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RECORDED IN OFFICIAL RECORDS
INSTRUMENT # 2002009916 8 PGS

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

2002 JAN 17 03:38 PM
KAREN E. RUSHING
CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
CBETHEL Receipt#127323

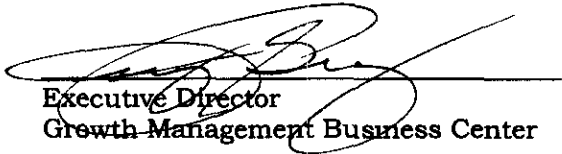


2002009916

**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 TK Family Limited Partnership, and described in Resolution No 2002-009 attached hereto, to allow a transmission tower in the CI (Commercial, Intensive) zone district, pursuant to Special Exception Petition No. 1517 filed by Laura Belflower, Agent, and granted by Sarasota County on January 9, 2002, is subject to the following stipulations and limitations, violations of which shall constitute a violation of the Sarasota County Zoning Code

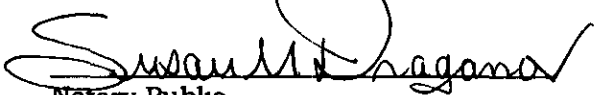
(Stipulations and limitations are those described in Section B of Resolution No 2002-009, attached hereto)


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 16 day of January, A D 2002.


Notary Public
State of Florida at Large

This instrument prepared by.
Susan Draganov

 Susan M Draganov
My Commission CC0653332
Expires July 11, 2003

RESOLUTION NO. 2002-009
OF THE BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA
SPECIAL EXCEPTION NO. 1517

BOARD RECORDS
FILED FOR RECORD

2002 JAN 10 AM 9:24

CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FL

WHEREAS, Laura Belflower, agent for the owner of the hereinafter described real property has filed Special Exception Petition No. 1517 requesting that a special exception be granted to allow the property, located on the north side of Laurel Road and 1,000 feet ± east of Sunset Avenue, Sarasota County, Florida, to be used for a transmission tower in the CI (Commercial, Intensive) zone district; and

WHEREAS, the Planning Commission of Sarasota County, after due public notice, did hold a public hearing on the 20th day of September, 2001 to consider said Special Exception Petition No. 1517, and

WHEREAS, the said Planning Commission did submit and report its findings and recommendations to this Board that said Special Exception Petition No. 1517 be granted, and

WHEREAS, this Board, after due public notice, did on the 9th day of January 2002, 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. 1517 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;

R 2002-009

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. 1517 is hereby granted for the following described property, said property being in Sarasota County, Florida, to-wit:

North side of Laurel Road, 1,000 feet ± east of Sunset Avenue, more particularly described as follows

LEGAL DESCRIPTION

Parent Tract (as provided):

Recorded in Official Records Book 2790, Page 379
Commence at the southeast corner of Section 25, Township 38 South, Range 18 East; thence south 89° west along section line 117.94 feet to the Point of Beginning; thence continue the same course 211 06 feet; thence north 00°16'25" east, 663.71 feet; thence north 89°41'39" east, 239 96 feet to the west right-of-way line of Sal Railroad; thence south 12°03'50" west along said right-of-way 369.94 feet; thence south 86°09'56" west 111.57 feet; thence south 00°23'44" east, 294.83 feet to the Point of Beginning; and all improvements located thereon less the south 317.83 feet of the above described property.

Together with that certain easement as contained in instrument recorded in Sarasota County, Florida Official Records Book 1496, Page 242.

LEGAL DESCRIPTION

Proposed Lease Area (as surveyed):

A parcel of land lying within Section 25, Township 38 South, Range 18 East, Sarasota County, Florida, being more particularly described as follows:

The north 110.0 feet of the west 110 0 feet of the following described parcel of land:

R 2002-009

Commence at the southeast corner of Section 25, Township 38 South, Range 18 East, Sarasota County, Florida; thence south 89° west along section line 117.94 feet to the Point of Beginning; thence continue the same course 211.06 feet; thence north 00°16'25" east, 663.71 feet; thence north 89°41'39" east, 239.96 feet to the west right-of-way line of Sal Railroad; thence south 12°03'50" west along said right-of-way 369.94 feet; thence south 86°09'56" west 111.57 feet; thence south 00°23'44" east, 294.83 feet to the Point of Beginning; and all improvements located thereon less the south 317.83 feet of the above described property,

and the same is hereby approved for 1517, 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 comply with all provisions of the Transmission Tower Code, Article II, Chapter 118, Sarasota County Code, as may be amended.
2. Development shall take place in substantial compliance with the Development Concept Plans date-stamped March 6, 2001 (and attached hereto as Exhibits A and B). Except for within the subject lease area, any use permitted in the underlying zoning district is allowed without amendment to the Development Concept Plan for this Special Exception, processed pursuant to Section 20 of the Zoning Ordinance. 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, except as expressly granted herein.
3. The transmission tower shall be of camouflage construction to resemble a flag pole and shall not exceed 150 feet 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.
4. 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.
5. The Property 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.

- 6. The wetland and associated 50' 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 understory) 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. Storage of vehicles of any type shall be prohibited within wetland or wetland buffer area

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

PASSED AND DULY ADOPTED this 9th day of JANUARY, A.D., 2002.

BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA

By

Nora Patterson
Chairman

ATTEST

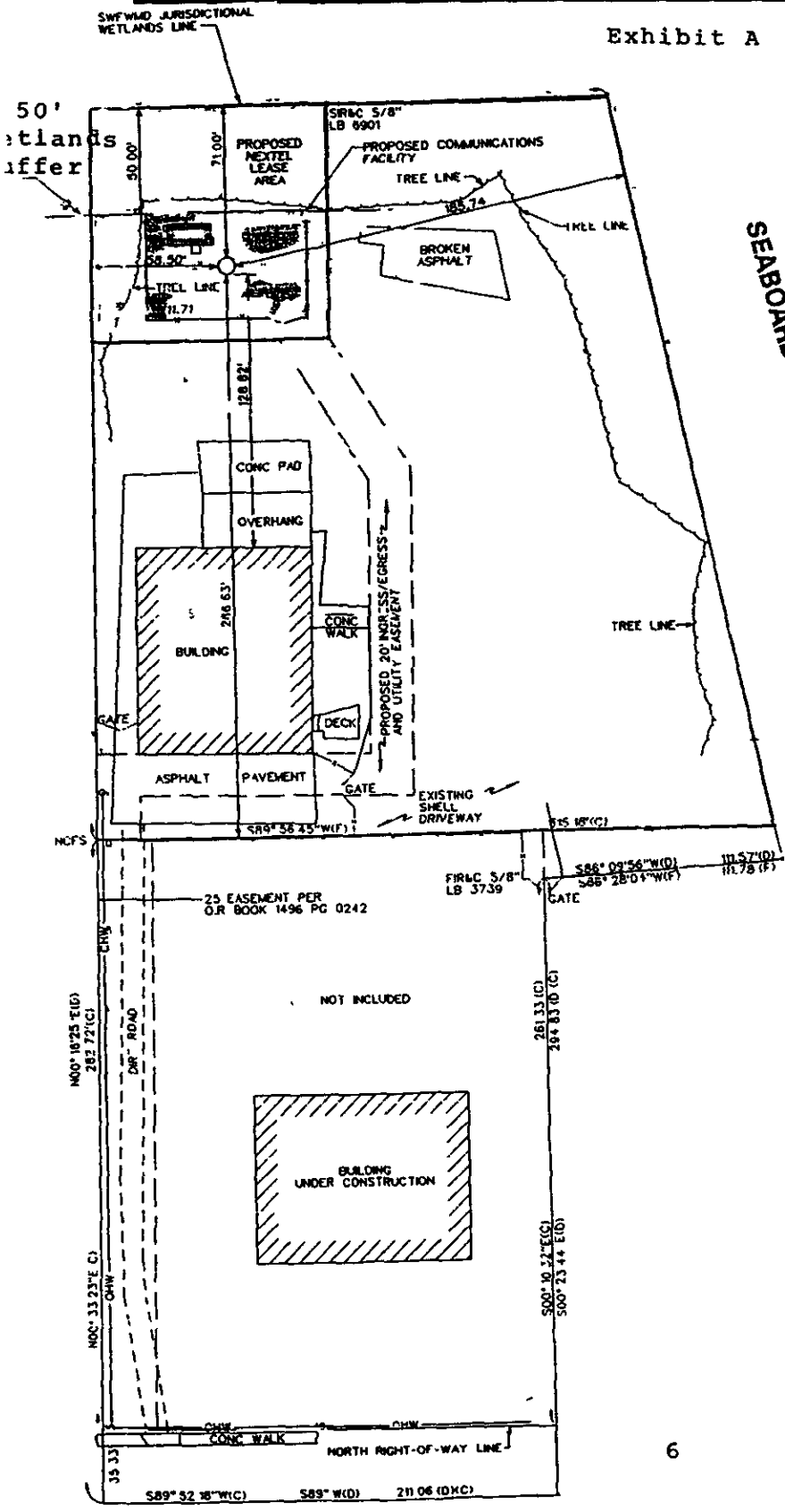
KAREN E. RUSHING, Clerk
of Circuit Court and ex officio
Clerk of the Board of County
Commissioners of Sarasota
County, Florida.

By

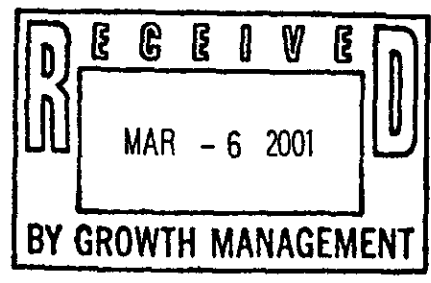
Candice R. Peterson
Deputy Clerk

MAP SERIES / CONCEPT PLAN

Exhibit A



SITE PLAN
SCALE 1" = 80'



SITE DATA

- 1 JURISDICTION SARASOTA COUNTY
ZONING C-1
TOWER NUMBER 0155 15 0034
LEASE AREA 12 100 SF ±
PARENT TRACT AREA 95832 SF
LEASE PARCEL AREA 12 100 SF ±
SHELTER AREA 700 SF
COMPOUND AREA 3750 SF
PROPERTY OWNER TERRY KUPS
2218 MAPA CHASE CT
SARASOTA FL 34240
1-800-442-5100
- 2 VEHICULAR USE
APPROXIMATE ONE TO THREE SITE VISITS PER MONTH
- 3 WATER AND SEWER
COMMUNICATION FACILITY SHALL NOT BE SERVICED BY WATER OR SEWER USE
- 4 UNMANNED TELECOMMUNICATIONS RELAY EQUIPMENT
- 5 STORM WATER MANAGEMENT
SITE SHALL COMPLY WITH ALL STATE AND SARASOTA COUNTY STORM WATER REGULATIONS. AREA IS NOT ADVERSELY IMPACTED BY OFF-SITE DRAINAGE PAVEMENT SUBJECT TO FLOODING OR STANDING WATER
- 6 PROPOSED TOWER SHALL COMPLY WITH ALL APPLICABLE FAA AND FCC REGULATIONS
- 7 TOWER SHALL NOT INTERFERE WITH NORMAL RADIO AND TELEVISION RECEPTION IN THE VICINITY
- 8 TOWER SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH APPLICABLE PROVISIONS OF STANDARD EIA/TIA 211-F
- 9 SITE DATA COMPILED FROM A SURVEY BY ACITECHNOLOGIES INC DATED MAY 3 2000
- 10 THE TOWER SHALL BE PAINTED OR HAVE A HIGH REFLECTIVE NON-CONTRASTING FINISH
- ** 50 RADIUS FALL ZONE FALL ZONE CERTIFICATION LETTER PROVIDED BY NEXTEL SOUTH CORPORATION
- 11 PROPOSED SETBACKS (TOWER) REQUIRED SETBACKS (PER ZONING DIST)

NORTH	71 0' (±)	NORTH	50' ±
SOUTH	266 6' (±)	SOUTH	50' ±
EAST	185 7' (±)	EAST	50' ±
WEST	58 5' (±)	WEST	50' ±
- PROPOSED SETBACKS (SHELTER) REQUIRED SETBACKS (PER ZONING DIST)

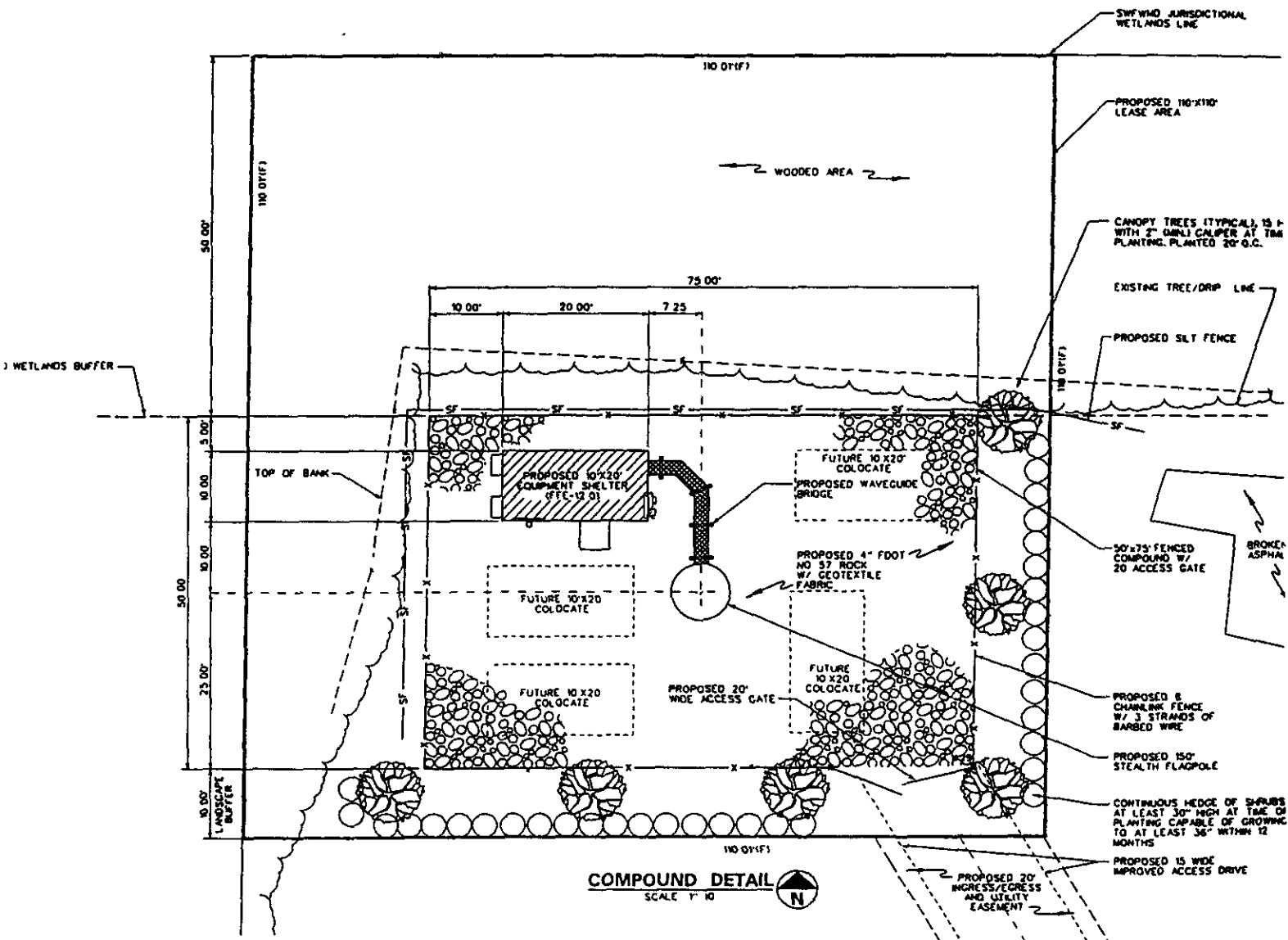
NORTH	53 4' (±)	NORTH	0'
SOUTH	280 51' (±)	SOUTH	20'
EAST	107 64' ±	EAST	8'
WEST	35 05' (±)	WEST	8'
- 12 SURROUNDING ZONING

NORTH	CG
SOUTH	CG FOR ABOUT 50'-75' THEN PAF-3
EAST	CG
WEST	CG FOR ABOUT 100' THEN PAF-3

R 2002-009
LAUREL ROAD
ASPHALT PAVEMENT
RIGHT-OF-WAY WITH VIDEOS

MAP SERIES / ENLARGED CONCEPT PLAN

Exhibit B



RECEIVED
 MAR - 6 2001
 BY GROWTH MANAGEMENT