

EXECUTIVE SUMMARY

Approve an Agreement for Sale and Purchase for 30.00 acres under the Conservation Collier Land Acquisition Program, at a cost not to exceed \$208,800 (RJS, L.L.C.).

OBJECTIVE: Request approval of the attached Agreement for Sale and Purchase (Agreement) between the Board of County Commissioners (Board) and RJS, L.L.C., a Florida limited liability company (Seller).

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 Seller's property contains a total of 30.00 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 \$202,500 was based upon the average of two independent, state-certified general real estate appraisers, one giving value at \$210,000 and the other at \$195,000.

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 \$2,025 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 \$208,800 (\$202,500 for the property, \$4,700 for the appraisals, and approximately \$1,600 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 The funds will be withdrawn from the Conservation Collier Trust Fund (172).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 \$62,159,833.

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.

EXECUTIVE SUMMARY

Conservation Collier – Agreement for Sale and Purchase – RJS LLC

Page 2

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: _____ **DATE:** _____
 Cindy M. Erb, Property Acquisition Specialist, Sr.
 Real Estate Services/ Facilities Management Department

REVIEWED BY: _____ **DATE:** _____
 Toni A. Mott, Interim Manager
 Real Estate Services/ Facilities Management Department

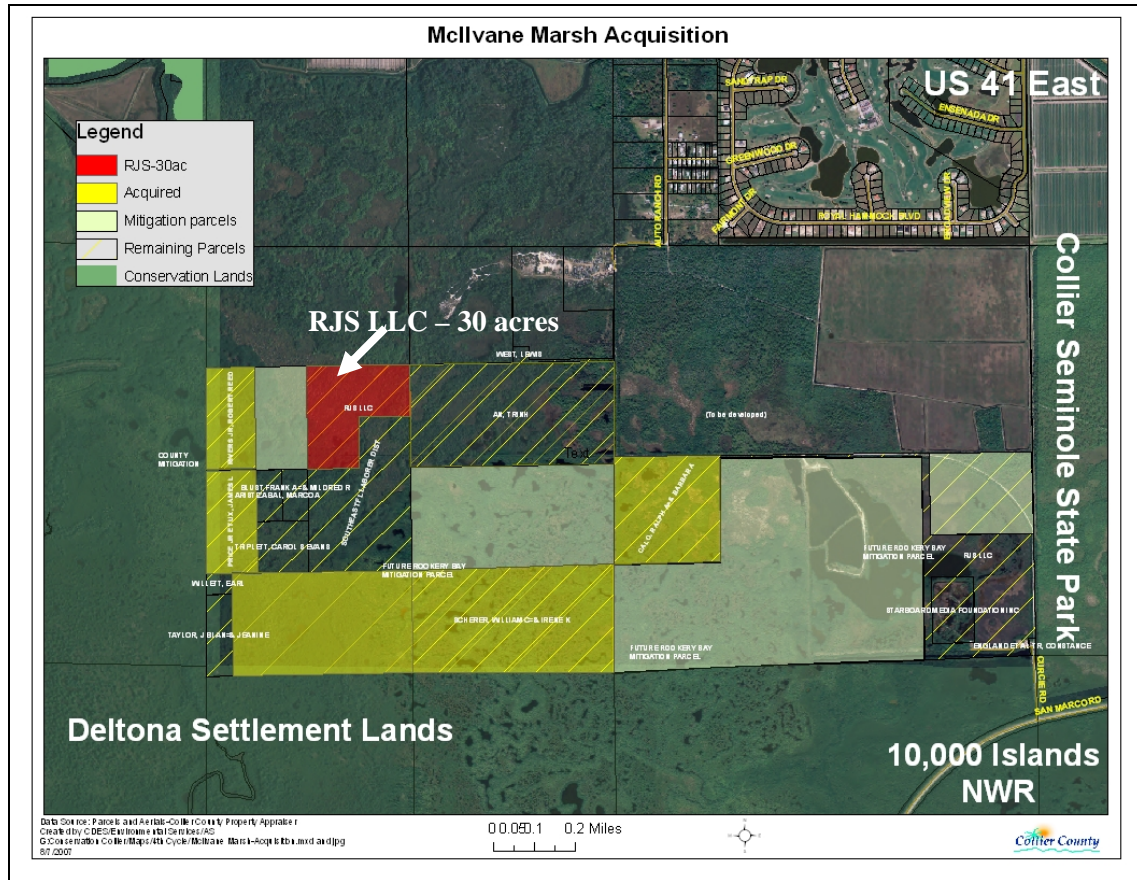
REVIEWED BY: _____ **DATE:** _____
 Alexandra J. Sulecki, Coordinator
 Conservation Collier Program

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

Conservation Collier Land Acquisition Program

Project Design Report - RJS LLC – 30 acres

Date: August 7, 2007



Property Owner(s): RJS, L.L.C.

Folio(s): 00775680001

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

Size: 30 acres

Appraisal/Offer Amount: \$202,500

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 15, 2006	December 11, 2006	January 23, 2007	June 13, 2007	June 22, 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.

McIlvane 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 initially had willing sellers for 7 parcels. 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. Acquisition of the RJS LLC parcel will place 280 acres under County ownership, for a total of 610 acres currently in conservation status. There are 190 acres remaining to be acquired from 10 owners, of which 80 acres has been offered by a willing seller in the current cycle.

The RJS LLC parcel is 30 acres on the west side of the marsh project area. It is one of 2 parcels totaling 51.02 acres initially offered by RJS LLC. An offer was extended for both parcels by the County on March 27, 2007. This offer was refused on April 26, 2007; however, the owner subsequently inquired whether just the 30-acre parcel may be acquired. On June 11, 2007, the Conservation Collier Committee voted to re-extend the offer for just the 30-acre parcel, which the owner accepted.

McIlvane 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 other lands in this geographic area, so acquisition of this group of parcels expands 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 McIlvane Marsh and many listed and non-listed bird species have been observed there. The marsh contains habitat for other listed species, including American alligator (State –SSC*, Federal – T**) and American crocodile (State – E***, Federal - E). While it is not known whether the site contains listed plant species, it is likely to contain listed (but locally common) bromeliad species. Acquisition 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 McIlvane Marsh will 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 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 potentially 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, with some level of public access, 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