

Prepared by and return to:
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Persson, Cohen & Mooney, P.A.
236 Pedro St.
Venice, Florida 34285

**OPEN SPACE RESTRICTION AND COVENANT
PURSUANT TO THE CITY OF VENICE LAND DEVELOPMENT REGULATIONS**

This Open Space Restriction and Covenant Pursuant to the City of Venice Land Development Regulations ("Restriction") is made and entered this 3rd day of August, 2021, by LALP Development, LLC, a Florida limited liability company ("Owner").

RECITALS:

A. Owner is the fee simple owner of lands within the City of Venice, Sarasota County, Florida, described in Exhibit "A", attached hereto and made a part hereof (the "Property") and warrants that it has full authority to impose the restrictions and covenants herein.

B. At Owner's request, the City Council of the City of Venice, Sarasota County, Florida, rezoned the Property to Planned Unit Development ("PUD") by Ordinance No. 2011-11 (the "Rezone Ordinance").

C. Section 86-130(j)(1) of the City of Venice Code of Ordinances ("City Code") requires lands zoned PUD to contain a minimum of fifty percent (50%) "open spaces". This is a land use restriction and is a condition of the City's enactment of the Rezone Ordinance.

D. Section 86-130(j)(3) of the City Code requires land in a PUD designated as open space to be restricted by appropriate legal instrument satisfactory to the City Attorney as open space perpetually, or for a period of not less than 99 years.

NOW THEREFORE, Owner does hereby declare and covenant that the Property shall hereafter be subject to the following provisions, restrictions, reservations, covenants, conditions and easements:

1. Recitals. The Recitals set forth above are true and correct and are incorporated herein by reference.

2. Planned Unit Development Open Space. The open spaces depicted or described in Exhibit "B", attached hereto and incorporated herein by reference (hereinafter referred to as the "Open Space Lands"), are restricted as follows for 99 years from the date this Restriction is recorded:

- a. The Open Space Lands shall be unoccupied, or predominantly unoccupied, by buildings or other impervious surfaces.
- b. The Open Space Lands shall only be used for stormwater management, parks, recreation, conservation, preservation of native habitat and other natural

resources, or historic or scenic purposes. Docks, erosion control measures and any improvements already constructed at the time of this dedication shall be permitted.

- c. No more than five percent (5%) of the Open Space Lands may be occupied by impervious surfaces.

3. This Restriction does not confer or imply governmental regulatory approval or disapproval for the uses listed herein. Any development or use rights otherwise appertaining to the Open Space Lands are relinquished and shall not be asserted.

4. Recording; Covenant Running with the Land. This Restriction shall be recorded in the public records of Sarasota County, Florida, shall constitute a covenant running with the land and shall be binding upon the Owner, its successors and assigns, and shall continue as a servitude running in perpetuity with the Open Space Lands.

5. Governing Law; Enforcement; Venue. This Restriction shall be governed and construed in accordance with the laws of the State of Florida and may be enforced by the City of Venice by filing an action for injunctive relief in the circuit court. Venue for any such enforcement proceeding shall be Sarasota County, Florida.

6. No Third Party Rights. This Restriction is solely for the benefit of the City of Venice and is provided by Owner solely for the purpose of complying with applicable zoning requirements. No right or cause of action shall accrue upon or by reason hereof, to or for the benefit of any third party.

7. Amendment. This Restriction may be amended by Owner by recording in the Public Records an instrument for that purpose executed by Owner in the same manner as this Restriction. However, no amendment shall be effective without the written joinder and consent of the City Council for the City of Venice, Sarasota County, Florida.

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In witness whereof, Owner has caused this Restriction to be executed in its name the date first above written.

WITNESSES:

Owner:

LALP Development, LLC, a Florida limited liability company
By: Vanguard Realtors, LLC, a Florida limited liability company,
As it's Manager

Kathie Jette
Print Name: Kathie Jette

By: [Signature]
Print Name: John R. Peshkin
Title: As it's Manager

Amy Roberts
Print Name: Amy Roberts

STATE OF FLORIDA
COUNTY OF SARASOTA

The foregoing instrument was sworn to and acknowledged before me this 3 day of August, 2021, by John R. Peshkin as Manager of LALP Development, LLC, who is personally known to me or who has produced as identification and who did not take an oath.



Kathie Jette
Notary Public - State of Florida

ACCEPTANCE

The City of Venice hereby accepts this Open Space Restriction and Covenant Pursuant to City of Venice Land Development Regulations described above.

ATTEST

Ron Feinsod, Mayor

Lori Stelzer, MMC, City Clerk

Approved as to form:

Kelly M. Fernandez, City Attorney

EXHIBIT "A"

Tracts, 160, 161, 180 and 181, Toscana Isles, Unit 1, Plat Book 49, Page 32, Public Records of Sarasota County, and Tracts 260, 261, 262, 270 and 281, Toscana Isles, Units 1 & 2, Phase 2, Plat Book 50, Page 48, Public Records of Sarasota County, and Tracts 560, 561, 562, 570, 580, 581, 582 and 590, Toscana Isles, Unit 2, Phase 5, Plat Book 54, Page 140, Public Records of Sarasota County, and Tract 661, Toscana Isles, Unit 2, Phase 6, Plat Book ____ Page ____, Public Records of Sarasota County and Tracts 760, 771, 772 and 780, Toscana Isles, Unit 2, Phase 7, Plat Book 55, Page 20, Public Records of Sarasota County

EXHIBIT "B"

Tracts, 160, 161, 180 and 181, Toscana Isles, Unit 1, Plat Book 49, Page 32, Public Records of Sarasota County, and Tracts 260, 261, 262, 270 and 281, Toscana Isles, Units 1 & 2, Phase 2, Plat Book 50, Page 48, Public Records of Sarasota County, and Tracts 560, 561, 562, 570, 580, 581, 582 and 590, Toscana Isles, Unit 2, Phase 5, Plat Book 54, Page 140, Public Records of Sarasota County, and Tract 661, Toscana Isles, Unit 2, Phase 6, Plat Book ____ Page ____, Public Records of Sarasota County and Tracts 760, 771, 772 and 780, Toscana Isles, Unit 2, Phase 7, Plat Book 55, Page 20, Public Records of Sarasota County