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KAREN E. RUSHING
CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
RAGIORDA Receipt#449539

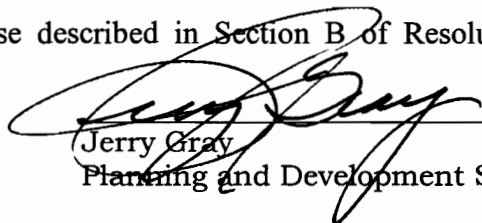


Please record and return to: (Via Inter-Office Mail)
Karen Grasset
✓ Planning and Development Services Business Center
1660 Ringling Boulevard, 5th Floor
Sarasota, FL 34236

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

The following property, located 300' ± south of Bay Street and 300' ± west of U.S. 41 in Sarasota County, Florida, owned by Peter M. de Manio, and described in Resolution No. 2004-032 attached hereto, to allow a Non-profit club and Youth-oriented community service, non-profit organization in the RMF-1 (Residential, Multi-Family, 6 units per acre) zone district pursuant to Special Exception Petition No. 1579 filed by William C. Strode, Agent, and granted by Sarasota County on February 24, 2004, 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. 2004-032, attached hereto)


Jerry Gray
Planning and Development Services

STATE OF FLORIDA
COUNTY OF SARASOTA

Before me, the undersigned Notary Public, personally appeared Jerry Gray, 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 15 day of March, 2004.


Notary Public
State of Florida at Large

This instrument prepared by:
SMA



Georgia Leigh Riley
Commission # CC 930635
Expires April 23, 2004
Bonded Thru
Atlantic Bonding Co., Inc.

BOARD RECORDS
FILED FOR RECORD

RESOLUTION NO. 2004-032
OF THE BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA
SPECIAL EXCEPTION NO. 1579

2004 FEB 25 AM 11:36

KAREN E. RUSHING
CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FL

WHEREAS, William Strode, agent for the owner of the hereinafter described real property has filed **Special Exception Petition No. 1579**, requesting that a special exception be granted to allow the property, located 300' ± south of Bay Street and 300' ± west of U.S. 41, Sarasota County, Florida, to be used for a Private Non-Profit Club and Youth-Oriented Community Service, Non-Profit Organization in the RMF-1 (Residential, Multi-Family, 6 units per acre) zone district; and

WHEREAS, the Planning Commission of Sarasota County, after due public notice, did hold a public hearing on the 2nd day of October, 2003, to consider said Special Exception Petition No. 1579, and

WHEREAS, the said Planning Commission did submit and report its findings and recommendations to this Board that said Special Exception Petition No. 1579 be granted, and

WHEREAS, this Board, after due public notice, did on the 14th day of January, 2004, 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. 1579, 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. 1579 is hereby granted for the following described property, said property being in Sarasota County, Florida, to-wit:

The legal description of said property in Sarasota County, Florida being: 300' \pm south of Bay Street and 300' \pm west of U.S. 41, being more particularly described as follows:

Parcel 1:

The West 350 feet of Lot 4, SARABAY ACRES, as per plat thereof recorded in Plat Book 4, Page 62, of the Public Records of Sarasota County, Florida.

TOGETHER WITH that certain ten foot (10') access easement granted in the Warranty Deed dated May 22, 1950, recorded in Deed Book 262, Page 319, Public Records, Sarasota County, Florida, over and across the Northerly 10 feet of the Easterly 200 feet of Lot 4, SARABAY ACRES, as per plat thereof recorded in Plat Book 4, Page 62, Public Records, Sarasota County, Florida.

and

TOGETHER WITH all of Grantor's right, title and interest in and on that certain 20 foot Access Easement set forth in Official Records Book 1439, Page 1234, Public Records of Sarasota County, Florida.

and the same is hereby approved for a Private Non-Profit Club and Youth-Oriented Community Service, Non-Profit Organization in the RMF-1 (Residential, Multi-Family, 6 units per acre) zone district, 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. 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.
2. This special exception is governed by the provisions of sub-section 1.9.2.a.3. of Ordinance No. 2003-052. The Owner has elected to be bound by the development concept plan submitted with the application. As a result of such election, the following stipulations shall apply:
 - a. Development shall occur in substantial accordance with the Development Concept Plan date stamped May 14, 2003, and attached hereto as Exhibit "A" provided, however, that in the event of a conflict between the Development Concept Plan and the stipulations contained herein, the stipulations shall take precedence. This does not imply or confer any variance from applicable zoning or land development regulations.
 - b. At the time of Site and Development Plan review and approval, the provisions and requirements of Zoning Ordinance No. 75-38, revised and updated through Amendment No. 196 (Ordinance No. 2001-054, adopted October 15, 2001) shall apply as to matters depicted on the Development Concept Plan and the provisions and requirements of Ordinance No. 2003-052 shall apply to the extent that they do not conflict with the Development Concept Plan.
 - c. Any deviations from the Development Concept Plan that are not allowed by this special exception resolution (that is, what is not in substantial accordance with the Concept Plan), or amendments must comply with the zoning code in effect at the time of approval of that modification.
3. In accordance with Policy 5.2.1 of the Environment Chapter of *Apoxsee*, a 50 foot wide watercourse buffer, located landward of the mean high water line, shall be depicted on submitted site and development plans. Construction of permanent structures and permanent storage of materials shall

be prohibited within the watercourse buffer, unless expressly allowed by the Sarasota County Land Development Regulations.

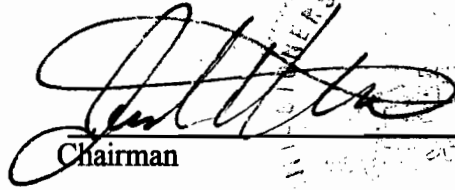
- 4. Exterior lighting on the site shall be directed only toward the subject site and away from adjacent properties and streets. Outdoor recreation areas shall not be illuminated after 10:00 p.m. Sunday through Thursday, and 11:00 p.m. Friday and Saturday.
- 5. The subject property shall connect to central water and sewer within 90 days of availability.
- 6. Development on the subject property shall comply with the Osprey Revitalization Plan, as may be amended.

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

PASSED AND DULY ADOPTED this 24th day of February, 2004 A.D.

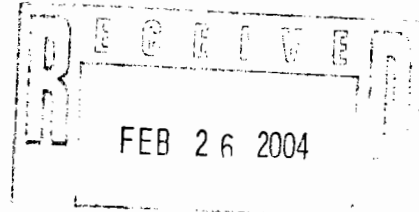
BOARD OF COUNTY COMMISSIONERS OF
SARASOTA COUNTY, FLORIDA

By


Chairman

ATTEST:

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

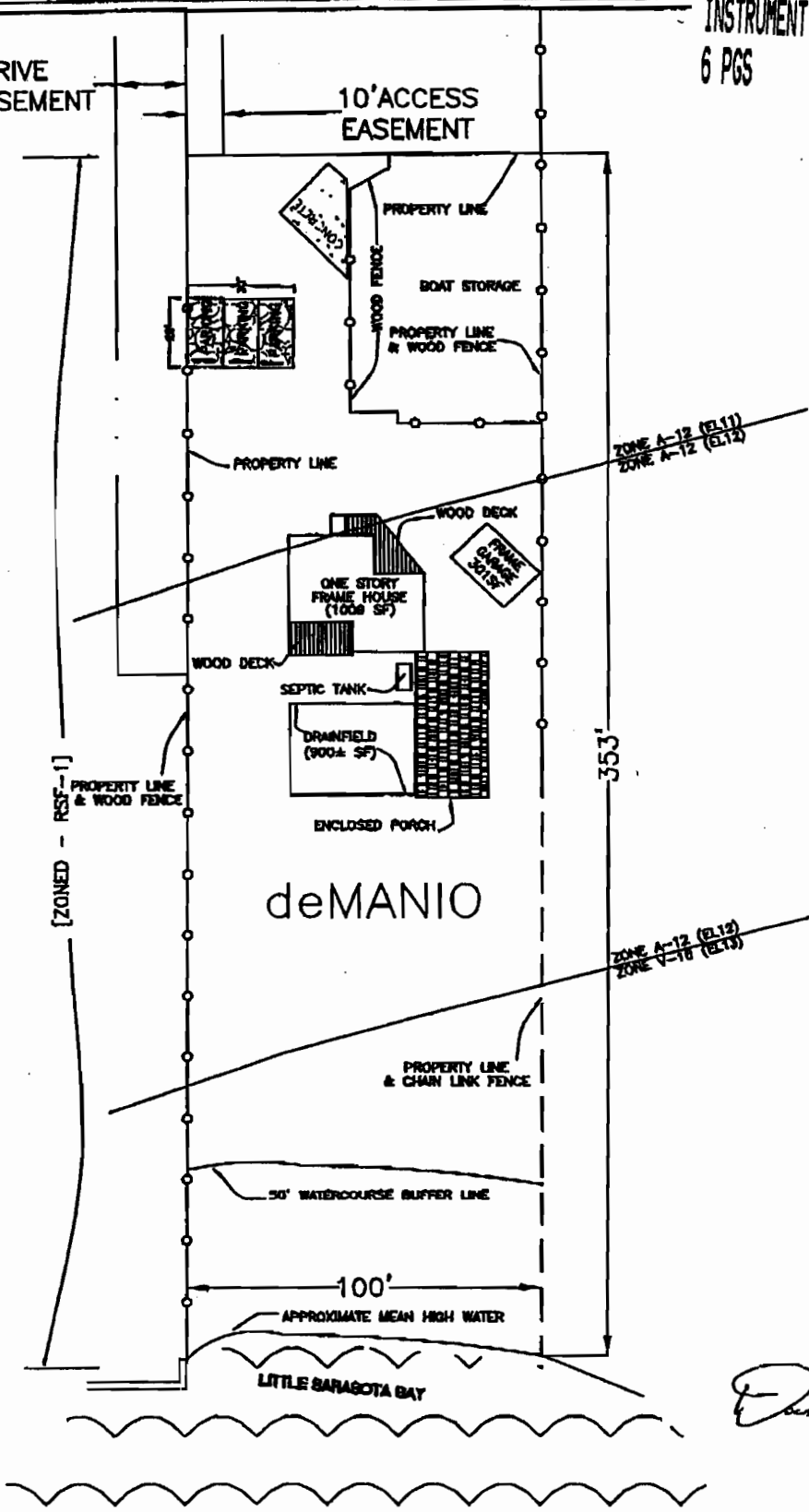


By


Deputy Clerk

BAY VIEW DRIVE
20' ACCESS EASEMENT

10' ACCESS
EASEMENT



OSPREY OARS INC
OSPERY, FLORIDA

Date: 01/19/04

Drawn: DMW

DWachtel
& Associates

SITE SKETCH

1 OF 1 SHEET(S)