

MINUTES OF THE MEETING OF THE CONSERVATION COLLIER  
LAND ACQUISITION ADVISORY COMMITTEE

Naples, Florida, July 9, 2007

LET IT BE REMEMBERD, that the Conservation Collier Land Acquisition Advisory Committee, in and for the County of Collier, having conducted business herein, met on this date at 9:00 AM in REGULAR SESSION at Administrative Building "F," 3<sup>rd</sup> Floor, Collier County Government Complex, Naples, Florida, with the following members present:

CHAIRMAN: Bill Poteet  
Michael Delate  
Marco Espinar  
Wayne Jenkins  
Kevin Kacer  
Will Kriz  
Tony Pires (excused)  
Stan Weiner  
Mimi Wolok

ALSO PRESENT: Jennifer Belpedio, Assistant County Attorney  
Cindy Erb, Sr. Property Acquisition Specialist  
Christal Segura, Conservation Collier Land Manager  
Alexandra Sulecki, Conservation Collier Coordinator

**I. Roll Call**

The meeting was called to order at 9:00 AM by Chairman Bill Poteet. Roll call was taken, and a quorum was established.

**II. Approval of Agenda**

**Mr. Kriz moved to approve the agenda. Second by Mr. Jenkins.**

**Alexandra Sulecki, Conservation Collier Coordinator**, stated Agenda Item VI (B) had been amended. Copies of the draft of the Interim Management Plan for Oetting property will be provided to the Committee.

Under Item V (A), Ms. Sulecki also advised that Ed Cronyn, Senior Supervising Environmental Analyst, could not make his presentation until approximately 11:00 AM.

**Carried unanimously, 8-0.**

**III. Approval of Minutes**

**Mr. Kriz moved to approve the minutes of the June 9, 2007 meeting. Second by Mr. Delate.**

Changes:

Page 7, Item VI (B): **Mr. Kacer** stated his Subcommittee was waiting for the Rookery Bay Management Plan in order to develop a Management Plan for the Malt property.

**Carried unanimously as amended, 8-0.**

**IV. Old Business**

**B. Contracts/Agreements/Lease**

**(1) Starnes**

**Cindy Erb** reported the Starnes agreement and lease have been prepared.

**Ms. Wolok** pointed out potentially conflicting terms regarding renewal which Ms. Erb stated would be reviewed.

**Chairman Poteet** questioned whether the oil, gas and mineral lease on the property would be terminated if the County purchased the property.

**Assistant County Attorney Belpedio** stated the lease would remain in effect and was informed by CREW that it was their position the lease should be revised. She stated she received an email from Attorney Steven Walker which she read, *in part*, into the record:

“While it would be preferable to not have any outstanding potentially conflicting rights not owned by the County CREW, we understand the

realities of the situation. Therefore, we are not overly concerned with the lease to the extent that it is limited to exploration development of oil and gas. While potentially messy, especially during exploration and initial development, ultimately the surface disturbance is fairly nominal.

The current lease, however, seems to grant the lessee the right to engage in surface mining as well. Aside from the potential hydrological impacts on CREW, the surface environment would be completely altered in perpetuity if surface mining were undertaken on the property.

While I understand Collier County may have some regulatory control over that activity, I think the County could be subject to a takings claim if it were to attempt to exercise that option. The argument would be that the County would be acquiring, through regulation, that which they did not pay for in the purchase. We would prefer to see the right to surface mining excised from the lease as a condition of the sale. We suggest that Starnes be given a reasonable period of time to seek amendment of the lease eliminating the right to mine the surface.

I am basing this request on my reading of the lease. I am not an oil and gas lawyer, however. Therefore, as a second alternative, if Starnes believes that the lease does not authorize the lessee to undertake surface mining, I would be willing to review an opinion from an oil/gas lawyer stating so. My first option is, by far, my preferred option.”

**Mr. Kacer** agreed that surface mining should be excised from the lease and asked if a motion was required.

**Assistant County Attorney Belpedio** suggested adding language, “the lease will no longer contain a provision for surface mining.”

**Mr. Espinar** pointed out that this lease also includes strip mining.

**Assistant County Attorney Belpedio** stated that John Murray asked that the agreement recognized that CREW contributed \$300,000 toward the purchase; CREW would not be responsible to pay for damages if the contract was not accepted; or closing costs or any miscellaneous expenses. “Purchaser” included both the County and CREW.

**Mr. Kriz** moved that the Committee recommend to the Board of County Commissioners to purchase the Starnes property as provided in the agreement as long as the leases in the property were amended by removing any reference to minerals and that the leases be subordinated to the extent that oil and gas can be extracted only by directional means. Second by **Mr. Espinar**.

**Chairman Poteet** asked about including references to Phase I.

**Mr. Kriz amended his motion to include the property was to undergo a Phase I Environmental Assessment and that the term “minerals” would be removed from the lease. He further stated oil and gas could be extracted only by directional means.**

**Assistant County Attorney Belpedio** suggested removing references to minerals and mineral-related occupation of the surface.

**Mr. Kriz added that surface occupancy would not be permitted to the motion.**

**Carried unanimously, 8-0.**

**Ms. Erb** stated that money had been allocated for Phase I as part of the Executive Summary. She further stated the total amount of all of the parcels purchased or currently under review to date is \$61,957,533.00

#### **A. Real Estate Services Update: “A-List” properties**

**Ms. Erb** provided the following summary of the status of the “A-List” properties:

- (1) The following parcels had closed:
  - Karen parcel - June 18, 2007;
  - RR Land Trust (16 parcels) – June 22, 2007;
  - Calo parcel – July 2, 2007
  - Rivers/Predmore - July 2, 2007
- (2) The following parcels are scheduled to close:
  - Price – scheduled for July 16, 2007
  - Scherer – scheduled for July 16, 2007
- (3) The Connolly Trust has not yet closed. There are issues concerning the land trust, and the County Attorney’s office has been asked to assist.
- (4) The County’s offer to purchase has been accepted by RJS, LLC. An agreement has been drafted and further information will be presented in September.

**Ms. Sulecki** stated she received the appraisal of the Fleischmann North parcel from Collier County appraiser and the value assessed is \$12,000 per acre. There are 12.5 acres. The contribution from Conservation Collier will be \$150,000. She stated she would contact the County Manger for clarification regarding purchase of the property.

**Ms. Erb** stated the Transportation Department (Stormwater) expected to obtain its permit in September, and would place a conservation easement on the land.

**C. TDR Conveyances – Development of Policy Recommendation**

**Ms. Sulecki** stated the attached Executive Summary was the result of a joint meeting between Conservation Collier Ordinance, Policy and Rules (OPR) Subcommittee and Lands Evaluations and Management Subcommittee. “Bullet point” recommendations were developed. She stated the main issue is long-term management funding. The goal is to present a resolution to the Board of County Commissioners by October to allow the potential of several TDRs from the Benfield Road properties.

**Speakers:**

**Kris Van Lengen**, Bonita Bay Group: stated support of the Executive Summary and the Subcommittee’s recommendations. He stated Conservation Collier was the best positioned entity to receive parcels within the rural fringe. He reminded the Committee the Early Entry Bonus, which will expire in approximately one year, is an incentive to involve owners of Sending Lands in the TDR program.

**Joe Thompson**, Comprehensive Planning: agreed with Mr. Van Lengen and stated that this was a good situational approach for certain properties.

**Ms. Wolok moved to adopt the Six Bullet Points contained in the Executive Summary. Second by Mr. Kriz. Carried unanimously, 8-0.**

**Ms. Sulecki** presented a revised listing to provide an overview of the lands under review, the proposed property applications for Cycle 5, and the applications that had been rejected. She stated there were eight applications currently under review. She further stated the properties totaled sixty-three acres with an assessed value of two million dollars.

**V. New Business**

**B. Cycle 5 Applications – new applications report**

**Christal Segura**, Environmental Specialist, presented the following property applications:

- (1) Patel property – located off Woodland Grade Road – 4.9 acres with an assessed value of \$139,650

Although the property meets the criteria, Ms. Sulecki pointed out there was a management issue because of all of the ATV trails.

**Mr. Kacer moved to not consider this property for purchase. Second by Mr. Espinar. Carried unanimously, 8-0.**

- (2) Propero property – located off Logan and Pine Ridge Roads – 2.94 acres with an assessed value of \$352,800. The owner is asking \$1,400,000. Logan Woods (6.34 acres) was purchased in 2005 for \$830,000. The property meets the criteria.

**Mr. Espinar moved that this property did not meet the criteria. The Chairman noted since there was no second for this motion, it would not be considered.**

**Chairman Poteet moved to proceed with this property. Second by Mr. Kriz.**

Chairman Poteet stated this property has been described in the MLS listing system as “potential commercial site.” Neighbors have approached the Neighborhood Civic Association to keep this as a “green” corner. The GoldenGate Civic Association has recommended Conservation Collier purchase this property.

**Motion carried, 7-1 with Mr. Espinar opposed.**

- (3) Mr. and Mrs. Riley submitted four separate parcels:  
Parcel “A” is 1.14 acres with an assessed value of \$54,000;  
Parcel “B” is 5 acres with an assessed value of \$240,000;  
Parcel “C” is 5 acres with an assessed value of \$270,000;  
Parcel “D” is 2.27 acres with an assessed value of \$108,000.

**Mr. Kriz noted these properties were scattered across an area that is currently undergoing development and moved to not proceed Second by Mr. Jenkins.**

Chairman Poteet asked if, in the future, neighboring properties were proposed, could the Riley parcels be reconsidered? Ms. Sulecki replied affirmatively.

**Carried unanimously, 8-0.**

- (4) The owner, Mr. Trinh, presented applications for 21 properties totaling 185.5 acres in six different locations. Fourteen parcels (76.5 acres) are in “Sending Lands.”

**Ms. Sulecki** spoke with Mr. Trinh about the TDR issues and he stated he was not interested in severing TDR. There was also a five-acre parcel in Unit 53 that is contiguous with a County-owned parcel and has an assessed value of \$215,000.

There is also an 80-acre parcel in McIlvane Marsh with an assessed value of \$400,000.

**Ms. Wolok moved to proceed with review and ranking of the parcel in Unit 53 and of the McIlvane Marsh parcel. Second by Mr. Kriz. Carried unanimously, 8-0.**

**C. ICSR Reports**

- (1) Devisse parcel – located in North Naples – off Euclid Avenue next to the Del La Sol PUD – 2.06 acres are classified as uplands, 2.94 acres are wetland, and the assessed value is \$750,000

Parks and Recreation has platted a neighborhood park on County-owned lands adjacent to this parcel. There is public access from Euclid – walking access only – there is no parking available.

**Chairman Poteet** pointed out that this was green space within an urban area.

- (2) Blake, Gore-1 and Gore-2: (I-75 area) 11 willing sellers – 82 acres – total estimated value of \$3,119,000.

The I-75 Interchange at Everglades is on the County’s 2015 Plan. The County is currently preparing an Interchange Justification Report (“IJR”) for the State of Florida Department of Transportation. No funds are currently budgeted from the County’s 5-year transportation plan.

**Dr. Gore** presented his own description and history of the properties. Dr. Gore stated he owned property from along 40<sup>th</sup> Avenue S.E. from the Canal to DeSoto Blvd. and would eventually sell it.

**D. Outstanding Advisory Committee Member Program**

No report.

**E. Coordinator Communications**

**Ms. Sulecki** stated she is trying to obtain particulars regarding the tax reform and how it will affect Conservation Collier. There is a potential cut in funding for the next budget year of approximately \$2.3 million.

Both the Railhead Scrub Final Management Plan and the Cocohatchee Creek Final Management were approved by the Board on June 26, 2007 and is currently in operation.

She also mentioned the Board asked her to report on how Conservation Collier properties could potentially be used by other County departments for mitigation for County projects, particularly for County road projects.

She did research the question and found there is nothing in the Ordinance to prohibit such use. She further stated that mitigation depends on where the property is located, its size and shape – there are several other factors to be considered. Unit 53 is an area where there may be opportunities for mitigation and the Board has directed Conservation Collier to explore those opportunities on a case-by-case basis.

She also mentioned there was no direction from the Board concerning changing the Ordinance with regard to mitigation and will present the Ordinance and purchase policy to the Board at the September, 2007 meeting. She stated she would approach the Board for direction in amending the Ordinance and permission to amend it.

The City of Naples presented a funding request to the Board to construct a bridge over the Gordon River as part of the Gordon River Greenway. The Board agreed to provide the sum of \$1 Million to the City from Conservation Collier. A unified management plan is needed in order for the Board to approve the expenditure..

**Assistant County Attorney Belpedio** recommended that property to come up through regular channels. She stated in anticipating potential obstacles, she would contact the Attorney for the City of Naples to determine the mechanics of the transaction and how it could work if a property were chosen and placed on the "A-List" for acquisition.

## **VI. Subcommittee Meeting Reports**

### **(a) Outreach – Tony Pires, Chair**

No report.

### **(b) Lands Evaluation and Management - Kevin Kacer, Chair**

**Mr. Kacer** stated the Subcommittee did not meet last month. He asked Subcommittee members to review the Interim Management Plan distributed by Ms. Segura and to report their conclusions directly to her within the next two weeks.

### **(c) Ordinance Policy and Procedures – Will Kriz, Chair**

No report.

**BREAK: 10:56 AM**

**RECONVENED: 11:05 AM**

## **V. New Business**

### **A. Presentation on Mitigation – Ed Cronyn, Sr. Supervisor Environmental Analyst, South Florida Water Management District**

**Mr. Cronyn** stated his goal was to explain mitigation opportunities on public lands. He stated the first step is to prevent the impacts by examining the site plan to see if anything can be done through design modifications to either reduce or eliminate the impact.

The purpose of mitigation is to offset loss of environmental values associated with filling in or dredging the wetlands.

One of the most common forms of mitigation is enhancement combined with restoration to bring a property back to its natural state.

The public projects that impact wetlands most often are road projects, schools, and fire departments. These impacts can not be avoided, but only minimized. If on-site mitigation is not practical, another option is to utilize a mitigation bank or to mitigate other public lands.

A lengthy question and answer period followed.

**VII. Chair Committee Member Comments**

No August meeting. The next meeting will be in September.

**VIII. Public General Comments**

(None)

**IX. Staff Comments**

**Mr. Jenkins** asked if Conservation Collier retained title to the McIlvane Marsh properties. He asked if title to all of the acquired properties would be transferred to the State DEP.

**Ms. Sulecki** stated this was being considered for the 2009 Budget Year.

**Mr. Kacer** asked about the progress concerning the Schofield Ranch.

**Ms. Sulecki** replied the Credits had already been severed, it was no longer a candidate for acquisition by the County.

**There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 11:32 AM.**

**CONSERVATION COLLIER LAND ACQUISITION  
ADVISORY COMMITTEE**

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**Bill Poteet, Chairman**

**These Minutes were approved by the Committee Chair on \_\_\_\_\_,  
as presented \_\_\_\_\_, or as amended \_\_\_\_\_.**