

RESOLUTION NO. 2007-~~300~~

A RESOLUTION SUPERSEDING RESOLUTION NO. 2003-195 AND ESTABLISHING THE COLLIER COUNTY BOARD OF COUNTY COMMISSIONERS' PURCHASING POLICY FOR THE ACQUISITION OF LANDS BY THE CONSERVATION COLLIER LAND ACQUISITION PROGRAM.

WHEREAS, Collier County has recognized the need to plan for future growth and has initiated a long-term program, known as Conservation Collier, to acquire, protect, restore and manage environmentally sensitive lands in perpetuity and to provide public open space for the benefit of present and future generations; and

WHEREAS, the Board of County Commissioners (Board) has created Conservation Collier and implemented its policies, goals, and objectives by adopting Ordinance No. 2002-63.

WHEREAS, the Conservation Collier Program seeks to acquire property based upon a reasonable and appropriate purchase price; and

WHEREAS, the Board desires to establish a methodology to value lands considered for acquisition; and

WHEREAS, in accordance with Section 7 of Ordinance No. 2002-63 the Conservation Collier Land Acquisition Advisory Committee (CCLAAC) is charged with recommending acquisition policies.

WHEREAS, based on the recommendation from CCLAAC, the Board of County Commissioners (Board) has determined that it is necessary to update the acquisition policy established by Resolution No. 2003-195.

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA that:

SECTION I. Findings

It is found and declared that:

- (A) A written policy and procedure for how the Conservation Collier Program values land is required.
- (B) The Collier County Real Estate Services Section has a current policy for the purchase of lands that incorporates State and Federal Land acquisition procedures.

- (C) The CCLAAC, first in subcommittee and then after discussion by the full Committee on May 12, 2003, has unanimously recommended a policy for land purchasing in the Conservation Collier Program.
- (D) The CCLAAC, first in subcommittee and then after discussion by the full Committee on May 14, 2007, has unanimously recommended an updated policy for land purchasing in the Conservation Collier Program.

SECTION II. Be it further resolved that the Collier County Board of County Commissioners adopts the following Property Acquisition Policy for the Conservation Collier Program:

(A) Transfer of Development Rights (TDR):

- 1. For properties within the Rural Fringe Mixed Use District (RFMUD) "Sending" lands, property owners must do one of the following prior to the appraisal process:
 - a. Separate all four (4) TDR credits resulting in conveyance of the property to Conservation Collier, or
 - b. Separate the first two (2) TDR credits and discount the resulting property value by an amount agreed upon by Collier County and property owners to remove all prohibited exotic plants as identified in the Collier County Land Development Code, Section 3.05.08.
- 2. Once TDR credits are extinguished, Real Estate Services staff will proceed with ordering appraisal(s) based on the extinguishing of TDR credits.

(B) Offer Amount Methodology:

- 1. If the estimated value of the property is less than \$500,000.00, Real Estate Services staff shall secure one narrative appraisal report from a licensed independent real estate appraiser on an approved list with Collier County and on the Florida Division of State Lands list of appraisers. The Offer Amount will be equal to the appraised value.
- 2. If the estimated value of the property is \$500,000.00 or greater, Real Estate Services staff shall:
 - a. Secure two narrative appraisal reports from licensed independent real estate appraisers on Collier County's and the Florida Division of State Land's list of

approved appraisers. The Offer Amount will be equal to the average of the two appraisals.

- b. Should the two appraised values differ by an amount greater than 20% of the lowest appraisal, a third appraisal will be ordered and the two appraisals nearest in appraised value will be averaged to arrive at the Offer Amount.
3. All appraisals will be reviewed by Collier County's Real Estate Services staff appraiser and any appraisal that does not meet generally accepted appraisal standards will not be used to arrive at the Offer Amount. Either the appraiser must bring the appraisal to compliance or a replacement appraisal will be ordered and used to determine the Offer Amount.
4. Should the offer not be accepted by the owner within the thirty (30) day acceptance period, no further contact will be initiated by the Real Estate Services staff in respect to that offer. If the owner again contacts the County before six (6) months has elapsed from expiration of the offer, offering to sell the same property, the same offer can again be made upon certification of the existing appraisal by the County's Real Estate Appraiser. If the owner contacts the County after more than six (6) months have elapsed since expiration of the offer, and the property is still on the Active Acquisition List, a new appraisal shall be ordered by Real Estate Services staff pursuant to this policy, with the owner paying for this new appraisal in advance. Without such payment, a new appraisal shall not be ordered.

(C) Acquisition Process:

1. Upon authorization by the Board to proceed with acquisition of properties included on the "Active Acquisition List," Real Estate Services staff will perform a title search for each property on the Active Acquisition List.
2. Upon completion of the title searches, Real Estate Services staff will send letters to the owners of the properties on the Active Acquisition List outlining the appraisal and Offer Amount procedure and request a response regarding whether they remain favorable to going forward with the sale. Owners will also be advised that the County will accept whole or partial land donations. Real Estate

Services staff will follow-up by telephone within five (5) business days of the letter being mailed.

3. For all properties with positive responses from their owners, the Real Estate Services staff will order real estate appraisals in accordance with the policy outlined in the Offer Amount Methodology above. Appraisals will not be secured on property being donated.
4. Upon receipt of appraisals, Real Estate Services Section's staff appraiser will provide a review and, if the appraisals meet appraisal standards, the staff appraiser will determine the Offer Amount according to the policy outlined in the Offer Amount Methodology above. Collier County will not agree to pay a higher amount nor give consideration to an owner's appraisal.
5. Real Estate Services staff will contact each owner and advise him or her of the Offer Amount for the property. A letter verifying the Offer Amount giving the owner 30 days from the date of mailing to accept the Offer Amount. Real Estate Services Staff will follow-up by telephone within ten (10) business days of the letter being mailed.
6. Copies of appraisals will be made available to owners upon request.
7. Upon being advised by an owner of his or her acceptance of the Offer Amount, Real Estate Services staff will order a Title Commitment and, upon its receipt, prepare a Purchase Contract. The Contract will then be mailed to the owner for review and execution.
8. Upon receipt of a signed Contract from the property owner(s), Real Estate Services staff will present the Contract to the Board for approval. If approved, staff will present the Contract to the Chairman of the Board for execution. Staff will then proceed to clear title acceptable to the County Attorney's Office and schedule a closing date.
9. Post closing, Real Estate Services staff will record all required documents, secure a Title Insurance Policy, and release the property to the Environmental Services Department.

(D) Expenses:

1. Sellers shall be responsible for all documentary stamp taxes due on the recording of the conveyance instrument, pro-rated property taxes, costs associated with the satisfaction or release of any liens, encumbrances or exceptions necessary to clear title, including the recording fees on all curative instruments.
2. Collier County shall be responsible for the costs of appraisals, title commitments, title insurance, recording of conveyance instruments, environmental audits, and property surveys, if required by the County.

SECTION III. Effective Date.

This Resolution shall go into effect immediately upon its passage and adoption.

THIS RESOLUTION ADOPTED after motion; second and majority vote this 23rd day of October, 2007.

ATTEST:
DWIGHT E. BROCK, CLERK

BOARD OF COUNTY COMMISSIONERS OF COLLIER
COUNTY, FLORIDA

By: Ann Scroggins
Attest as to Chairman's
signature only
Approval as to form and legal
Sufficiency:

By:

James Coletta
James Coletta, Chairman

J.A.B. Belpedio
Jennifer A. Belpedio
Assistant County Attorney