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MAY 19 2010

CITY OF MARCO ISLAND

*Conservation Collier
Land Acquisition Program*

May 17, 2010

Dr. James Riviere, Interim City Manager
City of Marco Island
50 Bald Eagle Dr.
Marco Island, FL 34140

**Re: NOTICE OF POTENTIAL TO PURSUE PARCEL ACQUISITION WITHIN THE
CITY OF MARCO ISLAND**

Dear Dr. Riviere:

Please be advised that Collier County has a possible interest in purchasing a parcel within City of Marco Island city limits, for the Collier County Conservation Collier Program. Pursuant to Ordinance Number 2007-65, section Six, Paragraph 1(g), "*Prior to acquiring land located within a municipality's boundaries, approval must first be obtained from the governing body of that municipality.*" This parcel is identified as follows:

- Folio Number 57920400005, 11.6 acres, owned by the District School Board of Collier County, Florida, identified as Tract "K" of Marco Beach, Unit Eleven.

This parcel has not yet been approved as a qualified proposal under the Conservation Collier Program. The Conservation Collier Land Acquisition Advisory Committee (CCLAAC), at their May 10, 2010 meeting, asked staff to obtain from the City of Marco Island not only approval to pursue, as required by the ordinance, but a recommendation from the Marco Island City Council and the Marco Island Civic Association (M.I.C.A.) regarding a possible acquisition of Tract K. A separate letter, which you have been copied on, is being sent to M.I.C.A requesting the same and both recommendations are to be brought back to the CLAAC at a future meeting. Upon receipt, the CCLAAC will vote on whether to accept this parcel as a qualified proposal for the Conservation Collier eighth acquisition cycle.

If accepted as a qualified proposal, the parcel would be ranked in December 2010 by the CCLAAC and a recommendation on its acquisition forwarded to the Board of County Commissioners (Board) in early 2011. The Board would make the final determination as to whether to pursue the parcel or not.

Additionally, staff was advised that the Marco Island City Council has recently had discussion regarding Tract K. It would be important information for Conservation Collier to know if there may be interest from the City of Marco Island in partnering with Conservation Collier to jointly acquire the property. There might also be opportunity to reach an agreement on joint management of the parcel, should it be acquired. As an example of what a management partnership could involve, a copy of the current agreement between Conservation Collier and the City of Marco Island regarding the Otter Mound Preserve is attached.



We would ask that you please advise our office at your earliest convenience within receipt of this Notice:

- **Whether the City of Marco Island will approve or objects to a possible purchase of the above referenced parcel,**
- **What recommendation the City of Marco Island would give to the CCLAAC on whether to accept this parcel as a qualified proposal in the eighth acquisition cycle, and**
- **Whether the City of Marco Island may be interested in a partnership with Conservation Collier for acquisition funding and /or management of the parcel.**

Conservation Collier meetings are held on the second Monday of each month and your responses will be provided to them at the earliest meeting possible. Please feel free to contact me if you have questions at 239-252-2961.

Sincerely,



Alexandra J. Sulecki, Coordinator
Conservation Collier Program
E-mail: ConservationCollier@Colliergov.net

Cc: Leo Ochs, County Manager
Donne Fiala, Commissioner, District 1
Skip Camp, Director, Collier County Facilities Management Department
Len Price, Administrator, Administrative Services Division
Melissa Hennig, Manager, Conservation Collier Program
Jennifer White, Assistant County Attorney
Kris Van Lengen, Acting Community Development Director, City of Marco Island
Bernardo Bezos, President, Marco Island Civic Association
Nancy Richie, Environmental Specialist, City of Marco Island
Bill Poteet, Chairman, Conservation Collier Land Acquisition Advisory Committee
Conservation Collier files

Parcel K

sulecki_a

From: Doug Enman [dougenman@yahoo.com]
Sent: Wednesday, January 13, 2010 2:40 PM
To: Poteetproperties@gmail.com
Cc: sulecki_a
Subject: Marco Island Track K

Dear Mr. Poteet:

At my request, Ms. Sulecki has submitted Track K on Marco Island for your consideration in the Conservation Collier Program. The 11 acre parcel is currently owned by the Collier County School District and I would like to explain why I asked her to submit this request.

The parcel was donated, for a nominal or no fee, to the Collier County School Board (CCSB) a number of years ago for a future high school.

My defense of this parcel started in 1999.

The City of Marco Island (CMI) and the CCSB agreed to clear cut the parcel and permit the dumping of up to 4 (four) feet of dredge material on it.

The CMI found out through the grape vine that the CCSB declared the parcel too small for a modern high school therefore surplus and wished to sell the parcel to the highest bidder. The CMI and several private parties demanded the parcel be donated to the CMI. The CCSB refused and dropped the idea of selling the parcel.

Last year the CCSB and a developer agreed to level 5 acres of the parcel for a solar panel demonstration site. That was stopped as well.

Also, last year a local group wanted to build a Charter High School on the parcel. The CMI did not want the parcel used in this manner.

The parcel is a wild life food source and is inhabited by turtles, snakes and numerous bird species. The most notable being a pair of Bald Eagles who have nested there for 4 years or more. This fact alone protects the parcel from development until the Eagles have not nested there for 6 consecutive years. The nest site has become a haven for nature photographers as it is 4000 feet from the birding trail stop on Marco Island.

This wild life needs protection. The locals can only do so much against some very powerful development forces. We need your help and ask that you support the acquisition of this parcel into your program.

Sincerely;

Douglas H Enman
Marco Island

INTERLOCAL AGREEMENT OTTER MOUND PRESERVE

THIS INTERLOCAL AGREEMENT ("Agreement") is made and entered into this 28th day of February, 2006, by and between Collier County, a political subdivision of the State of Florida ("County"), and the City of Marco Island, a municipal corporation ("City").

RECITALS:

WHEREAS, Collier County Ordinance No. 02-63, authorizes the County to enter into a written mutual agreement for management arrangements and responsibilities with municipalities, for the management and maintenance of land; and

WHEREAS, the Otter Mound Preserve ("Preserve") is located within the City on Addison Court and owned by the County; and

WHEREAS, the Preserve contains historical and archaeological artifacts; and

WHEREAS, the Preserve will be open to the public and managed only for the conservation, protection and enhancement of natural and historical resources; and

WHEREAS, public outdoor recreation allowed on the Preserve will be compatible with the conservation, protection and enhancement of the Preserve and its surrounding lands; and

WHEREAS, Preserve management duties shall be the shared responsibility of the County and the City.

NOW, THEREFORE, THE PARTIES HEREBY AGREE AS FOLLOWS:

Section 1. Obligations of the Parties

A. The City's Obligations:

1. The City shall be responsible for maintaining the right of way adjacent to the Preserve. Maintenance shall include, but not be limited to, mowing the grass within the right of way as deemed necessary by City Code Enforcement personnel. Maintenance of the right of way shall not include vegetation trimming around or restoration of the historic shell wall terracing. The City shall not use any sort of weed whacking or mowing device within one foot of the historic shell wall terracing.
2. The City shall provide routine Police patrols of the Preserve.
3. The City shall remove trash from the trash receptacles installed by the County on a periodic basis and when necessary.
4. The City will provide assistance and cooperation to the County when applying for future grants.
5. The City will monitor and make recommendations as needed for Wildlife Habitat Enhancement.

Retn: 3838405 OR: 4036 PG: 3238
CLERK TO THE BOARD 4TH FLOOR
INTEROFFICE EXT 7240
RECORDED in the OFFICIAL RECORDS of COLLIER COUNTY, FL
05/12/2006 at 03:36PM DWIGHT I. BROCK, CLERK
RRC FEB 27.00

B. The County's Obligations:

1. The County shall be responsible for maintaining the historic shell wall terracing. Maintenance shall include, but not be limited to, vegetation trimming and vegetation removal.
2. The County will create a parking area to allow for the parking of three vehicles.
3. The County shall ensure the removal of invasive exotic vegetation from the Preserve as defined in the County Land Development Code. The County shall also ensure that the Preserve remains free of invasive exotic vegetation in perpetuity.
4. The County will maintain the Preserve in a manner that will allow for public use of the site.
5. The County will install a temporary "Collier County Conservation Land" sign.
6. The County will install a permanent "Collier County Conservation Land" sign.
7. The County will install trash receptacles.

Section 2.

1. Written notice between the parties, if and when appropriate, shall be given to the parties at the following addresses or such other person or place as each party shall designate by similar notice.

As to Collier County: Alexandra Sulecki (or current Coordinator)
Conservation Collier Program
2800 N. Horseshoe Drive
Naples, FL 34014

As to Marco Island: A. William Moss
City Manager, City of Marco Island
50 Bald Eagle Dr.
Marco Island, FL 34145

2. Each party agrees that it shall be solely responsible for its employees, contractors or agents with regard to the rights, duties, and obligations created hereby. However, nothing herein shall constitute a waiver by either party of its sovereign immunity and other limitations of liability, if any, set forth in Section 768.28, Florida Statutes. There are no third party beneficiaries to this Interlocal Agreement.
3. This Agreement shall be recorded by the County in the Official Records of Collier County, Florida, within fourteen (14) days after the County enters into this Agreement. The County shall incur all costs of recording this Agreement. A copy of the recorded document will be provided to the City within fifteen (15) days of recordation.
4. This Agreement shall be for an initial term of twenty-four (24) months. This initial term shall be automatically renewed for additional one (1) years terms and terminate five years after the effective date. The Agreement may be extended beyond five years by written acknowledgement of both parties.

The parties further agree that this Agreement may be terminated, in writing, with 45 days advance notice.

IN WITNESS WHEREOF, the parties hereto have executed this Interlocal Agreement the day and year first above written. This agreement becomes effective on the day that it is executed by all parties.

ATTEST:
DWIGHT E. BROCK, Clerk

By: *Dwight E. Brock*
Attest as to Chairman's signature only

BOARD OF COUNTY COMMISSIONERS,
COLLIER COUNTY, FLORIDA.

By: *Frank Halas*
FRANK HALAS, Chairman

Approved as to form and legal sufficiency:

Michael W. Pettit
Michael W. Pettit
Chief Assistant County Attorney

ATTEST:
LAURA LITZAN, City Clerk

By: *Laura Litzan*

Approved as to form and legal sufficiency:

Richard Yovanovich
Richard Yovanovich
Marco Island City Attorney

CITY OF MARCO ISLAND

By: *A. William Moss*
A. WILLIAM MOSS, City Manager

*** OR: 4036 PG: 3240 ***