

RESOLUTION NO. 2025- 194

A RESOLUTION AMENDING RESOLUTION NO. 2007-300, AS AMENDED, REVISING THE PURCHASING POLICY FOR THE ACQUISITION OF LANDS BY THE CONSERVATION COLLIER LAND ACQUISITION PROGRAM.

WHEREAS, Collier County has recognized the need to plan for future growth and has initiated a long-term program, known as Conservation Collier, to acquire, protect, restore, and manage environmentally sensitive lands in perpetuity and to provide public open space for the benefit of present and future generations; and

WHEREAS, the Board of County Commissioners (Board) has created Conservation Collier and implemented its policies, goals, and objectives by adopting Ordinance No. 2002-63, as amended.

WHEREAS, the Conservation Collier Program seeks to acquire property based upon a reasonable and appropriate purchase price; and

WHEREAS, the Board first adopted Resolution No. 2003-195, to establish a methodology to value lands considered for acquisition; and

WHEREAS, the Board has since superseded Resolution No. 2003-195 with Resolution No. 2007-300, as amended by Resolution 2023-10, the updates made to clarify the acquisition process as the Conservation Collier Program evolved; and

WHEREAS, the Board has determined that additional updates to the Offer Amount Methodology are necessary, along with minor housekeeping revisions to ensure clarity.

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA that Resolution 2007-300, as amended, is hereby amended as follows:

SECTION I. Findings

It is found and declared that:

- (A) A written policy and procedure for how the Conservation Collier Program values land is required.
- (B) The Collier County ~~Real Estate Services Section~~ Real Property Management has a current policy for the purchase of lands that incorporates State and Federal Land acquisition procedures.
- (C) The CCLAAC, first in subcommittee and then after discussion by the full Committee on May 12, 2003, has unanimously recommended a policy for land purchasing in the Conservation Collier Program.

- (D) The CCLAAC, first in subcommittee and then after discussion by the full Committee on May 14, 2007, has unanimously recommended an updated policy for land purchasing in the Conservation Collier Program.

SECTION II. Be it further resolved that the Collier County Board of County Commissioners hereby adopts the following Property Acquisition Policy for the Conservation Collier Program.

~~(A) Transfer of Development Rights (TDR):~~

- ~~1. For properties within the Rural Fringe Mixed Use District (RFMUD) "Sending" lands, property owners must do one of the following prior to the appraisal process:
 - a. Separate all four (4) TDR credits resulting in conveyance of the property to Conservation Collier, or
 - b. Separate the first two (2) TDR credits and discount the resulting property value by an amount agreed upon by Collier County and property owners to remove all prohibited exotic plants as identified in the Collier County Land Development Code, Section 3.05.08.~~
- ~~2. Once TDR credits are extinguished, Real Estate Services staff will proceed with ordering appraisal(s) based on the extinguishing of TDR credits.~~

(B) ~~(A)~~ Offer Amount Methodology:

1. If the estimated value of the property is less than \$500,000.00, ~~Real Estate Services staff~~ Real Property Management shall secure one narrative appraisal report from a licensed independent real estate appraiser on an approved list with Collier County and on the Florida Division of State Lands list of appraisers. The Offer Amount shall be determined by staff, but the purchase price shall be no more than the appraised value as adjusted by the appraiser to reflect reconciled costs, unless the property has already been determined to be a wetland property and has been appraised as such. For purposes of this policy "reconciled costs," mean reasonable adjustments supported by appraiser's analysis to account for costs necessary to achieve marketable condition, including, but not limited to, mitigation expenses described in Chapter 373, Florida Statutes, as well as any softs costs, such as permitting and environmental remediation. The purchase price shall be the verified lower listing price when a verified listing price is available and is lower than the appraised value.
2. If the estimated value of the property is \$500,000.00 or greater, ~~Real Estate Services staff~~ Real Property Management shall offer no more than the appraised value as adjusted by the appraiser to reflect reconciled costs, if applicable, and shall:
 - a. Secure two narrative appraisal reports from licensed independent real estate appraisers on Collier County's and the Florida Division of State Land's list of approved appraisers. The appraised value will

be equal to the average of the two appraisals. The Offer Amount shall be determined by staff, but the purchase price shall be no more than the appraised value with adjustments, if applicable.

- b. Should the two appraised values differ by an amount greater than 20% of the lowest appraisal, a third appraisal will be ordered, and the two appraisals nearest in appraised value will be averaged to arrive at the appraised value. The Offer Amount shall be determined by staff, but the purchase price shall be no more than the appraised value with adjustments, if applicable. When a verified listing price is available and is lower than the lower of the two appraisals, the purchase price shall be the verified lower listing price. When more than one appraisal is obtained, the purchase price shall be based on the lowest of the appraised values.
 - c. Before the County orders any appraisal, the owner may provide an informal wetland determination for the property, no older than five years, at their sole cost and expense, unless the property has already been identified as a wetland by Conservation Collier staff, in which case no such determination will be required. The appraisal will not proceed until the determination is received and reviewed.
3. All appraisals will be reviewed by Collier County's ~~Real Estate Services staff~~ Real Property Management appraiser and any appraisal that does not meet generally accepted appraisal standards will not be used. Either the appraiser must bring the appraisal to compliance or a replacement appraisal will be ordered. Properties listed for sale or pending properties shall not be used as comparable sales in the appraisals. Other Conservation Collier properties shall not be used as comparable sales in the appraisals. If comparable sales used in the appraisal are located outside Collier County, or if they differ significantly in zoning, land use designation, or development potential from the subject property, such differences must be clearly identified, and appropriate market-based adjustments must be applied and justified within the appraisal report.
4. Should the offer not be accepted by the owner within the thirty (30) day acceptance period, no further contact will be initiated by the ~~Real Estate Services staff~~ Real Property Management in respect to that offer. If the owner again contacts the County before six (6) months has elapsed from expiration of the offer, offering to sell the same property, the same offer can again be made upon certification of the existing appraisal by the County's ~~Real Estate~~ Real Property Management Appraiser. If the owner contacts the County after more than six (6) months have elapsed since expiration of the offer, and the property is still on the Active Acquisition List, a new appraisal shall be ordered by ~~Real Estate Services staff~~ Real Property Management pursuant to this policy, with the owner paying for this new appraisal in advance. Without such payment, a new appraisal shall not be ordered.

(C) (B) Acquisition Process:

1. Upon authorization by the Board to proceed with acquisition of properties included on the "Active Acquisition List," ~~Real Estate Services staff~~ Real Property Management will perform a title search for each property on the Active Acquisition List.
2. Upon completion of the title searches, ~~Real Estate Services staff~~ Real Property Management will send letters to the owners of the properties on the Active Acquisition List outlining the appraisal and Offer Amount procedure

and request a response regarding whether they remain favorable to going forward with the sale. Owners will also be advised that the County will accept whole or partial land donations. ~~Real Estate Services staff~~ Real Property Management will follow-up by telephone within five (5) business days of the letter being mailed.

3. For all properties with positive responses from their owners, the ~~Real Estate Services staff~~ Real Property Management will order real estate appraisals in accordance with the policy outlined in the Offer Amount Methodology above. Appraisals will not be secured on property being donated.

4. Upon receipt of appraisals, Real Property Management Section's staff appraiser will provide a review and, if the appraisals meet appraisal standards, the staff appraiser will determine the Offer Amount according to the policy outlined in the Offer Amount Methodology above. Collier County will not agree to pay a higher amount nor give consideration to an owner's appraisal.

5. ~~Real Estate Services staff~~ Real Property Management will contact each owner and advise him or her of the Offer Amount for the property. A letter verifying the Offer Amount giving the owner 30 days from the date of mailing to accept the Offer Amount. ~~Real Estate Services staff~~ Real Property Management will follow-up by telephone within ten (10) business days of the letter being mailed.

6. Copies of appraisals will be made available to owners upon request.

7. Upon being advised by an owner of his or her acceptance of the Offer Amount, ~~Real Estate Services staff~~ Real Property Management, will order a Title Commitment and, upon its receipt, prepare a Purchase Contract. At the time of the owner's execution of the Contract, the appraisal relied upon to determine the purchase price shall not be more than one year old. If more than one year has elapsed since the date of the appraisal report, a new appraisal shall be obtained in accordance with this policy. The Contract will then be mailed to the owner for review and execution.

8. Upon receipt of a signed Contract from the property owner(s), ~~Real Estate Services staff~~ Real Property Management will present the Contract to the Board for approval. If approved, staff will present the Contract to the Chairman of the Board for execution. Staff will then proceed to clear title acceptable to the County Attorney's Office and schedule a closing date.

9. Post closing, ~~Real Estate Services staff~~ Real Property Management will record all required documents, secure a Title Insurance Policy, and release the property to the Environmental Services Department.

(D) (C) Expenses:

1. Sellers shall be responsible for all documentary stamp taxes due on the recording of the conveyance instrument, pro-rated property taxes, costs associated with the satisfaction or release of any liens, encumbrances or exceptions necessary to clear title, including the recording fees on all curative instruments.

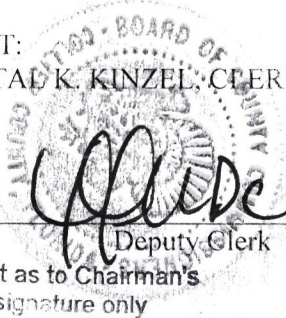
2. Collier County shall be responsible for the costs of appraisals, title commitments, title insurance, recording of conveyance instruments, environmental audits (excluding wetland determinations), and property surveys, if required by the County.

SECTION III. Effective Date.

This Resolution shall go into effect immediately upon its passage and adoption.

THIS RESOLUTION ADOPTED after motion; second and majority vote favoring same, this 23rd day of September, 2025.

ATTEST:
CRYSTAL K. KINZEL, CLERK



By: [Signature]
Deputy Clerk
Attest as to Chairman's
signature only

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

By: [Signature]
Burt L. Saunders, Chairman

Approved as form and legality:

[Signature]
Sally A. Ashkar, Assistant County Attorney