

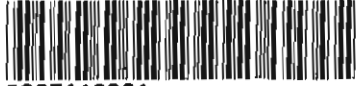
Please record and return to: (Via Inter-Office Mail)

Susan Carleton, Planning Technician  
Planning Services  
1660 Ringling Blvd., 1<sup>st</sup> Floor  
Sarasota, FL 34236

Charge to: Planning Services  
Account# 51800100500489

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

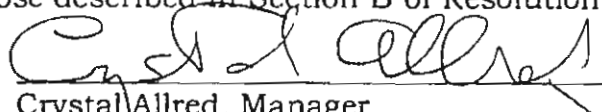
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 INSTRUMENT # 2007118391 6 Pgs  
 2007 JUL 26 04:15 PM  
 KAREN E. RUSHING  
 CLERK OF THE CIRCUIT COURT  
 SARASOTA COUNTY, FLORIDA  
 CEAGLETO Receipt#946831



2007118391

The following property, located 900 feet ± west of US 41 and 900 feet ± north of Oak Street and west of Palmetto Avenue in Sarasota County, Florida, owned by Sarasota Conservation Foundation, Inc., and described in Resolution No. 2007-151 attached hereto, to allow a community service facility and eliminate a nonconformity of a structure less than 50 feet to a residentially zoned property in District RE-2 (Residential Estate/1 unit/acre), pursuant to Special Exception Petition No. 1644 filed by Mark Lippert, Agent, and granted by Sarasota County on June 27, 2007, 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. 2007-151, attached hereto)

  
Crystal Allred, Manager  
Planning Services

**STATE OF FLORIDA  
COUNTY OF SARASOTA**

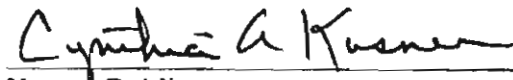
Before me, the undersigned Notary Public, personally appeared Crystal Allred, Manager, Planning Services, to me known to be the individual who executed the foregoing Notice of Stipulations and Limitations Encumbering Real Property pursuant to the Sarasota County Zoning Code, and she acknowledged before me that she executed the same.

Witness my hand and official seal at Sarasota County, Florida, this 25<sup>th</sup> day of ~~August~~, 2007.

July,



Cynthia A. Kusner  
Commission #DD308088  
Expires: May 22, 2008  
Bonded Thru  
Atlantic Bonding Co., Inc.

  
Notary Public  
State of Florida at Large

This instrument prepared by sfc

**RESOLUTION NO. 2007- 157**  
**OF THE BOARD OF COUNTY COMMISSIONERS**  
**OF SARASOTA COUNTY, FLORIDA**  
**SPECIAL EXCEPTION NO. 1644**

WHEREAS, Mark Lippert, agent for the owner of the hereinafter described real property has filed Special Exception Petition No. 1644 requesting that a special exception be granted to allow the property, located 900 feet ± west of U.S. 41 and 900 feet ± north of Oak Street and west of Palmetto Avenue, Sarasota County, Florida, to allow a community service facility and eliminate a nonconformity of a structure less than 50 feet to a residentially zoned property, in District RE-2 (Residential Estate/ 1 unit/acre) and

WHEREAS, the Planning Commission of Sarasota County, after due public notice, did hold a public hearing on the 3rd day of May, 2007, to consider said Special Exception Petition No. 1644 and

WHEREAS, the said Planning Commission did submit and report its findings and recommendations to this Board that said Special Exception Petition No. 1644 be granted, and

WHEREAS, this Board, after due public notice, did on the 27<sup>th</sup> day of June, 2007, 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. 1644 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;

BOARD RECORDS  
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JUN 29 2007  
SARASOTA COUNTY, FLORIDA

7. The ingress and egress to the subject parcel and internal circulation will not adversely affect traffic flow, safety or control.

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

B. Special Exception Petition No. 1644 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: 900 feet ± west of U.S. 41 and 900 feet ± north of Oak Street and west of Palmetto Avenue, and being more particularly described as follows:

Tract "B", as shown on Palmer Trust's Addition to Osprey, a non-conforming "unrecorded" plat, recorded 4/16/1920 in Deed Book 61, Pages 188-189, Public Records of Manatee County, Florida. TOGETHER with all land, if any, lying between said Tract "B" and the waters of Little Sarasota Bay, including "lands of Bowles" and part of vacated old Palmetto Avenue, as shown on said plat of Palmer Trust's Addition to Osprey. LESS any part of the above described Tract "B", if any, lying within the lands described in O.R. Book 2719, Page 1987, Public Records of Sarasota County, Florida. Lying and being in the S.W. 1/4 of Section 3, Township 38 South, Range 18 East, Sarasota County, Florida.

ALL THE ABOVE BEING FURTHER DESCRIBED AS FOLLOWS:

Begin at an old concrete monument marking the most Northerly corner of Tract "B" of Palmer Trust's Addition to Osprey, a non-conforming "unrecorded" plat, recorded in 4/16/1920 in Deed Book 61, Page 188-189, Public Records of Manatee County, Florida, (said old concrete monument being on the Westerly R/W line of Palmetto Avenue, and lying S.53°59'32"W., 31.76 feet from a Permanent Reference Monument on the Easterly R/W line of said Palmetto Avenue, as shown on plat of Oaks, recorded in Plat Book 28, Page 48, Public Records of Sarasota County, Florida); thence S.16°46'05"E. along the Northeasterly line of said Tract "B" and along the Westerly line of Palmetto Avenue, as presently located, a distance of 286.44 feet to a point, said point lying N.16°46'05"W., 429.55 feet from the Permanent Reference Monument marking the most Northerly corner of Spanish Point Shores, Unit II, recorded in Plat Book 38, Pages 9 & 9A, Public Records of Sarasota County, Florida; thence S.55°26'42"W. along the Northerly line of lands of Betts described in O.R. Book 2719, Page 1987, Public Records of Sarasota County, Florida, (as presently monumented and occupied), a distance of 349.65 feet to a concrete monument marking the N.W. corner of Parcel 2 and the N.E. corner of Parcel 1 of said lands of Betts described O.R. Book 2719, Page 1987; thence S.46°36'24"W. along Northerly line of Parcel 1 of said lands of Betts described in O.R. Book 2719, Page 1987, a distance of 30.45 feet to a 3/4" iron pipe; thence S.53°59'32"W., along the South line (and its extension) of aforesaid Tract "B", a distance of 232 feet, more or less, to the mean high water line of Little Sarasota Bay; thence Northwesterly along said mean

high water line of Little Sarasota Bay, 274 feet, more or less, to a point on the Northerly line of aforesaid Tract "B" of Palmer Trust's Addition to Osprey; thence N.53°59'32"E. along said Northerly line of Tract "B", a distance of 783.4 feet, more or less, to the Point of Beginning. Lying and being in S.W. 1/4 of Section 3, Township 38 South, Range 18 East, Sarasota County, Florida. Containing 4.20 acres, more or less,

and the same is hereby approved for Special Exception 1644, 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. Development shall take place in substantial accordance with the Development Concept Plan dated April 26, 2007 and attached hereto as Exhibit A. This does not imply or confer any variances from applicable zoning or land development regulations.
2. Prior to the issuance of a certificate of occupancy, all development on the subject property shall connect to Sarasota County Environmental Utilities for central water and sewer. Water and Sewer Line extensions required by the development shall be in accordance with Section 6 of the Sarasota County Uniform Water and Wastewater System and Reuse System Code.
3. The Applicant shall be required to maintain a 20 foot wide 0.5 opacity landscape buffer along the south property line.
4. Any new parking spaces constructed and located on the property shall be of pervious material.
5. Public hours of operation shall be from one hour prior to sunrise to one hour after sunset. Special events and youth rowing activities are excluded from the limitation on public hours of operation; provided, however, that special events shall conclude before 1:00 am.


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

PASSED AND DULY ADOPTED this 27<sup>th</sup> day of June, 2007.

BOARD OF COUNTY COMMISSIONERS OF  
SARASOTA COUNTY, FLORIDA

By:

Chair

  
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ATTEST:

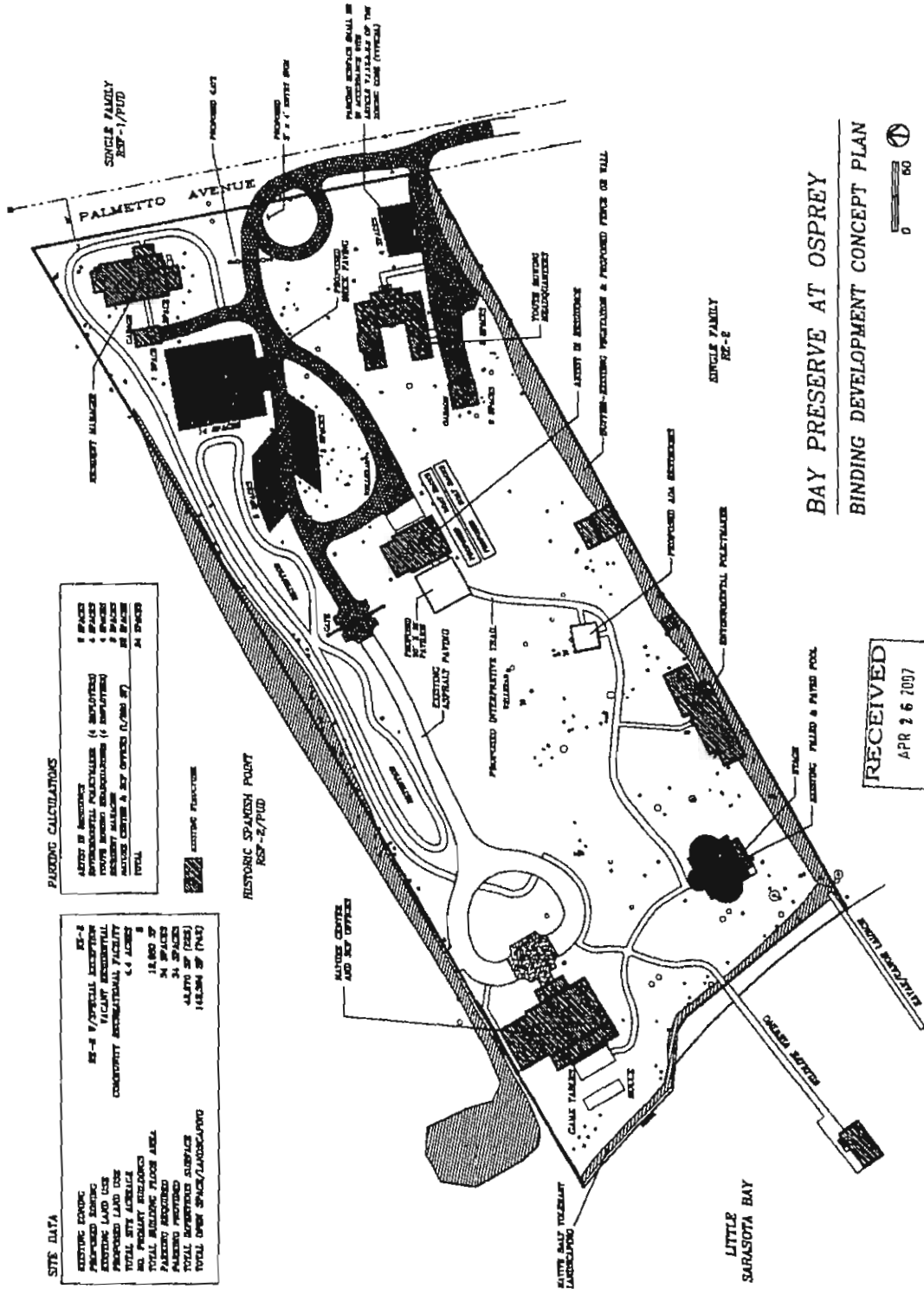
KAREN E. RUSHING, Clerk  
of Circuit Court and ex officio  
Clerk of the Board of County  
Commissioners of Sarasota  
County, Florida.

By:

Deputy Clerk

  
\_\_\_\_\_

# EXHIBIT A



**PARKING CALCULATIONS**

AREA OF EXISTING	8 SPACES
ADDITIONAL PAVED AREAS	4 SPACES
ADDITIONAL UNPAVED AREAS	4 SPACES
ADDITIONAL UNPAVED AREAS	4 SPACES
ADDITIONAL UNPAVED AREAS	4 SPACES
<b>TOTAL</b>	<b>24 SPACES</b>

**SITE DATA**

EXISTING ZONING	RS-1
PROPOSED ZONING	RS-1
PROPOSED LAND USE	RESIDENTIAL
TOTAL SITE AREA	6.4 ACRES
NO. PROPOSED BUILDINGS	8
TOTAL BUILDING FLOOR AREA	18,800 SF
TOTAL PAVED SURFACE	34,000 SF
TOTAL UNPAVED SURFACE	41,000 SF (100%)
TOTAL OVER SPACE/LANDSCAPING	148,300 SF (74%)

**BAY PRESERVE AT OSPREY**  
**BINDING DEVELOPMENT CONCEPT PLAN**

RECEIVED  
 APR 26 2007  
 BY: \_\_\_\_\_

