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 INSTRUMENT # 1999073379 5 PGS
 1999 MAY 27 03:42 PM
 KAREN E. RUSHING
 CLERK OF CIRCUIT COURT
 SARASOTA COUNTY, FLORIDA
 JLITTLE Receipt#108106

**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 Brad Baldwin, and described in Ordinance No. 99-024 attached hereto, has been rezoned to the CG (Commercial, General) zone district pursuant to Rezone Petition No. 98-43 filed by James W. Herston, Agent, and granted by Sarasota County on April 29, 1999, and is subject to the following stipulations and limitations, violations of which shall constitute a violation of the Sarasota County Zoning Code:

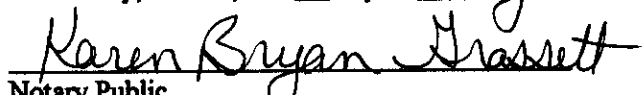
(Stipulations and limitations are those described in Section 3 of Ordinance No. 99-024, attached hereto)

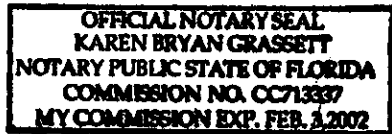

 Executive Director
 Growth Management Business Center

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 26th day of May, A.D. 1999.


 Notary Public
 State of Florida at Large



This instrument prepared by:
 Leigh Riley ✓
 Growth Management Business Center
 P.O. Box 8
 Sarasota, FL 34230

ORDINANCE NO. 99-024

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. 98-43, 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 3.56 acres ± from OPI (Office, Professional and Institutional) and CG (Commercial, General) to CG (Commercial General) for the following described property located in Sarasota County, Florida:

FILED
MAY - 6 PM 1:00
CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FLORIDA

SARASOTA COUNTY, FL
CLERK OF CIRCUIT COURT
HARVEY J. ROSS
MAY 6 1999
99 MAY - 6 AM 7:02
1
SARASOTA COUNTY

MAY 9

West of U.S. 41 and 650' ± North of Albee Road, more particularly described as follows:

Begin at the SE corner of the SW 1/4 of SE 1/4 of Section 36, Township 38 South, Range 18 East; thence North 678 feet along center of road; thence West 33 feet; thence North 664 feet, more or less for a point of beginning; thence continue North along West side of road 248 feet; thence South 89° 30' West 624 feet; thence South along center of a ditch 248 feet; thence East 624 feet, more or less to the point of beginning; LESS that part of above described property conveyed to the State of Florida for road right-of-way purposes, as recorded in Official Records Book 230, Page 399, and Official Records Book 254, Page 262, all of the Public Records of Sarasota County, Florida.

TOGETHER WITH: The North 1/2 of the West 236 feet of the following described property to wit: Begin at the SE corner of the SW 1/4 of the SE 1/4 of Section 36, Township 38 South, Range 18 East; thence North 678 feet along the center of road; thence West 33 feet; thence North 584 feet for a point of beginning; thence continue North 80 feet; thence South 89° 30' West 624 feet; thence South along center of a ditch 80 feet; thence East 624 feet to the point of beginning, all lying and being in Section 36, Township 38 South, Range 18 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 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. A traffic study shall be completed prior to construction plan approval for any development on the subject parcel, which results in a cumulative trip generation for the entire subject parcel in excess of 17 PM peak hour net new trips. Any traffic study or concurrency analysis for any portion of the subject parcel shall examine the impact area of the cumulative development on the entire subject parcel.
2. The subject parcel shall connect to central sewer within 90 days of availability and notification.
3. Until the western 1.56 acres ± of the subject parcel being rezoned from OPI to CG is connected to central sewer, the following normally permitted uses in the CG zone district shall not be permitted on that portion of the subject parcel: retail food outlets, delicatessen, bake shop, beauty shop, self service laundry, funeral home, health spa, printing establishments, dry cleaning, automotive service stations, animal hospital, convenience store and restaurant.

4. The Applicant shall provide documentation of efforts to resolve listed species issues (Bald Eagle nest) associated with the site with the appropriate regulatory agencies in accordance with Environmental Chapter Policy Nos. 5.4.2. and 5.4.3. of Apoxsee.
5. The western 75 feet of the subject parcel as shown on the Development Concept Plan date stamped November 23, 1998, shall contain only the landscape buffers, open space, or stormwater retention/detention areas.
6. Exterior lighting on the site shall be directed only toward the subject site and away from adjacent properties and streets.
7. 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, and 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.

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.

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

SEAL THIS DATE 5/1/99
 KAREN E. RUSHING, CLERK OF THE CIRCUIT COURT
 EX-OFFICIO CLERK TO THE BOARD OF COUNTY
 COMMISSIONERS, SARASOTA COUNTY, FLORIDA

BY [Signature]
 DEPUTY CLERK

PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, this 29 day of April, A.D., 1999.

BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA

Sharon Shave
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: Linda Harris
Deputy Clerk