

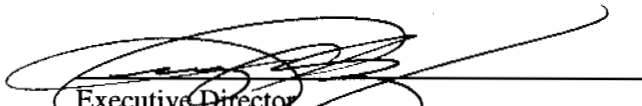


1999085855

**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 Vadia Enterprises, and described in Ordinance No. 99-034 attached hereto, has been rezoned to the RMF-2 (Residential, Multi-Family, 9 units/acre) zone district pursuant to Rezone Petition No. 99-13 filed by Robert Medred, 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:

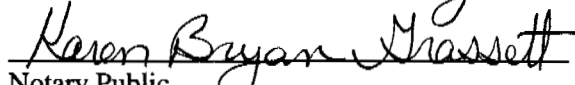
(Stipulations and limitations are those described in Section 3 of Ordinance No. 99-034, attached hereto)

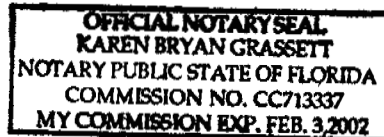

Executive Director
Growth Management Business Center

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 21st day of June, 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

RECORDED IN OFFICIAL RECORDS
INSTRUMENT # 1999085855 5 PGS
1999 JUN 23 04:19 PM
KAREN E. RUSHING
CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
DCLINGER Receipt#115651

JUN 8

✓ Leigh Riley, Growth Mgmt.
Attn: Ofr, 5th FL.

BOARD RECORDS
CLERK OF CIRCUIT COURT
SARASOTA COUNTY FLORIDA

ORDINANCE NO. 99-034

99 MAY 28 PM 1:20

CLERK OF CIRCUIT COURT
SARASOTA COUNTY FLORIDA

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. 99-13, 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 15.2 acres ± from RSF-2 (Residential, Single Family, 3.5 units/acre) to RMF-2 (Residential, Multi-Family, 9 units/acre) for the following described property located in Sarasota County, Florida:

South of East Venice Avenue and 1250' ± West of Auburn Road, more particularly described as follows:

DEPARTMENT OF STATE
TALLAHASSEE FLORIDA
99 JUN - 21 2:20 PM
FILED

TRACT 5 of the unrecorded plat of "KENT ACRES" more particularly described as follows:

The West 304 ft. of the East 1553 ft. of the North 726 ft. of that part of Sec. 9, Twp. 39 S, Rge. 19 E, Sarasota County, Florida, lying South of the existing R/W of Venice Avenue East. The South 15 ft. being reserved for ingress and egress easement; and

TRACT 6 of the unrecorded plat of "KENT ACRES" more particularly described as follows:

The West 304 ft. of the East 1857 ft. of the North 726 feet of that part of Sec. 9, Twp. 39 S, Rge. 19 E, Sarasota County, Florida, lying South of the existing R/W of Venice Avenue East. The South 15 ft. being reserved for ingress and egress easement; and

TRACT 7 of the unrecorded plat of "KENT ACRES" more particularly described as follows:

The West 304 feet of the East 2161 feet of the North 726 feet of that part of Section 9, Township 39 South, Range 19 East, Sarasota County, Florida, lying South of the existing R/W of Venice Avenue East. The South 15 feet thereof being reserved for ingress and egress easement.

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. Development of the subject parcel shall be in conformance with the Venice Avenue Corridor Plan No. 85-03-SP, Ordinance No. 89-74, and the Gateway to Venice Urban Design District, Ordinance No. 094-074.
2. There shall be no direct access to Kunze Road from the subject parcel.
3. If the Applicant elects to direct all of the runoff to the north, the allowable release rate shall be limited to the portion of the site that currently drains to the north, or the site shall meet the requirements of Ordinance No. 89-74, whichever is more restrictive.
4. Development of the site shall be consistent with the stormwater analysis for the Sawgrass Regional Stormwater Facility.
5. 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.

6. Prior to site and development plan submittal, the limits of the on-site wetland and mesic hammock shall be flagged in the field and confirmed by the County Resource Permitting Division.
7. The wetland, mesic hammock, and associated upland vegetative buffer shall be maintained as a preserve and labeled a preserve on the site and development plans. Final wetland preservation demarcation shall be determined during the preliminary plan or site and development plan submittal. 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. Any proposed impacts and mitigation to/for the protected native habitat during the development review process shall be in accordance with the Land Development Regulations.
8. Landscape buffers shall be as depicted on the Development Concept Plan date-stamped January 29, 1999.
9. Recreation facilities including swimming pool, clubhouse, basketball or volleyball courts shall not be located closer than 100-feet from the south property line.
10. Refuse areas shall be setback at least 50-feet from any property line and shall be visually screened in accordance with Section 11.6.f of the Zoning Ordinance.
11. Within 75-feet of the south property line, only one-story structures, not exceeding 25-feet in height to the peak of the roof, shall be permitted.
12. The maximum height of all structures shall be limited to 35 feet and no in-structure parking shall be allowed.
13. Development on the subject parcel shall be limited to 112 dwelling units.

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

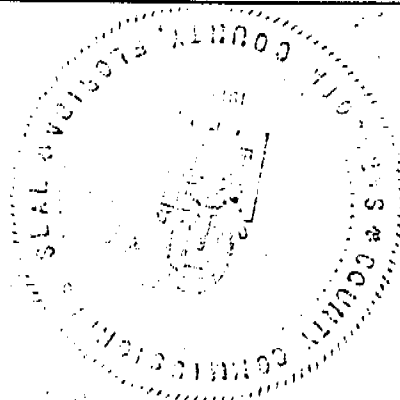
BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA

Shannon Staul

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: *Sue Garland*
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 5/28/99
KAREN E. RUSHING, CLERK OF THE CIRCUIT COURT
EX-OFFICIO CLERK TO THE BOARD OF COUNTY
COMMISSIONERS, SARASOTA COUNTY, FLORIDA

BY: *Sue Garland*
DEPUTY CLERK