

EXECUTIVE SUMMARY

Approve an Agreement for Sale and Purchase for 55.35 acres under the Conservation Collier Land Acquisition Program, at a cost not to exceed \$10,687,700 (RR Land Trust).

OBJECTIVE: Request approval of the attached Agreement for Sale and Purchase (Agreement) between the Board of County Commissioners (Board) and George P. Langford, as Trustee of the R. R. Land Trust dated the 1st day of December, 1998 (Sellers).

CONSIDERATIONS: On January 23, 2007, Agenda Item 10A, the Board approved a Collier Conservation Land Acquisition Advisory Committee (CCLAAC) recommended Active Acquisition List, with changes, and directed staff to actively pursue acquisition of the properties under the Conservation Collier Program.

The Seller's property is made up of 16 parcels and contains a total of 55.35 acres. These parcels are located easterly of Old U.S. 41 on the south side of the proposed East/West Livingston Road extension and is across the street from the existing Conservation Collier Railhead Scrub Preserve.

In accordance with the approved Conservation Collier Purchasing Policy, the purchase price of \$10,650,000 was based upon the average of two independent, state-certified general real estate appraisers, one giving value at \$10,500,000 and the other at \$10,800,000. The purchase price is higher than the estimated value of \$9,000,000, shown on the Active Acquisition List which was approved by the Board on January 23, 2007, Agenda Item Number 10 A; however, there are several factors that contribute to the higher purchase price, such as, current comparable sales, and the potential developability of the property.

The attached Agreement provides that should the County elect not to close this transaction for any reason, except for default by the Seller, the County will pay the Seller \$10,000 in liquidated damages.

Pursuant to Ordinance 2003-63, Section 13(8), a Project Design Report for the property is provided herewith.

The Agreement has been reviewed and approved by the County Attorney's Office.

FISCAL IMPACT: The total cost of acquisition will not exceed \$10,687,700 (\$10,650,000 for the property, \$12,700 for the appraisals, and approximately \$25,000 for the title commitment, title policy, and recording of documents). The funds will be withdrawn from the Conservation Collier Trust Fund (172). As of May 14, 2007, property costs for Conservation Collier properties, including this property and those under contract, total \$56,625,533.

GROWTH MANAGEMENT IMPACT: Fee simple acquisition of conservation lands is consistent with and supports Policy 1.3.1(e) in the Conservation and Coastal Management Element of the Collier County Growth Management Plan.

LEGAL CONSIDERATIONS: The Conservation Collier Ordinance (2002-63) provides a legal framework for property acquisition for the Conservation Collier Program. The process for acquiring this property falls within the legal framework of Ordinance 2002-63.

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RECOMMENDATION: Staff is recommending that the CCLAAC:

1. Approve the attached Agreement; and
2. Recommend to the Board approval and authorization for the Chairman to execute the Agreement on behalf of the Board.

PREPARED BY: Cindy M Erb **DATE:** 5/1/07
 Cindy M. Erb, Property Acquisition Specialist, Sr.
 Real Estate Services/ Facilities Management Department

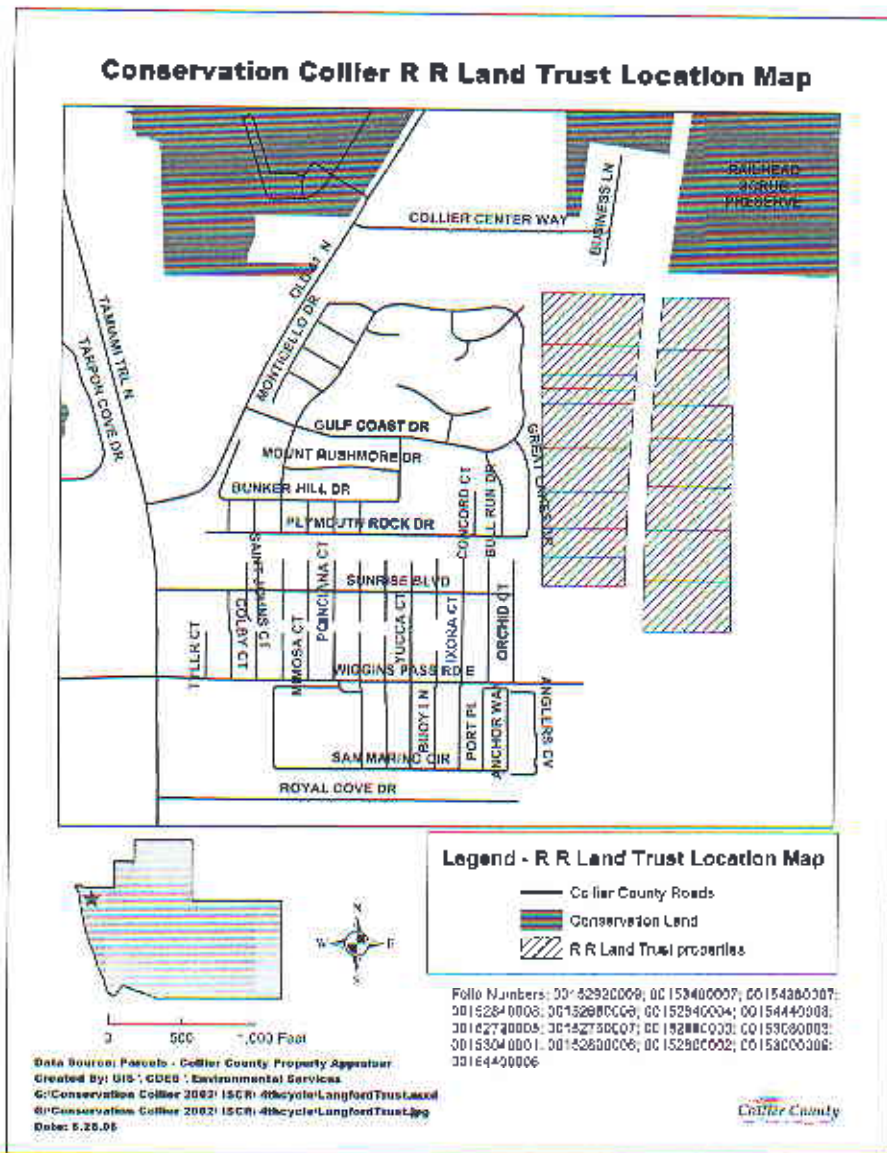
REVIEWED BY: Cindy M Erb **DATE:** 5/1/07
for Toni A. Mott, Interim Manager
 Real Estate Services/ Facilities Management Department

REVIEWED BY: Alexandra Sulecki **DATE:** 5/1/07
 Alexandra J. Sulecki, Coordinator
 Conservation Collier Program

REVIEWED BY: [Signature] **DATE:** _____
 Skip Camp, Director
 Facilities Management Department

Conservation Collier Land Acquisition Program Project Design Report

Date: April 26, 2007



Property Owner(s): George P. Langford, Trustee, RR Land Trust

Location: North Collier County, south of the Conservation Collier Railhead Scrub Preserve and adjoining the future Veteran's Memorial Blvd. in Section 15, Township 4B, Range 25.

Total Size: 55.35 acres

Appraisal/Offer Amount: \$10,650,000

History of Project:

Received application	Selected for the Active Acquisition List by CCLAAC	Approved for purchase by BCC	Purchase offer made to owners	Offer Accepted
August 14, 2006	December 11, 2006	January 23, 2007	March 27, 2007	April 10, 2007

Folio(s) and acreage: 16 separate folios with acreages as follows:

Folio	Property Appraiser Acreage	Surveyed Acreage
00152920009	2.35	2.63
00153400007	2.8	3.04
00154360007	1.36	1.49
00152840008	3.79	4.31
00152680006	5.27	4.03
00152640004	3.54	2.71
00154440008	1.36	1.47
00152720005	4.86	3.78
00152760007	5.69	4.51
00152880000	3.62	4.17
00153080003	2.34	2.66
00153040001	2.94	3.39
00152800006	5.54	4.55
00152600002	4.43	3.44
00153000009	5.14	3.94
00154400006	4.97	5.23
Total	60.00	55.35

Purpose of Project: Conservation Collier

Program Qualifications: This site met 5 out of 6 initial screening criteria, including presence of native habitat, having human resource values, biodiversity and connectivity (noting the future Veterans Memorial Blvd. will separate these parcels from the Railhead Scrub Preserve). The one criterion not met was that it is not within another agency boundary and so would not offer opportunity for an acquisition funding partnership.

The property is located near U.S. 41 and old 41, between Imperial Golf Estates to the south, two manufactured home communities to the west, the future Veterans Memorial Blvd. and Conservation Collier Railhead Scrub Preserve to the north. Two future school sites are located east of the project site along the Veterans Memorial Blvd. right-of-way, the school farthest east is due to open next year and the closer one in 2016. Access to the parcels will not likely be provided until 2016 unless the Transportation Department and Conservation Collier can work together to clear the right-of-way east of the project to provide unpaved access. A proposal to rezone the project from non-agricultural acreage to PUD (Railhead 55 PUD) was brought to the Collier County Community Development Division for pre-application review in 2005, but subsequently abandoned.

A 130 foot Railroad parcel runs north-south and splits the project in two nearly equal halves. This parcel is owned by CVX, a national railway line and leased to a local railroad company, Gulf Seminole Railway. The tracks are not active at this time; however the leaseholder advises staff that there is potential to make the rail line active again in the future. Providing some kind of crossing of this parcel anywhere on the project site would be expensive. Florida Power and Light (FPL) maintains a 50-foot easement running north-south on the western half of the property, 30-feet in from the west property line. Collier County maintains a 30-foot stormwater drainage easement directly adjoining the FPL easement on its east side.

The parcel contains a habitat listed by the Conservation Collier ordinance as unique and highly preferred for acquisition – xeric oak scrub. Four other native plant communities identified by the Florida Department of Transportation's Florida Land Use Cover and Forms (FLUCCS) (1994/1995) classification system were observed (cypress, freshwater marsh, scrubby pine flatwoods and pine flatwoods) indicating that intact native plant communities exist on the project site.

Acquisition of this project will offer human social values including access for recreation when the future Veterans Memorial Blvd. is constructed and enhancement of the aesthetic setting of Collier County due to the frontage along the future road and proximity to two Collier County School sites.

This property contains both uplands and small patches of wetlands. Wetland dependent species of wildlife, including state-listed bird species were observed. Approximately 25% of the soils mapped on the site are wetland soils. Vegetation observed in these areas corresponds with soil types. An upland/wetland survey was accepted in 2000 by South Florida Water Management District identifying approximately 5.61 acres as jurisdictional wetlands. These wetland areas may accept some surface waters during flood events, protecting surrounding developed properties. The project area is mapped as contributing moderately to recharge of the surficial aquifer.

While this project site is mapped by the Florida Fish and Wildlife Conservation Commission as having low potential for biodiversity and surrounding existing and planned development limits connectivity to other natural areas (except the Railhead Scrub Preserve until the Veterans Memorial Blvd separates them) it does contain at least 3 state-listed plant species, gopher tortoises (State-SSC*), and it does provide habitat suitable for other listed wildlife species, including gopher frog (State-SSC), eastern indigo snake (State-T**), red rat snake (State-SSC), alligator (State-SSC, Federal-T), wood stork (State-E***, Federal-E), bald eagle (State-T, Federal-T) and numerous other bird species.

Projected Management Activities: The RR land Trust property will be joined with the existing Railhead Scrub Preserve for management purposes. Activities anticipated include removal of prohibited exotic plant species and development and maintenance of a low impact trail. An Interim Management Plan has already been developed and approved by the Board of County Commissioners for the Railhead Scrub Preserve. A Final Management Plan for the Railhead Scrub Preserve is currently being developed and is due by the end of June 2007. The RR land Trust parcel will be included in that plan. The site will be appropriately used for recreational and educational opportunities associated with its environmental attributes.

* SSC – Species of Special Concern

** T - Threatened

*** E - Endangered