

CARRY OVER #1

Lee County Board Of County Commissioners
Agenda Item Summary

Blue Sheet No. 20051466

1. ACTION REQUESTED/PURPOSE: Review and consider response correspondence to the September 28, 2005, Florida Department of Environmental Protection (FDEP) letter to Chairman Doug St. Cerny concerning the State's proposed acquisition of environmentally sensitive lands in the Babcock Ranch and request for funds for the Lee County portion (5640 Acres).

2. WHAT ACTION ACCOMPLISHES: Provide a formal written response to the DEP relative to its request for forty (40) million dollars to acquire certain specified Lee County acreage associated with the Babcock Ranch.

3. MANAGEMENT RECOMMENDATION: Consider options and provide a formal response to the FDEP with respect to their request for financial assistance with the purchase of environmentally sensitive lands at the Babcock Ranch.

4. Departmental Category: /

5. Meeting Date: 10-18-2005

6. Agenda:

7. Requirement/Purpose: (specify)

8. Request Initiated:

<input type="checkbox"/> Consent	<input type="checkbox"/> Statute	<input type="checkbox"/> Commissioner
<input checked="" type="checkbox"/> Administrative	<input type="checkbox"/> Ordinance	<input type="checkbox"/> Department <u>Smart Growth</u>
<input type="checkbox"/> Appeals	<input type="checkbox"/> Admin. Code	<input type="checkbox"/> Division
<input type="checkbox"/> Public	<input type="checkbox"/> Other	<input type="checkbox"/> By: <u>Wayne Daltry</u>
<input checked="" type="checkbox"/> Walk-On		

9. Background:

On September 28, 2005, Lee County received a letter from the FDEP requesting financial assistance for the acquisition of certain lands which are part of the Babcock Ranch in Lee County. (Attached)
 On October 3, 2005, at its Management and Planning Meeting, the Board discussed the letter and directed staff to prepare a response indicating the County's interest in purchasing all of the Babcock Ranch property lying within the County. The letter has been prepared by staff and is also attached.
 On October 6, 2005, Lee County received a letter from Kitson and Partners (Attached) indicating that it would not be selling any other lands other than those being offered to the State (the specific 74,100 acres). Board direction is needed for the response to the State beyond what has been considered by staff per the Board's directions of October 3, 2005.

ATTACHMENTS: Letter from FDEP dated September 28, 2005
 Lee County's response letter
 Kitson letter and Partners letter of October 6, 2005

For discussion ONLY. Staff needs to review further prior to making recommendation

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr.	
<i>[Signature]</i>				<i>[Signature]</i>	<i>[Signature]</i> 10/10/05	<i>[Signature]</i> 10/10/05	<i>[Signature]</i> 10/10/05	<i>[Signature]</i> 10/10/05	<i>[Signature]</i> 10-10-05 4:00 PM

11. Commission Action:

Approved
 Deferred
 Denied
 Other *Continue to 10-18-05 Meeting After Rise*

RECEIVED BY COUNTY ADMIN:
 10-10-05
 11:54 am
 COUNTY ADMIN FORWARDED TO:

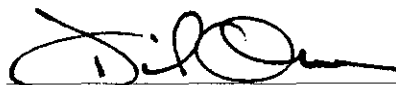
CU. ATTY. 10/10/05
 FORWARDED TO CO. ADMIN.
 11:53 am

**MEMORANDUM
FROM THE
OFFICE OF COUNTY ATTORNEY**

DATE: October 10, 2005

TO: Elizabeth Walker, Director
Public Resources

FROM:



David M. Owen
County Attorney

**RE: WALK-ON BLUESHEET NO. 20051466; BOARD OF COUNTY
COMMISSIONERS' MEETING OF OCTOBER 11, 2005**

Libby;

Further to the Board of County Commissioners' direction at their Management & Planning meeting of Monday, October 3, 2005, we are respectfully requesting that the above referenced item appear as a "Walk-On" at tomorrow's (October 11th) regular meeting.

Thanks.

DMO/dm

(239) 335-2227

Facsimile (239) 335-2599

October 10, 2005

Ms. Eva Armstrong, Director
Division of State Lands
Florida Department of Environmental Protection
Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

RE: BABCOCK RANCH

Dear Ms. Armstrong:

Thank you for your letter of September 28, 2005. We are very interested in the progress of your deliberations with the Babcock contract purchasers. The Board reviewed your proposal at its workshop of Monday, October 3rd, and affirmed its discussions at its meeting today.

We are concerned that buying just a portion of the Lee County portion of the Babcock Ranch piecemeals our overall strategy of rural land protection. Consequently, the Lee County Board of County Commissioners is interested in purchasing the entire 9,700-plus acres of Babcock Ranch within Lee County.

Babcock Ranch is in an area of the County that is of rural character, and our long-range planning continues to support that character. Our interest in the purchase of all of the Lee County portion of the Ranch is driven by concerns that land speculation in the two county area may lead to degradation of critical environmental resources, and in an unanticipated demand for urban services and facilities in an area where none are planned. Since our long range plan more than adequately accommodates the population growth forecasted for the foreseeable future, no change of rural designation is warranted. There are several planning districts in Lee County where such rural character is being protected through the Comprehensive Plan.

Ms. Eva Armstrong, Director
Division of State Lands, FDEP
October 10, 2005
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RE: BABCOCK RANCH

As you may be aware, Lee County has previously established a land acquisition program, the Conservation 2020 Program, which is designed to acquire environmentally sensitive lands. The Conservation 2020 Program is most likely the vehicle the County would use to fund the Lee County Babcock purchase. It has two major limitations. Environmental and open space value and County ownership with potential public access.

With this understanding in mind, it is our request that you expand your discussions with the Babcock contract purchasers to encompass the sale of the entire Babcock property lying within Lee County. Our offer for purchase is up to appraised value with a several year draw. The County would engage local appraisers familiar with the Lee County market to assist in valuation for sale.

Thank you for your consideration of our request. We believe that our expanded offer furthers the State, Regional and County objectives for land stewardship in this critical watershed of the western Everglades Restoration.

Sincerely,

Douglas St. Cerny, Chairman
Lee County Board of County Commissioners

DSC/dm

xc: Board of County Commission Members
 Donald D. Stilwell, County Manager
 David M. Owen, County Attorney
 Wayne Daltry, Smart Growth Director

Kitson&Partners

LLC

October 6, 2005

Douglas R. St. Cerny, Chairman
Board of Lee County Commissioners
Old Lee County Courthouse
2120 Main Street
Fort Myers, Florida 33901

Re: Babcock Ranch

Dear Chairman St. Cerny:

As the Florida Department of Environmental Protection has indicated, we are very close to finalizing details on an agreement to sell approximately 74,000 acres of the Babcock Ranch property to the State of Florida. Other than those specific lands, we will not be selling any additional lands to the State or to the Counties for preservation.

The goal of preserving 74,000 acres of the ranch is an exciting one, as is the opportunity to create an innovative, self-sustaining mixed use community on the remaining 17,500 acres. While we fully understand that Lee County has made no commitments whatsoever as to that new community, we look forward to working with you and other local leaders in creating a shared vision for this once-in-a-lifetime opportunity.

As always, if there is any additional information or material that you require between now and next Tuesday's Commission meeting, please let me know.

Sincerely,

Sydney W. Kitson
Chairman and Chief Executive Officer

cc: Robert P. Janes
Ray Judah
Tammy Hall
John E. Albion
David Owen, Esq.



Jeb Bush
Governor

Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Colleen M. Castille
Secretary

September 28, 2005

The Honorable Doug St. Cemy
Chairman, Lee County Board of County Commissioners
PO Box 398
Ft. Myers, FL 33902

RE: Babcock Ranch

Dear Chairman St. Cemy

Please be advised that the State of Florida is finalizing the purchase agreement for the acquisition of Babcock Ranch. This is a very exciting project and will be a wonderful asset for the citizens of Lee County and Florida.

The State of Florida will be acquiring approximately 5,640 acres in Lee County valued at \$41,640,000. 2,240 acres are in the Transition area and 3,400 acres are in the Agricultural area.

Please provide to me at your earliest convenience confirmation of Lee County's funding contribution toward this acquisition in the amount of \$40 million dollars. The pending purchase agreement for The Babcock Ranch was deferred until the October 25th Cabinet Meeting and it would be most helpful if I could have Lee County's confirmation prior to that meeting.

Your time and consideration in this matter is greatly appreciated. I look forward to hearing from you soon.

Sincerely,

Eva Armstrong
Director
Division of State Lands

EA/db

Cc. Mr. Wayne Daltry, Director, Smart Growth

#1, 3, 4, 5
OWEN
STILWELL

"More Protection, Less Process"

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