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2010 MAR 25 12:42 PM

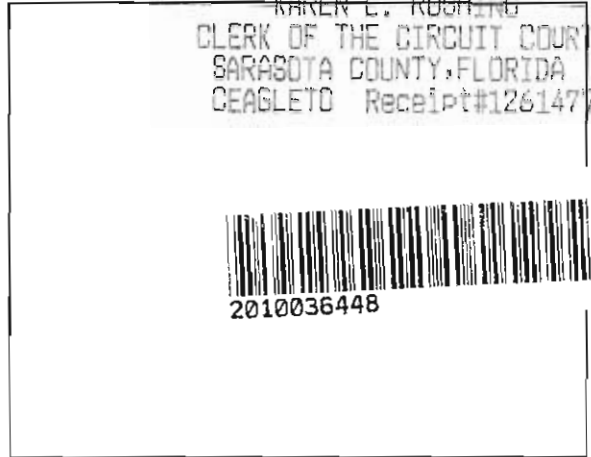
KAREN E. RUSHING

CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
CEAGLETD Receipt#1261477

Please record and return to: **(Via Inter-Office Mail)**
Carol McConway, Administrative Specialist
Planning Services
1660 Ringling Boulevard
Sarasota, FL 34236

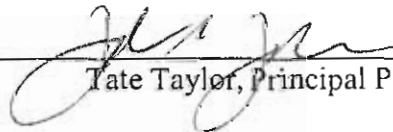
Charge to: Planning Services
Account# 51800100500489

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



The following property, located on the southwest corner of Clark Road and Nelson Avenue in Sarasota County, Florida, owned by John E. Anderson, Jr., and described in Resolution No. 2010-034 attached hereto, to allow a 100 foot Flagless Flagpole Communication Tower and related facility in a CG (Commercial General) zone district, pursuant to Special Exception Petition No. 1686 filed by Lauralee G. Westine, Agent, and granted by Sarasota County on March 16, 2010, 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. 2010-034, attached hereto)



Tate Taylor, Principal Planner II

STATE OF FLORIDA
COUNTY OF SARASOTA

Before me, the undersigned Notary Public, personally appeared Tate Taylor, Principal Planner II, 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 22 day of MARCH, 2010.




Notary Public
State of Florida at Large

This instrument prepared by:
cm

RESOLUTION NO. 2010-034
OF THE BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA
SPECIAL EXCEPTION NO. 1686

WHEREAS, Lauralee Westine, Agent for the Owner of the hereinafter described real property has filed Special Exception Petition No. 1686 requesting that a special exception be granted to allow the property, located at 5840 Nelson Avenue, Sarasota, Florida, to be used to construct a 100 foot flagless flagpole telecommunications tower with accessory equipment in the CG (Commercial General) zone district; and

WHEREAS, the Planning Commission of Sarasota County, after due public notice, did hold a public hearing on the 21st day of January, 2010, to consider said Special Exception Petition No. 1686; and

WHEREAS, the said Planning Commission did submit and report its findings and recommendations to this Board that said Special Exception Petition No. 1686 be granted; and

WHEREAS, this Board, after due public notice, did on the 16th day of March, 2010 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. 1686 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. That the proposed tower is consistent with the requirements of Chapter 118, Sarasota County Code governing telecommunications towers and cellular telecommunications facilities;
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

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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. 1686 is hereby **GRANTED** for the following described property, said property being in Sarasota County, Florida, to-wit:

THE SOUTHWEST CORNER OF CLARK ROAD AND NELSON AVENUE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARENT PARCEL

LOTS 7, 8, 9 AND 10 OF BLOCK A, SUN HAVEN, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 7, PAGE 88, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA.

and the same is hereby approved for Special Exception 1686, 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 compliance with the Development Concept Plan date stamped November 5, 2009, and attached hereto as Exhibit "A". This does not imply or confer any variances from applicable zoning or land development regulations.
2. The telecommunications tower shall be of a flagless flagpole, alternative tower structure, designed with a white finish and shall not exceed 100 feet in height. Any increase in height pursuant to Section 118-35 of the Transmission Tower Code, Article II, Chapter 118, Sarasota County Code, shall require the processing of a new special exception petition.
3. The Master Surface Water Management Plan shall be consistent with the Matheny Creek Basin Master Plan.
4. All stormwater treatment shall be open and above ground.

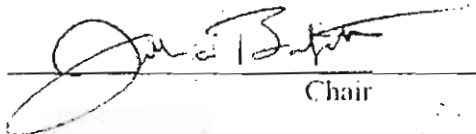
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5. Prior to any site work performed, Water Planning and Regulatory shall review proposed plans to verify that the proposed improvements do not impede the function of the existing stormwater facility.
- C. This Resolution shall take effect immediately upon its adoption.

PASSED AND DULY ADOPTED this 16th day of MARCH, 2010.

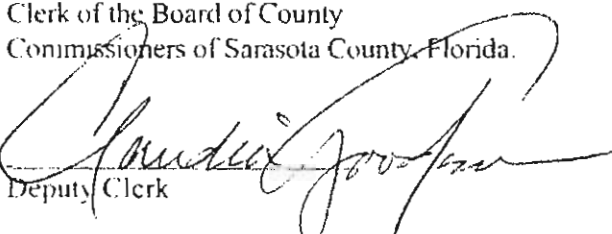
BOARD OF COUNTY COMMISSIONERS OF
SARASOTA COUNTY, FLORIDA

By


Chair

ATTEST:

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


Deputy Clerk

