18'22" W, AND A CHORD LENGTH OF 267.49', WITH A DELTA ANGLE OF 13°00'59", THENCE N 20°48'52" W 78.74 FEET; THENCE THROUGH A CURVE CONCAVE TO THE SOUTH WEST WITH AN ARC LENGTH OF 7.90', A RADIUS OF 5.00', A CHORD BEARING OF N 66°03'37" W, AND A CHORD LENGTH OF 7.10', WITH A DELTA ANGLE OF 90°29'31", THENCE S 68°41'37" W 105.70 FEET; THENCE THROUGH A CURVE CONCAVE TO THE NORTH EAST WITH AN ARC LENGTH OF 47.38', A RADIUS OF 30.00', A CHORD BEARING OF N 66°03'37" W, AND A CHORD LENGTH OF 42.61', WITH A DELTA ANGLE OF 90°29'31", THENCE N 20°48'52" W 5.00 FEET; THENCE THROUGH A CURVE CONCAVE TO THE SOUTH EAST WITH AN ARC LENGTH OF 46.87', A RADIUS OF 30.00', A CHORD BEARING OF N 23°56'23" E, AND A CHORD LENGTH OF 42.24', WITH A DELTA ANGLE OF 89°30'29", THENCE N 68°41'37" E 818.34 FEET; THENCE THROUGH A CURVE CONCAVE TO THE SOUTH WEST WITH AN ARC LENGTH OF 46.34', A RADIUS OF 29.00', A CHORD BEARING OF S 65°31'47" E, AND A CHORD LENGTH OF 41.56', WITH A DELTA ANGLE OF 91°33'13", THENCE S 19°45'10" E 83.09 FEET; THENCE THROUGH A CURVE CONCAVE TO THE NORTH EAST WITH AN ARC LENGTH OF 15.97', A RADIUS OF 10.00', A CHORD BEARING OF S 65°30'27" E, AND A CHORD LENGTH OF 14.33', WITH A DELTA ANGLE OF 91°30'33", THENCE N 68°44'17" E 131.92 FEET; THENCE THROUGH A CURVE CONCAVE TO THE NORTH WITH AN ARC LENGTH OF 5.03', A RADIUS OF 10.00', A

CHORD BEARING OF N 54°19'28" E, AND A CHORD LENGTH OF 4.98', WITH A DELTA ANGLE OF 28°49'37", THENCE N 39°54'39" E 60.80 FEET; THENCE THROUGH A CURVE CONCAVE TO THE WEST WITH AN ARC LENGTH OF 13.95', A RADIUS OF 20.00', A CHORD BEARING OF N 19°55'24" E, AND A CHORD LENGTH OF 13.67', WITH A DELTA ANGLE OF 39°58'31", THENCE N 00°03'52" W 5.29 FEET; THENCE THROUGH A CURVE CONCAVE TO THE SOUTH WEST WITH AN ARC LENGTH OF 27.18', A RADIUS OF 20.00', A CHORD BEARING OF N 39°00'01" W, AND A CHORD LENGTH OF 25.14', WITH A DELTA ANGLE OF 77°52'19", THENCE N 77°56'11" W 6.83 FEET; THENCE THROUGH A CURVE CONCAVE TO THE NORTH EAST WITH AN ARC LENGTH OF 27.18', A RADIUS OF 20.00', A CHORD BEARING OF N 39°00'17" W, AND A CHORD LENGTH OF 25.14', WITH A DELTA ANGLE OF 77°51'48", THENCE N 00°04'23" W 24.76 FEET; THENCE THROUGH A CURVE CONCAVE TO THE SOUTH EAST WITH AN ARC LENGTH OF 24.00', A RADIUS OF 20.00', A CHORD BEARING OF N 34°18'37" E, AND A CHORD LENGTH OF 22.59', WITH A DELTA ANGLE OF 68°46'00", THENCE N 68°41'37" E 247.97 FEET; THENCE THROUGH A CURVE CONCAVE TO THE SOUTH WEST WITH AN ARC LENGTH OF 19.43', A RADIUS OF 10.00', A CHORD BEARING OF S 55°39'11" E, AND A CHORD LENGTH OF 16.51', WITH A DELTA ANGLE OF 111°18'23", THENCE S 00°00'00" E 22.65 FEET; THENCE THROUGH A CURVE CONCAVE TO THE NORTH EAST WITH AN ARC LENGTH OF 15.71', A RADIUS OF 10.00', A CHORD BEARING OF S 45°00'00" E, AND A CHORD LENGTH OF 14.14', WITH A DELTA ANGLE OF 90°00'00", THENCE N 90°00'00" E 17.82 FEET; THENCE THROUGH A CURVE CONCAVE TO THE SOUTH WEST WITH AN ARC LENGTH OF 46.63', A RADIUS OF 29.00', A CHORD BEARING OF S 43°56'17" E, AND A CHORD LENGTH OF 41.77', WITH A DELTA ANGLE OF 92°07'26", THENCE S 02°07'26" W 1130.52 FEET; THENCE THROUGH A CURVE CONCAVE TO THE NORTH WEST WITH AN ARC LENGTH OF 33.02', A RADIUS OF 29.00', A CHORD BEARING OF S 34°44'48" W, AND A CHORD LENGTH OF 31.27', WITH A DELTA ANGLE OF 65°14'44", THENCE S 67°22'10" W 1684.40 FEET; THENCE THROUGH A CURVE CONCAVE TO THE NORTH EAST WITH AN ARC LENGTH OF 57.10', A RADIUS OF 29.00', A CHORD BEARING OF N 56°13'10" W, AND A CHORD LENGTH OF 48.32', WITH A DELTA ANGLE OF 112°49'20", THENCE N 00°11'30" E 1208.69 FEET; THENCE THROUGH A CURVE CONCAVE TO THE SOUTH EAST WITH AN ARC LENGTH OF 41.85', A RADIUS OF 35.00', A CHORD BEARING OF N 34°26'34" E, AND A CHORD LENGTH OF 39.40', WITH A DELTA ANGLE OF 68°30'07", TO THE POINT OF BEGINNING. CONTAINING 1323456.4 SQUARE FEET, 30.38 ACRES MORE OR LESS.

EXHIBIT "C" TO CONSERVATION EASEMENT
BOLEYN LAKE ESTATES CONSERVATION SUBDIVISION
LAND MANAGEMENT PLAN

Boleyn Lake Estates is an approved Conservation Subdivision which must provide a minimum of fifty percent (50%) of the gross acreage of the parcel as Conservation Subdivision Open Space, exclusive of the individual subdivision lots. The Conservation Subdivision Open Space must be preserved in perpetuity through the use of an irrevocable Open Space/Conservation Easement executed by the Conservation Subdivision Developer and recorded in the Public Records of Sarasota County for the entire parcel which is subject to development, including both the residential subdivision lots and the remaining open space.

Boleyn Lake Estates Conservation Subdivision comprises 50+/- acres with development of ___ subdivision lots and more than the required minimum of fifty percent (50%) of the remaining gross acreage has been designated as Conservation Subdivision Open Space pursuant to the Development Concept Plan approved in Sarasota County Ordinance 2009-003.

Conservation Subdivision Open Space is to be configured to create or add to any larger contiguous off-site network of interconnected open space, particularly existing native habitats, and opportunities for restoring native habitats. In addition to such external connectedness opportunities, Conservation Subdivision Open Space is to be configured to create connected and integrated open space within the subdivision to the maximum extent practicable based upon the context sensitive site design standards and priorities set forth within the Conservation Subdivision regulations. Such configuration is to promote long term conservation of native habitats which are connected to other areas of compatible land use with assurance of appropriate management in perpetuity. In the application of such context sensitive site design standards, the areas to be preserved within the Conservation Subdivision have been identified to address the individual natural features of this site. The appropriate or required management guidelines have been determined by application of the "principles for evaluating development

proposals in native habitat” as codified within the Environment Chapter of The Sarasota County Comprehensive Plan. The objectives, in order of priority, are to: (1) protect listed species, (2) create/enhance connectivity of open space, (3) protect native habitat and (4) restore native habitat. The relative size and functional value of each feature has been assessed as part of the site design approval to determine the protection measures required. In addition to protection of such natural features of the site, other types of allowable open space may be provided as a secondary priority including: (1) viewshed protection of existing and planned public roadways; (2) continuation of agricultural uses; and (3) recreation. Such identified habitat areas to be protected may not be converted to other uses, and shall be maintained in their natural condition and shall be managed to sustain or enhance their native function. Further, such areas may be modified to restore the overall condition and natural functions of the features.

Permitted uses within the Conservation Subdivision Open Space shall be limited to those uses allowed for Conservation Open Space under the Sarasota County Zoning Regulations.

This parcel historically has been in agriculture usage predominantly in improved pasture and several residential dwellings which parcel is surrounded by off-site drainage ditches on both the East and West sides; additionally, a ditch forming the Phillippi Creek headwaters is located just Southerly of the parcel.

An environmental study of Boleyn Lakes Estates site was conducted by Dick Seagle & Associates, Inc., (refer to attached Environmental Narrative and Figure I Habitat Map, Figure II Soils Map and Figure III Wildlife Transect Map). One native habitat, a disturbed wetland, is located within the northeast portion of the site and has been classified as a freshwater marsh, although it has been severely impacted from its native condition. This wetland is approximately 0.7 acre in size and is located adjacent to a drainage ditch running north-south along the

eastern portion of the site. In addition to compliance with the Sarasota County Comprehensive Plan "principles for evaluating development proposals in native habitat," the Southwest Florida Water Management District has jurisdiction. Also, a wildlife survey was performed and no protected wildlife species is resident permanently.

To promote the Conservation Subdivision Open Space objectives and Environment Chapter Objectives and Policies further, approximately 19.96 acres or forty percent (40%) of the Conservation Subdivision contains a Restored Wetlands System. Refer to the attached Dick Seagle & Associates, Inc. Wetland Restoration Narrative dated October 4, 2007 for discussion of value and functions provided by such Wetlands Restoration and the principles for the design and selection of plant species for both shallow and deeper areas and upland islands.

This Land Management Plan has been approved as part of the development approval process for Boleyn Lakes Estates Conservation Subdivision and provides for the following:

1. Ownership. Sarasota County, a political subdivision of the State of Florida, is the Grantee within the Perpetual Easement for the Conservation Subdivision Open Space.
2. Management and Use of Native Habitat. As provided by the Principles For Evaluating Development Proposals In Native Habitat Management Guidelines and the conditions within the permit issued from the Southwest Florida Water Management District, the existing and restored wetlands habitat shall be preserved and no activities permitted except as permissible by such Management Guidelines and permit conditions.
3. Detailed Action Plan. This Land Management Plan has been approved for an initial ten year time frame. An environmental inspection of the habitat shall occur bi-annually and a written report of such inspection shall be submitted to the Environmental Protection Services. During the ninth year of the initial ten year time frame, a proposed, revised and updated Land Management Plan shall be prepared and submitted to Environmental Protection

Services for review, comment and approval for an additional ten year time frame and thereafter during each subsequent ninth year of each renewal ten year period.

4. Compatibility with Sarasota County's Environmental Lands Master Land Management Plan Upon Adoption. Upon subsequent adoption by Sarasota County of the Environmental Lands Master Land Management Plan, this Land Management Plan shall be deemed amended to include applicable provisions therefrom and shall be codified, where necessary, at time of the earlier of the submittal of the next environmental inspection report following adoption or in the submittal of the proposed, revised and updated Land Management Plan during the ninth year.

5. Regular and Periodic Operation and Maintenance. The Boleyn Lake Estates Homeowners Association, Inc. shall be financially responsible for the management and maintenance of the Conservation Subdivision Open Space, inclusive of this native habitat. Compliance by the lot owners will be monitored by the Homeowners Association and any violations promptly reported to Sarasota County following any occurrence. Any such violation(s) and its subsequent corrective action shall be included in any following environmental inspection report.

6. Fortuitous Finds Policy. The Boleyn Lakes Estates Homeowners Association, Inc., shall provide to each lot owner one copy of the adopted Sarasota County Fortuitous Finds Policy codified within Article III, Chapter 66 (Subsection 66-81) of the Sarasota County Code and the Historic Preservation Chapter of the adopted Comprehensive Plan. Upon a transfer of title to a subdivision lot, the Homeowners Association shall provide to the new lot owner a copy. Compliance with the Fortuitous Finds Policy shall insure that proper procedures are followed if and when cultural resources are found and identified within the subdivision.



DICK SEAGLE & ASSOCIATES, INC.
ENVIRONMENTAL CONSULTANTS

**WETLAND RESTORATION NARRATIVE
BOLEYN LAKE ESTATES
SARASOTA COUNTY, FLORIDA**

**Prepared by: Dick Seagle & Associates, Inc.
October 4, 2007
File: 473.04**

Boleyn Lake Estates is proposed in an area that was historically part of a large wetland system that was common in western Sarasota County. In the early part of this century many wetland areas, such as the Boleyn Lake Estates site, were drained and converted to agriculture land. Due to their rich "muck" soil properties, former wetlands were very productive for growing row crops such as celery. Because of drainage and use for row crop production and other agricultural uses these areas lost all of their historic wetland structure and function.

The Sarasota County Comprehensive Plan, APOXSEE, identifies the following functions as being provided by wetlands:

- a. Water filtration - wetlands can improve water quality by filtering overland flow and by assimilating nutrients contained in runoff.
- b. Natural floodwater storage - during drier periods of the year, wetlands can attenuate some volume of floodwaters.
- c. Critical habitat - wetlands provide essential food and shelter for numerous species of animals, provide breeding and spawning areas for wildlife and fishes, and provide critical habitat for numerous plant and animal species with special protection status.
- d. High primary production - wetlands contribute to the elementary levels of the food cycle.
- e. Role in the hydrologic cycle - wetlands contribute to the hydrologic cycle through evaporation and evapotranspiration.
- f. Recharge - some wetlands recharge the surficial groundwater table.
- g. Erosion control - wetlands, especially those bordering coastal and inland waterways, stabilize land surfaces and control erosion.
- h. Recreation - wetlands provide opportunities for recreation in the form of fishing, bird-watching, hunting, etc.

It is the intent of the Boleyn Lake Estates Wetland Restoration Plan to restore the wetland structure and functions on this site to its historic condition.

Wetland Restoration Design

The restored wetland area has been designed to maximize diversity of wetland habitat by providing for a number of upland islands and a variety of deeper areas within the typical freshwater marsh wetland. These deeper wetland areas will have an estimated maximum depth of approximately four feet at seasonal high water.

The majority of the restored wetland will support typical freshwater marsh flora dominated by common wetland plant species such as sand cordgrass (*Spartina bakeri*), maidencane (*Panicum hemitomon*), soft rush (*Juncus effuses*), arrowhead (*Sagittaria lancifolia*), pickerehweed (*Pontederia cordata*) and giant bulrush (*Scirpus californicus*). These typical areas will provide wetland habitat for both resident wetland dependent species and forage areas for migratory wetland dependent species.

The deeper areas will be planted with species that thrive in such areas, including alligator flag (*Thalia geniculata*) and white waterlily (*Nymphaea odorata*). These deeper areas will not only provide a different type of wetland habitat and plant community, but will be crucial during dry periods and act as a reservoir for lower trophic level aquatic species such as aquatic insects and other aquatic invertebrates and higher trophic levels of amphibians, reptiles and fish.

The upland islands will add to the habitat diversity by providing habitats in close proximity to wetlands. The upland islands will be planted with species such as saw palmetto (*Serenoa repens*), beautybush (*Callicarpa americana*), wax myrtle (*Myrica cerifera*), longleaf pine (*Pinus palustris*), dahoon holly (*Ilex cassine*) and live oak (*Quercus virginiana*). These plant species not only provide fruits and berries that provide an excellent food source for wildlife, but also offer nesting and roosting sites for a variety of resident and migratory birds. An added benefit will be the likelihood that some, if not all, of the islands will ultimately become bird rookeries, due in part to their isolation from other uplands and their associated predators. Rookeries also provide a nutrient source that promotes growth and survival of the aquatic organisms in the surrounding wetlands, leading to increased primary productivity levels.

In conclusion, the restored wetland is anticipated to improve water quality by filtering overland flow and by assimilating nutrients contained in runoff. During drier periods of the year, the created wetlands may be expected to attenuate some volume of floodwaters. As discussed, these wetlands will provide essential food and habitat for several trophic levels of organisms, providing breeding and spawning areas for wildlife and fishes, and provide critical habitat for numerous flora and fauna with special protection status.

The high primary production of these created wetlands has been discussed, maintained by internal nutrient cycling that contributes to the elementary levels of the food cycle. Hydrology of the wetlands shall be maintained with the hydrologic cycle through evaporation and evapotranspiration and surficial aquifer recharge. Lastly, the created wetlands have been designed to provide erosion control through stabilization of land surfaces and potential recreation opportunities for recreation in the form of fishing, bird-watching, kayaking, etc.

STATE OF FLORIDA
COUNTY OF SARASOTA
I, PAULE RUSHING, CLERK OF THE CIRCUIT COURT
DO HEREBY CERTIFY THAT THE FOREGOING IS A
TRUE AND CORRECT COPY OF THE ORIGINAL FILED
IN THIS OFFICE WITNESS MY HAND AND OFFICIAL
SEAL THIS DATE 1/16/2009
PAULE RUSHING, CLERK OF THE CIRCUIT COURT
EMERGENCY CLERK TO THE BOARD OF COUNTY
COMMISSIONERS, SARASOTA COUNTY, FLORIDA
BY Paule Rushing
DEPUTY CLERK

