

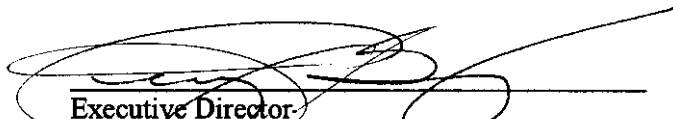
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NOTICE OF STIPULATIONS AND LIMITATIONS ENCUMBERING
REAL PROPERTY PURSUANT TO THE SARASOTA COUNTY ZONING CODE

The following property located in Sarasota County, Florida, owned by Mary Ann Cimoch, and described in Ordinance No. 99-011 attached hereto, has been rezoned to the RMF-3 (Residential, Multi-Family, 13 units/acre) zone district with amended stipulations pursuant to Rezone Petition No. 98-39 filed by Stephen D. Rees, Esq., Agent, and granted by Sarasota County on May 25, 1999, and is subject to the following stipulations and limitations, violations of which shall constitute a violation of the Sarasota County Zoning Code:

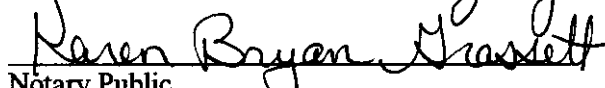
(Stipulations and limitations are those described in Section 3 of Ordinance No. 99-011, attached hereto)

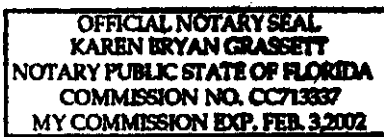

Executive Director
Growth Management Business Center

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 28th day of July, A.D. 1999.


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 # 1999103819 6 PGS
1999 JUL 30 11:20 AM
KAREN E. RUSHING
CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
DCLINGER Receipt#125576

ORDINANCE NO. 99-011

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.

99 JUN - 1 PM: 28
FILED
CLERK OF COUNTY OF SARASOTA
TALLAHASSEE, FLORIDA

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. 98-39, 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 Board, after receiving said information, stated intent to have the Petitioner provide visual screening now provided by exotic vegetation.

D. 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.

E. 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 20 acres ± from RMF-3 (Residential, Multi-Family, 13 units/acre) with stipulations

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to RMF-3 (Residential, Multi-Family, 11 units/acre) with amended stipulations for the following described property located in Sarasota County, Florida:

West of McIntosh Road and 600' ± South of Bee Ridge Road, more particularly described as follows:

Lot 2 and Lot 11, Block 1, Bee Ridge Farms Subdivision, LESS East 19' for road right-of-way, Plat Book A, Page 40, 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. The main access point shall align with Hale street and any secondary access shall be located at least 150' from the main access point. The developer shall also construct, at no expense to Sarasota County, northbound left turn lanes on McIntosh Road at the main and secondary access points. In order to accommodate the turn lanes, the pavement shall be widened to a three lane cross section from the existing wide pavement approximately 1000 feet south of Bee Ridge Road to the full three lane section approximately 450 feet north of Wilkinson Road. At such time as McIntosh Road is improved to a 4-lane divided roadway, the secondary access point shall be restricted to right-turn in/out access only. The improvements shall be included in the construction plans for the subject parcel. The improvements shall not be bonded.
2. Landscape buffer widths shall be provided along the northern, western and southern property lines as depicted on the Development Concept Plan date-stamped January 29, 1999 attached hereto as Exhibit A. Additionally, the landscape buffer along the western boundary shall be as depicted on the Landscape Plan date-stamped January 29, 1999 attached hereto as Exhibit B including the following:
 - 76 Cabbage Palms, planted in groups, as follows:
 - groups are planted 75 lineal feet on center,
 - 14 groups contain 5 palms; each palm is planted 8' on center,
 - 1 group contains 6 palms; each palm is planted 8' on center,
 - Cabbage Palms are 10'-12' high.

45 Live Oak Trees, planted in groups as follows:

Groups are planted 75 lineal feet on center,
15 groups contain 3 Live Oaks; each tree is planted 15' on center,
Live Oaks are 12'-16' high, 3"-4" caliper.

18 Accent Trees, planted in small informal groups or scattered, as follows;

Trees are Hollies or Crape Myrtles,
Each tree is planted a minimum of 10' on center,
Trees are 8'-10' high.

Existing trees and overhanging branches are to be saved where possible.

Wall construction is to adjust or return around existing trees.

Masonry wall to be 8' high.

Shrub hedge is to be continuous planting, as follows:

Vegetative hedge is to be continuous, with shrubs planted 32" on center,
Shrubs are Viburnum Suspensum,
'Nora Grant' Ixora are to be planted within wall return areas to break up
expanse of continuous hedge.

3. The location of any tennis courts, basketball court, pool area, and volleyball area shall be located no closer than 200 feet from the westerly property line. Hours of use for these areas shall be limited from 8:00 a.m. to 10:00 p.m., Sunday through Thursday, and 8:00 a.m. to 11:00 p.m., Friday and Saturday.
4. All parking lot, driveway, and security lights within 50' of the western property line shall not exceed 6' in height.
5. The developer shall cause to be published and distributed to future residents of the subject parcel a Notice of Proximity to the Temple Baptist Church/West Florida Christian School and disclosure of the following activities which have customarily occurred and will occur in the future respecting operation of the church and school thereupon:
 - a. Operation for church and private school with attendant activities, including services and programs during day and evening hours;
 - b. Special church activities, including but not limited to, revivals and outside activities such as tent meetings and athletic contests;
 - c. Operation of the school (having a potential enrollment in excess of 600 students) includes, but is not necessarily limited to, outdoor playground activities of young children and high school athletic activities and contests;

- d. The athletic fields are regularly used by community groups as well as the school high school athletic teams and include evenings with lighted fields, marching bands and the playing of musical instruments, and use of loud speakers to announce program events and information; and,
 - e. Conduct of these athletic activities upon the adjoining athletic fields may cause, from time to time, balls in play to come over and into development on the subject parcel, which balls must be retrieved.
6. a. As shown on the Development Concept Plan, the Developer shall construct, prior to other development on the property, an 8 foot high, 100% opaque wall along the north and south property lines of the subject parcel.

Covenants shall be submitted to Sarasota County, prior to the issuance of a Certificate of Occupancy, which ensure and require that the wall will be maintained by the owner(s) in good structural and visual condition, and which provide for enforcement by the County with the County being entitled to costs and attorney's fees, if necessary, for enforcement.

- b. The Developer shall construct, prior to other development on the property, an 8 foot high stucco finished wall along the west property line which shall contain: (1) a 20' wide landscaped buffer area, and (2) a 5' wide landscaped area as required by Section 13.14, Sarasota County Zoning Ordinance, to be located between the subject wall and the westerly property line facing toward the adjoining existing residential developments. The west side of the wall adjoining the Meadowland and Strathmore developments shall be of an earthtone color. The Developer shall be responsible for maintenance of the wall and the landscaping and shall agree to contribute an agreed upon equitable share of the costs incurred by Strathmore Villas to reimburse it for maintenance expenses incurred respecting the wall and/or landscaping and/or irrigation system irrigating the landscaping. Walls shall be built at the base grade of the highest neighboring lot.
7. All structures shall maintain setbacks from the perimeter of the subject parcel as shown on the Development Concept Plan, date stamped January 29, 1999; provided, however, no structure shall be closer than 50 feet from the west property line of the subject parcel. Additionally, parking spaces located along the western edge of the property shall be setback at least 30 feet from the western property line of the subject parcel.
8. That portion of any structure located within 180-feet of the western property line of the subject parcel shall not exceed 1 story in height, or 18 feet maximum. All remaining structures shall not exceed 45' in height. There shall be no under-the-structure parking within the residential structures.

- 9. 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.
- 10. Development shall be limited to 220 dwelling units.
- 11. Petitioner shall provide a landscape plan that depicts the replacement of all on site exotic vegetation with permitted plant material of similar size and scope subject to the approval of the Sarasota County Growth Management Business Center staff.

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 25 day of May, A.D., 1999.

BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA

Shannon Staub

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: *Nada Harris*
Deputy Clerk

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 5/27/99
KAREN E. RUSHING, CLERK OF THE CIRCUIT COURT
EX-OFFICIO CLERK TO THE BOARD OF COUNTY
COMMISSIONERS, SARASOTA COUNTY, FLORIDA
By: *Nada Harris*
DEPUTY CLERK