

EXECUTIVE SUMMARY

Approve an Agreement for Sale and Purchase for 18.46 acres under the Conservation Collier Land Acquisition Program, at a cost not to exceed \$4,973,000 (Milano).

OBJECTIVE: Request approval of the attached two Agreements for Sale and Purchase (Agreements) between the Board of County Commissioners (Board) and (1) Anna Milano, Fortunata G. Milano, Carmelo A. Milano, and Maria E. Miano, and (2) Angelo and Rosemary Milano (Sellers).

CONSIDERATIONS: On February 14, 2006, Agenda Item 10A, the Board approved a Conservation Collier Land Acquisition Advisory Committee (CCLAAC) recommended Cycle III - Active Acquisition List, with changes, and directed staff to actively pursue acquisition of the properties under the Conservation Collier Program.

The Sellers' parcels are made up of two different family ownerships, each containing 9.23 acres, located on the north side of Immokalee Road, across from Gulf Coast High School. The purchase price for each parcel is \$2,475,000, which was based upon the average of two independent, state-certified general real estate appraisers, in accordance with the approved Conservation Collier Purchasing Policy.

Closing on each parcel is contingent upon a simultaneous closing of the other parcel. The attached Agreements provide that should the County elect not to close a transactions for any reason, except for default by the Sellers, the County will pay the Sellers of each parcel \$10,000 in liquated damages.

Pursuant to Ordinance 2003-63, Section 13(8), a Project Design Report for the property is provided herewith.

The Agreements have been reviewed and approved by the County Attorney's Office.

FISCAL IMPACT: The total cost of acquisition will not exceed \$4,973,900 (\$4,950,000 for the two parcels, \$8,200 for the appraisals, and approximately \$15,700 for title commitments, title policies, and recording of documents). The funds will be withdrawn from the Conservation Collier Trust Fund (172). As of June 12, 2006, property costs for Conservation Collier properties, including this property and those under contract, total \$37,829,533 + \$4,950,000.

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: The Conservation Collier Ordinance (2002-63) provides a legal framework for property acquisition for the Conservation Collier Program. The process for acquiring this property falls within the legal framework of Ordinance 2002-63.

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RECOMMENDATION: Staff is recommending that the CCLAAC:

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

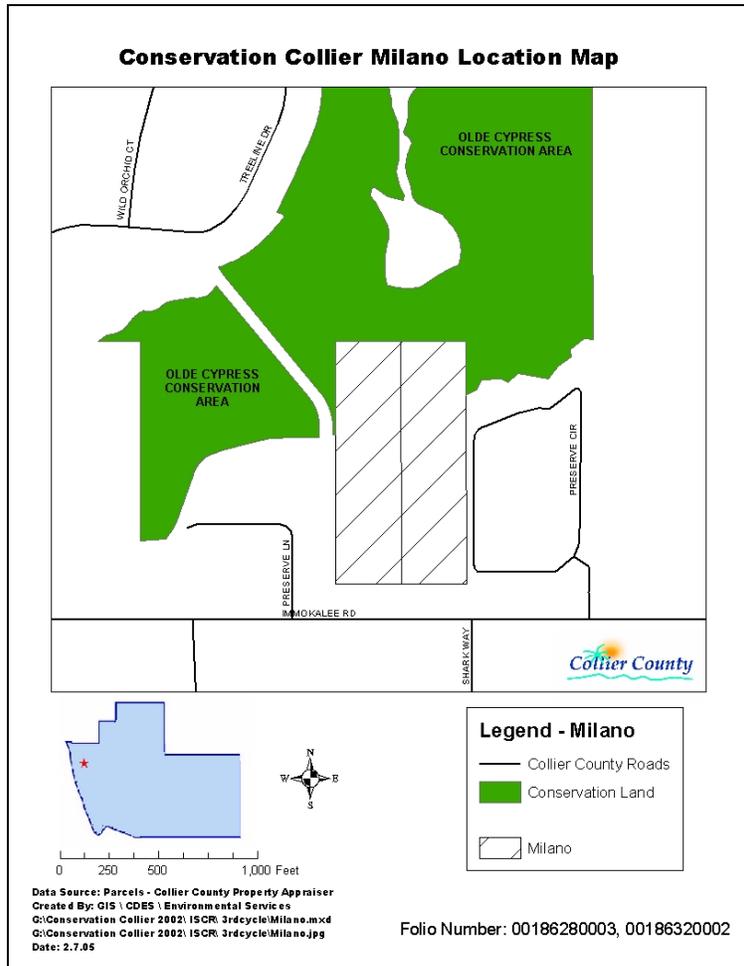
PREPARED BY: _____ **DATE:** _____
Cindy M. Erb, Sr. Property Acquisition Specialist
Real Estate Services
Facilities Management Department

REVIEWED BY: _____ **DATE:** _____
Charles E. Carrington, Jr., SR/WA, Manager
Real Estate Services
Facilities Management Department

REVIEWED BY: _____ **DATE:** _____
Alexandra J. Sulecki, Coordinator
Conservation Collier Program

REVIEWED BY: _____ **DATE:** _____
William D. Lorenz, Jr., P.E., Director
Environmental Services Department

Conservation Collier Land Acquisition Program
Project Design Report
Date: May 10, 2006



Property Owner: Angelo and Rosemary Milano; Anna Milano, et al (Angelo Milano, Rosemary Milano, Carmello Milano, Fortunata Milano)

Folio(s) and Size: 00186280003 – 9.23 acres (Angelo and Rosemary Milano)
00186320002 – 9.23 acres (Anna Milano et al)

Location: There are two separate 9.23-acre parcels (adjoining to form one area totaling 18.46 acres) located on the north side of Immokalee Road across from the Gulf Coast High School in Section 21, Township 48 Range 26.

Appraisal/Offer Amount: \$ 4,950,000 for both parcels

History of Project:

Received application	Selected for the "A" category, #1 priority, on the Active Acquisition List by CCLAAC	Approved for purchase by BCC	Purchase offer made to owners	Offer Accepted
12/29/04	12/12/05	2/14/06	4/20/06	4/20/06

Purpose of Project: Conservation Collier

Program Qualifications:

The Milano parcels fulfill program qualifications by satisfying all applicable screening criteria. These criteria include presence of native habitat, potential for nature based recreation, protection of water resource values and wetland dependent species habitat, presence of significant biological/ecological values, listed species habitat, vulnerability to development, connectivity and restoration potential.

The Milano parcels contain three types of native habitat: pine flatwoods, mixed wetland forest and cypress forest. While invasive exotic plants, including Australian pine, Brazilian pepper, earleaf acacia and melaleuca are present in the southern upland portion of the property, the wetlands in the northern portion are relatively free of exotics and exhibit high ecological quality. Restoration potential is high, as this would involve primarily the removal of exotics in the upland areas. While currently having a zoning designation as Agriculture, the vulnerability for rezone and development is high due to the prime location of this parcel along a major County roadway.

Walking access currently exists over the South Florida Water Management (Big Cypress Basin) easement along the south side of the property and the north side of Immokalee Road. Vehicle access does not exist at present; however staff is exploring potential for shared parking with commercial neighbors. The proposed route for the Collier Greenway Path will provide walking access to the parcel along the southern side. As part of an interconnected Greenway Path project, this parcel will provide walking access for the public to trails that will be developed on the property and will enhance the aesthetic setting of Collier County by being naturally vegetated and highly visible from a public road (Immokalee Rd.).

The nearly pristine wetland habitat is considered an outstanding aesthetic feature as well as habitat and foraging area for wetland dependent and listed species. The presence of listed wading birds in the wetland portion is likely and the area is within the Core Foraging Area (18.6 miles from Corkscrew Swamp Sanctuary) for Woodstorks (*Mycteria Americana*), listed by both the State and Federal government as Endangered. A 2004 Wetland and Wildlife Assessment performed by Johnson Engineering for the Milanos references a permit for the adjoining property with similar habitat that was known to support a viable population of Big Cypress Fox Squirrels (*Sciurus niger avicennia*), a species listed by the State as Threatened. Several bromeliad species listed as Endangered and Threatened by the State were observed on the property. The Florida Fish and Wildlife Conservation Commission Species Richness scoring format gives the northern wetlands portion of the parcels a Species Richness Score of 7 out of 10, indicating high potential for variety and number of species to be present. The area closer to Immokalee Road was given a score of 3 out of 10.

Mapped soils on the parcels are approximately two-thirds hydric and one-third upland; however, National Wetland Inventory GIS maps claim almost the entire site as wetlands. The parcels provide both surficial and Lower Tamiami aquifer recharge and are directly connected on the north to 160 acres of existing conservation wetlands (Olde Cypress Planned Unit Development (PUD) preserve area). These lands will potentially be connected to another nearly 900-acre preserve as three new PUDs north of the Olde Cypress PUD are developed (Mirasol, Parklands and Terrafina), creating a continuous wetland preserve area of over 1,000 acres connected hydrologically with the Corkscrew Swamp Sanctuary, Bird Rookery Swamp and the Corkscrew Regional Ecosystem Watershed lands. The South Florida Water Management District, Big Cypress Basin (BCB), has conceptually agreed to help facilitate the flow of water from these connecting wetlands through this parcel to the Cocohatchee Canal by removal of the berm at the south side of the property. Removal of the berm may help to protect surrounding developed parcels from flooding and would facilitate the flow of seasonal surface water as it travels overland so that water levels and habitat conditions would remain as natural as possible for this parcel and for the larger contiguous preserve areas, thus conferring a regional benefit. See the Initial Criteria Screening Report for full criteria evaluation.

Projected Management Activities:

Projected management activities include removal of scattered solid waste, removal of invasive exotic plants in the south portion of the parcel and reviewing with the BCB whether removal of the berm along the south side of the property would be advantageous for protection of area hydrology and, if so, how this could be accomplished. Additionally, after removal of exotics, staff will evaluate the parcel for placement of walking/biking trails. A connecting trail, picnic table and bench may be placed along the Greenway corridor, to provide a resting area and to encourage future Greenway walkers/bikers to explore the site. Staff is continuing to explore potential opportunities for vehicle access. Gulf Coast High School administrators will be contacted to determine what opportunities there may be to accommodate environmentally related student projects on the parcels, perhaps incorporating these with restoration and trail development efforts.