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Susan Anderson
Planning and Development Services Business Center
1660 Ringling Boulevard, 5th Floor
Sarasota, FL 34236


RECORDED IN OFFICIAL RECORDS
INSTRUMENT # 2004052988 8 PGS
2004 MAR 23 03:54 PM
KAREN E. RUSHING
CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
FMILLER Receipt#451336



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

The following property, located at the northwest corner of Proctor and Cattlemen Road in Sarasota County, Florida, owned by Sandi Stewart/Girl Scouts of Gulfcoast Florida, Inc., and described in Resolution No. 1587 attached hereto, to allow a Youth-oriented community service, non-profit facility in the RMF-1 (Residential, Multi-Family, 6 units/acre) zone district, pursuant to Special Exception Petition No. 1587 filed by Charles D. (Dan) Bailey, Jr., Agent, and granted by Sarasota County on February 25, 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. 2004-045, attached hereto)

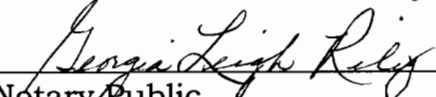


Alan Garrett, Manager
Planning Services

**STATE OF FLORIDA
COUNTY OF SARASOTA**

Before me, the undersigned Notary Public, personally appeared Alan Garrett, Manager, Planning Services, 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
22nd 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.

RESOLUTION NO. 2004-045
OF THE BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA
SPECIAL EXCEPTION NO. 1587

2004 MAR 11 AM 8:01

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

WHEREAS, Charles D. Bailey, agent for the owner of the hereinafter described real property has filed Special Exception Petition No. 1587 requesting that a special exception be granted to allow the property, located at the northwest corner of Proctor Road and Cattlemen Road, Sarasota County, Florida, to be used for a Youth-oriented community service, non-profit facility in the RMF-1 (Residential, Multi-Family, 6 units/acre) zone district; and

WHEREAS, the Planning Commission of Sarasota County, after due public notice, did hold a public hearing on the 20th day of November, 2003, to consider said Special Exception Petition No. 1587, and

WHEREAS, the said Planning Commission did submit and report its findings and recommendations to this Board that said Special Exception Petition No. 1587 be granted, and

WHEREAS, this Board, after due public notice, did on the 25th day of February, 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. 1587 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, guiding principles and programs of the Comprehensive Plan;

b. The proposed use is compatible with the existing land use pattern and

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designated future uses;

- c. There **are** adequate public facilities available consistent with the level of service standards adopted in the Comprehensive Plan, and as defined and implemented through the Sarasota County Concurrency Management System Regulations, Chapter 94, Article VII of Exhibit A of the Sarasota County Code;
- d. The proposed use, singularly or in combination with other special exceptions, **will not** be detrimental to the health, safety, morals, order, comfort, convenience, or appearance of the neighborhood or other adjacent uses by reason of any one or more of the following: the number, area, location, height, orientation, intensity or relation to the neighborhood or other adjacent uses;
- e. The proposed use **will** be adequately buffered to effectively separate traffic, visual impact and noise from existing or intended nearby uses;
- f. The subject parcel is adequate in shape and size to accommodate the proposed use; and
- g. The ingress and egress to the subject parcel and internal circulation **will not** adversely affect traffic flow, safety or control.

B. Special Exception Petition No. 1587 is hereby granted for the following described property, said property being in Sarasota County, Florida, to-wit:

NORTHWEST CORNER OF PROCTOR AND CATTLEMEN ROAD, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND SITUATED IN SECTION 1, TOWNSHIP 37 S, RANGE 18E, SARASOTA COUNTY, FLORIDA.

COMMENCE AT THE N.W. CORNER OF VACATED LOT 5, BLOCK 3, SARASOTA-VENICE COMPANY'S SUBDIVISION AS RECORDED IN PLAT BOOK "A", AT PAGE 12, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, THENCE SOUTH 89°12'23" EAST ALONG THE NORTH LINE OF VACATED LOT 3,4 AND 5 OF SAID BLOCK 3 AND BEING PART OF THE NORTH LINE OF CENTER GATE ESTATES, UNIT 1, PHASE I-A, AS RE-RECORDED IN PLAT BOOK 26, AT PAGES 43-43B, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, A DISTANCE OF 1,436.97 FEET TO A POINT ON THE EASTERLY RIGHT-OR-WAY LINE OF CENTER GATE BLVD (80 FEET WIDE RIGHT-OF-WAY AT THIS POINT); THENCE, CONTINUE SOUTH 89°12'23" EAST ALONG THE NORTH LINE OF SAID BLOCK 3 AND BLOCK 4 OF SAID PLAT (P.B. "A", PG. 12) A DISTANCE OF 2,552.21 FEET TO THE WESTERLY RIGHT-

OR-WAY LINE OF CATTLEMEN ROAD (80 FEET WIDE RIGHT-OF-WAY); THENCE, SOUTHERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE ALONG A CURVE TO THE LEFT HAVING: A RADIUS OF 5,793.28 FEET, A CENTRAL ANGLE OF 02°39' 50", A TANGENT LENGTH OF 134.70 FEET, A CHORD BEARING OF SOUTH 01°50'40" WEST AND A CHORD LENGTH OF 269.33 FEET, THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 269.35 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 00°30'45" WEST, ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF CATTLEMEN ROAD A DISTANCE OF 1540.25 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE ALONG SAID WESTERLY RIGHT-OF-WAY, SOUTH 00°30'45" WEST, A DISTANCE OF 866.02 FEET TO THE NORTH RIGHT-OF-WAY LINE OF PROCTOR ROAD, THENCE NORTH 89°29'39" WEST, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 622.74 FEET; THENCE NORTH 01 °41 '56" EAST, A DISTANCE OF 648.93 FEET, THENCE NORTH 89°30'05" WEST, A DISTANCE OF 20.00 FEET, THENCE NORTH 00°29'55" EAST, A DISTANCE OF 150.00 FEET, THENCE SOUTH 89°30' 05" EAST, A DISTANCE OF 100.00 FEET, THENCE NORTH 00°29'55" EAST, A DISTANCE OF 205.00 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 768.07 FEET, A CENTRAL ANGLE OF 00°54'40", A TANGENT LENGTH OF 6.11 FEET; A CHORD BEARING OF NORTH 00°02'35" EAST, AND A CHORD LENGTH OF 12.21 FEET, THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 12.21 FEET TO THE END OF SAID CURVE, THENCE SOUTH 89° 19'0 1" EAST, A DISTANCE OF 66.01 FEET TO A POINT ON A CURVE TO THE LEFT, HAVING: A RADIUS OF 269.50 FEET, A CENTRAL ANGLE OF 42°17'53", A TANGENT LENGTH OF 104.26 FEET, A CHORD BEARING OF SOUTH 48°56'12" EAST AND A CHORD LENGTH OF 194.47 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 198.96 FEET TO THE POINT OF TANGENCY OF SAID CURVE, THENCE SOUTH 70°05'09" EAST, A DISTANCE OF 64.04 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING, A RADIUS OF 119 50 FEET, A CENTRAL ANGLE OF 38°11'11", A TANGENT LENGTH OF 41.36 FEET, A CHORD BEARING OF SOUTH 89°10'44" EAST, AND A CHORD LENGTH OF 78.18 FEET, THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 79.64 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 80.50 FEET, A CENTRAL ANGLE OF 25°21 '00", A TANGENT LENGTH OF 18.10 FEET, A CHORD BEARING OF NORTH 84°24' 11" EAST AND A CHORD LENGTH OF 35.33 FEET, THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 35.62 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 82°55'19" EAST, A DISTANCE OF 46.96 FEET; THENCE

SOUTH 89°29'15" EAST, A DISTANCE OF 95.35 FEET TO THE POINT OF BEGINNING.

LESS THE FOLLOWING DESCRIBED PROPERTY

A PARCEL OF LAND SITUATED IN SECTION 1, TOWNSHIP 37 SOUTH, RANGE 18 EAST, SARASOTA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

COMMENCE AT THE INTERSECTION OF THE CENTERLINE OF CATTLEMEN ROAD (80 FOOT WIDE PUBLIC RIGHT-OF-WAY) WITH THE SOUTH LINE OF SAID SECTION 1, BEING THE CENTERLINE OF PROCTOR ROAD, ACCORDING TO THE SARASOTA COUNTY TRANSPORTATION DEPARTMENT MAINTAINED RIGHT-OF-WAY MAP FOR PROCTOR ROAD FROM HONORE AVE. TO CATTLEMEN RD, FILED IN ROAD PLAT BOOK 2, AT PAGE 24, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA; THENCE NORTH 89°29'39" WEST ALONG SAID SOUTH LINE FOR A DISTANCE OF 39.99 FEET; THENCE NORTH 00°30'21" EAST FOR A DISTANCE OF 45.00 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF PROCTOR ROAD AS DESCRIBED IN OFFICIAL RECORDS BOOK 2183, PAGE 579, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, FOR A POINT OF BEGINNING; THENCE ALONG SAID LINE NORTH 89°29'39" WEST 622.74 FEET TO THE WESTERLY LINE OF LOT 9, BLOCK 4, SARASOTA-VENICE COMPANY'S SUBDIVISION OF SECTION 1, TOWNSHIP 37 SOUTH, RANGE 18 EAST (VACATED PER OFFICIAL RECORDS BOOK 1379, PAGE 99, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA); THENCE NORTH 01°41'56" EAST ALONG SAID LINE FOR A DISTANCE OF 5.00 FEET; THENCE SOUTH 89°29'39" EAST, PARALLEL WITH AND 50.00 FEET NORTH OF SAID SOUTH LINE OF SECTION 1 FOR A DISTANCE OF 557.64 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 65.00 FEET AND A CHORD BEARING NORTH 45°30'33" EAST 91.92 FEET, THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 89°59'36" FOR A DISTANCE OF 102.09 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID CATTLEMEN ROAD; THENCE SOUTH 00°30'45" WEST ALONG SAID LINE FOR A DISTANCE OF 69.99 FEET TO THE POINT OF BEGINNING.

AND LESS THE FOLLOWING DESCRIBED PROPERTY.

SITUATED IN SECTION 1, TOWNSHIP 37 SOUTH, RANGE 18 EAST, SARASOTA COUNTY, FLORIDA, AND BEING A PARCEL OF LAND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF CALUMET OF CENTER GATE 1, A CONDOMINIUM RECORDED IN CONDOMINIUM BOOK 29, PAGE 1, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA; THENCE FROM SAID POINT OF BEGINNING AND ALONG THE SOUTHERLY LINE OF SAID CONDOMINIUM, SOUTH 89°19'01" EAST 66.01 FEET; THENCE CONTINUING ALONG SAID SOUTHERLY LINE, SOUTHEASTERLY ON A CURVE CONCAVE NORTHEASTERLY, AN ARC DISTANCE OF 131.74 FEET, SAID CURVE HAVING A RADIUS OF 269.50 FEET, A CENTRAL ANGLE OF 28°00'28" AND A CHORD WHICH BEARS SOUTH 41°47'17" EAST 130.43 FEET; THENCE SOUTH 47°24'40" WEST 125.00 FEET; THENCE SOUTH 61°09'23" WEST 71.60 FEET TO THE EASTERLY LINE OF CENTER GATE ESTATES VILLAGE CONDOMINIUM SECTION VII, A CONDOMINIUM RECORDED IN CONDOMINIUM BOOK 26, PAGE 32, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA; AND THENCE ALONG SAID LINE, NORTH 00°29'55" EAST 205.00 FEET; THENCE NORTHEASTERLY ON A CURVE CONCAVE NORTHWESTERLY, AN ARC DISTANCE OF 12.21 FEET, SAID CURVE HAVING A RADIUS OF 768.07 FEET, A CENTRAL ANGLE OF 00°54'39" AND A CHORD WHICH BEARS NORTH,

and the same is hereby approved for a Youth-oriented community service, non-profit facility, 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. Development shall take place in substantial compliance with the Development Concept Plan date-stamped October 21, 2003. This does not imply or confer any variances from applicable zoning or land development regulations.
3. Exterior lighting on the site shall be directed only toward the subject site and away from adjacent properties and streets. The Nature Center and associated boardwalk facilities shall

not be illuminated after 10:00 p.m. Sunday through Thursday, and 11:00 p.m. Friday and Saturday.

4. The Master Surface Water Management Plans shall be consistent with the Phillippi Creek Basin Master Plan.
5. Pursuant to management guidelines contained within the Environment Chapter of *Apoxsee*, the on-site wetland, and associated 30-foot wide upland buffer, shall be designated a Preserve Area on site and development plans, and maintained consistent with the Guiding Principles of *Apoxsee*. All activities shall be prohibited within the Preserve Area, unless written approval is first obtained from Sarasota County's Resource Protection office. Exception may be granted by Resource Protection to facilitate implementation of approved habitat management plans and the removal of nuisance/invasive vegetation, and for construction of a boardwalk.
6. A resource management plan, which maintains the functions and values of the on-site preserve area, open space areas, and landscape buffers consisting of native habitat, and is consistent with the Guiding Principles of *Apoxsee*, shall be submitted to Resource Protection with site and development plans.
7. The layout of the boardwalk depicted on the development concept plan shall not be binding. To insure avoidance and minimization of impacts to the onsite wetland, Resource Protection staff shall review the configuration, construction materials, and construction methods for the proposed boardwalk during review of site and development plans, and shall have the authority to approve an alternate layout for the boardwalk. Any such changes to the boardwalk layout that are made to comply with this stipulation shall not be considered a substantial modification from the approved development concept plan, and shall not be required to be approved by the Board of County Commissioners.
8. During development of the subject property, all vegetative species contained within Section 54-621 of Sarasota County's Exotic Plant Code, state regulations (Chapters 5B-57.007 and 62C-512.011, FAC), and the Florida Exotic Pest Plant Council's list of Category I and II invasive species, as appropriate to this geographic region, shall be removed from the property. Any such vegetation removed from required landscape buffers shall be replaced with native species as part of an approved landscape or resource management plan, and any such vegetation removed from preserve areas shall be replaced with native plant species as part of an approved resource management plan. Removed vegetation shall be disposed of in a County-approved landfill or by another method approved by Resource Protection.
9. At the time of site and development plan submittal, details of State-accepted methodologies (i.e., location of transects, locations of evidence, dates and times of surveys, etc.) followed during listed species surveys shall be submitted to Resource Protection, along with any documentation from appropriate regulatory agencies regarding listed species issues associated with the subject property.

10. This special exception is governed by the provisions of sub-section 1.9.2.a.3. of Ordinance No. 2003-052.

- a. 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.
- b. 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.

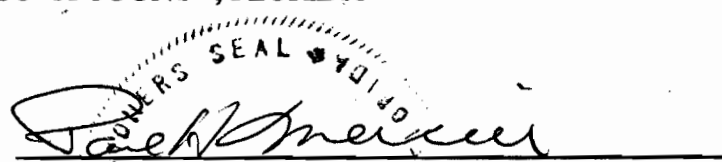
11. A 10 foot landscaped buffer, including a six foot high wall, shall be provided along the northernmost 150 feet of the western property line and along the westernmost 100 feet of the northern property line. The required wall may be deleted if said deletion is approved in writing by the Homeowner's Association for Center Gate Village VII.

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

PASSED AND DULY ADOPTED this 25th day of February, 2004.

BOARD OF COUNTY COMMISSIONERS OF
SARASOTA COUNTY, FLORIDA

By _____
Vice-Chair



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

