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INSTRUMENT # 1999085858 10 PGS


1999 JUN 23 04:19 PM

KAREN E. RUSHING
CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
DCLINGER Receipt#115651

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 D. Gary Alvey, and described in Ordinance No. 99-032 attached hereto, 33.1 acres ± have been rezoned to the RMF-3 (Residential, Multi-Family, 13 units/acre) zone district with amended stipulations and 7.8 acres ± have been rezoned to the RSF-4 (Residential, Single Family, 5.5 units/acre) zone district pursuant to Rezone Petition No. 99-11 filed by Michael J. Furen, Esq., Agent, and granted by Sarasota County on May 27, 1999, and is subject to the following stipulations and limitations, violations of which shall constitute a violation of the Sarasota County Zoning Code:

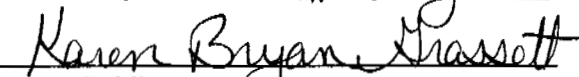
(Stipulations and limitations are those described in Section 3 of Ordinance No. 99-032, attached hereto)


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 27th day of June, A.D. 1999.


Notary Public
State of Florida at Large

OFFICIAL NOTARY SEAL
KAREN BRYAN GRASSETT
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. CC71337
MY COMMISSION EXP. FEB. 2 2002

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

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JUN 8

✓ Leigh Riley, Growth Mgmt.
Admin. Ctr., 5th FL.

ORDINANCE NO. 99-032

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. 99-11, 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 33.1 acres ± from RMF-3 (Residential, Multi-Family, 13 units/acre) with stipulations to RMF-3 (Residential, Multi-Family, 13 units/acre) with amended stipulations and 7.8 acres ± from OUE-2 (Open Use, Estate, 1 unit/5 acres) to RSF-4 (Residential, Single Family, 5.5 units/acre) for the following described property located in Sarasota County, Florida:

South of University Parkway and 1400' ± West of Honore Avenue, more particularly described as follows:

RECORDED
JUN 29 11:21
CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FLORIDA

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PARCEL A-1: RMF-3

A tract of land lying in the Northeast 1/4 and the Northwest 1/4 of Section 2, Township 36 South, Range 18 East, Sarasota County, Florida, described as follows:

Commence at the Northeast corner of the Northwest 1/4 of Section 2, and run along the East boundary of the Northwest 1/4 of Section 2, S 00° 23' 22" W, a distance of 206.00 feet to the South right-of-way line of University Parkway and the POINT OF BEGINNING. Thence from said POINT OF BEGINNING, run along said South right-of-way line S 89° 25' 38" E, 669.84 feet; thence leaving said South right-of-way line, run for the following (26) courses:

1) S 00° 34' 22" W 143.66 feet; 2) S 89° 25' 38" E 17.04 feet; 3) S 00° 34' 22" W 85.78 feet; 4) S 28° 54' 08" W 33.84 feet; 5) S 61° 05' 52" E 145.46 feet; 6) N 28° 54' 08" E 55.53 feet; 7) N 90° 00' 00" E 20.64 feet; 8) S 34° 18' 43" E 67.93 feet; 9) S 00° 26' 05" W 176.49 feet; 10) S 89° 33' 55" E 24.48 feet; 11) S 44° 21' 47" E 26.91 feet; 12) S 45° 38' 13" W 71.34 feet; 13) S 44° 21' 47" E 66.78 feet; 14) S 45° 38' 13" W 143.28 feet; 15) S 00° 22' 59" W 46.55 feet; 16) S 45° 06' 42" E 38.89 feet; 17) S 45° 14' 18" W 179.20 feet; 18) S 29° 13' 12" W 50.28 feet; 19) S 44° 21' 47" E 151.46 feet; 20) N 45° 38' 13" E 66.49 feet; 21) S 31° 07' 06" E 100.00 feet; 22) N 89° 09' 39" W 904.77 feet; 23) N 00° 23' 22" E 747.08 feet to a point on a curve; 24) Along the arc of a curve to the left, concave to the Southwest, Radius 750.00 feet, Delta 012° 11' 48", Arc 159.65 feet, Chord Bearing N 08° 00' 40" W 159.35 feet to a point on a curve; 25) Along the arc of a curve to the right, concave to the East, radius 850.00 feet, Delta 014° 22' 38", ARC 213.29 feet, Chord Bearing N 06° 41' 45" W 212.73 feet; to the South right-of-way line of University Parkway; 26) Thence leaving said curve run along said South right-of-way, S 89° 25' 38" E 49.52 feet to the aforementioned POINT OF BEGINNING; and

LESS, a tract of land lying in the Northeast 1/4 of Section 2, Township 36 South, Range 18 East, Sarasota County, Florida, described as follows:

Begin at the SW corner of the NW 1/4 of the NE 1/4 of Section 2, Township 36 S, Range 18 E, run thence North 330 feet, thence East 336.6 feet, thence South 330 feet, thence West 336.6 feet to the POINT OF BEGINNING, and lying in Sec. 2-36S-18E, Sarasota County, Florida.

PARCEL A-2 RMF-3

A parcel of land being a part of the Northwest 1/4 of the Northeast 1/4 of Section 2, Township 36, South, Range 18 East, Sarasota County, Florida, described as follows:

Commence at the Northwest corner of the Northeast 1/4 of Section 2; thence South 89° 25' 38" East along the North boundary of the NE 1/4 of Section 2, a distance of 1380.20 feet; thence leaving said boundary line and run along the East boundary of the Northwest 1/4 of said Section South 00° 26' 05" West a distance of 206.00 feet

to the point of beginning. Thence from said point of beginning the following twenty-four (24) courses:

L1)S 00°26'05"W 1122.08 feet; L2)N89°09' 39"W 474.41 feet; L3) N 31° 07' 06" W 100.00 feet; L4)S45° 38' 13" W 66.49 feet; L5)N 44° 21' 47" W 151.46 feet; L6)N 29° 13' 12" E 50.28 feet; L7)N 45° 14' 18" E 179.20 feet; L8)N 45° 06' 42" W 38.89 feet; L9)N 00° 22' 59"E 46.55 feet; L10)N 45° 38' 13" E 143.28 feet; L11)N 44° 21' 47"W 66.78 feet; L12)N 45° 35' 13" E 71.34 feet; L13)N 44° 21' 47"W 26.91 feet; L14)N 89° 33' 53" W 24.48 feet; L15)N 00° 26' 05"E 176.49 feet; L16)N 34° 18' 43"W 67.93 feet; L17)N 90° 00' 00"W 20.64 feet; L18)S 28° 54' 08" W 55.53 feet; L19)N 61° 05' 52"W 145.46 feet; L20)N 28° 54' 08"E 33.84 feet; L21)N 00° 34' 22"E 05.78 feet; L22)N 89° 25' 38" W 17.04 feet; L23)N 00° 34' 22" E 143.66 feet; L24) S 89° 25' 38" E 710.19 feet; to the aforementioned point of beginning.

PARCEL B: OUE-2 to RSF-4

A tract of land lying in the Northeast 1/4 of Section 2, Township 36 South, Range 18 East, Sarasota County, Florida, described as follows:

Begin at the SW corner of the NW 1/4 of the NE 1/4 of Section 2, Township 36 S, Range 18 E, run thence North 330 feet, thence East 336.6 feet, thence South 330 feet, thence West 336.6 feet to the POINT OF BEGINNING, and lying in Sec. 2-36S-18 E, Sarasota County, Florida; and

PARCEL C: OUE-2 to RSF-4

Commence at the Northeast corner of the Northwest 1/4 of the Northeast 1/4 of Section 2, Township 36 South, Range 18 East; thence South 0° 57' 24" West 1,328 feet for the Point of Beginning; thence North 88° 39' 28" West 346.5 feet; thence South 669.4 feet; thence Easterly 345 feet; thence North 0° 57' 24" East 669 feet, more or less, to the Point of Beginning.

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 finding that adequate levels of service are available based on evaluations made at the rezoning stage of the development process does not guarantee that the facilities will be available in later stage of the development process. The issuance of subsequent development permits is subject to the requirements of Sarasota County Ordinance No. 89-103.
2. All buildings requiring a fire flow of greater than 1,000 gallons per minute (GPM) shall be sprinkler protected.

3. As depicted on the concept plan date stamped May 11, 1992, attached hereto as Exhibit A, the Applicant shall provide on Parcel "A" a minimum 30 foot wide buffer along the University Parkway frontage of the subject parcel which shall be landscaped in accordance with buffer "K" of Section 13.14 of the Zoning Ordinance. As depicted on the concept plan, the Applicant shall provide on Parcel "A" a minimum 25 foot wide buffer along the easterly boundary of the subject parcel which shall contain a six foot (6') high staggered concrete block wall on a two foot (2') high berm with 22 canopy trees and 44 accent/understory trees. The required plant material shall be located on the east side of the wall. The Applicant shall submit a landscape plan to the County for review and approval. Vegetation shall be planted to maximize screening and buffering to the adjacent single family residences to the east. The Applicant shall be responsible for all maintenance of the landscaped areas pursuant to Section 13.18 of the Zoning Ordinance.
4. Three story portions of any structure shall not be located within 100 feet of the property boundary of the subject parcel except that no building located along the western boundary of the property shall exceed two-stories in height or be located closer than 350 feet to any platted lot in the Longwood Run Griffon Woods subdivision.
5. Tennis courts and swimming pool areas shall not be located closer than 250 feet from the property boundary of the subject parcel.
6. Lighting used to illuminate swimming pool and tennis court areas shall be directed away from adjacent properties. Tennis court areas shall not be illuminated after 10:00 p.m.
7. All parking lot, driveway, and security lights within 50 feet of the property boundary of the subject parcel shall not exceed six (6) feet in height.
8.
 - a. Access for the subject parcel shall be limited to one access point onto University Parkway. Said access shall be located as depicted on the Development Concept plan date stamped May 11, 1992, and the access driveway shall align properly with the median opening for Saunders Road/Corporate Boulevard. Utilization of this access point may require the provision of an access easement from the property owner to the west.
 - b. In the event the access point depicted on the development concept plan is not feasible, access for the subject parcel shall be limited to one right-in/right-out access to be located towards the center of the subject parcel. Pursuant to the interlocal agreement between Sarasota County and Manatee County regarding University Parkway, no median opening to serve the subject parcel at this access point shall be permitted.
9. If access is located at the median opening per Stipulation No. 8.a and signalization is warranted, the Applicant shall contribute a fair share, either as a proportionate share based on travel demand, or for the necessary signal appurtenances (heads, detectors, etc.)

to signalize the access roadway, whichever is greater.

10. The Applicant shall provide a deceleration lane on University Parkway to accommodate eastbound to southbound traffic.
11. The undisturbed areas of mesic hammock on the subject parcel shall be maintained as preserve areas and labeled as preserve areas on all plans. Said preserve areas shall be flagged in the field by the Applicant and shall be subject to review and approval by the County Natural Sciences Division and the Historical Resources Department prior to the submittal of a site and development or preliminary plan.
12. Any proposed alterations to mesic hammock areas shall not exceed 25 percent of the mesic hammock areas on-site, subject to review and approval of the Natural Sciences Division and providing that no significant loss of function would be incurred. An acreage breakdown of the total on-site mesic hammock and any proposed clearance areas shall be provided with the site and development plan or preliminary plan submittal.
13. Remaining pine flatwoods areas adjacent to University Parkway shall be conserved and labeled as conservation areas on all site and development or preliminary plans.
14. A resources management plan for the preservation and conservation areas shall be submitted by the Applicant as part of the site and development plan or preliminary plan, subject to review and approval by the County Natural Sciences Division.
15. All buildings within or adjacent to mesic hammocks, where standard fill construction would impact the mesic hammock, shall be constructed on stemwall foundations to minimize removal of vegetation.
16. Central sewer service shall be provided from an off-site source.
17. A master stormwater management plan for the entire development project shall be submitted at the time of Site and Development Plan review which will address the existing floodplain and mitigate off-site impacts through application of best management practices as required by all applicable laws, ordinances, rules and regulations existing at the time Site and Development Plan application is submitted.
18. No parking area shall be located closer to University Parkway than fifty feet (50').
19. Buildings shall be painted with soft muted earth tones and building colors proposed shall be submitted to the County Zoning Department for review at the time of Site and Development Plan review.
20. All structures along the eastern boundary of the subject parcel shall be limited to two stories in height.

21. Development on the subject parcel shall be limited to 386 dwelling units.
22. A conceptual Floodplain Compensation Plan based on finalized 100 year elevations determined from the Phillippi Creek Basin Master Plan shall be submitted for review and approval to the Sarasota County Transportation Department prior to the submittal of preliminary plans/site and development plans for the subject parcel. This plan shall demonstrate that development of the subject parcel will not adversely affect the functions of the floodplain consistent with Future land use Policy 1.1.6. The Conceptual Floodplain Compensation Plan shall be finalized with the preliminary plan/site and development plan submittal.
23. 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.
24. Parcels "B" and "C" as depicted on the Development Concept Plan Development date stamped January 5, 1999 attached hereto as Exhibit B shall only contain landscape buffers, native habitat, open space, or stormwater retention/detention areas.
25. The installation of the signal and the modification to the westbound to southbound left turn lane on University Parkway at Medici Court shall be completed prior to the issuance of any certificate of occupancy for the Phase II development. The improvements shall be included in the construction plans.

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

BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA

Shannon Staut

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: *Paula J. Lintorman*
Deputy Clerk

EXHIBIT A

MAP SERIES/CONCEPT PLAN
MAY 11, 1992
REZONE PETITION 94-16
ORDINANCE NO. 94-031

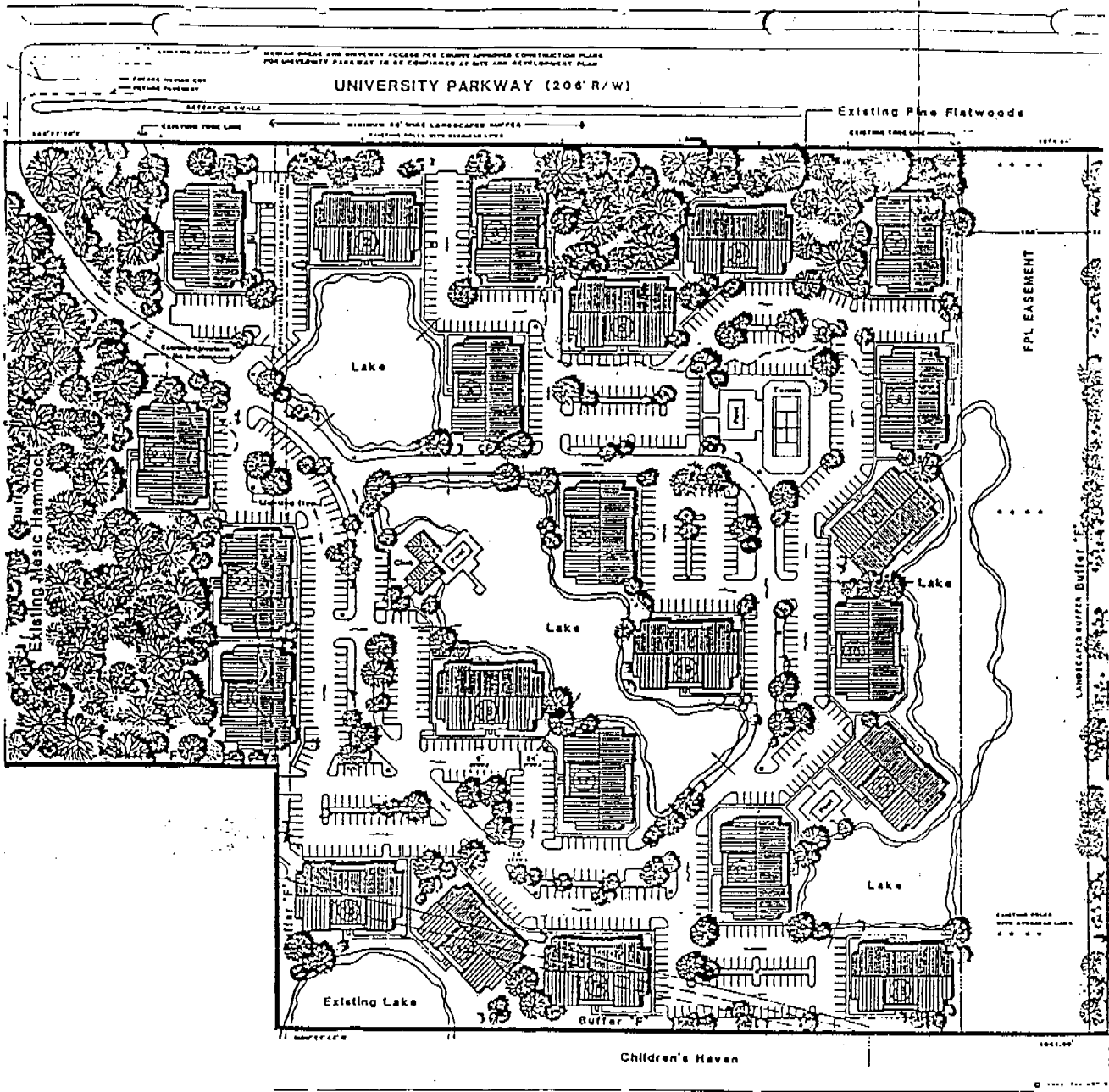
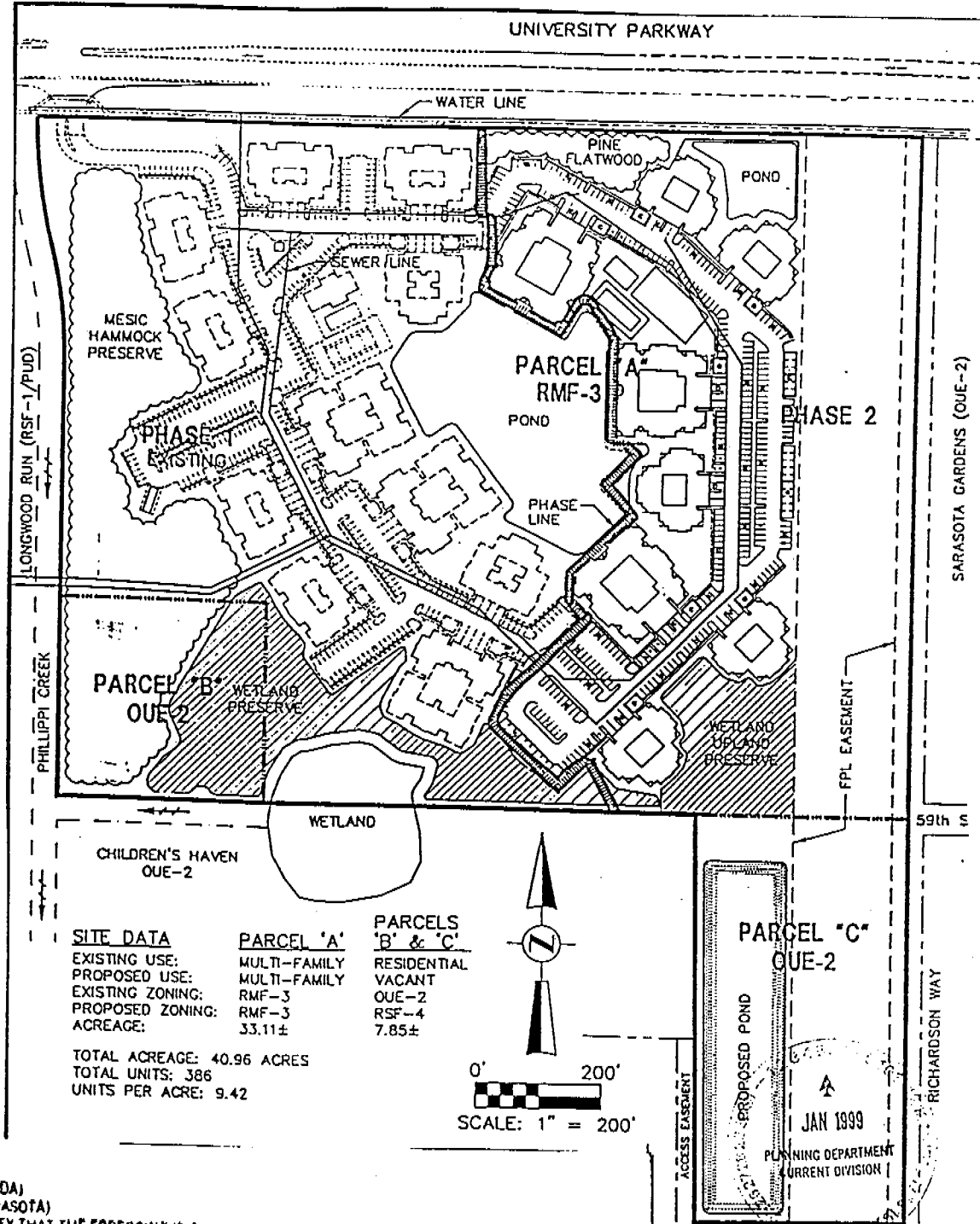


EXHIBIT B

MAP SERIES/CONCEPT PLAN
January 5, 1999



SITE DATA
 EXISTING USE: MULTI-FAMILY
 PROPOSED USE: MULTI-FAMILY
 EXISTING ZONING: RMF-3
 PROPOSED ZONING: RMF-3
 ACREAGE: 33.11±

TOTAL ACREAGE: 40.96 ACRES
 TOTAL UNITS: 386
 UNITS PER ACRE: 9.42

PARCEL 'A'	PARCELS 'B' & 'C'
MULTI-FAMILY	RESIDENTIAL
MULTI-FAMILY	VACANT
RMF-3	OUE-2
RMF-3	RSF-4
33.11±	7.85±

PARCEL "C"
OUE-2

PROPOSED POND

JAN 1999

PLANNING DEPARTMENT
CURRENT DIVISION

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 5-28-99
 KAREN E. RUSHING, CLERK OF THE CIRCUIT COURT
 EX-OFFICIO CLERK TO THE BOARD OF COUNTY
 COMMISSIONERS, SARASOTA COUNTY, FLORIDA
 BY *Paula J. [Signature]*