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

The following property located in Sarasota County, Florida, owned by James R Schier, President University Park Investors, Inc , and described in Ordinance No 99-071 attached hereto, has been rezoned to a RMF-3 (Residential, Multi-Family, 13 units/acre) zone district pursuant to Rezone Petition No 98-35 filed by Joe Swanson, P E , Agent, and granted by Sarasota County on October 13, 1999, 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 99-071, attached hereto)



Executive Director
Growth Management Business Center

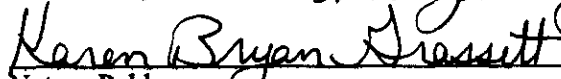


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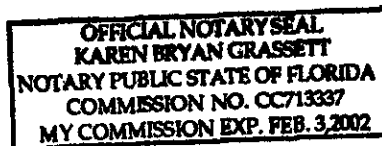
STATE OF FLORIDA
COUNTY OF SARASOTA

Before me, the undersigned Notary Public, personally appeared Jerry Gray, Executive Director of the Growth Management Business Center, 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 27 day of January, 2000



Notary Public
State of Florida at Large



✓ This instrument prepared by
Leigh Riley
Growth Management Business Center
1660 Ringling Boulevard, 5th Floor
Sarasota, FL 34236

RECORDED IN OFFICIAL RECORDS
INSTRUMENT # 2000011706 7 PGS
2000 JAN 31 03:54 PM
KAREN E. RUSHING
CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
FMILLER Receipt#007589

ORDINANCE NO. 99-071

93 OCT 19 PM 3:21

CLERK OF THE COUNTY OF SARASOTA
AN ORDINANCE OF THE COUNTY OF SARASOTA, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS, AS PART OF SARASOTA COUNTY ORDINANCE NO. 75-38, 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. 98-35, 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. 75-38 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 Sarasota County Ordinance No. 75-38 and any amendments thereto.

D. Pursuant to the provisions of Sarasota County Ordinance No. 89-103, 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 Ordinance No. 75-38. The Official Zoning Atlas, as part of Sarasota County Ordinance No. 75-38, is hereby amended by changing the zoning district classification for 34.25 acres ± from OUE-2 (Open Use Estate, 1 unit/2 acres) to RMF-3 (Residential, Multi-Family, 13 units/acre) for the following described property located in Sarasota County, Florida:

South of University Parkway and 1400' ± East of Lockwood Ridge

FILED
OCT 19 5 PM '99
CLERK OF THE COUNTY OF SARASOTA
TALLAHASSEE, FLORIDA

Road, more particularly described as follows:

The West 1/2 of the NE 1/4 of the NE 1/4 of Section 4, Township 36 South, Range 18 East, less existing rights-of-way, Sarasota County, Florida; and

The East 1/2 of the NE 1/4 of the NE 1/4 of Section 4, Township 36 South, Range 18 East.

LESS and except therefrom that portion of the above described property lying within a 5.330 acre parcel described at Official Records Book 1336, Page 160, Public Records of Sarasota County.

ALSO LESS and except therefrom that portion of the above described property lying within 30 feet of a survey line more particularly described at Official Records Book 434, Page 787, 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 Sarasota County Ordinance No. 75-38 and any amendments thereto, is hereby further limited by and subject to the following restrictions, stipulations and safeguards:

1. Prior to the issuance of any certificate of occupancy, an eastbound to southbound right-turn lane on University Parkway at the access to the subject parcel shall be constructed. The required improvements shall be included in the construction plan submittal.
2. Prior to the issuance of any certificate of occupancy, 59th Street shall be constructed in accordance with the Land Development Regulations from Lockwood Ridge Road to the west property line of the subject parcel. The required roadway improvements shall be included in the construction plan submittal.
3. Prior to the issuance of any certificate of occupancy, a southbound to eastbound left-turn lane at Lockwood Ridge Road / 59th Street intersection shall be constructed. The required improvements shall be included in the construction plan submittal.
4. Prior to the issuance of any certificate of occupancy, a continuous bicycle lane / sidewalk system shall be constructed between the subject property and the Parkway Collection Shopping Center. The required improvements shall be included in the construction plan submittal.

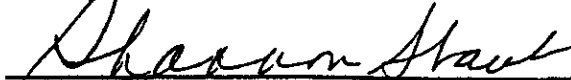
5. Prior to Preliminary Plan or Site and Development Plan approval for the subject site, the Applicant shall demonstrate that development of the site will not adversely increase off-site flood elevations.
6. The Owner shall be required to maintain the appearance and function of any private drainage facilities to be constructed on the site, including retention ponds and drainage ditches, at its own expense in accordance with applicable federal, state or local regulations. At the time of recording a plat or prior to final construction approval, the Owner shall be required to record in the public records a Notice to Purchaser, approved by Sarasota County, putting purchasers on notice that the maintenance of drainage facilities is a private responsibility.
7. Recreation areas, such as the clubhouse, swimming pool, and tennis, volleyball, or basketball courts, shall not be located closer than 200 feet from the east and south property boundaries. Outdoor recreation areas shall not be illuminated after 10:00 p.m. Sunday through Thursday and 11:00 p.m. Friday and Saturday.
8. No parking area shall be located closer to University Parkway than 50 feet. Additionally, no parking area shall be located closer than 50 feet from the eastern and southern property lines adjacent to the Cedar Creek development and parking shall not be located between the proposed buildings and the southern and eastern property lines as depicted on the Development Concept Plan date-stamped June 29, 1998.
9. All structures shall be set back 50 feet from the north property boundary as shown on the Development Concept Plan date stamped June 29, 1998.
10. All parking lot, driveway, and security lights within 50 feet of the south and east property boundaries of the subject parcel shall not exceed 6 feet in height.
11. The clubhouse area shall be located in the northwest quadrant of the subject parcel. The refuse area and storage areas shall be located on the west side of the subject parcel but no closer than 50' from the south property boundary. Outdoor refuse areas shall be screened in accordance with Section 11.6.f of the Zoning Ordinance.
12. No structure, or any portion of structures, within 200 feet of the south and east property line shall exceed 36' in height, including in-structure parking.
13. Exterior lighting on the site shall be directed only toward the subject site and away from adjacent properties and streets.
14. All development shall comply with the University Parkway Corridor Plan - West (No.92-01-SP-West).

15. 59th Street extended shall be constructed as one of the access points to the proposed multi-family development. A landscape and lighting plan shall be submitted to Neighborhood Planning Services for review. All improvements associated with this access shall be installed prior to the first certificate of occupancy being issued.
16. A six foot high wall shall be installed and landscaped on the Cedar Creek side with landscape materials. The six foot height shall be measured from the grade established in construction of the apartment buildings. The structure shall be offset from the property line a minimum of five feet to ensure access for proper maintenance of the landscape material and landscape structure by the owners of the proposed multi-family development.
17. No buildings shall be located closer than 50 feet from the east and south property lines. All structures located directly adjacent to the Cedar Creek development shall be a maximum of 2 stories at a height not to exceed 36 feet as measured by the Sarasota County Zoning Ordinance from the finished grade and the buildings shall be oriented in a manner so that the long side of the building be at an angle no less than 45 degrees from the adjacent property line as depicted on the Development Concept Plan date-stamped June 29, 1998.
18. Lighting within the parking areas of the proposed development shall not exceed a height of 20 feet except as noted in stipulation #10.

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 13th day of October, A.D., 1999.

BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA

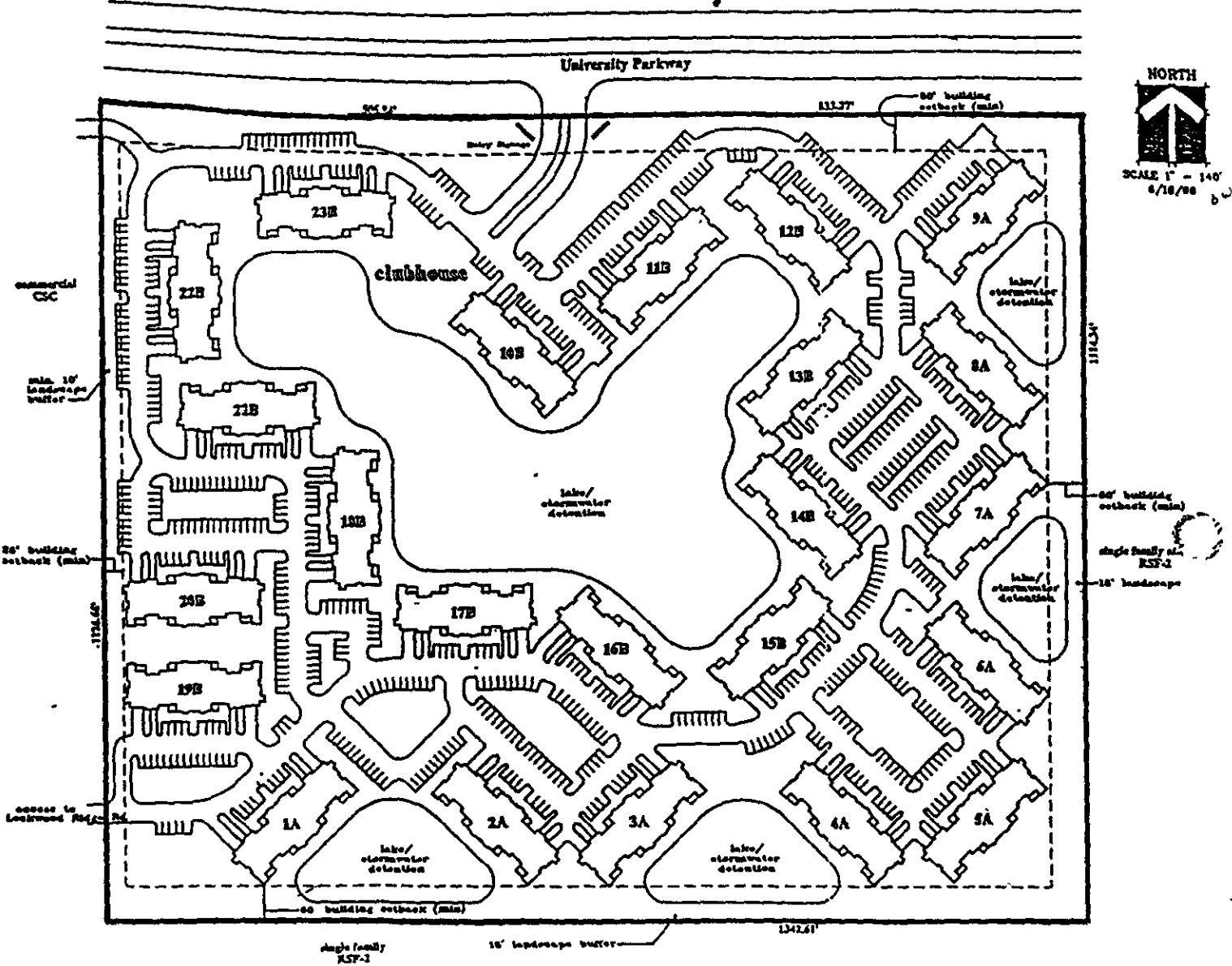

Chairman

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

MAP SERIES / CONCEPT PLAN



Site Data

Existing Use	_____	Vacant
Existing Zoning	_____	OUE-2
Proposed Zoning	_____	RMF-3
Project Acreage	_____	34.28 acres
Total Number of Buildings	_____	23
A (2 & 3 story) - 16 units/bldg	_____	8
B (3 story) - 22 units/bldg	_____	14
Total Number of Units	_____	443
Density	_____	12.64 units/acre
Parking Required	_____	898 (2/unit)
Parking Provided	_____	898 (minimum)
attached garage	_____	138
landscaped spaces behind garage	_____	158
regular (8'x10')	_____	587
handicapped (12'x18')	_____	23
Lake Area	_____	6.0 acres (approx.)

Received by the Planning Department

June 29, 1998

STATE OF FLORIDA,
 COUNTY OF SARASOTA
 I HEREBY CERTIFY THAT THE FOREGOING IS A
 TRUE AND CORRECT COPY OF THE ORIGINAL FILES
 IN THIS OFFICE WITNESS MY HAND AND OFFICIAL

SEAL THIS DATE 10/19/99
 KAREN E. RUSHING, CLERK OF THE CIRCUIT COURT
 EX OFFICIO CLERK TO THE BOARD OF COUNTY
 COMMISSIONERS, SARASOTA COUNTY, FLORIDA

BY Paula F. Lintoman
 DEPUTY CLERK