


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 Trzcinski, General Partner, Venice Plaza Shopping Center, LTD, and described in Ordinance No. 99-089 attached hereto, has been rezoned to a OPI (Office, Professional and Institutional) zone district pursuant to Rezone Petition No. 99-36 filed by Ron Morahan, Agent, and granted by Sarasota County on December 8, 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. 99-089, attached hereto)

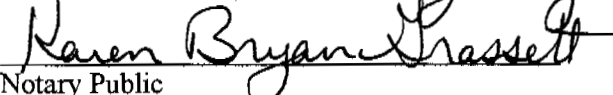


Executive Director
Growth Management Business Center

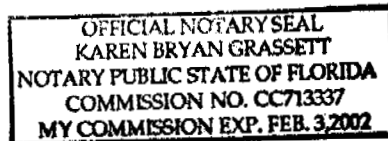
STATE OF FLORIDA
COUNTY OF SARASOTA

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 January A.D. 2000.



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 # 2000011704 6 PGS
2000 JAN 31 03:54 PM
KAREN E. RUSHING
CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
FMILLER Receipt#007589

RECEIVED
FEB - 3 2000
BY GROWTH MANAGEMENT

ORDINANCE NO. 99-089

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. 99-36, 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. 89-103 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.

E. The subject .94 acre ± parcel is within the Fruitville Road Corridor Plan No. 88-01-SP. The Corridor Plan currently designates the subject parcel as Moderate Density Residential. Section C.2 of Exhibit "A" of the Critical Area Planning (CAP) Regulations (Ordinance No. 97-074) provides for amendment to a relevant CAP ordinance through the final ordinance adopting the proposed development order where the proposed development requires rezoning of less than two (2) acres.

BOARD RECORDS
FILED FOR RECORDING
1999 DE 19 3:30 PM '99
KAREN BRUSHING
CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FLORIDA

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 .94 acres \pm from RSF-3 (Residential, Single Family, 4.5 units/acre) to OPI (Office, Professional and Institutional) for the following described property located in Sarasota County, Florida:

South corner of Fruitville Road and Tucker Avenue, more particularly described as follows:

Lots 3, 4, 6 and 8 of Tuckers Subdivision recorded in Plat Book 1, Page 165 the Public Records of Sarasota County, Florida along with Lots 51 and 52 of the Corrected Plat of Tucker's Addition recorded in Plat Book 3, Page 75, the Public Records of Sarasota County, Florida.

LESS Right of Way taken in O.R. Book 1811, Page 1377, O.R. Book 1854, Page 832 and O.R. Book 1884, Page 362 of the 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 completion of a Cultural Resource Assessment Survey/Report shall be required prior to any ground disturbing activities, alteration or removal of any structures and prior to review by the Historical Resources Department of any Preliminary Subdivision Plans, Site and Development, or Construction Plans. Should the report reveal the presence of any significant cultural resources, then the Applicant shall be required adhere to the requirements of Sarasota County Ordinance 98-051.
- 2) Prior to the issuance of a Certificate of Occupancy, any local road providing direct access to the subject parcel shall be widened to 22 feet, in accordance with Appendix D2 of the Land Development Regulations, from Fruitville Road to the access point of the subject property on the local road. The entire pavement width shall be resurfaced for the entire length of the roadway where the widening is required. The improvements shall be included in the construction plans.
- 3) Exterior lighting on the site shall be directed only toward the subject site and away from adjacent properties and streets.

PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, this 8 day of December, A.D., 1999.

BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA

Shannon Hunt
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

- 4) All development shall comply with the Fruitville Road Corridor Plan (Ordinance No. 96-082 as amended).
- 5) Refuse areas shall be setback at least 50-feet from any property line and visually screened in accordance with the Fruitville Road Corridor plan.
- 6) 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, in accordance with applicable federal, state or local regulations. At the time of recording a plat or prior to final construction plan approval, the Owner shall be required to record in public records a Notice To Purchaser, approved by Sarasota County, putting purchasers on notice that maintenance of drainage facilities is a private responsibility.

Section 4. Adopting of an Amendment to the Fruitville Road Corridor Plan (No. 88-01-SP).

1. Pursuant to the Sarasota County Comprehensive Plan and Section C.2 of Exhibit "A" of the Critical Area Planning Regulations adopted by Sarasota County Ordinance No. 97-074, and based on the evidence and testimony and the foregoing findings, the Board hereby redesignates the subject parcel from Moderate Density Residential to Light Office and adopts the revised Fruitville Road Corridor Plan (No. 88-01-SP) Future Land Use Plan, Figure 1, attached hereto as Exhibit A.

Section 5. 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.

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

THIS DATE 12/8/99
 KAREN E. RUSHING, CLERK OF THE CIRCUIT COURT
 EX-OFFICIO CLERK TO THE BOARD OF COUNTY
 COMMISSIONERS, SARASOTA COUNTY, FLORIDA

BY [Signature]
 DEPUTY CLERK

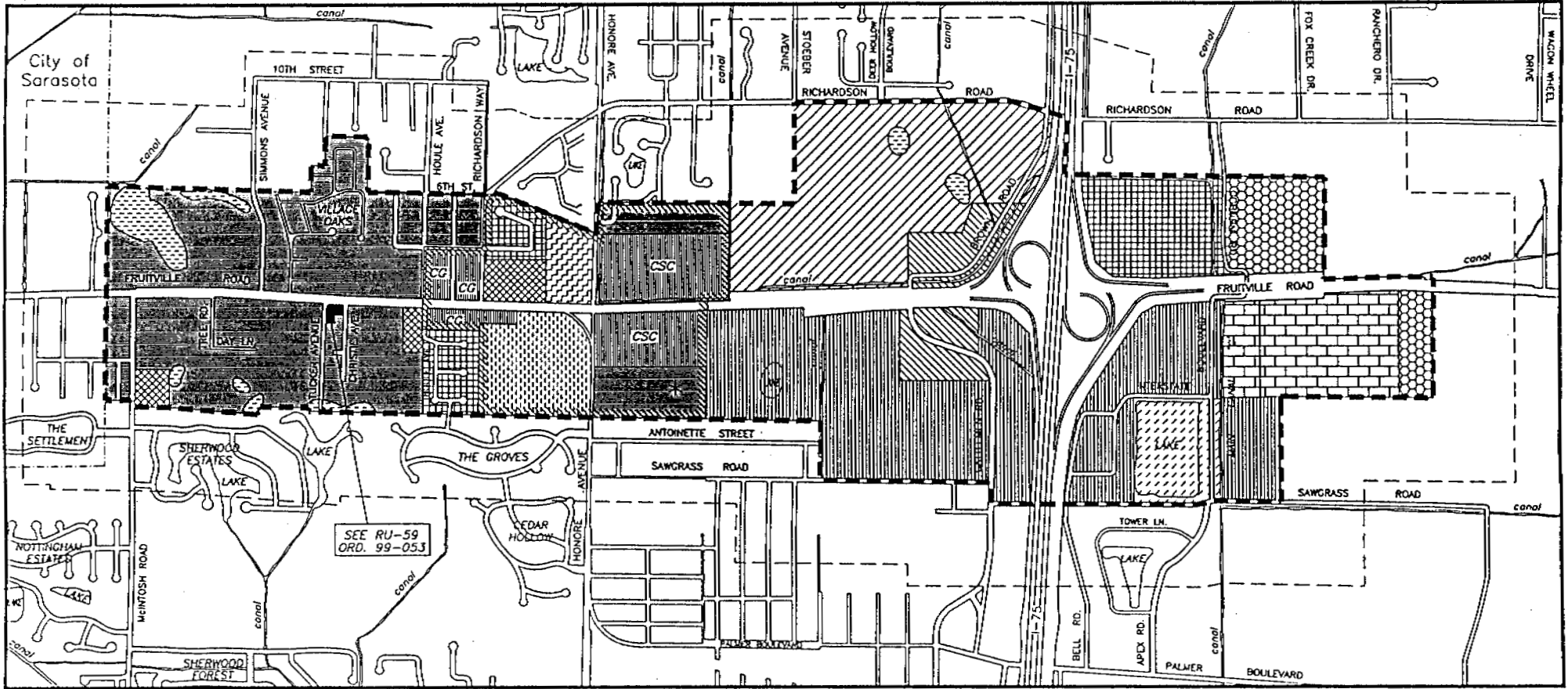
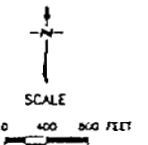


FIGURE 1
 FRUITVILLE ROAD CORRIDOR STUDY
 (NO. 88-01-SP)
 AMENDED FUTURE LAND USE PLAN MAP

- | | |
|--|---|
| VERY LOW DENSITY RESIDENTIAL
(MAXIMUM 1.0 DU/2.0 AC.) | UTILITY |
| LOW DENSITY RESIDENTIAL
(1.0 TO 4.5 DU/AC.) | RECREATIONAL FACILITY |
| MODERATE DENSITY RESIDENTIAL ①
(4.6 TO 6.0 DU/AC.) | LIGHT OFFICE |
| PLANNED COMMERCE DEVELOPMENT | PROFESSIONAL OFFICE/
INSTITUTIONAL |
| COMMERCIAL HIGHWAY INTERCHANGE | COMMERCIAL (commercial shopping
center/general commercial) |
| NATIVE HABITAT AREAS
(refer to conditions no. 4, 5, and 6)
* denotes wetland mitigation area | MAJOR EMPLOYMENT CENTER ② |
| CEMETERY | GOVERNMENT USE |
| | VILLAGE ACTIVITY CENTER BOUNDARY |

- CITY LIMITS
- STUDY AREA BOUNDARY
- - - IMPACT AREA BOUNDARY

NOTE: ① RESIDENTIAL DENSITY MAY BE HIGHER WITH PROVISION OF AFFORDABLE HOUSING
 ② FOR MAJOR EMPLOYMENT CENTER DESIGNATIONS IN THE SOUTHEAST QUADRANT OF THE FRUITVILLE ROAD/I-75 INTERCHANGE REFER TO SECTOR PLAN NO. 83-10-SP



OFFICIAL RECORDS INSTRUMENT # 2000011704 6 PGS