

ORDINANCE NO. 617-74

AN ORDINANCE AMENDING CHAPTER 20A OF THE CODE OF ORDINANCES, ENTITLED "PLANNED UNIT DEVELOPMENT", BY CHANGING ALLOWABLE NUMBER OF DWELLING UNITS IN A PUD TO 4.5 UNITS PER ACRE; BY ADDING A NEW SECTION THERETO PROVIDING FOR PERPETUAL USE OF CERTAIN OPEN SPACES IN A PUD; BY AMENDING THE TIME FOR SUBMISSION BACK TO COUNCIL OF PLANNING COMMISSION RECOMMENDATION ON PUD APPLICATIONS; BY REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH AND BY PROVIDING THE EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA, as follows:

SECTION 1. That Chapter 20A of the Code of Ordinances of the City of Venice, Florida, entitled "PLANNED UNIT DEVELOPMENT", is hereby amended in the following particulars to wit:

- A. Sec. 20 A-5, entitled "Land use intensity.", is amended to read as follows:

Sec. 20A-5. Land use intensity.

In a PUD development a maximum of four and one-half (4 1/2) dwelling units per gross acre shall be allowed, subject to such exceptions as may be granted in the discretion of the City Council. A minimum of 50% of the PUD shall be useable open spaces (permeable ground). Useable open areas between building sideyards shall not be counted in the 50% open space requirement. Rear and front yards which are useable open spaces may be included in making computation of open space. Useable open space shall include active and passive recreation areas such as playgrounds, golf courses, beach frontage, waterways, lagoons, flood plains, nature trails, and other similar open spaces. Open Gulf, bays or water bodies beyond the perimeter of the site and street right-of-ways, driveways and parking areas shall not be included in determining useable open space. A maximum of 8% of gross project site may be required for dedication to Municipal uses for all projects in excess of 25 acres in area, after a determination by the City Council that a demonstrated public need exists for Municipal facilities such as parks, fire stations, or other Public uses.

- B. That a new Sec. be added to said Chapter 20A to be numbered, titled and to read as follows:

Sec. 20 A-5.1 Open space lands - restricted.

Land designated as useable open space will be restricted by appropriate legal instrument satisfactory to the City Attorney as open space perpetually, or for a period of not less than ninety-nine (99) years. Such instrument shall be binding upon developer, its successors, and assigns and shall constitute a covenant running with the land, and be in recordable form.

- C. Sec. 20A - 16, entitled "Applications.", is amended as to the first paragraph thereof which shall read as follows:

Application shall be submitted to the City Council and shall thereafter be certified to the Planning Commission for study and recommendation as hereinafter provided. Such recommendation from the Planning Commission shall be submitted to the City Council within seven (7) working days after close of Public Hearing.

The balance of said Sec. 20A - 16 shall remain unchanged.


SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. This Ordinance shall take effect immediately upon its adoption as provided by law.


1st Reading: March 14, 1974
2nd Reading: April 23, 1974
3rd Reading: April 23, 1974
Passage: April 23, 1974

ATTEST:


City Clerk


President of the City Council

Approved by me this 24th day of April, 1974.


Mayor

ORDINANCE NO. 626-74

AN ORDINANCE ADDING TO CHAPTER 20-A OF THE CODE OF ORDINANCES OF THE CITY OF VENICE, FLORIDA, ENTITLED "PUD" BY ZONING AND INCLUDING IN THAT CLASSIFICATION LANDS KNOWN AS PINEBROOK SOUTH; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith AND PROVIDING THE EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA, as follows:

SECTION 1. That Chapter 20-A of the Code of Ordinances of the City of Venice, Florida, entitled "PLANNED UNIT DEVELOPMENT (PUD) ORDINANCE" is hereby amended and expanded by adding a new Section, thereto, to be entitled. "PUD-DESCRIPTION, -No. 2," which shall read as follows:

- (A) A PLANNED UNIT DEVELOPMENT, OR PUD, encompassing those lands described as follows:

South 1/2 of SE 1/4; NE 1/4 of SE 1/4; NW 1/4 of SE 1/4 of Section 5, Township 39S, Range 19E, and the North half of the NE 1/4 of Section 8, Township 39S, Range 19E.
(Known as Pinebrook South)

is hereby approved by the City Council pursuant to the applicable provisions of this code and said lands shall be shaded in pink on the official zoning map of the City of Venice.

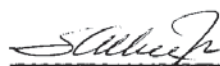
- (B) This PUD District No. 2 is hereby made subject to all of the terms and conditions of Chapter 20-A of the Code of Ordinances of the City of Venice and to all of the terms and conditions contained in that certain Resolution of the City of Venice dated December 30, 1974 (No. 518-74) and also executed by TIDEWATER VILLAGE, LTD., a Limited Partnership, the above Resolution being recorded in the public records of Sarasota County, Florida, and all terms and conditions are hereby incorporated by reference to the same extent as if herein set forth at length.

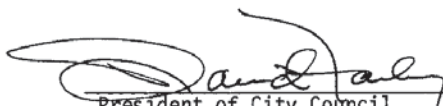
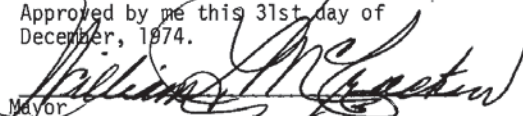
SECTION 2. ALL ORDINANCES or parts of ORDINANCES in conflict herewith are hereby repealed.

SECTION 3. This Ordinance shall take effect immediately upon its adoption as provided by law.

1st Reading: 12/10/74
2nd Reading: 12/30/74
3rd Reading: 12/30/74
Passage: 12/30/74

ATTEST:


City Clerk


President of City Council
Approved by me this 31st day of
December, 1974.

Mayor

RESOLUTION 518-74

WHEREAS, on the 8th day of March, 1961, the City of Venice and certain individuals entered into an agreement which is recorded in Official Record Book 288, Page 232, Public Records of Sarasota County, Florida to annex and include within the City of Venice, certain land described therein; which is the subject of this Resolution; and

WHEREAS, such agreement required that the lands be subdivided and developed as an improved residential area in accordance with a certain master plan contained in drawings made by Smally, Welford & Nalven dated the 12th day of February, 1959; and

WHEREAS, no development was ever undertaken on such lands pursuant to such agreement and master plan but on the 24th day of May, 1974, the successors in interest of the persons entering into the afore-described agreement applied for rezoning of the subject lands under Chapter 20-A of the Code of Ordinances of the City of Venice to a Planned Unit Development; (hereinafter sometimes referred to as "PUD") and

WHEREAS, on the 29th day of May, 1974, the application was certified to the Planning Commission of the City of Venice for its recommendation and the Planning Commission of the City of Venice certified to the Zoning Board its recommendation on July 12, 1974; and

WHEREAS, pursuant to the appropriate ordinances, a public hearing after being duly advertised was held on August 6, 1974, and was continued to August 13, 1974, and August 20, 1974; and

WHEREAS, subsequent to such time the Land Use Plan as submitted to the Planning Commission and to the Zoning Board was amended but such amendment was determined by the City Council on the 12th day of November, 1974, not to be a substantial departure from the original Land Use Plan that had been previously submitted; and

WHEREAS, the City Council of the City of Venice has made the following findings of fact with regard to the rezoning of the hereinafter described real property;

(a) That the area concerned has changed in character involvements so as to warrant the rezoning of the same;

(b) That the rezoning for a Planned Unit Development will conform to the principles and requirements of the Venice Comprehensive Plan;

(c) That the rezoning for a Planned Unit Development will accomplish a coordinated, adjusted and harmonious development of the area which will, in accordance with existing and future needs, best promote the public health, safety, morals, order, convenience, appearance, prosperity, the general welfare, efficiency and economy in the process of development and accomplish the aims of the agreement first hereinabove recited;

(d) That the rezoning will permit the highest, best and most reasonable use of the property;

(e) That all rezoning requirements of applicable City Ordinances and regulations and a Comprehensive Plan for zoning for the City of Venice, Florida, have been met and satisfied;

(f) That the rezoning as a Planned Unit Development will equitably balance the private rights to develop the subject property while affording adequate and substantial protection to the city and its residents;

NOW, THEREFORE, be it resolved by the City Council of the City of Venice that should the rezoning petition of Tidewater Village, Ltd., a limited partnership authorized to do business in the State of Florida, (hereinafter referred to as the "developer" which term shall always mean its successors and assigns) be granted with respect to the following described property (hereinafter referred to as the subject property), to-wit:

The South 1/2 of the SE 1/4; the NE 1/4 of the SE 1/4; NW 1/4 of the SE 1/4, Section 5, Township 39 South, Range 19 East, ALSO, the North 1/2 of the NE 1/4, Section 8, Township 39 South, Range 19 East, all lying and being in the City of Venice, in the County of Sarasota, State of Florida.

all the terms and conditions of this Resolution, as consented to by the developer and the mortgagee, shall be incorporated by reference in the Ordinance rezoning the subject property to PUD District No. 2.

(1) The gross residential density of the subject property shall be limited to 3.25 residential units per acre for a maximum of 790 residential units.

(2) That six (6) acres of the subject property may be devoted to use by any establishment selling goods and services at retail including professional offices and clinics except the practice of veterinary medicine. No portion of the six (6) acres may be devoted to residential use.

(3) A. That on all final plats of all or a portion of the subject property and by separate instrument to be recorded in the Public Records of Sarasota County, Florida (if the separate instrument be found necessary or desirable by the City Council of the City of Venice) the developer shall dedicate the following easements for public use, which easements shall be maintained by the developer:

(i.) A twenty (20) foot easement along the entire southerly boundary of the subject property for the maintenance and/or installation of a drainage canal or storm drain and for the installation of utilities of any nature whatsoever and the maintenance and replacement of same.

(ii.) A twenty (20) foot easement around the shores of all lakes, temporary ponding areas and water trenches now located or later to be constructed or dug within the subject property, for the purpose of maintaining and cleaning same.

B. Nothing contained herein shall obligate the City of Venice to utilize said easements or impose the duty on the City of Venice to undertake or perform maintenance of the land appurtenant to said easements or the land and/or water contiguous to said easements.

(4) A. On all plats of all or a portion of the subject property and by separate instrument to be recorded in the Public Records of Sarasota County, Florida (if the separate instrument be found necessary or desirable by the City Council of the City of Venice) the developer shall dedicate to the City of Venice the following easements:

(i.) A forty (40) foot easement along the entire easterly boundary of the subject property for a road right-of-way and for the installation of utilities of any nature and the maintenance and replacement of same.

(ii.) An eighty (80) foot easement along a portion of the northerly boundary of the subject property as depicted on the Land Use Plan approved by the City Council on November 12, 1974, for a road right-of-way and for the installation of utilities of any nature and the maintenance and replacement of same.

B. Contrary provisions of this Resolution notwithstanding, the City of Venice:

(i.) Shall not be obligated to construct the road within the forty (40) foot easement mentioned in paragraph A. (i.) herein, nor maintain same until after the road which shall be constructed thereon by the developer has been accepted by the City of Venice and maintained by the developer for a period of one year after acceptance by the City of Venice.

(ii.) Shall not be required to construct any road within the eighty (80) foot easement mentioned in paragraph A. (ii.) herein, nor utilize any portion of said easement in any matter whatsoever.

(5) A. That by separate instrument to be recorded by the developer in the Public Records of Sarasota County, Florida, prior to the approval of any final plat, the developer shall:

(i.) Reserve for itself and the City of Venice, an easement for utility and drainage purposes, five (5) feet in width along the side lines and rear lines of all residential lots and multi-family parcels within the subject property, and where the rear lines of any residential lots and multi-family parcels are not contiguous to another sideline or rearline of a residential lot or multi-family parcel, such easement shall be ten (10) feet in width.

(ii.) Restrict the size of residential and multi-family buildings so that the foundation for same cannot exceed thirty-five (35) percent of the total square footage of the residential lot or multi-family parcel upon which the same is constructed.

B. Nothing contained herein shall obligate the City of Venice to utilize said easements nor maintain same in any nature whatsoever.

6. A. Prior to the approval of the first final plat, the developer shall, by separate instrument:

(i.) Provide for the portions of the subject property designated as useable open spaces (except those portions of the useable open spaces being the front and rear yards in single and multi-family areas) to be restricted to such use for a period of time not less than ninety-nine (99) years, and,

(ii.) Provide for the maintenance of the property so restricted for the period of time not less than ninety-nine (99) years.

B. The terms and conditions of the instrument referred to herein shall have the prior approval of the City Council of the City of Venice, and shall be recorded in the Public Records of Sarasota County, Florida.

C. Said instrument shall provide for such maintenance to be performed by a homeowners' association or the developer and, in the event of a default of the homeowners' association or the developer in the maintenance of the useable open spaces which, by said instrument, it is to maintain, and the City of Venice, its successor or other appropriate governing authority, shall be entitled but under no obligation to cure such default by employing firms, persons, or associations as may be necessary to maintain, repair and

replace the useable open spaces (except that portion of the useable open spaces being the front and rear yards as mentioned herein) and charge the homeowners' association, the developer or other party responsible for such maintenance for the cost of same, including a reasonable charge for administrative services incurred or provided by the City of Venice.

D. Said instrument mentioned herein shall provide that the City, its successor, or other appropriate governing authority, prior to taking such action shall give notice in writing to the party responsible for such maintenance as provided in said instrument, specifying the nature of the default and what shall be required to correct same and the reasonable time within which the defaulting party shall be required to cure the default. Should the defaulting party fail to cure such default within the time provided, or within any extension period granted by the authority requiring compliance, such authority shall then be entitled, but under no obligation:

(i.) To remedy such defaults and charge the defaulting party or parties and, should the same be provided in the homeowners' association Articles of Incorporation and/or By-Laws, the authority shall be entitled to a lien on the living unit or units involved in the manner and nature provided in the Articles of Incorporation and/or By-Laws, or,

(ii.) Bring action in a court of competent jurisdiction to enforce the terms of the instrument mentioned herein against any of the parties to that instrument undertaking, jointly or severally, the maintenance of the subject useable open spaces.

(7) All utilities, including telephone,, television cable, and electrical systems, shall be installed underground. Appurtenances to these systems which require above ground installation shall be effectively screened and thereby, may be excepted from this requirement. Primary facilities providing service to the subject property may be excepted.

(8) A. Nothing contained herein shall prohibit the developer from developing that portion of the subject property lying south of Blackburn Canal, prior to commencing development of that portion of the subject property lying north of Blackburn Canal but prior to approval of any preliminary plats pertaining to any portion of the subject property the developer shall:

(i.) Submit complete engineering drawings, including a site plan, which shall be approved by the City Council and shall:

(a.) Designate all surface drainage so as to insure the maintenance of high quality environmental water rating; lakes, streams and waterways shall be provided with dams, weirs, or other control devices and

upland drainage of water courses shall be so designated through the use of berm, dams, temporary ponding areas, water trenches, and other devices to prevent the transmission of silts, sediments, nutrients, road oils, grease and other contaminants into major water courses on or off the subject property.

(b.) Show ground elevations based on a data plane approved by the city for land slopes less than approximately two (2) percent, show spot elevations at all breaks in grade, along all drainage canals or swales and at selected points not more than one hundred (100) feet apart in all directions; for land slopes more than approximately two (2) percent, either show contours with an interval of not more than five (5) feet if ground slope is regular and such information is sufficient for planning purposes, or show contours with an interval of not more than two (2) feet.

(c.) Show location of all surface water drainage where water leaves the tract to swale, canal, natural stream, lake or public storm sewer (if available), water courses, marshes, rock outcrop, wooded areas, isolated preservable trees one foot or more in diameter, homes, barns, shacks and other significant features.

(ii.) Obtain approval of the City Council of all proposed names of all streets within the subject property. Written evidence of the Post Office Department's approval shall be submitted prior to obtaining any approval of said street names by the city.

(iii.) The proposed plat shall conform to the then applicable Ordinances and Regulations of the city and the terms and conditions of this Resolution.

(iv.) Show location of and the detailed construction specifications for all gravity and force sewer mains, lift stations, water distribution and fire protection mains and hydrants, roads, streets and drainage facilities within the area of the preliminary plat sought to be approved, all of which shall be constructed by the developer at its sole expense.

B. Nothing contained herein shall prohibit the developer from seeking or having more than one preliminary plat approved at the same time.

(9) A final plat pertaining to any portion of the subject property shall be approved by the City Council, provided:

(i.) The preliminary plat pertaining to the area which is the subject of the final plat had been previously approved by the City Council. Any deviations of a material nature by the final plat from preliminary plat shall be grounds for the City Council disapproving said final plat.

(ii.) All improvements (which shall be deemed to include all gravity and force sewer mains, lift stations, water distribution and fire protection mains and hydrants, roads, streets and drainage facilities) within the area which is the subject of a final plat shall be completed by the developer at its expense as depicted and specified in the engineering drawings of same referred to in Paragraph eight (8) above or the developer shall provide a bond, and/or other acceptable security, with a responsible surety, in form satisfactory to the City Council in an amount equal to one hundred ten (110) percent of the developer's engineer's estimated cost of the completion of the said improvements plus ten (10) percent of said estimated cost for each year in excess of one that the developer's engineers estimate will be required for the completion of same.

(iii.) The useable open spaces (permeable ground) including active and passive recreations areas such as playgrounds, waterways, lagoons, flood plains, nature trails, front and rear yards in single and multi-family areas (it being assumed for the purposes of this Resolution that the front and rear yards shall comprise sixty (60) percent of the square footage of such areas) within the final plat or plats to be approved together with the final plat or plats previously approved shall comprise fifty (50) percent or more of the total area within said plats.

(iv.) The developer shall have caused to be constructed at the developer's sole expense, a twelve (12) inch water main and a six (6) inch sewer force main in accordance with the requirements with the City of Venice from their present terminus on the northerly boundary of East Venice Avenue. The water and sewer line will be extended along the west line of the City's well field property to a point determined by the City in accordance with the approved plans for water and sewer in connection with the development but in any event the said water and sewer line shall be extended to a point north of the south boundary line of the subject property where the said south line intersects the west boundary line of the said well field property.

(v.) That the number of dwelling units per acre (as specified in paragraph One (1)) on the plat or plats to be approved, together with the final plat or plats previously approved does not exceed 3.25 dwelling units per acre.

(10) Contrary provisions of Paragraph nine (9) notwithstanding, no final plat of any portion of the subject property south of Blackburn Canal shall be approved unless the lands encompassed by the said plat shall have access by paved road to Pinebrook Road as depicted on the Land Use Plan approved by the

City Council on the 12th day of November, 1974.

(11) With respect to improvements that are to be completed by the developer on lands, easements or rights-of-way off the subject property, a similar bond shall be required as the bond set forth in Paragraph nine (9) above if the same are not completed prior to the approval of the first final plat.

(12) A. In addition to the construction of the improvements mentioned in Paragraph nine (9) above, the developer shall construct the sidewalks in the following locations:

(i.) On the west side of Pinebrook Road from the south line of the subject property to the southern boundary of Blackburn Canal, and when the property north of Blackburn Canal is developed, along the west side of Pinebrook Road from the northern boundary of Blackburn Canal to the southern edge of the right-of-way mentioned in paragraph (4)A. (ii.) above.

(ii.) Along both sides of Pinebrook Way from Lucaya Avenue to Pinebrook Road.

(iii.) Along both sides of Lucaya Avenue from Pinebrook Road to the westerly boundary of the subject property.

B. All references to street names are as appear on the Land Use Plan approved by the City Council on November 12, 1974.

C. The specifications for the construction of the sidewalks are as follows:

(i.) The sidewalks shall be four (4) feet in width.

(ii.) The sidewalks shall be four inches thick constructed of 2,500 psi concrete at 28 days.

(iii.) The sidewalks shall have a broom finish and be sloped towards curb and gutter for proper drainage.

(iv.) The sidewalks shall have contraction joints divided into five (5) feet sections.

(v.) The sidewalks shall have expansion joints filled with bituminous material at fifty (50) foot intervals and where sidewalks abut curbs.

(vi.) The sidewalks shall be constructed within one (1) foot of the designated road rights-of-way.

(13) A. All construction of single family, multi-family commercial and recreational buildings shall be subject to the water plant capacity charge and sewer plant capacity charge in effect in the City of Venice at the time application for a building permit is filed.

B. The obligation to pay such charges shall be set forth in a recordable instrument which shall be recorded at the time of the recordation of the various final plats, and the acceptance of a deed to a lot or parcel of land within the subject property by a purchaser shall subject that purchaser thereof to the payment of such charges and at the time as provided for in said ordinances levying said water plant capacity charge and sewer plant capacity charge.

(14) All final plats of the development shall provide that City of Venice, its successors, and assigns, shall have an easement and right to drill for and to maintain wells for water throughout all the road rights-of-way within the subject property. The City of Venice shall use its best efforts to insure that the drilling of the wells shall be accomplished with a minimum of disturbance to the developer and/or adjoining land owners, the appliances and facilities utilized in the pumping of the water from the well shall be designed to be as unobtrusive as economically feasible.

(15) A. In lieu of the dedication of lands for public use pursuant to Chapter 20-A, Code of Ordinances, City of Venice, the developer agrees to construct recreational facilities on the City of Venice well field property adjacent to the subject property, for the benefit of all the residents of the City of Venice at a location to be determined by the City Council. Such construction is to consist of tennis courts, picnic areas, rest shelters and other similar recreational improvements as per the plan attached as Exhibit "A".

B. The construction of the herein mentioned recreational facilities shall be completed by the developer prior to seeking approval of the first final plat.

(16) There shall be a maximum of four (4) cuts from developer's property into Pinebrook Road between the South boundary of Pinebrook Way and the north boundary of Lucaya Avenue.

(17) At the time of submitting final plats to the City of Venice for approval, the City and the developer agree to execute any agreements, covenants, easements, dedications and other instruments in recordable form that are necessary to effectuate the intent of this agreement, Chapter 20A, Code of Ordinances of the City of Venice or as are required by any other governmental or other agency having jurisdiction over the matter contained herein.

(18) All the terms, conditions, stipulations and provisions contained in this Resolution may be enforced by action at law or in equity, and should the City of Venice prevail in such action at law or in equity, all costs, including reasonable attorneys' fees, shall be awarded to the City.

(19) A. At the time all or a portion of the roads dedicated for public use are accepted by the City, all water distribution and fire protection mains and hydrants, gravity and force sewer mains, lift stations, and drainage lines and related facilities lying within the road rights-of-way of the roads accepted and/or lying within the easements mentioned in paragraph 5(A)(i.) shall be conveyed to the City by the developer at no consideration, such conveyance to be in a form satisfactory to the City and shall be delivered upon approval by the City of any final plat or plats, if the construction of same be completed.

B. If the construction of the facilities mentioned herein are not completed and are bonded pursuant to paragraph 9 hereof at the time of the approval of the final plat or plats, the facilities mentioned herein shall be conveyed to the City by the developer, at no consideration upon the completion thereof and upon the approval and acceptance of same by the City.

(20) A. Those portions of the roads within the subject property abutting single family lots shall be dedicated to public use and shall be maintained and repaired by the developer at the developer's sole expense for a period of one (1) year following the acceptance of same by the City.

B. All other roads not so dedicated for public use shall be maintained and repaired by the developer and/or the homeowners' association.

(21) A. All improvements mentioned in paragraph nine (9) (iv.) and paragraph (15) shall be constructed by the developer in accordance with the City's requirements within twelve (12) months from the recording of this Resolution in the Public Records of Sarasota County, Florida.

B. All improvements to be constructed wholly or partly on the subject property (which shall exclude any portion or part of the bridge over Blackburn Canal) mentioned in paragraph eight (8) shall be constructed by developer in accordance with the specifications for same as approved by the City Council within thirty-six (36) months from the recording of this Resolution in the Public Records of Sarasota County, Florida.

C. All improvements north of Blackburn Canal (which shall include the bridge and shall exclude Longwood Parkway) shall be constructed by developer in accordance with the specifications for same as approved by the City Council within seventy-two (72) months from the recording of this Resolution in the Public Records of Sarasota County, Florida.

D. Should the developer fail to complete construction of any of the improvements which the developer is obligated to construct within the time specified above, then with respect to all of the subject property not encompassed within a recorded final plat approved by the City pursuant to this resolution, this resolution and/or any other subsequent agreements with respect thereto, together with the zoning classification PUD District 2 shall be void with respect to said lands not encompassed within a final plat or plats and said lands not encompassed within a final plat as mentioned herein shall revert to the prior zoning of R-1 as presently contemplated by the Code of Ordinances, City of Venice.

E. The bridge over Blackburn Canal mentioned herein, shall be constructed of reinforced concrete, properly engineered for appropriate traffic loading with a roadway as wide as the paved portion of Pinebrook Road abutting the bridge. All specifications of the bridge must be approved by the City Council of the City of Venice and any other governmental agencies or authorities having jurisdiction over same.

(22) That the developer, upon its and the mortgagee's consent to this Resolution, is released from the terms and conditions of the agreement recorded in Official Records Book 288, Page 232, Public Records of Sarasota County, Florida, except that if such annexation proceedings should ever be declared invalid and the City should continue to supply water, sewer and other utility services to the subject property, the City shall be entitled to charge for such services at such rates as may be established by the City Council.

(23) A. No portion of the subject property designated as pre-preservation area and recreation area may be utilized for any commercial purpose, provided however, that the developer may maintain an office within any structures constructed thereon for purpose of promoting the sale of portions of the subject property.

B. The operation of vending machines within structures constructed on the recreation area and preservation area shall not be considered a commercial use.

C. Nothing contained herein shall prohibit (1) the operation of the recreation area, preservation area and structures located thereon as a country club to be operated for the benefit of the residents of this PUD development only, and (2) the charging of said residents dues and maintenance fees for use of the country club.

(24) A. Upon the completion of all the developer's obligations hereunder, as pertain to those portions of the subject property encompassed within final plats approved by the City and recorded in the Public Records of Sarasota County, Florida, the City shall, upon the request of the developer, issue evidence of the developer's compliance by an instrument which the developer may record in the Public Records of Sarasota County, Florida.

B. Such instruments shall be issued by the City prior to the expiration of the one (1) year maintenance period for the public roads within the platted area, if the developer is not in breach of such covenant.

BE IT FURTHER RESOLVED that the City Council of the City of Venice in public meeting assembled that the exhibits and agreements as required by applicable city ordinances and regulations, and as attached hereto are hereby declared to be a part of this Resolution as though set forth in full in this Resolution.

It is hereby declared that the terms and conditions set out in this Resolution, as agreed upon by the developer and the City, constitute a basis upon which the developer and the City may rely in future actions necessary to implement fully the final development contemplated by this Resolution.

If any section, sentence, clause, phrase, or word of this Resolution is, for any reason, held or declared to be invalid, inoperative or void, such holding or invalidity shall not affect the remaining portion of this Resolution and it shall be construed to have been the intent to pass this Resolution without such invalid or inoperative part therein; and the remainder of this Resolution exclusive of such part or parts shall be deemed and held to be valid as if such parts had not been included therein.

This Resolution, once adopted by the City Council and consented to by the developer and the mortgagee, shall be recorded in the Official Record Book of the Clerk of the Circuit Court and shall be binding upon the developer, its successors and assigns.

This Resolution shall not be construed as an agreement on the part of the City of Venice to exempt the developer, its successors and assigns from the operation of any ordinance or regulation hereinafter adopted by the City for the purpose of protecting the public health, welfare and safety, which said ordinance or regulation shall be generally and equally applicable throughout the City of Venice and which said ordinance or regulation is not calculated or has the effect to impair or otherwise frustrate the planned unit development herein approved.

The developer, by signing this Resolution in the space hereinafter provided, signifies its approval and assent to the provisions hereof.

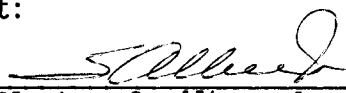
The mortgagee, by signing this Resolution in the space hereinafter provided signifies its consent to the execution of this agreement by the developer, the rezoning of the subject property to Planned Unit Development as contemplated herein and the recording of this Resolution in the Public Records of Sarasota County, Florida.

PASSED AND ADOPTED this 30th day of December, 1974.

CITY OF VENICE

By: s/ _____ L.S.
Mayor, William L. McCracken

Attest:

s/  L.S.
City Clerk S. Albee, Jr.

The developer does hereby approve and assent to the terms, conditions and provisions of the above and foregoing Resolution and does acknowledge that same is binding upon Developer, its successors and assigns. Developer further consents to the recording of this Resolution.

TIDEWATER VILLAGE, LTD.

WITNESSES:

By: s/ _____ L.S.
General Partner

s/ _____ L.S.

s/ _____ L.S.

The mortgagee does hereby execute this Resolution for the purposes of showing its consent to the execution of this agreement by the developer, the rezoning of the subject land to Planned Unit Development as contemplated herein, and the recording of this Resolution in the Public Records of Sarasota County, Florida.

WITNESSES:

MELLON BANK, N.A.

s/ _____ L.S.

s/ _____ L.S.

By: s/ _____ L.S.
Authorized Officer

STATE OF FLORIDA

COUNTY OF SARASOTA

(CORPORATE SEAL)

The foregoing instrument was acknowledged before me this 6th day of January, 1975, by NED T. SMITH, General Partner, on behalf of TIDEWATER VILLAGE, LTD., a limited partnership.

s/ _____ L.S.
Notary Public

My Commission Expires:

STATE OF PENNSYLVANIA

COUNTY OF ALLEGHENY

The foregoing instrument was acknowledged before me this 7th day of January, 1975, by s/ _____ L.S. a Asst. Mortgage Officer of MELLON BANK, N.A., a National Banking Association, on behalf of said association, with full authority so to do.

s/ _____ L.S.
Notary Public


My Commission Expires:

STATE OF FLORIDA

COUNTY OF SARASOTA

I, STEPHEN ALBEE, JR., City Clerk of the City of Venice, Florida, a Municipal Corporation, in Sarasota County, Florida, do hereby certify that the foregoing is a full and complete, true and correct copy of a Resolution duly adopted by the City Council of said City at a meeting thereof duly convened and held on the 30th day of December, 1974, a quorum being present.

WITNESS my hand and official seal of said City, the 31st day of December, 1974.

s/  _____ L.S.
Stephen Albee, Jr., City Clerk

(SEAL)

RESOLUTION NO. 538-75

A RESOLUTION AMENDING RESOLUTION NO. 518-74 (WHICH SAID RESOLUTION PROVIDED FOR THE CONDITIONS UNDER WHICH CERTAIN LANDS, KNOWN AS PINEBROOK SOUTH, WERE TO BE ZONED AS A PUD) BY CHANGING CERTAIN REQUIREMENTS AS TO SIDEWALKS.

WHEREAS, the City Council of the City of Venice did on the 30th day of December, 1974, pass and adopt that certain Resolution No. 518-74 which said Resolution provided the conditions under which the lands known as Pinebrook South were zoned PUD; and

WHEREAS, the owners of said lands have requested of the City Council certain changes in sidewalk locations as were spelled out in paragraph (12) C (vi) of said Resolution No. 518-74; and

WHEREAS, City Council did hear such request at its meeting of March 25th, 1975, at which time the request was referred to the City Engineer for comment and recommendation; and

WHEREAS, said City Engineer on the 8th day of April, 1975, before City Council did make in writing his recommendations which the City Council did approve.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA, as follows:

Section 1. That Paragraph (12) C (vi) is hereby amended to read as follows:

"Sidewalks shall be constructed a minimum of seven (7) feet from back of curb. Elevation of sidewalk shall be a maximum of one (1) foot above back of curb. Where sidewalks at location specified above conflict with storm inlets said sidewalks shall meander towards the right-of-way line. Notwithstanding the above, sidewalk located on Pinebrook Road shall be located one (1) foot from the right-of-way line within the right-of-way.

Developer shall submit prior to construction of sidewalks detailed engineering plans, for City approval indicating thereon location of sidewalks with respect to all utilities and storm inlets."

Section 2. The developer, by signing this Resolution in the space herein-after provided, signifies its approval and assent to the provisions hereof.

The mortgagee, by signing this Resolution in the space hereinafter provided signifies its consent to the execution of this agreement by the developer, the rezoning of the subject property to Planned Unit Development as contemplated herein and the recording of this Resolution in the Public Records of Sarasota County, Florida.

PASSED AND ADOPTED this 22nd day of April , 1975.

CITY OF VENICE

By: _____ L.S.
Mayor, William L. McCracken

ATTEST:

S. Albee, Jr., City Clerk L.S.

The developer does hereby approve and assent to the terms, conditions and provisions of the above and foregoing Resolution and does acknowledge that same is binding upon Developer, its successors and assigns. Developer further consents to the recording of this Resolution.

TIDEWATER VILLAGE, LTD.

By: _____ L.S.
General Partner

WITNESSES:

L.S.

L.S.

The mortgagee does hereby execute this Resolution for the purposes of showing its consent to the execution of this agreement by the developer, the rezoning of the subject land to Planned Unit Development as contemplated herein, and the recording of this Resolution in the Public Records of Sarasota County, Florida.

WITNESSES:

MELLON BANK, N.A.

L.S. By: _____ L.S.
Authorized Officer

L.S.

RESOLUTION NO. 690-80

CITY OF VENICE, FLORIDA

WHEREAS, on December 30, 1974, the City Council of the City of Venice, Florida, adopted Ordinance #626-74, an ordinance adding to Chapter 20-A of the Code of Ordinances of the City of Venice, Florida, entitled "PUD" by zoning and including in that classification lands known as Pinebrook South; and

WHEREAS, on December 30, 1974, the City Council of the City of Venice, Florida, adopted Resolution #518-74, which resolution was recorded among the public records of Sarasota County, Florida, in Official Records Book 1069, Page 1979; and

WHEREAS, all of the terms and conditions of that resolution are incorporated by reference in Ordinance #626-74 of the Code of Ordinances of the City of Venice, Florida; and

WHEREAS, Paragraph (21)C., of that resolution required all improvements on the property described in that resolution which lie north of Blackburn Canal to be constructed by the Developer within seventy-two (72) months from the recording of that resolution, or February 19, 1981; and

WHEREAS, ISLAND SOUND CORPORATION, or its assigns, has entered into a contract to purchase all of the real property described in Resolution 518-74, lying north of Blackburn Canal, from BERWIND REALTY SERVICES, INC., the successor in interest to the original developer, TIDEWATER VILLAGE, LTD., and has requested from the City of Venice an extension of the time within which to complete improvements north of Blackburn Canal, and the City of Venice is agreeable to such extension upon certain additional terms and conditions, it being the finding of the City Council of the City of Venice, Florida, that such extension would be in the best interest of the City and its residents;

NOW THEREFORE, be it resolved by the City Council of the City of Venice, Florida, that Paragraph (21)C., of Resolution #518-74 is amended as follows:

1. Paragraph (21)C. is hereby amended and restated to read in its entirety as follows:

"(21)C. All improvements north of Blackburn Canal (which shall include the bridge and shall exclude Longwood Parkway) shall be constructed by Developer in accordance with the specifications for same as approved by the City Council within ninety-six (96) months from the recording of this resolution in the public records of Sarasota County, Florida."

2. As a condition precedent to the adoption of this resolution amending Resolution 518-74, BERWIND REALTY SERVICES, INC., or ISLAND SOUND CORPORATION, or its or their assigns or successors in interest to the developer, TIDEWATER VILLAGE, LTD., shall present to the City Council of the City of Venice, Florida, an irrevocable letter of credit issued by a recognized Florida banking institution, in form agreeable to and in favor of the City, in the amount of \$100,000.00, to be accepted by a signed statement from the City that drawing is due to the default or failure of the entity causing the letter of credit to be issued, or its successors in interest, to construct all improvements north of Blackburn Canal within ninety-six (96) months from February 19, 1975, as required by Resolution 518-74, as amended by this resolution.

3. Should the improvements required by Paragraph (21)C., of Resolution 518-74, be constructed within ninety-six (96) months from February 19, 1975, as required therein, then the City of Venice, Florida, shall thereupon mark the original letter of credit (or any substitute letter of credit delivered hereunder) "cancelled", return the original thereof to the entity causing the letter of credit to be issued, or to any successor thereto which may have supplied a substitute letter of credit, and notify the issuing bank of its cancellation.

4. The terms and conditions of this resolution amending Resolution 518-74, shall inure to the benefit of any successors in interest or title to BERWIND REALTY SERVICES, INC., or ISLAND SOUND CORPORATION, provided, that any letter of credit previously issued by a banking institution in favor of the City of Venice in connection with this amendatory resolution, shall first be amended to reflect the change in ownership, or any such proposed new owner of the property shall first cause a new letter of credit to be issued in favor of the City of Venice, conditioned as required herein, and in form and substance approved by the City. Approval by the City of such amended or substitute letter of credit, in such cases, shall be evidenced by a certificate to that effect issued by the City of Venice, and recorded among the public records of Sarasota County, Florida, which recording shall further evidence the continued application of this resolution in favor of such new owner, and concurrently with or as nearly as practicable following such recording the City of Venice shall return to the entity previously causing a letter of credit to be issued hereunder, such letter of credit as the same shall have been previously deposited by such entity pursuant to the terms hereof.

5. In all other respects not inconsistent herewith or as amended hereby, Resolution 518-74 shall remain in full force and effect, unaltered as to its terms.

6. This resolution, once adopted by the City Council and consented to by BERWIND REALTY SERVICES, INC., or ISLAND SOUND CORPORATION, or its or their assigns, shall be recorded among the public records of Sarasota County, Florida, by the City of Venice, Florida, and such recording shall be evidence of the satisfaction of the condition precedent mentioned in Paragraph 2. This resolution shall be binding upon BERWIND REALTY SERVICES, INC., ISLAND SOUND CORPORATION, and its or their successors and assigns.

PASSED AND ADOPTED, this 25th day of November, 1980.

CITY OF VENICE

By: Harry E. Case

Mayor

ATTEST:

[Signature]

City Clerk

Witnesses:

BERWIND REALTY SERVICES, INC.

Frank C. Palopoli

Robert R. Olson

By: Burleigh

(SEAL)

President

Witnesses:

ISLAND SOUND CORPORATION

[Signature]

Linda Martin

By: Donald J. [Signature]

(SEAL)

President

STATE OF FLORIDA
COUNTY OF SARASOTA

I, STEPHEN ALBEE, JR., City Clerk of the City of Venice, Florida, a municipal corporation in Sarasota County, Florida, do hereby certify that the foregoing is a full and complete, true and correct copy of a resolution duly adopted by the City Council of said City, at a meeting thereof, duly convened and held on the 25th day of November, 1980, a quorum being present.

WITNESS my hand and official seal of said City, the 25th day of November, 1980.



STEPHEN ALBEE, JR., City Clerk

STATE OF Pennsylvania
COUNTY OF Montgomery

The foregoing instrument was acknowledged before me, this 13th day of November, 1980, by ROBERT T. WRIGLEY, President of BERWIND REALTY SERVICES, INC., a Pennsylvania corporation, on behalf of the corporation.

WITNESS my hand and official seal on the date aforesaid.

My Commission Expires:



Notary Public

Notary Public, Plymouth Twp., Montg. Co

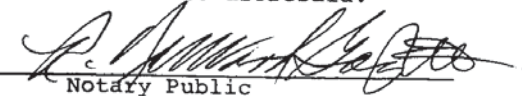
My Commission Expires July 11, 1982

STATE OF FLORIDA
COUNTY OF SARASOTA

The foregoing instrument was acknowledge before me, this 18th day of NOVEMBER, 1980, by DONALD T. REGAN, JR., President of ISLAND SOUND CORPORATION, a Florida corporation, on behalf of the corporation.

WITNESS my hand and official seal on the date aforesaid.

My Commission Expires: 10/11/81



Notary Public

RESOLUTION NO. 755-82

A RESOLUTION AMENDING RESOLUTION NO. 518-74 TO PROVIDE WATERSIDE WOODS, LTD. AN ADDITIONAL EXTENSION OF TIME FOR COMPLETION OF A BRIDGE AND OTHER IMPROVEMENTS NORTH OF BLACKBURN CANAL.

WHEREAS, on December 30, 1974, the City Council of the City of Venice, Florida, adopted Ordinance No. 626-74, an ordinance adding to Chapter 20-A of the Code of Ordinances of the City of Venice, Florida, entitled "PUD" by zoning and including in that classification lands known as Pinebrook South; and

WHEREAS, on December 30, 1974, the City Council of the City of Venice, Florida, adopted Resolution No. 518-74, which resolution was recorded among the public records of Sarasota County, Florida, in Official Records Book 1069, Page 1979; and

WHEREAS, all of the terms and conditions of that resolution are incorporated by reference in Ordinance No. 626-74 of the Code of Ordinances of the City of Venice, Florida; and

WHEREAS, Paragraph (21) C of that resolution required all improvements on the property described in that resolution which lie north of Blackburn Canal to be constructed by the Developer within seventy-two (72) months from the recording of that resolution, or February 19, 1981; and

WHEREAS, ISLAND SOUND CORPORATION, or its assigns, entered into a contract to purchase all of the real property described in Resolution No. 518-74, lying north of Blackburn Canal, from BERWIND REALTY SERVICES, INC., the successor in interest to the original developer, TIDEWATER VILLAGE, LTD., and requested from the City of Venice an extension of the time within which to complete improvements north of Blackburn Canal, and the City of Venice agreed to such extension upon certain additional terms and conditions; and

WHEREAS, on November 25, 1980, the City Council of the City of Venice, Florida, adopted Resolution No. 690-80, which authorized an extension of time to February 19, 1983, by amendment of Resolution No. 518-74, and further adopted certain additional terms consistent with that extension; and

WHEREAS, WATERSIDE WOODS, LTD., the present owner of the property, has requested from the City of Venice an additional extension of time within which to complete said improvements north of Blackburn Canal, and the City of Venice is agreeable to such extension; it being the finding of the City Council of the City of Venice, Florida, that such extension would be in the best interest of the City and its residents,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA, as follows:

1. Paragraph (21) C of Resolution No. 518-74 is hereby amended and restated to read in its entirety as follows:

"(21) C. All improvements north of Blackburn Canal (which shall include the bridge and shall exclude Longwood Parkway) shall be constructed and completed by Developer in accordance with the specifications for same as approved by the City Council, no later than February 19, 1984."

2. As a condition precedent to the adoption of this resolution amending Resolution No. 518-74, WATERSIDE WOODS, LTD. shall present to the City Council of the City of Venice, Florida, an irrevocable letter of credit issued by a recognized Florida banking institution, in form agreeable to and in favor of the City, in the amount of \$100,000.00, to be accepted by a signed statement from the City that drawing is due to the default or failure of the entity causing the letter of credit to be issued, or its successors in interest, to construct all improvements north of Blackburn Canal no later than February 19, 1984, as required by Resolution No. 518-74, as amended by this resolution.

3. Should the improvements required by Paragraph (21) C of Resolution No. 518-74 be constructed by February 19, 1984, as required herein, then the City of Venice, Florida, shall thereupon mark the original letter of credit (or any substitute letter of credit delivered hereunder) "cancelled," return the original thereof to the entity causing the letter of credit to be issued, or to any successor thereto which may have supplied a substitute letter of credit, and notify the issuing bank of its cancellation.

4. The terms and conditions of this resolution amending Resolution No. 518-74, shall inure to the benefit of any successors in interest or title to WATERSIDE WOODS, LTD., provided that any letter of credit previously issued by a banking institution in favor of the City of Venice in connection with this amendatory resolution, shall first be amended to reflect the change in ownership, or any such proposed new owner of the property shall first cause a new letter of credit to be issued in favor of the City of Venice, conditioned as required herein, and in form and substance approved by the City. Approval by the City of such amended or substitute letter of credit, in such cases, shall be evidenced by a certificate to that effect issued by the City of Venice, and recorded among the public records of Sarasota County, Florida, which recording shall further evidence the continued application of this resolution in favor of such new owner, and concurrently with or as nearly as practicable following such recording the City of Venice shall return to the entity previously causing a letter of credit to be issued hereunder, such letter of credit as the same shall have been previously deposited by such entity pursuant to the terms hereof.

5. In all other respects not inconsistent herewith or as amended hereby, Resolution No. 518-74 shall remain in full force and effect, unaltered as to its terms.

6. This resolution, once adopted by the City Council and consented to by WATERSIDE WOODS, LTD., or its assigns, shall be recorded among the public records of Sarasota County, Florida, by the City of Venice, Florida, and such recording shall be evidence of the satisfaction of the condition precedent mentioned in Paragraph 2. This resolution shall be binding upon WATERSIDE WOODS, LTD., and its successors and assigns.

PASSED AND ADOPTED this 14th day of September, 1982.

ATTEST:

CITY OF VENICE, FLORIDA

By: *Frank Quacton*
Mayor

B. N. Simanskey
City Clerk

WITNESSES:

WATERSIDE WOODS, LTD., a
limited partnership

By: *Donald J. Papp*
A general partner

B. N. Simanskey
Adeline Marino

I, BERNARD N. SIMANSKEY, City Clerk of the City of Venice, Florida, a municipal corporation in Sarasota County, Florida, do hereby certify that the foregoing is a full and complete, true and correct copy of a Resolution duly adopted by the City Council of said City at a meeting thereof duly convened and held on the 14th day of September, 1982, a quorum being present.

WITNESS my hand and the official seal of said City this 15th day of September, 1982.

B. N. Simanskey
B. N. Simanskey, City Clerk

(S E A L)

RESOLUTION NO. 794-83

A RESOLUTION AMENDING SECTION 2 OF RESOLUTION NO. 518-74 PROVIDING THAT A NURSING HOME SHALL BE A PERMITTED USE ON TRACT D, PINEBROOK SOUTH.

WHEREAS, on December 30, 1974, the Venice City Council adopted Resolution No. 518-74, a comprehensive development master plan for certain property herein generally described as Pinebrook; and

WHEREAS, on December 30, 1974, the City Council adopted Ordinance No. 626-74, rezoning the Pinebrook property to Planned Unit Development (PUD), and incorporating by reference the terms and conditions in Resolution No. 518-74; and

WHEREAS, the present owners of Tract D, Pinebrook South, have now requested an amendment to Resolution No. 518-74 so as to permit the construction of a nursing home on six acres now designated as retail commercial; and

WHEREAS, the Venice Planning Commission, on April 19, 1983, recommended approval of the proposed amendment after a public hearing to be held by the Venice City Council; and

WHEREAS, the proposed amendment is consistent with the present PUD zoning restrictions; and

WHEREAS, the Venice City Council on this date did hold a duly advertised public hearing to take and consider public input with respect to the proposed amendment:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA, that Section (2) of Page 3, Resolution No. 518-74, is hereby amended in its entirety to read as follows:

- (2) That a nursing home shall be a permitted use on those certain six acres, more or less, described as Tract D, Pinebrook South, according to the Plat thereof filed and recorded in Plat Book 23, Page 25, Public Records of Sarasota County, Florida.

APPROVED AND ADOPTED BY CITY COUNCIL ON THE 28th DAY OF JUNE, 1983.

I, BERNARD N. SIMANSKEY, City Clerk of the City of Venice, Florida, a municipal corporation in Sarasota County, Florida, do hereby certify that the foregoing is a full and complete, true and correct copy of a Resolution duly adopted by the City Council of said City at a meeting thereof duly convened and held on the 28th day of June, 1983, a quorum being present.


B. N. Simanskey, City Clerk

(S E A L)

RESOLUTION NO. 811-83

A RESOLUTION AMENDING RESOLUTION NO. 518-74 AND RESOLUTION NO. 755-82 TO PROVIDE WATERSIDE WOODS, LTD. AN ADDITIONAL EXTENSION OF TIME FOR COMPLETION OF A BRIDGE AND OTHER IMPROVEMENTS NORTH OF BLACKBURN CANAL.

WHEREAS, on December 30, 1974, the City Council of the City of Venice, Florida, adopted Ordinance No. 626-74, an Ordinance adding to Chapter 20-A of the Code of Ordinances of the City of Venice, Florida, entitled "PUD" by zoning and including in that classification lands known as Pinebrook South; and

WHEREAS, on December 30, 1974, the City Council of the City of Venice, Florida, adopted Resolution No. 518-74, which Resolution was recorded among the public records of Sarasota County, Florida, in Official Records Book 1069, Page 1979; and

WHEREAS, all of the terms and conditions of that Resolution are incorporated by reference in Ordinance No. 626-74 of the Code of Ordinances of the City of Venice, Florida; and

WHEREAS, Paragraph (21) C of that Resolution required all improvements on the property described in that Resolution which lie north of Blackburn Canal to be constructed by the Developer within seventy-two (72) months from the recording of that Resolution, or February 19, 1981; and

WHEREAS, ISLAND SOUND CORPORATION, or its assigns, entered into a contract to purchase all of the real property described in Resolution No. 518-74, lying north of Blackburn Canal, from BERWIND REALTY SERVICES, INC, the successor in interest to the original developer, TIDEWATER VILLAGE, LTD., and requested from the City of Venice an extension of the time within which to complete improvements north of Blackburn Canal, and the City of Venice agreed to such extension upon certain additional terms and conditions; and

WHEREAS, on November 25, 1980, the City Council of the City of Venice, Florida, adopted Resolution No. 690-80, which authorized an extension of time to February 19, 1983, by amendment of Resolution No. 518-74, and further adopted certain additional terms consistent with that extension; and

WHEREAS, on September 14, 1982, the City Council of the City of Venice, Florida, adopted Resolution No. 755-82, which authorized an extension of time until February 19, 1984, by amendment of Resolution No. 518-74 and Resolution No. 690-80, and further adopted certain additional terms consistent with that extension; and

WHEREAS, WATERSIDE WOODS, LTD., the present owner of the property, has requested from the City of Venice an additional extension of time within which to complete said improvements north of Blackburn Canal, and the City of Venice is agreeable to such extension; it being the finding of the City Council of the City of Venice, Florida, that such extension would be in the best interest of the City and its residents,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA, as follows:

1. Paragraph (21) C of Resolution No. 518-74 is hereby amended to read in its entirety as follows:

"(21) C. All improvements north of Blackburn Canal (which shall include the bridge and shall exclude longwood Parkway) shall be constructed and completed by Developer in accordance with the specifications for same as approved by the City Council. Said improvements shall be constructed within nine (9) months of receipt of notice by the owner from the City to have said improvements constructed. Said notice will be given to coincide with the construction of Pinebrook Road Extension or, if needed, for the extension of City Utility services. Said need will be determined at the sole discretion of the City."

2. As a condition precedent to the adoption of this Resolution amending Resolution No. 518-74, WATERSIDE WOODS, LTD. shall present to the City Council of the City of Venice, Florida, an irrevocable letter of credit issued by a recognized Florida banking institution, in form agreeable to and in favor of the City, in the amount of \$100,000.00, to be accepted by a signed statement from the City that drawing is due to the default or failure of the entity causing the letter of credit to be issued, or its successors in interest, to construct all improvements north of Blackburn Canal, as required by Resolution No. 518-74, as amended by this Resolution.

3. Should the improvements required by Paragraph (21) C of Resolution No. 518-74 be constructed, as required herein, then the City of Venice, Florida, shall thereupon mark the original letter of credit (or any substitute letter of credit delivered hereunder) "Cancelled," return the original thereof to the entity causing the letter of credit to be issued, or to any successor thereto which may have supplied a substitute letter of credit, and notify the issuing bank of its cancellation. The letter of credit will be released or cancelled by the City upon the commencing of construction of the improvements north of Blackburn Canal (which shall include the bridge and shall exclude Longwood Parkway) and the securing of a 115% construction bond, proof of which shall be given to the City prior to the release or cancellation of the letter of credit.

4. The terms and conditions of this Resolution amending Resolution No. 518-74, shall inure to the benefit of any successors in interest or title to WATERSIDE WOODS, LTD., provided that any letter of credit previously issued by a banking institution in favor of the City of Venice in connection with this amendatory Resolution, shall first be amended to reflect the change in ownership, or any such proposed new owner of the property shall first cause a new letter of credit to be issued in favor of the City of Venice, conditioned as required herein, and in form and substance approved by the City. Approval by the City of such amended or substitute letter of credit, in such cases, shall be evidenced by a certificate to that effect issued by the City of Venice, and recorded among the public records of Sarasota County, Florida, which recording shall further evidence the continued application of this Resolution in favor of such new owner, and concurrently with or as nearly as practicable following such recording the City of Venice shall return to the entity previously causing a letter of credit to be issued hereunder, such letter of credit as the same shall have been previously deposited by such entity pursuant to the terms hereof.

5. In all other respects not inconsistent herewith or as amended hereby, Resolution No. 518-74 shall remain in full force and effect, unaltered as to its terms.

6. This Resolution, once adopted by the City Council and consented to by WATERSIDE WOODS, LTD., or its assigns, shall be recorded among the public records of Sarasota County, Florida, by the City of Venice, Florida, and such recording shall be evidence of the satisfaction of the condominium precedent mentioned in Paragraph 2. This Resolution shall be binding upon WATERSIDE WOOD, LTD., and its successors and assigns.

PASSED AND ADOPTED on this 8th day of November, 1983.

CITY OF VENICE, FLORIDA

ATTEST:

B. N. Simanskey
City Clerk

By: Frank P. Pector
Mayor

I, BERNARD N. SIMANSKEY, City Clerk of the City of Venice, Florida, a municipal corporation in Sarasota County, Florida, do hereby certify that the foregoing is a full and complete, true and correct copy of a Resolution duly adopted by the City Council of said City at a meeting thereof duly convened and held on the 8th day of November, 1983, a quorum being present.

WITNESS my hand and official seal of said City this 9th day of November, 1983.

B. N. Simanskey
B. N. Simanskey, City Clerk

CERTIFICATE OF ACCEPTANCE

ACCEPTED by WATERSIDE WOODS, LTD., a limited partnership, this 21st day of December, 1983.

WITNESSES:

B. N. Simanskey
B. N. Simanskey

WATERSIDE WOODS, LTD.

By: Donald J. Pector
A general partner

RESOLUTION NO. 843-84

A RESOLUTION SUPPLEMENTING RESOLUTIONS 518-74, 755-82 AND 811-83, TO PROVIDE WATERSIDE WOODS, LTD. A ONE HUNDRED NINE DAYS EXTENSION OF TIME FOR COMPLETION OF A BRIDGE AND OTHER IMPROVEMENTS OVER AND ADJACENT TO BLACKBURN CANAL.

WHEREAS, Resolution No. 811-83 provided that Waterside Woods, Ltd. was to complete construction of a bridge and certain other improvements over and adjacent to Blackburn Canal within nine months of receipt of notice from the City of Venice; and

WHEREAS, the City of Venice did duly notify Waterside Woods, Ltd. to commence construction of said improvements by letter dated December 6, 1983, thereby requiring a completion date of approximately September 6, 1984; and

WHEREAS, Waterside Woods, Ltd. has signed a binding contract with a contractor for the construction of the bridge improvements and has secured a performance and payment bond in favor of Waterside Woods, Ltd. for 100% of said contract price; and

WHEREAS, due to certain governmental permit delays, Waterside Woods, Ltd. has requested an additional one hundred nine days extension of time for completion of construction to approximately December 29, 1984, and further desires to substitute an extended Letter of Credit for the construction bond required by Resolution No. 811-83; and

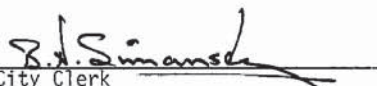
WHEREAS, the Venice City Council is inclined to grant said request subject to the terms and conditions set forth herein,

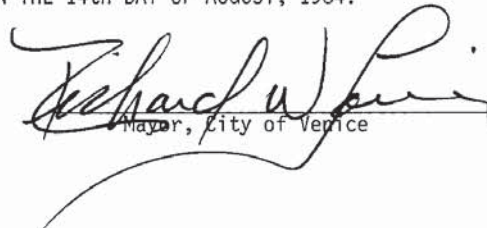
NOW, THEREFORE, BE IT RESOLVED BY THE VENICE CITY COUNCIL, as follows:

1. Waterside Woods, Ltd. shall have until December 29, 1984, to complete the bridge and other improvements over and adjacent to Blackburn Canal as required by Resolution No. 518-74, as amended and supplemented by Resolution No. 755-82 and Resolution No. 811-83.
2. As a condition precedent to said extension of time, Waterside Woods, Ltd. shall cause the current \$100,000.00 Letter of Credit issued by Southeast Bank (Letter No. 201) to be extended to at least December 31, 1984.
3. The City of Venice agrees to accept the extended Letter of Credit in lieu of a construction bond provided that said Letter of Credit is kept in full force and effect until completion of construction and payment of all contractors, subcontractors and suppliers, and provided further that either a maintenance bond or a reduced Letter of Credit in an agreed amount is kept in full force and effect for a period of one year after completion of construction.
4. In all other respects not inconsistent herewith or as amended hereby, Resolutions 518-74, 755-82 and 811-83 shall remain in full force and effect.
5. This Resolution, once adopted by the City Council and consented to by Waterside Woods, Ltd. or its assigns, shall be recorded among the public records of Sarasota County, Florida, by the City of Venice, Florida, and such recording shall be evidence of the satisfaction of the condition precedent mentioned in Paragraph 2. This Resolution shall be binding upon Waterside Woods, Ltd., and its successors and assigns.

PASSED AND ADOPTED BY CITY COUNCIL ON THE 14th DAY OF AUGUST, 1984.

ATTEST:


City Clerk


Mayor, City of Venice

I, BERNARD N. SIMANSKEY, City Clerk of the City of Venice, Florida, a municipal corporation in Sarasota County, Florida, do hereby certify that the foregoing is a full and complete, true and correct copy of a Resolution duly adopted by the City Council of said City at a meeting thereof duly convened and held on the 14th day of August, 1984, a quorum being present.

WITNESS my hand and the official seal of said City this 15th day of August, 1984.

B. N. Simanskey
B. N. Simanskey, City Clerk

(S E A L)

CERTIFICATE OF ACCEPTANCE

ACCEPTED by WATERSIDE WOODS, LTD., a limited partnership, this 21st
day of August, 1984.

WITNESSES:

Mary C. Charles
Adeline Marino

WATERSIDE WOODS, LTD.

By:

Donald J. Ruff
A General Partner

RESOLUTION NO. 863-85

A RESOLUTION AMENDING SECTION 2 OF RESOLUTION NO. 518-74 PROVIDING THAT A HOME FOR THE AGED BE A PERMITTED USE ON TRACT D, PINEBROOK SOUTH.

WHEREAS, on December 30, 1974, the Venice City Council adopted Resolution No. 518-74, a comprehensive development master plan for certain property herein generally described as Pinebrook; and

WHEREAS, on December 30, 1974, the City Council adopted Ordinance No. 626-74, rezoning the Pinebrook property to Planned Unit Development (PUD), and incorporating by reference the terms and conditions in Resolution No. 518-74; and

WHEREAS, the present owners of Tract D, Pinebrook South, have now requested an amendment to Resolution No. 518-74 so as to permit the construction of a Home for the Aged on six acres now designated as retail commercial; and

WHEREAS, the Venice Planning Commission, on March 19, 1985, recommended approval of the proposed amendment after a public hearing to be held by the Venice City Council; and

WHEREAS, the proposed amendment is consistent with the present PUD zoning restrictions; and

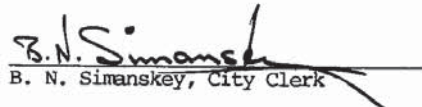
WHEREAS, the Venice City Council on this date did hold a duly advertised public hearing to take and consider public input with respect to the proposed amendment:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA, that Section (2) of Page 3, Resolution No. 518-74, is hereby amended in its entirety to read as follows:

- (2) That nursing homes and homes for the aged shall be permitted uses on those certain six (6) acres, more or less, described as Tract D, Pinebrook South, according to the Plat thereof filed and recorded in Plat Book 23, Page 25, Public Records of Sarasota County, Florida.

APPROVED AND ADOPTED BY CITY COUNCIL ON THE 9TH DAY OF APRIL, 1985.

I, BERNARD N. SIMANSKEY, City Clerk of the City of Venice, Florida, a municipal corporation in Sarasota County, Florida, do hereby certify that the foregoing is a full and complete, true and correct copy of a Resolution duly adopted by the City Council of said City at a meeting thereof duly convened and held on the 9th day of April, 1985, a quorum being present.


B. N. Simanskey, City Clerk

(S E A L)

RESOLUTION NO. 866-85

A RESOLUTION AMENDING RESOLUTION NO. 518-74, RESOLUTION NO. 755-82 AND RESOLUTION NO. 811-83, CONCERNING WATERSIDE WOODS, LTD. AND COMPLETION OF IMPROVEMENTS NORTH OF BLACKBURN CANAL.

WHEREAS, on December 30, 1974, the City Council of the City of Venice, Florida, adopted Ordinance No. 626-74, and Ordinance adding to Chapter 20-A of the Code of Ordinances of the City of Venice, Florida, entitled "PUD" by zoning and including in that classification lands known as Pinebrook South; and

WHEREAS, on December 30, 1974, the City Council of the City of Venice, Florida, adopted Resolution No. 518-74, which Resolution was recorded in O.R. Book 1069, Page 1979, of the Public Records of Sarasota County, Florida; and

WHEREAS, all of the terms and conditions of that Resolution are incorporated by reference in Ordinance No. 626-74 of the Code of Ordinances of the City of Venice, Florida; and

WHEREAS, Paragraph (21) C of that Resolution required all improvements on the property described in that Resolution which lie North of Blackburn Canal to be constructed by the Developer within seventy-two (72) months from the recording of that Resolution, or February 19, 1981; and

WHEREAS, ISLAND SOUND CORPORATION, or its assigns, entered into a contract to purchase all of the real property described in Resolution No. 518-74, lying North of Blackburn Canal, from BERWIND REALTY SERVICES, INC., the successor in interest to the original Developer, TIDEWATER VILLAGE, LTD., and requested from the City of Venice an extension of the time within which to complete improvements North of Blackburn Canal, and the City of Venice agreed to such extension upon certain additional terms and conditions; and

WHEREAS, on November 25, 1980, the City Council of the City of Venice, Florida, adopted Resolution No. 690-80, which authorized an extension of time to February 19, 1983, by amendment of Resolution No. 518-74, and further adopted certain additional terms consistent with that extension; and

WHEREAS, on September 14, 1982, the City Council of the City of Venice, Florida, adopted Resolution No. 755-82, which authorized an extension of time until February 19, 1984, by amendment of Resolution No. 518-74 and Resolution No. 690-80, and further adopted certain additional terms consistent with that extension; and

WHEREAS, on November 8, 1983, the City Council of the City of Venice, Florida, adopted Resolution No. 811-83, which authorized an extension of time requiring the construction of certain improvements North of Blackburn Canal within nine (9) months of receipt of notice by the owner from the City to have said improvement constructed; and

WHEREAS, the notice was given by the City of Venice to construct the improvements which improvements have been completed; and

WHEREAS, WATERSIDE WOODS, LTD. in accordance with the City of Venice Resolution No. 518-74 is desirous of turning over said improvements to the City of Venice; and

WHEREAS, the construction and installation of said improvements complies with the rules and regulations of the City of Venice; and

WHEREAS, WATERSIDE WOODS, LTD. has submitted the documentation required by the City of Venice; and

WHEREAS, pursuant to Resolution No. 518-74, WATERSIDE WOODS, LTD. is obligated to build a road, sidewalks and curbing in the right-of-way described in Resolution No. 518-74; and

WHEREAS, there is no current necessity for the road, sidewalks and curbing to be constructed but WATERSIDE WOODS, LTD. and the City of Venice are desirous of completing the requirements of Resolution No. 518-74.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA, as follows:

1. The bridge and necessary appurtenances in the area above described and depicted on the as-built plans filed with the City of Venice by WATERSIDE WOODS, LTD. are hereby accepted as part of the bridge and street system of the City of Venice, Florida. WATERSIDE WOODS, LTD. shall provide the City of Venice with a maintenance bond or letter of credit acceptable to the City Attorney in the amount of 15% of the cost of construction of the bridge and necessary appurtenances which said bond or letter of credit will by its terms remain in full force and effect for a period of one year from the date of adoption of this Resolution.

2. Paragraph (4)(b)(i) of Resolution No. 518-74 is hereby amended to read as follows:

"(4)(b)(i) Shall be obligated to construct the road, sidewalks and curb in the forty (40) foot easement mentioned in Paragraph A(i) herein upon the payment to the City of Venice by WATERSIDE WOODS, LTD. of the sum of \$85,166.00. Upon written notification of any property owner adjacent or contiguous to said right-of-way, the City of Venice will construct said road, sidewalks and curb within 180 days after receipt of said notification.

Until WATERSIDE WOODS, LTD. pays the City of Venice the sum of \$85,166.00, the original provisions of Resolution No. 518-74 (4)(b)(i) will be in full force and effect.

3. Upon the payment by WATERSIDE WOODS, LTD. of the \$85,166.00, the City of Venice will release WATERSIDE WOODS, LTD. of any and all obligations to construct the road, curbing and sidewalk in the forty (40) foot easement as required by Resolution No. 518-74, or any amendments thereto.

4. The terms and conditions of the Resolution amending Resolution No. 518-74 shall inure to the benefit of any successors in interest or title to WATERSIDE WOODS, LTD.

5. In all other respects not inconsistent herewith or as amended hereby, Resolution No. 518-74 shall remain in full force and effect, unaltered as to its terms.

6. This Resolution, once adopted by the City Council and consented to by WATERSIDE WOODS, LTD., or its assigns, shall be recorded among the Public Records of Sarasota County, Florida, by the City of Venice, Florida. This Resolution shall be binding upon WATERSIDE WOODS, LTD., and its successors and assigns.

APPROVED AND ADOPTED BY THE COUNCIL OF THE CITY OF VENICE, FLORIDA, THIS 14TH DAY OF MAY, 1985.

Richard W. [Signature]
MAYOR, CITY OF VENICE

ATTEST:

B. Simons
City Clerk

I, BERNARD N. SIMANSKEY, City Clerk of the City of Venice, Florida, a municipal corporation in Sarasota County, Florida, do hereby certify that the foregoing is a full and complete, true and correct copy of a resolution duly adopted by the City Council of said City at a meeting thereof duly convened and held on the 14th day of May, 1985, a quorum being present.

WITNESS my hand and the official seal of said City this 16th day of May, 1985.

B. N. Simanskey
B. N. Simanskey, City Clerk

CERTIFICATE OF ACCEPTANCE

ACCEPTED by WATERSIDE WOODS, LTD., a limited partnership, this 14th day of May, 1985

WATERSIDE WOODS, LTD.

WITNESSES:

Ray A. Barnick
M. Barbara Wood

By:

Donald J. Papp
a General Partner

BILL OF SALE

KNOW ALL MEN BY THESE PRESENTS, that WATERSIDE WOODS, LTD., part of the first part, for and in consideration of the sum of TEN (\$10.00) DOLLARS and other valuable consideration, to it paid by the CITY OF VENICE, party of the second part, the receipt of which is hereby acknowledged, by these presents does grant, bargain, sell, transfer and deliver unto the part of the second part, its successors and assigns, all those certain goods and chattels located in the County of Sarasota, and the State of Florida, more particularly described as follows:

A bridge and all appurtenances over Blackburn Canal located in the extension of Pinebrook Road right-of-way.

It is the purpose and intent of the part of the first part to convey to the party of the second part by this Bill of Sale all of said bridge, together with all of the rights of the party of the first part arising out of any and all guarantees, performance bonds, contracts and agreements of the party of the first part in connection with said bridge.

TOGETHER with every right, privilege, permit and easement of every kind and nature of the party of the first part, in and to and in connection with the aforesaid bridge, reserving however, similar non-exclusive easement rights in party of the first part.

TO HAVE AND TO HOLD the same unto the party of the second part, its successors and assigns, forever.

AND THE PARTY OF THE FIRST PART does for itself and its successors covenant to and with the party of the second part, its successors and assigns, that it is the lawful owner of the above described goods and chattels and that the said property is free and clear of all liens, encumbrances, and charges whatsoever; that it has good right and lawful authority to sell the same as aforesaid; and that it does warrant to defend the title and the sale of the said properties hereby made, unto the said part of the second part, its successors and assigns, against the lawful claims and demands of all persons whomsoever.

IN WITNESS WHEREOF, the said party of the first part has caused these presents to be signed and its name by its proper officers and its corporate seal to be affixed, on this day of , 1985.

WITNESSES:

Kay A. Barnick
W. Barbara Zins

WATERSIDE WOODS, LTD.

By: Donald I. Pegg

WITNESSES:

B. N. Simons
Juan M. de la Serna

CITY OF VENICE

By: Richard W. Lewis
Mayor, City of Venice

SWORN TO and subscribed before me on this 21 day of May, 1985.

My Commission expires:

Mary C. Charles
Notary Public

Notary Public, State of Florida at Large
My Commission Expires Sept. 23, 1985
Bonded By U. S. F. & G. Co.

AGREEMENT

WHEREAS, the CITY OF VENICE, hereinafter referred to as "CITY" and WATERSIDE WOODS, LTD., hereinafter referred to as the "DEVELOPER", have agreed to a procedure for the payment of \$85,166.00 to the CITY in lieu of constructing the northern extension of Pinebrook Road; and

WHEREAS, the parties have agreed to certain conditions concerning the eventual construction of the improvements and protection of each party from potential liability because of the construction of the now existing bridge over the Blackburn Canal;

WHEREAS, it is necessary to reduce this Agreement to writing:

IT IS THEREFORE AGREED as follows:

1. Upon the adoption of a Resolution by the City Council of the City of Venice as attached, DEVELOPER will:

(A) Supply the CITY OF VENICE a set of drawings prepared by DEVELOPER's Engineer, Ted Yeatts, for the construction of Pinebrook Road extension with the understanding the CITY OF VENICE can use or modify said drawings in the construction of the road. The CITY OF VENICE hereby releases DEVELOPER and its Engineer, Ted Yeatts from any liability as to the completeness or accuracy of said plans and if they are used in construction of the road extension, from any and all liability in connection with said construction.

(B) Upon notification by the City Manager, construct within 20 days, the following:

(1) A fence on the North and South sides of the bridge over Blackburn Canal. Said fence to be at least six feet in height and to be from waters edge to waters edge blocking access to said bridge.

(2) a barricade of post implanted in the road right-of-way North of where the pavement of Pinebrook Road now ends. Said post to be marked with appropriate reflectors as determined by the City Engineer or appropriate City Official.

2. Upon construction of Pinebrook Road extension by the CITY, DEVELOPER's obligations under this Agreement shall be terminated.

WITNESSES:

B. J. Simons
Jan M. de Menico

WITNESSES:

Kay A. Bannick
M. Barbara Wand

CITY OF VENICE

By: Richard W. [Signature]

Dated this 21st day of May 1985.

WATERSIDE WOODS, LTD.

By: Donald I. [Signature]

Dated this 21st day of May 1985.