

RECEIVED  
Clerk  
of Board

FILED

CLERK'S OFFICE

ORDINANCE NO. 95- 67

THE COLLIER COUNTY AIRPORT AUTHORITY ORDINANCE; PROVIDING TITLE AND CITATION; PROVIDING FINDINGS AND PURPOSE; DEFINITIONS; PROVIDING FOR CONTINUATION OF AUTHORITY; AIRPORT BOUNDARIES; PROVIDING FOR GOVERNING BODY, MEMBERSHIP, APPOINTMENT AND TERMS OF OFFICE; PROVIDING FOR COMPENSATION OF MEMBERS; PROVIDING POWERS, FUNCTIONS AND DUTIES; PROVIDING FOR ANNUAL BUDGET AND ANNUAL REPORT; PROVIDING FOR AN ADMINISTRATIVE CODE; PROVIDING FOR EXECUTIVE DIRECTOR; PROVIDING FOR NON-INTERFERENCE; TRANSFER OF PROPERTY AND PERSONNEL; PROVIDING FOR MERGER AND DISSOLUTION; PROVIDING FOR CONFLICT AND SEVERABILITY; REPEAL OF ORDINANCE NO. 93-36; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION ONE. TITLE AND CITATION. This Ordinance shall be known and may be cited as the "Collier County Airport Authority Ordinance."

SECTION TWO. FINDINGS AND PURPOSE. It is hereby ascertained and declared that:

A. Pursuant to Section 332.08(1), Florida Statutes, and this Ordinance, the Collier County Airport Authority is responsible for the operation of three airports: The Immokalee Regional Airport in Immokalee; the Marco Island Executive Airport, located northeast of Marco Island; and the Everglades City Airpark, located in the City of Everglades.

B. The three county airports are valuable assets that bear upon a viable and diversified economy for the Collier County Community.

C. The Board of County Commissioners of Collier County desires to provide for enhanced development and eventual operation of the airports as enterprise operations.

D. Chapter 332, Sections 332.001 through 332.12, Florida Statutes, ("Airport Law of 1945") authorizes Collier County to acquire, establish, construct, enlarge, improve, maintain, equip, operate, and regulate county airports and other air navigation facilities, and provides that the exercise of any other power specified therein granted to counties are public, governmental

#5

functions exercised for a public purpose and are matters of public necessity.

E. Section 332.08(1), Florida Statutes, authorizes Collier County to vest authority for the construction, enlargement, improvement, maintenance, equipment, operation, and regulation of airports, restricted landing areas, and other air navigation facilities, in an officer, board, or body of the County by ordinance which shall prescribe the powers and duties of such officer, board or body.

F. The three Collier County owned airports require attention, including short and long range planning, to encourage and foster the development of infrastructure and facilities to be operated for the benefit of citizens and taxpayers of the County.

G. The three airports should be developed to promote the welfare of all current and future residents of the County.

H. It is the intent of the Board of County Commissioners to maintain a Collier County Airport Authority in Collier County with the powers and responsibilities as provided in Section 332.08, Florida Statutes, and pursuant to the governmental powers granted to counties in Chapter 125, Florida Statutes.

I. This Airport Authority is consistent with and furthers the County's Comprehensive Plan and provides a focused approach to the provision, development and management of public infrastructure and services at the three Collier County airports, and is one available means for delivery of such facilities and services at the three airports.

J. The provisions of this ordinance shall be liberally constructed to effectively carry out its purposes in the interest of public health, safety, welfare and convenience. This ordinance shall be construed to be consistent with Chapter 189, Florida Statutes (the "Uniform Special District Accountability Act of 1989"), and Chapter 332, Florida Statutes, (the "Florida Airport Act of 1945"); with Chapter 286, Florida Statutes, (Florida's Government in the Sunshine Law); and with Chapter 119,

Florida Statutes, (Florida's Public Records Law), as those laws may be amended from time-to-time.

K. Nothing in this ordinance shall be construed to affect any actions previously taken by Collier County and/or the Collier County Airport Authority, or any agreements previously entered into by Collier County and/or the Airport Authority.

L. It is the intent of this Ordinance to grant to the Airport Authority more freedom and autonomy to carry on its day-to-day activities with minimal management from the Board and from the Clerk to the Board, and with intent to eventually have the Authority become independent by passage of a special act of the Florida Legislature.

SECTION THREE. DEFINITIONS. As used in this Ordinance the following words and terms shall have the following meanings unless the context clearly requires otherwise:

A. "Airports" means the real property and all improvements owned or leased by Collier County (as tenant) and/or the Collier County Airport Authority (as sub-lessor and/or tenant) for activities in Immokalee, Everglades City, and Marco Island, including the properties and improvements designated for industrial development at the Immokalee Airport, and such other property and improvements that may be subsequently acquired by Collier County and/or the Airport Authority by lease, purchase, gift or by any other means.

B. "Airport facilities" means airport facilities of all kinds including, but not limited to, landing fields, hangars, shops, restaurants and catering facilities, terminals, buildings, airport industrial parks, parking facilities, and all other facilities necessary and desirable for the landing, taking off, loading, unloading, servicing, repairing and parking of aircraft; also the handling of mail, express and freight, and the accommodation, convenience and comfort of passengers, together with related transportation facilities, industrial development, all necessary maintenance, machinery and equipment and all lands, properties,

rights, easements and franchises relating thereto and deemed necessary or convenient by the Authority in connection therewith.

C. "Authority" means the Collier County Airport Authority, created by Ordinance No. 93-36 and continued by this Ordinance.

D. "Board" means the Board of County Commissioners of Collier County, Florida.

E. "County" means Collier County, Florida.

F. "Improvements" means such replacements, repairs, extensions, additions, enlargements, and betterments of or to any airport or airport facility as deemed appropriate to keep the airport and airport facilities in suitable condition for the safe, efficient and economic operation thereof.

G. "Member(s)" means one or more of the persons who comprise the governing body of the Airport Authority.

#### SECTION FOUR. CONTINUANCE OF AUTHORITY; AIRPORT BOUNDARIES.

A. The Board, on June 22, 1993, by enactment of Collier County Ordinance No. 93-36, created a seven (7) member body designated as the Collier County Airport Authority.

The Authority is a "Political Subdivision" of Collier County as defined in Section 333.01(9), Florida Statutes. The Authority is also a "Political Subdivision" of Collier County as defined in Section 196.199, Florida Statutes, regarding ad valorem taxation.

C. The Authority is not a "department" under Collier County Ordinance No. 84-44, as amended. Neither the Authority, the Authority's Executive Director, nor other employees of the Authority are under management of the County Administrator.

D. The Authority shall take no action that is inconsistent with applicable general law, any applicable special act, any applicable comprehensive land use plan, any applicable land development Ordinance, or any other applicable ordinance, rule or regulation adopted by the Board pursuant to Chapter 332 or 333, Florida Statutes, or any applicable regulation of any governmental entity that has authority to adopt regulations that

are superior to the Authority with respect to the specific issue.

E. The legal description and a map of each of these three airports are attached hereto and are a part hereof as Exhibits A, B, and C.

**SECTION FIVE. GOVERNING BODY; MEMBERSHIP, APPOINTMENT AND TERMS OF OFFICE.**

A. The governing body of the Authority shall be composed of seven (7) members appointed by the Board. After the effective date of this Ordinance, all members shall be appointed to serve four (4) year terms. Each member shall be limited to serving no more than two (2) full terms except where a current member's initial appointment was for a term of less than four (4) years. This two full term limitation shall not be waived, and in the event this provision conflicts with any other Collier County rule, regulation or ordinance, this term limitation shall prevail. Upon the expiration of a member's term of office, such member shall maintain his or her appointment until the member is either reappointed or a successor for that seat is appointed by the Board and accepted by the applicant.

B. Members of the Authority may be removed with or without cause by a majority vote of the membership of the Board. Vacancies on the Authority shall be filled in the same manner as the original appointment.

C. Members of the Authority shall be residents of Collier County and must have business ability and experience in one or more fields which, by way of example, may include but are not limited to, general business, economic development, aviation, public affairs, law, finance, accounting, engineering, natural resource conservation, or related fields. There shall be at least one (1) member of the Authority appointed from Immokalee, Marco Island, and Everglades City if a qualified candidate who resides within the respective area is available for appointment to the Authority. No person holding elected office at the state, county or municipal level shall be appointed to, or be a member of, the Authority.

D. Effective as of the beginning of each fiscal year (October 1) the authority shall from its members elect a Chairman, Vice Chairman, and Secretary. The Secretary shall maintain the custody and control of the Authority's records. The Authority may delegate the duties of Secretary to the Executive Director of the Authority or designee.

E. The County's Purchasing Policy and the County's Personnel Rules and Regulations will apply to the Authority except as provided otherwise in the Authority's Administrative Code, as amended from time-to-time.

F. The Clerk to the Board shall, to the extent required by law, serve as Clerk to the Authority. The Authority, at its discretion, may utilize the services of the Clerk over and above the services the Clerk must perform for the Authority as a matter of law. The Authority shall annually budget and reimburse the Clerk as appropriate for the cost of all services and materials supplied by the Clerk to the Authority. The Authority shall organize its own financial records to facilitate its day-to-day operations and provide financial records in such form and in such manner as required by Chapter 218, Florida Statutes, and additional requirements, if any, specified in the Authority's Administrative Code. To the extent allowed by law, the Authority may, through its Administrative Code, remove itself from fiscal and other review and approval by the Clerk to the Board.

G. Other Departments of the County, including the Office of the County Administrator, may assist the Authority as requested by the Authority. The Authority shall reimburse each respective Department for the cost of services and materials supplied by that Department to the Authority.

**SECTION SIX. COMPENSATION OF MEMBERS.**

A. The members of the Authority shall receive no compensation but each shall be reimbursed expenses in accordance with the provisions of general law, and in conformity with the Authority's budget as approved by the Board.

SECTION SEVEN. POWERS, FUNCTIONS AND DUTIES.

A. The Authority shall be responsible for the construction, improvement, equipment, development, regulation, operation and maintenance of the the airports and all related airport facilities. The day-to-day activities of the Authority, of the Executive Director, and of Authority's other employees shall not require prior approval from the Board or the County Administrator.

B. The Authority shall have no power to levy or collect ad valorem taxes unless provided otherwise in a special act of the Florida Legislature.

C. The Authority has the following powers and duties:

1. Subject to and consistent with the Authority's budget, to make and execute contracts and other instruments necessary or convenient to the exercise of its powers.

2. The Authority may adopt resolutions, rules and regulations that are necessary to conduct the business of the Authority.

3. To accept gifts; to apply for and use grants or loans of money or other property from the United States, the State of Florida, any unit of local government, or any person for any lawful purpose; to hold, use, sell and dispose of such monies or property for any Authority purpose in accordance with the terms of the gift, grant, loan or agreement relating thereto; and to enter into interlocal agreements as convenient to accomplish its goals.

4. To maintain an office within the County at such place or places the Authority designates.

5. Subject to prior approval of the Board: to borrow money and issue revenue bonds or anticipation certificates, warrants, notes, or other evidence of indebtedness; to designate an agent of record; to sell or mortgage real or personal property.

6. To adopt by resolution a schedule of rates, fees

and other charges for the use of the services, airports and airport facilities to be paid by owners, tenants, or occupants of each parcel of land or the user of any facility which may be connected with or provided service, use or availability of any airport facility. The initial schedule of such rates, fees and other charges shall be those in effect at the three airports as of the effective date of this Ordinance. The Authority may from time-to-time revise the schedule of rates, fees and other charges. Such rates, fees, and other charges shall be adopted and revised so as to provide funds, which, with other funds available for such purposes, shall be sufficient at all times to pay the expenses of operating and maintaining the airports and airport facilities (including reimbursements to the County), to provide a margin of safety over and above the total amount of such payments, and to comply with covenants to bondholders. Also to provide, if applicable, reserves for the principal and interest on revenue bonds as the same may become due. The Authority shall charge and collect such rates, fees, and other charges so adopted and revised.

7. To sub-lease as sub-lessor, and to lease as lessee, to or from any person, firm, corporation, association, or body, public or private, any airport facility or airport property of any nature for the use of the Authority to carry out any purpose of the Authority. To grant easements and use agreements at each airport, provided the term of each such grant shall not exceed the then effective term of the lease of the airport from the Board to the Authority. No sub-lease where the Authority is the sub-lessor, and no grant of any such easement or use agreement, shall be subject to approval of the Board or the County Administrator. No lease to the Authority as tenant shall be subject to approval of the County Administrator, or from the Board except by means of the budgetary approval process.

8. To acquire by purchase, lease, gift, dedication, devise, or otherwise, real and personal property or any estate



therein for any lawful purpose of the Authority; also to trade, sell or otherwise dispose of surplus real or surplus personal property in accordance with general law. The Authority may purchase equipment by an installment sales contract if budgeted and funds are available to pay the current year's installment and to pay the amounts due that year on all other installments and indebtedness. The Authority shall have no power of eminent domain except (a) in the name of the County pursuant to Chapter 74, Florida Statutes, as authorized by the Board, or (b) except as authorized by special act of the Legislature.

9. To hold, control and acquire by donation or purchase any public easements, dedication to public use, platted reservation for public purposes, or reservation for any lawful purpose of the Authority, and to use such easement, dedication, or reservation for any lawful purpose of the Authority.

10. To hire employees, including the Executive Director, who shall be employees of the County and shall be subject to the County's Human Resources Policies and Procedures except to the extent, if any, specifically provided otherwise in the Authority's Administrative Code.

11. To contract for professional services including, but not limited to, planning, engineering, legal, and/or other professional services. No person engaged to provide such services shall be an employee of either the Authority or the County.

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12. At the Authority's discretion, the County Attorney's Office will serve as the Authority's attorney. The Authority may retain individual attorneys at law and/or law firm(s) to serve as the Authority's attorney for some or all of the Authority's legal services.

13. To exercise all power and authority that is convenient and appropriate to accomplish any duty, responsibility, goal, plan, or purpose of the Authority as provided for in this ordinance.

D. The Authority shall have a lien upon all aircraft landing upon any airport operated by the Authority for all charges for fuel, landing fees and other fees and charges for the use of the facilities of such airport by any such aircraft, when payment of such charges and fees is not made immediately upon demand therefor to the operator or owner of the aircraft by a duly authorized employee of the Authority. The lien for the full amount of the charges and fees due to the Authority attaches to any aircraft owned or operated by the person owing such charges and fees. Such lien may be enforced as provided by law for the enforcement of warehousemen's liens in Florida. It is unlawful for any person to remove or attempt to remove any such aircraft from such airport after notice of the lien has been served upon the owner or operator thereof or after posting of such written notice upon such aircraft. Any person who removes or attempts to remove any such aircraft from the airport after service or posting of the notice of the lien as herein provided, and before payment of the amount due to the Authority for fees or charges incurred by such aircraft, shall be guilty of a criminal offense and misdemeanor within the meaning of §775.08, Florida Statutes, and shall be punished as provided by law.

**SECTION EIGHT. ANNUAL BUDGET AND ANNUAL REPORT.**

A. For each fiscal year the Authority shall prepare a tentative annual budget including revenues and expenses for the operation of the three airports during the ensuing fiscal year. The budget shall be transmitted to the County Administrator for Board review and adoption on or before May 1, or otherwise in accordance with the County's general budget policy or general law, whichever date is earliest. Each proposed budget shall include an estimate of all planned and contingent expenditures of the Authority for the ensuing fiscal year, plus an estimate of all income to the Authority from all sources for that fiscal year. The Board shall consider the proposed budget item by item and may either approve the budget as proposed by the Authority,

or modify the same in part or in whole. The budget of the Authority shall be adopted in the same manner provided, and the times established by law for the adoption of the budget by the County. The Authority shall be responsible for the implementation of the budget as approved by the Board. The annual budget proposed by the Authority and approved by the Board should continuously implement the Authority's five year master plan.

B. By March 15th of each year, the Authority shall submit to the Board an annual report on its activities and operations for the preceding fiscal year, including an independent financial audit.

**SECTION NINE. ADMINISTRATIVE CODE.**

A. The Authority shall adopt an Administrative Code that prescribes details regarding the powers, duties, and functions of the officers of the Authority; the conduct of the business of the Authority; the maintenance of records and the form of other documents and records of the Authority. The Administrative Code and amendments thereto are not subject to approval of the Board or of the County Administrator.

B. The Administrative Code shall organize the administration of the Authority and shall detail the duties, responsibilities, policies, rules and regulations of the Authority as delegated to the Authority by this Ordinance, by other ordinances, by rules or regulations of the Board, or by ~~special act of the Legislature.~~

**SECTION TEN. EXECUTIVE DIRECTOR.**

A. The Authority shall have an Executive Director to serve as the Authority's chief operating officer. The Executive Director shall be hired by an affirmative vote of the membership of the Authority. Subject to the provisions of an Employment Agreement of the Executive Director, the Executive Director may be terminated, with or without cause, by an affirmative vote of the membership of the Authority.

B. The Executive Director shall work under the direction of the Authority.

C. The Executive Director shall be the chief operating officer of the Authority. All executive and administrative responsibilities and powers specified herein shall be assigned to and vested in the Executive Director.

D. The Executive Director shall:

1. Be responsible for the administration, management and operation of the airports and airport facilities.

2. Formulate and prepare recommendations regarding policies, rules and regulations, directives, programs, agreements, sub-leases, leases, contracts, and all other documents which require consideration, action, or approval of the Authority or of the Board.

3. Implement all lawful directives of the Authority.

4. Prepare the annual budget and the annual report for approval of the Authority and the Board.

5. Recommend employment of, direct, supervise, and recommend personnel actions regarding Authority employees in accordance with the County's Human Resources Policies and Procedures, except to the extent those Policies and Procedures do not apply to the Authority as exempted by the Authority's Administrative Code. The Executive Director shall also direct and supervise professional service providers engaged by the Authority.

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6. Carry out such other powers and duties as may lawfully be assigned by the Authority.

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E. The Executive Director shall be qualified by executive and administrative experience. Minimum qualifications for the Executive Director are to be specified in the Administrative Code. The compensation of the Executive Director as specified in the applicable employment Agreement shall be set by the Authority in accordance with the budget approved by the Board, and in accordance with the County's Human Resources Policies and

Procedures, except to the extent those Policies and Procedures do not apply to the Authority because of exemptions provided for in the Authority's Administrative Code.

**SECTION ELEVEN. NON-INTERFERENCE.**

A. Members of the Authority may communicate with employees, officers, agents under the direct or indirect supervision of the Executive Director, including professional services providers, for the purpose of inquiry or information. Except for purpose of inquiry or information, no member of the Authority shall give directions to or interfere with any employee, officer, agent, or with any professional services provider under any direct or indirect supervision of the Executive Director.

**SECTION TWELVE. TRANSFER OF PROPERTY AND PERSONNEL.**

A. The County has leased to the Authority for the consideration of ten dollars (\$10.00) all three Collier County airports and all real property improvements thereon owned by the County. Subject to passage of a special act of the Legislature authorizing same, the Board may convey the fee title to each of the three airports to the Authority. Each such conveyance shall be subject to existing applicable airport use and reversionary clauses in the chain of title, and be subject to paragraph (C) of SECTION THIRTEEN, below.

B. The County has conveyed to the Authority all personal property related to the three airports, including all personal property airport systems, equipment, and materials then under the management, direction or control of the Board.

C. Any County employees transferred to the Authority shall remain County employees and be subject to the County's Human Resources Policies and Procedures, except to the extent those Policies and Procedures do not apply to the Authority because of exemptions provided for in the Authority's Administrative Code.

**SECTION THIRTEEN. MERGER; DISSOLUTION.**

A. There shall be no merger involving the Authority and any other unit of government without prior approval of the Board.

B. The charter of the Authority may be revoked and the Authority unilaterally dissolved by an Ordinance adopted by the Board. Such action by the Board dissolving the Authority shall occur subject to (a) the legal rights of bondholders, the Executive Director, and all employees of the Authority, and (b) a dissolution plan adopted by the Board.

C. Dissolution of the Authority shall automatically transfer to the County all right, title and interests to all real and personal property deeded, leased, assigned to or otherwise conveyed by every means whatsoever to the Authority along with all other property and interests in property otherwise acquired by the Authority. Dissolution shall be subject to all contracts, other obligations and indebtedness of the Authority.

**SECTION FOURTEEN. CONFLICT AND SEVERABILITY.**

In the event that this Ordinance conflicts with any other ordinance of the County, the more restrictive ordinance shall apply except as specifically provided for herein, or as specifically provided for in the Authority's Administrative Code with regard to the County's Purchasing Policy and/or the County's Human Resources Policies and Procedures. If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

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**SECTION FIFTEEN. REPEAL OF ORDINANCE NO. 93-36.**

~~This Ordinance supersedes and repeals Collier County Ordinance No. 93-36 in its entirety.~~

**SECTION SIXTEEN. INCLUSION IN THE CODE OF LAWS AND ORDINANCES.**

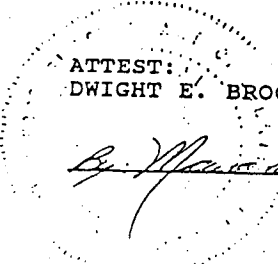
The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Collier County, Florida. The sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section", "article", or any other appropriate word.

SECTION SEVENTEEN. EFFECTIVE DATE.

This Ordinance shall be effective upon filing with the Department of State.

Passed and duly adopted by the Board of County Commissioners of Collier County, Florida, this 14 day of November, 1995.

ATTEST:  
DWIGHT E. BROCK, CLERK

  
*Dwight E. Brock*

BOARD OF COUNTY COMMISSIONERS  
COLLIER COUNTY, FLORIDA

By: *Betty J. Matthews*  
BETTYE J. MATTHEWS,  
CHAIRMAN

Approved as to form and  
legal sufficiency:

*Thomas C. Palmer*  
Thomas C. Palmer  
Assistant County Attorney

TCP/10012

This ordinance filed with the  
Secretary of State's Office the  
22<sup>nd</sup> day of November, 1995  
and acknowledgement of that  
filing received this 22<sup>nd</sup> day  
of November, 1995

By: *James Barbetti*  
Deputy Clerk

MARCO SHORES AIRPORT

Legal Description

That certain parcel of land lying and being part of Section 26 and 35, Township 51 South, Range 26 East, Collier County, Florida, being more particularly described as follows:

Commence at the Northeast corner of said Section 26; thence run N89°44'06"W along the North line thereof, a distance of 1369.50 feet; thence leaving said North section line run S12°00'00"E a distance of 1230.00 feet to the POINT OF BEGINNING of the parcel of land hereinafter described; thence N78°00'05"E a distance of 150.00 feet; thence S12°00'00"E a distance of 70.00 feet; thence S46°01'10"E a distance of 241.30 feet; thence S12°00'00"E a distance of 5250.00 feet; thence S41°28'16"W a distance of 168.00 feet; thence S78°00'00"W a distance of 300.00 feet; thence N12°00'00"W a distance of 250.00 feet; thence S78°00'00"W a distance of 175.00 feet; thence N12°00'00"W a distance of 350.00 feet; thence N56°11'55"E a distance of 188.48 feet; thence N12°00'00"W a distance of 3560.00 feet; thence S78°00'00"W a distance of 350.00 feet; thence N12°00'00"W a distance of 1170.00 feet; thence N77°59'56"E a distance of 350.00 feet; thence N12°00'00"W a distance of 220.00 feet; thence N78°00'05"E a distance of 150.00 to the Point of Beginning.

Containing 66.39 acres, more or less.

EXHIBIT "A"

PAGE 1 OF 2



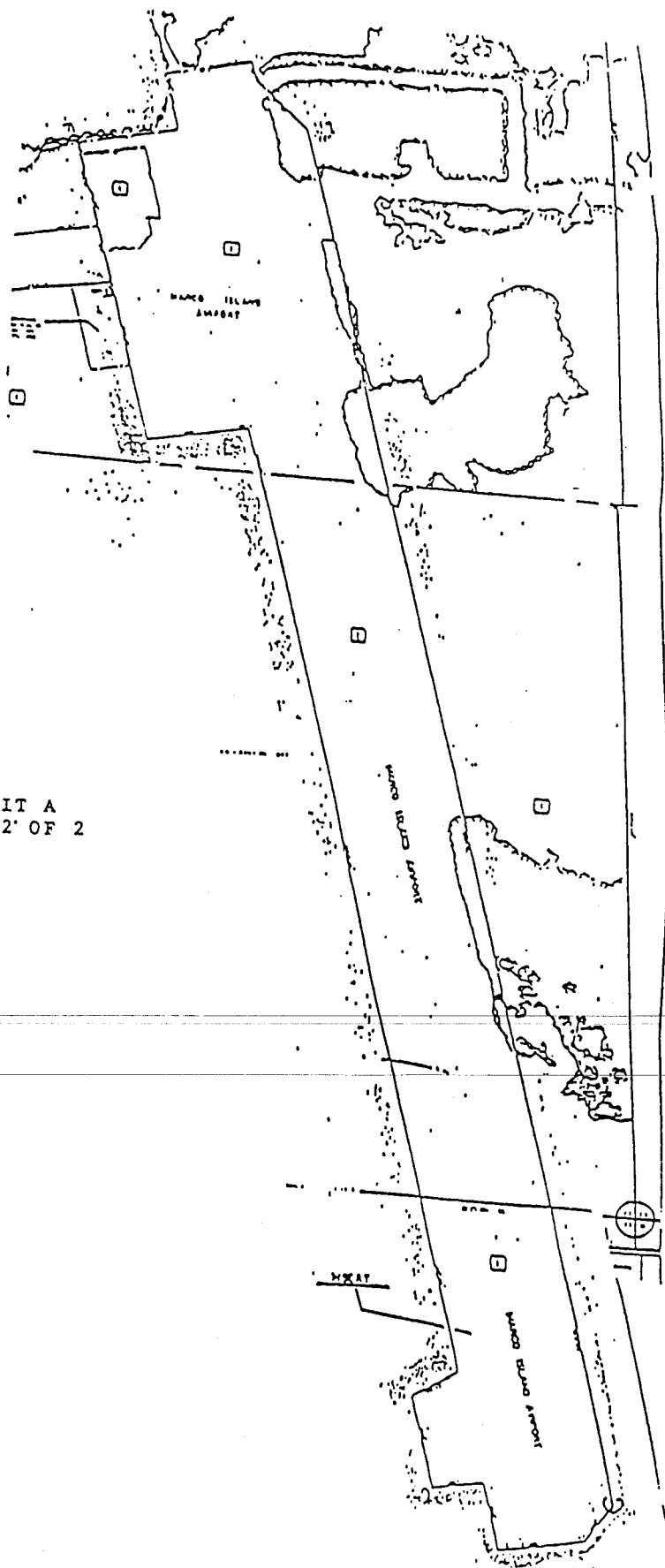
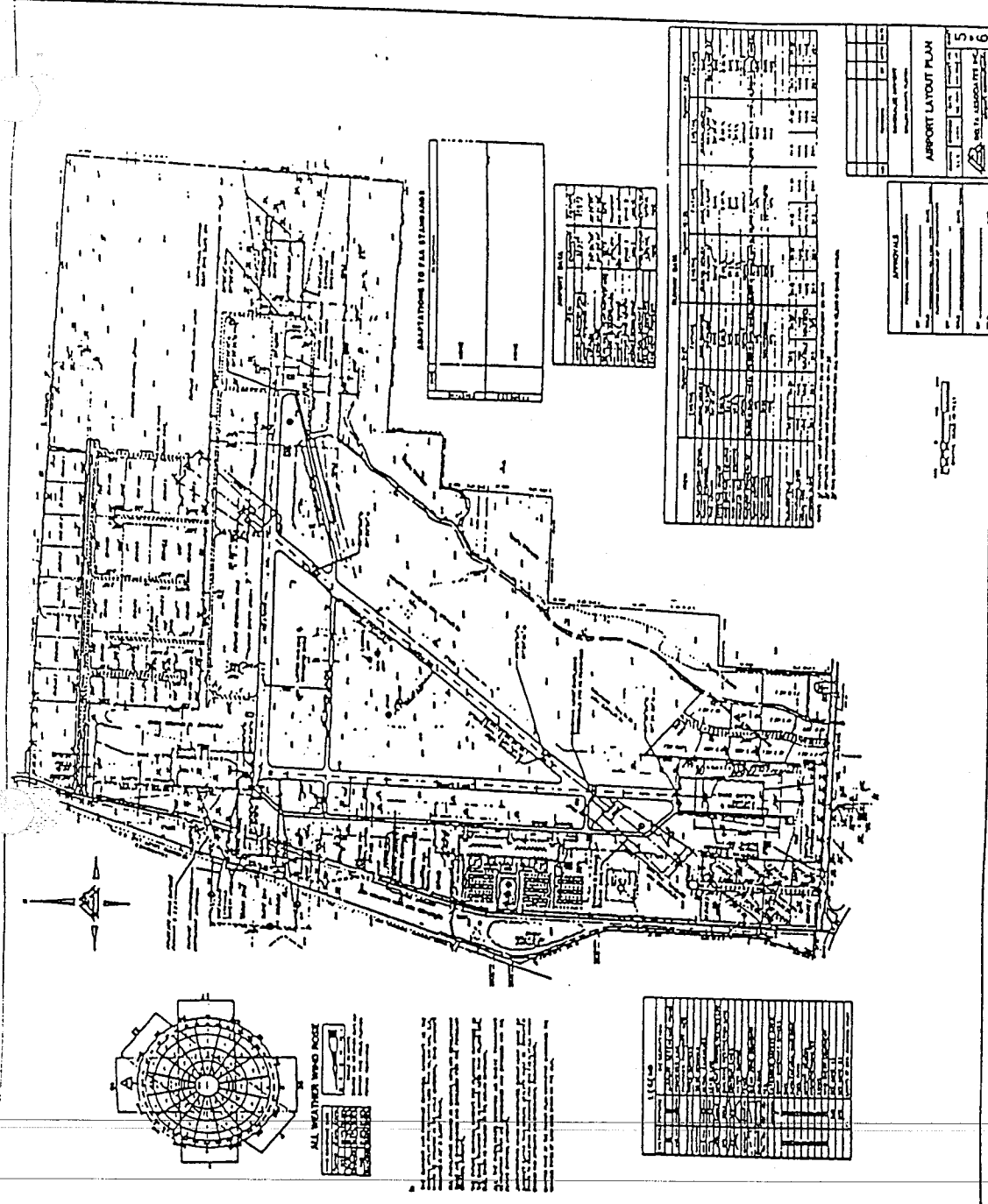


EXHIBIT A  
PAGE 2 OF 2

PROPERTY DESCRIPTION

COMMENCING AT THE NORTHWEST CORNER OF SECTION 2, TOWNSHIP 47 SOUTH, RANGE 29 EAST, COLLIER COUNTY, FLORIDA, RUN THENCE S 1 30' 24" W A DISTANCE OF 2,680.88 FEET TO THE POINT OF BEGINNING OF THE LANDS HEREIN DESCRIBED, SAID POINT LYING ON THE NORTHERLY RIGHT OF WAY LINE OF STATE ROUTE 846; THENCE THE FOLLOWING COURSES AND DISTANCES;

1. N 87° 42' 39" W, 2,380.11 FEET ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROUTE 846 TO A CONCRETE MONUMENT;
2. N 87° 43' 00" W, 397.63 FEET TO A POINT;
3. N 19° 15' 15" E, 669.65 FEET TO A POINT;
4. N 1° 23' 45" E, 1,808.24 FEET ALONG THE WESTERLY LINE OF AIRPORT ROAD TO A POINT;
5. N 27° 20' 05" W, 259.55 FEET TO A POINT;
6. N 24° 38' 25" W, 856.39 FEET TO A POINT;
7. N 18° 23' 08" E, 208.02 FEET ALONG THE EASTERLY LINE OF SEABOARD COAST LINE RAILROAD TO A CONCRETE MONUMENT;
8. N 18° 44' 49" E, 6,019.66 FEET ALONG THE EASTERLY LINE OF SEABOARD COAST LINE RAILROAD TO A CONCRETE MONUMENT;
9. S 87° 48' 52" E, 1,636.03 FEET TO A CONCRETE MONUMENT;
10. S 87° 06' 44" E, 5,316.59 FEET TO A CONCRETE MONUMENT;
11. S 86° 47' 44" E, 1,324.58 FEET TO A CONCRETE MONUMENT;
12. S 2° 41' 15" W, 1,350.47 FEET TO A CONCRETE MONUMENT;
13. S 2° 46' 02" W, 2,647.68 FEET TO A POINT;
14. N 86° 51' 30" W, 1,325.39 FEET TO A POINT;
15. N 87° 40' 03" W, 1,982.30 FEET TO A POINT;
16. S 3° 37' 11" W, 665.71 FEET TO A POINT;
17. N 87° 48' 37" W, 686.54 FEET TO A POINT;
18. S 3° 15' 13" W, 1,334.67 FEET TO A POINT;
19. N 88° 03' 00" W, 1,348.59 FEET TO A POINT;
20. S 3° 31' 56" W, 670.32 FEET TO A POINT;
21. S 2° 18' 02" W, 1,337.74 FEET TO A POINT;
22. N 88° 17' 37" W, 666.68 FEET TO A POINT;
23. S 1° 54' 11" W, 1,339.06 FEET TO A POINT;
24. N 88° 24' 51" W, 657.41 FEET ALONG THE NORTHERLY RIGHT-OF-WAY OF STATE ROUTE 846 TO THE POINT OF BEGINNING, CONTAINING 1,396.9 ACRES, MORE OR LESS.



DEED DESCRIPTIONS FOR EVERGLADES AIRPORT  
AND PARKING AREA

OFF REC 284 PAGE 194

AIRPORT

A portion of tracts J, P, O, and Q, Town of Everglades as recorded in Plat Book 1, at Pages 92, 93, and 94, in the Public Records of Collier County, Florida more particularly described as follows:

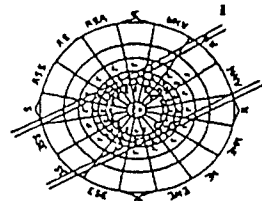
A parcel of land lying southwesterly of a line 250.00 feet northeasterly and parallel of the center line of the Everglades Airport runway and its extension from Chokoloskee Bay to Barron River, to Chokoloskee Bay on the southwest, said center line described as follows:

Commencing at the N.E. corner of the N.W.  $\frac{1}{4}$  of the N.W.  $\frac{1}{4}$  of Section 23, Township 53 South, Range 29 East, Tallahassee Meridian Town of Everglades (now City) Collier County, Florida. Thence S 89° 59' 20" W along north line of the N.W.  $\frac{1}{4}$  of N.W.  $\frac{1}{4}$  of said Section 23, 934.51 feet to a point on the said center line of runway; thence S 30° 27' 02" E along said center line 1145.14 feet to an iron pipe marking the shoreline of Chokoloskee Bay and being "The Point of Beginning" thence N 30° 27' 02" W along said center line and its extensions 2658.31 feet to an iron pipe marking the shoreline of Barron River, end of center line description; except the east 105 feet more or less of the said N.W.  $\frac{1}{4}$  of the N.W.  $\frac{1}{4}$  of said Section 23. Containing 27.30 acres more or less.

PARKING LOT

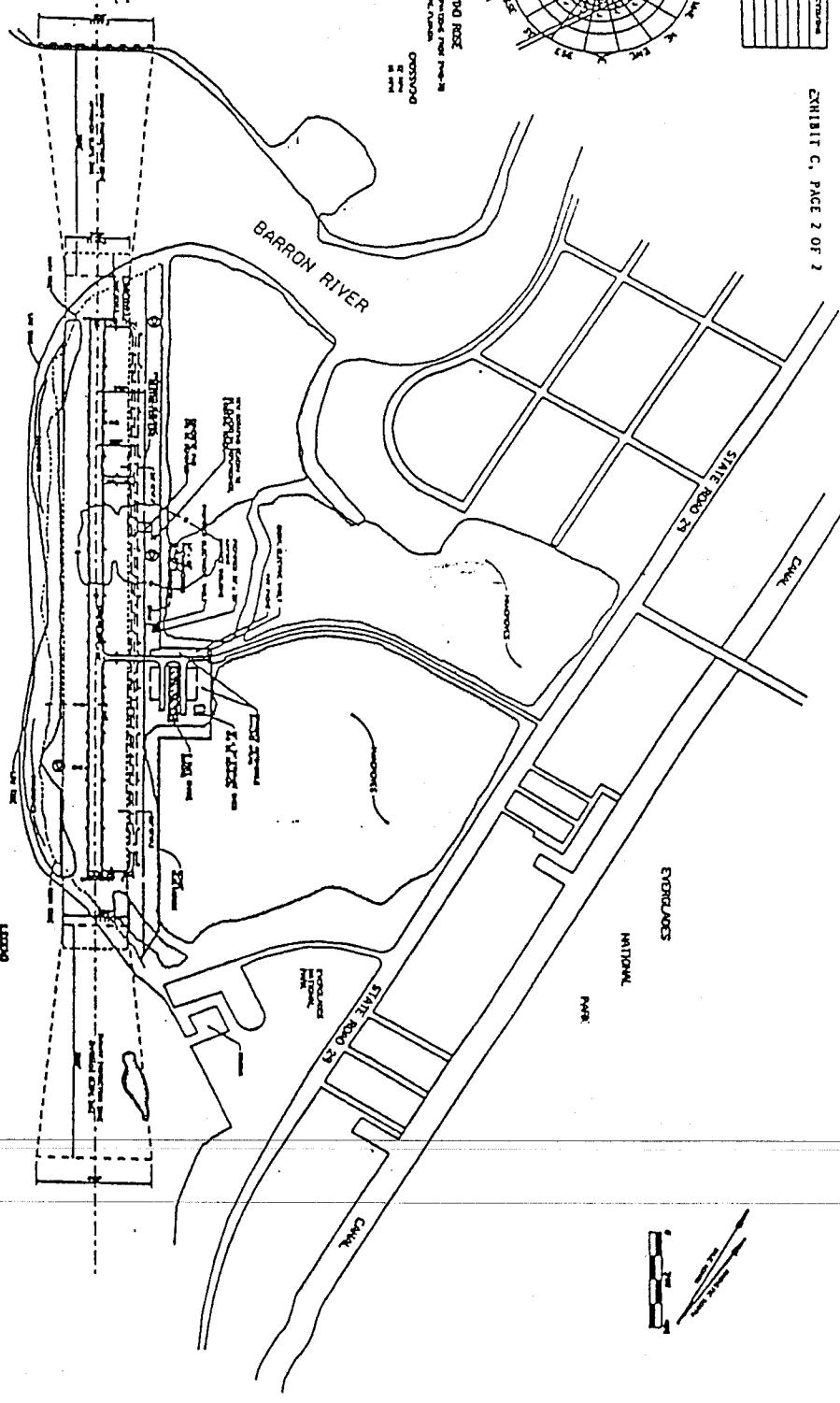
Commencing at the N.E. corner of the N.W.  $\frac{1}{4}$  of the N.W.  $\frac{1}{4}$  of Section 23, Township 53 South, Range 29 East, Tallahassee Meridian, Everglades City, Collier County, Florida thence S 89° 59' 20" W along north line of the N.W.  $\frac{1}{4}$  of N.W.  $\frac{1}{4}$  of said Section 23, 934.51 feet to a point on the center line of Everglades Airport runway; thence S 30° 27' 02" E along said center line of runway 12.50 feet to a point; thence N 59° 32' 58" E 250.00 feet to a point on the northeasterly boundary line of Airport property being "The Point of Beginning" thence continuing N 59° 32' 58" E 200 feet to a point; thence S 30° 27' 02" E 400 feet to a point; thence S 59° 32' 58" W 200 feet to a point; on the aforesaid northeasterly boundary line; thence N 30° 27' 02" W along said northeasterly boundary line 400 feet to the Point of Beginning containing 1.84 acres more or less.

SECTION	NO.	DATE	BY
1	1	1/15/50	J.M.S.
2	1	1/15/50	J.M.S.
3	1	1/15/50	J.M.S.
4	1	1/15/50	J.M.S.
5	1	1/15/50	J.M.S.
6	1	1/15/50	J.M.S.
7	1	1/15/50	J.M.S.
8	1	1/15/50	J.M.S.
9	1	1/15/50	J.M.S.
10	1	1/15/50	J.M.S.



ALL WATER AND REEF  
 ARE TO BE IN BLUE HATCHED FROM FIGURE  
 STATION FOR AERIAL PHOTO  
 PLANT 15-23 DRAFT  
 DATE 1/15/50  
 DRAWN BY J.M.S.

EXHIBIT C, PAGE 2 OF 2



SECTION	NO.	DATE	BY
1	1	1/15/50	J.M.S.
2	1	1/15/50	J.M.S.
3	1	1/15/50	J.M.S.
4	1	1/15/50	J.M.S.
5	1	1/15/50	J.M.S.
6	1	1/15/50	J.M.S.
7	1	1/15/50	J.M.S.
8	1	1/15/50	J.M.S.
9	1	1/15/50	J.M.S.
10	1	1/15/50	J.M.S.

SECTION	NO.	DATE	BY
1	1	1/15/50	J.M.S.
2	1	1/15/50	J.M.S.
3	1	1/15/50	J.M.S.
4	1	1/15/50	J.M.S.
5	1	1/15/50	J.M.S.
6	1	1/15/50	J.M.S.
7	1	1/15/50	J.M.S.
8	1	1/15/50	J.M.S.
9	1	1/15/50	J.M.S.
10	1	1/15/50	J.M.S.

**LEGEND**

	EXISTING RUNWAY
	PROPOSED RUNWAY
	EXISTING TAXIWAY
	PROPOSED TAXIWAY
	EXISTING APRON
	PROPOSED APRON
	EXISTING BUILDING
	PROPOSED BUILDING
	EXISTING FENCE
	PROPOSED FENCE
	EXISTING UTILITY
	PROPOSED UTILITY
	EXISTING WATERWAY
	PROPOSED WATERWAY
	EXISTING ROAD
	PROPOSED ROAD
	EXISTING BOUNDARY
	PROPOSED BOUNDARY

EVERGLADES CITY AIRPORT
AIRPORT LAYOUT PLAN

**COLLIER COUNTY AIRPORT AUTHORITY AGREEMENT  
FOR REPAYMENT OF COUNTY ADVANCES TO THE AIRPORT AUTHORITY AND  
FOR LEGAL SERVICES PROVIDED BY THE COUNTY ATTORNEY'S OFFICE**

This Agreement provides for repayment of monetary advances from Collier County ("County") to the Collier County Airport Authority ("Authority") and provides that the Authority will pay for some legal services rendered to the Authority by the County Attorney's Office.

Collier County is a political subdivision of the State of Florida. The County's address is 330 East Tamiami Trail, Naples, Florida 33962-1877. The Authority is a dependent Airport Authority that was created by Collier County Ordinance No. 93-36. The Authority's address is 2200 Northshore Drive, Naples, Florida 33942.

**WITNESSETH**

WHEREAS, County has leased to the Authority the three County owned airports, the Everglades Airpark, the Marco Island Executive Airport, and the Immokalee Regional Airport, hereinafter referred to collectively as the "Airport System"; and

WHEREAS, the County has provided and intends to continue to provide to the Authority sufficient monetary advances to enable the Authority to meet its operational expenses and capital expenses and thereby "break even" in each fiscal year; and

WHEREAS, The County Attorney's Office provides legal services to the Airport Authority over and above amounts contemplated by the Authority's payment for general administrative services rendered by the County to the Authority; and

WHEREAS, the Authority has heretofore agreed and hereby agrees to repay to the County all such monetary advances, with interest, at such times as the Authority's revenues exceed the Authority's expenses for the respective fiscal year; and

WHEREAS, the Authority hereby agrees to pay the County for certain legal services, at such times as the Authority's revenues exceed the Authority's expenses for the respective fiscal year;

NOW THEREFORE, County and the Authority mutually agree as follows:

**Article 1.** The County, subject to the discretion of the Board of County Commissioners and the Board's budgeting processes, will continue to provide to the Authority sufficient monetary advances to enable the Authority to operate, maintain and expand the subject Airport System. The Authority shall

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provide to the County, in advance, appropriate written requests for monetary advances to include supporting financial statements and other documentation as needed to justify the need for and the purposes of the respective request. The County Attorney's Office will continue to provide to the Authority sufficient legal services to enable the Authority to operate, maintain and expand the subject Airport System.

Article 2. The Authority hereby agrees to repay to the County all monetary advances, with interest. The interest shall commence to accrue as of October 1, 1994. Interest shall commence to accrue on the principal of each separate advance from the date of receipt of that advance by the Authority and shall continue to accrue until the respective principal is repaid to the County.

Article 3. The Authority hereby agrees to pay the County for man hours of legal services rendered after the effective date of this Agreement to the Authority by the County Attorney's Office to the extent such hours exceed the respective fiscal year, the hours that exceed the number of hours factored into the Authority's payment to the County for general administrative expenses. The County Attorney's Office will from time-to-time each fiscal year provide the Authority with evidence of the number of hours of legal services rendered and by whom.

Article 4. In accordance with generally acceptable accounting principles applicable to counties in Florida, each advance conveyed to the Authority shall be recorded by the Authority in the financial records of the Authority.

Article 5. As soon as possible at the end of each fiscal year, in accordance with generally acceptable accounting principles applicable to counties in Florida, the Authority shall ascertain its income/loss status for that fiscal year. The financial status shall be determined by analysis of all of the Authority's revenues for that fiscal year (including grants, advances, and all income), and by deducting expenses, including all operational and capital expenses, and accounts due and payable for the respective fiscal year but not yet then paid.

Article 6. If the Authority's income/loss statement for the respective fiscal year proves that the Authority did not have a "net income" status for that fiscal year, the Authority shall not be required to repay to the County that fiscal year, or during the following fiscal year, for any monetary advances or for legal services.

Article 7. If the Authority's income/loss statement for the respective fiscal year proves that the Authority had a "net income" status for that fiscal year, the Authority shall repay to the County past monetary advances (and for legal services) at the time specified in Article 8, below. Fifty percent (50%)

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of the Authority's net income for the respective "net income" fiscal year shall be paid to the County as reimbursement for monetary advances. Ten percent (10%) of the Authority's net income for the respective "net income" fiscal year shall be paid to the County to pay invoices for legal services rendered to the Authority from the County Attorney's Office.

The Authority shall in its discretion utilize the remaining forty (40%) percent of the Authority's net income for that fiscal year for either or both of the following:

(a) Pay additional money (prorata 50%/10%) to the County for previous monetary advances and legal services rendered to the Authority, or

(b) All such net income that is not paid to the County under subparagraph (7)(a), above, shall be deposited into an interest bearing reserve account for any or all of the following purposes: to leverage future grants to the Authority; to fund Airport System equipment renewal/replacement; or for any other purpose that directly funds Airport System funding needs.

Article 8. Applicable interest rate. The applicable interest to be paid by the Authority to the County on monetary advances shall be calculated as follows: The interest shall be the amount of interest that would have accrued to the County if the County had deposited the respective advance into the County's "State Board of Administration Account" rather than having conveyed the advance to the Authority. Interest shall accrue and be recorded annually on each separate advance.

Article 9. Principal and interest payments. Whenever, in accord with Article 7 above, the Authority's respective income/loss statement for a given fiscal year proves that the Authority had a "net income" status for that fiscal year, the Authority shall remit the required payments to the County not later than February 15 of the calendar year following the end of the controlling "net income" fiscal year. Principal and interest repayments shall be based on the "first in, first-out" accounting principle.

DATED: \_\_\_\_\_

ATTEST:

BOARD OF COUNTY COMMISSIONERS,  
COLLIER COUNTY, FLORIDA

DWIGHT E. BROCK, CLERK

BY: \_\_\_\_\_  
BETTYE J. MATTHEWS, CHAIRMAN

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ATTEST:

WITNESS

[Signature]

Juwa Thomas  
WITNESS

COLLIER COUNTY AIRPORT AUTHORITY

BY:

[Signature]

STEPHEN L. PRICE, CHAIRMAN

Approved as to form and  
legal sufficiency:

Thomas C. Palmer

Thomas C. Palmer  
Assistant County Attorney

TCP/LW/9869

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