

EXECUTIVE SUMMARY

Approve an Agreement for Sale and Purchase for 1.14 acres within the Winchester Head Multi-parcel Project under the Conservation Collier Land Acquisition Program, at a cost not to exceed \$27,820 (Berger Tr.).

OBJECTIVE: Request approval of the attached Agreement for Sale and Purchase (Agreement) between the Board of County Commissioners (Board) and Richard R. Berger, Trustee of the Robert K. Berger and Ruth A. Berger Trust Agreement dated 5/14/99 (Seller).

CONSIDERATIONS: On January 25, 2005, Agenda Item 10D, the Board approved a Conservation Collier Land Acquisition Advisory Committee (CCLAAC) recommended Cycle II - Active Acquisition List, (AAL) with changes, and directed staff to actively pursue acquisition of the properties under the Conservation Collier Program. A multi-parcel project included on the Cycle II – AAL was a portion of Unit 65 in Golden Gate Estates (Winchester Head Multi-parcel Project). Staff has actively pursued acquiring parcels within Unit 65. However, on September 13, 2005, Agenda Item 16 A 34, the Board accepted CCLAAC's recommendation to, due to rising property costs, discontinue buying properties for the Winchester Head Multi-parcel Project for 90 days. On February 14, 2006, Agenda Item 10A, the Board approved to place the Winchester Head Multi-parcel Project on the "B" list of the Cycle III – AAL, and on January 23, 2007, Agenda Item 10A, the Board approved the Cycle IV – AAL, once again placing the Multi-parcel Project on the "B" list. On May 22, 2007, Agenda Item 10F, the Board approved to reactivate the Winchester Head Multi-parcel Project, with conditions, and it was placed on the "A" list on the current AAL.

The Winchester Head Multi Parcel Project consists of 115 parcels and a total of 167.74 acres. To date, Conservation Collier has acquired a total of 8.88 acres consisting of 7 parcels, and the Collier Soil and Water Conservation District has acquired 2 parcels totaling 2.28 acres.

Staff had contracted with two independent, state-certified, general real estate appraisers to appraise all parcels within the Winchester Head Multi-parcel Project who based their analysis on comparable sales from wetland, not upland parcels, preferably within the Winchester Head area. The averaged appraised value for 1.14 and 1.59 acre parcels is \$23,000 an acre and parcels over 2 acres averaged \$19,000 an acre.

Staff sent out 106 offer letters based on the averaged appraised values and size of parcel, and to date, 24 have accepted our offers, 7 said they are not interested, and 11 made inquiries but have not committed.

In fact, the Seller is one of those who are interested in selling his property. The Seller's property contains a total of 1.14 acres and is located in Golden Gate Estates, Unit 65 (Winchester Head Multi-parcel Project). The land cost for the 1.14 acre parcel is \$26,220.

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 \$131.10 in liquidated damages.

Pursuant to Ordinance 2007-65, 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.

EXECUTIVE SUMMARY

Conservation Collier – Agreement for Sale and Purchase – Berger Tr.

Page 2

FISCAL IMPACT: The total cost of acquisition will not exceed \$27,820 (\$26,220 for the property, 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 November 16, 2007, property costs for Conservation Collier properties, including this property and those under contract, total \$62,738,383.

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 (2007-65) 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 2007-65.

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