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2001 NOV 30 02:45 PM  
KAREN E. RUSHING  
CLERK OF CIRCUIT COURT  
SARASOTA COUNTY, FLORIDA  
DCOURSEY Receipt#110443



2001173369

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

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 D. Gary Alvey, Manager of JLN Holdings, L.C., and described in Resolution No. 2001-257 attached hereto, to allow a golf course and country club in the RSF-1 (Residential, Single Family, 2.5 units/acre) zone district, pursuant to Special Exception Petition No. 1512 filed by D. Gary Alvey, Agent, and granted by Sarasota County on November 6, 2001, 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. 2001-257, 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 29<sup>th</sup> day of November, A.D. 2001.

Notary Public  
State of Florida at Large

This instrument prepared by:  
Nancy Higgins



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

BOARD RECORDS  
FILED FOR RECORD

RESOLUTION NO. 2001-257

OF THE BOARD OF COUNTY COMMISSIONERS

2001 NOV -8 AM 9:05

OF SARASOTA COUNTY, FLORIDA

SPECIAL EXCEPTION NO. 1512

PLANNING  
CLERK OF CIRCUIT COURT  
SARASOTA COUNTY, FL

WHEREAS, Gary Alvey, agent for the owner of the hereinafter described real property has filed Special Exception Petition No. 1512 requesting that a special exception be granted to allow the property, located north of Clark Road and 4,000 feet ± east of I-75, Sarasota County, Florida, to be used for a golf course and country club in the RSF-1 (Residential, Single Family, 2.5 units/acre) zone district; and

WHEREAS, the Planning Commission of Sarasota County, after due public notice, did hold a public hearing on the 6<sup>th</sup> day of September, 2001, to consider said Special Exception Petition No. 1512, and

WHEREAS, the said Planning Commission did submit and report its findings and recommendations to this Board that said Special Exception Petition No. 1512 be granted, and

WHEREAS, this Board, after due public notice, did on the 10th day of October, 2001, hold a public hearing to consider said special exception petition, the recommendation of the Planning Commission and all matters relevant to said petition.

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. 1512 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:

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. 1512 is hereby granted for the following described property, said property being in Sarasota County, Florida, to-wit:

North of Clark Road and 4,000 feet  $\pm$  east of I-75, more particularly described as follows:

A parcel of land being a portion of Sections 7, 8, 17 and 18, Township 37 South, Range 19 East, Sarasota County, Florida and a portion described in Official Records Book 1261, Page 2155 and Official Records Book 1564, Page 1320 and that part described in Official Records Book 1793, Page 326, as recorded in the Public Records of Sarasota County, Florida, being more particularly described as follows:

Commence at the northwest corner of said Section 8; thence south  $00^{\circ}07'31''$  west along the westerly line of said Section 8, 3491.58 feet for a POINT OF BEGINNING; thence continue south  $00^{\circ}07'31''$  west along said Section Line, 269.05 feet; thence south  $88^{\circ}42'26''$  east, 299.96 feet; thence north  $13^{\circ}08'47''$  east, 82.79 feet; thence south  $61^{\circ}31'19''$  east, 20.00 feet; thence north  $22^{\circ}56'48''$  east, 68.54 feet to the approximate north top of bank of a drainage ditch; thence south  $60^{\circ}33'00''$  east along said approximate top of bank, 346.88 feet to the intersection of the easterly line of the west 1/2 of the southwest 1/4 of the southwest 1/4 of said Section 8; thence south  $00^{\circ}17'24''$  west along said easterly line and the southerly extension of 1543.05 feet to the intersection of the northerly right-of-way line of Clark Road, (State Road 72) being 100 feet wide; thence north  $89^{\circ}27'35''$  west along said right-of-way line, 1999.04 feet; thence north  $00^{\circ}07'31''$  east along a line that is parallel to said easterly line of Section 8, 1508.90 feet to the southerly line of Tract "A" of Ashley Subdivision, per the Plat as recorded in Plat Book 33, Page 22 of the Public Records of Sarasota County, Florida; thence north  $86^{\circ}44'22''$  east along said southerly line, 292.13 feet; thence north  $18^{\circ}14'37''$  east along said southerly line, 140.90 feet; thence north  $60^{\circ}12'00''$  east along said southerly line, 189.42 feet to the easterly line of said Ashley Subdivision; thence north  $00^{\circ}06'21''$  east along said easterly line, 26.90 feet to the approximate north top of bank of a drainage ditch; thence north  $73^{\circ}58'59''$  east along said approximate top of bank, 561.94 feet to a point of a curve; thence in an easterly direction along said approximate top of bank and curve to the right, having a radius of 170.59 feet, a delta of  $42^{\circ}35'50''$ , an arc distance of 126.83 feet to the point of tangency; thence south  $63^{\circ}25'11''$  east along said approximate top of bank, 195.97 feet to the POINT OF BEGINNING.

Containing 78.934 acres, more or less;

and

The west 1/2 of the southwest 1/4 of southwest 1/4, Section 8, Township 37 South, Range 19 East, Sarasota County, Florida, less the west 50 feet;

Also

Begin at the southwest corner of Section 8, Township 37 South, Range 19 East, Sarasota County, Florida, thence north  $89^{\circ}26'$  east along the south line of Section 8, 661.47 feet to the southeast corner of the west 1/2 of the southwest 1/4 of southwest 1/4; thence south  $00^{\circ}03'$  east along the east line of west 1/2 of the southwest 1/4 of southwest 1/4 extended, 359.4 feet to the north right-of-way line of Clark Road (100 feet wide); thence north  $89^{\circ}50'$  west along right-of-way, 668.17 feet; thence north

01°03' east along west line of Section 17, Township 37 South, Range 19 East, 349.87 feet to the POINT OF BEGINNING; less the west 50 feet;

Also

Begin at the southeast corner of Section 7, Township 37 South, Range 19 East; thence north 00°13' west along east line of said Section 7, 1247.4 feet to the northeast corner of southeast 1/4 of southeast 1/4 of said Section 7; thence south 86°24' west along north line of said southeast 1/4 of southeast 1/4 and extension, 1339.4 feet; thence south 00°13' east and parallel to east line of said Section 7; 1508.6 feet to north line of Clark Road (State Road No. 782) (100 feet wide); thence south 89°49' east along north line of Clark Road, 1329.38 feet to intersection of east line of Section 18, Township 37 South, Range 19 East and north line of said Clark Road; thence north 01°03' east along east line of said Section 18, 349.87 feet to the POINT OF BEGINNING; being partly in Section 7 and 18, Township 37 South, Range 19 East, Sarasota County, Florida;

and

A parcel of land located in Sections 7, 8 and 17, Township 37 South, Range 19 East, Sarasota County, Florida, also being part of Foxfire Subdivision as recorded in Plat Book 23, Page 33 of the Public Records of Sarasota County, Florida and being more particularly described as follows:

Commence at the northwest corner of said Section 8; thence south 00°07'31" west along the west line of said Section 8, 56.20 feet for a POINT OF BEGINNING, said point being the northwest corner of Lot 1 of said Foxfire Subdivision, which is on the southerly right-of-way line of Proctor Road, (25 feet from the centerline); thence continue south 00°07'31" west along said east line of Section 8 and along the west line of Lots 1, 2 and 3 of said Foxfire Subdivision, 770.00 feet; thence south 54°40'48" east along the southerly line of Lots 3 and 4 of said Foxfire Subdivision, 237.45 feet to an angle point; thence south 77°06'15" east along the southerly line of said Lot 4, 225.00 feet; thence north 81°24'49" east along the south line of Lot 5 of said Foxfire Subdivision, 245.78 feet to a point on a curve being on the westerly line of Lot 10 of said Foxfire Subdivision; thence in a southerly direction along the westerly line of Lots 10 thru 13 of said Foxfire Subdivision of said curve to the left, having a radius of 1080.00 feet which radius point bears south 49°02'14" east, a delta of 46°29'40", an arc distance of 876.40 feet to a point of a compound curve not tangent to the last described curve; thence in a southeasterly direction along the southerly line of Lots 13 thru 19 of said Foxfire Subdivision of said curve to the left, having a radius of 850.00 feet which radius point bears north 84°31'51" east, a delta of 118°59'27", and an arc distance of 1765.26 feet to the point of tangency; thence north 55°32'24" east along the southerly line of Lots 19, 20 and 21 of said Foxfire Subdivision, 279.18 feet to a point on the westerly boundary line of the Foxfire Owners Association, Inc. tennis courts; thence along the following 8 calls are the boundary lines of said tennis courts; south 34°27'33" east, 10.00 feet; thence south 55°33'34" west, 30.03 feet; thence south 34°26'16" east, 74.53 feet; thence north 55°41'41" east, 5.03 feet; thence north 34°45'25" west, 6.00 feet; thence north 55°31'43" east, 126.00 feet; thence north 26°36'59" east, 28.45 feet; thence north 34°22'40" west, 64.52 feet to a point on said south line of Lot 21; thence north 55°32'24" east along said south line of Lot 21, 81.98 feet to the westerly right-of-way

line of Proctor Road, (50 foot public right-of-way); thence south 34°25'49" east along said westerly right-of-way line, 800.00 feet to the northeast corner of Lot 31 of said Foxfire Subdivision; thence south 55°34'11" west along the northerly line of said Lot 31, 440.00 feet to the northwest corner of said Lot 31; thence south 34°25'49" east along the westerly line of Lots 31 and 32 of said Foxfire Subdivision, 505.23 feet to a point on a curve being on the northerly line of Lot 34 of said Foxfire Subdivision; thence in a southeasterly direction along the westerly line of Lots 34 thru 37 of said Foxfire Subdivision of said curve to the left, having a radius of 465.00 feet which radius point bears south 50°04'30" east, a delta of 164°20'03", an arc distance of 1333.70 feet to the point of tangency; thence north 55°35'25" east along the southerly line of Lots 37 and 38 of said Foxfire Subdivision, 305.11 feet to the westerly maintained right-of-way line of said Proctor Road as recorded in Road Plat Book 3, Page 48 of the Public Records of Sarasota County, Florida; thence along the following 5 calls are the westerly line of said maintained right-of-way, south 33°09'13" east, 100.31 feet; thence south 34°52'35" east, 100.17 feet, thence south 28°09'57" east, 100.60 feet, thence south 34°28'35" east, 100.00 feet; thence south 67°10'42" east, 24.97 feet; thence south 34°26'35" east, 141.15 feet to a point on the northerly line of Lot 39 of said Foxfire Subdivision; thence south 50°39'28" west along said northerly line, 473.06 feet to an angle point; thence south 00°31'51" west along the west line of said Lot 39, 140.05 feet to the northeast corner of Lot 44 of said Foxfire Subdivision; thence north 89°29'31" west along the north line of Lots 40 thru 44 of said Foxfire Subdivision, 994.15 feet; thence south 40°12'11" west along a line as described in Official Records Book 1405, Page 121 of the Public Records of Sarasota County, Florida, 10.74 feet; thence south 11°51'28" west along a line as described in said Official Records Book 1405, Page 121, 14.49 feet to a point on a line as described in Official Records Book 1294, Page 52 of the public records of Sarasota County, Florida; thence south 37°23'36" west along said line as described in Official Records Book 1294, Page 52, 21.92 feet to a point on the west line of said Lot 40; thence south 00°31'55" west along said west line, 459.70 feet to a point on the north right-of-way line of Clark Road (State Road 72, a 100 foot public right-of-way); thence north 89°27'35" west along said north right-of-way line, 329.69 feet to a point on the east line of the west ½ of the southeast ¼ of the southwest ¼ of said Section 8 extended southerly; thence north 00°37'15" east along said east line, 1517.95 feet to a point on the north line of the southwest ¼ and the southeast ¼ of the southwest ¼ of said Section 8; thence south 89°57'31" west along said north line, 1330.70 feet to the northeast corner of a parcel of land as described in Official Records Book 2935, Page 2200, Public Records of Sarasota County, Florida; thence south 00°17'24" west along the east line of said parcel of land, 61.45 feet to the southeast corner of said parcel of land; thence north 50°33'00" west along the south line of said parcel of land and along the approximate north top of bank of a drainage ditch, 346.88 feet; thence south 22°56'48" west, 68.54 feet; thence north 51°31'19" west, 20.00 feet; thence south 13°08'47" west, 82.79 feet to the southeast corner of a parcel of land as described in Official Records Book 2935, Page 2200 of the Public Records of Sarasota County, Florida; thence north 88°42'26" west along the south line of said parcel of land, 299.96 feet to the west line of said Section 8; thence north 00°07'31" west along said west line, 269.05 feet to a point on the approximate north top of bank of a drainage ditch; thence north 63°25'11" west along said approximate north top of bank, 195.97 feet to a point of a curve; thence in a westerly direction along said approximate north top of bank and said curve to the left, having a radius of 170.59 feet, a delta of 42°35'50", and an arc distance of 125.83 feet to the point of tangency; thence south 73°58'59" west along said approximate north top of bank, 561.94 feet to a point on the east line of Tract "A" of Ashley Subdivision as recorded

in Plat Book 33, Page 22 of the Public Records of Sarasota County, Florida; thence north  $00^{\circ}06'21''$  east (bearing basis for this description) along said east line of Tract "A" and Lots 1 thru 15 of said Ashley Subdivision, 3495.14 feet to a point on the said south right-of-way of Proctor Road; thence south  $89^{\circ}44'28''$  east along said south line, 839.85 feet to the POINT OF BEGINNING. Containing 188.223 acres, more or less;

and

Begin at the northwest corner of the east  $\frac{1}{2}$  of the southwest  $\frac{1}{4}$  of the southwest  $\frac{1}{4}$  of Section 8, Township 37 South, Range 19.

East for a POINT OF BEGINNING; thence north  $89^{\circ}32'10''$  east, along north line of said east  $\frac{1}{2}$  of southwest  $\frac{1}{4}$  of southwest  $\frac{1}{4}$ , 409.36 feet; thence south  $20^{\circ}26'10''$  east, 447.20 feet (actual = south  $20^{\circ}32'29''$  east, 446.17 feet); thence south  $0^{\circ}27'50''$  east, 25.00 feet; thence south  $89^{\circ}32'10''$  west, 565.00 feet; thence north  $0^{\circ}07'18''$  west (actual = north  $0^{\circ}08'41''$  west) along the west line of said northeast  $\frac{1}{4}$  of southwest  $\frac{1}{4}$  of southwest  $\frac{1}{4}$ , 444.06 feet to the POINT OF BEGINNING, containing 5.0 acres more or less;

Also

Commence at the northwest corner of the east  $\frac{1}{2}$  of the southwest  $\frac{1}{4}$  of the southwest  $\frac{1}{4}$  of Section 8, Township 37 South, Range 19 East; thence run north  $89^{\circ}32'10''$  east, along the north line of said east  $\frac{1}{2}$  of southwest  $\frac{1}{4}$  of southwest  $\frac{1}{4}$ , 409.36 feet for a POINT OF BEGINNING; thence continue north  $89^{\circ}32'10''$ , 598.00 feet; thence south  $0^{\circ}12'42''$  west, (actual = south  $0^{\circ}10'51''$  west, parallel to east line of northwest  $\frac{1}{4}$  of southeast  $\frac{1}{4}$  of southwest  $\frac{1}{4}$  of said Section 8), 420.34 feet (actual = 419.08 feet); thence south  $89^{\circ}32'10''$  west, 440.29 feet (actual = 440.12 feet); thence north  $20^{\circ}26'10''$  west (actual = north  $20^{\circ}32'29''$  west), 447.20 feet (actual = 446.17 feet) to the POINT OF BEGINNING, containing 5.0 acres more or less;

Also

Commence at the northwest corner of east  $\frac{1}{2}$  of southwest  $\frac{1}{4}$  of southwest  $\frac{1}{4}$  of Section 8, Township 37 South, Range 19 East, Sarasota County, Florida; thence north  $89^{\circ}32'10''$  east, 1007.36 feet for a POINT OF BEGINNING; thence north  $89^{\circ}32'10''$  east, 322.56 feet (measured = 322.99 feet) to the northeast corner of the west  $\frac{1}{2}$  of southeast  $\frac{1}{4}$  of southwest  $\frac{1}{4}$ ; thence south  $0^{\circ}12'42''$  west (actual = south  $0^{\circ}10'51''$  west along the east line of said west  $\frac{1}{2}$  of southeast  $\frac{1}{4}$  of southwest  $\frac{1}{4}$ ), 663.04 feet; thence south  $89^{\circ}32'10''$  west, 211.67 feet (measured = 212.69 feet); thence north  $35^{\circ}18'41''$  west, 266.78 feet; thence south  $89^{\circ}32'10''$  west, 395.88 feet (actual = 395.24 feet); thence north  $0^{\circ}27'50''$  west, 25.00 feet; thence north  $89^{\circ}32'10''$  E., 440.29 feet (actual = 440.12 feet); thence north  $0^{\circ}12'42''$  E. (actual = north  $0^{\circ}10'51''$  east parallel to said east line of said west  $\frac{1}{2}$  of southeast  $\frac{1}{4}$  of southwest  $\frac{1}{4}$ ), 420.34 feet (actual = 419.08 feet) to the POINT OF BEGINNING; lying and being in Section 8, Township 37

South, Range 19 East, Sarasota County, Florida, and containing 5.0 acres more or less,

and the same is hereby approved for 1512, 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 occur in substantial compliance with the Development Concept Plans date stamped April 27, 2001 attached hereto as Exhibit "A" except modification as necessary to comply with the stipulations contained herein. This does not imply or confer any variances from applicable zoning or land development regulations.
2. The Golf Course Property, as shown on the Development Concept Plan date stamped April 27, 2001 shall be limited to public or private golf course and country club uses and customary accessory uses thereto, except for (a) the four (4) single-family lots and residences and accessory improvements and structures to be located thereon and the road serving only those four (4) single-family lots and residences which shall only access Proctor Road as depicted on the Development Concept Plan; (b) code compliant entrance features and ground/monument signage for the four (4) single-family lots and residences; and (c) wells, pumps, utility lines and facilities, not including sewer treatment plant facilities, and stormwater facilities which may also serve property other than the Golf Course Property. No vehicular access shall be permitted across the Golf Course Property in order to connect Clark Road, or other off-site residential areas shown on the revised development concept plan, with Proctor Road.

For the purposes of this Stipulation, the phrase "public or private golf course and country club uses and customary accessory uses thereto" shall include all uses, functions, structures and facilities customarily associated with country clubs and golf courses, including a clubhouse, restaurant(s) and/or spa, storage area(s), above ground fuel tank(s), maintenance building(s), golf cart barn(s), code compliant signage, restroom facilities and other accessory structures and facilities, excluding however, all residential uses except for the four (4) single-family lots and residences and accessory uses and structures to be located thereon as previously set forth above.

This Stipulation has been voluntarily proffered by the Applicants, and accepted by the Board of County Commissioners, to ensure that the Foxfire Subdivision, per plat recorded in Plat Book 23, pages 33 and 33A through 33E, Public Records of Sarasota County, Florida, will continue to be buffered by a golf course and country club use, in substantially the same manner as the Foxfire Subdivision has been since its original development and marketing to the public, so long as the golf course and country club use remains an economically feasible use of the Golf Course Property.

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



PASSED AND DULY ADOPTED this 6<sup>th</sup> day of November, A.D., 2001.

BOARD OF COUNTY COMMISSIONERS OF  
SARASOTA COUNTY, FLORIDA

By *David F. Mills*  
Chairman

ATTEST:

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

By *Claudia G. Good*  
Deputy Clerk