

**EXECUTIVE SUMMARY****Approve an Agreement for Sale and Purchase for 2.27 acres under the Conservation Collier Land Acquisition Program, at a cost not to exceed \$89,700 (Howery/Hutchison).**

**OBJECTIVE:** Request approval of the attached Agreement for Sale and Purchase (Agreement) between the Board of County Commissioners (Board) and Diane Hutchison, Judy Jones, and Nancy Smith (Sellers).

**CONSIDERATIONS:** On December 15, 2003, the Seller's parcel was ranked and placed on the pending Active Acquisition List by the Collier Conservation Land Acquisition Advisory Committee (CCLAAC) as one of the properties within Golden Gate Estates, Unit 53. On January 27, 2004, Agenda Item 10A, the Board approved the 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 Sellers' property contains 2.27 acres and is located within Golden Gate Estates, Unit 53, also known in the Conservation Collier Program as the Red Maple Swamp Preserve. In accordance with the approved Conservation Collier Purchasing Policy, the purchase price of \$88,500 was based upon an appraisal prepared by an independent, state-certified, general real estate appraiser.

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 \$442.50 in liquidated damages.

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.

**FISCAL IMPACT:** The total cost of acquisition will not exceed \$89,700 (\$88,500 for the property, \$250 for the appraisal, and approximately \$950 for a title commitment, a title policy, and recording of related documents). The funds will be withdrawn from the Conservation Collier Trust Fund (172). As of September 11, 2006, property costs for Conservation Collier properties, including this property and those under contract, total \$43,488,033.

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

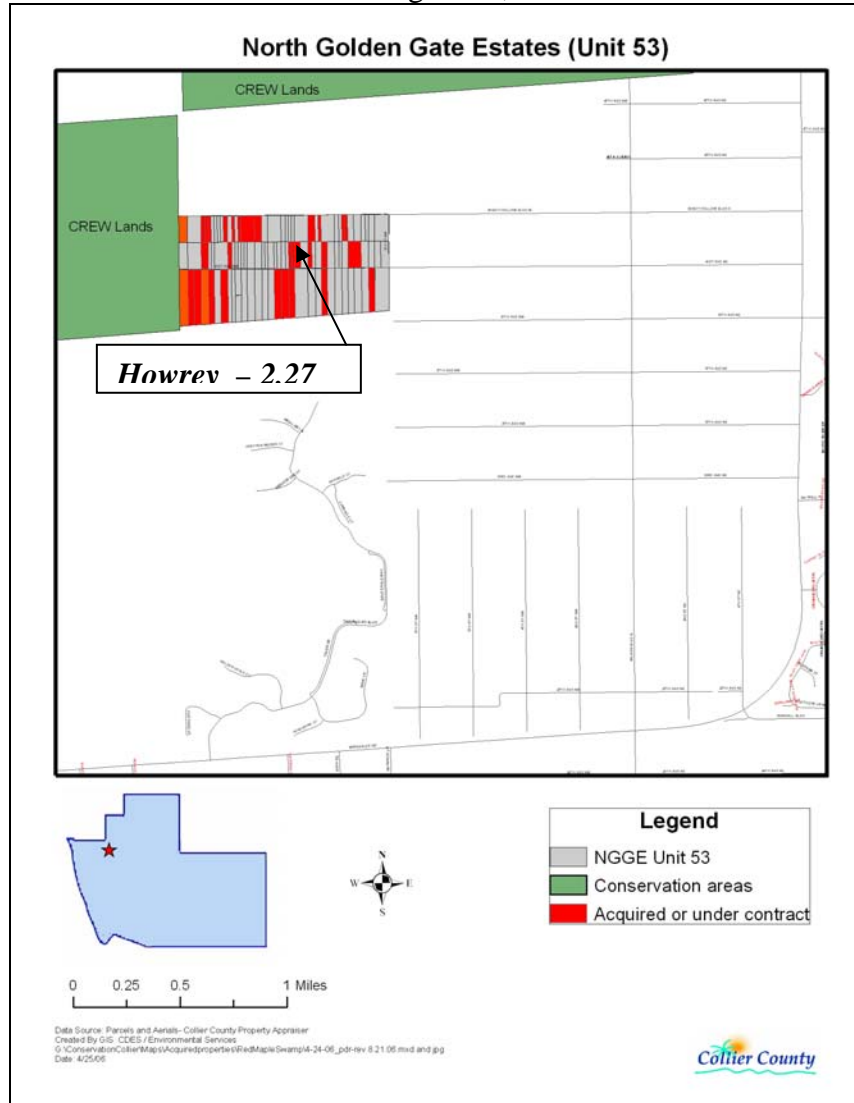
**PREPARED BY:** \_\_\_\_\_ **DATE:** \_\_\_\_\_  
**Cindy M. Erb, Property Acquisition Specialist, Sr.**  
**Real Estate Services/ Facilities Management Department**

**REVIEWED BY:** \_\_\_\_\_ **DATE:** \_\_\_\_\_  
**Toni A. Mott, Interim 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: August 21, 2006



**Property Owner:** Diane Hutchison, Nancy Smith, and Judy Jones, Heirs to Estate of O.H. Howrey, et ux

**Folio(s):** 39492600005

**Location:** North Golden Gate Estates Unit 53, W 150 Ft of Tr 29

**Size:** 2.27 acres

**Appraisal/Offer Amount:** \$88,500

**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
6/20/06	12/15/03	1/27/04	6/22/04	7/25/06	8/1/06

**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 both as the Red Maple Swamp Preserve Project and as North Golden Gate Estates (NGGE) Unit 53. 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. The entire project area is 285 acres and, including this parcel, there are currently 80 acres either acquired or under contract. Although the unit has been platted for single-family home development, at present there are no homes, paved streets or electric service. A search of County permit files shows no permits are under review, however this area is vulnerable to development for single-family residences and permits could be issued at any time.

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 (approximately 100 acres). 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).

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. Wetland dependant bird species were observed on site.

This entire area is connected with South Florida Water Management District (SFWMD) lands, the Corkscrew Regional Ecosystem Watershed (CREW) Trust conservation lands and the Audubon Corkscrew Sanctuary. Acquisition of NGGE Unit 53 would enhance, protect, buffer these lands and provide public access to adjoining SFWMD lands, where a 1,200-foot boardwalk has been built and nearly 5 miles of hiking trails have already been created. Staff is working with the SFWMD and Parks and Recreation Department staff to develop a partnership for access and management of these recreational amenities.

See the Initial Criteria Screening Report for full criteria evaluation.

**Projected Management Activities:**

Removal of exotic plants, improvement and/or maintenance of roads, construction of trails, parking and placement of fencing and signage are projected management activities. An Interim Management Plan has been drafted and approved, however, the existence of the boardwalk and trail system on adjoining SFWMD lands was not known at that point in time. Any contemplated partnerships including potential road improvements will be included in a Final Management Plan and brought to the Board of County Commissioners for review and approval.