

EXECUTIVE SUMMARY

Recommendation to approve an Agreement for Sale and Purchase with Leo A. Tegethoff and Shirley R. Tegethoff for 5.54 acres under the Conservation Collier Land Acquisition Program, at a cost not to exceed \$76,300.

OBJECTIVE: Request approval and execution of the attached Agreement for Sale and Purchase (Agreement) between the Board of County Commissioners (Board) and Leo A. Tegethoff and Shirley R. Tegethoff (Tegethoff's).

CONSIDERATIONS: On January 27, 2004, Agenda Item 10A, the Board approved a Collier Conservation Land Acquisition Advisory Committee (CCLAAC) recommended Active Acquisition List, with changes, and directed staff to actively pursue acquisition of the properties under the Conservation Collier Program.

On June 22, 2004, Agenda Item 16A2, the Board confirmed their direction to staff authorizing staff to proceed with purchase contracts for Golden Gates Estates, Unit 53, properties as they become available and to bring these contracts back to the Board for final approval.

The Tegethoff's parcel contains 5.54 acres and is located within Golden Gate Estates, Unit 53. In accordance with the approved Conservation Collier Purchasing Policy, the purchase price of \$75,000 was based upon one independent, state-certified, general real estate appraiser.

The attached Agreement for Sale and Purchase provides that should the County elect not to close this transaction for any reason, except for default by the Tegethoff's, the County will pay the Tegethoff's \$750 in liquidated damages.

The CCLAAC approved this transaction on March 14, 2005, and voted to recommend Board approval and execution of the attached Agreement.

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

The Agreement has been reviewed and approved by the County Attorney's Office and Environmental Services Department.

FISCAL IMPACT: The total cost of acquisition will not exceed \$76,300 (\$75,000 for the property, \$250 for the appraisal, \$250 for the Environmental Task Audit I, and approximately \$800 for the title commitment, title policy, and recording of documents). The funds will be withdrawn from the Conservation Collier Trust Fund (172). As of March 14, 2005, property costs for Conservation Collier properties under contract, including this property, total \$24,088,150.

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.

EXECUTIVE SUMMARY

Conservation Collier – Agreement for Sale and Purchase – Tegethoff

Page 2

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.

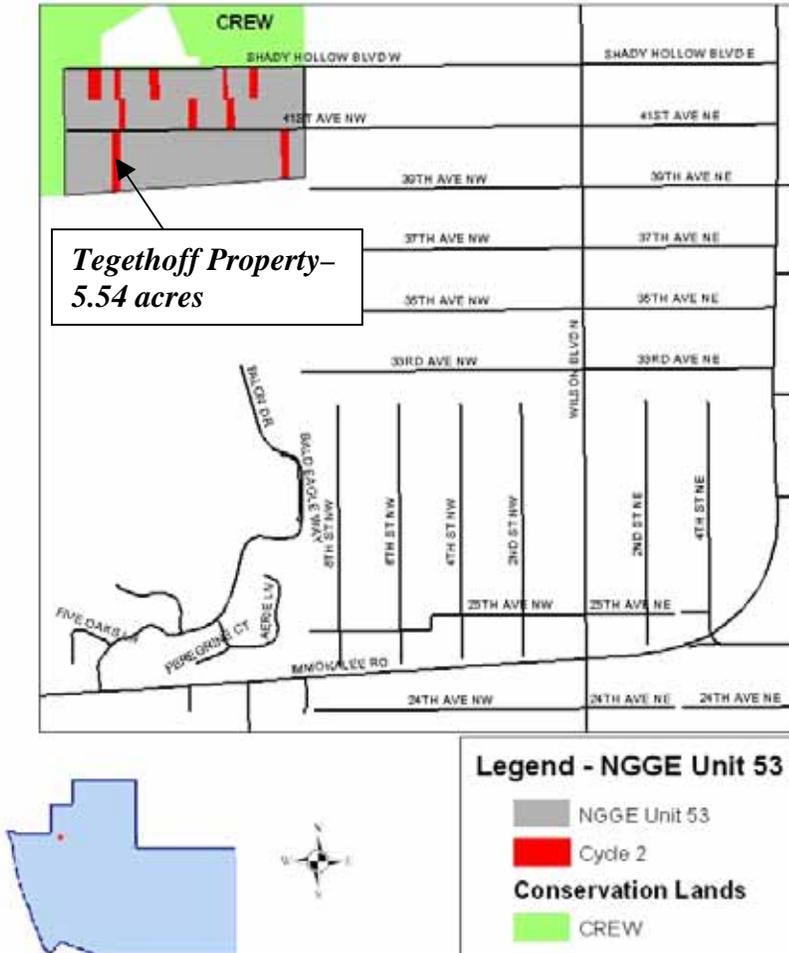
RECOMMENDATION: Staff is recommending the Board of County Commissioners:

1. Approve the attached Agreement and accept the Warranty Deed once it has been received and approved by the County Attorney's Office; and
2. Authorize the Chairman to execute the Agreement and any and all other County Attorney's Office approved documents related to this purchase; and
3. Authorize staff to prepare related vouchers and Warrants for payment; and
4. Direct staff to proceed to acquire the property, to follow all appropriate closing procedures, to record the deed and any and all necessary documents to obtain clear title to the property, and to take all reasonable steps necessary to ensure performance under the Agreement; and
5. Approve any necessary budget amendments.

PREPARED BY: Cindy Erb, Senior Property Acquisition Specialist
Real Estate Services / Facilities Management Department

Conservation Collier Land Acquisition Program
Project Design Report
Date: February 22, 2005

**Conservation Collier North Golden Gate Estates
Unit 53 Location Map**



Property Owner: Leo A. and Shirley Tegethoff

Folio(s): 39490920004

Location: North Golden Gate Estates Unit 53, E 180 Ft of Tract 12

Size: 5.54 acres

Appraisal/Offer Amount: \$75,000

History of Project:

Received application	Project selected for the "A" category, #1 priority, on the Active Acquisition List by CCLAAC	Project approved for purchase by BCC	BCC approval to buy as properties become available confirmed	Purchase offer made to owners	Offer accepted
12/22/04	12/15/03	1/27/04	6/22/04	1/25/05	1/25/05

Purpose of Project: Conservation Collier

Program Qualifications:

This is one of a number of parcels approved for acquisition that are part of a larger, multi-parcel, multi-owner project known as the North Golden Gate Estates (NGGE) Unit 53 Project. These parcels were considered in context of the whole project. The following identifies the ecological value, significance for water resources, human values and aesthetics, vulnerability to development, and management potential for this project.

Native habitat present over the whole unit is wetland hardwood forest, with a substantial portion of that being dominated by cypress and red maple swamp and the remainder by native and exotic re-growth over an historic farm field. Although the unit has been platted for single-family home development, at present there are no homes, streets are unpaved, and there is no electric service. Soils, hydrology, and extant plant species indicate that the entire unit is a seasonal wetland, with surface water present during rainy season and moist conditions remaining during dry season (excepting drought conditions when water tables may recede lower). The area contributes moderately to Lower Tamiami aquifer recharge (7-14 inches per year) and wetland dependant bird species were observed on site. A native terrestrial orchid species state listed as Threatened, Wild Coco (*Eulophia alta*), and a fern species, Royal Fern (*Osmunda regalis*) listed by the state as Commercially exploited, were observed in abundance. No listed wildlife species were observed; however, the entire unit is directly adjacent to Priority One Panther Habitat, as designated by the Florida Fish and Wildlife Conservation Commission. Black bear, another listed species, are known to inhabit adjoining public lands.

This entire area is connected with South Florida Water Management District (SFWMD) lands which are known as the Corkscrew Regional Ecosystem Watershed, separated into CREW Trust conservation lands and the Audubon Corkscrew Sanctuary. Acquisition of NGGE Unit 53 would enhance, protect, and buffer both areas and provide additional public access to CREW Trust lands.

In regards to human values and aesthetics, conservation of this area would offer multiple opportunities for land-based natural resource recreation including potential for hunting, as coordinated with limited seasonal hunting permitted on adjoining CREW lands.

As to vulnerability, this area is zoned for single-family residences and although none have been built to date, permits could be issued at any time.

In regards to management, once a group of contiguous parcels can be acquired, there is potential for a management partnership with the neighboring CREW Trust. Management would primarily consist of exotic removal and maintenance of existing unpaved roads to provide access to CREW trails. Expansion of trails into these lands is contemplated over time. See the Initial Criteria Screening Report for full criteria evaluation.

Projected Management Activities:

Removal of exotic plants, construction of trails, parking, and placement of fencing and signage are projected management activities, but these would not be done until more contiguous properties can be acquired.