

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

Blue Sheet No. 20050675

1. ACTION REQUESTED/PURPOSE:

Accept \$100,000 from Parker Management Florida, LLC to fund water quality studies in fulfillment of their settlement agreement with the Conservancy of Southwest Florida regarding the Parker Daniels Project adjacent to the Six Mile Cypress Slough and North Cypress Arm. Approve budget amendment in the amount of \$100,000 for unanticipated revenues for Surface Water Management Plan Project (Project No. 200983) and amend the FY04/05-08/09 CIP accordingly.

2. WHAT ACTION ACCOMPLISHES:

Provides funds for water quality research and analyses to measure pollutant load reduction effectiveness of various Best Management Practices commonly used in our area.

3. MANAGEMENT RECOMMENDATION:

4. Departmental Category: 08 <i>C 8 B</i>		5. Meeting Date: <i>05-24-2005</i>
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"/>
	<input type="checkbox"/> Ordinance	<input type="checkbox"/>
	<input type="checkbox"/> Admin. Code	<input type="checkbox"/>
	<input checked="" type="checkbox"/> Other	<input type="checkbox"/>
		8. Request Initiated by: <u>Roland E. Ottolini, P.E.</u>
		Commissioner: _____
		Department: <u>Public Works</u>
		Division: <u>Natural Resources</u>

9. Background:

The Conservancy of Southwest Florida challenged the issuance of the Environmental Resource Permit by the South Florida Water Management District for the Parker Daniels Project that consisted of the development of 1,332 residential dwelling units adjacent to the Six Mile Cypress Slough and North Cypress Arm, north of Penzance Road. There was concern of the direct and cumulative impacts the project would have on the slough, specifically the ability of the on-site surface water system and use of deeper, more saline aquifers to support lake levels to meet water quality standards. In January 2004, a settlement was reached that included the developer contributing \$100,000 towards a water quality study to be disbursed to a mutually agreed upon entity.

The Division of Natural Resources was already performing similar work (Best Management Practices in Southwest Florida under agreement with the Charlotte Harbor National Estuary Program) and the decision was made to enhance those efforts with the settlement funds. Approximately \$50,000 will be used to add test sites to measure the pollutant removal effectiveness of commonly used Best Management Practices under work being performed by Johnson Engineering. At the request of the Conservancy, \$50,000 will also be allocated to TAC Environmental to provide research and consulting services to the Southwest Florida Water Quality Working Group.

Funds will be made available in 20098330100.506510. Parker Management Check No. 43156 in the amount of \$100,000 has been deposited in 20098330100.369300.9000.

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
<i>J. J. J. 5-12-05</i>	N/A	N/A	<i>BAO 5/12/05</i>	<i>[Signature]</i>	Analyst <i>[Signature]</i>	Risk <i>[Signature]</i>	Grants <i>[Signature]</i>	Mgr <i>[Signature]</i>	<i>[Signature]</i>

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

Rec. by CoAtty

Date: *5/12/05*

Time: *9:55*

Forwarded To: *[Signature]*

RECEIVED BY
COUNTY ADMIN: *[Signature]*

5/12/05

11:00 AM

COUNTY ADMIN
FORWARDED TO: *[Signature]*

5/12/05

4:00 PM

RESOLUTION

Amending the Budget of Capital Improvements-Fund 30100 to incorporate the unanticipated receipts into Estimated Revenues and Appropriations for the fiscal year 2004-2005.

WHEREAS, in compliance with the Florida Statutes 129.06(2), it is the desire of the Board of County Commissioners of Lee County, Florida, to amend the Capital Improvements-Fund 30100 budget for \$100,000 of the unanticipated revenue from Parker Management FL, LLC and an appropriation of a like amount for construction costs and;

WHEREAS, the Capital Improvements-Fund 30100 budget shall be amended to include the following amounts which were previously not included.

ESTIMATED REVENUES		
Prior Total:		\$128,526,476
Additions		
20098330100.369300.9000	Settlements	100,000

Amended Total Estimated Revenues \$128,626,476

APPROPRIATIONS		
Prior Total:		\$128,526,476
Additions		
20098330100.506540	Construction Improvements	100,000

Amended Total Appropriations \$128,626,476

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Lee County, Florida, that the Capital Improvements-Fund 30100 budget is hereby amended to show the above additions to its Estimated Revenue and Appropriation accounts.

Duly voted upon and adopted in Chambers at a regular Public Hearing by the Board of County Commissioners on this ____ day of _____, 2005.

ATTEST:
CHARLIE GREEN, EX-OFFICIO CLERK

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

BY: _____
DEPUTY CLERK

CHAIRMAN

APPROVED AS TO FORM

DOC TYPE YA
LEDGER TYPE BA

OFFICE OF COUNTY ATTORNEY

THE JACK PARKER CORPORATION
FLORIDA**Facsimile Cover Sheet**

TO: Roland Ottolini **FROM:** Kevin Higginson
COMPANY: Lee Co. **DATE:** 2/11/05
FAX NUMBER: 479-8108 **# OF PAGES w/COVER:** 2
SUBJECT: Water Quality Studies

Roland,

Here is the applicable provision
from the agreement. Section 6.1

Kevin

been selected in accordance with such rules. All costs of the arbitration shall be shared equally by the Conservancy and Parker.

5. **Additional Off-Site Mitigation.**

5.1 Parker hereby agrees to provide up to 7.0 acres, in one or more parcels, of additional off-site wetlands and/or conservation lands for mitigation which satisfy the mitigation requirements set forth in the SFWMD Permit on or before the earlier of (a) seven (7) years from the commencement of construction of the first residential unit on Parker Daniels or (b) the date the platting of the last parcel of Parker Daniels is proposed to applicable governmental agencies. The total amount of the 7.0 acres to be so provided, shall be reduced to the extent additional buffer areas are set aside as described in Section 4.3 above. The parties hereto shall use best efforts to locate the offsite mitigation land to be acquired by Parker.

6. **Water Quality Study.**

6.1 Parker hereby agrees to contribute One Hundred Thousand Dollars (\$100,000.00) at the time all federal, state and local development approvals for Parker Daniels are received, the time for third party challenge has expired, and thirty (30) days has lapsed therefrom, which sum shall be used towards funding a water quality study. The funds so contributed shall not be disbursed to the Conservancy but shall be disbursed to an entity approved by Parker and the Conservancy that will use the funds to perform the study. All monies so contributed shall be placed in an interest earning account. The study will develop methods for reducing the impacts of stormwater runoff on water quality in southwest Florida. If the study is not commenced within eighteen (18) months of the funding of such amount by Parker to the entity performing the study all amounts so contributed, together with interest thereon, shall be returned to Parker.

7. **Density.**

7.1 The Parker Daniels Project, under the Comprehensive Plan Amendment, may be developed with up to 1332 residential dwelling units of which 600 residential dwelling units were planned to be developed on approximately 186 acres of Parker Daniels, including a portion of the Slough Arm, as shown on the sketch attached hereto as **Schedule "G"**, (the "**Parker North Parcel**"). Parker hereby agrees to reduce the allowable residential dwelling units on the Parker North Parcel from 600 residential dwelling units to up to 372 residential dwelling units subject to review by the City of Fort Myers. The south portion of Parker Daniels property (the "**Parker South Parcel**") may be developed with the remaining density of up to 960 residential dwelling units subject to review by the City of Fort Myers.

7.2 Parker agrees that the limitation to the Parker North Parcel as described above shall be subject to the City of Fort Myers review and will be made a part of and included in the PUD zoning applications to be submitted to the City of Fort Myers with respect to the aforesaid developments.

7.3 A letter signed by Parker setting forth the requirements of Section 7.1 and Section 7.2 hereof shall be delivered to the City of Fort Myers upon the signing of this Agreement.



Collier County
1450 Merrihue Drive
Naples, Florida 34102

Phone 239.262.0304
Fax 239.262.0672



CONSERVANCY
Of Southwest Florida
*Protecting the nature of our
community for 40 years.*

Lee County
2123 First Street, Suite F
Fort Myers, Florida 33901

Phone 239.275.0330
Fax 239.275.7089

April 29, 2005

LEE COUNTY DEPT OF
NATURAL RESOURCES
MAY - 7 2005
RECEIVED

VIA FAX

Mr. Stephen J. Mitchell
Squire, Sanders
One Tampa City Center
201 N. Franklin Street
Tampa, FL 33602

Dear Steve:

As we discussed on the telephone, Lee County is ready to receive the \$100,000 check for their research on stormwater treatment that we previously discussed. As you recall, on August 4, 2004, we sent a letter describing this work and requesting that the funds be disbursed (copy attached). On September 28, 2004, you sent a letter to John Reisman finding the request to be consistent with our settlement agreement (copy attached). I had spoken with Kevin Higginson of the Jack Parker Corporation last fall to put him in direct contact with Roland Ottolini of Lee County to work out the details about transmitting the funds, but apparently this never happened. Lee County has a contract with a consultant who is ready to commence the desired work, but is unwilling to approve the contract until the money is in hand or there is a firm commitment that it is forthcoming. The money should be sent immediately so that the consultant will not be lost.

It is our understanding that the check should be made out to the Lee County Board of County Commissioners and sent to Mr. Ottolini. The work would commence as soon as Lee County signs the contract. If there are any questions about how the transfer and deposit should take place, perhaps direct contact with Roland Ottolini would be best. His telephone number is 239-479-8580, ext. 8127.

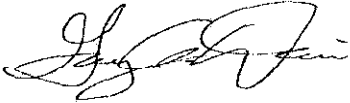
Please let us know when a check is sent to Lee County. You may call me at 828-622-0044 or 865-607-5384 if we need to talk further about this. Jennifer Hecker with the

Page 2
April 29, 200

Conservancy will be the contact on any details of the research to be performed by the County. Her number is 239-262-0304, ext. 250.

Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary A. Davis". The signature is fluid and cursive, with the first name "Gary" being the most prominent.

Gary A. Davis

cc: Roland Ottolini, Lee County