

Prepared by and return to:
Kelly M. Fernandez, Esq.
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 ____ day of _____, 20____, by Milano Neighborhood Association, Inc., a Florida not for profit corporation, ("Owner").

R E C I T A L S:

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 the request of Neal Communities of Southwest Florida, LLC, the Developer of the Property, the City Council of the City of Venice, Sarasota County, Florida, rezoned the Property to Planned Unit Development ("PUD") by Ordinance No. **2017-25** (the "Rezone Ordinance").

C. Section 87-2.2.4.5.A. 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 87 - 2.2.4.4.D. 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 "A", 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.
- 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:

MILANO NEIGHBORHOOD ASSOCIATION, INC., a
Florida not for profit corporation



Witness

JAMES T. COLLINS

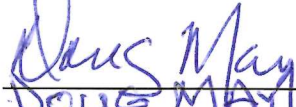
Print Name of Witness



Witness

Barbara J. Strade

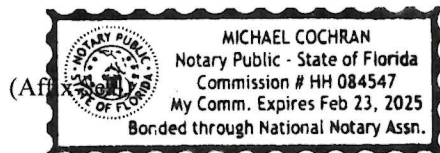
Print Name of Witness

By: 
Name: DOUG MAY

Printed Name
Its: President

STATE OF FLORIDA
COUNTY OF SARASOTA

The foregoing instrument was acknowledged before me by means of () physical presence or () online
notarization this 21st day of NOVEMBER, 2025, by DOUG MAY, as
PRESIDENT of Milano Neighborhood Association, Inc., a Florida not for profit corporation, on
behalf of the Corporation, () who is personally known to me, or () who has produced
_____ as identification.



Signature of Notary Public
Print Notary Name: _____
NOTARY PUBLIC STATE OF FLORIDA
Commission No. _____
Expiration Date: _____

ACCEPTANCE

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

ATTEST

Nick Pachota, Mayor

Kelly Michaels, MMC, City Clerk

Approved as to form:

Kelly M. Fernandez, City Attorney

Exhibit "A"

Villages of Milano:

Tracts 300, 301, 302, 303, 304, 305, 500, 600, 601, 602, 603, 604, 605 and 606, as identified and described on the Plat for VILLAGES OF MILANO, a Subdivision, as recorded in Official Records Plat Book 49, Page 36, in and for the Public Records of Sarasota County, Florida; and with the aforementioned Tract 600 as modified by Plat for VILLAGES OF MILANO-REPLAT I, a Subdivision as recorded in Official Records Plat Book 50, Page 20, in and for the Public Records of Sarasota County, Florida; and with the aforementioned Tract 602 as modified by Plat for VILLAGES OF MILANO-RELAT II, a Subdivision as recorded in Official Records Plat Book 50, Page 21, in and for the Public Records of Sarasota County, Florida;

And

Villages of Milano-Replat III:

Tract 604A, Plat for VILLAGES OF MILANO-REPLAT III, a Subdivision as recorded in Official Records Plat Book 50, Page 22, in and for the Public Records of Sarasota County, Florida;

And

Milano – Phase 2:

Tracts 306, 307, 308, 309, 310, 311, 312, 313, 606, 607, 608, 609, 610, 611 and 612, as identified and described on the Plat for MILANO-PHASE 2, a Subdivision as recorded in Official Records Plat Book 50, Page 40, in and for the Public Records of Sarasota County, Florida; with the aforementioned Tract 608 as modified by Plat for MILANO-PHASE 2- REPLAT I, a Subdivision as recorded in Official Records Plat Book 51, Page 7, in and for the Public Records of Sarasota County, Florida;

And

Milano, Phase 2, Replat 1:

Tracts 613, 614, 615 and 616 in the plat of Milano, Phase 2, Replat 1 as recorded in Plat Book 51, Page 7 in and for the Public Records of Sarasota County, Florida;

And

Milano, Replat of Tract 200:

Tract 612 in the plat of Milano, Replat of Tract 200 as recorded in Plat Book 50, Page 39 in and for the Public Records of Sarasota County, Florida