

RESOLUTION 2018-14150

A RESOLUTION RELATING TO A DEVELOPMENT AGREEMENT; DETERMINING PETITION 18-DA2 TO CLARIFY THAT SHOULD CITY COUNCIL APPROVE THE SITE PLAN WITH DEVIATIONS PETITION 18-SPD3, CONSTRUCTION SHALL COMMENCE WITHIN 48 MONTHS AS PROVIDED IN SECTION 46-33(g)(3) OF THE CODE OF ORDINANCES AND THE CONDITIONAL USES SHALL NOT EXPIRE TWELVE (12) MONTHS AFTER THE DATE OF APPROVAL AS PROVIDED IN SECTION 46-34 OF THE CODE OF ORDINANCES, FOR PROPERTY LOCATED AT 1160 AND 1170 THIRD STREET SOUTH, MORE FULLY DESCRIBED HEREIN; DIRECTING THE CITY CLERK TO RECORD THE DEVELOPMENT AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Old Naples Hotel, LLC, a Delaware limited liability company, petitioner, has requested approval of a Development Agreement to clarify that should City Council approve the Site Plan with Deviations Petition 18-SPD3, construction shall commence within 48 months as provided in Section 46-33(g)(3) of the Code of Ordinances and the conditional uses shall not expire twelve (12) months after the date of approval as provided in Section 46-34 of the Code of Ordinances, for property located at 1160 and 1170 Third Street South; and

WHEREAS, 2000 Neapolitan Limited Partnership, a Florida limited partnership, and Third Street Plaza, LLC, a Florida limited liability company, are owners of the property; and

WHEREAS, John M. Passidomo, Cheffy Passidomo, agent, has been authorized by the owners to file this petition; and

WHEREAS, the Planning Advisory Board, following an advertised public hearing, considered the public input, the recommendation of the staff, and recommended by a vote of 4 to 3 that Petition 18-DA2 be approved; and

WHEREAS, after considering the recommendation of the Planning Advisory Board and after providing the petitioner, staff and the public an opportunity to present testimony and evidence, the City Council finds that the criteria for granting the petition have been met and that the petition should therefore be approved;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NAPLES, FLORIDA:

Section 1. That Development Agreement Petition 18-DA2 is hereby approved to clarify that should City Council approve the Site Plan with Deviations Petition 18-SPD3, construction shall commence within 48 months as provided in Section 46-33(g)(3) of the Code of Ordinances and the conditional uses shall not expire twelve (12) months after the date of approval as provided in Section 46-34 of the Code of Ordinances, for

property located at 1160 and 1170 Third Street South, in accordance with the Development Agreement attached hereto as Exhibit "A."

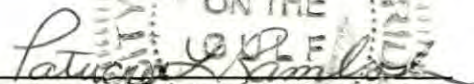
Section 2. That the City Clerk is hereby directed to record the Development Agreement in the public records of Collier County within 14 days.

Section 3. That a copy of the recorded Development Agreement shall be submitted to the state land planning agency within 14 days after the Development Agreement is recorded.

Section 4. That this resolution shall take effect upon the effective date of Resolution 2018-14149 and the Development Agreement shall not be effective until it is properly recorded in the public records of Collier County and until 30 days after having been received by the state land planning agency pursuant to Section 163.3239, Florida Statutes (2016).

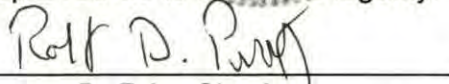
PASSED IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA, THIS 16TH DAY OF MAY, 2018.

Attest:


Patricia L. Rambosk, City Clerk


Bill Barnett, Mayor

Approved as to form and legality:


Robert D. Pritt, City Attorney

Date filed with City Clerk: 5-18-18