

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

**Blue Sheet No. 20060190**

**1. ACTION REQUESTED/PURPOSE:** Provide County administrative and legal staff with additional guidance and direction concerning the Board's policy for the purchase of Babcock Ranch lands lying within Lee County that are available for purchase.

**2. WHAT ACTION ACCOMPLISHES:** Clarifies the Board's policy and directions to staff for the purchase of Babcock Ranch lands lying within Lee County that are available for sale to the County.

**3. MANAGEMENT RECOMMENDATION:** Provide direction to staff with respect to the purchase of Babcock Ranch lands lying within Lee County.

**4. Departmental Category:** *12*

*A12C*

**5. Meeting Date:**

*02-28-2006*

**6. Agenda:**

**7. Requirement/Purpose: (specify)**

**8. Request Initiated:**

<input type="checkbox"/> Consent
<input checked="" type="checkbox"/> Administrative
<input type="checkbox"/> Appeals
<input type="checkbox"/> Public
<input type="checkbox"/> Walk-On

<input type="checkbox"/> Statute
<input type="checkbox"/> Ordinance
<input type="checkbox"/> Admin. Code
<input checked="" type="checkbox"/> Other
<input type="checkbox"/> Board Policy

Commissioner
Department
Division
By: David M. Owen County Attorney

**9. Background:**

At its regular meeting of February 14, 2006, the issue of "additional" Babcock Ranch lands in Lee County being available to the County was raised (See: attached February 13, 2006 memo and February 9, 2006 letter back-up).

In discussions with the then-present Board members, it was requested that the matter be brought forward as an agenda item for discussion with the full Board in order to clarify the Board's position with respect to the acquisition of Babcock Ranch lands lying within Lee County (i.e., whether the Board will commit only \$40 million for the available lands or there is an interest and direction to purchase as much land as may be available for sale to the County).

Request Board direction with respect to the purchase of Babcock Ranch lands lying within Lee County.

**10. Review for Scheduling:**

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services			County Manager/P.W. Director
					Analyst	Risk	Grants	
				<i>[Signature]</i>	<i>RK 2/16</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>

**11. Commission Action:**

- Approved
- Deferred
- Denied
- Other

RECEIVED BY COUNTY ADMIN: *FR*  
2-16-06  
9:18  
COUNTY ADMIN FORWARDED TO: *[Signature]*

CO. ADM. 2/16/06  
FORWARDED TO CO. ADMIN.  
9:15 AM

MEMORANDUM  
FROM THE  
OFFICE OF COUNTY ATTORNEY

DATE: February 13, 2006

TO: Board of County Commissioners

FROM:



David M. Owen  
County Attorney

RE: COUNTY ATTORNEY ITEM - MEETING OF FEBRUARY 14, 2006

Commissioners;

Last Tuesday and this afternoon, I had conversations with D.E.P. representatives concerning the Lee County Babcock Ranch Acquisition.

The gist of the conversation was that the value for the Lee County portion of the purchase was higher than originally committed to by the County in the contract for sale and purchase (approximately \$40 million), which was subject to final survey (See: attached February 9, 2006 letter from Eva Armstrong).

The adjustment to the eastern boundary between the Retained (Kitson) Property and the Lee County portion has resulted in additional acreage in the more expensive "transition lands" which would be available to the County at a value higher than the originally committed \$40 million (approximately 28.2 acres).

In keeping with the Board's articulated general policy in this matter to acquire as much of the Babcock Ranch property in Lee County as possible, I advised the D.E.P. that the additional acreage and associated cost should not be a problem.

This proposed change to the purchase amount and additional acreage from the revision to the Retained (Kitson) Property is being brought to you for your consideration at a regular meeting.

However, if you are not in agreement, the County can still proceed to acquire the amount of acreage available for the \$40 million amount, with the additional acreage being purchased by the State.

We can discuss this further at tomorrow's meeting, as desired.

DMO/dm

Enclosure

xc: Donald D. Stilwell, County Manager  
Wayne Daltry, Smart Growth Director  
Mary Gibbs, Director, Department of Community Development  
Tony Majul, Director, Budget Services  
Timothy Jones, Chief Assistant County Attorney



Jeb Bush  
Governor

# Department of Environmental Protection

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

Colleen M. Castille  
Secretary

February 9, 2006

David M. Owen, Lee County Attorney  
2115 2<sup>nd</sup> Street, 6<sup>th</sup> Floor  
Ft. Myers, FL 33901

Dear Mr. Owen:

Thank you for taking the time to discuss the Babcock Ranch acquisition with us via telephone on Tuesday, February 7. We remain very excited to be working with Lee County on this important and historic project.

To recap the conversation, it has come to our attention that the Lee County portion of the acquisition will have a higher value than the \$40 million referenced in the contract. We currently estimate a total value of \$41.8 million to \$42 million, subject to the final survey.

Our understanding based on our conversation is that it is the desire and intent of Lee County to acquire as much of the project acreage within Lee County as possible, rather than limit it to \$40 million in value. We will therefore proceed with that understanding unless we hear differently from your office.

Thank you again for working with us, and please feel free to contact us with any questions or concerns.

Sincerely,

Eva Armstrong  
Director  
Division of State Lands

Hope you're  
doing well!

EA/jlg

"More Protection, Less Process"

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