

## **Introduction**

The Capital Project Planning, Impact Fees, and Program Management Division of Transportation Management Services Department (TMSD) is submitting this written petition to the County Manager requesting an Interest in Program Lands, specifically 6.9 acres (at the lake maintenance easement boundary, 4.8 acres at control elevation and 7.2 acres at the limit of construction line) of conservation lands within the Railhead Scrub Preserve. For the purpose of this petition, the lake maintenance size of 6.9 acres will be used and referred to as the interested Program Lands. In 2004, the Board of County Commissioners (BCC) approved the acquisition of 80.33 acres in North Naples through the Conservation Collier Land Acquisition Program to form the Railhead Scrub Preserve. An additional 55.03 acres was acquired in 2007, expanding the preserve to its current acreage of 135.36. In accordance with Ordinance 2006-58 known as the Conservation Collier Exceptional Benefits Ordinance, TMSD is requesting the interested Program Lands be used as part of the Veterans Memorial Boulevard Extension Project for a stormwater drainage pond.

## **PETITION**

### **A. State the public purpose for which the Other-use Dedication is being required.**

TMSD is responsible for planning transportation facilities such as roadways, pathways, and bicycle facilities to address the transportation needs of the community. This petition is requesting an Other-Use Determination of 6.9 acres of Conservation Collier Lands within the Railhead Scrub Preserve to construct a stormwater pond necessary to construct Veterans Memorial Boulevard Extension (VMB Ext.). The objective of this petition is to explain the need for the Program Lands and seek a determination that it is a Public Interest to allow the Program Lands to be acquired by and transferred to the TMSD for the pond site.

A portion of the Conservation Collier parcel located in the Railhead Scrub preserve is required for a drainage pond necessary for the construction of the Veterans Memorial Boulevard extension to connect US 41 to Livingston Rd. The extension of Veteran's Memorial Blvd. (historically referred to as Livingston Rd. E/W) has been an established need in the Long-Range Transportation Plan (LRTP) since the 2025 LRTP, adopted in January 2001. Since the adoption of the 2025 LRTP, there have been numerous studies and planning documents all confirming the need for Veteran's Memorial Blvd. as well as the need for sidewalks and shared use pathways along this corridor. With the completion of the Aubrey Rogers High School, the need has increased.

The proposed project will improve the multimodal connection inside the County's urbanized area, will relieve traffic congestion, and provide for the safe and efficient movement of people, goods, and services. The additional capacity will provide for a more efficient connection between many community assets including existing neighborhoods, schools, and commercial businesses. The project will also reduce road maintenance needs, reduce delays by the added capacity and improve overall traffic operations. Documentation of VMB Ext.'s public purpose is available upon request.

The VMB Ext. project has established overwhelming instances of a valid public purpose. To construct the project, Collier County must build a pond site for drainage. The pond site infrastructure is as vital to the project as the roadway lanes and cannot be considered a separate or

independent effort. Therefore, all statements related to future right-of-way are intended to include all infrastructure improvements for the road, including the pond site. It is noted that this reasoning is memorialized in recent Conservation Collier Purchase Agreements which ensure Collier County Transportation can purchase a portion of the properties from Conservation Collier for future right-of-way, if and when needed, at the original per-acre acquisition cost, thereby creating an exception to the Exceptional Benefits Ordinance.

**B. Provide a history and discussion of alternatives to requesting the specific interest in Program Lands and demonstrate with supporting documentation as to why other alternatives are not acceptable.**

The VMB Ext. is a documented need and planned transportation improvement. The project appears in Collier County's Long-Range Transportation Plan and is documented in the Capital Budget as part of the Annual Update and Inventory Report (AUIR) as a planned improvement. The VMB Ext. Project was divided into two segments to allow the portion serving the Aubrey Rogers High School to be completed when the school opened in 2023. Phase I extended the roadway from Livingston Road to Aubrey Rogers High School and Phase II extends the roadway from Aubrey Rogers High School to Old 41 Road and US 41.

Collier County hired RWA Engineering (RWA) to evaluate and perform a pond siting analysis. The Veterans Memorial Boulevard Improvements Preliminary Drainage & Alternative Pond Siting Analysis (Report) was finalized in February 2020 and is part of the documentation for this petition. The Report was used for identifying the location and pond sizes for Phase I and Phase II. The direction provided to RWA, was to consider vacant property adjacent to the road corridor when considering locations for pond siting. Adjacent parcels with established businesses (commercial) or residential homes were not considered. **The Report recommended Pond Site 1 as the 1<sup>st</sup> choice and concluded that Pond Site 1 was the most logical choice based on the proximity to the drainage basin and the Pond Siting Matrix scores. Pond Site 1 is the Program Land Site.**

The construction of Phase I is complete and the roadway is open to the public. The excess stormwater availability from the pond site used for Phase I has been calculated and accounted for in the pond acreage needed for Phase II. An additional pond site for Phase II is required. In May 2023, Collier County acquired Pond Site 5 for the VMB Ext. Project as right-of-way and will be used for roadway and a stormwater pond site. This location was evaluated in the Report, and ranked 3<sup>rd</sup>. The excess land has been accounted for in the pond acreage need for Phase II. The existing County owned right-of-way in this corridor cannot accommodate the attenuation and water quality treatment requirements for VMB Ext. improvements, and an additional acquisition process is required for Phase II of the project. Phase II requires an additional pond site, west of the railroad, totaling approximately 6.9 acres.

After coordination and site visits with Conservation Collier staff, members of the RWA consulting team developed a conceptual pond site on Pond Site 1 (Parcel ID 00152600002) to demonstrate the willingness to work together to reduce environmental impacts to wildlife species and scrub habitat located within the targeted pond site area. See attached Proposed Pond Site Exhibit. The pond site concept was refined and designed to demonstrate the continued coordination and the intent to minimize impacts to the area.

The following Pond Sites were evaluated in the Report and are briefly summarized below.

**Pond Site 1** is located on the south side of the proposed roadway west of the existing railroad right-of-way. The pond would be on the north side of Parcel 00152600002 owned by Collier County and dedicated preserve land of Conservation Collier. The area is known as Railhead Scrub Preserve and was acquired as a separate 60 acres of the preserve area. As stated in the Report, Pond Site 1 was determined to be the most desirable based on the proximity to the drainage basin and the matrix scores.

It is noted that, this specific parcel was purchased by the County with Conservation Collier land acquisition funds in full transparency that the future VMB Ext. would be located adjacent to the acquired parcels. As noted in recent purchase agreements utilizing Conservation Collier program funds, acquisitions in a future planned county road project corridor would have an exception to the Exceptional Benefits Ordinance.

**Pond Site 2** is located on the north side of Parcel 00153160004 which is the south side of the proposed roadway east of the existing railroad right-of-way. It is currently owned by N A Realty Trust, Inc. This site has two existing pond systems situated within 500ft and 1500 ft of the road footprint spanning approximately 7 acres and 11 acres, respectively of the parcel footprint. This site is an existing PUD Ordinance 1982-81 for 430 multi-family dwellings and is currently going through a PUD Amendment under application PL20150001695. As stated in the Report, this site is not located within the existing natural drainage basin (and proposed project drainage basins) that have been established by the existing railroad crossing. This pond site was determined to be less desirable from an engineering and environmental perspective and was ranked 5<sup>th</sup> by the Report.

**Pond Site 3** is located on the west side of Old US 41 south of the future roadway alignment and is a portion of Parcel 00152240006 owned by Tri I Assoc, LLC. The only available land on this parcel is currently under a wetland conservation easement that would need to be vacated and mitigated in another location. This pond site was determined to be less desirable from an environmental perspective and ranked 4<sup>th</sup> by the Report.

**Pond Site 4** is located on the west side of Old US 41 north of the future roadway alignment and is a portion of Parcel 00145280002 owned by Meadow Brook Preserve, LLC. The only available land on this parcel is currently under a South Florida Water Management District (SFWMD) conservation easement that would need to be vacated and mitigated in another location. The Report determined that this site was less suitable for the project and ranked this site as 2<sup>nd</sup>. In order to pursue this site, the County would need to demonstrate no other options were available, including the #1 ranked Conservation Collier property.

**Pond Site 5** is located directly adjacent to Tamiami Trail North (US 41). The County purchased Parcel 00154600000 in May 2023 for this project. The parcel will be used for the road and the remainder will be used for a small portion of stormwater pond. The site is too small to be the only offsite pond location but has been included in the stormwater capacity calculations. This site was ranked 3<sup>rd</sup> by the Report.

The development of this project requires approximately 6.9 acres off-site ponds for drainage. The Report noted that the use of one single pond site is preferable to the use of two disconnected sites when maintenance, operation and monitoring are considered. The additional costs associated with acquisition and right-of-way permitting with two sites adds additional costs with no additional benefit.

As discussed in the Report, the other alternative locations are less desirable, and the Report recommended siting the drainage pond within the Railhead Scrub Preserve. In addition, other pond sites have been acquired to decrease the required acreage necessary from the Program Lands.

**C. Demonstrate with supporting documentation that the requested Other-use Dedications of portion of Program Lands takes the minimum acreage and, to the maximum extent possible, minimizes deleterious intrusion, preserves higher quality or acreage of lands than those sought if a land exchange is being offered, impact the lowest quality habitat, and avoids habitat fragmentation, noise and light pollution that would adversely affect the adjacent remaining Program Lands.**

Pond Site 1 was deemed to be the most favorable based on the Report evaluation and analysis. To minimize the area needed from the Conservation Collier land, the County has done an advanced acquisition of Pond Site 5. In addition, the County is expanding the pond area associated with the Phase 1 improvements for the benefit of the Phase II project improvements. Therefore, the least amount of Conservation Collier land has been used in the pond site need calculation.

At the time of acquisition of the lands by Conservation Collier, it was acknowledged a roadway would traverse the parcel. The alternatives developed and documented in the Report include evaluation of alternatives and consideration of environmental impacts. Staff carefully considered the recommendations of the Report, which included limiting, to the greatest extent possible, the acreage needed for the VMB Ext. Coordination with Conservation Collier staff indicated that the methodology to follow when evaluating habitats was to give the highest priority to tortoises, then scrub habitat then wetlands. This guidance was used in evaluating and identifying the general pond site location on the Program Lands. The pond site concept was refined after coordination with Conservation Collier Staff and the preliminary design takes into consideration the minimum acreage needed and demonstrates the intent to minimize impacts to the area.

**D. Demonstrate with supporting documentation a substantial public need for the particular interest in the Program Lands requested, why there are no acceptable alternatives to meet the need, why the competing public use must occur at that location, and how the Other-use Dedications of portion of Program Lands will be offset to ensure an Exceptional Benefit to the Program.**

The adopted LRTP's, the AUIR, studies and analysis, the existing and expected deficiencies in the transportation roadway network demonstrate a substantial public need for the VMB Ext. project. The pond site within the Program Preserve Lands is necessary for the road project and an Exceptional Benefit to the community. Alternatives to siting the pond on Conservation Collier land have been discussed above and in the Report. In addition, acquisition of the Program Lands within the preserve was completed with knowledge of a future roadway. Sidewalk access provided by the future roadway was incorporated into the long-range public access plan for Conservation Collier. The road is being built for the betterment of the community and will provide improved access to the Conservation Collier lands by allowing residents and visitors roadside access to enjoy and appreciate the natural beauty and wildlife it has to offer. This will encourage outdoor activities such as hiking, birdwatching, and nature exploration, and foster a deeper connection between individuals and the environment.

The Exceptional Benefit of public access to Conservation Collier lands is an essential element of the Conservation Collier Program and the management plan. The VMB Ext. project will provide public access to Conservation Collier lands which they currently do not have. The Railhead Scrub Preserve Land Management Plan indicates a need for improved access and notes considerable constraints with current access via private roads and a railroad crossing. The construction of Veterans Memorial Phase I and Aubrey Rogers High School near a portion of the Railhead Scrub Preserve offers a unique opportunity to educate Collier County high schoolers and the public about the rarity and imperiled nature of this rosemary scrub ecosystem.

The Conservation Collier staff has documented the trespassing concern. This project and the access created by it will restrict unauthorized and detrimental access. Creating a safe, necessary, and legal managed public access for education on the southern property while creating a boundary with the road to protect the northern lands is an exceptional benefit to the program. There is currently no legal physical access to the property. The use of the Program Lands for the road and pond would create public access.

The Conservation area was intended for compatible nature-based public access and passive opportunities such as for hiking trails, education programs and research. The construction of VMB Ext. and the pond provides the exceptional benefit of public access not currently available on the Program Lands but included in the goals of the program.

**E. Demonstrate how the Other-use Dedications of portions of Program Lands will not adversely affect any State or Federally listed species.**

All work within this area will be permitted and in compliance with all Federal, State and Local permitting agencies, as appropriate. Those agencies may include the US Army Corp. of Engineers, Florida Department of Environmental Protection and SFWMD. The Environmental Resource Permitting process has begun as part of this project. All laws, ordinances, regulations and required compliance activities will be adhered to during all phases of the Project.

**F. Demonstrate that the proposed compensation meets the goals and purposes of the Program and provides an Exceptional Benefit to the Program.**

Safe, managed, and legal public access is a goal of Conservation Collier that is not currently available on the Railhead Preserve. As mentioned above, improved access to the Conservation Collier lands is an exceptional benefit to the program. This project will help encourage and manage outdoor activities such as hiking, birdwatching, and nature exploration, and foster a deeper connection between individuals and the environment.

To ensure the conveyance of the interest in program lands results in an exceptional benefit to the program, this petition proposes to offset the acquisition and transfer of land through a financial compensation based on a certified appraisal of the property. TMSD Staff recommends an appraisal of the Program Lands to establish reasonable value of the property and existing market conditions. Compensation into the Conservation Collier fund could allow for increased future acquisitions. The financial compensation for the acquisition has the potential to help Conservation Collier preserve, restore and manage protected land.

In addition to the financial compensation established by the appraisal, TMSD recommends contributing the following exceptional benefits to the program:

- Providing a small pipe (minimum 18 inches in diameter) set at-grade.
- A financial contribution of \$35,000 to Conservation Collier for use at the preserve.
- Coordination meetings at key project milestones.

**G. Include the current value of the land to be acquired as provided for in Section 4.02 [of the Ordinance].**

For consideration, if the Railhead Preserve Property was acquired today, it would have been exempt from the Exceptional Benefits clause and Collier County's TMSD would reimburse Conservation Collier for the acreage in the Program Land at the original per-acre acquisition cost. Calculated at \$10,650,000 divided by 60 acres and total approximately \$177,500 per acre 6.9 acres would total approximately \$1,224,750.

Based on the Ordinance, the value is based on the current land value. According to the Collier County Property Appraiser website record for Folio # 0015260002, the Program Land is shown to be 60 acres with a total land value of \$6,000,000. When divided, the value is \$100,000 per acre. The 6.9 acres would be estimated at a value of approximately \$690,000.

An appraisal of the property is recommended to determine the current value of the Program Land to be used for the pond site. TMSD, at their expense will have the property appraised by a certified appraiser.