

RESOLUTION 2009- 58

A Resolution of the Collier County Board of County Commissioners designating 5,868.7 Acres in the Rural Lands Stewardship Area Zoning Overlay District as a Stewardship Sending Area with a designation as "BCI/BCP SSA 10" pursuant to the terms set forth in the Escrow Agreement, Stewardship Sending Area Credit Agreement for BCI/BCP SSA 10, and Stewardship Easement Agreement for BCI/BCP SSA 10; approving a Stewardship Sending Area Credit Agreement for BCI/BCP SSA 10; approving a Stewardship Easement Agreement for BCI/BCP SSA 10; approving an Escrow Agreement for BCI/BCP SSA 10; and establishing the number of stewardship credits generated by the designation of said Stewardship Sending Area

WHEREAS, Barron Collier Investments, Ltd. (BCI), a Florida Limited Partnership and Barron Collier Partnership, LLLP (BCP), a Florida Limited Liability Limited Partnership, formerly known as Barron Collier Partnership, a Florida General Partnership, own approximately five thousand eight hundred sixty-eight and seven tenths (5,868.7) acres located within the boundaries of the Rural Lands Stewardship Area Zoning Overlay District ("RLSA District") located in Collier County, Florida; and

WHEREAS, Owner has voluntarily requested that said land be designated as a Stewardship Sending Area ("SSA") in accordance with, and pursuant to Section 4.08.06 of the Collier County Land Development Code ("LDC") and the terms of the Escrow Agreement for BCI/BCP SSA 10 Stewardship Sending Area Credit and Stewardship Easement Agreement; and

WHEREAS, Owner has submitted a SSA Designation Application ("Application") for the BCI/BCP SSA 10 land; and

WHEREAS, Collier County Staff has reviewed the Application, along with support documentation and information required by Section 4.08.06 of the LDC, and determined that the Application is legally sufficient; and

WHEREAS, the Collier County Board of County Commissioners ("Board") has determined the Escrow Agreement, Stewardship Sending Area Credit Agreement for BCI/BCP SSA 10, and Stewardship Easement Agreement for BCI/BCP SSA 10 are in compliance with, and meet the requirements of the LDC, and provide a substantial benefit to the general public.

NOW, THEREFORE, be it resolved by the Board that:

1. BCI/BCP SSA 10, as described in attached Exhibit 1, consisting of approximately five thousand eight hundred sixty-eight and seven tenths (5,868.7) acres is hereby designated as a Stewardship Sending Area ("SSA"), and will be officially designated as "BCI/BCP SSA 10" on the Official Zoning Atlas Map pursuant to the terms of the Escrow Agreement for BCI/PCP SSA 10, Stewardship Sending Area Credit Agreement for BCI/PCP SSA 10 and the Stewardship Easement Agreement for BCI/PCP SSA 10.
2. The Stewardship Credit Agreement for BCI/BCP SSA 10, attached hereto as Exhibit 2, meets the requirements of Section 4.08.06 of the LDC and the Board hereby approves the Stewardship Credit Agreement for BCI/BCP SSA 10.
3. The Stewardship Easement for BCI/BCP SSA 10, attached hereto as Exhibit 3, meets the requirements of Section 4.08.06 of the LDC and the Board hereby approves the Stewardship Easement Agreement for BCI/BCP SSA 10.
4. The Escrow Agreement for BCI/BCP SSA 10, attached hereto as Exhibit 4, is hereby approved by the Board which provides for the delay of the recordation of the Stewardship Sending Area Credit Agreement for BCI/BCP SSA 10 and the Stewardship Easement Agreement until such time as the proposed development project has received the necessary final and non-appealable local, state and federal permits, other than plat, site development plan and building permit, necessary to construct the development project consistent with the provisions of Section 4.08.07 of the Collier County Land Development Code.
5. The Board hereby establishes, grants and assigns twenty six thousand nine hundred and forty three and eight tenth (26,943.8) Stewardship Credits to the Owner, which may be sold, transferred, or otherwise utilized by the Owner in accordance with Section

4.08.04 of the LDC and the terms of the Escrow Agreement for BCI/BCP SSA 10; Stewardship Sending Area Credit Agreement for BCI/BCP SSA 10 and the Stewardship Easement Agreement for BCI/BCP SSA 10.

6. The Board hereby establishes and authorizes an additional thirteen thousand eight hundred and seventy two and four tenths (13,872.4) Stewardship Credits to be transferred to the Owner under the terms of the Credit Agreement attached hereto as Exhibit 2.
7. The Board further approves and authorizes the acceptance of the Stewardship Easement Agreement for the BCI/BCP SSA 10 lands.
8. By its designation of the lands described in Exhibit 1 as a Stewardship Sending Area, the County shall not hereafter grant or approve any increase in the density or additional uses beyond those uses specifically authorized in the BCI/BCP SSA 10 Credit Stewardship Sending Area Credit Agreement.

THIS RESOLUTION ADOPTED this 10th day of March, 2009, after a Motion, seconded, and majority vote favoring same.

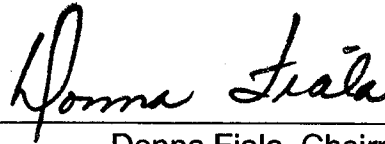
BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

ATTEST: DWIGHT E. BROCK



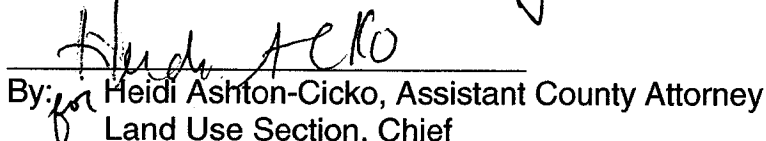
Deputy Clerk
signature only

By:



Donna Fiala, Chairman

Approved as to form and
legal sufficiency:


By: Heidi Ashton-Cicko, Assistant County Attorney
Land Use Section, Chief

**Exhibits
for
Resolution 2009-58**

**Can be viewed at the
Minutes and Records
Department**