

EXECUTIVE SUMMARY

Approve an Agreement for Sale and Purchase for 2.73 acres within the Winchester Head Multi-parcel Project under the Conservation Collier Land Acquisition Program, at a cost not to exceed \$28,000 (Berman/Bennett/Celsnak Tr.).

OBJECTIVE: Request approval of the attached Agreement for Sale and Purchase (Agreement) between the Board of County Commissioners (Board) and Richard F. Berman as to 1/3 interest and Raymond and Terry Bennett also known as Terri Bennett, husband and wife, as to 1/3 interest and Frank J. Celsnak and Marlene J. Celsnak Trustees U/D/T dated 27th December 1991 as to 1/3 interest (Sellers).

CONSIDERATIONS: On January 25, 2005, Agenda Item 10D, the Board approved a Conservation Collier Land Acquisition Advisory Committee (CCLAAC) recommended Cycle II - Active Acquisition List, (AAL) with changes, and directed staff to actively pursue acquisition of the properties under the Conservation Collier Program. A multi-parcel project included on the Cycle II – AAL was a portion of Unit 65 in Golden Gate Estates (Winchester Head Multi-parcel Project). Staff has actively pursued acquiring parcels within Unit 65. However, on September 13, 2005, Agenda Item 16 A 34, the Board accepted CCLAAC's recommendation to, due to rising property costs, discontinue buying properties for the Winchester Head Multi-parcel Project for 90 days. On February 14, 2006, Agenda Item 10A, the Board approved placing the Winchester Head Multi-parcel Project on the "B" list of the Cycle III – AAL, and on January 23, 2007, Agenda Item 10A, the Board approved the Cycle IV – AAL, once again placing the Multi-parcel Project on the "B" list. On May 22, 2007, Agenda Item 10F, the Board approved activating the Winchester Head Multi-parcel Project, with conditions, and it was placed on the "A" list on the current AAL.

The Winchester Head Multi-parcel Project consists of 115 parcels and a total of 158.67 acres. To date, Conservation Collier has acquired 46 parcels for a total of 64.19 acres, and the Collier Soil and Water Conservation District has acquired 2 parcels totaling 2.28 acres.

Staff contracted with two independent, state-certified, general real estate appraisal firms to appraise all parcels within the Winchester Head Multi-parcel Project. The appraisers based their analyses on comparable sales from wetland, not upland parcels, preferably within the Winchester Head Multi-parcel Project boundaries. The appraisals dated October 2009, provided an averaged appraised value for all parcels within the Winchester Head Multi-parcel Project at \$10,000 an acre. On July 12, 2010, the CCLAAC approved extending offers to owners at the October 2009 appraisal values. The cost to obtain new appraisals is \$8,000. Based on the slight decline in land values and the number of interested property owners last year, the most cost effective approach is to utilize the 2009 appraisal values.

The Sellers' property contains a total of 2.73 acres and is located within the Winchester Head Multi-parcel Project. The land cost for the 2.73 acre parcel is \$27,300.

The attached Agreement provides that should the County elect not to close this transaction for any reason, except for default by the Sellers, the County will pay the Sellers \$136.50 in liquidated damages.

Pursuant to Ordinance 2007-65, Section 13(8), a Project Design Report for the property is provided herewith.

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FISCAL IMPACT: The total cost of acquisition will not exceed \$28,000 (\$27,300 for the property and approximately \$700 for the title commitment, title policy, and recording of documents). The funds will be withdrawn from the Conservation Collier Trust Fund (172). As of October 11, 2010, property costs for Conservation Collier properties, including this property and those under contract, total \$104,144,868.02. Estimated costs of maintenance in perpetuity have been considered by the CCLAAC and have been incorporated into the Conservation Collier Long Term Financial Management Plan.

GROWTH MANAGEMENT IMPACT: Fee simple acquisition of conservation lands is consistent with and supports Policy 1.3.1(e) in the Conservation and Coastal Management Element of the Collier County Growth Management Plan.

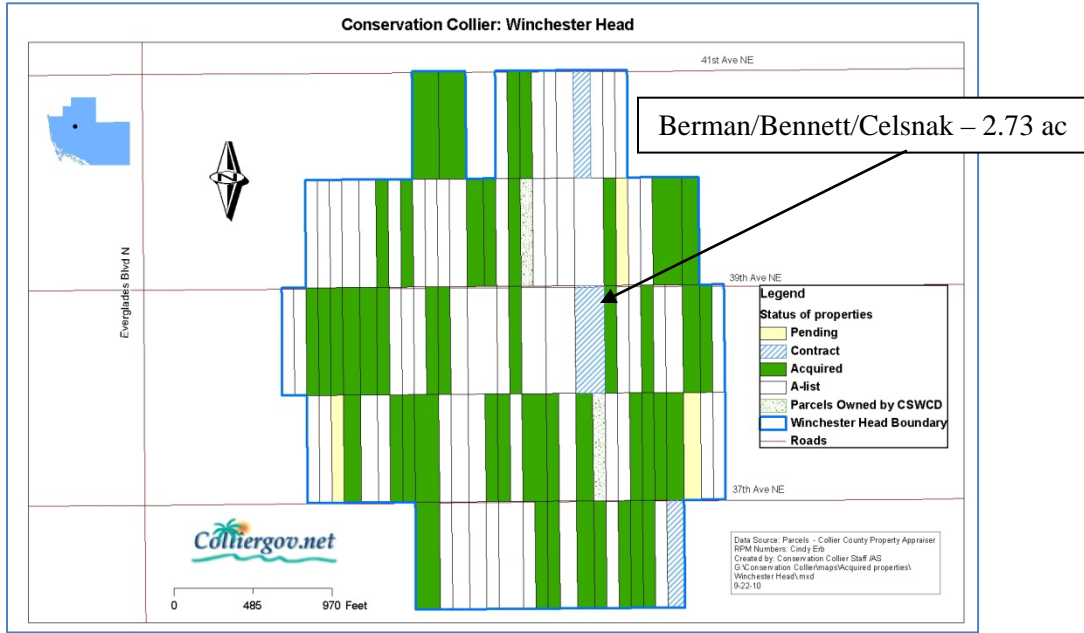
LEGAL CONSIDERATIONS: This item has been reviewed and approved by the County Attorney's Office and is legally sufficient. - JBW

RECOMMENDATION: Staff is recommending that the CCLAAC:

1. Approve the attached Agreement; and
2. Recommend to the Board approval and authorization for the Chairman to execute the Agreement on behalf of the Board.

PREPARED BY: Cindy M. Erb, SR/WA, Senior Property Acquisition Specialist, Real Property Management, Department of Facilities Management

**Conservation Collier Land Acquisition Program
Project Design Report
Date: October 11, 2010**



Property Owner: Richard F. Berman, Raymond and Terri Bennett, Frank J. Celsnak, Trustee, Marlene J. Celsnak, Trustee

Folio(s): 39957960002

Location: WEST 180FT OF TRACT 66, GOLDEN GATE EST UNIT 65

Size: 2.73 acres

Appraisal/Offer Amount: \$27,300

History of Project:

Selected for the "A" category, #1 priority, on the Active Acquisition List by CCLAAC	Approved for purchase by BCC	Project halted by BCC	Re-approved for purchase by BCC - conditionally	Purchase offer made to owner	Offer Accepted
12/15/04	1/25/05	9/12/05	5/22/07	8/16/10	8/16/10

Purpose of Project: Conservation Collier

Program Qualifications:

The Winchester Head multi-parcel project, which includes the Berman-Bennett-Celsnak 2.73-acre parcel, is located within an undeveloped depressional cypress head and marsh wetland located in NGGE in Units 62 and 65. Using aerial photographs, elevation data, soil maps and public input, a total of 115 parcels (158.67 acres) were identified as being important for acquisition. The entire site is within North Golden Gate Estates, identified within the Conservation Collier Ordinance (Ord. No. 2007-65) as a target protection area. One important reason for the nomination of Winchester Head is that this area functions to provide floodplain storage for surrounding home sites during high rainy season. In fact, these types of depressional storage areas were included in the water management models for the Golden Gate canal system done by the Big Cypress Basin, South Florida Water Management District and are a component of flood control for the area. At this time, Conservation Collier owns 64.19 acres out of a total of 158.67 acres, or 40% of the project area.

Other criteria that would be satisfied by a purchase here include protection of surface and ground water resources, protection of wetland dependent species habitat, good potential for restoration and low estimated management costs. Listed plant species were observed, while a listed wildlife species (Florida black bear) has been documented at the edges of the property. During a November 2009 site visit, it was noted that there was standing water within Winchester Head, that many birds are using the area, and that the wetland areas (except those directly adjoining roadways) appear to be nearly free of invasive exotic plant life, indicating good ecological value. Additionally, three different public roads, one of which is paved, access the site and allow the property to be readily viewed. The mature cypress and seasonally changing marsh enhance the aesthetic setting of Collier County.

Projected Management Activities:

Active management of this project is not feasible until a significant contiguous area can be acquired. Since Winchester Head is relatively free of exotic plants, minimal control efforts consisting of herbicide applications on exotics at the edges of owned properties may be done until a larger area is acquired. Because of the wetland nature of the site, trails are not recommended. A raised boardwalk would be the best public access opportunity, however, this is not proposed until sometime well into the future of the project when more parcels are acquired. Nature photography and bird watching are two activities that can occur at present. After consideration of risks and liability, it may be possible to allow school children to visit specific parcels as part of an educational program about wetlands. Currently, the two roads (37th and 39th Streets NE) provide access but the only parking is the road right-of-way. Currently, a visitor parking area is not necessary but could be constructed in the future if a nearby upland lot were acquired. An educational kiosk could be placed along one of the roads through the project. It could contain information on wetlands and on the preservation of the area. Signs can be placed at boundaries along 37th and 39th St. NE. Minimal management activities, like trash removal can be accomplished using both contracted and volunteer labor.