

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 (Migenes).

OBJECTIVE: Request approval of the attached Agreement for Sale and Purchase (Agreement) between the Board of County Commissioners (Board) and Roxana Migenes (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. Another 19 parcels, totaling 28.69 acres, are pending or under contract. 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, 25 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 – Migenes

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 \$62,764,603.

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

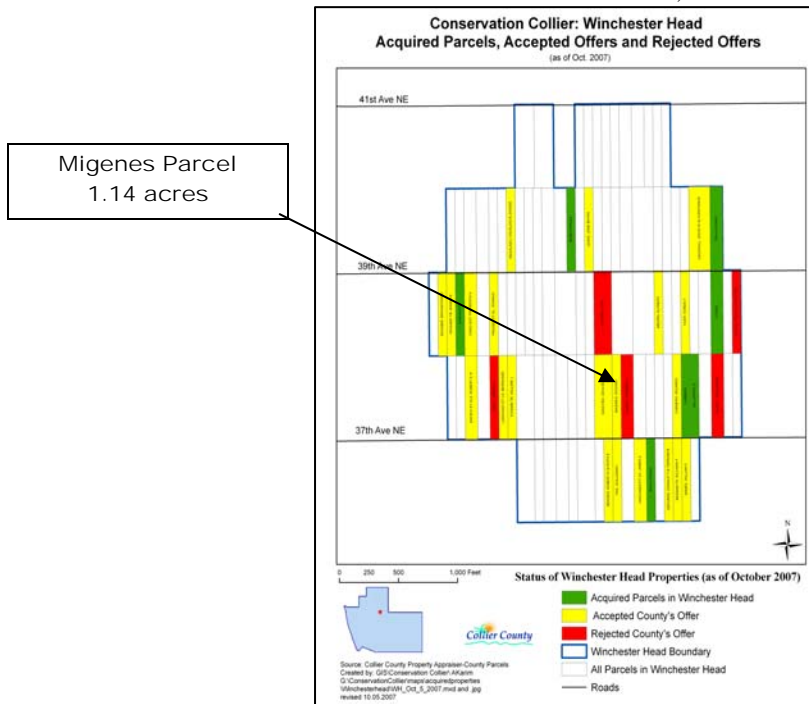
REVIEWED BY: _____ **DATE:** _____
Toni A. Mott, Interim Manager
Real Estate Services/ Facilities Management Department

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

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

Conservation Collier Land Acquisition Program Project Design Report

Date: November 29, 2007



Property Owner: David Migenes

Folio(s): 39957440001

Location: Golden Gate Estates Unit 65 W 75 FT OF E 180 FT OF TR 62

Size: 1.14 acres

Appraisal/Offer Amount: \$26,220

History of Project:

Received application	Selected for the "A" category, #1 priority, on the Active Acquisition List by CCLAAC	Approved for purchase by BCC	Project halted by BCC	Re-approved for purchase by BCC - conditionally	Purchase offer made to owners	Offer Accepted
October 2007	12/15/04	1/25/05	9/12/05	5/22/07	8/30/07	Nov 2007

Purpose of Project: Conservation Collier

Program Qualifications:

The Winchester Head multi-parcel project, which includes the Migenes property, is an approximately 200-acre undeveloped depressional cypress head and marsh wetland located in NGGE in Units 62 and 65. The entire site is within North Golden Gate Estates, a target protection area. Three different roads, one of which is paved, can access the site and from these roads half of the property can be viewed. The mature cypress and seasonally changing marsh enhance the aesthetic setting of Collier County. Using aerial photographs, elevation data, soil maps and public input, a total of 114 parcels (about 175 acres) were identified as being important for acquisition. One important reason for the nomination of Winchester Head is that this area functions to provide floodplain storage for surrounding home sites during high rainy season. In fact, these types of depressional storage areas were included in the water management models for the Golden Gate canal system done by the Big Cypress Basin, South Florida Water Management District and are a component of flood control for the area. Other criteria that would be satisfied by a purchase here include protection of surface and ground water resources, protection of wetland dependent species habitat, good potential for restoration and low estimated management costs. Listed plant species were observed, while a listed wildlife species (Florida black bear) has been documented at the edges of the property. During a March 2004 site visit, it was noted that there was significant standing water, that many birds are using the area, and that the wetland areas are nearly free of invasive exotic plant life, indicating good ecological value.

Projected Management Activities:

Active management of this project would not be feasible until a significant contiguous area could be acquired. Since the area is relatively free of exotic plants, minimal control efforts consisting of herbicide applications on exotics at the edges of owned properties may be done until a larger area is acquired. Because of the wetland nature of the site, trails are not recommended. A raised boardwalk would be the best public access opportunity, however, this is not proposed until some time well into the future of the project when more parcels are acquired. Nature photography and bird watching are two activities that can occur at present. After consideration of risks and liability, it may be possible to allow school children to visit specific parcels as part of an educational program about wetlands. Currently, the two roads (37th and 39th Streets NE) provide access but the only parking is the road right-of-way. Until there are enough parcels acquired to provide a resource destination, a visitor parking area is not necessary, but this may be constructed in the future. Land Development Code changes have been made to allow construction of a parking area on parcels in Estates zoning. Also in the future, an educational kiosk could be placed along one of the roads through the project. It would contain information on wetlands and on the preservation of the area. Signs can be placed at boundaries along 37th and 39th St. NW. Minimal management activities, like trash removal can be accomplished using both contracted and volunteer labor.