

*Proj.
Lanwan
Box*

gulf side. The building had been checked out by the Building Department, insurance obtained, bond posted and the Building Department's check list will be completed before the temporary C.O. is issued. It was moved by Batten, seconded by McCormick that authorization be granted for issuance of the temporary certificate of occupancy for a model apartment at Pelican Harbour. Motion carried unanimously.

11. INN ON THE BEACH TEMPORARY C.O.'S

The Town Manager stated that requests had been received from the Inn on the Beach for temporary certificates of occupancy for buildings H-1, H-2, L-2, pump house generator facility, pool equipment room and pool rest rooms, swimming pool and dune walkover structures. The structures all meet the criteria for temporary C.O. authorization, and will satisfy the Building Department's check list before issuance of the temporary C.O. It was moved by Bell, seconded by McCormick that authorization be given for issuance of temporary certificates of occupancy for the requested structures at the Inn on the Beach. Motion carried unanimously.

12. SIGN HEIGHT VARIANCE REQUEST DEFERRED

Request had been received from John DeLuca at 5655 Gulf of Mexico Dr. for a height variance for a name sign at his residence. The requested variance was for 15' rather than the permitted 12 foot height. It was moved by Bell, seconded by Batten that the variance not be granted. Motion lost on tie vote with Bell, Kirst and Batten voting, "aye", Rauch, McCormick and Ochs voting, "no". The matter was forwarded to the next workshop for further discussion.

13. EMERGENCY GENERATOR BIDS AUTHORIZATION

The Commission had discussed at the previous day's workshop need for an emergency generator at the mid-key water storage tank. It was moved by Batten, seconded by McCormick that authorization be granted to proceed to obtain bids for the emergency generator. Town Manager Allgire said he had, as directed by the Commission, gotten an engineering opinion that because of the size of the generator needed to service a 100 horsepower pump it would be impossible for it to be portable. Motion carried unanimously.

14. NEPTUNE-BUTTONWOOD DRAINAGE PROJECT ENGINEERING AUTHORIZATION

At the previous day's workshop a proposal from Smally, Wellford and Nalven to complete the engineering for a drainage project in the Buttonwood-Neptune area for a total price of \$8500 had been discussed. \$5500 of that amount had already been expended by the engineers. It was moved by Batten, seconded by Bell that authorization be given for completion of the engineering for the project. Town Manager Allgire stated the engineers would be asked to make a determination of the properties which would benefit by the project in case it is decided to finance it by means of a special assessment district. Motion carried unanimously.

15. BAY ISLES UNIT 3 SUBDIVISION PLAT

✓ The Town Manager explained the procedures by which a subdivision plat can be approved. Further, that a final subdivision plat for Unit 3 of Bay Isles had been processed by Staff and was now ready for Commission approval. Some Commissioners felt they would have preferred the plat be reviewed by the P&Z Board before coming to the Commission. It was moved by Batten, seconded by Ochs that approval of the plat be granted. Motion carried unanimously.

*Take Note
THIS IS FOR SC.
SHOULD BE APPROVED
TO SUBMISSION PLANS.
HTC*

Arvida Corporation

SARASOTA DIVISION
301 GULF OF MEXICO DRIVE
POST OFFICE BOX 6166
SARASOTA, FLORIDA 33578
TELEPHONE (813) 388-2178

Z. O. HAMILTON, JR.
DIRECTOR OF DEVELOPMENT

*Photo
fairway
Bay
S
Title
Op.*

MEMORANDUM

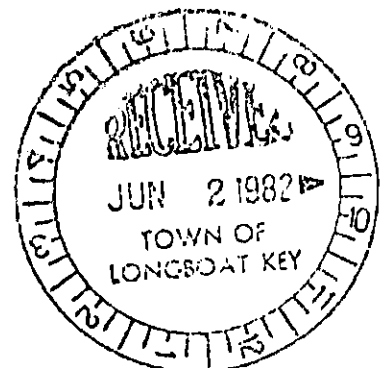
TO: Albert T. Cox, Jr.
FROM: Z. O. Hamilton, Jr. *chip*
REF: Bay Isles Unit 3, Title Opinion

Attached is the attorney's title opinion for the Bay Isles Unit 3 plat. *Submission*

Thank you very much.

ZOH:b
Attachment
cc: George A. Dietz

6-14-82



LAW OFFICES
WILLIAMS, PARKER, HARRISON, DIETZ & GETZEN

PROFESSIONAL ASSOCIATION

1550 RINGLING BOULEVARD

POST OFFICE BOX 3258

SARASOTA, FLORIDA 33578

TELEPHONE (813) 366-4800

J. J. WILLIAMS, JR. (1886-1968)

FRAZER F. HILDER
OF COUNSEL

W. DAVIS PARKER
WILLIAM T. HARRISON, JR.
GEORGE A. DIETZ
WILLIAM E. GETZEN
MONTE K. MARSHALL
JAMES L. RITCHEY
A. LAMAR MATTHEWS, JR.
RUSSELL S. KOSS
HUGH MCPHEETERS, JR.
WILLIAM G. LAMBRECHT
JOHN T. BERTEAU
JOHN V. CANNON III
CHARLES D. BAILEY, JR.
J. MICHAEL HARTENSTINE
MICHELE BOARDMAN GRIMES
JAMES L. TURNER
WILLIAM M. SEIDER

June 1, 1982

Arvida Corporation
Post Office Box 6166
Sarasota, Florida 33577

Gentlemen:

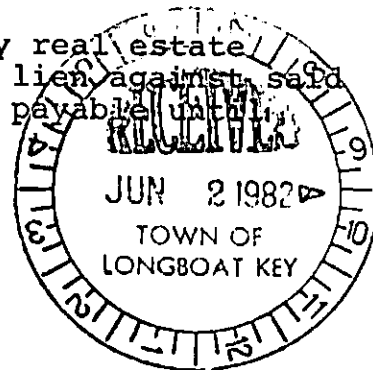
Pursuant to your request, we have examined the title to the following described property located in Sarasota County, Florida, to-wit:

That certain tract of land lying in Sections 8 and 17, Township 36 South, Range 17 East, Town of Longboat Key, Sarasota County, Florida, to be subdivided into a subdivision known as "Bay Isles, Unit No. 3", which lands are more particularly described in Exhibit "A" attached hereto and made a part hereof.

Our examination of said title is based upon a review of Abstract of Title No. 125797 comprising pages 1 to 378, inclusive, compiled by Record Title Company, said Abstract purporting to show the title to the aforesaid property from the earliest existing public records of Sarasota County, to and including the 3rd day of March, 1982 at 5:00 p.m., and a search of the public records of Sarasota County to date hereof.

Based upon this examination, we find that on the date last mentioned Arvida Corporation, a Delaware corporation authorized to do business in the State of Florida, was the owner of a good, marketable, fee simple title to said property, free and clear of any lien or encumbrance of record, except the following:

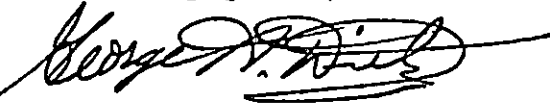
1. County of Sarasota and Town of Longboat Key real estate taxes for the current year (said taxes became a lien against said property as of January 1st, but are not due and payable until November 1st).



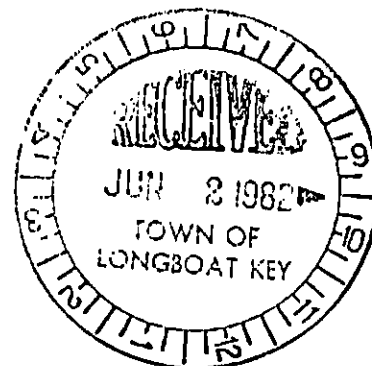
June 1, 1982

2. Town of Longboat Key Zoning Regulations and all other applicable governmental regulations.
3. Declaration of Maintenance Covenants and Restrictions on The Commons for Bay Isles as recorded in Official Records Book 1116, pages 1858 through 1914, inclusive, Public Records of Sarasota County.
4. Rights or claims of persons in actual possession, if any, other than the owner.
5. Unrecorded easements, if any, on, above or below the surface.
6. Any discrepancies or conflicts in boundary lines, shortage in area, encroachments, overlaps, or other matters which a correct survey or an inspection of the premises would disclose.
7. / Possible unfilled Mechanic's or Materialmen's Liens.
8. Subject to the Bulkhead Line established by the Town of Longboat Key and approved by the Florida Board of Trustees of the Internal Improvement Trust Fund by Certificate of Approval executed February 23, 1973, as recorded in Official Records Book 1001, page 550, Public Records of Sarasota County.
9. Easement to Florida Power & Light Company as granted by an instrument dated August 1, 1927, and filed in Deed Book 91, page 245.

Very truly yours,



For the Firm
GAD:dcm

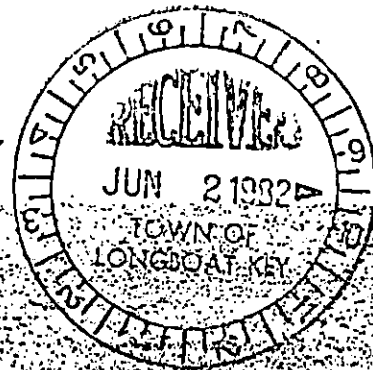


DESCRIPTION

A parcel of land lying Longboat Key in Sections 8 17, Township 36 South, Range 17 East, Sarasota County, Florida, being more particularly described as follows:

Commence at the intersection of the easterly right-of-way line of Gulf of Mexico Drive (100' wide) and the northerly right-of-way line of Bay Isles Boulevard, a private road (120' wide at this point), as shown on the plat of Bay Isles Unit No. 1, recorded in Plat Book 23, Page 35, Public Records of Sarasota County, Florida, run thence eastwardly along said right-of-way line of Bay Isles Boulevard, the following calls and distances; N 43° 14' 56" E, 175'; S 46° 45' 04" E, 20'; N 43° 14' 56" E, 75' to the end of Bay Isles Boulevard as recorded in said Bay Isles Unit No. 1 (80' wide at this point) for a Point of Beginning; thence re-tracing the aforementioned calls and distances run S 43° 14' 56" W, 75'; N 46° 45' 04" W, 20'; S 43° 14' 56" W, 175' to the aforementioned intersection of the easterly right-of-way line of Gulf of Mexico Drive and the northerly right-of-way line of Bay Isles Boulevard; thence run N 46° 45' 04" W along said easterly right-of-way line of Gulf of Mexico Drive, 613.03' to a point; thence leaving said easterly right-of-way line run N 43° 17' 46" E, 309.84' to a point; thence N 06° 07' 13" W, 479.47' to a point; thence N 22° 27' 39" W, 206.53' to a point; thence N 57° 23' 31" W, 25.00' to a point; thence N 27° 23' 31" W, 150.00' to a point; thence N 37° 15' 00" E along a radial line 138' to the point of curvature of a curve to the right, said point laying 740' S 37° 15' 00" W of the center thereof; thence northwardly along the arc of said curve, having a radius of 740' and a central angle of 34° 37' 54", 447.28' to point of tangency; thence N 18° 07' 06" W, 265.54' to the point of curvature of a curve to the left; thence northwardly along the arc of said curve having a radius of 660' and a central angle of 15° 20' 41", 176.76'; thence N 56° 32' 13" E, 80'; thence N 51° 22' 08" E, 81.16' to a point on the Official Bulkhead Line of the Town of Longboat Key; thence eastwardly along said bulkhead line the following calls and distances; N 88° 30' 00" E, 350'; S 30° 40' 00" E, 635'; S 82° 00' 00" E, 200'; S 44° 30' 00" E, 300'; S 09° 00' 00" E, 480'; S 43° 45' 00" E, 681.26' to a point on the northerly boundary of said Bay Isles Unit No. 1; thence leaving said bulkhead line run westwardly and northwardly along said northerly line the following calls and distances; S 10° 28' 47" W, 308.12'; S 43° 16' 52" W, 486.12'; S 43° 14' 56" W, 333.67' to a point on the arc of a curve to the right, said point laying 175' S 43° 14' 56" W of the center thereof; thence northwardly along the arc of said curve having a radius of 175' and a central angle of 25° 21' 39", 77.46' to the point of tangency; thence N 21° 23' 25" W, 108.45' to the point of curvature of a curve to the left; thence northwardly along the arc of said curve having a radius of 225' and a central angle of 25° 21' 39", 99.59' to a point of reverse curvature of a curvature of a curve to the right; thence northwardly along the arc of said curve, having a radius of 33.71' and central angle of 90° 00' 00", 52.95' to the point of tangency; thence N 43° 14' 56" E, 41.29'; thence N 46° 45' 04" W, 80' to the Point of Beginning and containing 49.77 acres more or less.

Exhibit "A"



6. Lyons Lane Subdivision Discussion

Town Attorney Christiansen informed the Commission that in the matter of a request for subdivision of property on Lyons Lane there were several factors involved. The property is zoned for single family residential use but it is also on the Open Space Master Plan of the Comprehensive Plan. The Town cannot approve a subdivision of the property without amending the Comprehensive Plan to remove the land from the Open Space Master Plan. If the Town wants to acquire the property it could either purchase it or condemn it. If the latter course is chosen the amount to be paid for the land would be decided by the court. The appraisal price from Mr. Gormley is probably conservative, and based upon that price court costs and all attorney's fees which the Town would have to pay would run about \$50,000. The Town is restricted to pledging funds for any purchase to just the current and following fiscal year so purchase might involve selling bonds and the recent referendum showed the voters not in favor of selling bonds to purchase open space. The Town cannot arbitrarily deny the right to subdivide but can make sure that provisions of the Town and State subdivision codes are properly carried out and the land developed to protect the ultimate purchasers. Town Manager Allgire stated he had contacted the Nature Conservancy and they would send someone to inspect the property to see if there was a possibility of working with them to acquire the property. Also he would contact the Public Land Trust to see if there was any possibility of acquiring it with their help. Either of these avenues might, however, take more time than the Town has under the 30 day time extension granted by the property owner. Robert Stinnett, attorney for the owners, said they would grant an extension of time if the Commission starts the procedures for removing it from the Open Space Map by amending the Comprehensive Plan - which takes time for hearings, etc. If the Commission will not do that then in his opinion the Town has in effect "taken" the property and they would have to proceed accordingly. He said the owners were willing to sell the property to the Town for \$50,000 less than the appraised value. The Town Attorney informed Mr. Stinnett it would take 60 to 90 days to amend the Comprehensive Plan. The Commission directed that an item be added to the June 2 agenda to start the procedure for amending the Comprehensive Plan.

7. Bay Isles Unit 3 Subdivision Plat

Arvida's Chip Hamilton stated that the subdivision plat for Unit 3 of Bay Isles had been changed to include recommendations from the Staff and the title opinion had been given to the Staff. He said the plat was of Fairway Bay, part of Bay Isles Blvd., and parcels MF-C and MF-D directly across the street from Fairway Bay. Town Manager Allgire stated the Staff had no objection to the plat but wanted the Commission to be aware a road realignment was not in compliance with the Outline Development Plan. Arvida Vice-President Wilhelm stated the road was according to the Concept Plan rather than the Outline Development Plan, had already been built and site plan approvals received for some areas based upon the road as built. Technically, the Concept Plan was never accepted over and above the master plan for traffic circulation. The plat was forwarded to the June 2 agenda for Commission action. Commissioner Rauch asked if approval would add to Arvida's claims of vested rights and suggested addition of a caveat stating it would not be added to their claims. The Town Attorney stated the Town had no right to put a caveat in at this point, nor was he sure what one would accomplish.

8. Arvida Revised Land Development Schedule

Town Manager Allgire explained that under Resolution 81-13, which amended Resolution 75-27, Arvida Corp. set out a development schedule defined on a yearly basis for the

cc TC.
GWA
Scott
J. Pool
Fairway
Bay

The following are the results of a review of a request of Arvida Corp. for subdivision approval, titled Bay Isles Unit #3.

1) Sheet #1 of 3

Paragraph: Drainage and Utility Easements

- a) First line, delete word "drainage".
- b) Fourth line, delete word "sewer" add "wastewater" (sanitary).

Paragraph: Certificate of Ownership and Dedication

- a) Should refer to president and secretary. Section 6.41(b).

Paragraph: Certificate of Approval

- a) Refers to preliminary plat previous approval. This is not applicable.
- b) Date 1981 should be revised.

This sheet does not contain paragraph titled "Consent to Dedication (Corporate)." Section 6.41(3).

2) Sheet #2 of 3

- a) 20' reservation for highway widening along the easterly side of Gulf of Mexico Drive should be shown.

ATC:mkd
5/13/82

cc: Chip Hamilton
CF ✓
GWA

Central Files 6-14-82

Fee = 3200
11C

Arvida Corporation

SARASOTA DIVISION
301 GULF OF MEXICO DRIVE
POST OFFICE BOX 6166
SARASOTA, FLORIDA 33578
TELEPHONE (813) 388-2178

Jan van
Bar

cc CF

Z. O. HAMILTON, JR.
DIRECTOR OF DEVELOPMENT

9 February 1982

Mr. Wayne Allgire, Town Manager
Town Of Longboat Key
Longboat Key, Florida 33548

Dear Wayne:

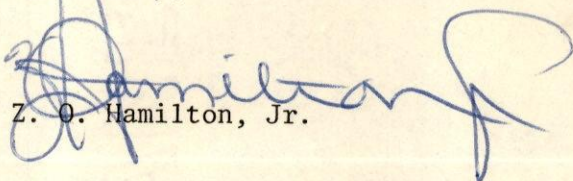
Ref: Subdivision Application for Bay Isles Unit #3

Attached hereto and enclosed please find an application for sub-division approval, completed and executed by Mr. Robert Wilhelm of our offices, and the original acetate copies of the referenced plat, also duly executed.

Please calculate the platting fees and/or bond requirements necessary to complete the platting process for Bay Isles Unit #3, and contact me with what will be the Town's requirements. As soon as we know what those requirements are, payment will be forthcoming and, hopefully, we can complete the platting process for Bay Isles Unit #3.

If you have any questions, or if I may be of assistance, please call. Thank you.

Sincerely,


Z. O. Hamilton, Jr.

ZOH:b
Enclosure
cc: Robert Wilhelm
George Dietz, Esq.
William Bishop

Central Files 6-14-82



TOWN OF LONGBOAT KE
P. O. Box 107
Longboat Key, FL 33548

No. S.D. _____

Date: _____

A P P L I C A T I O N

FOR

S U B D I V I S I O N A P P R O V A L

The undersigned hereby applies for Subdivision Approval and submits the following information in connection therewith:

Location: BAY ISLES PLANNED

Owner-Applicant Arvida Corporation

UNIT DEVELOPMENT

Address: 301 Gulf of Mexico Drive

Post Office Box 6166

Sarasota, Florida 33578

S. D. Name: BAY ISLES, Unit No. 3

Section No. 8 & 17-36-17

Phone: 388-2178

Acreage: 49.77 No. Lots: 2

Regis. Engineer: Bennett & Bishop

Average Lot Area: 25 acres

Address: 4509 Bee Ridge Road

Average Road Frontage

Sarasota, Florida 33583

Per Lot: _____

Engineer's Phone: 371-6362

PLEASE ANSWER FOLLOWING QUESTIONS COMPLETELY:

1. Is construction and development contemplated in near future? yes
2. Approximate price range of houses contemplated condominium
3. Improvements to be installed by subdivider (list) Bay Isles Boulevard;
water lines, sewer lines
4. What lands will be offered for dedication?

