

RESOLUTION 2010- 29

A Resolution of the Collier County Board of County Commissioners designating 4,793.5 Acres in the Rural Lands Stewardship Area Zoning Overlay District as a Stewardship Sending Area with a designation as “Sunniland Family SSA 12” pursuant to the terms set forth in the Escrow Agreement, Stewardship Sending Area Credit Agreement for Sunniland Family SSA 12, and Stewardship Easement Agreement for Sunniland Family SSA 12; approving a Stewardship Sending Area Credit Agreement for Sunniland Family SSA 12; approving a Stewardship Easement Agreement for Sunniland Family SSA 12; approving an Escrow Agreement for Sunniland Family SSA 12; and establishing the number of stewardship credits generated by the designation of said Stewardship Sending Area

WHEREAS, Sunniland Family Limited Partnership, a Florida Limited Partnership, owns approximately four thousand seven hundred ninety-three and five tenths (4,793.5) 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 Sunniland Family SSA 12 Stewardship Sending Area Credit and Stewardship Easement Agreement; and

WHEREAS, Owner has submitted a SSA Designation Application (“Application”) for the Sunniland Family SSA 12 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 Sunniland Family SSA 12, and Stewardship Easement Agreement for Sunniland Family SSA 12 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. Sunniland Family SSA 12, as described in attached Exhibit 1, consisting of approximately four thousand seven hundred ninety-three and five tenths (4,793.5) acres is hereby designated as a Stewardship Sending Area ("SSA"), and will be officially designated as "Sunniland Family SSA 12 " on the Official Zoning Atlas Map pursuant to the terms of the Escrow Agreement for Sunniland Family SSA 12, Stewardship Sending Area Credit Agreement for Sunniland Family SSA 12 and the Stewardship Easement Agreement for Sunniland Family SSA 12.
2. The Stewardship Credit Agreement for Sunniland Family SSA 12, 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 Sunniland Family SSA 12.
3. The Stewardship Easement for Sunniland Family SSA 12, 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 Sunniland Family SSA 12.
4. The Escrow Agreement for Sunniland Family SSA 12, 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 Sunniland Family SSA 12 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 fourteen thousand eight hundred and five and one tenth (14,805.1) 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 Sunniland Family SSA 12; Stewardship Sending Area Credit Agreement for Sunniland Family SSA 12 and the Stewardship Easement Agreement for Sunniland Family SSA 12.

6. The Board hereby establishes and authorizes an additional eight thousand seven hundred and thirty one and six tenths (8,731.6) 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 Sunniland Family SSA 12 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 Sunniland Family SSA 12 Credit Stewardship Sending Area Credit Agreement.

THIS RESOLUTION ADOPTED this 9th day of February, 2010, after a Motion, seconded, and majority vote favoring same.

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

ATTEST: DWIGHT E. BROCK

by: Amy Gerald OC.
Deputy Clerk

Attest as to Chairman's
signature orig.

Approved as to form and
legal sufficiency:

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

By: Fred W. Coyle
FRED COYLE, Chairman

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**ALL EXHIBITS
AGREEMENTS
AND MAPS FOR THIS RESOLUTION
MAY BE VIEWED IN THE
BOARD OF COUNTY COMMISSIONERS
FEBRUARY 9, 2010 MEETING
BACKUP DOCUMENTS
AGENDA ITEM #17A**