

RESOLUTION NO. 2010-255

RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF SARASOTA COUNTY, FLORIDA
REZONE PETITION NO. 09-013

WHEREAS, Alan Garrett, agent for the owners of the hereinafter described real property, has filed Rezone Petition No. 09-13 requesting that a zoning map change be approved to allow the hereinafter described property to be rezoned from District RMF-1 (Residential, Multifamily, 6 units/acre), RSF-1 (Residential, Single-Family, 2.5 units/acre) and CG (Commercial General) to PMI (Planned Mixed-Use Infill), for the following described property:

P.I.D. 0147-03-0001

(OFFICIAL RECORDS INSTRUMENT #2001148563)

PARCEL 1:

COMMENCE AT THE NORTHEASTERLY CORNER OF LOT 6, SARABAY ACRES, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 4, PAGE 62, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA; THENCE WEST ALONG NORTH LINE OF SAID LOT 6, A DISTANCE OF 50 FEET, TO WEST RIGHT OF WAY LINE OF U.S. HIGHWAY 41, FOR A POINT OF BEGINNING; THENCE CONTINUE WEST ALONG NORTH LINE OF SAID LOT 6, 225 FEET; THENCE SOUTH 200 FEET TO SOUTH LINE OF LOT 7 OF SAID SARABAY ACRES; THENCE EAST ALONG SOUTH LINE OF SAID LOT 7, 280 FEET TO WEST RIGHT OF WAY LINE OF SAID U.S. HIGHWAY 41; THENCE NORTHWESTERLY ALONG SAID WEST RIGHT OF WAY LINE, 205 FEET, TO POINT OF BEGINNING. BEING A PART OF LOT 6 & 7 OF SAID SARABAY ACRES. LESS THE SOUTH 20 FEET THEREOF, AND LESS THEREFROM THE NORTH 10 FEET OF SAID LOT 6.

PARCEL 3:

THE NORTH 10 FEET OF THE FOLLOWING DESCRIBED PARCEL:

COMMENCE AT THE NORTHEASTERLY CORNER OF LOT 6, SARABAY ACRES, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 4, PAGE 62, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA; THENCE WEST ALONG NORTH LINE OF SAID LOT 6, A DISTANCE OF 50 FEET, TO WEST RIGHT OF WAY LINE OF U.S. HIGHWAY 41 FOR A POINT OF BEGINNING; THENCE CONTINUE WEST ALONG NORTH LINE OF SAID LOT 6, 225 FEET; THENCE SOUTH 200 FEET TO SOUTH LINE OF LOT 7 OF SAID SARABAY ACRES; THENCE EAST ALONG SOUTH LINE OF SAID LOT 7, 280 FEET TO WEST RIGHT OF WAY LINE OF SAID U.S. HIGHWAY 41; THENCE NORTHWESTERLY ALONG SAID WEST RIGHT OF WAY LINE, 205 FEET, TO POINT OF BEGINNING. BEING A PART OF

KAREN E. RUSHING
CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
APR 19 2010 11:59
BOARD RECORDS
NEED FOR RECORD

LOT 6 & 7 OF SAID SARABAY ACRES, LESS THE SOUTH 20 FEET THEREOF.

P.I.D. 0147-03-0002

(OFFICIAL RECORDS INSTRUMENT #2003016235)

COMMENCE AT THE NE CORNER OF LOT 6, SARABAY ACRES, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 4, PAGE 62, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, THENCE WEST ALONG THE NORTH LINE OF SAID LOT, 275 FEET, FOR THE POINT OF BEGINNING; THENCE SOUTH, 180 FEET, THENCE WEST, 145 FEET; THENCE NORTH, 180 FEET, TO THE NORTHERLY LINE OF LOT 6, THENCE EAST, 145 FEET, TO THE POINT OF BEGINNING. LESS THE NORTHERLY 10 FEET THEREOF FOR A ROAD EASEMENT, TOGETHER WITH EASEMENT FOR INGRESS AND EGRESS DEDICATED IN O.R. BOOK 213, PAGE 209, OF THE SAID RECORDS.

P.I.D. 0147-03-0003

(OFFICIAL RECORDS INSTRUMENT #2004190058)

COMMENCE AT THE NORTHEAST CORNER OF LOT 6 SARABAY ACRES, AS RECORDED IN PLAT BOOK 4, PAGE 62, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, THENCE WEST, ALONG THE NORTH LINE OF SAID LOT 6, 420 FEET, FOR THE POINT OF BEGINNING, THENCE SOUTH, 180 FEET, THENCE WEST, 100 FEET, THENCE NORTH, 180 FEET, TO THE AFOREMENTIONED NORTH LINE OF LOT 6, THENCE EAST, 100 FEET, TO THE POINT OF BEGINNING, LESS THE NORTH 10 FEET THEREOF FOR ROAD EASEMENT, LYING AND BEING IN SECTION 10, TOWNSHIP 38 SOUTH, RANGE 18 EAST, SARASOTA COUNTY, FLORIDA.

P.I.D. 0147-03-0005

(OFFICIAL RECORDS INSTRUMENT #2001118687)

COMMENCE AT THE NORTHEAST CORNER OF SECTION 10, TOWNSHIP 38 SOUTH, RANGE 18 EAST, THENCE N89°45'00"W, ALONG THE NORTH LINE OF SAID SECTION 10, A DISTANCE OF 2665.19 FEET TO A POINT, THENCE S0°15'00"W, A DISTANCE OF 525.00 FEET TO THE NORTH LINE OF LOT 6, SARABAY ACRES, RECORDED IN PLAT BOOK 4, PAGE 62 OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA; THENCE N89°45'00"W, ALONG THE NORTH LINE SAID LOT 6, A DISTANCE OF 431.25 FEET, FOR A POINT OF BEGINNING, THENCE S0°19'40"W, 200.00 FEET TO THE SOUTH LINE LOT 7, SAID SARABAY ACRES, THENCE N89°45'00"W, 202.49 FEET,

THENCE N0°15'00"E, 50.62 FEET, THENCE N18°28'00"E, 157.26 FEET, TO THE SAID NORTH LINE LOT 6, THENCE S89°45'00"E, 153.60 FEET, TO THE POINT OF BEGINNING.

P.I.D. 0147-03-0007

(OFFICIAL RECORDS INSTRUMENT #2002103581)

COMMENCE AT THE NE CORNER OF SECTION 10, TOWNSHIP 38 SOUTH, RANGE 18 EAST; THENCE NORTH 89°45'WEST, ALONG THE NORTH LINE OF SAID SECTION 10, A DISTANCE OF 2665.19 FEET, TO A POINT; THENCE SOUTH 0°15' WEST, A DISTANCE OF 525 FEET, TO THE NORTH LINE OF LOT 6, SARABAY ACRES, RECORDED IN PLAT BOOK 4, PAGE 62, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA; THENCE NORTH 89°45' WEST, ALONG THE NORTH LINE OF SAID LOT 6, A DISTANCE OF 584.85 FEET, FOR A POINT OF BEGINNING; THENCE SOUTH 18°28' WEST, A DISTANCE OF 157.26 FEET; THENCE SOUTH 00°15' WEST, A DISTANCE OF 50.62 FEET, TO THE SOUTH LINE OF LOT 7, SAID SARABAY ACRES; THENCE NORTH 89°45' WEST, A DISTANCE OF 182 FEET MORE OR LESS, TO THE MEAN HIGH WATER LINE OF LITTLE SARASOTA BAY; THENCE NORTHERLY ALONG SAID MEAN HIGH WATER LINE, 4 FEET MORE OR LESS, TO THE FACE OF A CONCRETE SEAWALL; THENCE WESTERLY, ALONG SAID SEAWALL, 15 FEET TO THE CORNER OF SAID SEAWALL; THENCE NORTHWESTERLY, ALONG SAID SEAWALL, 209.86 FEET, TO THE NORTH LINE OF SAID LOT 6; THENCE SOUTH 89°45'EAST, ALONG SAID NORTH LINE OF SAID LOT 6, A DISTANCE OF 305.84 FEET, TO THE POINT OF BEGINNING. BEING A PART OF LOTS 6 AND 7, SARABAY ACRES.

TOGETHER WITH RIPARIAN RIGHTS APPERTAINING THERETO.

TOGETHER WITH A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS OVER

THE NORTH 10 FEET OF SAID LOT 6, EXTENDING FROM THE ABOVE-DESCRIBED PROPERTY TO THE WEST LINE OF U.S. HIGHWAY NO. 41.

SUBJECT TO EASEMENT FOR ACCESS TO WATERS OF SARASOTA BAY OVER THE SOUTH 15 FEET OF THE ABOVE-DESCRIBED PROPERTY.

P.I.D. 0147-03-0009 & 0147-03-0011

(OFFICIAL RECORDS INSTRUMENT #2000111636)

PARCEL 1

LOT 5, SARABAY ACRES, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 4, PAGE 62, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, LESS PART THEREOF LYING WITHIN THE RIGHT-OF-WAY OF U.S. 41, AND ALSO LESS PART OF LOT 5 DESCRIBED IN O.R. BOOK 2358, PAGE 578, SAID RECORDS.

PARCEL 2

BEGIN AT THE SOUTHEAST CORNER OF LOT 5, SARABAY ACRES SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 4, PAGE 62, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA; THENCE SOUTH 89 DEGREES 58' 56" WEST, ALONG THE SOUTH LINE OF SAID LOT 5, 935.14 FEET, FOR THE PRINCIPAL PLACE OF BEGINNING; THENCE NORTH 89 DEGREES 58' 56" EAST, ALONG THE SOUTH LINE OF SAID LOT 5, 203.15 FEET; THENCE NORTH 00 DEGREES 15' 04" WEST, 100.00 FEET; THENCE SOUTH 89 DEGREES 58' 56" WEST, ALONG THE NORTH LINE OF SAID LOT 5, 183 FEET, MORE OR LESS, TO THE WATERS OF LITTLE SARASOTA BAY; THENCE SOUTHWESTERLY, ALONG THE WATERS OF LITTLE SARASOTA BAY, 102 FEET, MORE OR LESS, TO THE PRINCIPAL PLACE OF BEGINNING. TOGETHER WITH A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS OVER THE SOUTH 15 FEET OF SAID LOT 5, SARABAY ACRES SUBDIVISION.

P.I.D. 0147-03-0013

(OFFICIAL RECORDS INSTRUMENT #1998115852)

A PART OF LOT 4, "SARABAY ACRES", AS SHOWN ON PLAT RECORDED IN PLAT BOOK 4, PAGE 62, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE WEST 220.0 FEET OF THE EAST 388.0 FEET OF ABOVE DESCRIBED LOT 4; THENCE S 89 45' 00" E, ALONG THE NORTHERLY BOUNDARY LINE OF SAID LOT 4, 141.47 FEET FOR A POINT OF BEGINNING; THENCE S 11 04' 01" E, 101.98 FEET TO THE SOUTHERLY BOUNDARY LINE OF SAID LOT 4; THENCE S 89 45' 00" E, ALONG SAID SOUTHERLY BOUNDARY LINE, 199.99 FEET TO THE WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 41; THENCE NORTHERLY, ALONG SAID RIGHT OF WAY LINE, BEING A CURVE TO THE RIGHT, HAVING A RADIUS OF 2563.17 FEET, A DELTA ANGLE OF 2 16' 47", AN ARC DISTANCE OF 101.98 FEET, A CHORD BEARING N 11 03' 38" W, A CHORD

DISTANCE OF 101.98 FEET TO AN INTERSECTION WITH THE NORTHERLY BOUNDARY LINE OF SAID LOT 4; THENCE N 89° 45' 00" W, ALONG SAID NORTHERLY BOUNDARY LINE, 200.0 FEET TO THE POINT OF BEGINNING.

P.I.D. 0147-03-0014

(OFFICIAL RECORDS BOOK 2977, PAGE 2079)

A PART OF LOT 4, SARABAY ACRES, AS SHOWN ON PLAT RECORDED IN PLAT BOOK 4, PAGE 62, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE WEST 220.00 FEET OF THE EAST 388.00 FEET OF ABOVE DESCRIBED LOT 4 FOR A POINT OF BEGINNING; THENCE S 89° 45' 00" E, ALONG THE NORTHERLY BOUNDARY LINE OF SAID LOT 4, 141.47 FEET; THENCE S 11° 04' 01" E, 101.98 FEET, TO THE SOUTHERLY BOUNDARY LINE OF LOT 4; THENCE N 89° 45' 00" W, ALONG THE SOUTHERLY BOUNDARY LINE OF SAID LOT 4, 162.44 FEET, TO AN IRON PIPE FOUND AT THE OCCUPIED SOUTHWEST CORNER OF THE WEST 220.00 FEET OF THE EAST 388.00 FEET OF THE ABOVE DESCRIBED LOT 4; THENCE N 0° 48' 00" E., ALONG THE OCCUPIED WESTERLY BOUNDARY LINE OF THE WEST 220.00 FEET OF THE EAST 388.00 FEET OF THE ABOVE DESCRIBED LOT 4, 100.00 FEET, TO THE POINT OF BEGINNING.

TOGETHER WITH AND SUBJECT TO AN EASEMENT FOR INGRESS AND EGRESS RECORDED IN OFFICIAL RECORDS BOOK 656, PAGE 459 OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA.

P.I.D. 0147-03-0016

(OFFICIAL RECORDS INSTRUMENT #2000041173)

THAT PART OF LOT 4, SARABAY ACRES, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 4, SARABAY ACRES, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 4, PAGE 62, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA: THENCE RUN 388 FEET, WEST, ON THE NORTH LINE OF SAID LOT 4 FOR P.O.B.; THENCE CONTINUE 180 FEET, WEST, TO AN IRON PIPE; THENCE RUN SOUTH, 100 FEET; THENCE RUN EAST, 180 FEET; THENCE RUN NORTH, 100 FEET TO P.O.B.; ALL LYING AND BEING IN SECTION 10, TOWNSHIP 38 SOUTH, RANGE 18 EAST, SARASOTA COUNTY, FLORIDA.

TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS AS SHOWN ON DEED TO JAMES LOUITTIT AND MARY LOUITTIT, HUSBAND AND WIFE, DATED APRIL 1, 1952, AND RECORDED IN DEED BOOK 290, PAGE 70, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA.

P.I.D. 0147-03-0018

(OFFICIAL RECORDS INSTRUMENT #2008002063)

PARCEL 1:

THE WEST 350 FEET OF LOT 4, SARABAY ACRES, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 4, PAGE 62, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA.

TOGETHER WITH THAT CERTAIN TEN FOOT (10') ACCESS EASEMENT GRANTED IN THE WARRANTY DEED DATED MAY 22, 1950, RECORDED IN DEED BOOK 262, PAGE 319, PUBLIC RECORDS, SARASOTA COUNTY, FLORIDA, OVER AND ACROSS THE NORTHERLY 10 FEET OF THE EASTERLY 200 FEET OF LOT 4, SARABAY ACRES, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 4, PAGE 62, PUBLIC RECORDS, SARASOTA COUNTY, FLORIDA.

TOGETHER WITH ALL OF GRANTOR'S RIGHT, TITLE AND INTEREST IN AND TO THAT CERTAIN 20 FOOT ACCESS EASEMENT SET FORTH IN OFFICIAL RECORDS BOOK 1439, PAGE 1234, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA.

P.I.D. 0147-03-0019, 0147-03-0020, 0147-03-0022, 0147-03-0023 & 0147-03-0024

(OFFICIAL RECORDS INSTRUMENT #2003219362)

LOT 3, SARABAY ACRES, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 4, PAGE 62, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS PARCELS II.A., II.B., II.C., II.D. AND II.E. BELOW, AS FOLLOWS:

PARCEL II.A.:

BEGINNING AT THE SE CORNER OF LOT 3, SARABAY ACRES, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 4, PAGE 62, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, AND WITHOUT REGARD FOR ANY LANDS CONDEMNED BY OR DEEDED TO THE STATE OF FLORIDA FOR USE OF THE STATE ROAD DEPARTMENT OF FLORIDA, ON THE WEST SIDE OF U.S. HIGHWAY #41; THENCE WEST ALONG THE SOUTH LINE OF

SAID LOT 3, 718.00 FEET FOR A POINT OF BEGINNING; THENCE NORTH, AT RIGHT ANGLE TO THE SOUTH LINE OF SAID LOT 3, 100 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 3; THENCE WEST ALONG THE NORTH LINE OF SAID LOT 3 TO THE WATERS OF LITTLE SARASOTA BAY; THENCE SOUTHERLY FOLLOWING THE WATERS OF LITTLE SARASOTA BAY TO THE SOUTH LINE OF SAID LOT 3; THENCE EAST ALONG THE SOUTH LINE OF SAID LOT 3 TO THE POINT OF BEGINNING.

TOGETHER WITH ANY AND ALL RIPARIAN RIGHTS THEREUNTO OR IN ANYWISE APPERTAINING THERETO;

TOGETHER WITH A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS ACROSS THE SOUTH 20 FEET OF SAID LOT 3, EXTENDING FROM THE EAST LINE OF THE ABOVE DESCRIBED PROPERTY TO U.S. HIGHWAY #41;

TOGETHER ALSO WITH A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS OVER THAT PART OF THE NORTH 10 FEET OF LOT 4, SARABAY ACRES, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 4, PAGE 62, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, LYING BETWEEN THE TAMIAMI TRAIL (U.S. HIGHWAY #41) AND THE EAST LINE OF THE WEST 350 FEET OF LOT 4, WHICH WAS CONVEYED BY INSTRUMENT RECORDED IN OFFICIAL RECORDS BOOK 656, PAGE 459, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA.

AND

PARCEL II.B.:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 3, OF SARABAY ACRES SUBDIVISION AS RECORDED IN PLAT BOOK 4, PAGE 62, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, AND WITHOUT REGARD FOR ANY LANDS CONDEMNED BY THE STATE OF FLORIDA ON THE WEST SIDE OF U.S. 41; PROCEED WESTERLY ALONG THE SOUTHERLY LINE OF SAID LOT NUMBER 3 FOR A DISTANCE OF 466.95 FEET FOR THE POINT OF BEGINNING OF THE LANDS HEREBY DESCRIBED; THENCE CONTINUE WESTERLY ALONG SAID SOUTHERLY LINE OF SAID LOT 3 A DISTANCE OF 251.05 FEET; THENCE NORTHEASTERLY AND AT A RIGHT ANGLE TO THE SAID SOUTHERLY LINE OF SAID LOT 3 A DISTANCE OF 100 FEET; THENCE EASTERLY ALONG THE NORTHERLY LINE OF SAID LOT 3 A DISTANCE OF 251.05 FEET; THENCE SOUTHERLY AND AT A RIGHT ANGLE TO SAID NORTHERLY LINE OF SAID LOT 3 A DISTANCE OF 100 FEET TO THE POINT OF BEGINNING. EXCEPTING THEREFROM THE SOUTHERLY 20 FEET OF SAID

DESCRIBED PREMISES FOR A ROAD EASEMENT; TOGETHER WITH AN EASEMENT FOR RIGHT-OF-WAY PURPOSES OVER THAT PART OF THE NORTH 10 FEET OF LOT 4 OF SAID SARABAY ACRES, LYING BETWEEN THE TAMIAMI TRAIL AND THE EAST LINE OF THE WEST 350 FEET OF SAID LOT 4, ALSO TOGETHER WITH AN EASEMENT FOR RIGHT-OF-WAY PURPOSES OVER THE SOUTHERLY 20 FEET OF SAID LOT 3.

AND

PARCEL II.C.:

BEGIN AT THE SE CORNER OF LOT 3, SARABAY ACRES, AS PER THE PLAT THEREOF RECORDED IN PLAT BOOK 4, PAGE 62, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA; THENCE WESTERLY ALONG THE SOUTHERLY LINE OF SAID LOT 3 A DISTANCE OF 366.95 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE WESTERLY ALONG SAID SOUTHERLY LINE OF SAID LOT 3 A DISTANCE OF 100.0 FEET; THENCE NORTHERLY AND AT A RIGHT ANGLE TO SAID SOUTHERLY LINE OF LOT 3, A DISTANCE OF 100.00 FEET; THENCE EASTERLY ALONG THE NORTHERLY LINE OF SAID LOT 3 A DISTANCE OF 100.00 FEET; THENCE SOUTHERLY AND AT A RIGHT ANGLE TO SAID NORTHERLY LINE OF SAID LOT 3 A DISTANCE OF 100.00 FEET TO THE P.O.B. LESS: THE SOUTHERLY 20 FEET OF THE ABOVE DESCRIBED TRACT FOR A ROAD EASEMENT, ALSO TOGETHER WITH A 20 FOOT EASEMENT ALONG THE SOUTHERLY LINE OF LOT 3 EXTENDING FROM THE WESTERLY LINE OF THE ABOVE DESCRIBED PROPERTY TO U.S. HIGHWAY #41.

AND

PARCEL II.D.:

THE WEST 100 FEET OF THE FOLLOWING DESCRIBED PROPERTY: LOT 3, SARABAY ACRES, A SUBDIVISION OF U.S. GOVERNMENT LOTS 1 AND 2, AND THE EAST ½ OF SECTION 10, ALL IN TOWNSHIP 38 SOUTH, RANGE 18 EAST, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 4, PAGE 62, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA; SUBJECT TO AN EASEMENT OF THE SOUTH 10 FEET OF LOT 3 FOR INGRESS AND EGRESS AS RECORDED IN OFFICIAL RECORDS BOOK 656, PAGE 457, AND EASEMENT FOR INGRESS AND EGRESS AS RECORDED IN DEED BOOK 391, PAGE 278, OVER THE SOUTH 20 FEET OF LOT 3, LESS THE FOLLOWING:

TRACT CONVEYED TO FRANK S. SIROKY, RECORDED IN DEED BOOK 391, PAGE 278, TRACT CONVEYED IN AGREEMENT FOR

DEED TO MERRILL KERMIT MOORE, RECORDED IN OFFICIAL RECORDS BOOK 420, PAGE 699; THE WESTERLY 176 FEET OF LOT 3; ROAD RIGHT OF WAY TO STATE OF FLORIDA AND COUNTY OF SARASOTA, FLORIDA. ALSO DESCRIBED AS: THE WEST 100 FEET OF THE FOLLOWING DESCRIBED PROPERTY: BEGIN AT THE NORTHEAST CORNER OF LOT 3; THENCE WEST 346.95 FEET; THENCE SOUTH 100 FEET; THENCE EAST 346.95 FEET; THENCE NORTH 101.5 FEET TO POINT OF BEGINNING; BEING A PART OF LOT 3, SARABAY ACRES, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 4, PAGE 62, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, IN SECTION 10-38-18.

AND

PARCEL II.E.:

A PARCEL OF LAND SITUATE IN SECTION 10, TOWNSHIP 38 SOUTH, RANGE 18 EAST, SARASOTA COUNTY, FLORIDA, BEING A PART OF LOT 3, SARABAY ACRES SUBDIVISION, AS RECORDED IN PLAT BOOK 4, AT PAGE 62, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF SAID LOT 3 WITH THE WESTERLY RIGHT OF WAY LINE OF TAMiami TRAIL, U.S. 41 (PER D.O.T. R/W, SEC. 17020-2118; SHEET 11); THENCE SOUTHEASTERLY ALONG SAID WESTERLY RIGHT OF WAY AT A CURVE TO THE LEFT HAVING A RADIUS OF 2563.17 FEET FOR AN ARC DISTANCE OF 101.36 FEET THROUGH A CENTRAL ANGLE OF 02°25'57" TO THE SOUTH LINE OF SAID LOT 3; THENCE WEST ALONG SAID SOUTH LINE 220.95' TO A FOUND IRON PIPE; THENCE NORTH 100.00' TO A FOUND IRON PIPE AT THE SAID NORTH LINE OF LOT 3; THENCE EAST ALONG SAID NORTH LINE 204.44' TO THE P.O.B. CONTAINING 0.488 ACRES OF LAND MORE OR LESS.

P.I.D. 0147-03-0026

(OFFICIAL RECORDS INSTRUMENT #2003219363)

PARCEL I:

LOTS 1 AND 2, SARABAY ACRES, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 4, PAGE 62, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA. LESS:

THAT PART OF: LOTS 1 AND 2, SARABAY ACRES, A SUBDIVISION OF U.S. GOVERNMENT LOTS 1 AND 2 AND E ½ OF SECTION 10, ALL IN TOWNSHIP 38 SOUTH, RANGE 18 EAST, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 4, PAGE 62, OF

THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, LYING WITHIN 102 FEET LEFT OF THE CENTER LINE OF CONSTRUCTION OF SR 45, SECTION 17020, SAID CENTER LINE BEING DESCRIBED AS FOLLOWS:

BEGIN ON THE EASTERLY EXTENSION OF THE NORTH BOUNDARY OF LOT 6, BLOCK 1 OF BAY ACRES, A RESUBDIVISION IN SECTION 10, TOWNSHIP 38 SOUTH, RANGE 18 EAST, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 7, PAGES 16 AND 16-A, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, AT A POINT 686.63 FEET EASTERLY OF THE NW CORNER OF SAID LOT 6; RUN THENCE NORTH 24°51'34" WEST 515.22 FEET TO STATION 383+47.42; THENCE NORTH 65°08'26" EAST, 32 FEET TO BEGIN CENTER LINE CONSTRUCTION; THENCE NORTH 24°51'34" WEST, 69.69 FEET TO THE BEGINNING OF A CURVE ON THE CENTER LINE OF CONSTRUCTION CONCAVE TO THE EASTERLY HAVING A RADIUS OF 2461.17 FEET; THENCE NORTHERLY ALONG SAID CURVE 913.45 FEET THROUGH A CENTRAL ANGLE OF 21°15'55" TO THE NORTH BOUNDARY OF SAID SECTION 10 AT A POINT 2606.67 FEET WEST OF THE NE CORNER THEREOF. LESS EXISTING RIGHTS OF WAY.

AND LESS:

BEGIN AT THE CONCRETE MONUMENT AT NORTHEAST CORNER OF LOT 1, OF SARABAY ACRES, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 4, PAGE 62, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA; THENCE WEST ALONG NORTH LINE OF SAID LOT 1, 686.7 FEET FOR POINT OF BEGINNING; THENCE WITH ANGLE OF 90° TO LEFT RUN SOUTH 100 FEET, THENCE WEST ALONG SOUTH LINE OF SAID LOT 1, 196.5 FEET MORE OR LESS TO WATERS OF LITTLE SARASOTA BAY, THENCE NORTHERLY ALONG WATERS OF SAID BAY TO INTERSECTION WITH NORTH LINE OF SAID LOT 1, THENCE EAST ALONG NORTH LINE OF LOT 1, 209 FEET MORE OR LESS TO POINT OF BEGINNING.

P.I.D. 0147-03-0028

(OFFICIAL RECORDS BOOK 2729, PAGE 1539)

BEGIN AT THE CONCRETE MONUMENT AT THE NORTHEAST CORNER OF LOT 1 OF SARABAY ACRES, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 4, PAGE 62, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, THENCE WEST ALONG NORTH LINE OF SAID LOT 1, 686.7 FEET FOR A POINT OF BEGINNING; THENCE WITH ANGLE OF 90° TO LEFT RUN SOUTH 100 FEET, THENCE WEST ALONG SOUTH LINE OF SAID LOT 1, 196.5 FEET

MORE OR LESS TO WATERS OF LITTLE SARASOTA BAY,
THENCE NORTHERLY ALONG WATERS OF SAID BAY TO
INTERSECTION WITH NORTH LINE OF SAID LOT 1, THENCE
EAST ALONG NORTH LINE OF LOT 1, 209 FEET MORE OR LESS
TO POINT OF BEGINNING.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Sarasota County, Florida, in public meeting assembled:

Section 1. Pursuant to Sarasota County Ordinance No. 89-18 as amended, which recognizes that the Board of County Commissioners has the authority and duty to interpret the elements of the Sarasota County Comprehensive Plan, the Board of County Commissioners finds that the request is inconsistent with the Comprehensive Plan. Specifically, the Board finds that the request is inconsistent with Objective 1.2, Policy 1.2.1, and Policy 2.3.4 of the Future Land Use Element.

Section 2. Pursuant to Ordinance No. 75-38, as amended, and as codified in Appendix A of the Sarasota County Code of Ordinances (the Zoning Regulations), the Board of County Commissioners finds that the request for the rezone petition does not meet the criteria for approval set forth in Sections 3.12.3.a.1, 3.12.3.a.2, 3.12.3.a.4, 3.12.3.a.5, 3.12.3.a.7, 3.12.3.a.9, 3.12.3.a.10, 3.12.3.a.11, 3.14.2.c, 3.14.2.d, 3.14.2.e.2, 3.14.3.a, 3.14.3.b, and 3.14.3.d of the Zoning Regulations.

Section 3. Based on the evidence, testimony and the foregoing findings, the Board of County Commissioners hereby DENIES Rezone Petition No. 09-13.

Section 4. This Resolution shall take effect immediately upon its adoption. The Clerk shall transmit by mail a certified copy of this Resolution to the Petitioner, Osprey Village Development Company, LLC, c/o Anilkumar Patel, Managing Member, 64 Inlets Boulevard, Nokomis, Florida, 34275, and its agents Alan Garrett, 2424 Yorkshire Drive, Sarasota Florida 34231, Chris Brown, 1121 Sirius Trail, Sarasota, FL 34232, and Stephen Rees, Jr., Icard Merrill, Cullis, Timm, Furen & Ginsburg, P.A., 2033 Main Street, Ste. 600, Sarasota Florida 34237.

PASSED AND DULY ADOPTED this 16th day of November 2010.

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