

RECORDED IN OFFICIAL RECORDS  
INSTRUMENT # 2015074939 9 PG(S)  
June 18, 2015 10:02:45 AM  
KAREN E. RUSHING  
CLERK OF THE CIRCUIT COURT  
SARASOTA COUNTY, FL

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 east of State Road 776, south of Keyway Road, in Sarasota County, Florida, owned by BRCC Acquisition One, LLC, and described in Ordinance No. 2015-020 attached hereto, has been rezoned to a RSF-1 (Residential, Single-Family, 2.5 units/acre) with amended stipulations zone district pursuant to Rezone Petition No. 14-29 filed by Shawn Dressler, Agent, and granted by Sarasota County on June 2, 2015, and is subject to the following stipulations and limitations, violations of which shall constitute a violation of the Sarasota County Zoning Code:

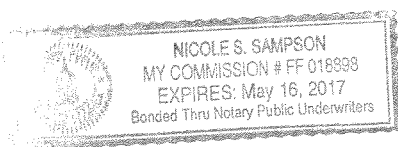
(Stipulations and limitations are those described in Section 3 of Ordinance No. 2015-020 attached hereto)

  
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 17<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

June 5, 2015

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

Attention: Charles Maloney, 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. 2015-020, which was filed in this office on June 5, 2015.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb

**ORDINANCE NO. 2015-020**

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:

1. The Board has received and considered the report of the Sarasota County Planning Commission concerning Rezoning Petition No. 14-29, 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-1 (Open Use, Estate, 1 unit/5 acres) and RSF-1 (Residential, Single-Family, 2.5 units/acre) with stipulations to RSF-1 (Residential, Single-Family, 2.5 units/acre) with amended stipulations zone district for the following described property located in Sarasota County, Florida:

BOARD RECORDS  
FILED FOR THE RECORD  
2015 JAN -5 AM 10:04  
KAREN E. RUSHING  
CLERK OF THE CIRCUIT COURT  
SARASOTA COUNTY, FL

**East of State Road 776 and south of Keyway Road, and being  
more particularly described as follows:**

A PARCEL OF LAND LYING WITHIN SECTION 13, TOWNSHIP 40 SOUTH, RANGE 19 EAST, SARASOTA COUNTY, FLORIDA, INCLUDING PORTIONS OF BOCA ROYALE UNIT 8, ACCORDING TO PLAT BOOK 43, PAGE 8, PORTIONS OF BOCA ROYALE UNIT 9, ACCORDING TO PLAT BOOK 43, PAGE 20, PORTIONS OF BOCA ROYALE UNIT 10, ACCORDING TO PLAT BOOK 43, PAGE 39 AND PORTIONS OF BOCA ROYALE UNIT 11 PHASES 2 & 3, ACCORDING TO PLAT BOOK 49, PAGE 3, ALL OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SECTION 13, TOWNSHIP 40 SOUTH, RANGE 19 EAST, SARASOTA COUNTY, FLORIDA; THENCE SOUTH 00°36'40" WEST, ALONG THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 13, A DISTANCE OF 2,655.20 FEET; THENCE SOUTH 00°45'50" WEST, ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 13, A DISTANCE OF 2,651.14 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 13; THENCE NORTH 87°06'09" WEST, ALONG THE NORTH LINE OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 24, TOWNSHIP 40 SOUTH, RANGE 19 EAST, SARASOTA COUNTY, FLORIDA, A DISTANCE OF 1,328.41 FEET; THENCE NORTH 87°06'29" WEST, ALONG THE NORTH LINE OF THE NORTHWEST 1/4 OF SAID NORTHEAST 1/4 OF SECTION 24, A DISTANCE OF 1,329.13 FEET TO THE NORTHWEST CORNER OF SAID NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 24; THENCE NORTH 01°10'45" EAST, ALONG THE WEST LINE OF AFORESAID SOUTHEAST 1/4 OF SECTION 13, A DISTANCE OF 814.50 FEET TO A POINT ON A NON-TANGENT CURVE TO THE LEFT, SAME BEING A POINT ON THE WEST LINE OF TRACT 304, BOCA ROYALE UNIT 8, ACCORDING TO PLAT BOOK 43, PAGE 8 OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA; THENCE ALONG SAID WEST LINE OF TRACT 304, BOCA ROYALE UNIT 8, AND THE WEST LINE OF TRACT 304, BOCA ROYALE UNIT 9, ACCORDING TO PLAT BOOK 45, PAGE 20 OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, RESPECTIVELY, THE FOLLOWING SEVEN (7) COURSES: (1) NORTHEASTERLY 336.42 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 1,895.28 FEET, A CENTRAL ANGLE OF 10°10'13", AND A CHORD BEARING AND DISTANCE OF NORTH 52°47'09" EAST 335.98 FEET TO A POINT ON A NON-TANGENT CURVE TO THE LEFT; (2) NORTHEASTERLY 327.32 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 1,895.28 FEET, A CENTRAL ANGLE OF 09°53'42", AND A CHORD BEARING AND DISTANCE OF NORTH 42°45'24" EAST 326.91 FEET; (3) NORTH 75°26'11" EAST, A DISTANCE OF 237.36 FEET TO A POINT ON A CURVE TO THE LEFT; (4) NORTHEASTERLY 352.89 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 200.00 FEET, A CENTRAL ANGLE OF 101°05'42", AND A CHORD BEARING AND DISTANCE OF NORTH 24°53'20" EAST 308.86 FEET; (5) NORTH 25°39'31" WEST, A DISTANCE OF 218.90 FEET TO A POINT ON A NON-TANGENT CURVE TO THE LEFT; (6) NORTHERLY 102.29 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 1,510.00 FEET, A CENTRAL ANGLE OF 03°52'52", AND A CHORD BEARING AND DISTANCE OF NORTH 12°52'21" EAST 102.27 FEET TO A POINT OF REVERSE CURVE TO THE RIGHT; (7) NORTHERLY

106.99 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 1,110.00 FEET, A CENTRAL ANGLE OF 05°31'21", AND A CHORD BEARING AND DISTANCE OF NORTH 13°41'36" EAST 106.95 FEET TO THE NORTH LINE OF SAID BOCA ROYALE UNIT 9; THENCE NORTH 73°32'44" WEST, ALONG SAID NORTH LINE OF BOCA ROYALE UNIT 9, A DISTANCE OF 150.00 FEET TO A POINT ON A NON-TANGENT CURVE TO THE RIGHT, SAME BEING A POINT ON THE EAST LINE OF TRACT 100, SAID BOCA ROYALE UNIT 9; THENCE ALONG SAID EAST LINE OF TRACT 100 THE FOLLOWING TWELVE (12) COURSES: (1) NORTHERLY 38.56 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 1,260.00 FEET, A CENTRAL ANGLE OF 01°45'13", AND A CHORD BEARING AND DISTANCE OF NORTH 17°19'52" EAST 38.56 FEET TO A POINT OF COMPOUND CURVE TO THE RIGHT; (2) NORTHEASTERLY 67.83 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 250.00 FEET, A CENTRAL ANGLE OF 15°32'45", AND A CHORD BEARING AND DISTANCE OF NORTH 25°58'51" EAST 67.62 FEET; (3) NORTH 56°14'30" WEST, A DISTANCE OF 100.00 FEET TO A POINT ON A NON-TANGENT CURVE TO THE RIGHT; (4) WESTERLY 35.46 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 81°16'29", AND A CHORD BEARING AND DISTANCE OF SOUTH 74°22'25" WEST 32.56 FEET; (5) NORTH 64°59'21" WEST, A DISTANCE OF 111.88 FEET TO A POINT ON A CURVE TO THE RIGHT; (6) NORTHWESTERLY 142.94 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 203.00 FEET, A CENTRAL ANGLE OF 40°20'43", AND A CHORD BEARING AND DISTANCE OF NORTH 44°48'59" WEST 140.01 FEET TO A POINT OF COMPOUND CURVE TO THE RIGHT; (7) NORTHERLY 134.14 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 364.00 FEET, A CENTRAL ANGLE OF 21°06'52", AND A CHORD BEARING AND DISTANCE OF NORTH 14°05'12" WEST 133.38 FEET; (8) NORTH 03°31'45" WEST, A DISTANCE OF 238.64 FEET TO A POINT ON A CURVE TO THE LEFT; (9) NORTHWESTERLY 172.86 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 254.00 FEET, A CENTRAL ANGLE OF 38°59'30", AND A CHORD BEARING AND DISTANCE OF NORTH 23°01'30" WEST 169.54 FEET TO A POINT OF REVERSE CURVE TO THE RIGHT; (10) NORTHWESTERLY 94.29 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 182.00 FEET, A CENTRAL ANGLE OF 29°41'06", AND A CHORD BEARING AND DISTANCE OF NORTH 27°40'42" WEST 93.24 FEET; (11) NORTH 12°50'12" WEST, A DISTANCE OF 48.43 FEET TO A POINT ON A CURVE TO THE LEFT; (12) NORTHWESTERLY 394.56 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 926.94 FEET, A CENTRAL ANGLE OF 24°23'17", AND A CHORD BEARING AND DISTANCE OF NORTH 25°01'56" WEST 391.58 FEET TO THE WEST LINE OF AFORESAID NORTHEAST 1/4 OF SECTION 13; THENCE NORTH 01°10'45" EAST, ALONG SAID WEST LINE OF THE NORTHEAST 1/4 OF SECTION 13, A DISTANCE OF 691.38 FEET TO THE NORTH LINE OF TRACT 600, BOCA ROYALE UNIT 10, ACCORDING TO PLAT BOOK 43, PAGE 39 OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA; THENCE SOUTH 63°19'18" EAST, ALONG SAID NORTH LINE OF TRACT 600, A DISTANCE OF 71.04 FEET TO THE WEST LINE OF TRACT 300, SAID BOCA ROYALE UNIT 10; THENCE ALONG SAID WEST LINE OF TRACT 300, AND THE SOUTH LINE OF TRACT 501, SAID BOCA ROYALE UNIT 10, RESPECTIVELY, THE FOLLOWING SIX (6) COURSES: (1) NORTH 26°40'42" EAST, A DISTANCE OF 171.02 FEET TO A POINT ON A CURVE TO THE LEFT; (2) NORTHERLY 307.06 FEET ALONG

THE ARC OF SAID CURVE, HAVING A RADIUS OF 690.00 FEET, A CENTRAL ANGLE OF 25°29'49", AND A CHORD BEARING AND DISTANCE OF NORTH 13°55'47" EAST 304.53 FEET; (3) NORTH 01°10'52" EAST, A DISTANCE OF 342.85 FEET TO A POINT ON A CURVE TO THE RIGHT; (4) NORTHERLY 121.37 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 295.00 FEET, A CENTRAL ANGLE OF 23°34'22", AND A CHORD BEARING AND DISTANCE OF NORTH 12°58'03" EAST 120.52 FEET TO A POINT OF COMPOUND CURVE TO THE RIGHT; (5) NORTHEASTERLY 29.21 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 100.00 FEET, A CENTRAL ANGLE OF 16°44'20", AND A CHORD BEARING AND DISTANCE OF NORTH 33°07'24" EAST 29.11 FEET TO A POINT OF REVERSE CURVE TO THE LEFT; (6) NORTHWESTERLY 544.23 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 195.00 FEET, A CENTRAL ANGLE OF 159°54'27", AND A CHORD BEARING AND DISTANCE OF NORTH 38°27'39" WEST 384.02 FEET TO AFORESAID WEST LINE OF THE NORTHEAST 1/4 OF SECTION 13; THENCE NORTH 01°10'45" EAST, ALONG SAID WEST LINE OF THE NORTHEAST 1/4 OF SECTION 13, A DISTANCE OF 83.92 FEET TO THE NORTHWEST CORNER OF SAID NORTHEAST 1/4 OF SECTION 13; THENCE SOUTH 86°48'49" EAST, ALONG THE NORTH LINE OF SAID NORTHEAST 1/4 OF SECTION 13, A DISTANCE OF 2,612.41 FEET TO THE POINT OF BEGINNING.

**TOGETHER WITH** (ACCORDING TO INSTRUMENT NUMBER 2012081759) (AKA STEARNS PARCEL)

THE NORTH 1/2 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 13, TOWNSHIP 40 SOUTH, RANGE 19 EAST, 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 of the subject parcel shall be consistent with all applicable conditions of the State Road 776 Corridor Plan (No. 01-01-SP) (Ordinance No. 2003-049).
2. Development shall also be consistent with Englewood Area Sector Plan (No. 85-01-SP) (Resolution No. 86-480), as amended.
3. Prior to Construction Authorization of the cumulative 800th dwelling unit, including the Boca Royale Gulf and Country Club development, a third access shall be provided to the property provided legal access is available to connect to a throughfare plan road other than State Road 776 subject to approval of the Sarasota County Engineer.
4. Starting in the year 2016, the applicant shall collect traffic counts on a biennial basis at the intersections of SR 776/Golf View Drive and SR 776/Boca Royale Boulevard for the northbound to eastbound right turning movement. The traffic counts shall be submitted to

Sarasota County Transportation Planning for review. If the northbound to eastbound right-turn volume from the traffic counts meet the threshold for right-turn standards specified in Chapter 7 of FDOT's Driveway Information Guide at either intersection, then prior to the approval of the next subsequent plat, a northbound right-turn lane will be required to be constructed for the corresponding intersection that meets the threshold of the traffic volume warrant.

5. 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 Conservation & Environmental Permitting through: 1) the Resource Management Plan for the project, or 2) specific written approval of hand removal of nuisance or exotic vegetation.
6. Minor impacts to on-site wetlands resulting from unavoidable impacts necessitated by internal parcel roadway and infrastructure requirements, may be allowed if deemed consistent with LDR Environmental Technical Manual Section B.2. by Environmental Permitting.
7. The Master Surface Water Management Plan shall be consistent with the Lemon Bay (75.35% Forked Creek & 24.65% Gottfried Creek) Basin Master Plan.
8. Development shall operate, manage, and maintain a community wide irrigation supply system under a single entity or master association. Through its master covenants or deed restrictions Development shall enforce provisions to preclude the installation and use of individual irrigation wells and employ conservation strategies including but not limited to, metering, managing supplies to limit impacts to groundwater, enforce watering schedules, monitor use, and implement best management practices to reduce irrigation demands. Community wells may be used only as a backup supply for irrigation if reclaimed water or surface water is unavailable. The management and operation of irrigation systems and supplies shall be performed in a manner that protects natural systems and shall not interfere with the operation of Englewood Water District's wellfield.
9. When reclaimed or reuse water becomes available, existing development is required to connect to these alternative supplies within 365 days of County notification.
10. The on-site wetlands and required upland buffers shall be preserved and labeled as preserves on all future plans. All proposed impacts (including road alignments) shall be subject to the review and approval of the Resource Permitting Division during the preliminary plan or site and development plan submittal. Open space areas in excess of the minimum 30 percent may be used in the calculations for required open space on adjacent lands under control of the Owner with consistency demonstrated at the time of concurrent subdivision approval.



11. The Applicant shall provide documentation of efforts to resolve listed species issues associated with the site with the appropriate regulatory agencies.
12. Until a Development of Critical Concern (DOCC) determination is made, development of the parcel shall be limited to a maximum of 799 dwelling units.
13. A traffic study shall be completed, subject to approval by the Sarasotá County Transportation Department, prior to construction plan approval for any development on the subject parcel which results in a cumulative trip generation for the entire Boca Royale development (Rezones No. 97-36 and 14-29) in excess of 527 PM peak net new trips.
14. Any traffic study or concurrency evaluation for any portion of the subject parcel shall examine the impact area of the cumulative development of the entire Boca Royale development (Rezones No. 97-36 and 14-29).
15. Community tennis courts and swimming pool areas shall not be located closer than 250 feet from the property boundaries of the subject parcel and shall not be illuminated after 10:00 P.M.
16. No lot within the development shall be bisected by any boundary line of the Englewood Community Redevelopment Area (CRA). This does not preclude modification of the CRA boundary to ensure compliance.

These stipulations supersede the stipulations in Ordinance No. 98-061 as to the area described in Section 2.

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 2nd day of June, 2015.

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