

May 12, 2008

**MINUTES OF THE MEETING OF THE CONSERVATION  
COLLIER LAND ACQUISITION ADVISORY COMMITTEE**

Naples, Florida, May 12, 2008

LET IT BE REMEMBERED, that the Conservation Collier Land Acquisition Advisory Committee, in and for the County of Collier, having conducted business herein, met on this date at 9:00 A.M. in REGULAR SESSION at Administrative Building "F", 3<sup>rd</sup> Floor, Collier County Government Complex Naples, Florida with the following members present:

**CHAIRMAN:** Bill Poteet  
**VICE CHAIRMAN:** Will Kriz  
Marco Espinar  
Wayne Jenkins  
Kevin Kacer  
Michael Delate  
Tony Pires  
Jeffrey Curl  
Mimi Wolok

**ALSO PRESENT:** Jennifer Belpedio, Assistant County Attorney  
Cindy Erb, Real Property Management  
Alexandra Sulecki, Conservation Collier Coordinator  
Melissa Hennig, Principal Environmental Specialist  
Annisa Kareem, Environmental Specialist  
Claudine Auclair, Transportation Dept.  
Christal Segura, Conservation Collier Land Manager

**I. Roll Call**

Chairman Poteet called the meeting to order at 9:01AM.  
Roll call was taken and a quorum was established.

**II. Approval of Agenda**

**Mr. Espinar moved to approve the agenda subject to the following change:**

Item IV. A. Real Estate Services Update – A list properties to Item IV.A. Real Property Management Update – A list properties.

**Second by Mr. Kacer. Carried unanimously 9-0.**

**III. Approval of April 14, 2008 Minutes**

**Mr. Kriz moved to approve the minutes of the April 14, 2008 meeting subject to the following corrections:**

Page 3, paragraph 3, line 1 - ~~The Board Committee recommended~~ reached consensus on the following:

Page 3, paragraph 3, line 3 - to move forward with the existing 9 applications (left side of the "Conservation Collier Cycle Five Cost Estimates" document), but not send any.....

**Second by Mr. Jenkins. Carried unanimously 9-0.**

**IV. Old Business:**

**A. Real Property Management – A - list properties**

**Cindy Erb, Real Property Management** provided the following updates:

Cycle 1

Fleischmann North (Freedom Park) – Executive Summary will be reviewed at the 5/13/08 Board of County Commissioner meeting for the proposed purchase. The proposed purchase value is \$56,300 for 12.5 acres.

**Mr. Pires** noted this was on the consent agenda even though the vote by Conservation Collier was 5-4 against proceeding with the purchase.

**Chairman Poteet** noted that the Board of County Commissioners had already agreed to purchase the parcel.

Winchester Head – New Market update due in 30 – 60 days. 1 agreement for approval at today's meeting. To date 31 parcels acquired totaling 41.86 acres.  
Unit 53 – 5 out 8 offer letters accepted, 4 agreements will be presented for approval today.

GAC parcel – A letter dated 4/21/08 from Alex Sulecki to Karen Acquard was distributed to the Committee and there will be a meeting with the group on 5/27/08.

**Mr. Curl** stated he is a Committee member for the GAC Land Trust.

Cycle 4

Hamilton/RJS, LLC. – Appraisals are underway along with Phase I Environmental Assessments

Cycle 5

Freitas – Offer accepted

Kaye homes – Offer accepted

River Road – Appraisals are underway along with Phase I Environmental Assessments

Trinh 1 – Appraisals are underway, Phase I Environmental Assessments completed with no evidence of contamination found

Camp Keais – Appraisals complete, awaiting Pepper Ranch appraisal before making offers

Pepper Ranch – Appraisal are underway to be completed by the end of May, Phase I Environmental Assessment completed, an estimation for completion of a Phase II Environmental Assessment is \$27,000

**B. Rivers Road Van Cleave property – clarification on existing structures**

**Alex Sulecki, Conservation Collier Coordinator** requested clarification from the Committee regarding the improvements that are on the property (well, drain field, mobile home and workshop). The estimate to remove the mobile home and workshop, discontinue the septic system (septic tank pumped, crushed and backfilled with soil), cap the well, etc. is \$7,000. It was noted the appraisal is based on the unimproved condition of the property.

*Mr. Kacer moved to have the improvements removed at the owner's expense at or prior to the time closing or shortly thereafter. Second by Ms. Wolok. Carried unanimously 9-0.*

**Matt Van Cleave, landowner** requested clarification on the condition of “shortly thereafter”.

**Mr. Pires** stated the typical policy is to provide sufficient funds in an escrow account to complete the proposed work and the requirement would be within 10 days after the closing the work should be completed.

**C. Offer to Zell – Winchester Head**

**Alex Sulecki** stated that Mr. Zell is willing to accept the offer issued in August 2007. The offer was \$47,500 for each lot or a total of \$95,000. This offer was not accepted within 30 days per Conservation Collier policy and was looking for direction from the Committee if the offer should be accepted.

**Cindy Erb** stated Real Property Services recommendation is not to accept the offer as it has expired and new appraisals are underway.

*Mr. Pires moved to wait for the new appraisal before making another offer. Second by Mr. Espinar*

**Chairman Poteet** stated he is in opposition of the motion as this is an important area and a new appraisal difference of possibly \$2000 - \$3000/acre with a willing seller, will not make significant difference in the overall acquisitions in the area.

**Jennifer Belpedio, Assistant County Attorney** noted the Committee could proceed with this acquisition from a legal perspective even though the acceptance of the offer was not made within 30 days of its tender. However, the Board of County Commissioners (BCC) should be notified that the Committee is deviating from its policy and the BCC should waive this requirement if the property is presented to them for approval.

**Mr. Pires** noted that there should be abnormal circumstances for the use of a policy deviation.

*Motion carried 8-yes – 1-no (Chairman Poteet opposed)*

**D. Contracts**

**Mr. Pires** noted he will be abstaining from voting on the Kaye Homes item.

1. Winchester Head
2. NGGE Unit 53
3. Freitas

*Mr. Kriz moved to approve the following 6 Executive Summary's entitled:*

1. *"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 (O'Rourke)" dated 5/12/2008.*
2. *"Approve an Agreement for Sale and Purchase for 1.14 acres under the Conservation Collier Land Acquisition Program, at a cost not to exceed \$18,700 (Berman)" dated 5/12/2008.*
3. *"Approve an Agreement for Sale and Purchase for 1.14 acres under the Conservation Collier Land Acquisition Program, at a cost not to exceed \$22,700 (Berman Tr.)" dated 5/12/2008.*
4. *"Approve an Agreement for Sale and Purchase for 8.65 acres under the Conservation Collier Land Acquisition Program, at a cost not to exceed \$138,250 (Devisse)" dated 5/12/2008.*
5. *"Approve an Agreement for Sale and Purchase for 1.14 acres under the Conservation Collier Land Acquisition Program, at a cost not to exceed \$18,700 (Celsnak)" dated 5/12/2008.*
6. *"Approve an Agreement for Sale and Purchase for 2.27 acres under the Conservation Collier Land Acquisition Program, at a cost not to exceed \$44,400 (Freitas)" dated 5/12/2008.*

*Second by Mr. Delate. Carried unanimously 9-0.*

**4. Kaye Homes**

*Mr. Kacer moved to approve the Executive Summary "Approve an Agreement for Sale and Purchase for 4.0 acres under the Conservation Collier Land Acquisition Program, at a cost not to exceed \$340,700"*

*(Freitas)" dated 5/12/2008. Second by Mr. Kriz. Carried unanimously 8-0. Mr. Pires abstained.*

**E. TDR Resolution – update**

**Benfield Road Properties**

Alex Sulecki noted that in general, the Benfield property owners are willing to convey the properties to the Conservation Collier Program. She requested direction from the Committee if the process should continue with the final alignment of the Benfield/Wilson Road proposed road re-location being undetermined.

A brief discussion ensued regarding whether the proposal should be placed on hold until the road location is determined.

**Claudine Auclair of the Transportation Department** noted the alignment study is underway stating that the Department needs a legal review of the Exceptional Benefits Ordinance to ensure it addresses the needs of the Comprehensive Plan, the Growth Management Plan and the Long Range Transportation Plan to ensure that the roadway could go forward through the Exceptional Benefit Ordinance if necessary.

**Chairman Poteet** noted that the Exceptional Benefits Ordinance was created for these purposes, especially future transportation needs. The Ordinance was reviewed by the various County Departments and was approved by the Board of County Commissioners and questions why the Ordinance now needs a legal review to ensure it meets the Department of Transportation needs.

It was noted that if the various Agencies have concerns with the Ordinance, they should be forwarded to Conservation Collier.

*Mr. Pires moved to proceed with the acquisition of the Benfield Road properties. Second by Mr. Delate. Motion carried 7-yes – 2-no. Mr. Espinar and Mr. Kacer voted no.*

**Calussa Reserve, LLC**

Alex Sulecki provided an update noting that they conducted a brief site visit as well as working with consultants to obtain existing maps for easement purposes. The Environmental Services Staff has advised they can accept a management plan with the inclusion of a criterion for waiting for the consolidation of properties.

**F. Annual Program Report Draft**

Alex Sulecki provided a 1<sup>st</sup> draft of the Annual Report and requested the Committee members provide comments via e-mail before the next meeting (first day of next month), so she may incorporate them into the Final Report.

**G. Florida Forever Successor Program - update**

**Christal Segura** reported that the House and Senate passed bill 542 to Fund the Florida Forever Program. It was noted there was no specific provision for shared title, but a provision for a reverter clause that may enable shared titles.



*Mr. Poteet moved to request authorization by the Committee to send a thank you letter to Senator Saunders for his Stewardship in this issue. Second by Ms. Wolok. Motion carried 8-yes – 1-no. Mr. Delate voted no.*

**V. New Business**

**A. New Cycle 6 Application**

Alex Sulecki presented a new Cycle 6 application for the Clark parcel located in NGGE Unit 9, Tract 131 and is 5 acres in size. It was noted that it minimally meets 3 of the 6 required criteria. It has some mapped aquifer recharge rates, but no wetlands on site. There is no Panther traffic within the area.

Chairman Poteet stated that he represents the applicant's mother in a matter, and although has no conflict of interest, will not be voting on this item.

*Mr. Kriz moved not to proceed with evaluation of the parcel as the parcel is an individual isolated parcel. Second by Mr. Kacer. Motion carried 8-0. Chairman Poteet abstained.*

**B. ICSR Presentation**

**1. Berman Trust (I-75 area) – acquisition proposal**

Annisa Kareem, Environmental Specialist provided a PowerPoint presentation noting the following:

- ICSR Score 221 of 400
- The parcel is 2.34 acres and located within the North Golden Gates Target Protection Area
- Estimated market value - \$42,500
- The parcel is FEMA flood zone D
- The habitat on the parcel would support a variety of listed species including Florida Panther, Black Bear, etc.

**2. Devisse (Euclid Ave) – acquisition proposal update**

Alex Sulecki provided a Power Point presentation on the parcel noting the following:

- ICSR score 257 of 400
- The Collier County Park Delasol Park proposal is no longer under consideration.
- The parcel is 5 acres in size.
- Delasol Homeowners oppose the acquisition of the park unless a boardwalk is located on the Southern portion of the property and access to the parcel is pedestrian only.
- The access road is allowed via an easement incorporating a 10' wide utility easement and a 60' wide access easement.
- The parcel contains 2 acres of upland and 3 acres of good quality wetland.

It was noted that at this point in time, parking may be feasible in the access easement, in lieu of developing parking on site.

**Speakers**

**Jim Culkar, President of the Delasol Homeowners Association** re-iterated that their position is that any development be located on the southern ½ of the parcel and that the site be restricted to pedestrian access.

**Ms. Wolok** noted that parking in the easement area as opposed to a parking lot on-site may be the avenue for a reasonable compromise. She suggested the Delasol Homeowners reconsider their position and develop some positive suggestions for conditions of the property acquisition. Further, this potential conservation property located adjacent to the Community could provide an overall positive benefit for the Homeowners.

**Mr. Kriz** noted that the property was placed on the A-list by the Committee and the Board of County Commissioners placed it on the C-list and based on the current information will not be inclined to place the property on the A-list.

**Mr. Pires** noted this property is an integral link between other parcels and the other option is development of the property and is disappointed with the continued opposition by the Delasol homeowners.

**Mr. Espinar** noted the property will either be preserved or developed. He cautioned restricting the area to be developed in relation to conservation purposes at this point in time.

**Chairman Poteet** noted that the property may possibly qualify as off site mitigation for a developer.

**Speaker**

**David Hilton, husband of Virginia Devisse** stated that the property was originally acquired for construction of a home and at the time it was purchased, he met with the Real Estate Agents representing the Delasol community who informed him that the homes adjacent to this property had been “discounted” in price in anticipation of Devisse parcel being developed for residential purposes. He noted it was unfair for the Delasol homeowners to object now to development of the parcel.

**3. Devisse/Paganes – additions to Rivers Road Project – acquisition proposal**

**Annisa Kareem, Environmental Specialist** presented a Power Point presentation on the subject parcels noting that they have been included in the Rivers Road properties for an overall ICSR score for Rivers Road, but the properties should be considered individually at the time of ranking. She noted the following:

- ICSR (for Rivers Road properties including these 2 additions) 224 of 400
- The Devisse parcel is 4.84 acres/ the Paganes parcel is 4.77 acres.
- The properties are in the Rural Fringe Receiving Area.

- The Paganas parcel contains a cabin in the Southeast corner of the property encompassing approximately 4.5% of the land area.
- All property owners have agreed to remove any solid waste prior to closings.

The Committee noted that in the future, estimates should be provided in relation to costs of retrofitting and/or demolishing existing structures on proposed properties proposed for acquisition.

Further, from a planning perspective through Facilities Management, identify any areas that may be in need of particular uses so when properties come up with structures on them, a need may be fulfilled if feasible (i.e. nature centers, etc.).

**C. Wet Woods Preserve Final Management Plan**

**Kristal Segura** presented the plan for approval by the Committee.

It was noted that Staff should continue to pursue the status of the single family parcels on the County Stormwater Property for parking purposes.

*Ms. Wolok moved to approve the Wet Woods Preserve Final Management Plan subject to the addition of the following action item:  
That Staff pursue a Partnership with Future Citizens for furthering educational opportunities for children utilizing the Camping Facilities on the Future Citizens property. Second by Mr. Delate.*

**Mr. Espinar** stated he has been a consultant for the Fire Department and Future Citizens parcel in conjunction with possible future expansion for Germain Toyota.

**Jennifer Belpedio, Assistant County Attorney** stated Mr. Espinar has no conflict of interest in this issue.

*Motion carried unanimously 9-0.*

**D. Outstanding Advisory Committee Member Program**

None

**E. Coordinator Communications**

**Alex Sulecki** provided the following updates:

- Submittal of document entitled "Preview LDC" dated May 7 2008 for review by the Committee
- An update on a meeting she attended with the City of Naples regarding the Gordon River Bridge and related Greenway project

**VI. Sub-Committee Meeting Reports**

**A. Outreach – Tony Pires, Chair**

There is a meeting following today's Committee meeting.



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**B. Lands Evaluation and Management – Marco Espinar, Chair**

There was a joint meeting with Ordinance Policy and Procedures regarding the Collier Soil and Water Conservation District Inter-local agreement and there is a meeting following today's Committee meeting.

**C. Ordinance Policy and Procedures – Will Kriz**

There will be a meeting on May 15, 2008 at 3:30AM to begin a resolution on the off-site vegetation requirements.

**VII. Chair Committee Member Comments**

Mr. Kriz noted that it is favorable that the Committee has chosen not to limit the size of parcels for consideration of acquisition.

**VIII. Public General Comments**

None

**IX. Staff Comments**

None

**X. Adjourn**

**There being no further business for the good of the County, the meeting was adjourned by order of the chair at 11:01 A.M.**

**Conservation Collier Land Acquisition Advisory  
Committee**



**Bill Poteet, Chairman**

These minutes approved by the Board/Committee on 6-9-08  
as presented \_\_\_\_\_ or as amended ✓.