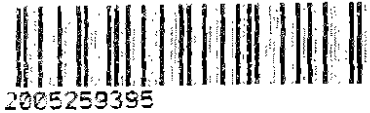


Please record and return to: (Via Inter-Office Mail)
Linda Spurling, Administrative Coordinator
Planning Services
1301 Cattlemen Road, Bldg. A
Sarasota, FL 34232

Charge to: Planning Services
Account# 51800100500489

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

RECORDED IN OFFICIAL RECORDS
INSTRUMENT # 2005259395 3 PGS
2005 NOV 21 08:07 PM
KAREN E. RUSHONG
CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
CEAGLETO Receipt#715520



The following property, located 400' ± east of US 41 and south of Pinehurst Street in Sarasota County, Florida, owned by Sunset LLC, and described in Resolution No. 2005-238 attached hereto, to allow: A stormwater pond in a different zoning than the principal use in the RSF-3 (Residential Single Family 4.5 units/acre) zone district, pursuant to Special Exception Petition No. 1611 filed by Charles D. Bailey, III, Agent, and granted by Sarasota County on October 26, 2005 is subject to the following stipulations and limitations, violations of which shall constitute a violation of the Sarasota County Zoning Code:

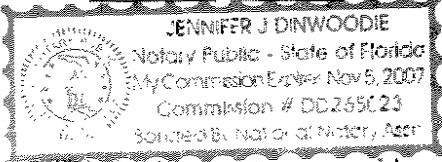
(Stipulations and limitations are those described in Section B of Resolution No. 2005-238, attached hereto)

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 18 day of November, 2005.



Notary Public
State of Florida at Large

This instrument prepared by: sma

RECEIVED

NOV 01 2005

By: Sarasota County Planning

RESOLUTION NO. 2005-
OF THE BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA
SPECIAL EXCEPTION NO. 1611

BOARD RECORDS
FILED FOR RECORD

2005 OCT 28 AM 9:09

J. H. E. FLEMING
CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FL

WHEREAS, Charles Bailey, III, agent for the owner of the hereinafter described real property has filed Special Exception Petition No. 1611 requesting that a special exception be granted to allow the property, located 400' ± E of US 41 and south of Pinehurst Street in Sarasota County, Florida, to be used for a stormwater pond in a different zoning than the principal use; and

WHEREAS, the Planning Commission of Sarasota County, after due public notice, did hold a public hearing on the 21st day of July, 2005, to consider said Special Exception Petition No. 1611, and

WHEREAS, the said Planning Commission did submit and report its findings and recommendations to this Board that said Special Exception Petition No. 1611 be granted, and

WHEREAS, this Board, after due public notice, did on the 26th day of October 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. 1611 does make the following findings:

1. The proposed use is consistent with the intent, goals, objectives, policies, guiding principles and programs of the Comprehensive Plan;
2. The proposed use is compatible with the existing land use pattern and designated future uses;
3. 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;
4. 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;
5. The proposed use will be adequately buffered to effectively separate traffic, visual impact and noise from existing or intended nearby uses;
6. The subject parcel is adequate in shape and size to accommodate the proposed use;
7. The ingress and egress to the subject parcel and internal circulation will not adversely affect traffic flow, safety or control.

R 2005-238

8. The subject property is adequate to accommodate the height and mass of any proposed structure(s).

B. Special Exception Petition No. 1611 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: 400' ± E of US 41 and south of Pinehurst Street, being more particularly described as follows: Parcel 3, THE NORTH 90 FEET OF LOTS 1, 3, 5, 7 AND THE WEST ½ OF LOT 9, BLOCK "C", PINEHURST PARK, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 90, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA. TOGETHER WITH THE EAST ½ OF VACATED SPRING PLACE AS DESCRIBED IN RESOLUTION NO. 2001-308 RECORDED IN OFFICIAL RECORDS INSTRUMENT NUMBER 2002008734, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA.

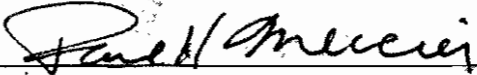
and the same is hereby approved for Special Exception 1611, subject to the stipulations as set forth below. As used in the stipulations hereinafter set forth, the term "Owner" shall refer to the owner or owners of the property described in Section B and their successors and assigns. Upon recording in the public records of Sarasota County, these stipulations shall be covenants running with the land.

1. The Owner shall 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 Purchase, approved by Sarasota County, putting purchasers on notice that the maintenance of drainage facilities is a private responsibility.
2. The Master Surface Water Management Plan shall be consistent with the Elligraw Bayou Basin Master Plan.
3. Development of Parcels 2 and 3 shall take place in substantial accordance with the Development Concept Plan dated June 8, 2005, and attached hereto as Exhibit A. This does not imply or confer any variances from applicable zoning or land development regulations.
4. A six foot high wall shall be constructed along the western and southern property lines of Parcel 3.
5. In designing and constructing the six foot high wall called for by stipulation 4. above, and in designing and constructing the stormwater pond to be located on Parcel 3, the Owner shall make reasonable efforts to preserve the mature oaks located on Parcel 3.
6. No vehicles shall be parked, stored, or displayed on any County-required landscape areas within or adjoining the site.
7. No advertising devices, promotional materials or vehicle display or storage shall occur within any portion of the adjoining rights-of-way for U.S. 41, Pinehurst Street or Doud Street.

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

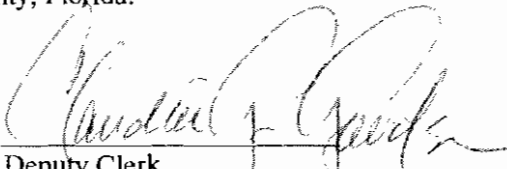
PASSED AND DULY ADOPTED this 26th day of OCTOBER, 2005.

BOARD OF COUNTY COMMISSIONERS OF
SARASOTA COUNTY, FLORIDA

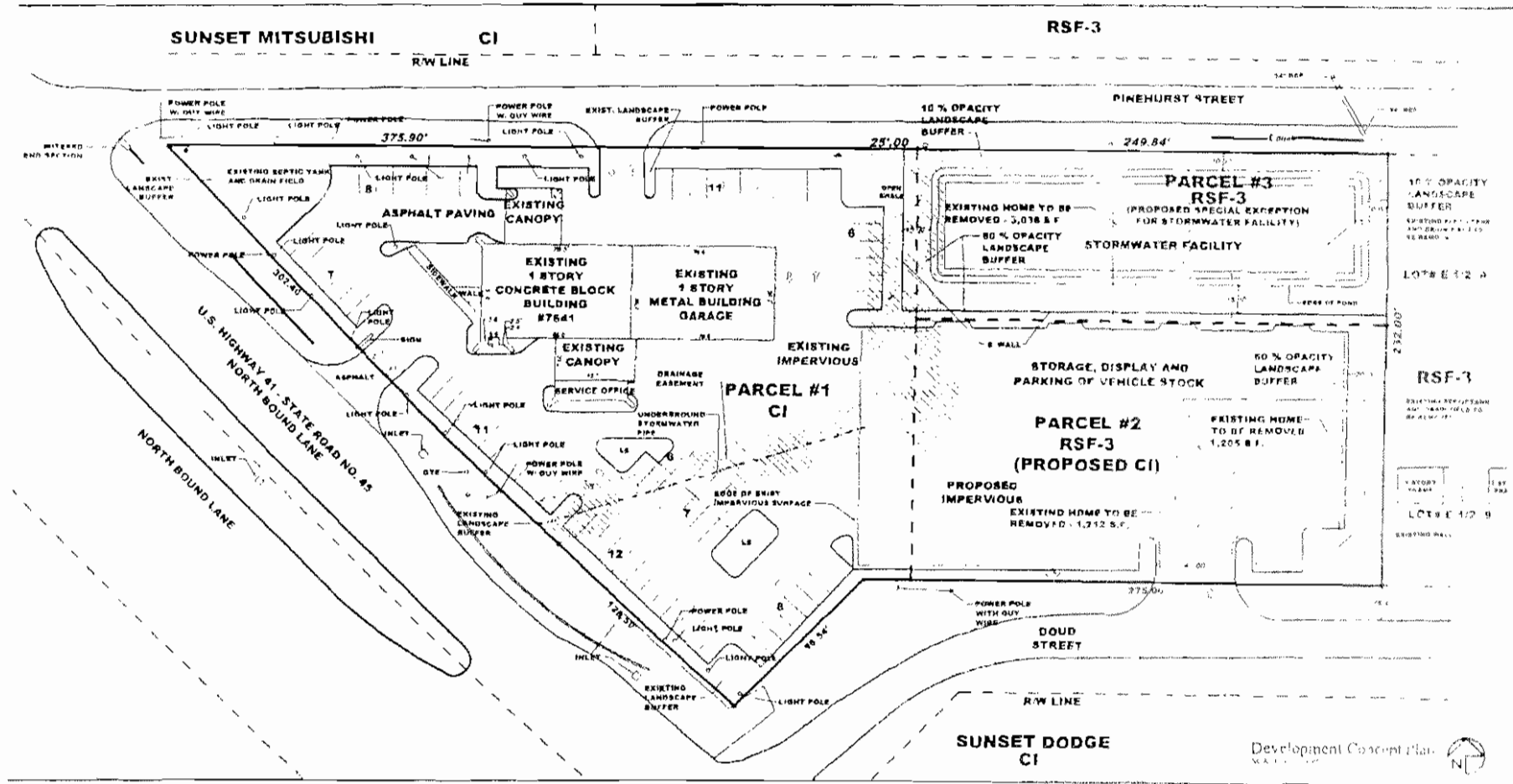
By 
Chair

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

**MAP SERIES/
 DEVELOPMENT CONCEPT PLAN / EXHIBIT "A"**



PARKING

RETAIL/BUILDING: 4393.5 sq.ft. @ 1 per 250 sq.ft. = 17.73 spaces
 SERVICES BAYS: 12 @ 3 spaces per Bay = 36.00 spaces
 OUTDOOR DISPLAY AREA: 18000 sq.ft. @ 1 per 1000 sq.ft. = 18.00 spaces
TOTAL: 72 required spaces

THIS DOCUMENT RECEIVED BY:
 PLANNING SERVICES ON
 JUNE 8, 2005

05-10