

FILED FOR RECORD
R. B. SHORE

2011 FEB 17 PM 3:17 **MANATEE COUNTY ZONING ORDINANCE**
PDR-07-06(Z) (P) – INSIGNIA BANK, LLC / EAGLE TRACE
SUBDIVISION (DTS # 20070106)

CLERK OF THE CIRCUIT COURT
MANATEE COUNTY, FLORIDA

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, AMENDING THE OFFICIAL ZONING ATLAS (ORDINANCE 90-01, THE MANATEE COUNTY LAND DEVELOPMENT CODE), RELATING TO ZONING WITHIN THE UNINCORPORATED AREA; PROVIDING FOR A REZONE OF APPROXIMATELY 60.87 ACRES ON THE SOUTH SIDE OF STATE ROAD 64, APPROXIMATELY ½ MILE WEST OF POPE ROAD AT 1808 JOHN TAYLOR ROAD, BRADENTON, FROM A (GENERAL AGRICULTURE) TO THE PDR (PLANNED DEVELOPMENT RESIDENTIAL) ZONING DISTRICT; AND APPROVING A PRELIMINARY SITE PLAN FOR 131 LOTS FOR SINGLE FAMILY DETACHED RESIDENCES; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Insignia Bank (the "Applicant") filed an application to rezone approximately 60.87 acres described in Exhibit "A", attached hereto, (the "property") from A (General Agriculture) to the PDR (Planned Development Residential) zoning district; and

WHEREAS, the applicant also filed a Preliminary Site Plan application for 131 lots for single-family detached residences (the "project") on the property; and

WHEREAS, the applicant also filed a request for Special Approval for a project exceeding 1 dwelling unit per acre in the UD-3 Future Land Use Category; and

WHEREAS, the applicant also filed a request for Specific Approval for alternatives to Sections 603.7.4.5, 712.2.8, and 722.1.4.3 of the Land Development Code; and

WHEREAS, Planning staff recommended approval of the rezone, Preliminary Site Plan, Special Approval and Specific Approval, subject to the stipulations contained in the staff report; and

WHEREAS, the Manatee County Planning Commission, after due public notice, held a public hearing on December 9, 2010 to consider the rezone, Preliminary Site Plan, Special Approval, and Specific Approval, received the staff recommendation and considered the criteria for approval in the Manatee County Comprehensive Plan and the Land Development Code; and

WHEREAS, the Manatee County Planning Commission, as the County's Local Planning Agency, found the applications consistent with the Manatee County Comprehensive Plan and to satisfy the criteria for approval in the Manatee County Land Development Code and recommended approval of the applications, subject to the stipulations contained in the staff report.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA:

Section 1. FINDINGS OF FACT. The recitals set forth above are true and correct and are hereby adopted as findings by the Board of County Commissioners.

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2011 FEB -7 PM 9:56
TALLAHASSEE, FLORIDA
CLERK OF THE CIRCUIT COURT
MANATEE COUNTY, FLORIDA

The Board of County Commissioners, after considering the testimony, evidence, documentation, application for amendment of the Official Zoning Atlas, the recommendation and findings of the Planning Commission, as well as all other matters presented to the Board at the public hearing hereinafter referenced, hereby makes the following findings of fact:

A. The Board of County Commissioners has received and considered the report of the Manatee County Planning Commission concerning the application for Official Zoning Atlas Amendment as it relates to the real property described in Exhibit "A" of this Ordinance from A (General Agriculture) to the PDR (Planned Development Residential) zoning district.

B. The Board of County Commissioners held duly noticed public hearings on January 11, 2011 and February 3, 2011 regarding the proposed Official Zoning Atlas Amendment described herein in accordance with the requirements of Manatee County Ordinance No. 90-01, the Manatee County Land Development Code, and has further considered the information received at said public hearing.

C. The proposed amendment to the Official Zoning Atlas regarding the property described in Exhibit "A" herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01, the 2020 Manatee County Comprehensive Plan.

D. For the purposes of granting Special Approval, the Board finds that the project, as detailed on the Preliminary Site Plan and as conditioned herein, will have no significant detrimental impacts on natural resources, adjacent land uses, or public facilities.

E. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 603.7.4.5 the Board finds that the public purpose and intent of the LDC regulations are satisfied to an equivalent degree because the properties to the east and west still be buffered with the proposed fence.

F. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 712.2.8 the Board finds that the public purpose and intent of the LDC regulations are satisfied to an equivalent degree because the community's health, safety, and welfare will be met with the proposed design.

G. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 722.1.4.3 the Board finds that the public purpose and intent of the LDC regulations are satisfied to an equivalent degree because safe and efficient pedestrian access will be provided as designed.

Section 2. PRELIMINARY SITE PLAN. The Preliminary Site Plan is hereby approved for 131 lots for single-family detached residences upon the property subject to the following Stipulations:

STIPULATIONS

A. DESIGN AND LAND USE CONDITIONS:

1. Prior to Final Plat approval, the applicant shall post a sign at the future tie to 22nd Avenue East and the inter-neighborhood tie to the west informing perspective purchasers and residents of the future connection. The size, placement, and materials for this sign shall be determined with the Final Site Plan.

B. TRANSPORTATION CONDITIONS:

1. Prior to platting the 101st lot, a gated emergency access drive shall be constructed from Pope Road, westward to an internal street within Eagle Trace Subdivision, thru Lot #24. The emergency access drive shall remain in place until a second means of access to the subdivision is provided via a public or private County approved street. Two turnarounds shall be provided for and constructed in accordance with the Fire Department recommendations. One turnaround shall be located on the Pope Road side of the gate and one located on the Eagle Trace Subdivision side of the gate. The gate shall be accessible to emergency service providers acceptable to the Fire Department and Public Safety. The emergency access drive shall be 16' (feet) wide. The access drive shall be in compliance with Manatee County Transportation Department Standard Detail 401.9, rev 06/12/2007 and Fire Department Standards. The developer and/or Homeowner's Association shall be responsible for the maintenance of the emergency access which shall be kept clear of vegetation.
2. Any gates or emergency access points within or to the project shall be accessible to emergency service providers by either a remote control or siren activated system, in accordance with Manatee County Ordinance 04-30.
3. The applicant shall record an executed Easement Deed pertaining to the second means of access in the form entered into the public hearing (Exhibit "B") record before the BOCC in the Public Records within 14 days after the adoption of this ordinance and submit a recorded copy of the Easement Deed to the Planning Department.

C. STORMWATER CONDITIONS:

1. This project shall be required to reduce the calculated pre-development flow rate by a full fifty percent (50%) for all stormwater outfall flow directly or indirectly into Mill Creek. Modeling shall be used to determine pre- and post- development flows.
2. Routing and modeling of the existing conditions shall be provided with the Drainage Model and Construction Plan for all natural drainage systems within and surrounding this project taking into consideration all wetland storage and ground depressions.

3. The Drainage Model and Construction Plan shall demonstrate that no adverse impacts will be created to neighboring residents surrounding the site in respect to drainage routing, grading, and runoff.

D. BUFFERS:

1. All walls and fences within the buffers shall be measured from the finished grade of the adjacent road or lot (exclusive of any swales), whichever is greater. This requirement shall be verified with a cross-section detail on the Final Site Plan.
2. At time of Final Site Plan approval, all perimeter buffers adjacent to active agriculture shall be a minimum of 35' wide. At time of Final Plat approval, if active agriculture is no longer present, the buffers may be reduced to 20'.

E. ENVIRONMENTAL CONDITIONS:

1. An Environmental Resource Permit (ERP) approved by the SWFWMD shall be provided for review prior to Final Site Plan approval.
2. The 51" oak and associated understory vegetation on Lot 110 and the 36", 13", and 15" group of oaks on Lot 113 shall be preserved during construction through use of stemwall construction and a chainlink fence barricade placed at the dripline. Details for this area shall be reviewed with the Final Site Plan.
3. All trees within the area proposed for construction activities that are to be preserved shall have protective barricades constructed at their driplines prior to commencement of construction. No improvements, fill, grade changes or compaction of soil due to heavy machinery will be permitted within the dripline of trees proposed to be preserved.
4. No irrigation lines, hedges or other materials shall be installed within driplines of trees designated to remain.

F. NOTICES

1. The Notice to Buyers shall be included in the Declaration of Covenants and Restrictions, and in a separate addendum to the Sales Contract, and in the Final Site Plan, and shall include language informing prospective homeowners in the project:
 - a. The location of the future connection to and construction of 22nd Avenue East to the south,
 - b. The inter-neighborhood tie to the west,
 - c. All planned throughfares (including the location and number of lanes for each) in the immediate area,
 - d. Potential for noise associated with the planned roadways,
 - e. The requirement for the temporary emergency access near Lot #24 which is required to be in place after the platting of the 100th lot and which will be removed once a second means of access is provided to 22nd Avenue East, and that the homeowner's association shall be responsible for the maintenance of the emergency access which shall be kept clear of vegetation, and

- f. Active agricultural operations in the immediate area and potential impacts (noise and order) of such uses.

Section 3. SPECIFIC AND SPECIAL APPROVALS. Specific Approval is hereby granted for alternatives to Sections 603.7.4.5, 712.2.8, and 722.1.4.3 of the Land Development Code. The Specific Approval shall continue in effect and shall expire concurrent with the Preliminary Site Plan for the project approved pursuant to Section 2 hereof. Special Approval is hereby granted for a project exceeding 1 dwelling unit per acre in the UF-3 Future Land Use Category. The Special Approval shall continue in effect and shall expire concurrent with the Preliminary Site Plan for the project approved pursuant to Section 2 hereof.

Section 4. AMENDMENT OF THE OFFICIAL ZONING ATLAS. The Official Zoning Atlas of Manatee County (Ordinance No. 90-01, the Manatee County Land Development Code) is hereby amended by changing the zoning classification of the property identified in Exhibit "A" herein from A (General Agriculture) to the PDR (Planned Development Residential) zoning district and the Clerk of the Circuit Court, as Clerk to the Board of County Commissioners, as well as the Planning Department, are hereby instructed to cause such amendment to the Official Zoning Atlas.

Section 5. SEVERABILITY. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, clause, sentence, or other provision shall be deemed severable, and such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

Section 6. CODIFICATION. Pursuant to § 125.68(1), Florida Statutes, this ordinance is not required to be codified. Therefore, the Clerk shall not transmit the ordinance for codification.

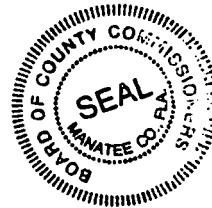
Section 7. EFFECTIVE DATE. This ordinance shall take effect immediately upon filing with the Office of the Secretary of State, Florida Department of State.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida on the 3rd day of February, 2011.

**BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA**

BY: 
Carol Whitmore, Chairman

ATTEST: R. B. SHORE
Clerk of the Circuit Court



BY: 
Deputy Clerk

EXHIBIT "A"

LEGAL DESCRIPTION

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHEAST ¼ OF SECTION 32, TOWNSHIP 34 SOUTH, RANGE 19 EAST; THENCE S89°42'29"E, ALONG THE NORTH LINE OF SAID NORTHEAST ¼, A DISTANCE OF 1221.97 FT.; THENCE S00°17'31"W, PERPENDICULAR WITH SAID NORTH LINE, A DISTANCE OF 136.21 FT. FOR A POINT OF BEGINNING, SAID POINT LYING ON THE SOUTHERLY RIGHT-OF-WAY OF STATE ROAD NO. 64, AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 2091, PAGE 6622, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE S00°38'41"W, 634.05 FT.; THENCE N89°34'38"W, 756.76 FT.; THENCE S00°42'08"W, 466.80 FT.; THENCE N89°35'55"W, 176.03 FT.; THENCE S00°42'08"W, 299.62 FT.; THENCE S89°35'55"E, A DISTANCE OF 1033.56 FT. TO THE INTERSECTION WITH THAT CERTAIN BOUNDARY AGREEMENT LINE AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1407, PAGE 3308, SAID PUBLIC RECORDS; THENCE S00°47'20"W, ALONG SAID BOUNDARY AGREEMENT LINE AND THE SOUTHERLY EXTENSION THEREOF, A DISTANCE OF 819.36 FT.; THENCE S89°28'01"E, 1267.15 FT.; THENCE S00°42'36"W, 12.70 FT.; THENCE S89°28'01"E, A DISTANCE OF 70.00 FT. TO THE INTERSECTION WITH THE EAST LINE OF AFORESAID SECTION 32; THENCE N00°42'36"E, ALONG SAID EAST LINE, A DISTANCE OF 1393.39 FT.; THENCE N89°34'45"W, PARALLEL WITH THE SOUTH LINE OF THE SOUTHEAST ¼ OF THE NORTHEAST ¼ OF SAID SECTION 32, AND 559.18 FT. NORTHERLY THEREFROM, A DISTANCE OF 1336.67 FT.; THENCE N00°38'41"E, A DISTANCE OF 832.17 FT. TO THE INTERSECTION WITH AFORESAID SOUTHERLY RIGHT-OF-WAY OF STATE ROAD NO. 64, SAID POINT LYING ON THE ARC OF A CURVE WHOSE RADIUS LIES N05°09'12"E, A DISTANCE OF 5114.77 FT.; THENCE RUN NORTHWESTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 01°07'28", A DISTANCE OF 100.38 FT. TO THE POINT OF BEGINNING, BEING AND LYING IN SECTION 32, TOWNSHIP 34 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA.

CONTAINING 60.1 ACRES, MORE OR LESS.

This instrument prepared by:
Michael P. Infanti, Esq.
Norton, Hammersley, P.A.
1819 Main Street, Suite 610
Sarasota, Florida 34236

SPACE ABOVE THIS LINE FOR RECORDING DATA
EASEMENT

THIS INDENTURE is made this 24th day of JANUARY, 2011, between **SMR NORTH 70, LLC**, a Florida limited liability company, whose mailing address is 14400 Covenant Way, Lakewood Ranch, Florida 34202, as Grantor, and **INSIGNIA BANK**, with its mailing address being 333 North Orange Avenue, Sarasota, Florida 34236, as Grantee.

WITNESSETH

That said Grantee is the owner of the property (the "Benefitted Property") described more particularly in the attached Exhibit "A".

That said Grantor, for and in consideration of the covenants contained herein and for other good and valuable considerations the receipt and adequacy of which is hereby acknowledged, has granted, bargained, sold, and transferred, and by these presents does grant, bargain, sell, and transfer unto Grantee and Grantee's successors and assigns as owners of the Benefitted Property, a *nonexclusive easement for ingress, egress, and emergency access*, across the property (the Easement Area") described more particularly in the attached Exhibit "B".

For the purpose of this Easement, the term "emergency access" shall mean and refer to nonexclusive vehicular and pedestrian access, ingress, and egress by all of the fire, rescue, police, sheriff, and other similar services, employees, and personnel of MANATEE COUNTY, a political subdivision of the State of Florida (hereinafter referred to as "Manatee County"). Manatee County is an intended third party beneficiary of this grant of Easement.

In furtherance of the foregoing easement rights, the Grantee shall have the right to construct and install a crushed shell driveway located on such Easement Area, and shall further have the right to repair, maintain, operate, and replace the real property (and shell drive) contained within the Easement Area, at its expense. The Grantee shall purchase all crushed shell used for the construction and maintenance of the driveway located on such Easement Area from the Grantor (or the Grantor's affiliate) at reasonable market rates.

Grantee acknowledges the proposed construction of Pope Road in the location identified in the attached Exhibit "B." Notwithstanding anything to the contrary, this easement (and all of the rights of the Grantee and Manatee County) shall automatically terminate upon the final and complete construction of Pope Road in the location identified in Exhibit "B." If requested by the Grantor, the Grantee shall execute any reasonable documents necessary to confirm the termination of Grantee's easement rights upon the final and complete construction of Pope Road to Manatee County standards.

Grantee shall timely pay all contractors performing work on or delivering materials to the Easement Area and shall prevent the filing of any liens by said parties against Grantor's title to the Easement Area. Should such a lien be filed, Grantee shall cause same to be removed of record within ten (10) days after notice from Grantor. Should Grantee fail timely to remove such a lien after said notice, Grantor may cause such lien

to be removed at Grantee's expense, and Grantee will immediately upon invoice reimburse Grantor for all costs of removing the lien, plus an administrative charge of ten percent (10%).

Grantee shall indemnify, defend and hold Grantor harmless against any third party claims that arise out of Grantee's exercise of its easement rights, except to the extent that such a claim is caused by the negligence or willful misconduct of the Grantor.

This is a nonexclusive easement with the Grantor reserving unto itself, its heirs, successors, or assigns, the right to the continued free use and enjoyment of the property herein described, for any purposes which are not inconsistent with the rights granted herein unto the Grantee.

IN WITNESS WHEREOF, Grantor has hereunto set its hand and seal, the day and year above written.

WITNESSES:

SMR NORTH 70, LLC, a Florida limited liability company

By: SCHROEDER-MANATEE RANCH, INC.,
a Delaware corporation, as its sole member

[Signature]
Witness

DANIEL J. PERKA
Printed Name

[Signature]
Witness

DEBORAH A. FURMAN
Printed Name

By:

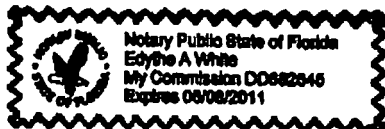
[Signature]
Print Name: REX E. JENSEN
Its: PRESIDENT

STATE OF FLORIDA)

) SS.

COUNTY OF MANATEE)

The foregoing instrument was acknowledged before me this 24th day of January, 2011, by REX E. JENSEN, as the PRESIDENT of SCHROEDER-MANATEE RANCH, INC., a Delaware corporation, as the sole member of SMR NORTH 70, LLC, a Florida limited liability company, on behalf the respective entities, who is personally known to me or who has produced N/A as identification.



[Signature]
NOTARY PUBLIC, State of Florida at Large

Edythe A. White
Printed Name

EXHIBIT A

Description of Benefitted Property

PARCEL 1 (FEE SIMPLE ESTATE)

Commence at the Northwest corner of the Northeast 1/4 of Section 32, Township 34 South, Range 19 East, Manatee County, Florida; thence South 89°42'29" East, along the North line of said Northeast 1/4 of Section 32, a distance of 950.94 feet to the intersection with the Southerly right of way of State Road No. 64, said point lying on the arc of a curve whose radius point lies North 08°13'54" East, 5779.58 feet; thence run Southeasterly along said Southerly right of way, a distance of 273.51 feet for a Point of Beginning; thence South 00°38'41" West, leaving said Southerly right of way, a distance of 738.91 feet; thence North 89°34'38" West, a distance of 757.05 feet; thence South 00°42'08" West, a distance of 466.80 feet; thence North 89°35'55" West, a distance of 176.03 feet; thence South 00°42'08" West, a distance of 299.62 feet; thence South 89°35'55" East, a distance of 1033.56 feet; thence North 00°38'41" East, a distance of 1496.96 feet to a point on the Southerly right of way of State Road No. 64, said point lying on the arc of a curve whose radius point lies North 04°32'22" East, 5779.58 feet; thence Northwesterly along said right of way and the arc of said curve through a central angle of 00°59'39", a distance of 100.28 feet to the Point of Beginning, being and lying in Section 32, Township 34 South, Range 19 East, Manatee County, Florida.

LESS AND EXCEPT

That portion taken by the State of Florida Department of Transportation by virtue of that certain Order of Taking recorded January 5, 2006, in Official Records Book 2091, Page 6622, Public Records of Manatee County, Florida, described as: That portion of the East 1/2 of Section 32, Township 34 South, Range 19 East, Manatee County, Florida, being described as follows:

Commence at the Southeast corner of Section 29, Township 34 South, Range 19 East, also being the Northeast corner of said Section 32; thence along the East line of said Section 29, North 00°18'41" East a distance of 7.58 feet to the survey base line of State Road 64; thence along said survey base line North 89°38'15" West a distance of 929.53 feet to the beginning of a curve concave Northerly and having a radius of 5,729.58 feet; thence continue along said survey base line the arc of said curve to the right a distance of 422.83 feet through a central angle of 04°13'42" with a chord bearing North 87°31'24" West to the end of said curve; thence South 00°35'56" West a distance of 50.12 feet to the South existing right-of-way line of said State Road 64 (per Section 1305-250) for a Point of Beginning; thence continue South 00°35'56" West a distance of 105.95 feet to the beginning of a curve concave Northerly and having a radius of 5,114.77 feet; thence along the arc of said curve to the right a distance of 100.39 feet through a central angle of 01°07'29" with a chord bearing North 84°19'49" West to the end of said curve; thence North 00°35'56" East a distance of 104.86 feet to said South existing right-of-way line and the beginning of a curve concave Northerly and having a radius of 5,779.58 feet; thence along said South existing right-of-way line the arc of said curve to the left a distance of 100.30 feet through a central angle of 00°59'40" with a chord bearing of South 84°56'48" East to the end of said curve and to the Point of Beginning.

TOGETHER WITH PARCEL 2 (FEE SIMPLE ESTATE)

The Northeast 1/4 of the Southeast 1/4 of Section 32, Township 34 South, Range 19 East, Manatee County, Florida.

TOGETHER WITH PARCEL 3 (FEE SIMPLE ESTATE)

Begin at the Southeast corner of the Southeast 1/4 of the Northeast 1/4 of Section 32, Township 34 South, Range 19 East; run thence West along the South line of said Southeast 1/4 of the Northeast 1/4, 1324.5 feet to the Southwest corner; thence run North along the West line, 559.18 feet to a

pipe; thence run East 1324.14 feet to a pipe on the East line, which pipe is 559.18 feet North of the Point of Beginning; thence run South along the East line 559.18 feet to a Point of Beginning. Being the South 17 acres of the Southeast 1/4 of the Northeast 1/4 of said Section 32, Township 34 South, Range 19 East, Manatee County, Florida.

TOGETHER WITH PARCEL 4 (FEE SIMPLE ESTATE)

That certain parcel of land as described in that Special Warranty Deed recorded in Official Records Book 1407, Page 3313, Public Records of Manatee County, Florida, being more particularly described as follows:

Commence at a concrete monument found marking the Southeast corner of the Southwest 1/4 of Section 33, Township 34 South, Range 19 East; thence North 89°09'33" West, along the South line of said Southwest 1/4, a distance of 1330.06 feet to the Southeast corner of the Southwest 1/4 of the Southwest 1/4 of said Section 33; thence North 00°42'52" East, along the East line of said Southwest 1/4 of the Southwest 1/4, a distance of 724.33 feet for a Point of Beginning; thence continue North 00°42'52" East, along said East line, 40.00 feet; thence North 89°28'01" West, distance of 1330.13 feet to the intersection with the Section line common to Sections 32 & 33, Township 34 South, Range 19 East, said point lying North 00°42'36" East, a distance of 758.53 feet from the South section corner common to said Sections 32 & 33; thence continue North 89°28'01" West, 1337.10 feet to agreement line in Boundary Agreement recorded in Official Records Book 1407, Page 3308, of the Public Records of Manatee County, Florida; thence South 00°47'20" West, 40.00 feet; thence South 89°28'01" East, a distance of 1337.16 feet to the intersection with the above described common section line; thence continue South 89°28'01" East, a distance of 1330.12 feet to the Point of Beginning. Being and lying in Sections 32 & 33, Township 34 South, Range 19 East, Manatee County, Florida.

TOGETHER WITH PARCEL 5 (FEE SIMPLE ESTATE)

That certain 12.70 foot wide strip of land as described in that certain Special Warranty Deed recorded in Official Records Book 1752, Page 2251, Public Records of Manatee County, Florida, being more particularly described as follows:

Commence at the Northwest corner of the Southwest 1/4 of the Southwest 1/4 of Section 33, Township 34 South, Range 19 East; thence South 00°42'36" West, along the Westerly line of said Section 33, a distance of 51.50 feet for a Point of Beginning; thence continue South 00°42'36" West, along said Westerly line, a distance of 12.70 feet; thence South 89°28'01" East, a distance of 978.64 feet to a point on the arc of a curve whose radius point lies North 38°02'49" West, a distance of 940.00 feet; thence run Northeasterly along the arc of said curve, through a central angle of 01°13'30", a distance of 20.10 feet to the intersection with the Southerly line of that certain parcel as described and recorded in Official Records Book 1407, Page 3313, of the Public Records of Manatee County, Florida; thence North 89°28'01" West, along said Southerly line, a distance of 994.17 feet to the Point of Beginning. Being and lying in Section 33, Township 34 South, Range 19 East, Manatee County, Florida.

LESS AND EXCEPT PARCEL 6

That certain parcel of land as described in that certain Special Warranty Deed recorded in Official Records Book 1752, Page 2262, Public Records of Manatee County, Florida, being more particularly described as follows:

Commence at the Northeast corner of the Southwest 1/4 of the Southwest 1/4 of Section 33, Township 34 South, Range 19 East; thence South 00°42'52" West, along the Easterly line of the Southwest 1/4 of the Southwest 1/4 of said Section 33, a distance of 6.59 feet for a Point of Beginning; thence continue South 00°42'52" West, along said Easterly line, a distance of 40.00 feet; thence North 89°28'01" West, a distance of 335.95 feet to a point on the arc of a curve whose radius point lies North 39°16'19" West, a distance of 940.00 feet; thence run Northeasterly, along the arc of said curve, through a central angle of 03°40'12", a distance of 60.21 feet; thence South 89°28'01" East, a distance of 291.09 feet to the Point of Beginning. Being and lying in Section 33, Township 34 South, Range 19 East, Manatee County, Florida.

TOGETHER WITH PARCEL 7 (FEE SIMPLE ESTATE)

Commence at the Northwest corner of the Southwest 1/4 of the Southwest 1/4 of Section 33, Township 34 South, Range 19 East; thence South 00°42'36" West, along the Westerly line of said Section 33, a distance of 51.50 feet for a Point of Beginning; thence continue South 00°42'36" West, along said Westerly line, a distance of 12.70 feet; thence North 89°28'01" West, a distance of 70.00 feet; thence North 00°42'36" East, a distance of 12.70 feet; thence South 89°28'01" East, a distance, of 70.00 feet to the Point of Beginning. Being and lying in Section 32, Township 34 South, Range 19 East, Manatee County, Florida.

TOGETHER WITH PARCEL 8 (NON-EXCLUSIVE EASEMENT ESTATE)

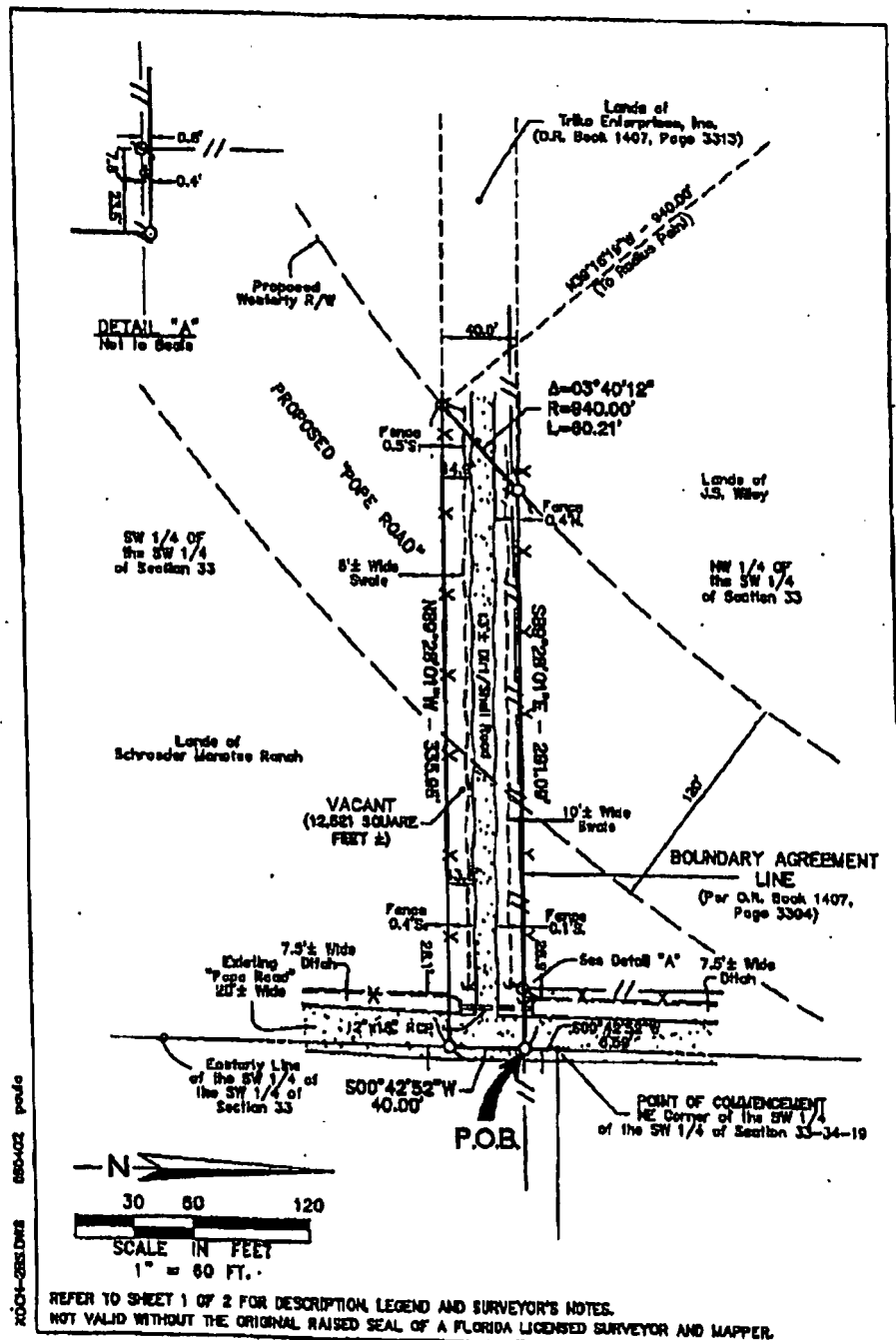
Together with those Non Exclusive Easement right(s) as created by that Temporary Easement Agreement recorded December 17, 2003, in Official Records Book 1888, Page 7570, Public Records of Manatee County, Florida, over the following described real property:

Commence at the Northeast corner of the Southwest 1/4 of the Southwest 1/4 of Section 33, Township 34 South, Range 19 East; thence South 00°42'52" West, along the Easterly line of the Southwest 1/4 of the Southwest 1/4 of said Section 33, a distance of 46.59 feet for a Point of Beginning; thence continue South 00°42'52" West, along said Easterly line, a distance of 12.70 feet; thence North 89°28'01" West, a distance of 351.47 feet to a point on the arc of a curve whose radius point lies North 38°02'49" West, a distance of 940.00 feet; thence run Northeasterly, along the arc of said curve, through a central angle of 01°13'30", a distance of 20.10 feet; thence South 89°28'01" East, a distance of 335.95 feet to the Point of Beginning. Being and lying in Section 33, Township 34 South, Range 19 East, Manatee County, Florida.

EXHIBIT B

Description of the Easement Area

COMMENCE AT THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 33, TOWNSHIP 34 S., RANGE 19 E.; THENCE S00°42'52"W ALONG THE EASTERLY LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 33, A DISTANCE OF 6.59 FT. FOR A POINT OF BEGINNING; THENCE CONTINUE S00°42'52"W ALONG SAID EASTERLY LINE, A DISTANCE OF 40.00 FT.; THENCE N89°28'01"W, A DISTANCE OF 338.66 FT. TO A POINT ON THE ARC OF A CURVE WHOSE RADIUS POINT LIES N89°18'19"W, A DISTANCE OF 640.00 FT.; THENCE RUN NORTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 03°40'18", A DISTANCE OF 66.81 FT.; THENCE S89°28'01"E, A DISTANCE OF 281.00 FT. TO THE POINT OF BEGINNING, BEING AND LYING IN SECTION 33, TOWNSHIP 34 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA.



JOB NUMBER: 4427 DRAWN BY: PAULA SCALE: 1"=60 FT. SHEET NUMBER 2 OF 2

P.O. Box 188 • 823 4th Street West • Palm Beach, Florida 33421 • (407) 722-4301



Witness my hand and official seal this 4th day of

By: H. C. W. D. D.C.

FILED FOR RECORD
R. B. SHORE

2011 FEB 17 PM 3:17

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

RICK SCOTT
Governor



FLORIDA DEPARTMENT of STATE

STATE LIBRARY AND ARCHIVES OF FLORIDA

KURT S. BROWNING
Secretary of State

February 4, 2011

Honorable R. B. "Chips" Shore
Clerk of the Circuit Court
Manatee County
Post Office Box 25400
Bradenton, Florida 34206

Attention: Ms. Quantana Acevedo, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated February 4, 2011 and certified copies of Manatee County Ordinance Nos. Z-10-08, PDMU-06-16(P)(R4) and PDR-07-06(Z)(P), which were filed in this office on February 7, 2011.

As requested, one date stamped copy is being returned for your records.

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud
Program Administrator

LC/vm
Enclosure

DIRECTOR'S OFFICE

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