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**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 Jennifer C Munch, Vice President-Treasurer of the Town and Country Trust, a Maryland Real Estate Investment Trust, etc , and described in Ordinance No 2000-002 attached hereto, has been rezoned to a RMF-2/RRZ (Residential, Multi-Family, 9 units/acre / Residential Receiving Zone) zone district with amended stipulations pursuant to Rezone Petition No 99-39 filed by Michael Furen, Agent, and granted by Sarasota County on January 26, 2000, and is subject to the following stipulations and limitations, violations of which shall constitute a violation of the Sarasota County Zoning Code

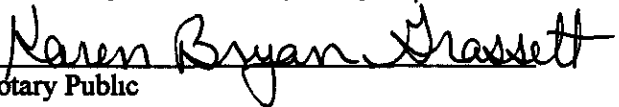
(Stipulations and limitations are those described in Section 3 of Ordinance No 2000-002, attached hereto)

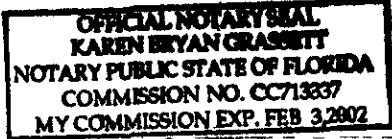

Executive Director
Growth Management Business Center

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 14th day of March, 2000


Notary Public
State of Florida at Large



This instrument prepared by
Nancy Higgins
Growth Management Business Center
1660 Ringling Boulevard, 5th Floor
Sarasota, FL 34236

RECORDED IN OFFICIAL RECORDS
INSTRUMENT # 2000032750 5 PGS
2000 MAR 16 02:06 PM
KAREN E. RUSHING
CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
VBROTHER Receipt#020443

ORDINANCE NO 2000-002

CLERK OF CIRCUIT COURT
FILED FOR RECORD

2000 JAN 31 PM 1:52

CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FL

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 99-39, 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 23 57 acres ± from RMF-2/RRZ (Residential, Multi-Family, 9 units/acre/Residential Receiving Zone) with stipulations to RMF-2/RRZ (Residential, Multi-Family, 9 units/acre/Residential Receiving Zone) with amended stipulations for the following described property located in Sarasota County, Florida

East side of McIntosh Road and 360' ± south of Fruitville Road, more particularly described as follows

Commence at the Northwest corner of the Southwest ¼ of Section 23, Township 36 South, Range 18 East, thence South 00° 34' 50" East along the Westerly line of the

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DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

Southwest $\frac{1}{4}$ of said Section 23, said line also being the center line of McIntosh Road, a distance of 399 98 feet to the Southwesterly line of the Plat of Elysia recorded in Plat Book 1, Page 208, of the Public Records of Sarasota County, Florida, thence North $89^{\circ} 07' 14''$ East along the Southerly line of said Plat of Elysia crossing a 3" concrete Monument located on the East right-of-way line of McIntosh Road, said Easterly right-of-way line being 30 00 feet East of and parallel with the Westerly line of said Southwest $\frac{1}{4}$ of Section 23, a distance of 47 45 feet to a Capped Iron Rod LB #124 for a POINT OF BEGINNING, thence North $89^{\circ} 07' 14''$ East along said Southerly line a distance of 904 16 feet to a SWN Concrete Monument LB #124, said point being a point on the Westerly right-of-way line of Tree Road, as shown on the plat of A L Days Subdivision recorded in Plat Book 1, Page 96, of said records, thence South $01^{\circ} 43' 55''$ East along said Westerly line of Tree Road, a distance of 249 70 feet to an SWN Concrete Monument LB #124, said point being a point of intersection of said Westerly line of Tree Road, with the Southerly line of Day Lane, 30 00 feet wide as shown on the aforementioned the Plat of A L Days Subdivision, thence North $88^{\circ} 50' 42''$ East along said Southerly line of Day Lane, a distance of 124 99 feet to an SWN Concrete Monument LB #124, said point being a point of intersection of said Southerly line of said Day Lane and a line 100 00 feet Westerly of and parallel with the Easterly line of Lot 6, Block B, of the aforementioned the Plat of A L Days Subdivision, thence South $01^{\circ} 43' 55''$ East along said parallel line to a distance of 100 16 feet to an SWN Concrete Monument LB #124, said point being a point on the Northerly line of Lot 7, Block B, thence North $88^{\circ} 50' 42''$ East along said Northwesterly line of Lot 7, Block B, of said the Plat of A L Days Subdivision and the Northerly line of the South $\frac{1}{2}$ of Lots 8, 9 and 10, Block B, of said the Plat of A L Days Subdivision a distance of 435 86 feet to an SWN Concrete Monument LB #124, said point being a point on the occupation line as existing and past usage as the East line of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section 23, thence South $01^{\circ} 10' 51''$ East along said occupation line, a distance of 200 11 feet to an SWN Concrete Monument PLS No 1364, said monument being the Northeast corner of a survey by Smally, Wellford & Nalven, Inc, dated February 26, 1975, Drawing Index No C-1479-1, thence continue along said occupation line South $01^{\circ} 10' 51''$ East, a distance of 390 81 feet to an SWN Concrete Monument PLS No 1364, said point being the intersection of said occupation line with the Southerly line of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section 23, thence South $89^{\circ} 43' 03''$ West along said Southerly line a distance of 21 03 feet to a point, being the intersection of said Southerly line of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ and the extension of the Easterly line of Lot 50 of Sherwood Estates Unit No 3, recorded in Plat Book 10, Page 61, of said Public Records, thence South $00^{\circ} 01' 51''$ East along said extension of the Easterly line of Lot 50, a distance of 59 44 feet to a Capped Iron Rod LB #124, said point being on the Northerly line of said Sherwood Estates Unit No 3, thence North $88^{\circ} 01' 11''$ West along said Northerly line of Sherwood Estates Unit No 2, a distance of 1475 51 feet to a Capped Iron Rod LB #124, said point being on the Easterly right-of-way line of McIntosh Road, lying 30 00 feet East of and parallel with the Westerly line of the Southwest $\frac{1}{4}$ of said Section 23, thence North $00^{\circ} 34' 50''$ West along said Easterly right-of-way of McIntosh Road, a distance of 1 19 feet to a Capped Iron Rod LB #124, being a point of intersection of said Easterly right-of-way of McIntosh Road and the aforementioned Southerly line of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$, thence North $89^{\circ} 43' 03''$ East along said Southerly line of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$, a distance of 466 48 feet to a Capped Iron Rod LB #124, thence North $00^{\circ} 34' 50''$ West, a distance of 458 53 feet, thence South $89^{\circ} 05' 39''$ West, a distance of 448 67 feet to a point lying on the Easterly right-of-way line of McIntosh Road, thence North $00^{\circ} 34' 50''$ West along said Easterly right-of-way line of McIntosh Road, lying 47 81 feet Easterly of and parallel with the Westerly line

of the aforementioned Southwest $\frac{1}{4}$ of Section 23, a distance of 328.23 feet to a Capped Iron Rod LB #124, said point being the Southwest corner of the premises described in Official Records Book 1831, Page 2928, thence along the Easterly line of said premises, North $00^{\circ} 43' 43''$ West, a distance of 140.78 feet 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 Development on the subject parcel shall not exceed 213 units provided 52 transferable development rights under Transfer Permit No 88-2 RRZ are exercised by the developer pursuant to s 7 27 f (Ord No. 75-38, amended) within the Residential Receiving Zone district established pursuant to Ord No 88-110, otherwise, development shall not exceed 161 units
- 2 All structures shall maintain setbacks from the perimeter of the subject parcel as shown on the Development Concept Plan, date stamped April 6, 1988
- 3 All three-story structures shall be located no closer to the perimeter of the subject parcel than as shown on the Development Concept Plan, date stamped April 6, 1998 All other structures shall not exceed two stories
- 4 The Natural Sciences Division of the Department shall review and approve Site and Development or preliminary plans
- 5 At least 30% of each stormwater management pond must contain a litoral zone planted with native aquatic vegetation (except cattails)
- 6 The Wetland-fringing Hammock shall be delineated on the Site and Development or preliminary plan and labeled "Preserve " Appropriate remaining open space areas, to be approved by the Natural Sciences Division, shall be labeled "Open Space in Native Habitat" on the Site and Development or preliminary plan Trees and understory in these areas shall remain undisturbed
- 7 A six-foot high landscape hedge shall be located along three sides of the refuse compactor
- 8 If all of the residential homeowners adjoining the southerly boundary line of the subject parcel request in writing to the Sarasota County Planning Department an extension of the existing natural trees and understory, the developer shall plant additional trees and understory to the southwest corner of the Temple Emmanuel property which shall

conform to the landscaped buffer area requirements of s.7 22, Ord No 75-38, amended

- 9 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 plan 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 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

PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, this 26 day of January, A D , 2000

BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA

[Signature]
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 [Signature]
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 2/1/2000

KAREN E RUSHING CLERK OF THE CIRCUIT COURT EX OFFICIO CLERK TO THE BOARD OF COUNTY COMMISSIONERS SARASOTA COUNTY FLORIDA
BY [Signature]
DEPUTY CLERK

