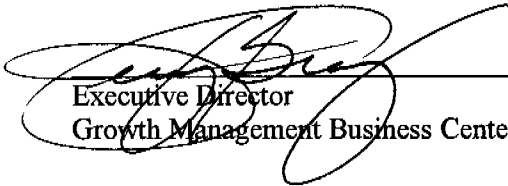


4

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 Richard Ross, S. David Walters as Vice President of Nationsbank, Pauline B. Gadway and Leone E. Frush, III, and described in Ordinance No. 99-048 attached hereto, has been rezoned to the RSF-2 (Residential, Single Family, 3.5 units/acre) zone district pursuant to Rezone Petition No. 99-12 filed by George A. Dietz, Esq., Agent, and granted by Sarasota County on July 14, 1999, and is subject to the following stipulations and limitations, violations of which shall constitute a violation of the Sarasota County Zoning Code:

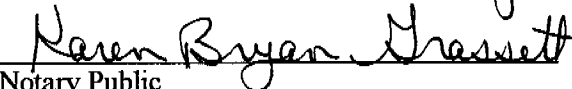
(Stipulations and limitations are those described in Section 3 of Ordinance No. 99-048, attached hereto)

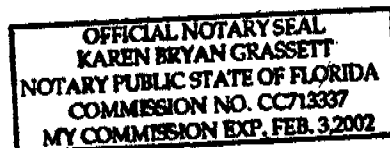

Executive Director
Growth Management Business Center

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 24th day of August, 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 # 1999116987 4 PPS
1999 AUG 26 03:25 PM
KAREN E. RUSHING
CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
VBROTHER Receipt#132919

ORDINANCE NO. 99-048

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. 99-12, 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 20.31 acres ± from OUE-2 (Open Use Estate, 1 unit/2 acres) to RSF-2 (Residential, Single Family, 3.5 units/acre) for the following described property located in Sarasota County, Florida:

Southeast corner of Vamo Way and US 41, more particularly described as follows:

FILED
1999 JUL 21 PM 2:33
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

BOARD RECORDS
CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FL
99 JUL 16 PM 4:55

AUG 11

PARCEL A

Lots 4 and 5, Block 4, SARASOTA VENICE COMPANY SUBDIVISION of the East 1/2 and the Northwest 1/4 of Section 34, Township 37 South, Range 18 East, as per the plat thereof recorded in Plat Book 8, Page 12, Public Records of Sarasota County, Florida.

PARCEL B

That part of the North 1/2 of the Northeast 1/4 of the Southwest 1/4 of Section 34, Township 37 South, Range 18 East, lying East of the right-of-way State Road 45 (U.S. Highway 41) also known as Tamiami Trail, LESS that portion conveyed to the State of Florida for right-of-way purposes in deed recorded in O.R. Book 303, Pages 245 and 246, Public Records of Sarasota County, Florida.

PARCEL C

That portion of vacated roadway lying between Parcel A and Parcel B herein above described, having been vacated, along with other portions of said roadway, by Resolution of the Board of County Commissioners of Sarasota County, Florida, recorded in O.R. Book 1187, Page 247, et seq., 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. 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.
2. The Applicant shall determine the capacity of the 36-inch reinforced concrete pipe under U.S. 41 and limit their 100-year, 24-hour storm allowable release rate from the site to a pro-rata share of the capacity of the downstream 36-inch reinforced concrete pipe under U.S. 41 at which the outside edge of pavement for U.S. 41 is not overtopped.
3. The on-site wetlands, scrubby flatwoods, mesic hammock, and associated upland vegetative buffer shall be maintained as a preserve and labeled a preserve on both the construction plans and final plat. All activities involving filling, excavating,

removing of vegetation (both trees and understory) and storing of materials shall be prohibited within preservation areas, unless written approval is first obtained from the Resource Permitting Division.

- 4. A 20 foot wide buffer of natural vegetation shall be preserved along the easterly and southerly boundaries of the subject property in the areas to be developed with residential lots.
- 5. The internal roadway system shall be designed such that cul-de-sacs shall be located no closer than 100 feet from the easterly and southerly boundaries of the subject property.
- 6. Development of the subject parcel shall be limited to 54 single family residences.

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 14th day of July, A.D., 1999.

BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA

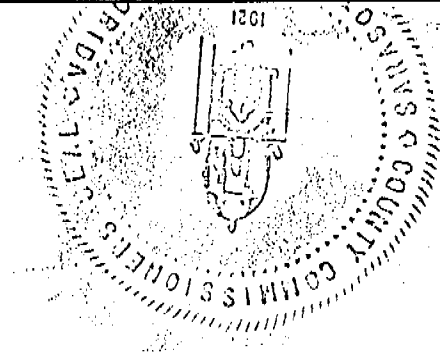
Sharon A. Kras

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: *Karen E. Rushing*
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 7-16-99
KAREN E. RUSHING, CLERK OF THE CIRCUIT COURT
EX-OFFICIO CLERK TO THE BOARD OF COUNTY
COMMISSIONERS, SARASOTA COUNTY, FLORIDA

Karen E. Rushing
BY
DEPUTY CLERK