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Linda Spurling, Administrative Coordinator
Planning Services
1301 Cattlemen Road, Bldg. A
Sarasota, FL 34232

KAREN E. RUSHING
CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
MMARSH Receipt#674049




2005187239

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 1601 Englewood Road in Sarasota County, Florida, owned by George R. Thompson Corporation, and described in Resolution No. 2005-157 attached hereto, to allow the property which had previously been approved to be used for golf course and clustered residential development in the RSF-1 and RSF-3 zone districts, pursuant to Special Exception Petition No. 1612 filed by Brenda Patten, Agent, and granted by Sarasota County on July 26, 2005, is subject to the following stipulations and limitations, violations of which shall constitute a violation of the Sarasota County Zoning Code:

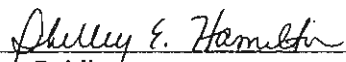
(Stipulations and limitations are those described in Section B of Resolution No. 2005-157, attached hereto)


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.

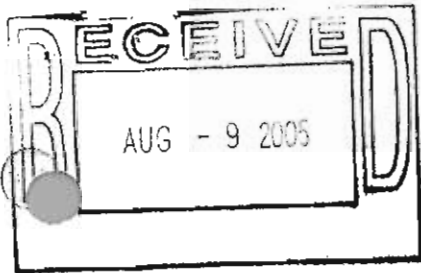
Witness my hand and official seal at Sarasota County, Florida, this 15th day of August, 2005.


Notary Public
State of Florida at Large

This instrument prepared by: les



Shelley E. Hamelin
MY COMMISSION # DD233
August 10, 2007
BONDED THROUGH TROY FAIR INSURANCE



2005-

RESOLUTION NO. 157
OF THE BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA
SPECIAL EXCEPTION NO. 1612

BOARD MEMORANDUM
FILED
2005 AUG - 1 AM 8:16
KAREN E. RUMBERG
CLERK OF COUNTY COMMISSIONERS
SARASOTA COUNTY, FLORIDA

WHEREAS, Brenda Patten, agent for the owner of the hereinafter described real property has filed Special Exception Petition No. 1612 requesting that a special exception be granted to allow the property, located at 1601 Englewood Road, Sarasota County, Florida, which had previously been approved to be used for golf course and clustered residential development in the RSF-1 and RSF-3 zone districts; and

WHEREAS, Special Exception Petition No. 1542, representing the same area as described by Special Exception No. 1612, contained a Stipulation No. 8 in adopting Resolution No. 2002-064 requiring a gate to be constructed at the intersection of Golf View Drive and Boca Royale Boulevard; and

WHEREAS, the Planning Commission of Sarasota County, after due public notice, did hold a public hearing on the 21st day of April, 2005, to consider said Special Exception Petition No. 1612, and

WHEREAS, the said Planning Commission did submit and report its findings and recommendations to this Board that said Special Exception Petition No. 1612 be granted including the removal of Stipulation No. 8, and

WHEREAS, this Board, after due public notice, did on the 26th day of July 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. 1612 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;

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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. 1612 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: South of Keyway Road and east of State Road 776, Englewood Golf Course and vicinity to the north, east and south, being more particularly described as follows:

PARCEL 1:

The west one half (1/2) of Section 13, Township 40 South, Range 19 East, less the north 1/2 of the northwest 1/4 of the northwest 1/4.

AND:

That part of the east 1/2 of the southeast 1/4 of Section 14, Township 40 South, Range 19 East lying north and east of State Road 776 (100 foot right-of-way).

AND:

The east 1/2 of the northwest 1/4 of the southeast 1/4 of Section 14, Township 40 South, Range 19 East lying north and east of State Road 776 (100 foot right-of-way) less the north 1/4 thereof.

LESS:

From the northwest corner of Section 24, Township 40 South, Range 19 East run thence south $0^{\circ}7'20''$ west, 55.0 feet to the easterly boundary of State Road No. 775 (a 100 foot right-of-way) for a POINT OF BEGINNING, thence south $38^{\circ}34'$ east, 84.7 feet along said State Road right-of-way line; thence north $75^{\circ}16'31''$ east, 881.3 feet; thence north $16^{\circ}40'$ west, 500.0 feet; thence south $73^{\circ}40'42''$ west, 1006.73 feet to the said easterly boundary of State Road No. 775; thence south $38^{\circ}34'$ east, 415.3 feet along State Road right-of-way line to the **POINT OF BEGINNING**.

AND PARCEL 2:

A part of Section 13, Township 40 South, Range 19 East, Sarasota County, Florida, described as follows: Begin at the southeast corner of Section 13, Township 40 South, Range 19 East, Sarasota County, Florida; thence north $87^{\circ}05'56''$ west, along the south line of said Section 13, a distance of 2657.36 feet; thence north $01^{\circ}10'54''$ east, along the west line a distance of 5318.34 feet to the northwest corner of the northeast quarter of said Section 13; thence south $86^{\circ}48'47''$ east, along the north line of said Section 13, a distance of 2612.10 feet to the northeast corner of said Section 13; thence south $00^{\circ}36'36''$ west along the west line of said Section 13, a distance of 2655.54 feet to the east quarter corner of said Section 13; thence continue south $00^{\circ}46'02''$ west, along said west line of Section 13, a distance of 2651.34 feet to the **POINT OF BEGINNING**.

and the same is hereby approved for Special Exception No. 1612, 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. Prior to preliminary plan/site and development plan submittals, using the South County Model, the Applicant shall establish an allowable release rate from the subject site and each phase of development shall use a pro-rated share of allowable release rate. In addition, the

Applicant shall use the South County Model to demonstrate that no adverse impact to off site flood levels will result from the proposed stormwater management system.

3. Development shall take place in substantial compliance with the Development Concept Plan, dated June 9, 2004, attached hereto as Exhibit "A." This does not imply or confer any variances from applicable zoning or land development regulations. Access points shall be located at the sites depicted on the Development Concept Plan and may include a future connection to the property located to the south of the subject parcel (Refer to Note No. 5 of the Development Concept Plan).

4. The wetlands and associated upland vegetative buffers 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 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. Slight impacts to on-site wetlands resulting from unavoidable impacts necessitated by internal parcel roadway and infrastructure requirements, may be allowed if deemed consistent with LDR Environmental Technical Manual Section B.2. by Resource Protection Services.

5. The Applicant shall work with Resource Protection Staff prior to site and development plan submittal to locate proposed golf course fairways, tee boxes, and greens as to minimize any impacts to on-site wetlands. Additionally, prior to site and development plan approval for the nine-hole golf course, the Applicant shall prepare and submit to Resource Protection Services a Water Conservation Plan, a Habitat Management Plan, and Integrated Pest Management Plan, and a Florida Friendly Landscape and Waterwise Plan. This supplemental information shall be incorporated into the site and development plan approval, as well as the homeowner documents and the controlling documents for the entity operating the golf course.

6. Nuisance and invasive vegetation shall be removed from the property and properly disposed of in an approved landfill or other method approved by Resource Protection Services.

7. Prior to site and development plan submittal, the Applicant shall finalize a survey using recognized sampling techniques to identify endangered, threatened, and species of concern. The Applicant shall provide documentation of efforts to resolve any listed species' issues associated with the site with the appropriate regulatory agencies.

8. The Developer shall be responsible for paying for stop signs placed at various intersection locations along Golf View Drive, as agreed to by the Boca Royale Golf Property Owners Association Advisory Board, after consulting with the Developer and a Traffic Engineer from the County.

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

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

BOARD OF COUNTY COMMISSIONERS OF
SARASOTA COUNTY, FLORIDA

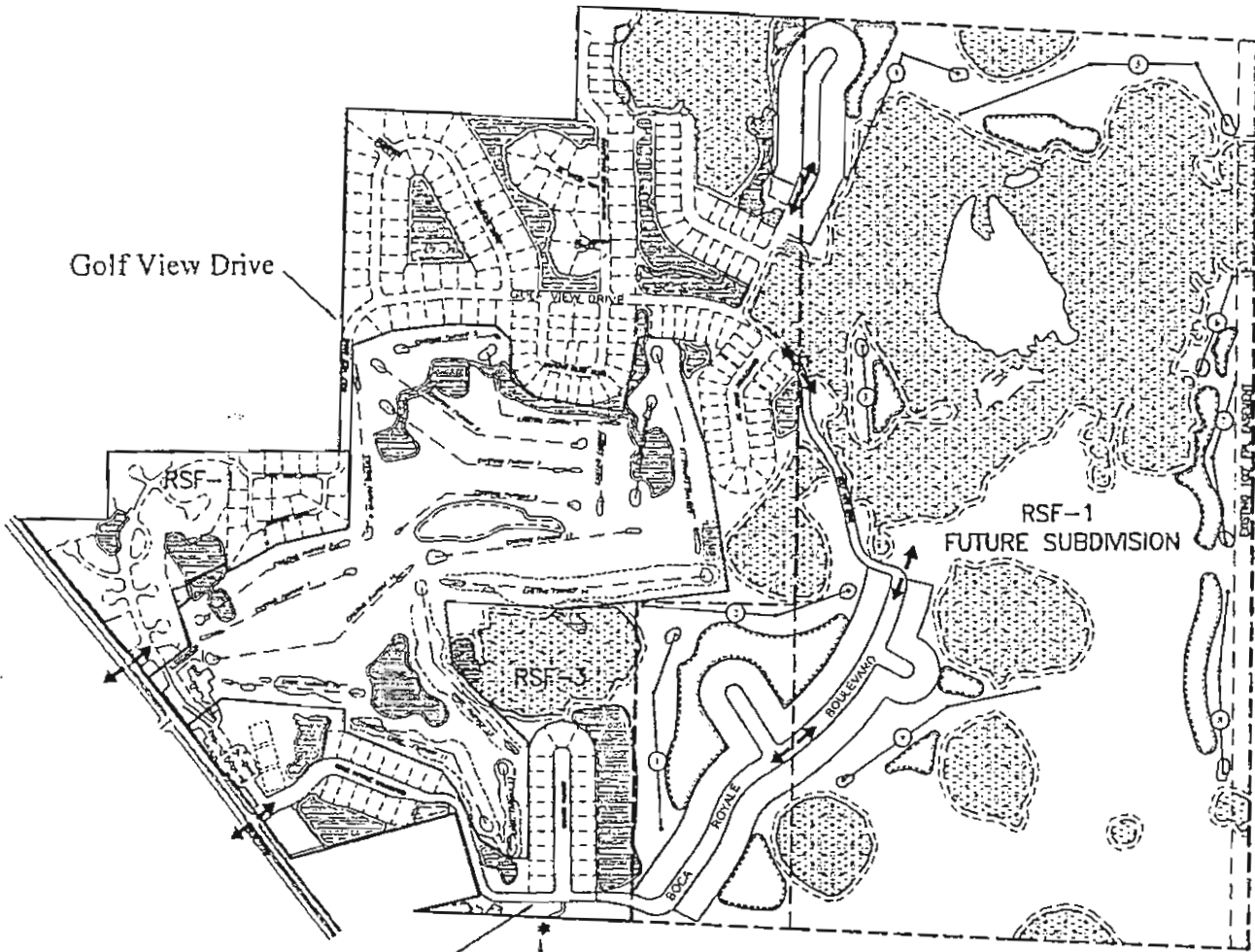
By Paul A. Mercier
Chair

ATTEST:

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

By Karen E. Rushing
Deputy Clerk

EXHIBIT A - DEVELOPMENT CONCEPT PLAN



Golf View Drive

RSF-1
FUTURE SUBMISION

RSF-3

Revised June 9, 2004

Boca Royale Boulevard

(Potential Future Access)

LEGEND

- BOUNDARY FOR PROPOSED 9 HOLE ADDITION
- EXISTING GOLF COURSE AREA
- ▨ WETLAND AREA
- ↔ ACCESS LOCATION
- ▤ EXISTING LAKE
- ▤ FUTURE LAKE



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GENERAL NOTES

1. THIS PLAN SHOWS THE CONSOLIDATION BOUNDARY OF ALL EXISTING PHASES AND THE ADDITIONAL PROPOSED PHASES OF BOCA ROYALE GOLF AND COUNTRY CLUB (F.K.A. ENGLEWOOD GOLF AND COUNTRY CLUB).
2. IT ALSO SHOWS THE BOUNDARY OF A REQUESTED SPECIAL EXCEPTION FOR AN ADDITIONAL NINE HOLES OF GOLF TO BE CONSTRUCTED WITHIN A FUTURE PROPOSED RESIDENTIAL SUBDIVISION IN THE RSF-1 AND RSF-3 DISTRICTS.
3. THE APPROXIMATE LOCATIONS OF THE ADDITIONAL 9 GOLF HOLES SHALL BE AS SHOWN. THE SIZE AND LOCATIONS OF RESIDENTIAL LOTS WILL BE DETERMINED BASED ON SITE FEATURES AND MARKET CONDITIONS AT THE TIME OF SUBDIVISION PLAN APPROVAL PURSUANT TO THE SARASOTA COUNTY LAND DEVELOPMENT REGULATIONS. PROPOSED GOLF HOLE ADDITIONS WILL BE CONSTRUCTED IN PHASES IN CONJUNCTION WITH PROPOSED FUTURE RESIDENTIAL DEVELOPMENT.
4. IT IS THE INTENT OF THIS PLAN TO SHOW THE EXTENSION OF GOLF VIEW DRIVE FROM EXISTING UNIT 5 TO FUTURE UNITS AND THE EXTENSION OF BOCA ROYALE BOULEVARD FROM EXISTING UNIT 7 TO FUTURE UNITS. THE EXACT LAYOUT OF FUTURE INTERNAL ROADS WILL BE DETERMINED AT THE TIME OF SUBDIVISION PLAN APPROVAL BASED ON SITE FEATURES AND THE LOCATION OF RESIDENTIAL UNITS.
5. IN THE EVENT THAT FUTURE PHASES OF BOCA ROYALE GOLF AND COUNTRY CLUB ARE DEVELOPED SOUTH OF THE BOUNDARY SHOWN ON THIS PLAN, STREETS TO FUTURE PHASES MAY CONNECT AT THE INTERSECTION OF BOCA ROYALE BOULEVARD AND GRANDE FAIRWAY, AS INDICATED BY AN ASTERISK.
6. NO CHANGES TO RESIDENTIAL TYPES OR DENSITIES ALLOWABLE BY CURRENT ZONING DESIGNATIONS ARE PROPOSED.
7. THE ON-SITE WETLANDS AND REQUIRED UPLAND BUFFERS SHALL BE PRESERVED AND LABELED AS PRESERVES ON FUTURE SITE PLANS AT THE TIME OF DEVELOPMENT. ALL PROPOSED IMPACTS (INCLUDING ROAD ALIGNMENTS) SHALL BE SUBJECT TO REVIEW AND APPROVAL OF THE RESOURCE PERMITTING DIVISION IN ACCORDANCE WITH THE SARASOTA COUNTY LAND DEVELOPMENT REGULATIONS AT THE TIME OF SUBDIVISION PLAN APPLICATION.
8. ALL FUTURE DEVELOPMENT WITHIN THE AREA OF REZONE PETITION 97-38 SHALL BE IN ACCORDANCE WITH ORDINANCE 98-061.
9. A STORMWATER MANAGEMENT SYSTEM SHALL BE PROVIDED FOR ANY FUTURE CONSTRUCTION IN ACCORDANCE WITH THE SARASOTA COUNTY LAND DEVELOPMENT REGULATIONS AT THE TIME OF SUBDIVISION PLAN APPLICATION. THE LOCATIONS OF FUTURE LAKES ON THIS PLAN ARE CONCEPTUAL AND MAY BE ALTERED DURING THE CONSTRUCTION PLAN PERMITTING PROCESS WITH SARASOTA COUNTY DEVELOPMENT SERVICES.