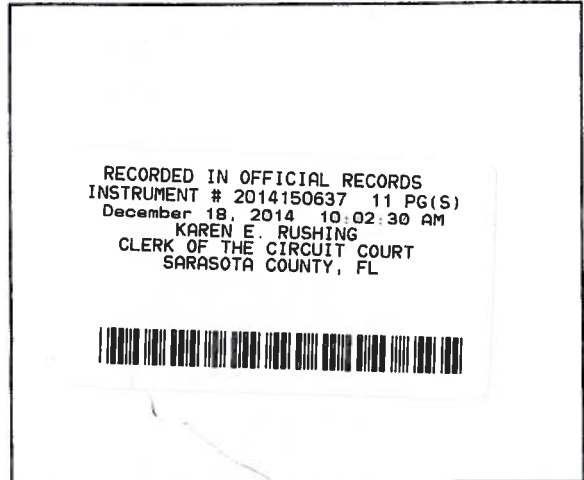


11
Please record and return to: (Via Inter-Office Mail)
Cynthia Spraggins, Administrative Specialist
Planning Services
1660 Ringling Blvd., 1st Floor
Sarasota, FL 34236

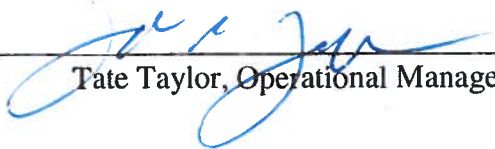
Customer ID# 5223
Charge to: Planning Services
Account# 51810000500489

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



The following property, located at Mauna Loa Boulevard and Bee Ridge Road in Sarasota County, Florida, owned by Larry Krauss, Terracap BR Partners, L.P. and described in Ordinance No. 2014-030 attached hereto, has been rezoned to a CN (Commercial Neighborhood) zone district pursuant to Rezone Petition No. 13-26 filed by Peter M. Dailey, Agent, and granted by Sarasota County on December 10, 2014 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. 2014-030, attached hereto)



Tate Taylor, Operational Manager

**STATE OF FLORIDA
COUNTY OF SARASOTA**

Before me, the undersigned Notary Public, personally appeared Tate Taylor, Operational Manager, to me known to be the individual who executed the foregoing Notice of Stipulations and Limitations Encumbering Real Property pursuant to the Sarasota County Zoning Code, and he acknowledged before me that he executed the same.

Witness my hand and official seal at Sarasota County, Florida, this 17th day of December, 2014.




Notary Public
State of Florida at Large

This instrument prepared by:
CMS



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

December 12, 2014

Honorable Karen E. Rushing
Clerk of the Circuit Court
Board Records Department
Sarasota County
1660 Ringling Boulevard, Suite 210
Sarasota, Florida 34236

Attention: Cheryl Dexter, Recording Secretary

Dear Ms. Rushing:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Sarasota County Ordinance No. 2014-030, which was filed in this office on December 12, 2014.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

ORDINANCE NO. 2014-030

AN ORDINANCE OF THE COUNTY OF SARASOTA, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS, AS PART OF SARASOTA COUNTY ORDINANCE NO. 2003-052 (AS AMENDED), 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.

BOARD OF COUNTY COMMISSIONERS
FILED FOR THE RECORD
2014 DEC 12 PM 3:55
KATHLEEN E. RUSSELL
CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FL

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 Rezone Petition No. 13-26, 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.

E. This site is located within a Neighborhood Commercial Center as designated on the Comprehensive Plan Future Land Use Map but had an approved Site and Development plan that included 92,800 square feet of approved commercial buildings prior to the plan amendment that designated this site as part of a Neighborhood Commercial Center.

02014-030

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 PCD (Planned Commerce Development) to CN (Commercial, Neighborhood) zone district for the following described property located in Sarasota County, Florida:

The legal description of said property in Sarasota County, Florida, being located north of Bee Ridge Road and east of Mauna Loa Boulevard and being more particularly described as follows:

BEGIN AT THE NORTHWEST CORNER OF LOT 2, BEE RIDGE PARK OF COMMERCE, RECORDED IN PLAT BOOK 48, PAGES 2 THROUGH 2F, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA; THENCE NORTHWESTERLY ALONG THE EASTERLY RIGHT OF WAY LINE OF MAUNA LOA BOULEVARD (BEING A CURVE TO THE LEFT HAVING: A RADIUS OF 710.00 FEET, A CENTRAL ANGLE OF 18°39'57", A CHORD LENGTH OF 230.28 FEET AND A CHORD BEARING OF N 25°16'41" W), AN ARC DISTANCE OF 231.30 FEET; THENCE N 55°23'20" E, A DISTANCE OF 130.48 FEET; THENCE N 89°59'30" E, A DISTANCE OF 593.30 FEET; THENCE S 05°14'52" E, A DISTANCE OF 591.86 FEET TO THE NORTH RIGHT OF WAY OF BEE RIDGE ROAD; THENCE S 89°59'30" W, ALONG SAID NORTH RIGHT OF WAY AND THE SOUTH LINE OF LOT 3, A DISTANCE OF 358.31 FEET TO THE SOUTHEAST CORNER OF AFOREMENTIONED LOT 2; THENCE ALONG THE BOUNDARY OF SAID LOT 2 THE FOLLOWING FIVE (5) COURSES:

- 1) N 00°00'30" W, A DISTANCE OF 138.01 FEET;
- 2) S 89°59'30" W, A DISTANCE OF 25.00 FEET;
- 3) N 00°00'30" W, A DISTANCE OF 180.91 FEET;
- 4) S 89°59'30" W, A DISTANCE OF 190.26 FEET;
- 5) S 75°17'17" W, A DISTANCE OF 109.56 FEET TO THE POINT OF BEGINNING.

Section 3. Restrictions, Stipulations and Safeguards. As used in the stipulations hereinafter set forth, the term "Owner" shall refer to the Owner or Owners of the property described in Section 2 and their successors and assigns. Upon recording in the public records of Sarasota County, these stipulations shall be covenants running with the land. The use of the property described in Section 2 of this Ordinance, in addition to the applicable restrictions imposed by the Zoning Ordinance, is hereby further limited by and subject to the following restrictions, stipulations and safeguards:

02014-0306

1. Access to/from Mauna Loa Boulevard, less than 500 feet north of Bee Ridge Road, shall be restricted to right-in/right-out only.
2. Access to Bee Ridge Road shall be restricted to a right-in/right-out only access, no closer than 440 feet east of Mauna Loa Boulevard.
3. Prior to or concurrent with the development of the subject parcel, the developer/owner shall design and construct a westbound to northbound right-turn lane on Bee Ridge Road to serve the right-in/right-out access. The right-turn lane shall be designed in accordance with Indexes 301 and 526 of the Florida Department of Transportation's Roadway and Traffic Design Standards. The improvements shall be included in the construction plans for the development.
4. The Master Surface Water Management Plan shall be consistent with the Phillippi Creek Basin Master Plan.
5. All stormwater treatment shall be open and above ground.
6. Development of the subject property shall include a 50 foot, 0.10 opacity landscape buffer along the Bee Ridge Road property frontage.
7. Commercial and office square footage shall not exceed 92,800 square feet within the boundaries of the subject parcel.

02014-030

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 10th day of December, 2014.

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

02014-030

Exhibit A

The legal description of said property in Sarasota County, Florida, being located north of Bee Ridge Road and east of Mauna Loa Boulevard and being more particularly described as follows:

BEGIN AT THE NORTHWEST CORNER OF LOT 2, BEE RIDGE PARK OF COMMERCE, RECORDED IN PLAT BOOK 48, PAGES 2 THROUGH 2F. PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA; THENCE NORTHWESTERLY ALONG THE EASTERLY RIGHT OF WAY LINE OF MAUNA LOA BOULEVARD (BEING A CURVE TO THE LEFT HAVING: A RADIUS OF 710.00 FEET, A CENTRAL ANGLE OF 18°39'57", A CHORD LENGTH OF 230.28 FEET AND A CHORD BEARING OF N 25°16'41" W), AN ARC DISTANCE OF 231.30 FEET; THENCE N 55°23'20" E, A DISTANCE OF 130.48 FEET; THENCE N 89°59'30" E, A DISTANCE OF 593.30 FEET; THENCE S 05°14'52" E, A DISTANCE OF 591.86 FEET TO THE NORTH RIGHT OF WAY OF BEE RIDGE ROAD; THENCE S 89°59'30" W, ALONG SAID NORTH RIGHT OF WAY AND THE SOUTH LINE OF LOT 3, A DISTANCE OF 358.31 FEET TO THE SOUTHEAST CORNER OF AFOREMENTIONED LOT 2; THENCE ALONG THE BOUNDARY OF SAID LOT 2 THE FOLLOWING FIVE (5) COURSES:

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- 3) N 00°00'30" W, A DISTANCE OF 180.91 FEET;
- 4) S 89°59'30" W, A DISTANCE OF 190.26 FEET;
- 5) S 75°17'17" W, A DISTANCE OF 109.56 FEET TO THE POINT OF BEGINNING.



STATE OF FLORIDA, COUNTY OF SARASOTA
I hereby certify that the foregoing is a true and correct copy
of pages 1 through 5 of the instrument located in
file # 02014-030. The original instrument filed contains 5
pages.
 This copy has no redactions. This copy has been
redacted pursuant to law.
Witness my hand and official seal this 5 day of
February, 2014.
KAREN E. WASHINGTON, CLERK OF THE CIRCUIT COURT
By [Signature]

02014-030

prepared by
Boone, Boone, Boone & Koda
Attorneys at Law
P.O. Box 1596
Venice, FL 34284-1596



DECLARATION OF COVENANTS AND RESTRICTIONS
RESTRICTING LAND USES

This Declaration of Covenants and Restrictions Restricting Land Uses (hereinafter referred to as "Covenant") is made this 21st day of NOVEMBER, 2014, by TERRACAP BR PARTNERS, L.P., a Florida Limited Partnership (hereinafter referred to as "TerraCap"), for itself, its successors and assigns, whose mailing address is 100 Sheppard Avenue East, Suite 502, Toronto, ON M2N 6-N5 CA.

RECITALS:

A. **WHEREAS**, TerraCap is the present record owner of a parcel of land within unincorporated Sarasota County, Florida, which is approximately 6.9 acres in size and generally located North of Bee Ridge Road and East of Mauna Loa Boulevard, described in Exhibit "A" attached hereto and incorporated herein by reference, (hereinafter referred to as the "Property"); and

B. **WHEREAS**, the Property is currently zoned Planned Commercial Development pursuant to the Sarasota County Zoning Regulations; and

C. **WHEREAS**, TerraCap desires to re-zone the Property to Commercial Neighborhood under the Sarasota County Zoning Regulations; and

D. **WHEREAS**, In order to change the zoning designation of the Property as described in Recital C. above, TerraCap has submitted to Sarasota County a Rezoning Petition to change the zoning classification of the Property to Commercial Neighborhood; and

E. **WHEREAS**, TerraCap has voluntarily decided and determined that, in the event Sarasota County shall approve the Rezone Petition, they will and do hereby voluntarily, and without any request or coercion, duress or influence, direct or indirect, by Sarasota County to do so, restrict the uses that may be developed on the Property for the benefit of the Property, TerraCap and Lake Sarasota Community Group, Inc., a Florida Non Profit Coporation, (hereinafter referred to as "LSCG"); and

F. **WHEREAS**, TerraCap therefore desires to impose the restrictions contained within this Covenant upon the Property for the benefit of the Property, TerraCap and LSCG.

NOW THEREFORE, TerraCap does hereby voluntarily and without any request or coercion, duress or influence, direct or indirect by Sarasota County to do so, declares that the Property shall hereinafter be subject to the following covenants and restrictions:

1. **Land Use Restrictions**. Notwithstanding any other uses that might in the future be permitted on the Property under the Sarasota County Comprehensive Plan, Zoning Regulations, and any other applicable regulations, the Property shall not be used for the following principal uses:

a. Adult Entertainment

00711-030

- b. Clubs and Lodges
- c. Boarding House
- d. Entertainment Outdoors
- e. Townhouse (semi-attached, roof deck, stacked)
- f. Asphalt Batching Plant or other Industrial Facility
- g. Multi-Family (multiplex, apartment)
- h. All passenger terminals except limited airport, helipad
- i. Extreme Sports Facility
- j. Bar/Tavern (stand-alone)
- k. Pet Boarding or Resort
- l. Firing or Archery Range, indoor or outdoor
- m. Commercial Parking
- n. Package Store
- o. Retail Lumber and Building Supplies
- p. All Self-Service Storage
- q. Car Wash, Full or Self-Service
- r. All Light Industrial Service
- s. All Warehouse and Freight Movement and Stockpiling of sand and gravel.

2. **Limited Land Use Restrictions.** Notwithstanding any other uses that might in the future be permitted on the Property under the Sarasota County Comprehensive Plan, Zoning Regulations, and any other applicable regulations, the following limitations on uses shall apply to the Property:

- a. Dry Cleaners are allowed, but no harmful chemical cleaning will occur onsite.
- b. Veterinary Clinics are allowed, but no boarding kennel; overnight stays for treated animals is allowed.
- c. Sales of Vehicle Parts and Accessories are allowed, but no vehicle maintenance and repair.
- d. For indoor recreation uses, no outdoor component of a game shall be allowed.
- e. No permanent tents associated with outdoor activities shall be allowed.
- f. Truck deliveries to uses fronting Bee Ridge Road shall only be allowed between the hours of 6:00 a.m. to 11:00 p.m.
- g. For restaurants with frontage on Bee Ridge Road, no live outdoor music shall be performed at night after 10:00 p.m.
- h. For restaurants with frontage on Bee Ridge Road, no live outdoor disc jockey shall perform at night after 10:00 p.m.

3. **Lighting Standards.** All lighting will meet dark sky requirements by providing a photometric lighting plan, which will have the lowest possible light levels occurring at the property boundary.

4. **Terms Used.** The terms used in Paragraph 1. (a) – (s) and Paragraph 2. (a) – (h) shall have the same meaning ascribed to such terms by the Sarasota County Zoning Regulations.

5. **Covenants to Run with the Title to the Property.** The provisions of this Covenant shall be deemed to run with the title to the Property and shall be binding upon TerraCap, its successors and assigns.

6. **Enforcement.** The provisions of this Covenant are for the benefit of and shall be enforceable by TerraCap and LSCG. LSCG or TerraCap may commence an action to prevent and enjoin the violation of the terms of this Covenant, or to enforce the terms of this Covenant. This Covenant shall be governed, enforced, and construed in accordance with the laws of the State of Florida. If any provisions of this Covenant or the application thereof shall be held to be invalid or unenforceable in a court of law, the remainder of this Covenant shall be fully affected thereby and each provision of this Covenant shall not otherwise remain valid and enforceable.

7. **Prevailing Party.** In the event LSCG or TerraCap should commence an action as described herein, the prevailing party shall be entitled to recover all costs, expenses and reasonable attorneys' fees (trial and appellate) incurred in connection with such action, in addition to any other relief to which it or they may be entitled.

8. **Amendment.** This Covenant may be amended by TerraCap, its successors or assigns by recording an amendatory Covenant in the Public Records of Sarasota County, Florida. However, no such amendment shall be effective without the prior written consent of LSCG, which consent shall not be unreasonably withheld. If LSCG does not give its consent or provide its reasons for withholding same, within 30 days from request, they shall be deemed to have given consent. Notwithstanding anything in the foregoing to the contrary, TerraCap, its successors and assigns, may unilaterally amend the Covenant to accommodate adjustments and modifications as may be required by Sarasota County in connection with its review and approval of any Development Orders for the Property.

9. **Effective Date.** This Covenant shall be recorded in the Public Records of Sarasota County, Florida following final approval of the Zoning Petition by Sarasota County and shall be effective upon such recording. For the purpose of this provision the term "final approval" shall mean all appeals of the Zoning Petition have been exhausted and/or all appeal periods have expired.

10. **Duration.** This Covenant shall continue in full force and effect against the Property from its recording in the public records and continue until the expiration of twenty (20) years from the date of recording. Notwithstanding anything in the foregoing to the contrary, TerraCap, its successors and assigns, may terminate this Covenant if all or any portion of the Property thereof is changed to a different zoning classification than Commercial Neighborhood.

IN WITNESS WHEREOF, TerraCap has caused this Declaration of Covenants and Restrictions Restricting Land Uses on the Property to be executed in its name on the date first above written.

ATTEST:

By: [Signature]

WAYNE HUMPHREYS
Print Name

TERRACAP BR PARTNERS, L.P.

By: [Signature]

LARRY KRAVTS, PRESIDENT
Print Name and Title

By: [Signature]

JASON McCRAWLEY
Print Name

STATE OF FLORIDA
COUNTY OF SARASOTA

The foregoing instrument was acknowledged before me this 21st day of November, 2014, by Larry Kravts who is personally known of produced identification _____.

[Signature]
Notary Signature
Print Name Daniel [Signature]

02/14-0304