

**Lee County Board Of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20060688

1. ACTION REQUESTED/PURPOSE: Approve the recommendation made by the Conservation Lands Acquisition and Stewardship Advisory Committee (CLASAC) that the city-owned portions of the Fort Myers well field redevelopment project be allowed to mitigate at Prairie Pines Preserve, a Lee County-owned Conservation 20/20 preserve. The City of Fort Myers will fund restoration planning for the entire preserve and all well field mitigation.

2. WHAT ACTION ACCOMPLISHES: Provides funding for restoration on a portion of Prairie Pines Preserve, thus implementing a portion of the Conservation 20/20 Land Stewardship Plan for this preserve.

3. MANAGEMENT RECOMMENDATION: Approve proposal to streamline restoration efforts at Prairie Pines Preserve. The City of Fort Myers will pay for the restoration plan for the preserve and will fund the mitigation requirements needed to mitigate the Fort Myers well field redevelopment project.

4. Departmental Category: // CIIB		5. Meeting Date: 06-06-2006
6. Agenda: <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Administrative <input type="checkbox"/> Appeals <input type="checkbox"/> Public <input type="checkbox"/> Walk-On	7. Requirement/Purpose: (specify)	
	<input type="checkbox"/> Statute	
	<input type="checkbox"/> Ordinance	
	<input type="checkbox"/> Admin. Code	
	<input checked="" type="checkbox"/> Other	
		8. Request Initiated: John Yarborough Commissioner
		Department <u>Parks and Recreation</u>
		Division
		By: <i>John Yarborough</i>

9. Background: Section Four of Lee County Ordinance 05-17 states that Conservation 20/20 preserves may be used to mitigate public projects. The County Attorney has determined that the City-owned portion of the well field redevelopment project is a public project (see attachment). Mitigation requirements for the well field redevelopment project can be fulfilled on a portion of Prairie Pines Preserve, a 2709 acre Conservation 20/20 preserve. Benefits include that the mitigation remains within the same drainage basin as the proposed impacts, as well as within Lee County. A portion of the restoration needs of Prairie Pines Preserve, identified within its Land Stewardship Plan, will be accelerated and funded by the city of Fort Myers. The additional restoration plan for the entire preserve, funded by the City of Fort Myers, will allow mitigation requirements to be determined quickly as future mitigation projects are needed for public projects.

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services			County Manager/P.W. Director
<i>CCM</i>				<i>KK</i>	Analyst	Risk	Grants	Mgr.
<i>5/14/06</i>				<i>5/14/06</i>	<i>5/14/06</i>	<i>5/14/06</i>	<i>5/14/06</i>	<i>5/14/06</i>

11. Commission Action:

- Approved**
- Deferred**
- Denied**
- Other**

RECEIVED BY COUNTY ADMIN <i>AK</i>
<i>5-22-06</i>
<i>400</i>
COUNTY ADMIN FORWARDED TO: <i>IF</i>
<i>5/22/06</i>
<i>11:45 am</i>

Rec. by CoAtty
Date: <i>5/22/06</i>
Time: <i>1:50 pm</i>
Forwarded To:
<i>5/22/06</i>

BOARD OF COUNTY COMMISSIONERS

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District Three

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District Five

Donald D. Stilwell
County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing Examiner

March 17, 2006

BY: HAND DELIVERY

Mayor James T. Humphrey
City of Fort Myers
P. O. Drawer 2217
Fort Myers, Florida 33902

RE: WELLFIELD REDEVELOPMENT PROJECT ("PROJECT")

Dear Mayor Humphrey:

This letter follows our meeting on Wednesday and serves to clarify my Office's position with regard to the above Project as outlined in the February 1, 2006, letter from Assistant County Attorney Jed Schneck. His position at that time was based upon Bonita Bay potentially acquiring in the near future an additional large portion of the remaining Project property as is contemplated in the Phase One Project Agreement. Subsequent to that letter, the March 15th meeting was held in which the Project, its maps and property ownership were reviewed and discussed in greater detail. As the result of that meeting, certain understandings and conclusions have been reached.

It is understood that the City sold the 44.15 acres along Martin Luther King Boulevard, in order to fund the development and mitigation of the Project. It was agreed that those acres would not be eligible for 20/20 mitigation credits. The City will remain the record title holder for the remaining 580± acres of the property until the property is sold to homeowners as contemplated and intended by the Project. Any additional property sold to Bonita Bay prior to the construction of homes will not be eligible for 20/20 mitigation credits.

As advised earlier, the City must be the record title holder in order to receive the environmental resource permit(s) and to be eligible for the 20/20 mitigation credits for your Project. Any property that has been or may be sold to Bonita Bay will not be eligible for the 20/20 credits. The permit(s) for the development of the Project will remain in the City's name and will be issued to the City as record title holder. The City's development of its property in this manner may then be legally considered "a

Humphrey - Wellfield Redevelopment Project.wpd

Mayor James T. Humphrey
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RE: WELLFIELD REDEVELOPMENT PROJECT

municipal public project" as contemplated by the 20/20 Ordinance, and be reviewed by the Land Acquisition Committee and the CLASAC full committee to make its recommendations as to the desirability of making the mitigation credits from 20/20 lands available to the City for this Project.

If you have any further questions regarding our position in this matter, please feel free to call me at your convenience.

Cordially,

A handwritten signature in black ink, appearing to read 'David M. Owen', with a long horizontal line extending to the right.

David M. Owen
County Attorney

DMO/cdd

xc: Andrea R. Fraser, Chief Assistant County Attorney
Jed R. Schneck, Assistant County Attorney
Karen Forsyth, County Lands Director
Cathy Olson, Parks and Recreation
Don Paight, City of Fort Myers
Neale Montgomery, Esquire
Katherine Green, Bonita Bay Group
Church Roberts, Johnson Engineering




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5/11/06

MEMORANDUM

To: CLASAC
From: Don Paight 
Date: May 11, 2006
Re: City of Fort Myers Well Field Redevelopment and consideration of wetland mitigation on Conservation 20/20 Lands

The following points demonstrate that the City of Fort Myers Well Field Redevelopment Project is a publicly initiated in-fill development.

- The City of Fort Myers has owned the Well Field site since 1946. It has been used to supply raw water to the City of Palms Water Treatment Plant.
- The various methods used to supply water over the years, including flooding the site with up to 10 million gallons of river water a day to recharge the shallow wells, resulted in 40 to 60 percent of the site being maintained as artificial wetlands. The lack of drainage created very low quality wetlands that encouraged exotic plants, primarily melaleuca, to dominate the landscape. The site also contains lime sludge deposits and a former gun range resulting in the site being named a Brownfield Site by the EPA.
- The City sought out a qualified partner to assist in the redevelopment of the site by issuing a Request For Qualifications. The Bonita Bay Group was selected based on its established track record of designing and building environmentally friendly communities and its commitment to incorporate Traditional Neighborhood Design and workforce housing into the development.
- The workforce housing will be provided through a partnership of the City and the Bonita Bay Group. A mortgage assistance program will be created consisting of contributions from Bonita Bay and the City.
- In order to create a funding source for the City's share of the mortgage assistance program a Community Redevelopment District is being created for the well field site. Preliminary studies demonstrate that the property meets the definition of blight in accordance with factors (a), (d), (e) and (n) in the blight definition cited in Chapter 163.340, F.S.

- The City-initiated redevelopment project establishes a public/private partnership to design, permit, construct and market a quality commercial component as a gateway into the City of Fort Myers. This will spur economic development along MLK Blvd, which is also a community redevelopment district. The commercial property (approximately 44 acres) has already been transferred to Bonita Bay to help defray the permitting and mitigation expenses and this property will not be eligible for mitigation on Conservation 20/20 land.
- Significant mitigation will be required for the development of the remaining residential property and the City of Fort Myers desires to keep the mitigation activity within Lee County if at all possible to benefit the citizens of the county and to support the Conservation program. **The City of Fort Myers is the applicant for the mitigation permits and will retain ownership of the property until the homes are transferred to the new homeowners.**
- The “town center” style of development for the site, which incorporates a variety of housing opportunities, educational facilities, retail and office space, and recreational facilities, will reduce the impact on the existing transportation network.
- The City-initiated redevelopment project may enhance the existing public golf course offering more “in-town” recreational opportunities.
- The redevelopment project is a mixed-use, infill development that will reduce urban sprawl.
- The project includes public facilities including a school site, two public roads (Edison Ext. and Hanson Ext.), a public park, trails and bikeways.
- The City will continue to be integrally involved in the planning, financing and design of this development and is not simply selling the property to the highest bidder. This is a true public/private partnership.
- The request to mitigate on Conservation 2020 lands has been reviewed and approved by the CLASAC Sub Committee and the County Attorney. This request has also received the support of the individual County Commissioners.