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2005 MAY 18 03:28 PM

KAREN E. RUSHING
CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
MMARSH Receipt#628834



Please record and return to: (Via Inter-Office Mail)
Susan M. Anderson, Administrative Coordinator
Planning Services
1301 Cattlemen Road, Bldg. A
Sarasota, FL 34232

Charge to: Planning Services
Account# 51800100500489

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

The following property, located at 7950 Clark Road in Sarasota County, Florida, owned by Jennifer Hummel and described in Resolution No. 2005-099 attached hereto, To build a camouflaged communications tower w/accessory equipment in the OUE-1 (Open Use Estate 1 unit/5 acres) zone district, pursuant to Special Exception Petition No. 1607 filed by Laura Belflower, Agent, and granted by Sarasota County on May 11, 2005 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. 1607, attached hereto)

Hank Epstein, Manager
Planning Services

**STATE OF FLORIDA
COUNTY OF SARASOTA**

Before me, the undersigned Notary Public, personally appeared Hank Epstein, 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 16th day of May, 2005.

Notary Public
State of Florida at Large

This instrument prepared by: lam



Shelley E. Hamilton
MY COMMISSION # DD253335 EXPIRES
August 10, 2007
BONDED THROUGH TROY FAH INSURANCE, INC.

BOARD RECORDS
FILED FOR RECORD
MAY 11 PM 2:05
CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FLORIDA

RESOLUTION NO. 2005-099
OF THE BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA
SPECIAL EXCEPTION NO. 1607

WHEREAS, Laura Belflower, Agent for the owner of the hereinafter described real property has filed Special Exception Petition No. 1607 requesting that a special exception be granted to allow the property, located at 7950 Clark Road, Sarasota County, Florida, to be used to construct a camouflaged communications tower with accessory equipment in an OUE-1 (Open Use Estate, 1 unit/ 5 acres) zone district; and

WHEREAS, the Planning Commission of Sarasota County, after due public notice, did hold a public hearing on the 10th day of March, 2005, to consider said Special Exception Petition No. 1607, and

WHEREAS, the said Planning Commission did submit and report its findings and recommendations to this Board that said Special Exception Petition No. 1607 be granted, and

WHEREAS, this Board, after due public notice, did on the 11th day of May, 2005 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. 1607 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 proposed use is consistent with the intent, goals, objectives, policies, guiding principles and programs of the Comprehensive Plan;

5. The proposed use is compatible with the existing land use pattern and designated future uses;

6. 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;

7. 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;

8. The proposed use will be adequately buffered to effectively separate traffic, visual impact and noise from existing or intended nearby uses;

9. The subject parcel is adequate in shape and size to accommodate the proposed use; and

10. 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. 1607 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: At the northwest corner of Clark Road and Hawkins Road, being more particularly described as follows; A parcel of land lying within Section 16, Township 37 South, Range 19 East, Sarasota County, Florida, being more particularly described as follows: For a Point of Reference commence at a 5/8" iron rod with plastic cap "stamped PLS 3868" at the Intersection of the Southerly right-of-way line of Clark Road with the Southerly right-of-way of State Road 72 (also known as Sugar Bowl Road) recorded in Road Plat Book 1, Page 52, public records of Sarasota County, Florida; thence along the Southerly right-of-way line of said State Road 72, S.56°10'13"E., a distance of 2,186.69 feet to a 5/8" iron rod with plastic cap stamped "AM ENG LB 4334" for a **POINT OF BEGINNING** of lands being described; thence continue along said right-of-way line. S.56°10'13"E., a distance of 1,547.38 feet to a 5/8" iron rod with plastic cap stamped "AM ENG LB 4334"; thence S.40°01'26"W., a distance of 24.26 feet to a 5/8" iron rod with plastic cap stamped "COUNTY R/W PLS 3924" lying on the Northerly maintained right-of-way line of Hawkins Road (station 125+06.40, offset 31.72' left) as recorded In Road Plat Book 4, Page 13, public records of Sarasota County, Florida; thence along said maintained right-of-way line, S.88°42'35"W., a distance of 441.24 feet to a 5/8" iron rod with plastic cap stamped "COUNTY R/W PLS 3924" (station 120+65.31, offset 32.61 left) as described in said Road Plat Book 4, Page 13; thence continue along said maintained right-of-way line. S.88°33'52"W., a distance of 831.41 feet to a 5/8" iron rod with plastic cap stamped "AM ENG LB 4334"; thence N.00°09'23"E., 910.81 feet to the **POINT OF BEGINNING**. LESS land described in O.R. Instrument 2003199050, recorded in the public records of Sarasota County, Florida.

and the same is hereby approved for Special Exception 1607, 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 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 November 18, 2004, and attached hereto as Exhibit "A." This does not imply or confer any variances from applicable zoning or land development regulations.
3. The transmission tower shall be of decorative camouflage construction, painted white to resemble a flagpole and have a gold ball at its top and shall not exceed 193 feet in height.
4. There shall be no flags flown from the flagpole communications tower on the subject site.

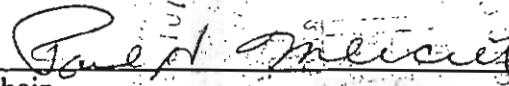
C. This Resolution shall take effect immediately upon its adoption.

PASSED AND DULY ADOPTED this 11th day of MAY, 2005.

BOARD OF COUNTY COMMISSIONERS OF
SARASOTA COUNTY, FLORIDA

By

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