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RESOLUTION NO. 75-27

RESOLUTION APPROVING THE OUTLINE DEVELOPMENT PLAN OF  
"BAY ISLES" BY ARVIDA CORPORATION

WHEREAS, Applicant, Arvida Corporation, has applied to the Town for approval of an Outline Development Plan as amended on April 8, 1975, pertaining to lands located in the "P-D" Zoning District, and

WHEREAS, the Town of Longboat Key has held a public hearing concerning said application; and

WHEREAS, the Town of Longboat Key has found that the approval of the Outline Development Plan as disclosed on the Exhibit attached to the Arvida Corporation's Exhibits:

(a) Will not be detrimental to the public health, safety, comfort, order, appearance, convenience, morals and general welfare of the residents of the Town of Longboat Key; and

(b) The Applicant has made adequate provisions for water and sewer services, traffic and traffic control, fire and police protection subject to the conditions herein enumerated; now, therefore,

BE IT RESOLVED BY THE TOWN OF LONGBOAT KEY:

That the Outline Development Plan submitted by Arvida Corporation for the development of property known as "Bay Isles" be and the same is hereby approved subject to the

TOWN CLERK - TOWN HALL  
501 BAY ISLES RD.  
LONGBOAT KEY, FL 33548

Doc. 2 Date 18

O.R. 1949 PG 0895

O.R. 1949 PG 0896

following conditions and stipulations, to wit:

1. That portion of the above described property which is presently owned by the Town of Longboat Key shall be excluded from the Outline Development Plan, thereby resulting in a deduction of 4 acres which leaves a net acreage of 720.88 acres included in said plan.

2. The gross residential density of said property shall be limited to four units per acre which, when multiplied by the gross acreage of 720.88 acres, will permit a maximum of 2,883 residential units to be constructed on said property.

3. A copy of the Outline Development Plan for the aforesaid property, which development is to be known as "Bay Isles", is attached hereto as Exhibit "A" and by this reference incorporated herein.

4. In consideration of the approval of said Outline Development Plan by the Town, Applicant has agreed to convey to the Town for the purposes and at the time hereinafter specified the fee simple title to the following parcels of land, to wit:

a. A parcel of land approximately one acre in size to be located in the immediate vicinity of the civic and commercial center, the exact location to be mutually agreed upon by the parties based upon the recommendations of the Insurance Service Office or a land planner, which site is to be used for the construction of a fire station by the Town.

75-27

O.R. 1949 PG 0897

b. A parcel of land approximately one acre in size to be located in such area as developer and the Town shall mutually agree, (either within the Bay Isles development or on other land owned by Applicant) the exact location to be based on sound engineering principles, which site is to be used for the construction of a water reservoir tank by the Town.

c. A parcel of land 100 feet in width adjacent to and northerly of the property presently owned by the Town extending from Bay Isles Road to the west property line of Applicant's property, which land is to be used for expansion of the Town Hall or library or a similar public purpose.

d. Conveyance of title to the parcels referred to in Paragraphs a and b shall be at the time when the Town is actually ready and able to commence construction of the respective improvements thereon. Conveyance of title to the property referred in Paragraph c shall be at the time Applicant receives final approval of any portion of the Bay Isles Development Plan. Each of the aforementioned conveyances of title shall be subject to deed restrictions similar to those made a part of the prior conveyance by Applicant to the Town of Longboat Key limiting the use thereof, however, to the purposes hereinabove specified.

5. That portion of the civic and commercial center reflected on the Outline Development Plan as being available

for church sites (approximately 10 acres) shall be deemed to be a civic use and not to be a part of the permitted commercial area provided it is used for a purpose properly defined as a civic use.

6. The preliminary plan for surface water drainage submitted by the Applicant (Exhibit "C" attached hereto) is hereby approved and shall be made a part of the Town's file pertaining to this application. Lakes, streams and waterways (other than Mud Lake) shall be provided with dams, weirs, or other control devices as heretofore approved by the State Department of Pollution Control. Applicant's final drainage plan shall be subject to approval by the Town's consulting engineers.

7. Applicant will provide for acceleration and deceleration lanes on entrances to Bay Isles from Gulf of Mexico Drive if required either by the Town or by the Florida Department of Transportation, which lanes shall be installed at the expense of Applicant.

8. All roads located in Bay Isles will be private roads with the exception of the major collector road servicing the civic and commercial area which shall be public roads. Such public roads will be dedicated to the Town by the Applicant from time to time as Applicant offers a plat of any portion of such civic and commercial center for final approval. The cost of constructing such public roads and

streets shall be at Applicant's expense, but future maintenance shall be by the Town. The remaining roads and streets in Bay Isles shall be deemed to be private streets and roads to be constructed by Applicant or its assigns and thereafter to be maintained either by Applicant or by a property owner's association formed by the Applicant as hereinafter provided.

9. Exhibit "C" (attached hereto) submitted by Applicant reflects the Applicant's preliminary plan for the interior road system of Bay Isles. The minimum width of the right-of-way of said interior roads shall be as follows:

(a) The major entrance road into Bay Isles extending from Gulf of Mexico Drive in a northerly direction along the easterly side of the civic and commercial center and continuing northerly to the T intersection adjacent to the area identified as "MF-I" shall be 100 feet in width.

(b) The right of way of the collector street which provides the main entrance at the southerly end of Bay Isles extending from Gulf of Mexico Drive northerly to its intersection with the main road described in Paragraph (a), above, shall be 80 feet in width.

(c) The roads extending laterally from the road described in Paragraph (a) into the multi-family areas designated as areas G, H, I, K and L and high rise area A and B shall be 60 feet in width.

(d) The right of way of the streets in the single family areas shall be 50 feet in width.

O.R. 1949 PG 0900

10. Exhibit "B" (attached hereto) submitted by Applicant reflects a general location for bicycle paths and pedestrian pathways, including potential access to the Gulf side of Gulf of Mexico Drive (if such usage is permitted by the Florida Department of Transportation). At the time of applying for final approval of any portion of the Bay Isles development, either the final plat or the construction plans shall reflect the exact location of any such bicycle paths and pedestrian walkways located within that portion and to be constructed as a part thereof.

11. Provision shall be made by the Applicant for access by emergency vehicles only over and across the following portions of said bicycle paths and pedestrian walkways, to wit:

(a) Between Bogey Lane and the southerly portion of the single family area.

(b) Between the two cul-de-sacs located in the northwesterly portion of the Bay Isles development.

(c) Between the marina area and the cul-de-sac located in the multi-family area on the northeasterly portion of the Bay Isles development.

(d) Such access routes shall be so constructed as to discourage any vehicular traffic except emergency vehicles.

(e) Such emergency routes shall be used only during actual emergencies.

12. It is understood by the Applicant that the Florida Department of Transportation may, at some time in the future, widen Gulf of Mexico Drive which extends along the westerly boundary of Bay Isles. Accordingly, Applicant agrees to reserve and set aside a strip of land 20 feet in width along that portion of Bay Isles which abuts the easterly right-of-way line of Gulf of Mexico Drive, which land will be dedicated to the State for road right-of-way purposes at such time as said land (or any lesser portion thereof) is actually required for this specific purpose. In the interim, however, it is understood that such strip of land may be conveyed by Applicant to a Home Owners' Association as a part of the common open space of Bay Isles, although in such event this covenant shall run with the title to such land and said association shall be bound to subsequently dedicate such right-of-way to the State in accordance with the foregoing provisions. It is further understood that Applicant has heretofore granted an easement over said land to Florida Power and Light Company and reserves the right to grant additional easements over and across said property. Applicant further reserves the right to construct bicycle and pedestrian path ways over said property. As each plat affecting any portion of such strip is offered for final approval, Applicant agrees to indicate the foregoing reservation of record either by including reference thereto on the plat or by separate

O.R. 1949 PG 0901

O.R. 1949 PG 0902

document to be recorded simultaneously therewith.

13. Applicant acknowledges that the entrances into Bay Isles may eventually require traffic signalization lights. At such time as these lights are requested by the Town and installation is approved by the Florida Department of Transportation, Applicant agrees to supply and install such lights or pay the cost thereof if installed by a State agency. Upon installation, future maintenance costs and operating costs will be borne either by the State Department of Transportation or by the Town of Longboat Key.

14. The necessity for protecting present and future residents of the Town from the burden of assuming the cost of certain facilities and services that should be borne by this development is recognized by this paragraph which sets out the responsibility for original construction of a facility and also sets forth provisions for bearing future maintenance costs of each facility, to wit:

Facility	Responsibility For Construction	Responsibility For Future Maintenance
Golf course, tennis courts and Club House facilities	Arvida Corp., or assigns	Arvida Corp., or assigns
Recreational facilities other than Golf course, tennis courts and Club House	Arvida Corp., or assigns	Arvida Corp., or homeowners' association
Marina and boat docking facilities	Arvida Corp., or assigns	Arvida Corp., or assigns

75-27

Common open space	Arvida Corp., or assigns	Arvida Corp., or homeowners' association
Bicycle paths and pedestrian walkways	Arvida Corp. or assigns	Arvida Corp., or homeowners' association
Lakes, interior can- als and retention ponds	Arvida Corp. or assigns	Arvida Corp., or homeowners' association
Boat access channels and perimeter chan- nel (including banks of channels)	Arvida Corp., or assigns	Arvida Corp., or homeowners' association

O. R. 1949 PG 0903

15. In order to efficiently carry out the future re-  
sponsibility for maintenance of the various facilities, as  
hereinabove enumerated, Applicant shall have the right to  
create as many neighborhood property owners' associations  
and condominium associations as it may deem desirable and  
shall also have the right to form a master property owners'  
associations and condominium associations as it may deem  
desirable and shall also have the right to form a master  
property owners' association comprised of all property  
owners in Bay Isles (either directly or by representation),  
which associations shall be chartered as non-profit corporations  
under the laws of the State of Florida and whose primary  
purposes shall be the operation, management and maintaining  
of those facilities designated for the use and benefit of  
the residents of Bay Isles.

16. This Commission recognizes the extreme difficulty  
in establishing any fixed and unalterable time period within

75-27

O.R. 1949 PG 0904

which the Applicant will file applications for the final approval of the numerous phases of development of Bay Isles due to constantly changing circumstances pertaining to land development and home construction. Therefore, this Commission has accepted the following schedule of sequence of development or phasing over the next five years as sufficiently meeting the intent of the Ordinance in this respect, to wit:

(a) The first stage of development will be the 13 lots comprising the southernmost tier of single family subdivision lots adjacent to Country Club Shores. Application for final approval of such subdivision plat will be made within six months after date hereof.

(b) The second phase of development will be the remaining portion of the single family subdivision lots located at the southerly end of Bay Isles (consisting of 67 lots), the platting of which lots will take place in either two or three stages. Application for final approval of such plats will be made within one year after date hereof.

(c) The third phase of development will be the low density, low rise residential area located adjacent to and northeasterly of Buttonwood Harbor, which development will consist of either single family lots, patio homes or townhouses (or a mixture thereof). Application for final approval of plats of this area will be made within one year after date hereof.

(d) Within the next two years after date hereof,

75-27

O.R. 1949 PG 0905

Applicant will apply for final approval of several additions to the civic and commercial center. Periodically thereafter, during the course of development of other portions of Bay Isles, final approval will be requested for further additions to the civic and commercial center in phase with the overall development of Bay Isles.

(e) Based upon demand for an additional golf course facility on Longboat Key created by the development of Bay Isles, Applicant agrees that construction will commence on an 18 hole golf course approximately three to four years after date hereof or when 500 living units have been constructed and occupied.

(f) Application for final approval of plats pertaining to the low rise residential area located on each side of the southerly entrance road into Bay Isles northerly of and adjacent to the single family area (in multi-family areas designated as A, C and D) will be made within three years after date hereof.

(g) In the third to fifth years after date hereof, application will be made for final approval of plats pertaining to development of the multi-family areas designated as B, E and F.

(h) The foregoing sequence of development of Bay Isles covers the first five years after date hereof. The remaining portions of Bay Isles will be developed thereafter

75-27

over a period of time estimated at an additional ten to fifteen years.

(i) It is understood that from time to time hereafter, Applicant may file an amended schedule of the phasing of the development of Bay Isles and Applicant further agrees to furnish an amended and updated schedule five years after date hereof and upon subsequent request by the Town.

17. The marina to be constructed on a portion of the Bay Isles property shall be entitled to engage in all customary marina activities with the exception that major boat repairs, boat sales and charter service shall be prohibited.

18. Usage of the commercial area located adjacent to the marina shall be limited to services, sales and activities customarily related to marine or water oriented uses.

19. The small boat basin located northeasterly of Buttonwood Harbor shall contain no more than 40 slips with mooring to be provided for boats not exceeding 25 feet in length and no boat or motor repairs of any kind or any other commercial enterprises shall be permitted in said area. The development of this small craft basin will be permitted only after Applicant's main boat basin has been completed.

20. Wherever feasible from an engineering standpoint, water lines shall be looped so as to provide for more reliable service.

21. Prior to approval of the final development plan for the second phase of Bay Isles to be developed (as described in Paragraph 16[b] hereof), Applicant shall submit prelim-

O.R. 1949 PG 0906

2522

inary plans for the proposed water, sewer and drainage systems and for the collector road network of the entire Bay Isles property.

22. From time to time hereafter, as plats are offered by Applicant to the Town for final approval, Applicant will also grant easements to the Town along and across road and street rights-of-way for utility purposes, which easement shall be granted by customary Town of Longboat Key easement deeds or such other documents (including plat dedication) that may be approved by the Town.

23. In order to insure compatibility with the existing residential area in Buttonwood Harbor, the townhouse area reflected on the Bay Isles site plan opposite from Buttonwood Harbor is to be extended northwesterly approximately an additional 400 feet along Crane's Bayou.

24. Upon specific request and direction of the Town Commission, Applicant will construct a drainage swale along the southerly boundary of Buttonwood Harbor subdivision extending easterly approximately 800 feet to the boat basin.

25. This Commission has reviewed and approved the preliminary drafts of proposed residential and commercial covenants and restrictions which were made a part of Applicant's application. However, since these restrictions may be modified from time to time for different areas of Bay Isles, the Town reserves the right to review and approve final drafts of such restrictions at the time the Applicant applies

J.R. 1949 PG 0907

75-27

O.R. 1949 PG 0908

for final plat approval. Either these restrictions or other appropriate documents to be recorded by Applicant shall set forth assurances that all open space will be maintained as such in perpetuity.

26. All owners of residential units in Bay Isles shall be eligible to apply for membership in all recreational facilities proposed for Bay Isles; provided, however, that this requirement shall not be deemed to excuse any such property owner, upon acceptance into membership of such club from full and complete compliance with appropriate club rules and regulations or from the payment of club dues.

27. Golf cart crossings on the collector road shall be limited to the three areas reflected on the drainage plan (Exhibit "C") submitted by Applicant.

28. Applicant shall raise the grade along Longview Drive as approved by the Town engineer and shall add supplemental landscape screening in the buffer zone (which zone is designated as a part of the open space of Bay Isles).

29. The outdoor recreational area located adjacent to the small boat basin shall be under the control and supervision of the country club.

30. Development of Bay Isles shall be subject to approval by the Town of final development plans in accordance with the Town's ordinances applicable thereto including the provisions of Chapter 20 of the Town Code.

75-27

31. Applicant, by signing this document in the space hereinbelow provided, signifies its approval and assent to the provisions hereof.

PASSED AND DULY ADOPTED this 6<sup>th</sup> day of August, 1975.



TOWN OF LONGBOAT KEY

By [Signature]  
As Mayor

Attest:

By [Signature]  
As Town Clerk

O.R. 1949 Pg 0909

CONSENT OF DEVELOPER

Arvida Corporation, hereinabove referred to as Applicant, does hereby approve and assent to the terms, conditions and provisions of the foregoing Resolution and does further acknowledge that the same is binding upon it and its successors or assigns in the manner hereinabove set forth.

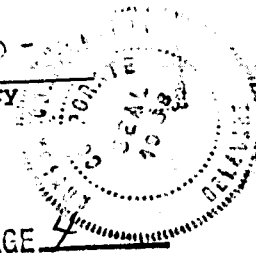
ARVIDA CORPORATION

By [Signature]  
As Vice President

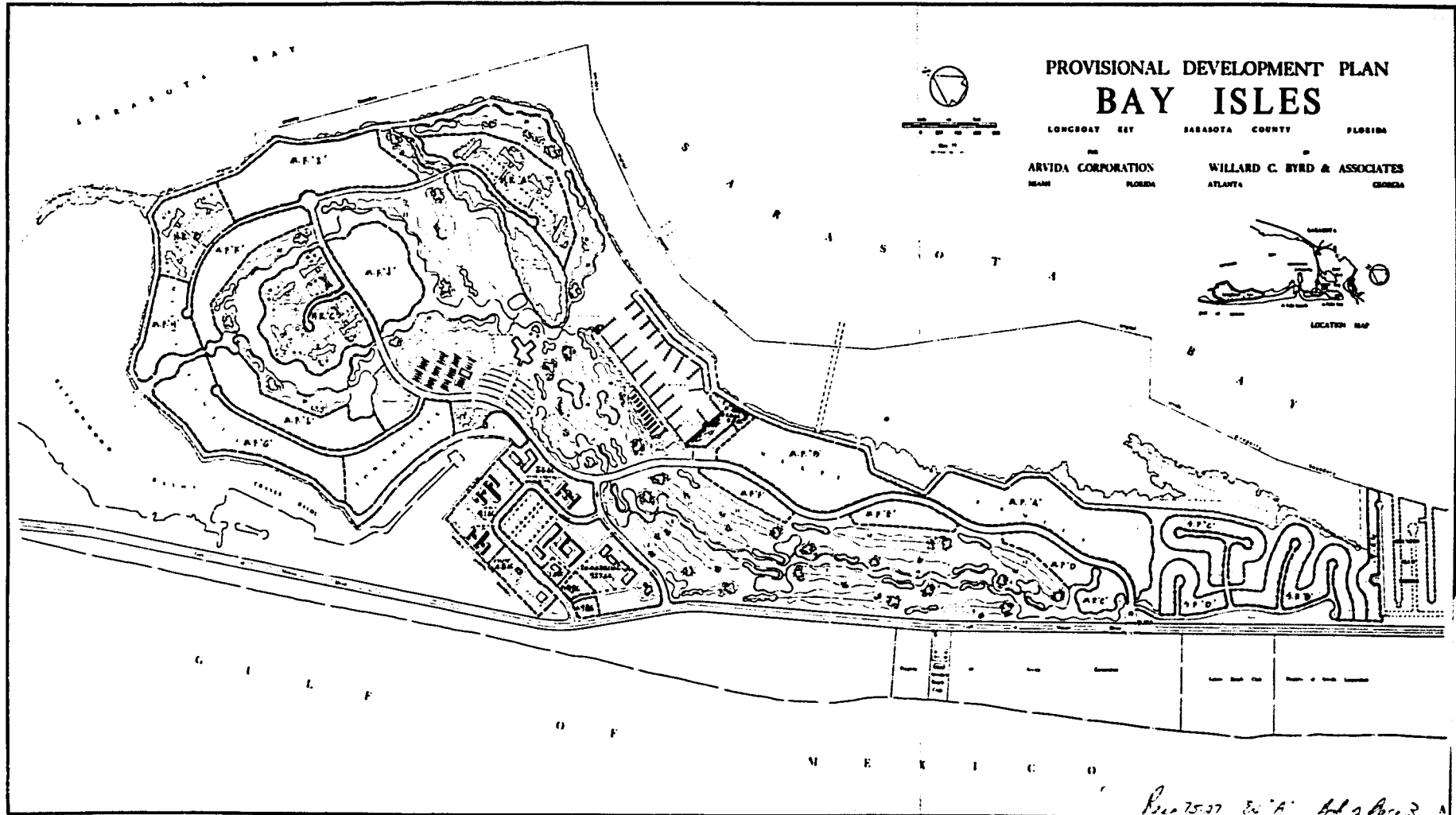
Attest:  
R.H. HACKETT JR. CLERK  
FILED AND RECORDED

By [Signature]  
As Assistant Secretary

JUN 2 3 48 PM '87



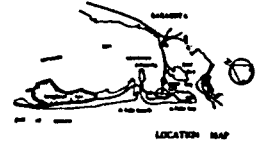
PLAT 75-27  
PAGE 1



PROVISIONAL DEVELOPMENT PLAN  
**BAY ISLES**

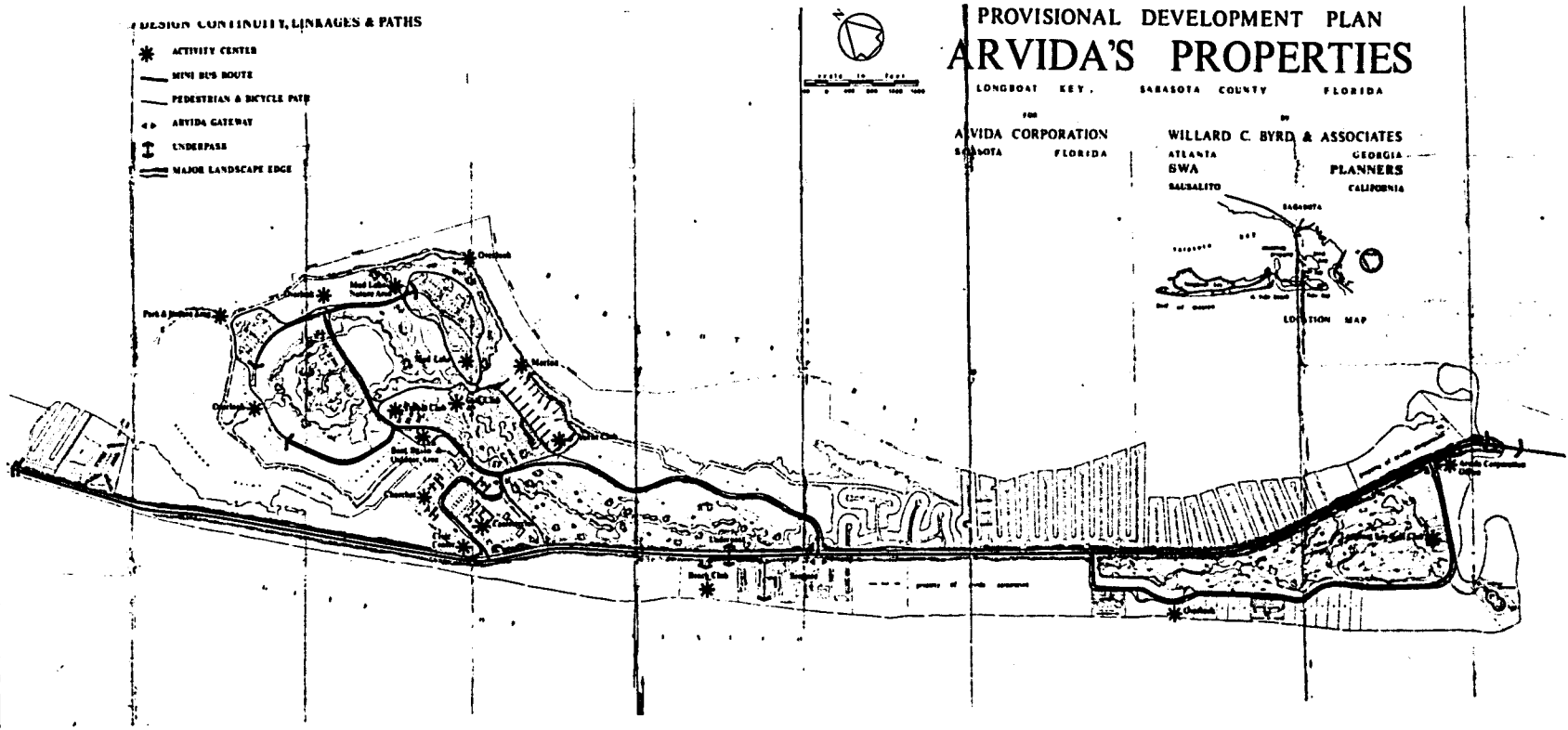
LONGBOAT KEY SARASOTA COUNTY FLORIDA

ARVIDA CORPORATION WILLARD C. BYRD & ASSOCIATES  
 MIAMI FLORIDA ATLANTA GEORGIA



Plan 75-27, E.C. 'A', Sub. 1, Page 3

RESOLUTION 75-27



75-27 Sk. B

RESOLUTION 75-27

