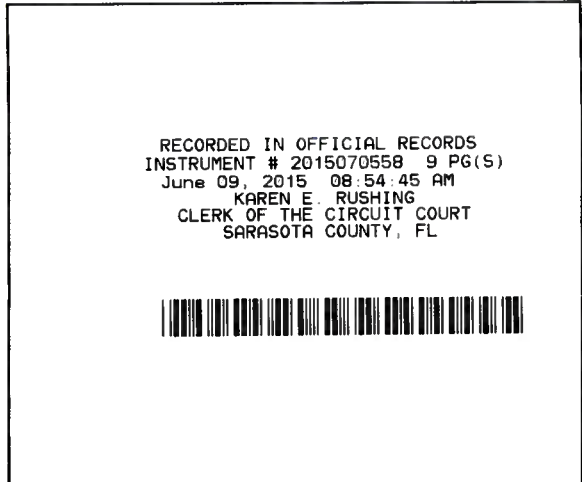


Please record and return to: (Via Inter-Office Mail)  
**Cynthia Spraggins, Administrative Specialist**  
Planning Services  
1660 Ringling Blvd., 1<sup>st</sup> Floor  
Sarasota, FL 34236


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 in the northeast and southeast quadrants of Englewood Road and Bellagio Boulevard, in Sarasota County, Florida, owned by Frank J. Dewane, and described in Ordinance No. 2015-002 attached hereto, has been rezoned to RSF-4/PUD (Residential, Single-family, 5.5 du /acre/Planned Unit Development) zone district pursuant to Rezone Petition No. 14-26 filed by Kelley Klepper, AICP, Agent, and granted by Sarasota County on February 10, 2015 and is subject to the following stipulations and limitations, violations of which shall constitute a violation of the Sarasota County Zoning Code:

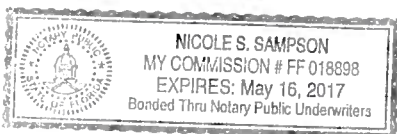
(Stipulations and limitations are those described in Section 3 of Ordinance No. 2015-001 attached hereto)

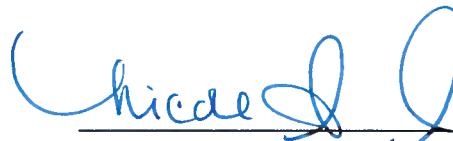
  
Tate Taylor, Operational Manager

**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 8<sup>th</sup> day of June, 2015.



  
Notary Public  
State of Florida at Large

This instrument prepared by:  
CMS





## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

February 13, 2015

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. 2015-001, which was filed in this office on February 12, 2015.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb

**ORDINANCE NO. 2015-001**

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; PROVIDING MODIFICATIONS; AND PROVIDING AN EFFECTIVE DATE.

BOAHU...  
FILED FOR THE RECORD...  
2015 FEB 1 PM 1:28  
KAREN E. KUSHINS  
CLERK OF 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:

1. The Board has received and considered the report of the Sarasota County Planning Commission concerning Rezoning Petition No. 14-26, requesting rezoning of the property described herein.
2. 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.
3. The rezoning herein granted is consistent with the Sarasota County Comprehensive Plan and meets the requirements of the Zoning Ordinance.
4. 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 OUE-2 (Open Use, Estate, 1 unit/ 2 acres) to RSF-4/PUD (Residential, Single-family, 5.5 du/acre/Planned Unit Development) zone district for the following described property located in Sarasota County, Florida:

**The northeast and southeast quadrants of Englewood Road and Bellagio Boulevard and being more particularly described as follows:**

**PARCEL 1:**

**THE NORTH 330.00 FEET OF THE FOLLOWING DESCRIBED LANDS:**

**THE SOUTH 660.00 FEET OF THAT PORTION OF LOTS NUMBERED 1 TO 7, INCLUSIVE, AND LOT 16, ALL IN BLOCK B, MANASOTA LAND AND TIMBER CO. SUBDIVISION, LYING EAST OF ENGLEWOOD ROAD (STATE HIGHWAY 775, NOW 776), AS RECORDED IN PLAT BOOK A, PAGE 27, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA; LESS ROAD RIGHT-OF-WAY FOR STATE HIGHWAY 775, NOW 776.**

**PARCEL 2:**

**THE SOUTH 330.00 FEET OF THE FOLLOWING DESCRIBED LANDS:**

**THE SOUTH 660.00 FEET OF THAT PORTION OF LOTS NUMBERED 1 TO 7, INCLUSIVE, AND LOT 16, ALL IN BLOCK B, MANASOTA LAND AND TIMBER CO. SUBDIVISION, LYING EAST OF ENGLEWOOD ROAD (STATE HIGHWAY 775, NOW 776), AS RECORDED IN PLAT BOOK A, PAGE 27, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, LESS ROAD RIGHT-OF-WAY FOR STATE HIGHWAY 775, NOW 776.**

**LESS AND EXCEPT ADDITIONAL ROAD RIGHT OF WAY CONVEYED IN OFFICIAL RECORDS BOOK 2746, PAGE 119, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA (PARCEL 137):**

**THAT PORTION OF LOT 7, BLOCK B, MANASOTA LAND AND TIMBER CO. SUBDIVISION, A SUBDIVISION IN SECTION 3, TOWNSHIP 40 SOUTH, RANGE 19 EAST, AS PER PLAT THEREOF RECORDED IN PLAT BOOK A, PAGE 27, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:**

**COMMENCE AT THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 3; THENCE NORTH 89°53'45" WEST, 8.24 FEET ALONG THE NORTH LINE OF SAID SOUTHWEST 1/4 OF THE NORTHWEST 1/4 TO THE SURVEY BASE LINE OF STATE ROAD 776; THENCE ALONG SAID SURVEY BASE LINE SOUTH 00°21'54" WEST, 648.57 FEET; THENCE SOUTH 89°46'52" EAST, 50.00 FEET TO THE EAST EXISTING RIGHT OF WAY LINE OF STATE ROAD 776 (PER SECTION 1705-107) FOR A POINT OF BEGINNING; THENCE CONTINUE SOUTH**

89°46'52" EAST, 28.00 FEET; THENCE SOUTH 00°21'54" WEST, 224.95 FEET; THENCE SOUTH 89°38'06" EAST, 15.17 FEET; THENCE SOUTH 00°19'36" WEST, 163.74 FEET; THENCE SOUTH 00°19'32" WEST, 163.74 FEET; THENCE SOUTH 01°42'16" WEST, 55.21 FEET; THENCE SOUTH 11°32'04" WEST, 53.37 FEET TO THE SOUTH LINE OF SAID LOT 7; THENCE ALONG SAID SOUTH LINE NORTH 89°46'52" WEST, 20.57 FEET TO SAID EAST EXISTING RIGHT OF WAY LINE OF STATE ROAD 776 AND THE BEGINNING OF A CURVE CONCAVE EASTERLY, THENCE ALONG SAID EAST EXISTING RIGHT OF WAY LINE, THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 1,095.92 FEET, A CENTRAL ANGLE OF 08°11'47", AN ARC LENGTH OF 156.77 FEET, THE CHORD FOR WHICH BEARS NORTH 03°43'59" WEST TO THE END OF SAID CURVE; THENCE CONTINUE ALONG SAID EAST EXISTING RIGHT OF WAY LINE NORTH 00°21'54" EAST, 503.73 FEET TO THE POINT OF BEGINNING.

PARCEL 3:

THAT PORTION OF LOTS NUMBERED 4, 5, 6 AND 7, BLOCK B, MANASOTA LAND AND TIMBER CO. SUBDIVISION, LYING EAST OF ENGLEWOOD ROAD (STATE ROAD 775, NOW 776), AS RECORDED IN PLAT BOOK A, PAGE 27, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, EXCEPTING THE SOUTH 660 FEET THEREOF, CONVEYED TO JOSEPH P. HURLEY, BISHOP OF THE DIOCESE OF ST. AUGUSTINE, BY DEED DATED JUNE 12, 1959 AND RECORDED IN OFFICIAL RECORDS BOOK 171, PAGE 237, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA.

LESS AND EXCEPT ADDITIONAL ROAD RIGHT OF WAY CONVEYED IN OFFICIAL RECORDS BOOK 2746, PAGE 122, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA (PARCEL 138):

THAT PORTION OF LOT 7, BLOCK B, MANASOTA LAND AND TIMBER CO. SUBDIVISION, A SUBDIVISION IN SECTION 3, TOWNSHIP 40 SOUTH, RANGE 19 EAST, AS PER PLAT THEREOF RECORDED IN PLAT BOOK A, PAGE 27, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 3; THENCE SOUTH 89°53'45" EAST, 41.76 FEET ALONG THE NORTH LINE OF SAID SOUTHEAST 1/4 OF THE NORTHWEST 1/4 TO THE EXISTING RIGHT OF WAY LINE OF STATE ROAD 776 (PER SECTION 1705-107) FOR A POINT OF BEGINNING; THENCE CONTINUE ALONG SAID NORTH LINE SOUTH 89°53'45" EAST, 44.00 FEET; THENCE SOUTH 00°21'54" WEST, 9.82 FEET; THENCE NORTH 89°38'06" WEST, 16.00 FEET; THENCE SOUTH 00°21'54" WEST, 638.98 FEET; THENCE NORTH 89°46'52" WEST, 28.00 FEET TO SAID EAST EXISTING RIGHT OF WAY LINE OF STATE ROAD 776; THENCE ALONG SAID EAST EXISTING RIGHT OF WAY LINE NORTH 00°21'54" EAST, 648.67 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT FROM ALL PARCELS THAT PORTION CONVEYED IN

**INSTRUMENT NO. 2003233644, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, DESCRIBED AS:**

**THAT PART OF LOTS 5, 6 AND 7, BLOCK B, MANASOTA LAND AND TIMBER CO. SUBDIVISION, AS PER PLAT THEREOF RECORDED IN PLAT BOOK A, PAGE 27, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, LYING IN SECTION 3, TOWNSHIP 40 SOUTH, RANGE 19 EAST, BEING A 100.00 FEET WIDE STRIP OF LAND LYING 50.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:**

**COMMENCE AT A 5/8" IRON ROD WITH CAP STAMPED "SARASOTA COUNTY SURVEY POINT PLS 4149" LYING AT THE CENTER OF SAID SECTION 3; THENCE ALONG THE WEST LINE OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 3, NORTH 01°20'40" WEST, 391.00 FEET FOR A POINT OF BEGINNING OF SAID CENTERLINE; THENCE SOUTH 88°46'36" WEST, 136.59 FEET TO THE BEGINNING OF A TANGENTIAL CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 250.00 FEET AND A DELTA ANGLE OF 39°24'46" WHOSE CHORD BEARS NORTH 71°31'00" WEST; THENCE ALONG SAID CURVE IN A NORTHWESTERLY AND CLOCKWISE DIRECTION 171.97 FEET; THENCE TANGENT TO LAST SAID CURVE NORTH 51°48'37" WEST, 75.49 FEET TO THE BEGINNING OF A TANGENTIAL CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 250.00 FEET AND A DELTA ANGLE OF 36°11'23" WHOSE CHORD BEARS NORTH 70°54'19" WEST; THENCE ALONG SAID CURVE IN A WESTERLY AND COUNTER CLOCKWISE DIRECTION 166.63 FEET; THENCE TANGENT TO LAST SAID CURVE, WEST 796.00 FEET MORE OR LESS TO THE EASTERLY RIGHT OF WAY LINE OF ENGLEWOOD ROAD (STATE ROAD 776) AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION 17050-2505.**

**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 accordance with the Binding Development Concept Plan dated January 12, 2015, and attached hereto as Exhibit "A", except as necessary to comply with the stipulations herein. This does not imply or confer any variances from applicable zoning or land development regulations.**
- 2. The wetland and associated upland vegetative buffer shall be maintained in accordance with management guidelines contained within the Comprehensive Plan as a preserve and labeled a preserve on all plans. All activities including but not limited to filling, excavating, well drilling, altering vegetation (including trimming of both trees and**

understory) and storing of materials shall be prohibited within preservation areas, , except where approved by Environmental Protection Division through: 1) the Resource Management Plan for the project, or 2) specific written approval of hand removal of nuisance or exotic vegetation.

3. The Master Surface Water Management Plan shall be consistent with the Woodmere Creek Basin Master Plan.
4. Through its master covenants or deed restrictions, the Owner shall operate, manage, and maintain a community wide irrigation supply system under a single entity or master association. The Owner is responsible for the construction and maintenance of internal irrigation infrastructure. Such irrigation infrastructure shall be designed to accept reclaimed water when it becomes available. When reclaimed or reuse water becomes available, the existing development is required to connect to these alternative supplies within 365 days of County notification. Community wells may be used as a backup supply for irrigation if reclaimed water or surface water is unavailable.

Section 4. Modifications. The following modifications are approved pursuant to Section 6.11.2.f of the Zoning Ordinance:

1. Modification from Section 6.11.2.e.3. of the Zoning Ordinance to allow reduced building setbacks in side yards from 12 feet to 10 feet between structures.
2. Modification from Section 6.2.11.d.6. of the Zoning Ordinance to allow air-conditioning, mechanical, electrical and plumbing equipment located above or below ground level or elevated due to FEMA elevation requirements, to be exempt from side and rear yard setback requirements. In no case shall such equipment be located within any easement.

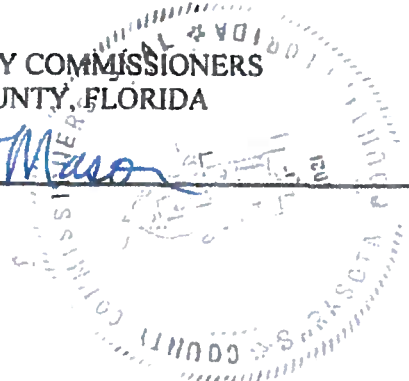
Section 5. Effective Date. This Ordinance shall take effect upon filing with the Department of State.



PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, this 10 day of February, 2015.

BOARD OF COUNTY COMMISSIONERS  
OF SARASOTA COUNTY, FLORIDA

Carolyn J. Mason  
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: [Signature]  
Deputy Clerk

