

**PREPARED BY AND RETURN TO:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**NOTICE OF PROXIMITY AND USE RESTRICTIONS**

*(Interstate 75 and Adjacent Property Owner Use and Operation)*

This Notice of Proximity and Use Restrictions (this "Notice") is dated \_\_\_\_\_, 202\_\_, and entered into the public record by **Auburn Road FC, LLC**, a Florida limited liability company, as owner of the real property located in the City of Venice which is legally described on **Exhibit A** attached hereto and incorporated herein by this reference (the "Property").

It is the intent of this Notice to make known to the public-at-large that the Property is located in close proximity to Interstate 75 the property, and also to notify the public-at-large of the established use and operations existing on the adjacent property currently known as "Fox Lea Farm" located immediately adjacent to the Property's southern border located at the address of 800 North Auburn Road, Venice, FL 34292, with Parcel ID # 0399-11-0002 (the "Adjacent Fox Lea Farm Property").

It is the further purpose of this Notice to provide any prospective purchaser, prospective tenant, or other owner, occupant, visitor, or other user, of any lot, home, or other land within the future planned residential community intended to be developed on the Property and generally referred to as "Cassata Oaks Development" (the "Development") with knowledge of the impacts from Interstate 75, which is adjacent to the Development, and of the established use and operations existing on the Adjacent Fox Lea Farm Property.

It is the further purpose of this Notice to impose certain Use Restrictions (as defined below) on the Property which shall encumber the Property and be binding upon all owners and occupants thereof as detailed in the Use Restrictions.

By acceptance of a deed to a lot, or by occupancy or use of any portion of the Development, those parties specifically purchasing, leasing, or otherwise accessing or using any portion of the Property acknowledge the location of Interstate 75 adjacent to the Development, and that continuous noise from Interstate 75 will be present and may be heard outside or inside homes in the development.

By acceptance of a deed to a lot, or by occupancy or use of any portion of the Development, those parties specifically purchasing, leasing, or otherwise accessing or using any portion of the Property, acknowledge and understand (i) the extent of the use and operations existing the Adjacent Fox Lea Farm Property, as described in detail below (See, "Description of Fox Lea Farm" below), (ii) that the general description of Fox Lea Farm and its operations as set forth below is illustrative in nature and does not intend to limit or prescribe the uses and operation set forth therein, and (iii) said use and operations may increase in intensity and duration at any time in the future, and this Notice and the Description below shall be deemed inclusive of all such increases.

Description of Fox Lea Farm:

Located at the address of 800 North Auburn Road, Venice, FL 34292, the owner of such property currently owns and operates the business established on the property known as "Fox Lea Farm." Fox Lea Farm is currently operated on the Adjacent Fox Lea Farm Property which is located immediately adjacent to the southern border of the Property. Fox Lea Drive is the entrance and exit to the Adjacent Fox Lea Farm Property; it is the dirt road running along the shared border between the Property and Fox Lea Farm. Fox Lea Farm is a privately-owned, nationally-recognized horse show facility, which has been in operation since the early 1980's. The nature of Fox Lea Farm's current business operations include, but are not limited to, the following activities:

- Hosting a variety of large-scale horse shows;

- Equestrian activities, such as training, teaching, and holding horse-riding camps;
- Hosting events that may use vendors, bands, videos, and various attractions;
- Boarding, grooming, maintaining, and providing temporary housing for horses and other animals;
- Maintaining the grounds, competition rinks, and various equipment, structures and facilities thereon;
- Maintaining offices for the business operation and all activities related thereto;
- Providing RV space and other accommodations for groomers, staff, owners, riders, and other associated individuals.

Fox Lea Farm currently operates year-round, during the weekdays and weekends, and at all hours of the day. Its operations can be characterized as twenty-four (24) hours a day, seven (7) days a week. Fox Lea Farm has plans to expand its operations to include all fifty two (52) weeks of the calendar year. The variety of activities occurring on Fox Lea Farm produce impacts such as noise from loudspeakers, light from stadium lights, dust, smells, and increased traffic. Noise, dust, smells, or other disturbances from such activities may affect, impact, or otherwise be noticeable from, portions of the Development. As Fox Lea Farm's business operations evolve and/or expand, existing impacts may increase, and new and additional impacts may also occur.

THOSE PARTIES SPECIFICALLY PURCHASING, LEASING OR OCCUPYING ANY PORTION OF THE PROPERTY DESCRIBED IN EXHIBIT A ATTACHED HERETO ARE HEREBY ON NOTICE OF THEIR PROXIMITY TO THE FOX LEA FARM, ANIMALS AND PERSONS ON THE FOX LEA FARM PROPERTY, AND THE "USE RESTRICTIONS" AS SET FORTH BELOW.

**The Property shall be owned, held, encumbered, leased, used, occupied, and enjoyed subject to the following restrictions (collectively, "Use Restrictions"):** For so long as the Adjacent Fox Lea Farm Property (or the portion of thereof located immediately adjacent to the Property) is used and operated for the primary purpose of equine training, equine breeding and/or equine stables, the owners, lessees and occupants of the Property shall not (i) use or fly drones over any portion of the Property, (ii) use or ignite fireworks within or from any part of the Property, (iii) create or maintain any large outdoor fire which burning would reasonably be expected to be visible or detectable from the Adjacent Fox Lea Farm Property, or (iv) create excess or unreasonable amounts of smoke or fumes from lots or homes within the Property which would reasonably be expected to be detectable from the Adjacent Fox Lea Farm Property. The foregoing restrictions are not intended to limit or restrict, and shall not be deemed or applied to limit or restrict, the activities of any developer or builder constructing homes, infrastructure, or other improvements in connection with construction and completion of development within the Property.

All record owners which take title to property within the boundaries as described in Exhibit A attached hereto, or tenants who may occupy the premises within the boundaries described in Exhibit A attached hereto, shall be deemed to have constructive knowledge of this Notice due to its recordation in the Public Records of Sarasota County, Florida, and by further deed or other instrument of conveyance, conveying any portion of the property within the boundaries in Exhibit A attached hereto, or by executing an occupancy agreement and delivering same to the owner of such property contained within the boundaries of the property described in Exhibit A, their successors or assigns. This instrument may be amended only with the prior written consent of the owner(s) of the Property and the Adjacent Fox Lea Farm Property. Further, the Use Restrictions created hereby run with the land, for so long as the Adjacent Fox Lea Farm Property is used and operated for the primary purpose of equine training or related activities, equine breeding and/or equine stables.

[REMAINDER OF PAGE LEFT BLANK]

IN WITNESS WHEREOF, the undersigned, being the record title owner of the Property, has hereunto duly executed this instrument to be effective as of the date and year first set forth above.

**WITNESSES:**

**AUBURN ROAD FC, LLC**, a Florida limited liability company

\_\_\_\_\_  
Print Name: \_\_\_\_\_  
Address: \_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

\_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_  
Print Name: \_\_\_\_\_  
Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

STATE OF FLORIDA )

COUNTY OF SARASOTA )

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_, by \_\_\_\_\_, as \_\_\_\_\_ of **AUBURN ROAD FC, LLC**, a Florida limited liability company, on behalf of the company. He/She  is personally known to me or  has produced \_\_\_\_\_ as identification.

My commission expires:

\_\_\_\_\_  
NOTARY PUBLIC, State of Florida at Large

Print Name: \_\_\_\_\_

**EXHIBIT A**

**Legal Description of Property**