

Please record and return to Karen Grasset  
Growth Management Business Center  
1660 Ringling Boulevard, 5<sup>th</sup> Floor  
Sarasota, FL 34236

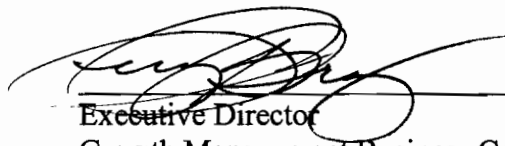
RECORDED IN OFFICIAL RECORDS  
INSTRUMENT # 2003123220 7 PGS  
2003 JUN 23 05:57 PM  
KAREN F. RUSHING  
CLERK OF THE CIRCUIT COURT  
SARASOTA COUNTY, FLORIDA  
JPENA Receipt#337123



NOTICE OF STIPULATIONS  
AND LIMITATIONS ENCUMBERING  
REAL PROPERTY PURSUANT TO  
THE SARASOTA COUNTY ZONING CODE

The following property located north of the intersection of U.S. 41 and State Road 681 in Sarasota County, Florida, owned by Jim Davis, and described in Resolution No. 2003-129 attached hereto, to allow a Transmission Tower in the OUE-2 (Open Use, Estate, 1 unit/2 acres) zone district, pursuant to Special Exception Petition No. 1489 filed by Simon Rosin, Agent, and granted by Sarasota County on June 10, 2003, is subject to the following stipulations and limitations, violations of which shall constitute a violation of the Sarasota County Zoning Code:

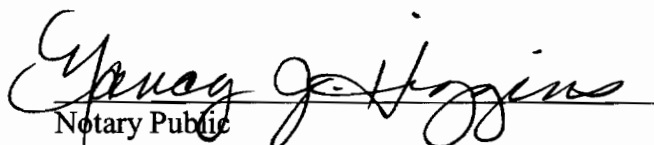
(Stipulations and limitations are those described in Section B of Resolution No. 2003-129, attached hereto)

  
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 18<sup>th</sup> day of June, A.D. 2002.

  
Notary Public  
State of Florida at Large

This instrument prepared by:  
CF



Nancy J. Higgins  
Commission # CC 936530  
Expires May 15, 2004  
Bonded Thru  
Atlantic Bonding Co., Inc.

2003 JUN 10 PM 4:30

RESOLUTION NO. 2003-129  
OF THE BOARD OF COUNTY COMMISSIONERS  
OF SARASOTA COUNTY, FLORIDA  
SPECIAL EXCEPTION NO. 1489

CLERK OF CIRCUIT COURT  
SARASOTA COUNTY, FL

WHEREAS, Simon Rosin, agent for the owner of the hereinafter described real property has filed Special Exception Petition No. 1489 requesting that a special exception be granted to allow the property, located north of the intersection of U.S. 41 and State Road 681, Sarasota County, Florida, to be used for a Transmission Tower in the OUE-2 (Open Use, Estate, 1 unit/2 acres) zone district; and

WHEREAS, the Planning Commission of Sarasota County, after due public notice, did hold a public hearing on the 20th day of June, 2002, to consider said Special Exception Petition No. 1489, and

WHEREAS, the said Planning Commission did submit and report its findings and recommendations to this Board that said Special Exception Petition No. 1489 be granted, and

WHEREAS, this Board, after due public notice, did on the 23rd day of April, 2003, hold a public hearing to consider said special exception petition, the recommendation of the Planning Commission and all matters relevant to said petition.

WHEREAS, this Resolution for Special Exception Petition No. 1489 supercedes and makes null and void the resolution for Special Exception Petition No. 1368, Resolution No. 96-045.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Sarasota County, Florida, in public meeting assembled:

A. This Board, after having considered the report of the Planning Commission, the testimony of the applicant, evidence entered into the record, public comment on the petition and all things brought to its attention with regard to said Special Exception Petition No. 1489 does make the following findings:

- (1) The granting of the Special Exception will promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity, or general welfare;
- (2) All the requirements of the Sarasota County Zoning Regulations and the Comprehensive Plan for Sarasota County, Florida, have been met and satisfied;
- (3) That the requirements of the District Regulations governing this Special Exception have been met; and
- (4) The following standards have or have not been met as indicated:

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- a. The proposed use is consistent with the intent, goals, objectives, policies and programs of the Sarasota County comprehensive plan for the area in which the property is located;
- b. The intensity of the proposed use is consistent with the intended future use of the area in which the property is located, in accordance with the programs of the "Future Land Use Plan";
- c. The proposed use singularly or in combination with other special exceptions does not change the character of the general vicinity, as shown on the locator map;
- d. The intensity of the proposed use is harmonious with the character of other uses in the general vicinity, as shown on the locator map;
- e. The height and orientation of the proposed structure(s) or use is compatible with the existing neighboring structures and uses;
- f. The subject parcel is sufficient and adequate in shape and size to accommodate the proposed use, and would provide for the appropriate separation between neighboring uses;
- g. The proposed use is adequately screened and buffered to effectively separate traffic, light and noise from the existing or intended abutting uses;
- h. The loading and refuse areas would not impose negative visual, odor, or noise impacts on abutting uses and thoroughfares;
- i. The size and location of the proposed sign(s) would conform to the character of existing neighboring uses;
- j. The exterior lighting would be harmonious with the existing character of existing neighboring uses, in terms of glare;
- k. The ingress and egress to the subject parcel and the structures involved, if any, would not adversely affect traffic flow, safety and control;
- l. The access and internal circulation is adequate in case of fire or emergency;
- m. The proposed use would not cause excessive traffic impacts on the surrounding roadway system;
- n. The location, type and availability of potable water for the proposed use is compatible with neighboring uses;
- o. The location, type and availability of the proposed wastewater system is compatible with neighboring uses; and

p. The proposed use would not cause or intensify flooding of neighboring uses.

B. Special Exception Petition No. 1489 is hereby granted for the following described property, said property being in Sarasota County, Florida, to-wit:

A tract of land lying in the Northwest 1/4 of Section 25, Township 38 South, Range 18 East, Sarasota County, Florida, described as follows:

Commence at the Northeast corner of the Northwest 1/4 of the Northwest 1/4 of Section 25, Township 38 South, Range 18 East, Sarasota County, Florida, thence N 89°36'00"W along the North line of said Section 25, a distance of 1153.78 feet, thence S 00°24'00"W, perpendicular to said North line of Section 25, a distance of 520.00 feet to the POINT OF BEGINNING, thence continue S 00°24'00"W, a distance of 127.85 feet to a point on the Northwesterly right of way line of State Road No. 681, as shown on Florida Department of Transportation Right Of Way Map Section 17005-2501, recorded in Road Plat Book 2, Page 39, public records of Sarasota County, Florida, thence S 45°36'43"E, along said Northwesterly right of way line, a distance of 262.00 feet to the point of curvature of a curve to the left having a radius of 234.00 feet, a central angle of 80°43'34", a chord length of 303.09 feet and a chord bearing of S 85°58'30"E, thence Easterly along said Northwesterly right of way line, same being the arc of said curve, an arc length of 329.69 feet to the point of compound curvature of a curve to the left having a radius of 2788.79 feet, a central angle of 07°02'35", a chord length of 342.59 feet and a chord bearing of N 50°08'26"E, thence Northeasterly along said Northwesterly right of way line, same being the arc of said curve, an arc length of 342.80 feet, thence N 43°22'52"W, perpendicular to said Northwesterly right of way line, a distance of 149.00 feet, thence N 89°36'00"W, parallel with the said North line of Section 25, a distance of 649.33 feet to the POINT OF BEGINNING.

and the same is hereby approved for 1489, subject to the stipulations as set forth below. As used in the stipulations hereinafter set forth, the term "Owner" shall refer to the owner or owners of the property described in Section B and their successors and assigns. Upon recording in the public records of Sarasota County, these stipulations shall be covenants running with the land.

1. Development shall take place in substantial accordance with the Development Concept Plan date stamped February 14, 2002, attached hereto as Exhibit "A." This does not imply or confer any

variances from applicable zoning or land development regulations, or applicable provisions of the Transmission Tower Code, Article II, Chapter 118, Sarasota County Code.

2. The transmission tower shall be of guyed construction and shall not exceed 525 feet (108 meters) in height. Any increase in height pursuant to Section 118-38 of the Transmission Tower Code, Article II, Chapter 118, Sarasota County Code shall require the processing of a Special Exception.
3. The wetland and associated upland vegetative buffer shall be maintained as a preserve and labeled a preserve on all plans. All activities involving filling, excavating, well drilling, altering vegetation (including trimming of both trees and under-story) and storing of materials shall be prohibited within the preservation areas, unless written approval is first obtained from Resource Protection Services. Exception may be granted by Resource Protection Services to facilitate implementation of approved management plans or the removal of nuisance/invasive vegetation.
4. 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.
5. It is the intent of the Applicant, in good faith, to consider all reasonable agreements proposed for use of tower space by Sarasota County or other users, provided such agreements do not interfere with the primary purpose or exceed structural limits of the tower. Development shall comply with all provisions of the Transmission Tower Code, Article II, Chapter 118, Sarasota County Code, as may be amended.
6. Landscape buffers shall comply with Section 118-36.J of the Transmission Tower Code, Article II, Chapter 118, Sarasota County Code. Existing vegetation shall be preserved to the maximum extent practicable and may be used as a substitute or to supplement the landscape buffer requirements.
7. Access for the facility shall not be required to be paved.
8. The transmission tower located at the northeast corner of the subject parcel was not approved as part of Special Exception Petition No. 1368 and it shall therefore be removed prior to Site and Development Plan approval for the proposed replacement tower.
9. The Owner shall correct all written complaints of blanketing interference or other interference to radio and communications devices caused by the use of the tower by the Owner, its' lessees, or tenants within 30 days upon notification of such interference.
10. This Special Exception shall be revoked and this approval shall be null and void if, after due notice to the Owner and a public hearing, the Board of County Commissioners finds that Stipulation No. 9 of this Special Exception has been violated. If this Special Exception is so revoked, the Owner shall bring the property into compliance with the Zoning and Tower Regulations within 60 days of the rendition of the Order revoking the Special Exception.

11. The Owner shall at all times maintain with the County's Development Services Business Center the name, address, and telephone number of an Agent to be contacted in accordance with Stipulation No. 9 of this Special Exception.

C. This Resolution shall take effect immediately upon its adoption.

PASSED AND DULY ADOPTED this 10<sup>th</sup> day of JUNE, A.D., 2003.

BOARD OF COUNTY COMMISSIONERS OF  
SARASOTA COUNTY, FLORIDA

By *Shannon Stant*  
Chairman

ATTEST:

KAREN E. RUSHING, Clerk  
of Circuit Court and ex officio  
Clerk of the Board of County  
Commissioners of Sarasota  
County, Florida.

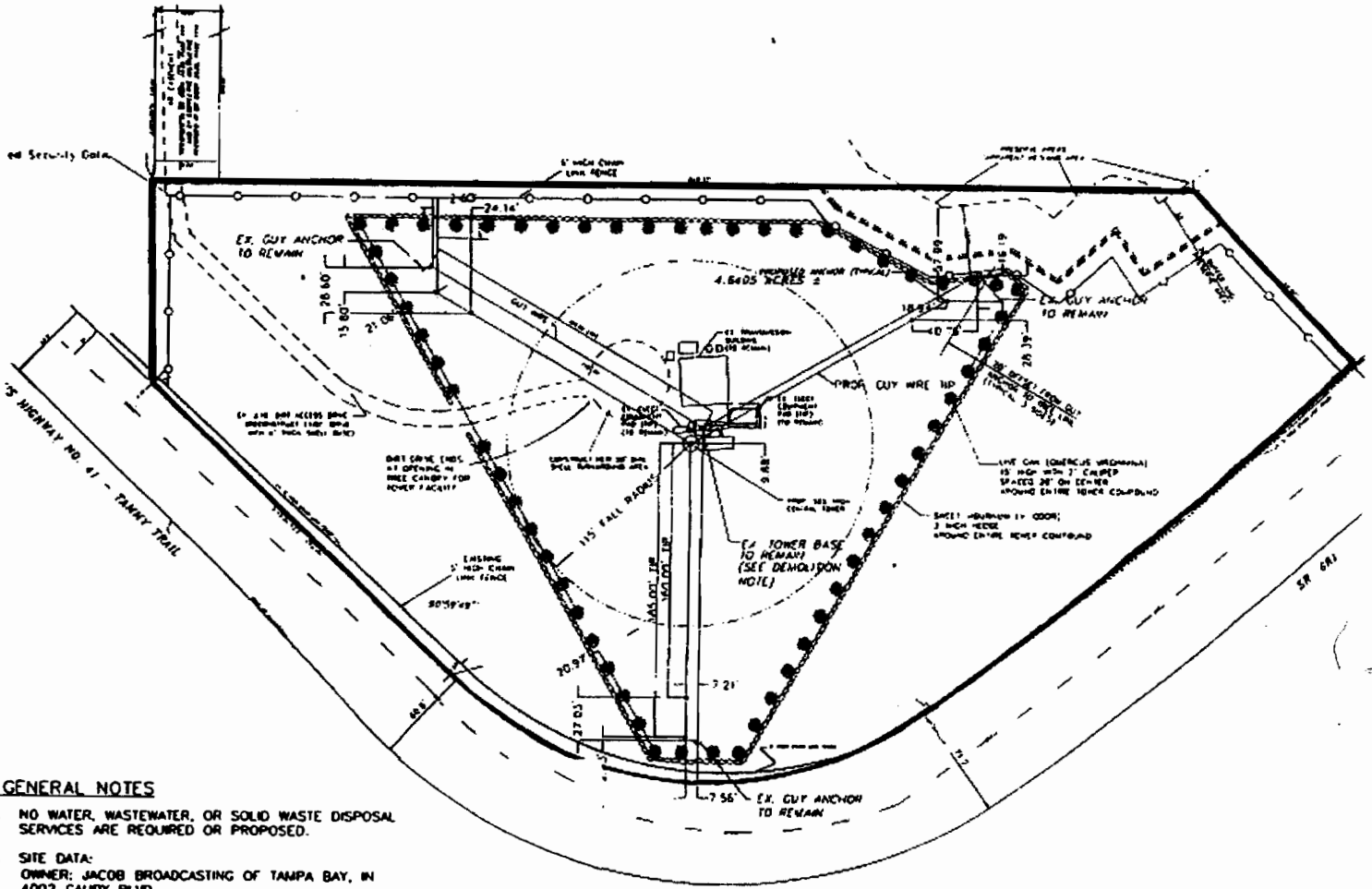
By *Candice G. Goods*  
Deputy Clerk

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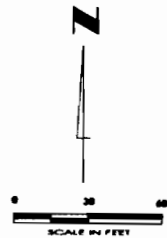
# MAP SERIES/CONCEPT PLAN

## EXHIBIT "A"



### GENERAL NOTES

1. NO WATER, WASTEWATER, OR SOLID WASTE DISPOSAL SERVICES ARE REQUIRED OR PROPOSED.
2. SITE DATA:  
 OWNER: JACOB BROADCASTING OF TAMPA BAY, IN  
 4002 CAUDY BLVD.  
 TAMPA, FLORIDA  
 PROJECT AREA = 4.64 Ac.±  
 ZONING: OUE-2  
 EXISTING USE: COMMUNICATION TOWER  
 PROPOSED USE: COMMUNICATION TOWER  
 SETBACKS REQUIRED:
  - a) 20' FOR GUY WIRES
  - b) TO RESIDENTIALLY ZONED PROPER 20% OF TOWER HEIGHT
  - c) PER SARASOTA COUNTY LAND DEVELOPMENT CODE
 SETBACKS SAME AS REQUIRED FOR PRINCIPAL STRUCTURE IN DISTRICT (50')
3. EXISTING SITE ACCESSIBILITY WILL REMAIN THE SAME FOR NEW TOWER.
4. NO STORM WATER MANAGEMENT FACILITY IS PROPOSED.
5. THE SITE IS LOCATED WITHIN FLOOD ZONE A-12 AS SHOWN BY FEM. ON FIRM PANEL NO. 12514402390
6. PROPOSED TOWER WILL BE INSTALLED WITH AN A23 RED INCANDESCENT LAMP ON TOP. TOWER WILL BE PAINTED RED STRIPE (F.A.S. PAINT).
7. ALL EXISTING TREES WILL BE PRESERVED.
8. DUE TO EXISTING VEGETATION ALONG THE PROJECT PERIMETER, WHICH CURRENTLY PROVIDES SUBSTANTIAL SCREENING OF THE EXISTING FACILITY, NO ADDITIONAL LANDSCAPING IS PROPOSED.



THIS DOCUMENT RECEIVED BY:  
 GROWTH MANAGEMENT ON  
 FEBRUARY 14, 2002

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1489