

Prepared by and return to:
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236 Pedro St.
Venice, Florida 34285

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

This Open Space Restriction and Covenant Pursuant to the City of Venice Land Development Regulations (“Restriction”) is made and entered this _____ day of _____, 2021, by Forestar (USA) Real Estate Group, Inc., a Delaware corporation (“Owner”).

R E C I T A L S:

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

B. At Owner’s request, the City Council of the City of Venice, Sarasota County, Florida, rezoned the Property to Planned Unit Development (“PUD”) by Ordinance No. 2020-09 (the “Rezone Ordinance”).

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

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

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

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

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

- a. The Open Space Lands shall be unoccupied, or predominantly unoccupied, by buildings or other impervious surfaces.

- b. The Open Space Lands shall only be used for stormwater management, parks, recreation, conservation, preservation of native habitat and other natural resources, or historic or scenic purposes.
- c. No more than five percent (5%) of the Open Space Lands may be occupied by impervious surfaces.

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

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

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

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

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

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

WITNESSES:

Owner:
Forestar (USA) Real Estate Group, Inc.,
a Delaware corporation

Print Name: _____

By: _____
Print Name: Anthony Squitieri
Title: Division President

Print Name: _____

STATE OF FLORIDA
COUNTY OF SARASOTA

The foregoing instrument was sworn to and acknowledged before me this _____ day of _____, 2021, by Anthony Squitieri as Division President of Forestar (USA) Real Estate Group, Inc., a Delaware corporation, who is personally known to me or who has produced _____ as identification and who did not take an oath.

Notary Public – State of Florida

ACCEPTANCE

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

ATTEST

Ron Feinsod, Mayor

Lori Stelzer, MMC, City Clerk

Approved as to form:

Kelly M. Fernandez, City Attorney

EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF SARASOTA, STATE OF FLORIDA, AND DESCRIBED AS FOLLOWS:

TRACTS 267 268, 269, 270, 271, 272, 273 AND 274, NORTH VENICE FARMS, ACCORDING TO MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 203, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA.

LESS AND EXCEPT THAT CERTAIN PARCEL ACQUIRED BY THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION BY INSTRUMENT RECORDED IN OFFICIAL RECORDS BOOK 1202, PAGE 1127, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA.

LESS AND EXCEPT THOSE CERTAIN PARCELS ACQUIRED BY SARASOTA COUNTY, FLORIDA BY INSTRUMENT RECORDED UNDER CN 2004242187 AND CN 2006186450, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA.

LESS AND EXCEPT THAT CERTAIN PARCEL ACQUIRED BY THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION BY INSTRUMENT RECORDED UNDER CN 2008036088, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA.

SAID LANDS BEING MORE PARTICULARLY DESCRIBED AND SURVEYED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 3, ALSO BEING THE CENTER LINE INTERSECTION OF NORTH CLERMONT ROAD (66 FOOT RIGHT OF WAY) AND BORDER ROAD (RIGHT OF WAY VARIES) AS SHOWN ON SAID PLAT OF NORTH VENICE FARMS; THENCE SOUTH 89 DEGREES 39 MINUTES 40 SECONDS EAST ALONG THE CENTER LINE OF SAID BORDER ROAD ALSO BEING THE NORTH LINE OF SAID NORTHWEST QUARTER OF SAID NORTHEAST QUARTER A DISTANCE OF 33.00 FEET TO INTERSECT THE NORTH EXTENSION OF THE EAST RIGHT OF WAY OF SAID NORTH CLERMONT ROAD; THENCE SOUTH 00 DEGREES 34 MINUTES 21 SECONDS WEST A DISTANCE OF 46.58 FEET TO THE EXISTING SOUTH RIGHT OF WAY LINE OF BORDER ROAD AS DESCRIBED IN OFFICIAL RECORDS INSTRUMENT NUMBER 2004242187, AS RECORDED IN THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, AND THE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 51 MINUTES 20 SECONDS EAST

ALONG SAID SOUTH RIGHT OF WAY LINE AS MEASURED A DISTANCE OF 1609.84 FEET TO A POINT LYING 33 FEET SOUTH OF AT RIGHT ANGLES TO THE CENTER LINE OF SAID BORDER ROAD; THENCE SOUTH 89 DEGREES 39 MINUTES 40 SECONDS EAST ALONG SAID LINE A DISTANCE OF 988.15 FEET TO THE NORTHEAST CORNER OF SAID LOT 270, LYING ON THE WEST RIGHT OF WAY LINE OF JACARANDA BOULEVARD (RIGHT OF WAY WIDTH VARIES); THENCE SOUTH 00 DEGREES 30 MINUTES 40 SECONDS WEST ALONG SAID LINE ALSO BEING THE EAST LOT LINE OF SAID LOTS 270 AND 274 A DISTANCE OF 1255.16 FEET TO THE EXISTING SOUTHEAST CORNER OF SAID LOT 274; THENCE NORTH 89 DEGREES 44 MINUTES 03 SECONDS WEST ALONG THE SOUTH LOT LINES OF SAID LOTS 271 THRU 274, ALSO BEING THE NORTH RIGHT OF WAY LINE OF EWING DRIVE (66 FEET OF RIGHT OF WAY) A DISTANCE OF 2235.68 FEET TO THE EAST LIMITS OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS INSTRUMENT NUMBER 2008036088, AS RECORDED IN THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA; THENCE ALONG THE EAST AND NORTH MONUMENTED LIMITS OF SAID LANDS THE FOLLOWING TWO CALLS; NORTH 00 DEGREES 15 MINUTES 11 SECONDS EAST A DISTANCE OF 202.28 FEET (201.78 FEET DEED) SOUTH 89 DEGREES 59 MINUTES 40 SECONDS WEST A DISTANCE OF 362.45 FEET (362.61 FEET DEED) TO THE EAST RIGHT OF WAY LINE OF SAID NORTH CLERMONT ROAD; THENCE NORTH 00 DEGREES 34 MINUTES 21 SECONDS EAST ALONG SAID EAST RIGHT OF WAY LINE A DISTANCE OF 1044.34 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

TRACT 279, NORTH VENICE FARMS, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 203, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA; LESS THE EASTERLY 17 FEET THEREOF.

ALSO LESS AND EXCEPTING THE FOLLOWING DESCRIBED PORTION FOR ROAD RIGHT OF WAY PURPOSES AS RECORDED IN OFFICIAL RECORDS BOOK 2449, PAGE 977, PUBLIC RECORD OF SARASOTA COUNTY, FLORIDA. SAID LANDS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF THE GRANTOR'S TRACT AS RECORDED IN O.R. 1258, PAGE 211, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, IN SECTION 3, TOWNSHIP 39 SOUTH, RANGE 19 EAST, THE SAME BEING A PORTION OF LOT 279, NORTH VENICE FARMS, AS RECORDED IN PLAT BOOK 2,

PAGE 203, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF LOT 279, NORTH VENICE FARMS, AS RECORDED IN PLAT BOOK 2, PAGE 203, SARASOTA COUNTY, FLORIDA, THENCE N.86°50'51"W., ALONG THE SOUTHERLY BOUNDARY OF SAID LOT, A DISTANCE OF 17.03 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUE N.86°50'51"W., A DISTANCE OF 36.68 FEET TO A POINT ON A CURVE; THENCE 60.82 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 3650.00 FEET; A CENTRAL ANGLE OF 0°57'17", AND A CHORD OF 60.82 FEET WHICH BEARS N.6°40'19"W., THENCE N.7°08'57"W., A DISTANCE OF 157.05 FEET; THENCE N.82°51'03"E., A DISTANCE OF 20.00 FEET TO A POINT ON A CURVE; THENCE 311.12 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 3930.00 FEET, A CENTRAL ANGLE OF 4°32'09", AND A CHORD OF 311.04 FEET WHICH BEARS N.4°52'53"W., TO THE NORTHERLY BOUNDARY OF SAID LOT; THENCE S.89°37'39"E., ALONG SAID BOUNDARY A DISTANCE OF 75.31 FEET, THENCE S.0°35'20"W., A DISTANCE OF 530.21 TO THE POINT OF BEGINNING..

Exhibit "B"

The "Open Space Lands"

Tract 300; Tract 500; Tract 501; Tract 600; Tract 601; Tract 602; Tract 603; Tract 604; Tract 605; Tract 606; Tract 607; Tract 608; the 170' Florida Power & Light Easement depicted on Sheets 5 and 8 (exclusive of those portions of such easement lying within Tract 100); and the "Conservation Easement" parcel depicted on Sheet 10, all lying within the plat of Palencia, recorded in Plat Book ____, Pages ____ through ____, Public Records of Sarasota County, Florida.