

**RESOLUTION 2009-\_\_\_\_\_302\_\_\_\_\_**

**A Resolution of the Collier County Board of County Commissioners designating 7,414.0 Acres in the Rural Lands Stewardship Area Zoning Overlay District as a Stewardship Sending Area with a designation as “BCI/BCP/SI SSA 13” pursuant to the terms set forth in the Escrow Agreement, Stewardship Sending Area Credit Agreement for BCI/BCP/SI SSA 13, and Stewardship Easement Agreement for BCI/BCP/SI SSA 13; approving a Stewardship Sending Area Credit Agreement for BCI/BCP/SI SSA 13; approving a Stewardship Easement Agreement for BCI/BCP/SI SSA 13; approving an Escrow Agreement for BCI/BCP/SI SSA 13; and establishing the number of stewardship credits generated by the designation of said Stewardship Sending Area**

**WHEREAS**, Barron Collier Investments, Ltd., a Florida Limited Partnership (“BCI”), Barron Collier Partnership, LLLP, a Florida Limited Liability Limited Partnership, formerly known as Barron Collier Partnership, a Florida General Partnership (“BCP”), and Serenoa Investments, Inc., a Florida Corporation, formerly known as ECST East Corporation (“SI”) owns approximately seven thousand four hundred fourteen and zero tenths (7,414.0) acres of land 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/SI SSA 13 Stewardship Sending Area Credit and Stewardship Easement Agreement; and

**WHEREAS**, Owner has submitted a SSA Designation Application (“Application”) for the BCI/BCP/SI SSA 13 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/SI SSA 13, and Stewardship Easement Agreement for BCI/BCP/SI SSA 13 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/SI SSA 13, as described in attached Exhibit 1, consisting of approximately seven thousand four hundred fourteen and zero tenths (7,414.0) acres of land is hereby designated as a Stewardship Sending Area (“SSA”), and will be officially designated as “BCI/BCP/SI SSA 13” on the Official Zoning Atlas Map pursuant to the terms of the Escrow Agreement for BCI/BCP/SI SSA 13, Stewardship Sending Area Credit Agreement for BCI/BCP/SI SSA 13 and the Stewardship Easement Agreement for BCI/BCP/SI SSA 13.
2. The Stewardship Area Credit Agreement for BCI/BCP/SI SSA 13, attached hereto as Exhibit 2, meets the requirements of Section 4.08.06 of the LDC and the Board hereby approves the Stewardship Area Credit Agreement for BCI/BCP/SI SSA 13.
3. The Stewardship Easement for BCI/BCP/SI SSA 13, 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/SI SSA 13.
4. The Escrow Agreement for BCI/BCP/SI SSA 13, 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/SI SSA 13 and the Stewardship Easement Agreement until such time as the Serenoa Stewardship Receiving Area 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 thousand and nine hundred and sixteen and one tenth (20,916.1) 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 BCI/BCP/SI SSA 13; Stewardship Sending Area Credit Agreement for BCI/BCP/SI SSA 13 and the Stewardship Easement Agreement for BCI/BCP/SI SSA 13.

6. The Board hereby establishes and authorizes an additional six thousand five hundred and ninety nine and two tenths (6,599.2) 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/SI SSA 13 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/SI SSA 13 Credit Stewardship Sending Area Credit Agreement.

**THIS RESOLUTION ADOPTED** this 15<sup>th</sup> day of December, 2009, after a Motion, seconded, and majority vote favoring same.

BOARD OF COUNTY COMMISSIONERS  
COLLIER COUNTY, FLORIDA

ATTEST: DWIGHT E. BROCK

By: *Amy Reynolds*  
Attest as to Chief Deputy Clerk  
signature on

By: \_\_\_\_\_

*Donna Fiala*  
DONNA FIALA, Chairman

Approved as to form and  
legal sufficiency:

*Heidi Ashton-Cicko*

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

I HEREBY CERTIFY THAT this is a true and  
correct copy of a document on file in  
Board Minutes and Records of Collier County  
WITNESS my hand and official seal this  
15<sup>th</sup> day of December, 2009

DWIGHT E. BROCK, CLERK OF COURTS

*Amy Reynolds*