

February 27, 2004

AMERICAN FARMS LLC  
1484 KEANE AVE  
NAPLES, FL 34117-2926

SAMPLE

**RE:** Folio ID: # 00328720004, # 00328760006, # 00331760006, # 00332160003,  
# 00328920008, # 00329160003, # 00329520009  
(This is the Property Identification Number from your Collier County Tax Bill)

To Whom It May Concern:

As the owner of the above-referenced property you are being advised that your property is located within a part of the unincorporated County that has been designated as "Sending Lands" under the provisions of the Collier County Growth Management Plan's (GMP) Rural Fringe Mixed Use District (District). Residential development within designated Sending Lands is limited to 1 unit per 40 acres, or 1 unit per legal lot or parcel of less than 40 acres, which lot or parcel existed on or before June 22, 1999. The GMP also limits development of non-residential uses within Sending Lands. As a property owner within Sending Lands you may be eligible to participate in the County's Transfer of Development Rights (TDR) Program. The Board of County Commissioners has established a minimum sale price of \$25,000 per TDR.

The County's TDR program provides the option to a landowner to sever and sell or transfer his or her residential development rights (or TDR Credits). TDR Credits severed from Sending Lands may be utilized to entitle increased residential density for development in the Receiving Lands of the District and certain urban and urban residential fringe designated areas on the Collier County Future Land Use Map. Please note that a TDR Credit may not be severed from a parcel if a dwelling unit has already been built or is under construction on the parcel, nor may a TDR Credit be severed if a building permit has been issued, unless the building permit is first voided.

If you wish to offer the TDR Credit(s) from your property for sale, you may do so by listing them with the County TDR Registry. The Registry will identify parcels from which the TDR Credits are available for purchase. The Registry will also maintain a list of prospective buyers of TDR Credits who have communicated a desire to be listed with the Registry. The County will provide a clearinghouse connection for buyers and sellers of TDR credits. The TDR Registry will be maintained on the County web site <http://colliergov.net/compplanning/tdr> for public access.

To reiterate, the Board of County Commissioners has set a minimum selling price of \$25,000 per TDR Credit. However, this minimum price does not apply in those instances when the same person or entity, or affiliated entities, owns both the Sending Lands from which the TDR Credits are being severed and the property to which they are being transferred. Property owners should be aware that Sending Lands parcels from which the TDR Credit(s) have been severed will have an easement recorded against the property which limits the uses of the property in perpetuity. Permitted and conditional land uses available subsequent to TDR severance are limited as outlined in section 2.2.2½.4.B.1 and 2 of the Collier County Land Development Code (LDC).

When a sale of TDR Credits occurs, the County will issue a TDR Credit Certificate(s), which upon recordation with the Collier County Clerk of Courts by the County, will entitle the bearer to one (1) additional dwelling unit per TDR Credit within designated receiving areas in the District, and the urban and urban residential fringe designated areas in accordance with the LDC. The County will charge a non-refundable application fee of \$250, plus \$25 per TDR Credit issued, not to exceed a maximum combined fee of \$2750. It is the obligation of the person or entity that seeks to purchase or transfer TDR Credits to pay the fees identified above.

TDR Credits may be issued at the rate of 1 unit per 5 acres, or 1 unit per legal lot or parcel of less than 5 acres, which lot or parcel existed on or before June 22, 1999 and which has not been cleared for agriculture or otherwise developed.

To summarize, the following conditions apply to any transfer of development rights from Rural Fringe Mixed Use (RFMU) District Sending Lands:

1. TDR Credits are generated from RFMU Sending Lands at a rate of 1 TDR Credit per 5 acres of RFMU Sending Land or, for those legal non-conforming lots or parcels of less than 5 acres that were in existence as of June 22, 1999, at a rate of 1 TDR Credit per legal non-conforming lot or parcel.
2. For lots and parcels 5 acres or larger, the number of TDR Credits generated shall be calculated using the following formula: # of acres x 0.2 = # of TDR Credits generated. Where the number of TDR Credits thus calculated is a fractional number, the number of TDR Credits created shall be rounded to the nearest 1/100<sup>th</sup>.
3. TDR Credits from RFMU Sending Lands may be transferred into Urban Areas, the Urban Residential Fringe, and RFMU Receiving Lands, as provided in Sections 2.6.39.4 and 2.6.39.5, of the Collier County Land Development Code (LDC).
4. While fractional TDR Credits may be created, as provided in #2 above, TDR Credits may only be transferred from RFMU Sending Lands in increments of whole, not fractional, dwelling units. Consequently, fractional TDR Credits must be aggregated

to form whole units before they can be utilized to increase density in either non-RFMU Receiving Areas or RFMU Receiving Lands.

5. TDR Credits cannot be transferred from RFMU Sending Lands where a conservation easement or other similar development restriction prohibits the residential development of such property.
6. TDR Credits cannot be transferred from RFMU Sending Lands that were cleared for agricultural operations after June 19, 2002, for a period of twenty-five (25) years after such clearing occurs.
7. TDR Credits may be transferred from RFMU Sending Lands located within one mile of the Urban Boundary into lands designated Urban Residential Fringe so as to allow for a density increase from the existing allowable density of 1.5 dwelling units per acre to 2.5 dwelling unit per gross acre.
8. Where development rights have been transferred from RFMU District Sending Lands (through sale of TDR Credits), such lands may be retained in private ownership and may be used as set forth in Section 2.2.2½.4.B, Collier County Land Development Code.
9. The transfer of TDR Credits from RFMU Sending Lands does not require the approval of the County. However, those developments that utilize such TDR Credits are subject to all applicable permitting and approval requirements of the Land Development Code, including but not limited to those applicable to site development plans, plat approvals, Planned Unit Developments, and Developments of Regional Impact.

TDR Credit Certificates shall be issued only by the County upon submission and approval of the following information:

- a. A complete legal description of the property from which the RFMU TDR Credits originated, including the total acreage;
- b. A title search, or other evidence, establishing that prior to the severance of the TDR Credits from the RFMU Sending Lands, such Sending Lands were not subject to a conservation easement or other development restriction that prohibited residential development;
- c. A legal instrument, prepared in accord with the form provided by the County, that limits the allowable uses on the property after the severance of TDR Credits as set forth in Section 2.2.2½.4.B, of the Collier County Land Development Code;

- d. A statement that clearly identifies the price, or value of other remuneration, paid to the owner of the RFMU Sending Lands from which the TDR Credits were generated and that the value of any such remuneration is at least \$25,000 per TDR Credit, unless the RFMU or non-RFMU Receiving Lands on which the TDR Credits will be utilized and the RFMU Sending Lands from which the TDR Credits were generated are owned by the same persons or entities or affiliated persons or entities; and
- e. A statement attesting that the TDR Credits are not being severed from RFMU Sending Lands in violation of section 2.6.39.3.D.2 of this Code.

For more information regarding the listing for sale of the TDR Credits from your property with the Collier County TDR Registry, the use of TDR Credits, permitted land uses within the District Sending or Receiving Lands, or other aspects of the Collier County TDR Program, please contact the staff of the Collier County Comprehensive Planning Department at 239-403-2300.

Sincerely,

Stan Litsinger, AICP  
Director, Comprehensive Planning Department

Cc: Board of County Commissioners  
James V. Mudd, P.E., Collier County Manager  
Joseph Schmitt, Community Dev. & Environmental Services Administrator  
David Weigel, County Attorney  
Marjorie Student, Assistant County Attorney  
Patrick White, Assistant County Attorney  
Ed Perico, Building Review and Permitting Director  
Comprehensive Planning Department Staff  
Zoning and Land Development Review Staff