

MINUTES OF THE REGULAR MEETING OF NAPLES CITY COUNCIL, HELD IN THE PARKS & RECREATION DEPARTMENT, NAPLES, FLORIDA, WEDNESDAY, APRIL 19, 1978, AT 9:05 A.M.

Present: R. B. Anderson
Mayor

C. C. Holland
James F. McGrath
Wade H. Schroeder
Randolph I. Thornton
Edward A. Twerdahl
Kenneth A. Wood
Councilmen

Also Present: George Patterson, City Manager
John Fletcher, City Attorney (arrived 10:40 a.m.)
Bradley Estes, Assistant to the City Manager
Anders Sandquist, Building & Zoning Official
John McCord, City Engineer
Leann McElroy, Planner II
Jerry Sehler, Sr. Engineering Technician
Ted Smallwood
Rev. James R. Crook
William Shearston
Harry Rothchild
John Holmes
Marie Mueller
Lloyd Sarty
Herbert Cambridge
Otus Albright
Franklin Johnson
Mr. & Mrs. David W. Rynders
Charles Rhoades
James Dennis Murphy

News Media: Allen Bartlett, Ft. Myers News Press
Beverly Merchant, Miami Herald
David Swartzlander, Naples Daily News
John Robinson, TV-9
Susanne McGee, Naples Star
Kent Weissinger, WRGI
Tom Martino, WBBH-TV
John Runde, WEVU-TV
Dave Crawley, TV-9
Jerry Pugh, TV-9

Other interested citizens and visitors.

Mayor Anderson called the meeting to order; whereupon Reverend James R. Crook, First United Methodist Church, gave the Invocation, followed by the Pledge of Allegiance to the Flag.

AGENDA ITEM 3. Approval of Minutes.

Mayor Anderson called Council's attention to the minutes of the Regular Meeting of April 5, 1978. Motion to accept the minutes as presented made by Mr. Thornton, seconded by Mr. Twerdahl and carried 6-0 by voice vote, Mr. Holland not present.

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Let the record show Mr. Holland arrived at 9:15 a.m.

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AGENDA ITEM 4. PUBLIC HEARING: Consideration of filing a preapplication for a community development block grant with the U.S. Department of Housing and Urban Development. Information will be provided concerning such things as the range of activities which may be undertaken with block grant funds, and the views and proposals of citizens with regard to the determination of priorities and community development and housing needs will be solicited.

Mayor Anderson opened the Public Hearing at 9:07 a.m. and he noted that this was the first of two such Public Hearings that were required prior to filing of the pre-application referred to above. He noted the materials that were available to the general public to review in regard to this matter. (Attachment #1) Leann McElroy made a brief presentation on the programs offered for grants and the schedules for applying for these grants. Harry Rothchild made a comment concerning the terminology used in the Citizen Information handout. Mayor Anderson closed the Public Hearing at 9:17 a.m.

AGENDA ITEM 5. PUBLIC HEARING: Second Readings of ordinances.

AGENDA ITEM 5a. An ordinance rezoning the Southwest Heritage Railroad Depot, located at 1023 Fifth Avenue South, Naples, Florida, more particularly described herein, from "C2", General Commercial; "C3", Heavy Business; and "I", Industrial to "C2" General Commercial; and providing an effective date.

Mayor Anderson opened the Public Hearing at 9:18 a.m.; whereupon City Manager Patterson read the above titled ordinance by title for Council's consideration on Second Reading. There being no discussion, Mr. Thornton moved for adoption of Ordinance 2938 on Second Reading, seconded by Mr. Schroeder and carried 7-0 on roll call vote. Mayor Anderson closed the Public Hearing at 9:19 a.m.

AGENDA ITEM 5b. An ordinance granting a Special Exception to use the Naples Railroad Depot, located at 1023 Fifth Avenue South, as a civic and cultural facility; and providing an effective date.

Mayor Anderson opened the Public Hearing at 9:20 a.m.; whereupon City Manager Patterson read the above captioned ordinance by title for consideration by Council on Second Reading. There being no one present to speak for or against this, the Mayor closed the Public Hearing at 9:21 a.m. and Mr. Thornton moved adoption of Ordinance 2939 on Second Reading, seconded by Mr. McGrath and carried 7-0 on roll call vote.

AGENDA ITEM 5c. An ordinance granting a Special Exception to erect a six foot fence in the required front yard at 2900 Fort Charles Drive, Naples, Florida, more particularly described herein; and providing an effective date.

Mayor Anderson opened the Public Hearing at 9:22 a.m., whereupon City Manager Patterson read the above titled ordinance by title for consideration by Council on Second Reading. Mrs. Marie Mueller addressed Council to question the use of a ficus hedge and Mr. John Holmes stated that the kind of hedge wasn't important as long as when planted it was as high as the fence. Mayor Anderson closed the Public Hearing at

9:24 a.m. and after a short discussion, consensus of Council was that it should be a suitable hedge to cover the fence. Mr. Thornton moved adoption of Ordinance 2940 on Second Reading, seconded by Mr. Schroeder and carried 7-0 on roll call vote.

AGENDA ITEM 5d. An ordinance amending Chapter 8 of the Code of Ordinances of the City of Naples, Florida, by amending Section 8-3 thereof, relating to amendments to the Standard Building Code, by adding a new Paragraph (c) to Section 105.2 of the Standard Building Code, 1976 edition, requiring a time schedule prior to issuance of a building permit for construction which will exceed eighteen months; further, by amending Section 8.5 thereof, providing a time limitation on building permits; and providing an effective date.

Mayor Anderson opened the Public Hearing at 9:30 a.m.; whereupon City Manager Patterson informed Council members that an appeal of the Building & Zoning Official's opinion regarding the compliance of The Towers has been made and if this ordinance were to be passed, it would amend the section of the Code under which this appeal was made; whereupon Mr. Thornton moved to remove this ordinance from the Agenda until the appeal has been resolved, seconded by Mr. Twerdahl. Mayor Anderson closed the Public Hearing at 9:37 a.m. and the motion was carried 7-0 on a roll call vote.

AGENDA ITEM 5e. An ordinance amending the Code of Ordinances of the City of Naples Florida, by adding a new Section 8-46 to Article V of Chapter 8, relating to contractors, sub-contractors, specialty contractors, masters and journeymen; providing that any person holding a current Certificate of Competency issued by Collier County may obtain a Certificate of Competency from the City of Naples by presenting a copy of said County certificate to the City and paying the fees applicable thereto; and providing an effective date.

Mayor Anderson opened the Public Hearing at 9:38 a.m.; whereupon City Manager Patterson read the above captioned ordinance by title, noting the correction of 8-46 to read 8-45.1 wherever the 8-46 appeared, for Council's consideration on Second Reading. There being no one present to speak for or against, Mayor Anderson closed the Public Hearing at 9:39 a.m. Mr. Thornton question the possible duplication involved with this matter, whereupon Mr. Holland pointed out the benefits of this reciprocity. Mr. William Shearston spoke in favor of passage of this ordinance. Mr. Holland moved adoption of Ordinance 2941, as amended, on Second Reading, seconded by Mr. McGrath and carried 7-0 on roll call vote.

AGENDA ITEM 5f. An ordinance amending the Code of Ordinances of the City of Naples, Florida, by adding a new Section 16-27 to Chapter 16, relating to parks and recreation establishing a light meter charge at City shuffleboard courts and racquetball courts; and providing an effective date.

Mayor Anderson opened the Public Hearing at 9:48 a.m.; whereupon City Manager Patterson read the above titled ordinance by title for Council's consideration on Second Reading. There being no one present to speak for or against this matter, Mayor Anderson closed the Public Hearing at 9:49 a.m. Mr. McGrath moved adoption of Ordinance 2942 on Second Reading, seconded by Mr. Thornton and carried 7-0 on roll call vote.

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City Manager Patterson noted the requirement for filing a preapplication for Community Development Block Grant is two Public Hearing be held and he suggested setting the second Public Hearing for May 3, 1978, approved by consensus of Council on voice vote.

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AGENDA ITEM 6. An ordinance amending Appendix "A" - Zoning, of the Code of Ordinances of the City of Naples, Florida, by repealing therefrom Paragraph (2) of Subsection "I" of Section 5.9, "H Highway Commercial District", which provides that where there is a choice, property fronting upon U.S. 41 shall provide the driveways/accessways from parking or leading areas by way of a secondary street or alley rather than by way of U.S. 41; and providing an effective date. (First Reading) Requested by City Attorney.

City Manager Patterson read the above titled ordinance in its entirety for Council's consideration on First Reading. After a discussion of the City's status with D.O.T. in controlling egress to U.S. 41, Mr. Thornton moved for adoption of this ordinance on First Reading, seconded by Mr. Holland and carried on roll call vote, 5-2 with Mr. McGrath and Mr. Schroeder voting no.

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Let the record show that Mr. Holland left the room at 10:00 a.m.

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AGENDA ITEM 7. An ordinance amending the Code of Ordinances of the City of Naples, Florida, by amending Item (e) of Paragraph (1), Subsection B, and Item (e) of Paragraph (2), Subsection C of Section 7-31, relating to the procedure for obtaining dredge and fill permits and permits for other coastal construction; requiring a certification from a registered engineer experienced in coastal construction, certifying to the best of his knowledge as to certain matters set forth herein; and providing an effective date. (First Reading) Requested by City Council at Regular Meeting of April 5, 1978.

City Manager Patterson read the above captioned ordinance in its entirety for Council's consideration on First Reading. Mayor Anderson noted that this was in accordance with Mr. William Barton's objections regarding the wording of the existing ordinance. Mr. William Shearston questioned this new wording with respect to Mr. Barton's remarks; however, it was felt that this change would satisfy Mr. Barton's original objection. Mr. Thornton moved to approve this ordinance on First Reading, seconded by Mr. Schroeder and carried 6-0 on roll call vote with Mr. Holland absent.

AGENDA ITEM 8. An ordinance amending the Code of Ordinances of the City of Naples, Florida, by amending Section 8-46 of Article V, Chapter 8, relating to the creation of the Contractors' Examining Board, to provide for an increase in the membership of said Board from seven members to nine members; providing for the addition of a specialty contractor and a mechanical contractor to said Board; and providing an effective date. (First Reading) Requested by Contractors' Examining Board.

City Manager Patterson read the above titled ordinance in its entirety for consideration by Council on First Reading. He pointed out that wherever 8-46 appeared, it should read 8-45.1.

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Let the record show Mr. Holland returned to the room at 10:05 a.m.

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Mr. Thornton moved for approval of this ordinance on First Reading, as amended, seconded by Mr. Schroeder and carried 7-0 on roll call vote.

AGENDA ITEM 9. A resolution authorizing the Mayor and City Clerk to execute an amended agreement to purchase from the Collier County School Board a portion of the Carver Site for the sum of \$150,000.00, together with an option to purchase the remainder thereof for the sum of \$240,000.00, a copy of which is attached hereto and made a part of this resolution; and providing an effective date. Requested by City Manager.

City Manager Patterson read the above titled resolution for Council's consideration, and noted that this involved a clarification of the legal description and the fact that the School Board asked to be allowed to continue to use the storage facility located on this property until January 1, 1979. Mr. Schroeder moved adoption of Resolution 2943, seconded by Mr. Twerdahl and carried 6-1 on roll call vote with Mr. Thornton voting no.

AGENDA ITEM 10. A resolution authorizing the Mayor and City Clerk to execute a deed conveying Bayview Park to Collier County, subject to certain conditions set forth therein, a copy of which is attached hereto and made a part hereof; and providing an effective date. Deferred from Regular Meeting of April 5, 1978.

City Manager Patterson read the above titled resolution and proceeded to read the deed restrictions (Attachment #2) which are in the reverter clause. After discussion of Port Royal Property Owners Association, Inc. letter read by the City Manager (Attachment #3), consensus of Council was to add a sixth restriction to the reverter clause, "No structure shall be constructed from the park into the bay exceeding 10 feet in length unless it is mutually agreed to by the Naples City Council and Collier County Commissioners." Mr. Holmes felt that this would be satisfactory to the Port Royal Property Owners Association. Mr. Harry Rothchild questioned what would happen to any undesirable structure on the land, if it reverted back to the City. Mr. Holland moved for adoption of Resolution 2944, as amended, seconded by Mr. Wood and carried 7-0 on roll call vote.

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Let the record show that Council recessed at 10:25 a.m. and reconvened at 10:40 a.m.

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For the record, City Attorney Fletcher arrived at the meeting at 10:40 a.m.

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AGENDA ITEM 11. Consideration of citizens' petition for the creation of a housing authority in the City of Naples.

Mayor Anderson called attention of Council to the above petition; whereupon Mr. Herbert Cambridge came forward to speak in favor of this petition and to question a private developer making a profit on City owned property. He introduced Attorney Franklin Johnson who cited Florida Statute 421.04 regarding housing authorities. He read a section of the aforementioned statute. Mayor Anderson questioned the geographic area involved in a housing authority that might be located in Naples.

Otus Albright spoke in favor of the petition; Marie Mueller spoke against a housing authority; Harry Rothchild spoke of the various alternatives the City has and advocated holding a decision in abeyance; James Dennis Murphy spoke on the need of low or moderate income housing and in favor of a housing authority. Consensus of Council was not to take any formal action on the petition at this time.

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Mayor Anderson recessed this Regular Meeting at 11:15 a.m. to call to order the Special Meeting scheduled for today.

Regular Meeting called back to order at 11:51 a.m. with the same members of Council present.

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City Manager Patterson presented two resolutions to be added to the Agenda on an emergency basis at the request of Mr. Ted Smallwood, Consulting Engineer. The need for action on these resolutions was a result of improvements to Airport Road in conjunction with State D.O.T. approved by Resolution 2563, November 16, 1976; and he stressed the emergency nature of these items. Mr. Thornton moved that both resolutions be added to the Agenda on an emergency basis, seconded by Mr. McGrath and carried on roll call vote, 7-0.

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City Manager Patterson and Consulting Engineer Ted Smallwood outlined the background of this material and explained the urgency involved in approval of these ordinances.

City Attorney Fletcher read the below titled resolution for Council's consideration.

A RESOLUTION CONCURRING WITH THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION, IN THE AWARD OF PART I OF THE POTABLE WATER TRANSMISSION MAIN ALONG STATE ROAD S-31 BETWEEN STATE ROAD 90 AND S-856 TO HIGHWAY PAVERS, INC., IN THE AMOUNT OF \$154,505.98, AND REJECTING THE BIDS RECEIVED ON PART II OF THE POTABLE WATER TRANSMISSION MAIN ALONG STATE ROAD S-31 BETWEEN STATE ROAD 90 AND S-856.

Mr. McGrath moved approval of Resolution 2946, seconded by Mr. Thornton, and carried on roll call, 7-0.

City Attorney Fletcher read the below titled resolution for Council's consideration.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPLES AMENDING THE EXISTING CONTRACT WITH CADENHEAD & SON CONSTRUCTION COMPANY, INC. TO INCLUDE PART II OF THE POTABLE WATER TRANSMISSION MAIN ON STATE ROAD S-31 BETWEEN STATE ROAD 90 AND S-856 AND AUTHORIZING THE CITY MANAGER TO EXECUTE REQUIRED CHANGE ORDER.

Mr. Thornton moved approval of Resolution 2947, seconded by Mr. McGrath, and carried on roll call vote, 7-0.

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AGENDA ITEM 12. A resolution authorizing the Mayor and City Clerk to execute an indemnity and escrow agreement between the City of Naples, Arch W. Roberts & Co., and Barnett Banks Trust Company, relating to the City's Water and Sewer Refunding Revenue Bonds, Series 1977, a copy of which is attached hereto and made a part of this resolution; and providing an effective date. Requested by City Manager.

City Attorney Fletcher read the above titled resolution for consideration by Council. City Manager Patterson explained that this action was being taken so that the City would not suffer a loss of approximately \$1600 because of a proofreading error before the bonds were printed. Mr. Thornton moved to adopt Resolution 2948, seconded by Mr. McGrath and carried on roll call vote, 7-0.

AGENDA ITEM 13. A resolution protesting a proposal by the administration to the congress relating to federal subsidy of a portion of interest paid on state, county and municipal bonds, the object of which would be to replace the tax exempt status of said bonds to the holder thereof; and directing that copies of this resolution be forwarded to the President of the United States and to the appropriate congressional representatives; and providing an effective date. Requested by Councilman Thornton.

City Attorney Fletcher read the above referenced resolution for Council's consideration. Mr. Thornton moved adoption of Resolution 2949, seconded by Mr. McGrath and carried on roll call vote, 7-0.

AGENDA ITEM 14. A resolution supporting the 1978 Legislative Policy Statement of the Florida League of Cities relating to matters of state and local concern, a copy of which is attached hereto and made a part of this resolution. Requested by Mayor Anderson.

City Attorney read the above titled resolution for consideration by Council. Mr. Holland moved to adopt Resolution 2950, seconded by Mr. Schroeder and carried on roll call vote, 7-0.

City Attorney Fletcher read the above titled resolution for consideration by Council. Mr. Holland moved to adopt Resolution 2950, seconded by Mr. Schroeder, and carried on roll call vote, 7-0.

AGENDA ITEM 15. A resolution opposing the proposed legislative bill providing for a uniform municipal election date for all municipalities in Florida. Requested by City Manager.

City Attorney Fletcher read the above captioned resolution for Council's consideration. City Manager Patterson explained that he was not recommending opposition of this bill but that it was placed on the Agenda in case Council wanted to take this action. Mr. Schroeder moved to adopt Resolution 2951, seconded by Mr. McGrath and carried on roll call vote, 7-0.

AGENDA ITEM 16. Discussion of the recruitment and salary range for the position of traffic engineer. Requested by City Manager.

City Manager Patterson presented the plan to utilize the grant that was approved enabling the City to hire a traffic engineer and the proposed overall study of the traffic situation in conjunction with the County.

AGENDA ITEM 17. A resolution authorizing the Mayor and City Clerk to execute the certification on the map of Gordon Drive attached hereto and made a part hereof. Requested by Engineering Department.

City Attorney Fletcher read the above captioned resolution for Council's consideration. City Manager Patterson noted that it was justifiable under the law when the City has been maintaining this for a period of four years or more to take this action to certify the right-of-way in order to resolve the lack of clarity that exists. City Engineer John McCord presented two topographical maps showing the certification requested on the advice of the City Attorney. He noted that Public Works Director William Savidge's signature was included, indicating that the City has actually maintained this right-of-way for four years.

Mr. Thornton moved adoption of Resolution 2952, seconded by Mr. Wood and carried on roll call vote, 7-0.

AGENDA ITEM 18. Authorization to bid furnishings for new City Hall Complex. Requested by City Manager.

Based on Dave Carruther's presentation at the workshop and the handouts distributed to Council members, it was consensus of Council to authorize proceeding with the bids.

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CORRESPONDENCE AND COMMUNICATIONS

City Manager Patterson noted that both he and the City Engineer sat on the Consultant Selection Committee with no vote; and he stated that his presence on the Committee served little or no purpose as it was the City Engineer who had the expertise. After discussion, it was decided that the City Manager need not sit on this Committee and that the City Engineer would have a vote.

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Mr. Charles Rhoades addressed Council, requesting permission to submit a proposal to the City Manager regarding negotiations with police negotiating unit. City Attorney Fletcher stated that Council could not request the City Manager to do this. The City Manager stated that he would be happy to review whatever Mr. Rhoades submitted, but since an impasse had been declared, he was not in a position to reopen major negotiations unless he felt it was in the best interests of the City. No action was taken by Council.

There being no further business to come before this Regular Meeting of the Naples City Council, Mayor Anderson adjourned the meeting at 12:59 p.m.

R. B. Anderson

R. B. Anderson, Mayor

Janet L. Davis
Janet L. Davis
City Clerk

Ellen P. Marshall
Ellen P. Marshall
Deputy City Clerk

These minutes of Naples City Council approved on 5-3-78

CITIZEN INFORMATION
Community Development Block Grant Program FY '78

A. The Total Amount of Funds for which the City may apply.

The program consists of grants for two general type programs, Comprehensive and Single Purpose, with the requirements for a Comprehensive Program being more extensive than those for a Single Purpose Program. HUD has established the ceiling for Single Purpose Programs at \$500,000 and for the Comprehensive Program - \$1,000,000. The individual grant amount for which an applicant may apply, however, must be determined, through negotiation, by the HUD Area Office and must be consistent with local need.

B. The Range of Activities that may be undertaken with these funds.

- (1) Acquisition of real property which is:
 - a. blighted, deteriorated, deteriorating or inappropriately developed;
 - b. appropriate for rehabilitation or conservation activities;
 - c. appropriate for the preservation or restoration of historic sites, the beautification of urban land, the conservation of open spaces, natural resources and scenic areas, the provision of recreational opportunities or the guidance of urban development; or
 - d. to be used for public purposes, such as an applicant purchasing land to be used for the development of housing for low- and moderate-income persons.
- (2) Senior centers.
- (3) Parks, playgrounds and other recreational facilities which are designed for participation.
- (4) Centers for the handicapped.
- (5) Neighborhood facilities designed to provide health, social, recreational or similar community services primarily for residents of the neighborhood service area.
- (6) Public facilities and improvements, which are done for the primary benefit of neighborhood strategy areas in conjunction with other community development activities such as solid waste disposal facilities, fire protection facilities, public utilities, and street improvements.
- (7) Clearance, demolition and removal of buildings and improvements.
- (8) Relocation payments and assistance for individuals, families, businesses, nonprofit organizations and farm operations displaced by activities assisted with community development block grant funds.
- (9) Rehabilitation of publicly owned or acquired properties for use or resale in the provision of housing.
- (10) Rehabilitation financing such as grants, loans, loan guarantees and interest supplements.
- (11) Code enforcement in areas which are deteriorating or deteriorated and where other community development activities are being carried out.
- (12) Economic development activities which are directed toward the alleviation of physical and economic distress.

C. Activities Previously Funded and Programs Made.

The City of Naples received approval of a community development block grant on August 10, 1976, in the amount of \$150,000, to be used to purchase as many units in McDonald Quarters as would be possible with that amount of money and provide relocation assistance to the residents who would be displaced. On October 7, 1977, HUD approved an amendment to the City's Community Development Program which provided for the City to use the approved \$150,000 grant to purchase a site on which low-income housing would be built. In February, 1978, the City Council accepted the recommendation of the Citizens' Site Selection Committee which had proposed that the Carver Site be acquired as the site on which low-income housing would be built. HUD notified the City on February 24, 1978, that the Carver Site would be acceptable.

Environmental review of the project has now been completed and a Request for the Release of Funds was mailed to HUD on April 13, 1978. The City plans to be able to draw down the funds in the first week in May.

D. Comprehensive Program General Requirements.

A comprehensive program must meet all of the following criteria:

- (1) Address a substantial portion of the identifiable community development needs within a defined concentrated area;
- (2) Involve two or more activities that bear a relationship to each other and which either in terms of support or necessity are carried out in a coordinated manner;
- (3) have beneficial impact within a reasonable period of time;
- (4) be developed through assessment of the applicant's community development, housing and economic needs.

E. Rating System for Comprehensive Grants.

Preapplications will be rated and scored against each of the following nine factors. The maximum score possible is 1025.

	Points
(1) Need - Absolute number of poverty persons	100
(2) Need - Percent of poverty persons	50
(3) Need - Absolute number of substandard housing units	30
(4) Need - Percent of substandard housing units	20
(5) Program factor - Impact of the proposed program	400
(6) Benefit to low- and moderate-income persons	200
(7) Performance:	
Housing	100
Local equal opportunity efforts	50
(8) Housing opportunity plan (HOP):	
Applicant participating	50
(9) Hold-harmless phantasm communities	25

F. Single Purpose Program General Requirements.

The Single Purpose Program will provide funds for one or more projects consisting of an activity or a set of activities to meet a specific community development need. Funds will be made available to address serious problems with housing needs or economic conditions which principally affect persons of low- and moderate-income.

G. Rating System for Single Purpose Grants.

Preapplications will be rated and scored against each of the following eight factors. The maximum score possible is 875 points.

	Points
(1) Need - Absolute number of poverty persons	100
(2) Need - Percent of poverty persons	50
(3) Need - Absolute number of substandard housing units	30
(4) Need - Percent of substandard housing units	20
(5) Program factor - Impact of the proposed program	200
(6) Benefit to low- and moderate-income persons	200
(7) Performance:	
Housing	100
Local equal opportunity efforts	50
(8) Other:	
Housing opportunity plan	50
Influences position as a regional center	25
Influences State growth plan	25
Other Federal programs	25

H. Comments Submitted by Citizens.

The City of Naples encourages its citizens to submit written comments concerning the Community Development Program to either the Office of the City Manager or the City Council. Those comments which by their nature require a response will be referred to City staff responses and addressed within five working days in accordance with the City's Citizen Participation Plan.

I. Technical Assistance.

Any citizen who needs assistance in the understanding of the various program requirements may contact Leana McElroy in the Planning Department.

J. Number of Preapplications.

The demand for funds under the Community Development Block Grant Program far exceeds the amount of funds available. Therefore, HUD requires each unit of general local government to bring to the attention of its citizens the fact that more preapplications will be submitted to HUD than can be funded.

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ATTACHMENT #1

D E E D

THIS DEED, made this _____ day of _____, 1978, by the City of Naples, Florida, Grantor, and Collier County, Florida, Grantee,

W I T N E S S E T H:

That the said Grantor for and in consideration of the sum of One Dollar (\$1.00) to it in hand paid by the Grantee, receipt whereof is hereby acknowledged, has Granted, bargained and sold to the Grantee, its heirs and assigns, the following described land lying and being in Collier County, Florida:

PARCEL 1

That portion of the W 384.70 feet of Government Lot 3 lying S of the N line of the S 1/2 of the SE 1/4 of the NE 1/4 and less the right of way of Danford Street of Section 22, Township 50 South, Range 25 East, Tallahassee Meridian, City of Naples, Collier County, Florida; more particularly described as follows:

Commencing at the NE corner of the S 1/2 of the SE 1/4 of the NE 1/4 of said Section 22, run S 89°17'40" W along said N line 524.49 feet to a point; thence S 06°59'32" W 30.27 feet to a point on the South right of way line of Danford Street being THE POINT OF BEGINNING; said point being marked by a concrete monument; thence continue S 06°59'32" W along the center line of a canal 174.23 feet; thence S 13°48'41" W along said center line 336.54 feet; thence N 46°34'19" W 60.20 feet to the intersection of said canal and Bay of Naples; thence Northwest along the shoreline of the Bay of Naples 499.48 feet, more or less; thence Northeast along said shoreline 153.87 feet, more or less to the point of intersection of the said shoreline and the aforesaid North line; thence N 89°17'40" E along said North line 109.00 feet; thence S 00°42'20" E 30.00 feet to a point of the South right of way line of Danford Street; thence N 89°17'40" E along said South right of way line 270.66 feet to the POINT OF BEGINNING. Containing 3.00 acres, more or less.

PARCEL 2

That portion of the plat denominated "Naples Bayview" which is designated "public park". The plat of Naples Bayview appearing at Plat Book 2, Page 91 of the Official Record of Collier County, Florida.

but if the Grantee ever violates any of the following five conditions then the land shall immediately revert to the Grantor, its heirs or assigns.

1. The land shall be used for public park purposes only.
2. The park shall operate only during daylight hours.
3. No structure shall be erected on the property to a height greater than 30 feet.
4. No parking of vehicles will be authorized within 50 feet of the bay.
5. Vegetative screening shall be placed and maintained along the entrance street and cul de sac in such a manner as to impede the escape of light and noise.

IN WITNESS WHEREOF the said Grantor has caused these presents to be executed in its name by Naples City Council acting through the Mayor of the City of Naples, the day and year aforesaid.

ATTEST:

CITY OF NAPLES

City Clerk

By: R. B. Anderson
Mayor

(Official Seal)

PORT ROYAL PROPERTY OWNERS ASSOCIATION, INC.

2900 GORDON DRIVE
NAPLES, FLORIDA 33940

George M. Patterson
City Manager
Naples, Florida

Dear Mr Patterson:

We have reviewed the proposed resolution and deed authorizing the Mayor and City Clerk to execute a deed conveying Bayview Park to Collier County, subject to certain conditions.

We suggest that the deed contain two additional conditions:

1. That no piers be constructed extending into Naples Bay.

2. That any floodlighting of the park be so directed as to not direct the beam across Naples Bay.

With these two additional conditions we are in agreement with the resolution and deed.

Very truly yours,

Port Royal Property Owners Association Inc
President

[Handwritten signature]

