

EXECUTIVE SUMMARY

Approve an Agreement for Sale and Purchase for 80.00 acres under the Conservation Collier Land Acquisition Program, at a cost not to exceed \$548,000 (Scherer).

OBJECTIVE: Request approval of the attached Agreement for Sale and Purchase (Agreement) between the Board of County Commissioners (Board) and William C. Scherer and Irene K. Scherer (Sellers).

CONSIDERATIONS: On January 23, 2007, Agenda Item 10A, the Board approved the Conservation Collier 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 Sellers' property contains a total of 80.00 acres and is located in Section 30, Township 51 South, Range 27 East. This parcel is within the McIlvane Marsh area. In accordance with the approved Conservation Collier Purchasing Policy, the purchase price of \$540,000 was based upon the average of two independent, state-certified general real estate appraisers, one giving value at \$520,000 and the other at \$560,000.

The attached Agreement provides that should the County elect not to close this transaction for any reason, except for default by the Sellers, the County will pay the Sellers \$2,700 in liquidated damages.

Pursuant to Ordinance 2003-63, Section 13(B), 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 \$548,000 (\$540,000 for the property, \$4,700 for the appraisals, and approximately \$3,300 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 The funds will be withdrawn from the Conservation Collier Trust Fund (172).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

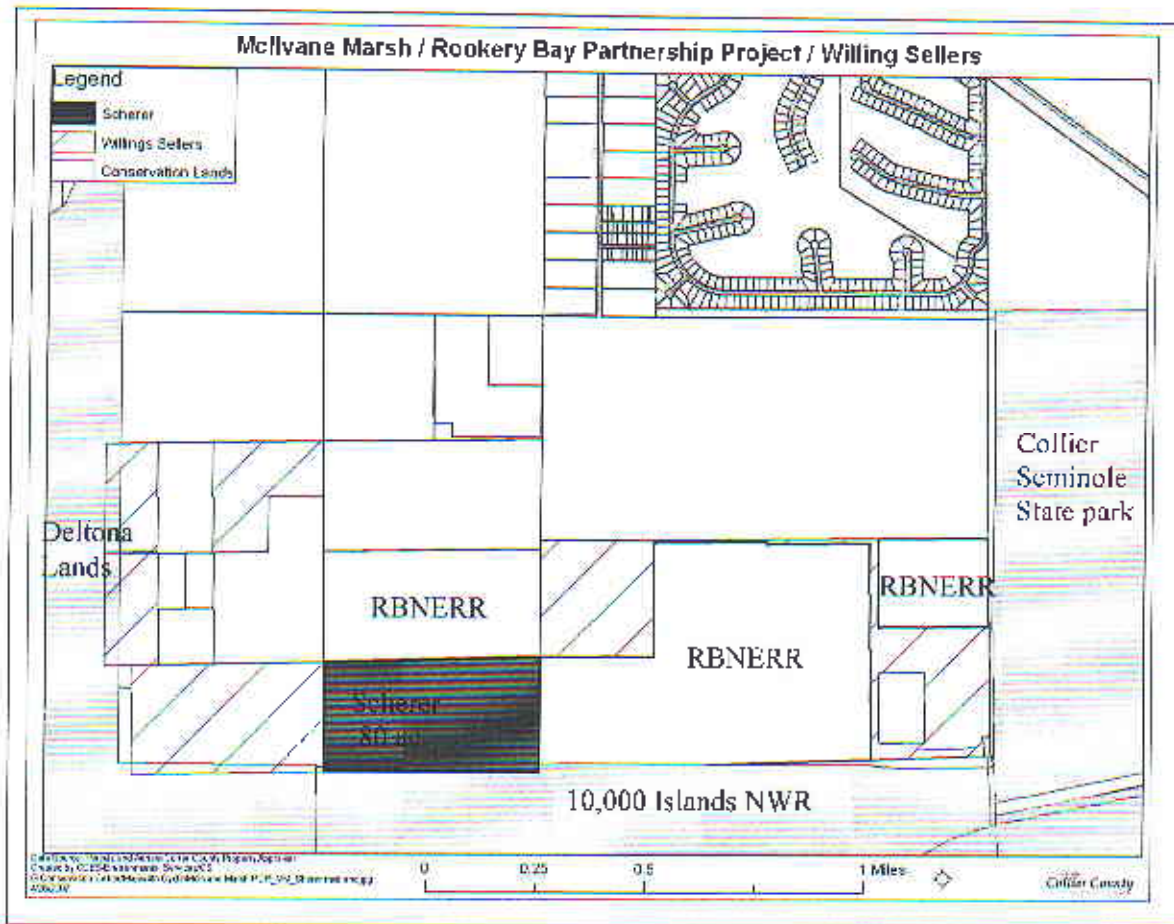
REVIEWED BY: Cindy M Erb **DATE:** 5/1/07
for Toni A. Mott, Interim Manager
Real Estate Services/ Facilities Management Department

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

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

Conservation Collier Land Acquisition Program Project Design Report

Date: May 1, 2007



Property Owner(s): William C. and Irene K. Scherer

Folio(s): 00775440005

Location: Mollvane Marsh - Section 30, Township 51, Range 27

Size: 80 acres

Appraisal/Offer Amount: \$540,000

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
September 28, 2006	December 11, 2006	January 23, 2007	March 22, 2007	April 4, 2007

Purpose of Project: Conservation Collier

Program Qualifications: This site is part of a project area, in which a number of similar parcels were evaluated as a group. The group met 5 out of 6 initial screening criteria, including presence of native habitat, having human resource values, biodiversity and connectivity. The one criteria not met was being within another agency boundary, however, the State of Florida Division of State Lands is interested in pursuing a boundary adjustment in order to partner with Collier County for post acquisition partner funding and management of the parcels as discussed in the Projected Management Activities section.

Mcllvane Marsh is an 800-acre project area located south of U.S. 41 and just to the west of Collier Seminole State Park, in Sections 29 and 30, Township 51, Range 27. The project area is divided into 19 parcels of which Conservation Collier has willing sellers for 7 parcels totaling 280 acres (see above map). The Scherer parcel is on the south side of the marsh project area, directly adjoining the Ten Thousand Islands National Wildlife Refuge (NWR). Two owners (one owns 2 acre at the north edge of the marsh and one owns two parcels totaling 51.02 acres on the west side and in the center) have declined Conservation Collier's offers. Rookery Bay National Estuarine Research Reserve (RBNERR) either already owns or is in the process of receiving 2 parcels totaling 330 acres that have been donated for mitigation purposes and Collier County owns one 20-acre mitigation parcel. There are 170 acres remaining to acquire from 8 owners. One of these owners, of 80 acres along the north side of the marsh has indicated the County's offer maybe too low for him to accept. Conservation Collier has sent letters to the remaining 7 owners in the past asking if they are willing to sell and they did not respond. The Program plans to send follow up letters during the current cycle with Board approval.

Mcllvane Marsh contains at least 4 different types of native plant communities identified by the Florida Department of Transportation's Florida Land Use Cover and Forms (FLUCCS) (1994/1995) classification system, including saltwater marsh, mangroves, pine flatwoods and inland ponds/sloughs. These native plant communities appear to be in relatively good shape, with exotics primarily along the northern edge where there is a dirt road, however, much of the property was viewed from one video taken of the western side of the marsh and from the air, due to accessibility problems. For inaccessible areas, staff relied upon reports from (RBNERR) staff, who have visited most areas within the marsh.

Conservation Collier does not own lands in this geographic area, so acquisition of these parcels would expand the geographic distribution of Conservation Collier Preserves. There is potential to provide appropriate access for nature-based recreation through State-owned Rookery Bay lands. Although much of the marsh is inaccessible by vehicle or foot, there is potential for canoe or kayak access, fishing and wildlife viewing via Curcie Road, a paved, public right-of-way.

Acquisition of parcels within this project area will provide opportunities for protection of water resource values, including aquifer recharge, water quality enhancement, protection of wetland dependent species and flood control. Coastal wetlands within the project area provide habitat for many wetland dependent species, particularly bird and fish species. There is a known rookery within the Mcllvane Marsh and many bird species have been observed there. Acquisition and protection of the marsh will provide protection both for developed properties to the north from storm surge and water quality protection to adjoining marine and estuarine communities, as the plants, animals and soils in coastal marshes absorb, filter and neutralize many pollutants draining from the land. The area also provides moderate to substantial recharge for the surficial aquifer.

Acquisition of the Mcllvane Marsh would provide opportunities to protect significant biological values by protection listed species habitat, providing connectivity to other conservation lands and offering restoration potential and ecological quality. The marsh appears to have good ecological quality, as observed by staff during area flyovers and as reported by Rookery Bay

National Estuarine Research Reserve (RBNERR) staff. The marsh contains habitat for many listed species, including American alligator (State –SSC*, Federal – T**) American crocodile (State – E***, Federal - E), Florida ribbon snake (Federal – T), and numerous species of birds listed by both the State and Federal governments. While it is not known whether the site contains listed plant species, it is likely to contain listed (but locally common) bromeliad species. The project area is directly connected to public conservation and park lands, including the Collier Seminole State Park, Ten Thousand Islands National Wildlife Refuge, Deltona Settlement Lands and, through them, to RBNERR.

Projected Management Activities:

Staff is currently working with the Florida Division of State Lands on a post-acquisition partnering proposal that would share costs of acquisition and transfer title to the State for inclusion in the RBNERR. Rookery Bay staff advises that canoe and kayak access is possible from Curcie Road. Partnership with the State would make the entire project less expensive for Collier County, remove long term management costs and obligations for the County on inaccessible areas and would still result in placing the marsh in permanent conservation status, thus achieving all the goals of the Conservation Collier Program. As previously mentioned, RBNERR already owns a significant portion of the marsh. Lands owned and managed by RBNERR would be accessible to the public under the Rookery Bay lands management plan.

* SSC – Species of Special Concern

** T - Threatened

*** E - Endangered