

RESOLUTION NO. 2003-~~195~~

A RESOLUTION OF THE COLLIER COUNTY BOARD OF COUNTY COMMISSIONERS APPROVING THE LAND PURCHASING POLICY FOR THE ACQUISITION OF ENVIRONMENTALLY SENSITIVE 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 Conservation Collier Program seeks to acquire property based upon a reasonable and appropriate purchase price; and

WHEREAS, Collier County desires to establish a methodology to value lands considered for acquisition; and

WHEREAS, The Conservation Collier Land Acquisition Advisory Committee (CCLAAC) is charged with recommending acquisition policies.

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE BOARD OF COUNTY COMMISSIONERS CHAMBERS AT 3301 EAST TAMiami TRAIL, NAPLES, FLORIDA, THIS 10<sup>th</sup> DAY OF June, 2003, A.D., HAVE RESOLVED AS FOLLOWS:

**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 Department 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.

**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) Offer Amount Methodology:**

- 1. If the estimated value of the property is less than \$500,000.00, Real Estate Services Department 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 Department 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 Department's 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.

(B) Acquisition Process:

1. Upon authorization by the BCC to proceed with acquisition of properties included on the "Active Acquisition List," the Real Estate Services Department will order Title Commitments for each property on the Active Acquisition List.
2. Upon receipt of Title Commitments, the Real Estate Services Department will send certified 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. 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 Department 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, the Real Estate Services Department'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. The Real Estate Services Department's acquisition staff will contact each owner and advise him or her of the Offer Amount for the property. A letter verifying the Offer Amount and a proposed Purchase Contract will be mailed to each owner within ten (10) business days of making the Offer Amount to the owner. Staff will follow-up by telephone within five (5) business days of the letter being mailed.
6. Copies of appraisals will be made available to owners upon request
7. Upon receipt of a signed Contract from the property owner(s), Real Estate Services Department staff will present the Contract to the Board of County Commissioners for approval. If approved, staff will present the Contract to the Chairman for execution. Staff will then proceed to clear title acceptable to the

County Attorney's Office. After the title is cleared, staff shall schedule a closing date.

8. Post closing, Real Estate Services will record all required documents, secure a Title Insurance Policy, and release the property to the Environmental Services Department.

(C) Expenses:

1. Sellers shall be responsible for the costs of Documentary Stamps on all deeds, satisfactions of liens, and for the costs to clear title.
2. Collier County shall be responsible for the costs of appraisals, title commitments, title insurance, recording of deeds, 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.

**DONE AND ORDERED IN OPEN MEETING.**

This Resolution adopted this 10<sup>th</sup> day of June, 2003 after motion, second and majority vote favoring same.

ATTEST:  
DWIGHT E. BROCK, Clerk

BOARD OF COUNTY COMMISSIONERS  
COLLIER COUNTY, FLORIDA

By: Mauricio Doc  
Deputy Clerk

By: Tom Henning  
TOM HENNING, Chairman

6-10-03

Attest as to Chairman's  
signature only.

Approved as to form and  
legal sufficiency:

Jacqueline Hubbard Robinson  
Jacqueline Hubbard Robinson  
Assistant County Attorney