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Please record and return to: **(Via Inter-Office Mail)**Karen Grassett
Growth Management Business Center
1660 Ringling Boulevard, 5th Floor
Sarasota, FL 34236

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

RECORDED IN OFFICIAL RECORDS INSTRUMENT # 2003061027 13 PBS

2003 APR 01 03:50 PM
KAREN E. RUSHING
CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY,FLORIDA
KRICE Receipt#298341



The following property located in Sarasota County, Florida, owned by John W. Meshad, Esquire, for Sarasota Gateway Associates, Ltd., and described in Ordinance No. 2003-021 attached hereto, has been rezoned from Districts PCD (Planned Commerce Development) and CHI (Commercial, Highway Interchange) with stipulations to a PCD (Planned Commerce Development) and CHI (Commercial, Highway Interchange) zone district with amended stipulations, pursuant to Rezone Petition No. 03-15 filed by Bruce E. Franklin, Agent, and granted by Sarasota County on February 12, 2003, and 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 3 of Ordinance

No. 2003-021, attached hereto)

Executive Director

Growth Management Business Center

STATE OF FLORIDA COUNTY OF SARASOTA

Before me, the undersigned Notary Public, personally appeared Jerry Gray, Executive Director of the Growth Management Business Center, 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 2164 day of

Wel , A.D. 2003.

State of Florida at Large

This instrument prepared by: SMA



Nancy J. Higgins Commission # CC 936530 Expires May 15, 2004 Bonded Thru Atlantic Bonding Co., Inc.

ORDINANCE NO. 2003-021

AN ORDINANCE OF THE COUNTY OF SARASOTA, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS, AS PART OF SARASOTA COUNTY ORDINANCE NO. 75-38, CODIFIED IN APPENDIX A TO THE SARASOTA COUNTY CODE, RELATING TO ZONING WITHIN THE UNINCORPORATED AREA OF SARASOTA COUNTY; PROVIDING FINDINGS; PROVIDING FOR AMENDMENT OF THE ZONING ATLAS; PROVIDING RESTRICTIONS, STIPULATIONS AND SAFEGUARDS; AND PROVIDING AN EFFECTIVE DATE.

FILED

2003 MAR -4 PM 2: 16

DEPARTMENT OF STATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA:

Section 1. Findings. The Board of County Commissioners, hereinafter referred to as the "Board," hereby makes the following findings:

- A. The Board has received and considered the report of the Sarasota County Planning Commission concerning Rezoning Petition No. 03-15, requesting rezoning of the property described herein.
- B. The Board has held a public hearing on the proposed rezoning of the property described herein in accordance with the requirements of Sarasota County Ordinance No. 75-38, codified in Appendix A of the Sarasota County Code (hereinafter "the Zoning Ordinance"), and has considered the information received at said public hearing.
- C. The rezoning herein granted is consistent with the Sarasota County Comprehensive Plan and meets the requirements of the Zoning Ordinance.
- D. Pursuant to the provisions of Article VII of Chapter 94 of the Sarasota County Code, an evaluation has been completed of the impacts that the proposed rezoning of the property described herein will have on the levels of service for parks, drainage, solid waste, roads, mass transit and water and sewer systems. With the exception of the provisions of Section 3 of this Ordinance, adequate levels of service are anticipated to be available.

Section 2. Amendment of the Zoning Ordinance. The Official Zoning Atlas, adopted under Section 2 of the Zoning Ordinance, is hereby amended by changing the zoning district classification for 99.74 acres ± from Districts PCD (Planned Commerce Development) and CHI (Commercial, Highway Interchange) with stipulations to Districts PCD (Planned Commerce Development) and CHI (Commercial, Highway Interchange) with amended stipulations for the following described property located in Sarasota County, Florida:

TRUGO THUS OF THE SECOND SECONDARY FL

MES LED SU V. C: 22

The northwest quadrant of I-75 and Fruitville Road, more particularly described as follows;

PARCEL A - PCD with stipulations to PCD with amended stipulations

A Tract of land lying in the Northeast quarter of Section 24, Township 36S, Range 18E, Sarasota County, Florida, described as follows: Commence at the Northwest corner of said Northeast quarter: thence S88°42'07"E, along the Northerly line of said Section 24, a distance of 338.14 feet to intersect the Northerly extension of the West line of Lot 10, Palmer Farms First Unit per Plat thereof, recorded in Road Plat Book 2, at Page 216 of the Public Records of Sarasota County, Florida; thence S00°18'00"W, along the Northerly extension of said Lot 10, a distance of 101.42' to the Northwest comer of said Lot 10, also being a point on the Southerly Right-of- Way line of Richardson Road, (Old Myakka Road) recorded in Plat Book No.2 at pages 38 E and F, of said Public Records for the Point of Beginning (the following 4 calls are along said Southerly Right-of-Way line); thence' N89°38'47"E, a distance of 1,692.30 feet to the PC of a curve to the right having a radius of 731.49 feet and a central angle of 18°29'59"; thence Easterly along the arc a distance of 236.18 feet; thence S71°51'13"E, a distance of 249.99 feet to the PC of a curve to the left having a radius of 785.40 feet and a central angle of 13°27'34"; thence Easterly along the arc a distance of 184.50 feet to the Westerly limited access Right-of-Way line of Interstate 75 (State Road 93) (the following 5 calls are along said Westerly limited access Right-of-Way line); thence S0°011'46"W, a distance of 114.54 feet; thence S05°28'29"W, a distance of 194.88 feet; thence S11°47'44"W, a distance of 294.70 feet; thence S24°26'14"W, a distance of 294.70 feet; thence S30°45'29", a distance of 214.75 feet to the Northerly line of a parcel with a zoning classification of "CHI" as described in Sarasota County Ordinance No. 96-086, filed on December 12, 1996 at the office of the Clerk of Circuit Court, Sarasota County, Florida, (the following 4 calls are along said Northerly line); thence S88°31'43"W, a distance of 582.57 feet; thence S 15°00'08"W, a distance of 236.64 feet to the PC of a curve to the right having a radius of 250.00 feet and a central angle of 18°41'24"; thence Southwesterly along the arc a distance of 81.55 feet; thence S88°31'43"W, a distance of 786.36 feet to the Westerly line of said parcel, (the following 5 calls are along said Westerly line); thence S01°28'17"E, a distance of 273.88 feet; thence S88°31'43"W, a distance of 9.11 feet; thence S01°28'17"E a distance of 201.85 feet; thence S88°31'43"W, a distance of 23.84 feet; thence S01°28'17"E, a distance of 90 feet to the Northerly Right-of-Way line of Fruitville Road (State Road 780); thence S88°31'43"W, along said Northerly Right-of-Way line a distance of 561.24 feet to-the Westerly line of Lot 22, aforesaid Palmer Farms

First Unit; thence N00°18'00"E, along the Westerly lines of said Lot 22 and aforesaid Lot 10, a distance of 2,108.59 feet to the **Point of Beginning**.

LESS the following described parcel: A Tract of land in Section 24, Township 36S, Range 18E, Sarasota County, Florida, being a part of Tract 1 of the Plat of Gateway to Sarasota Phase 1, as recorded in Plat Book 39 Page 12 and 12-A, Public Records of Sarasota County, Florida and being further described as follows: Begin at the Southwest comer of said Tract 1; thence N00°18'00"E, along the West line of said Tract 1, 265.86'; thence N88°31'43"E, 541.56', thence S46°28'13"E, 49.93', to the West Right-of-Way line of North Cattlemen Road; thence S01°28'17"E, along said West Right-of-Way line, 230.43', to the South line of said Tract 1; thence S88°31'43"W, along said South line, 585.07', to the Point of Beginning.

PARCEL B -CHI with stipulations to CHI with stipulations

A Tract of land in Section 24, Township 36S, Range 18E, Sarasota County, Florida, being a part of Tract 1 of the Plat of Gateway to Sarasota Phase 1, as recorded in Plat Book 39 Page 12 and 12-A, Public Records of Sarasota County, Florida and being further described as follows: Begin at the Southwest comer of said Tract 1; thence N00°18'00"E, along the West line of said Tract I, 265.86'; thence N88°31'43"E, 541.56', thence S46°28'13"E, 49.93', to the West Right-of-Way line of North Cattleman Road; thence S01°28'17"E, along said West Right-of-Way line, 230.43' to the South line of said Tract 1; thence S88°31'43"W, along said South line, 585.07', to the **Point of Beginning**.

PARCEL C - CHI with stipulations to CHI with amended stipulations

Northwest comer of Brown Road and Fruitville Road, more particularly described as follows: A portion of a 52' wide drainage canal being the former Sarasota Fruitville Drainage District Rightof-Way described as parcel numbers 20 and 21 in Chancery Order Book 3 at Page 206-262 which was deeded to Sarasota County by the instrument recorded in official record book 315, Page 378, of the public records, Sarasota County, Florida, and a portion of a Platted 52' wide drainage canal Right-of-Way together with a portion of Block13,14,15,16,23,24,25,26,27, Palmer Farms First Unit, recorded in Plat Book 2, Page 216, of the Public Records, Sarasota County, Florida, lying in Section 24, Township 36S, Range 28E, further described as follows: Commence at the Northwest comer of the Northeast 1/4 of said Section 24, Township 36S, Range 18E; thence S88°42'07"E, along the North line of said Section 24, a distance of 338.14 feet; thence S00°18'00"W, along the west line of Lots 10 and 22, Palmer Farms First Unit and Northerly extension thereof, a distance of 1644.07 feet to the **Point** of Beginning; thence N88°31'43"E, departing said West line, a

distance of 1363.05 feet to a point on a curve to the left; having a radius of 250.00 feet, a central angle of 18°41'23", a tangent length of 41.14 feet, a chord bearing of N24°20'50"E, and a chord length of 81.19 feet; thence along the arc of said curve an arc length of 81.55 feet to the Point of Tangency of said curve; thence NI5°00'08"E, a distance of 236.64 feet; thence N88°31'43"E, a distance of 582.57 feet to a point on the Westerly limited access Right-of-Way line of State Road No. 93 (Interstate 75); thence along the said Westerly limited access Right-of-Way line the following three courses: Thence S30°45'29"W, a distance of 897.17 feet to the point of curvature of a curve to the right, having: a radius of 336.00 feet, a central angle of 28°53'07", tangent length of 86.54 feet, a chord bearing of S45°12'02"W, and a chord length of 167.60 feet; thence along the arc of said curve, an arc length of 169.39 feet to the end of said curve; thence S64°17'38"W, a distance of 223.65 feet to a point on the Northerly Right-of-Way line of Fruitville Road (State Road #780); thence along the said Northerly Right-of-Way line the following five courses: thence S88°31'43"W, a distance of 500.00 feet; thence S01°28'17"E, a distance of 47.43 feet; thence S88°28'15"W, a distance of 200.01 feet; thence N01°28'12'W, a distance of 147.64 feet; thence S88°31'43"W, a distance of 561.24 feet to a point on the West line of Block 22; thence N00°18'00"E, along said West line, a distance of 566.00 feet to the Point of Beginning.

Less the following described parcel:

Part of Lots 22 and 23, Palmer Farms First Unit, as recorded in Plat Book 2, Page 216 of the Public Records of Sarasota County, Florida, lying in Section 24, Township 36S, Range 18E, Sarasota County, Florida, more particularly described as follows: Commence at the Northwest comer of the Northeast 1/4 of Section 24, Township 36S, Range 18E, Sarasota County, Florida; thence S88°42'07"E along the North line of said Section 24, a distance of 338.14' to intersect the Northerly extension of the West line of Lots 10 and 22 of said Palmer Farms First Unit; thence S00°18'00"W, along the Northerly extension of the West line of said Lots 10 and 22, and the West line of said Lots 10 and 22, a distance of 1644.01 feet to the Point of Beginning; thence N88°31'43"E, a distance of 576.69 feet; thence S01°28'17"E, a distance of 273.88 feet; thence S88°31'43"W, a distance of 9.11 feet; thence S01°28'17"E, a distance of 291.85 feet to a point on the Northerly Right-of-Way line of Fruitville Road (S.R 780); thence S88°31'43"W, along said Northerly Right-of-Way line, a distance of 585.08 feet to a point on the West line of said Lot 22; thence N00°18'00"E, along the West line of said Lot 22 a distance of 566.00 feet to the Point of Beginning.

Section 3. Restrictions, Stipulations and Safeguards. As used in the stipulations hereinafter set forth, the term "Owner" shall refer to the owner or owners of the property described in Section 2 and their successors and assigns. Upon recording in the public records of Sarasota County, these stipulations shall be covenants running with the land. The use of the property described in Section 2 of this Ordinance, in addition to the applicable restrictions imposed by the Zoning Ordinance, is hereby further limited by and subject to the following restrictions, stipulations and safeguards:

CHI Parcel

- 1. A finding regarding the availability of adequate public facilities and services made at this stage in the concurrency review process does not guarantee that an adequate level of service for the facility or service will be available at subsequent stages in the concurrency review process. Approval of this development permit application is not defined as, nor should it be construed to be, a final development order as defined in Sarasota County Ordinance No. 89-103.
- 2. All development on the subject parcel shall comply with the Development Order for the Gateway to Sarasota DRI, as may be amended.
- 3. All development shall be consistent with the Fruitville Road Corridor Plan and the I-75 Corridor Plan, as may be amended.
- 4. Fruitville Road shall be the street for purposes of defining and establishing front yards adjacent thereto which shall not contain loading, storage, or refuse areas, but may contain an on-site sign. Said sign(s) may be allowed within the landscape buffer and shall be limited to a monument sign with one or two faces not to exceed fifty (50) square feet per face and a height of eight feet measured from the crown of the road or finished grade of the land adjacent to the building, whichever is greater. Parcels displaying a monument sign shall be restricted to one wall sign not to exceed fifty (50) square feet.
- 5. The subject parcel shall provide a buffer per Section 13.14, Buffer K, along the drainage right-of-way.
- 6. Landscape buffering for the CHI outparcels (Outparcels 1, 2, and Pond No. 3), located west of North Cattlemen Road and north of Fruitville Road, shall be consistent with the General Landscape Plan, attached at Exhibit C. Additionally, should development commence on the adjacent 15.3 acre + PCD (General Retail) parcel prior to the initiation of development on the CHI outparcels, the installation of the requisite landscaping shall be required concurrent with the development of the PCD parcel.

PCD Parcel

- All development on the subject parcel (i.e., preliminary plans, site
 and development plans, final plats, and construction plans) shall
 comply with the Development Order for the Gateway to Sarasota
 DRI, as may be amended.
- All development shall be consistent with the Fruitville Road Corridor Plan and the I-75 Corridor Plan, as may be amended.

- 9. Pursuant to the PCD schedule of district regulations, the Owner is hereby granted modifications to the 100' perimeter buffer requirements as depicted on the Perimeter Buffer Plan attached hereto as Exhibits 2 and B.
- All preliminary plans and/or site and development shall be consistent with the Master Stormwater Management Plan for the Gateway to Sarasota DRI, the Fruitville Road Corridor Plan and the I-75 Corridor Plan, as may be amended.
- 11. Access shall be as depicted on the development concept plan adopted as part of the Gateway to Sarasota DRI Development Order. In the event modifications are requested due to parcel development requirements, modifications will be reviewed by, and subject to, the approval of the Public Works Business Center.
- 12. For the PCD Group 2 parcel along North Cattlemen Road, North Cattlemen Road shall be the street for purposes of defining and establishing front yards adjacent thereto which shall not contain loading, storage, or refuse areas, but may contain an on-site sign. Said sign may be allowed within the landscape buffer and shall be limited to a maximum height of eight feet and constructed on the ground with a continuous footing with base of the sign at grade.
- 13. Parcels along Cattlemen Road shall provide a buffer in accordance with Section13.14 (Buffer K) of the Sarasota County Zoning Ordinance, unless otherwise noted on the General Landscape Plan (attached as Exhibit C).

For Alternative A - Residential

- 14. 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.
- 15. Recreation areas, such as a clubhouse, swimming pool, or tennis, volleyball or basketball courts, shall not be located closer than 200 feet from the northern property boundary.
- 16. Outdoor recreation areas shall not be illuminated after 10:00 p.m., Sunday through Thursday and 11:00 p.m. Friday and Saturday.

- 17. Outdoor refuse areas shall be set back 50 feet from the northern property boundary and shall be screened in accordance with Section 11.6.f. of the Zoning Ordinance.
- 18. All parking lot, driveway and security lights located within 50 feet of the northern property boundary shall not exceed 6 feet in height.
- 19. Exterior lighting shall be directed only toward the subject property and away from adjacent properties and streets.
- 20. Development shall take place in substantial compliance with the Development Concept Plan, date-stamped December 10, 2002. This does not imply or confer any variances from applicable zoning or land development regulations. (See Exhibit A.")
- 21. Landscaping shall be provided as follows:
 - a. Buffer I within the north PCD property line buffer.
 - b. An enhanced Buffer A along the west property line. The buffer shall be at least 5 foot wider than the existing 20 foot wide drainage easement with all plant material located outside the easement. The buffer shall match or exceed the buffer plant material provided for The Sam's Club on the neighboring parcel to the south.
 - c. A landscape Buffer H along the south property line between Tract 2 and Tract 1 containing a 6 foot high wall, 20 understory trees and a 4 foot high continuous hedge.
- 22. Development on the subject property shall be limited to 350 dwelling units.

For Alternative B - Office

- 23. 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.
- 24. Development shall take place in substantial compliance with the Development Concept Plan, date-stamped December 10, 2002. This does not imply or confer any variances from applicable zoning or land development regulations. (See Exhibit "A.")

25. Landscaping shall be provided as follows:

- a. Buffer I within the north PCD property line buffer.
- b. An enhanced Buffer A along the west property line. The buffer shall be at least 5 foot wider than the existing 20 foot wide drainage easement with all plant material located outside the easement. The buffer shall match or exceed the buffer plant material provided for The Sam's Club on the neighboring parcel to the south.

Section 4. Effective Date. This Ordinance shall take effect immediately upon receipt of official acknowledgment from the Office of the Secretary of State of Florida that this Ordinance has been filed with said office.

PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, this 12th day of February, A.D., 2003.

BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA

Chairman

Market .

ATTEST:

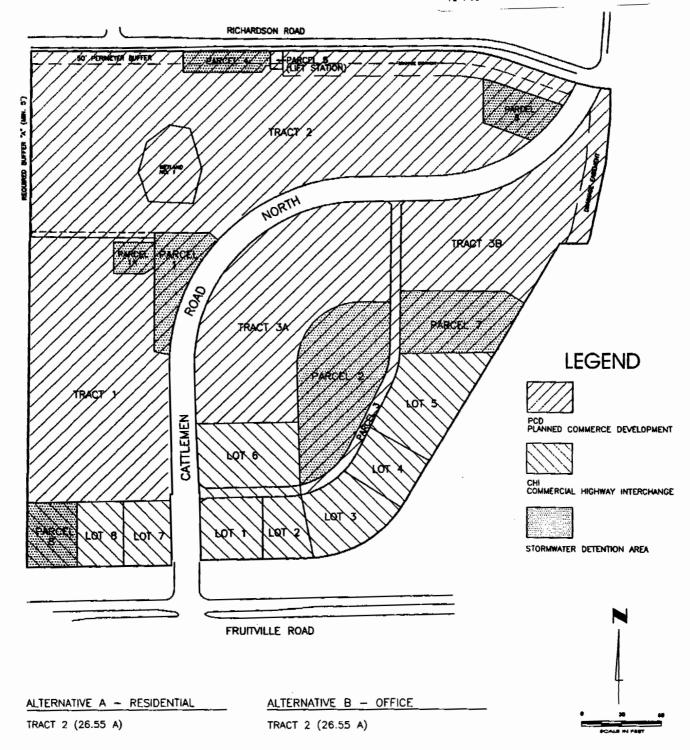
KAREN E. RUSHING, Clerk of the Circuit Court and Ex-Officio Clerk of the Board of County Commissioners of Sarasota County, Florida.

Deputy Clerk

MAP SERIES/CONCEPT PLAN

EXHIBIT "A"

INSTRUMENT # 2003061027 13 PGS



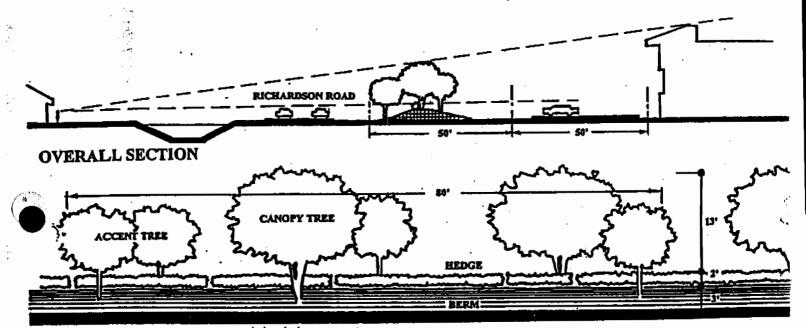
350 RESIDENTIAL MULTI-FAMILY UNITS
WITH REQUIRED PARKING
MAXIMUM BUILDING HEIGHT - 3 STORIES

MAXIMUM 415,000 SF OFFICE
WITH REQUIRED PARKING (1,660 SPACES)

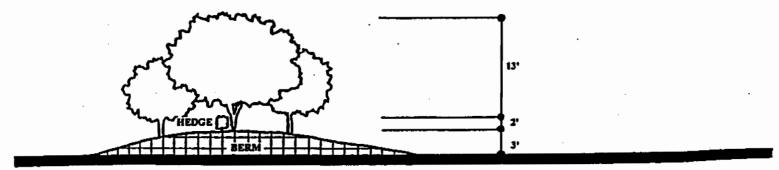
THIS DOCUMENT RECEIVED BY: GROWTH MANAGEMENT ON DECEMBER 10, 2002

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EXHIBIT B PERIMETER BUFFER PLAN

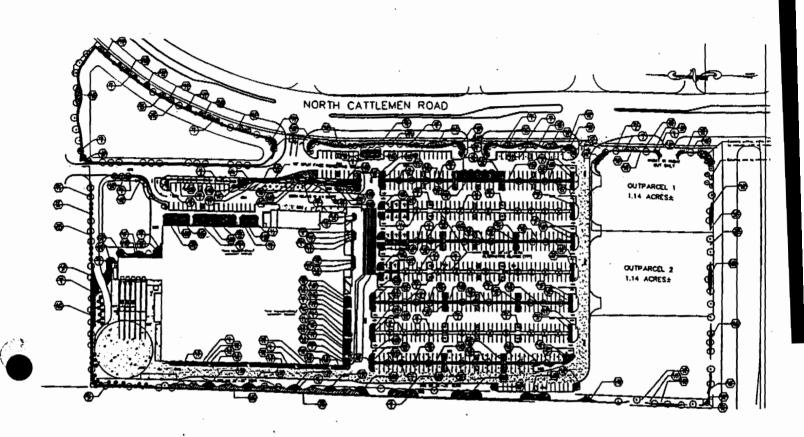


ELEVATION FROM RICHARDSON ROAD



DETAIL SECTION

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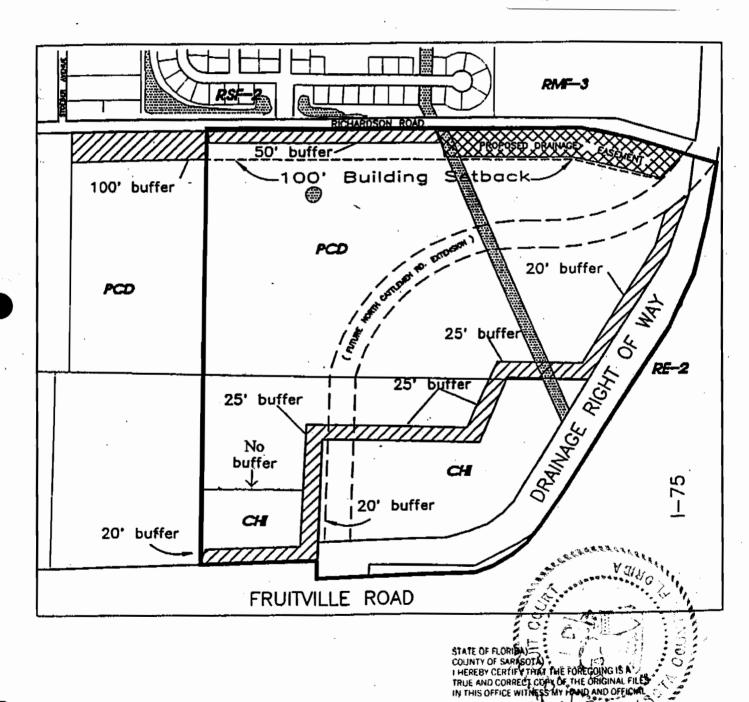
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EXHIBIT D PERIMETER BUFFER PLAN

INSTRUMENT # 2003061027 13 PGS



SEAL THIS DATE CHER OF THE SUCHE COUNTY COMMISSIONERS SARASOTA CAUNTY FLORIDA

DEPLITY CLERK