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**Subject:** FHWA's Determination re Section 4(f) Applicability for Properties Adjacent to Proposed Alternatives for SR 29 (Immokalee) EIS, FPID # 417540-1-22-01

FHWA has reviewed the Section 4(f) DOA for SR 29 (Immokalee) EIS, FPID # 417540-1-22-01, and made the determination that Immokalee Airport Park, 1<sup>st</sup> Street Plaza, and 9<sup>th</sup> Street Plaza are Section 4(f) properties.

Whether the Collier Rural Land Stewardship Sending Area #5 is a Section 4(f) property is a more complex question, given its designated use for both conservation and ranching, and the nature of the Stewardship Easement Agreement between Collier County, FDOT, FDACS, and the property owner.

There are two issues here:

1. Does the land have a designated function as a wildlife or waterfowl refuge. Page 2, #'s 3A and B of the Stewardship Easement Agreement (p. A-7 of DOA) state that the land may be used for "Conservation, Restoration, and Natural Resources Uses" and "Agriculture." The Land Use Matrix on P. A-19 of the DOA defines "Conservation, Restoration and Natural Resources" as "Wildlife management, plant and wildlife conservancies, refuges and sanctuaries." Page 2-1, #1 of the DOA states "those areas within SSAs designated exclusively for conservation use are the only areas considered to fall under the auspices of Section 4(f). Note: the limitation of applicability of Section 4(f) to the areas of the SSA supporting conservation is based on 23 CFR 774.11(d)." However, 23 CFR 774.11(d) does not state that lands have to be "designated exclusively for conservation," only that they have to be "designated in the plans of the administering agency as being for, significant park, recreation, or wildlife and waterfowl refuge purposes." The easement does not appear to designate specific areas within the western portion adjacent to East Alternative #1 for conservation or agriculture. The land may be used for either. Consequently, FHWA's opinion is that Eastern Alternative #1 may have a designated function as a wildlife or waterfowl refuge.
2. Does the easement make this public land? This depends on the nature of the easement as well as other factors (see Question 1B of the Section 4(f) Policy Paper) and is a difficult question that will require additional research.

FHWA's recommendation is that a Section 4(f) determination for Collier Rural Land Stewardship Sending Area #5 be postponed until it is apparent that East Alternative #1 will be retained as a viable alternative. If it is, then we can further explore the question of whether this is a Section 4(f) property.

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# **Section 4(f)**

## **Determination of Applicability**

SR 29 (Immokalee)  
from Oil Well Road to SR 82  
Collier County, Florida

Financial Project ID No.: 417540-1-22-01

Prepared for:



Florida Department of Transportation  
District One  
Environmental Management Office  
801 North Broadway Avenue  
Bartow, Florida 33830

April 2013

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# *Section 1.0*

## ***INTRODUCTION***

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### ***1.1 PROJECT DESCRIPTION***

The Florida Department of Transportation (FDOT) is conducting a Project Development and Environment (PD&E) Study on a segment of SR 29 that extends from Oil Well Road to SR 82 in Collier County, Florida, see **Figure 1-1**. Proposed roadway improvements consist of increasing the capacity of SR 29 between Oil Well Road and SR 82. The project involves evaluating the widening of the existing 2-lane undivided segment of SR 29 to four lanes, as well as the study of corridors that bypass the unincorporated community of Immokalee, which is located within the study area.

### ***1.2 PROJECT PURPOSE AND NEED***

The purpose of the project is to identify an environmentally-sensitive alternative for a transportation system improvement designed to address local and regional needs. The need for this project centers on Social Demand and Economic Development, System Linkage, Roadway Capacity, Governmental Authority, Transportation Demand, Modal Interrelationship's, and Safety. The expansion of SR 29 from Oil Well Road to SR 82 is included in the Collier County Metropolitan Planning Organization's (MPO) 2035 Long Range Transportation Plan (LRTP) Needs Plan and is consistent with Collier County's adopted Growth Management Plan. A full description of the project purpose and need is included in the Alternatives Technical Memorandum published as part of the PD&E Study.

### ***1.3 DETERMINATION OF APPLICABILITY***

The process of developing a Section 4(f) Determination of Applicability (DOA) involves the collection of data related to properties that may potentially fall under the auspices of Section 4(f) of the U.S. Department of Transportation Act (USDOT) of 1966, recodified in 1983 (49 USC 303). This includes properties that are publicly-owned parks, recreation areas, wildlife and waterfowl refuges, or any significant historic site. Note that this report deals with only the parks, recreation areas, and wildlife / waterfowl refuge issues, the historic resources are assessed in a separate document. For the SR 29 Immokalee roadway improvement project, four potential Section 4(f) resources were identified within close proximity of the alternative alignments.

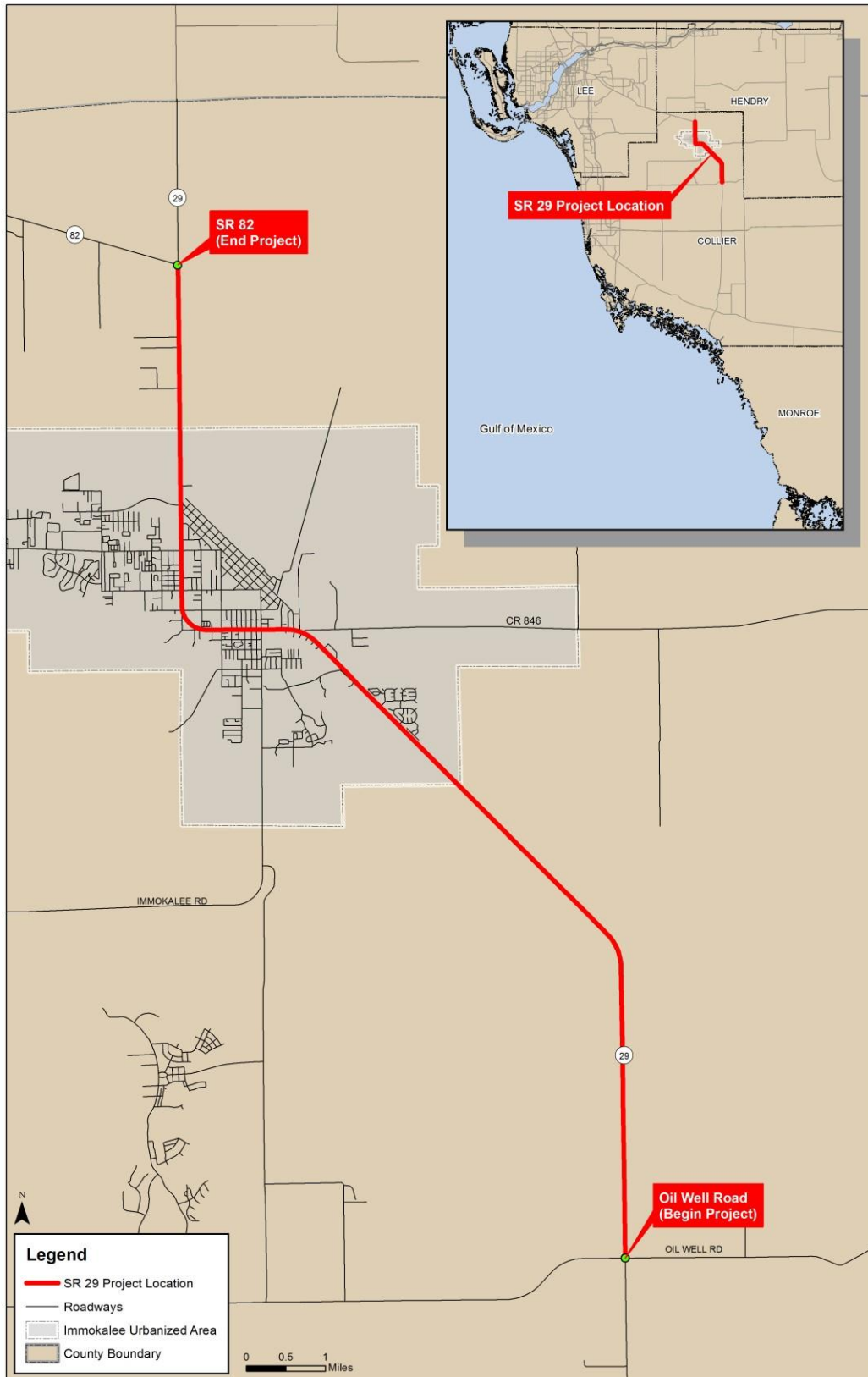
The SR 29 project corridor extends through a portion of northeast Collier County. **Figure 1-2** displays the location of the project and the four potential Section 4(f) resources identified within the project study area.

Potential Section 4(f) resources include:

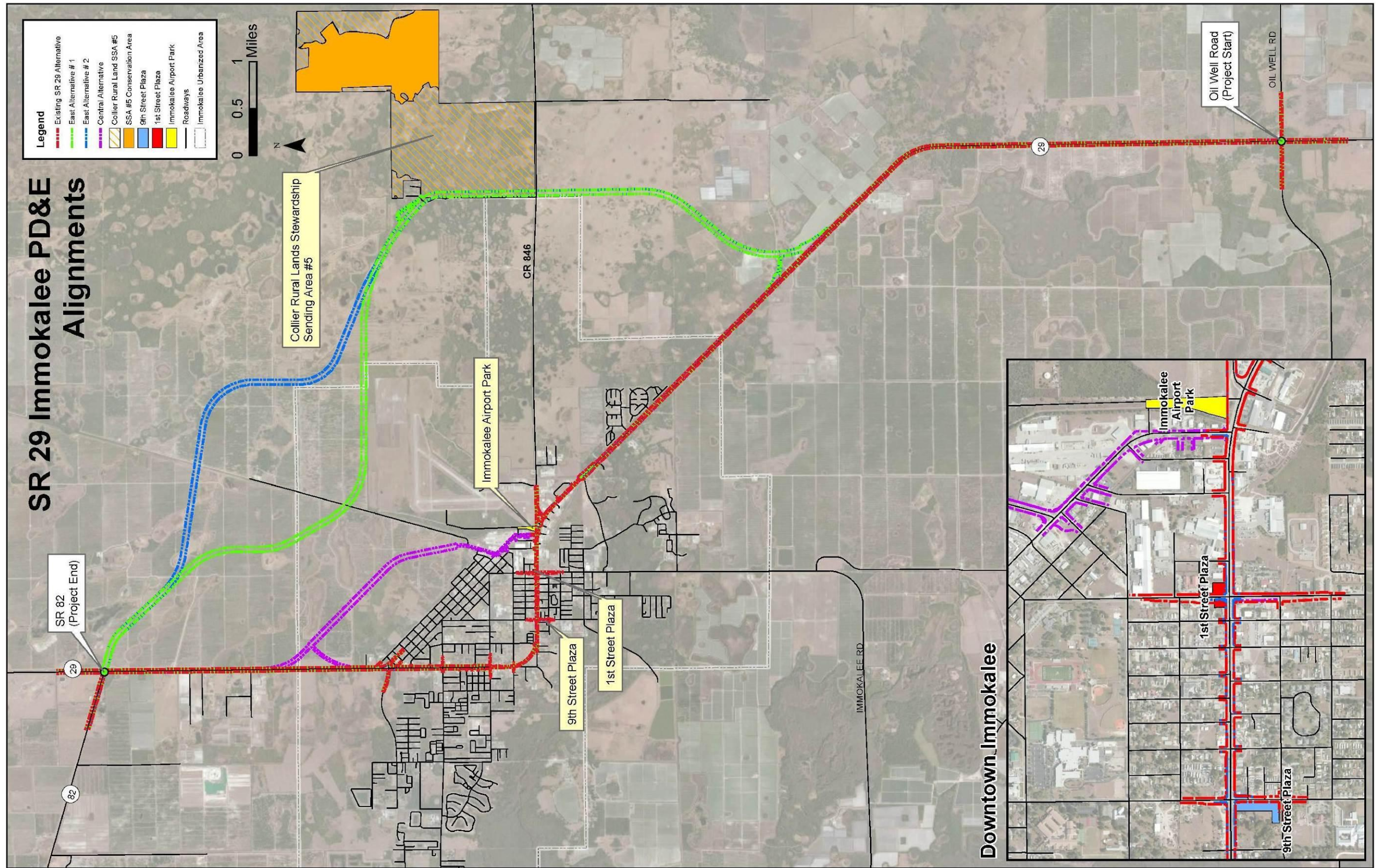
- ***Collier Rural Land Stewardship Sending Area #5:*** An area designated within the Rural Lands Stewardship Overlay Program that facilitates the transfer of development rights from rural sending areas to urbanized receiving areas. The goal of the program is to preserve valuable agricultural and natural lands.



**FIGURE 1-1  
PROJECT LOCATION MAP**







**FIGURE 1-2**  
**POTENTIAL SECTION 4(f) RESOURCE LOCATION MAP**



- **Immokalee Airport Park:** An existing publicly owned park, open to the general public, that supports a playground, track, amphitheater, and two picnic pavilions.
- **1st Street Plaza:** A planned publicly owned park that will be open to the general public and will support passive recreational activity as well as community events.
- **9th Street Plaza:** A planned publicly owned park that will be open to the general public and will support an amphitheater, pavilions, interactive fountain, playground, and open space.

This report assembles information on each public resource, and has been prepared to aid FHWA in the evaluation of Section 4(f) applicability. Pertinent information regarding resource size and location, ownership, function and use, facility access, relationship to other existing and planned resources, and local significance is presented in this report for ease of reference. Additionally, figures are presented within each section to provide additional contextual detail.

Based on the information collected regarding the four potential Section 4(f) resources and the six proposed roadway alternatives, it appears that the improvement of SR 29 has the potential to impact multiple potential 4(f) sites. The potential for 4(f) impact varies by alternative, and is outlined in **Table 1-1** below. If constructed as currently defined, Existing SR 29 Alternative, East Alternative #1, and East Alternative #2 may result in impacts to one or more Section 4(f) resources.

**TABLE 1-1  
PRELIMINARY ASSESSMENT OF POTENTIAL IMPACT TO  
POTENTIAL SECTION 4(f) RESOURCES**

Identified as Potential Section 4(f) Resources	Alternative Alignments				
	No-Build	Existing SR 29	Central Alternative	East Alternative #1	East Alternative #2
Collier Rural Land Stewardship Sending Area #5	No Impact	No Impact	No Impact	No Impact	No Impact
Immokalee Airport Park	No Impact	No Impact	No Impact	No Impact	No Impact
1st Street Plaza	No Impact	Likely 4(f) Impact	No Impact	Likely De Minimis Impact	Likely De Minimis Impact
9th Street Plaza	No Impact	Likely De Minimis Impact	No Impact	No Impact	No Impact

\* Likely 4(f) Impact = Affected Area Greater than 10% of Total Site, or Impact Would Preclude Intended Function of the Resource.

\*\* Likely De Minimis Impact = Affected Area Less than 10% of Total Size, Little to No Effect on Intended Function of the Resource.

# *Section 2.0*

## ***COLLIER RURAL LAND STEWARDSHIP SENDING AREA #5***

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**1. A detailed map or drawing of sufficient scale to identify the relationship of the alternatives to the Section 4(f) property.**

Collier Rural Lands Stewardship Sending Area #5 (SSA#5) occupies approximately 1,852 acres in northeast Collier County. SSA #5 is one of 16 development credit sending areas designated as part of the Collier County Rural Land Stewardship Overlay Program. Of the five proposed Alternative Alignments for SR 29, two alternatives are anticipated to impact the SSAs.

Preliminary design of East Alternatives #1 and # 2 show that the proposed roadway alternatives will impact approximately 38 acres (2%) of SSA #5. Of the 38 acres of impact, none are designated for use as conservation lands.

Based on the multi-functional role of the SSA in protecting both agricultural lands and conservation lands, those areas within SSAs designated exclusively for conservation use are the only areas considered to fall under the auspices of Section 4(f). Note: the limitation of applicability of Section 4(f) to the areas of the SSA supporting conservation is based on 23 CFR 774.11(d). See **Appendix A**, page A-4, for the text of 23 CFR 774.11.

See **Figures 2-1, 2-2, and 2-3** for illustration of the potential impacts to SSA #5.

**2. Size and location of the affected Section 4(f) property.**

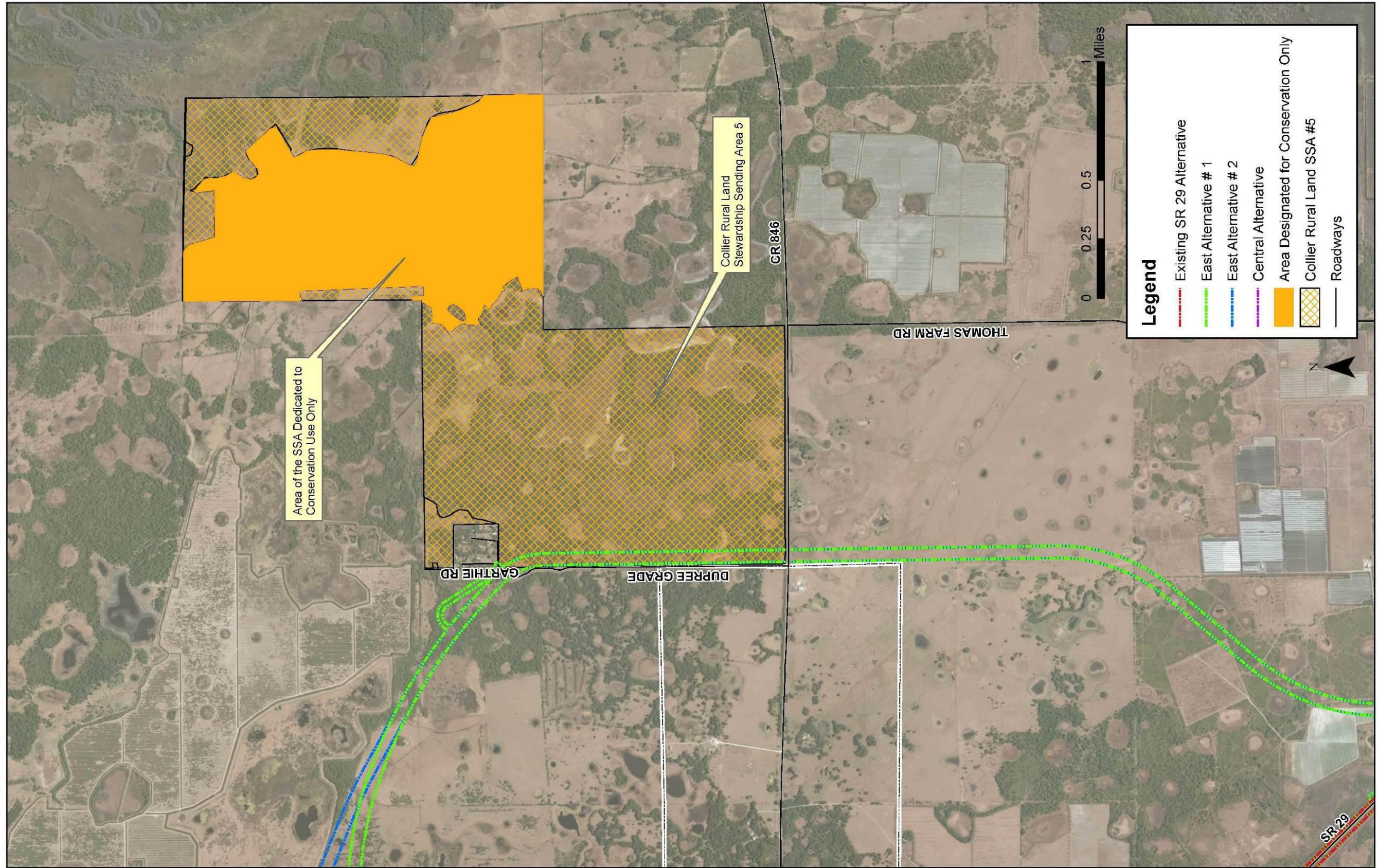
SSA #5 consists of 1,852 acres. The SSA is located in northeastern Collier County. See **Figure 2-1** for the conservation area and **Figures 2-2 and 2-3** for the location of SSA #5 in relation to the proposed SR 29 Alternatives.

**3. Ownership and type of Section 4(f) property.**

The Collier County Rural Land Stewardship Area Overlay Program is an incentive based land use system that allows for the transfer of development rights from designated sending areas to designated receiving areas within Collier County. The program awards development credits to private land owners based on the total acreage and quality of designated land.

Once a land owner makes the voluntary decision to enter the program, a Stewardship Easement Agreement (the Easement) is developed between Collier County, Florida Department of Agriculture and Consumer Services (FDACS), and the property owner. Ownership of the affected property remains with the owner. However, use of the property is limited based on the terms identified in the Easement. Under Section 4(f), if a government body has a property interest in the land (such as fee ownership or easement) the property can be considered publically owned.





**FIGURE 2-1  
CONSERVATION AREA MAP**





FIGURE 2-2  
EAST ALTERNATIVE #1 POTENTIAL IMPACT TO SSA #5



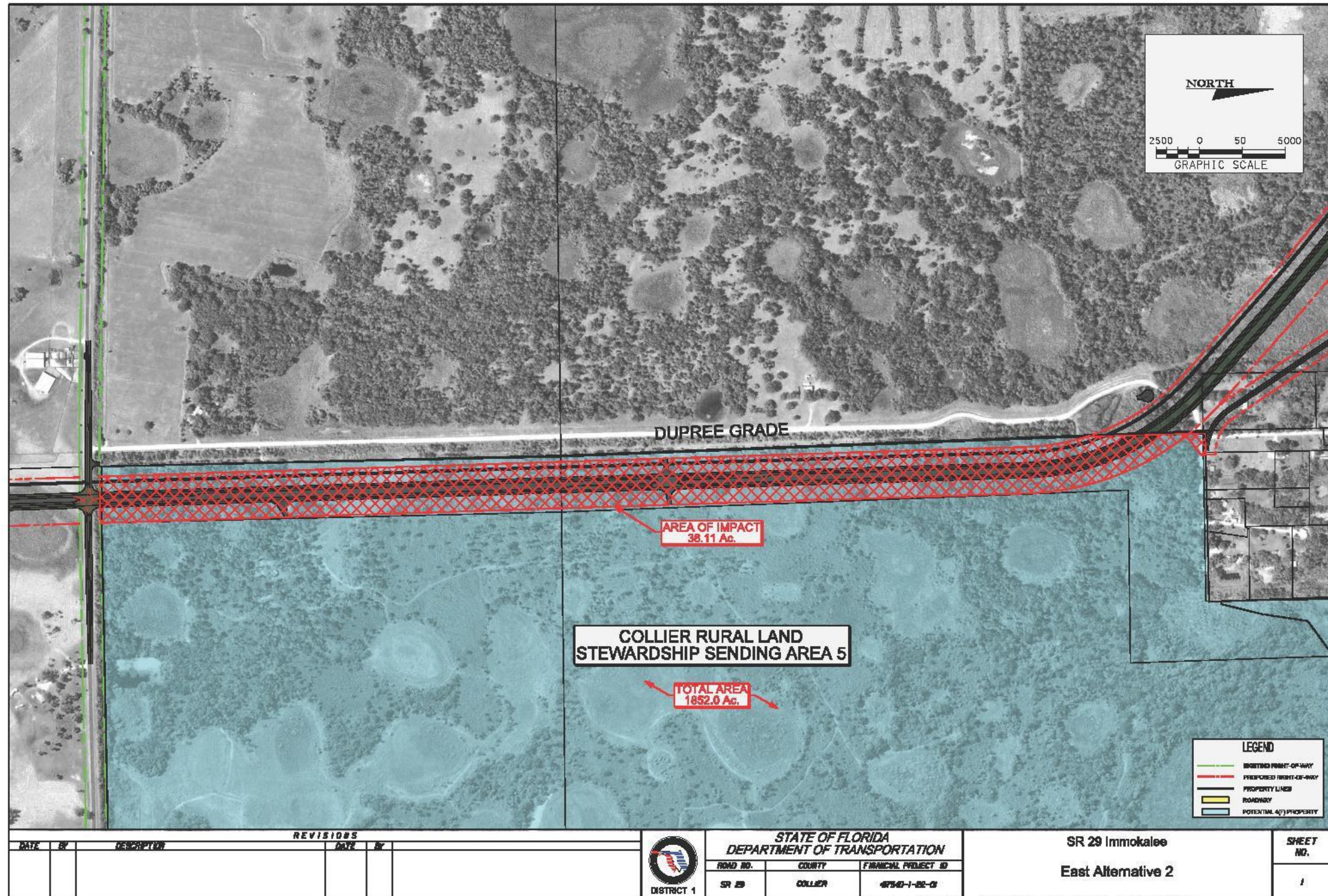


FIGURE 2-3  
EAST ALTERNATIVE #2 POTENTIAL IMPACT TO SSA #5



The agreement associated with SSA #5 limits the use of the property within the SSA to activity supportive of ranching and conservation. Two parcels within the SSA are affected by East Alternatives #1 and # 2. Both parcels belong to Barron Collier Investments LTD.

The Easement for SSA #5 and property sheets for the two affected parcels are included in **Appendix A** beginning on page A-6.

#### **4. Function of or available activities on the property.**

As stated in Group 1, Policy 1.2, of the Collier Rural Lands Stewardship Overlay Program, the function of each SSA is to “protect natural resources and retain viable agriculture by promoting compact rural mixed-use development as an alternative to low-density single use development, and provide a system of compensation to private property owners for the elimination of certain land uses in order to protect natural resources and viable agriculture...”

The activity allowed within the SSAs varies dependent upon the agreement struck between the county and the land owner at the time of the signing of the Easement. Agricultural and conservation uses were identified as the only remaining allowable activities within SSA #5. The Easement references the land use classification identified for conservation lands and agricultural lands in the Collier County Land Development Code (LDC), and indicates the allowable use specified in the LDC applies to the land within the SSA. See **Appendix A** (page A-19) for the full text of the relevant LDC section.

Each of the properties within the SSA remains in private ownership. The publicly held easement applies only to allowable use, and does not provide for public access.

#### **5. Description and location of all existing and planned facilities.**

SSA #5 is comprised of several privately owned parcels that in total occupy approximately 1,852 acres found just east of Immokalee. The area of the easement extends northeast from the CR 846 / Dupree Grade intersection into an extensive area of agricultural lands. The land within SSA #5 exists primarily as minimally improved range land.

The Easement signed between each property owner, Collier County, and FDACS limits the use of the land within SSA #5 to agricultural and conservation use. The easement agreement dictates that though all areas within the SSA may be used for conservation purposes, the agricultural lands may not be expanded beyond the area of current use. The property is to remain as agricultural or conservation land in perpetuity.

#### **6. Access and usage.**

Though a publicly held easement on the property has been enacted, the land within SSA#5 remains in private ownership, and is not accessible to the general public.

The use allowed within the SSAs varies dependent upon the agreement struck between the county and the land owner at the time of the signing of the Easement. SSA #5 provides for agricultural and conservation



use. Within SSA #5, 651 acres are dedicated to conservation use, and 1,201 acres of SSA #5 are dedicated to agriculture. Those areas in use as conservation lands are subject to land management activities such as invasive species removal and controlled burns. The areas in use as range land may be used in ways customarily employed in ranching activity. The Easement references the land use classification identified for conservation lands and agricultural lands in the LDC, and indicates that the allowable use specified in the LDC applies to the land within the SSA. See **Appendix A**, page A-19, for the full text of the relevant LDC section.

Note that the agricultural use within the SSA may not be expanded beyond areas for which permits existed at the time of the SSA designation. Conservation lands may be expanded to all parts of the SSA.

**7. Relationship to other similarly used lands in the vicinity.**

SSA #5 is one of 16 designated sending areas within the RLSA Overlay Program. The SSAs combine to cover approximately 50,400 acres of land in eastern Collier County. The purpose of the RSLA program is to limit sprawling development in the area of Immokalee. The designation of SSAs serves to limit allowable development in traditionally rural areas and focus that growth in designated growth centers such as Ave Maria.

The SSAs are designated to protect areas important in water retention, habitat preservation, and flowway preservation. See **Appendix A**, page A-22, for a depiction of the 16 SSAs approved within the RLSA.

**8. Applicable clause affecting ownership, such as lease, easement, covenants, restrictions, or conditions, including forfeiture.**

The land owner of SSA #5 made the voluntary decision to enter the Collier Rural Land Stewardship Program. An Easement was developed between Collier County, FDACS, and the property owner. Ownership of the affected property remains unaffected, however, use of the property is limited based on the terms identified in the Easement.

The agreement associated with SSA #5 limits the use of the affected property to activity supporting agricultural and conservation use. Section 4(f) is deemed applicable to those areas of the SSA #5 that are dedicated exclusively to natural resource conservation. See **Appendix A**, page A-13, for the extent of the area designated as conservation land.

The Easement for SSA #5 is included in **Appendix A**, page A-6.

**9. Unusual characteristics of the Section 4(f) property that either reduce or enhance value of all or part of the property.**

SSA #5 falls within the Florida panther primary habitat zone designated by the US Fish and Wildlife Service (USFWS). The “Primary Zone” is seen as the area that contains particularly valuable land in the preservation of the panther. USFWS defines the primary zone as “all lands essential for the survival of the Florida panther in the Wild”. The presence of the “Primary Zone” may enhance the importance of the formally designated conservation lands contained within SSA #5.

**10. Statement of significance from the official who has jurisdiction over the Section 4(f) property. The significance is on the entire Section 4(f) property and not of the proposed use.**

FDOT requested a Statement of Significance from Collier County. A letter of response from the Rural Lands Stewardship Director was signed on August 23, 2012, which affirmed that SSA#5 **is considered a significant public resource** in the preservation of listed species and habitat within Collier County. A copy of the letter is included in **Appendix A** beginning on page A-1.

**11. Constructive use.**

Based on assessment of preliminary design for each alternative, East Alternatives #1 and #2 will directly impact SSA#5. However, no areas of conservation land will be impacted within SSA #5, thus not affecting the portion of the property potentially designated as a 4(f) resource.

With regard to constructive use, the following applies to the No-Build Alternative, Existing SR 29 Alternative, Central Alternative, East Alternative #1, and East Alternative #2:

In accordance with FHWA and the FTA regarding 23 CFR 774.15 Section 4(f) Constructive Use Determination, the Parks, Recreation Areas, Wildlife and Waterfowl Refuges, and Historic Sites, Final Rule, effective April 11, 2008 and the FDOT PD&E Manual, it is unlikely through indirect impact that the proposed improvements would substantially impair the function, integrity, use, access, value, or setting of SSA#5.

Overall, this project does not constitute a “Constructive Use” of the SSA within the meaning of Section 4(f) for the following reasons:

1. No change in ownership.
2. The proximity impacts created by the project would not substantially impair the activities, features, or attributes of the SSA, as defined in 23 CFR 774.15(f)(5) and Chapter 13 of the PD&E Manual.
3. No temporary use of this resource is anticipated.

# *Section 3.0*

## ***IMMOKALEE AIRPORT PARK***

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**1. A detailed map or drawing of sufficient scale to identify the relationship of the alternatives to the Section 4(f) property.**

The Immokalee Airport Park is located adjacent to SR 29 near the southwest corner of the Immokalee Airport.

The parcel data presented by the Collier County Property Appraiser identifies the area containing both the Immokalee Airport Park and Immokalee Airport as a single county-owned entity. However, a drawing taken from the Immokalee Airport Master Plan depicts the park as a separate area of county owned land. Based on a review of the drawing taken from the airport plan and an assessment of physical conditions present at the site (including access to the park), the bounds of the park were established to reflect those depicted in **Figure 3-1**.

Based on the established boundary of the Airport Park and preliminary design of SR 29, it appears no direct impact to the park will result from the proposed improvement of SR 29.

**Figures 3-1 and 3-2** reflect the relationship between the Immokalee Airport Park and the alternatives that propose changes in alignment in close proximity. The design variants associated with each alternative are consistent in form near the Airport Park, and do not have a differing effect on the resource.

**2. Size and location of the affected property.**

The Immokalee Airport Park consists of nearly 10.5 acres and is located adjacent to the western edge of the Immokalee Airport. The park forms a narrow north-south linear parcel that measures approximately 225 feet in width and 2,225 feet in length.

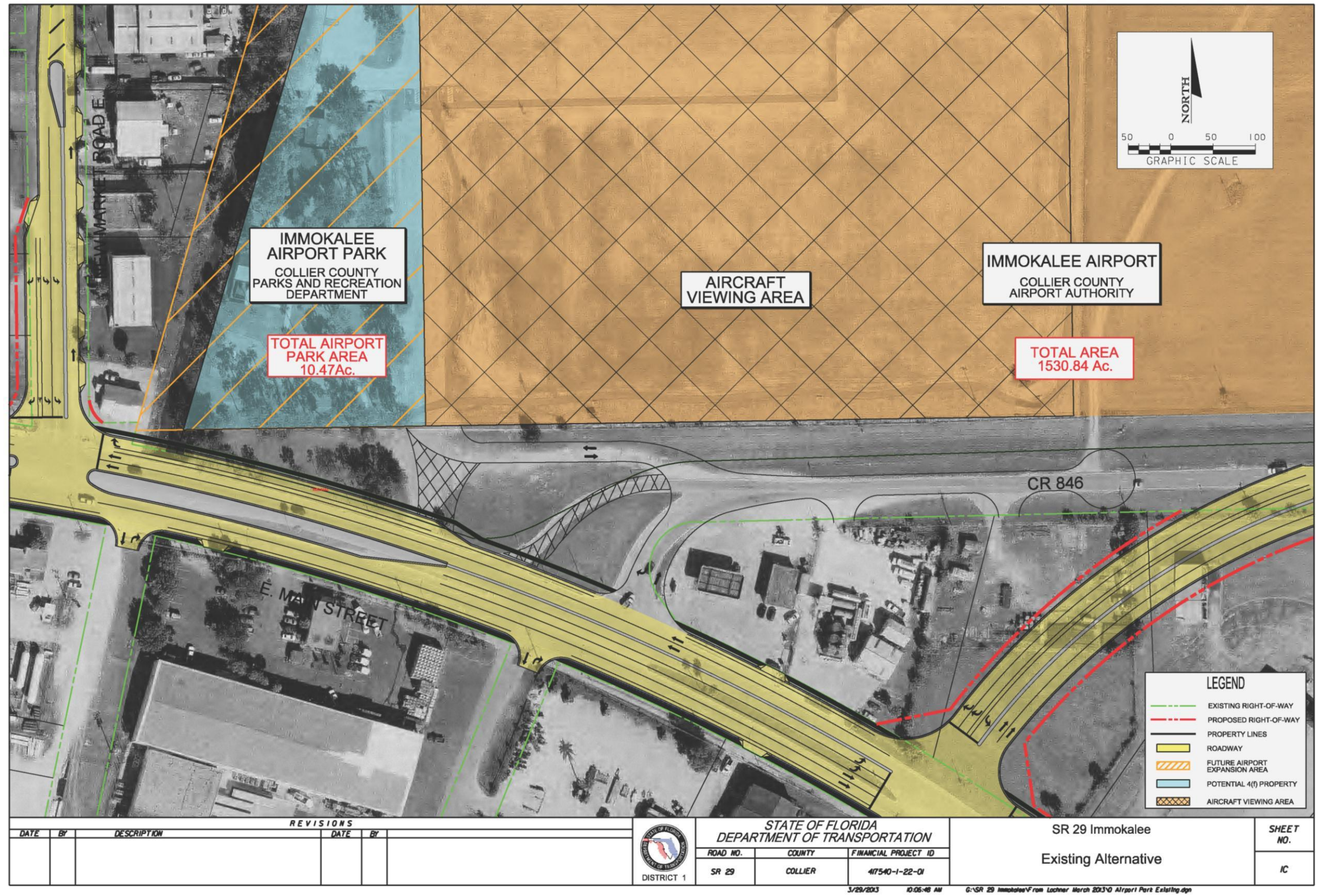
**3. Ownership and type of Section 4(f) property.**

Immokalee Airport Park is a public recreation area owned and maintained by Collier County. **Appendix B**, page B-9, contains the site's Property Card.

**4. Function of or available activities on the property.**

The Airport Park is designed to support both active and passive recreational use. The park supports an amphitheater, multiple picnic pavilions, a walking path, a children's playground, and open space. Based on the park's proximity to the airport, the site is often used in support of airport special events.





REVISIONS					
DATE	BY	DESCRIPTION	DATE	BY	



STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION		
ROAD NO.	COUNTY	FINANCIAL PROJECT ID
SR 29	COLLIER	417540-1-22-01

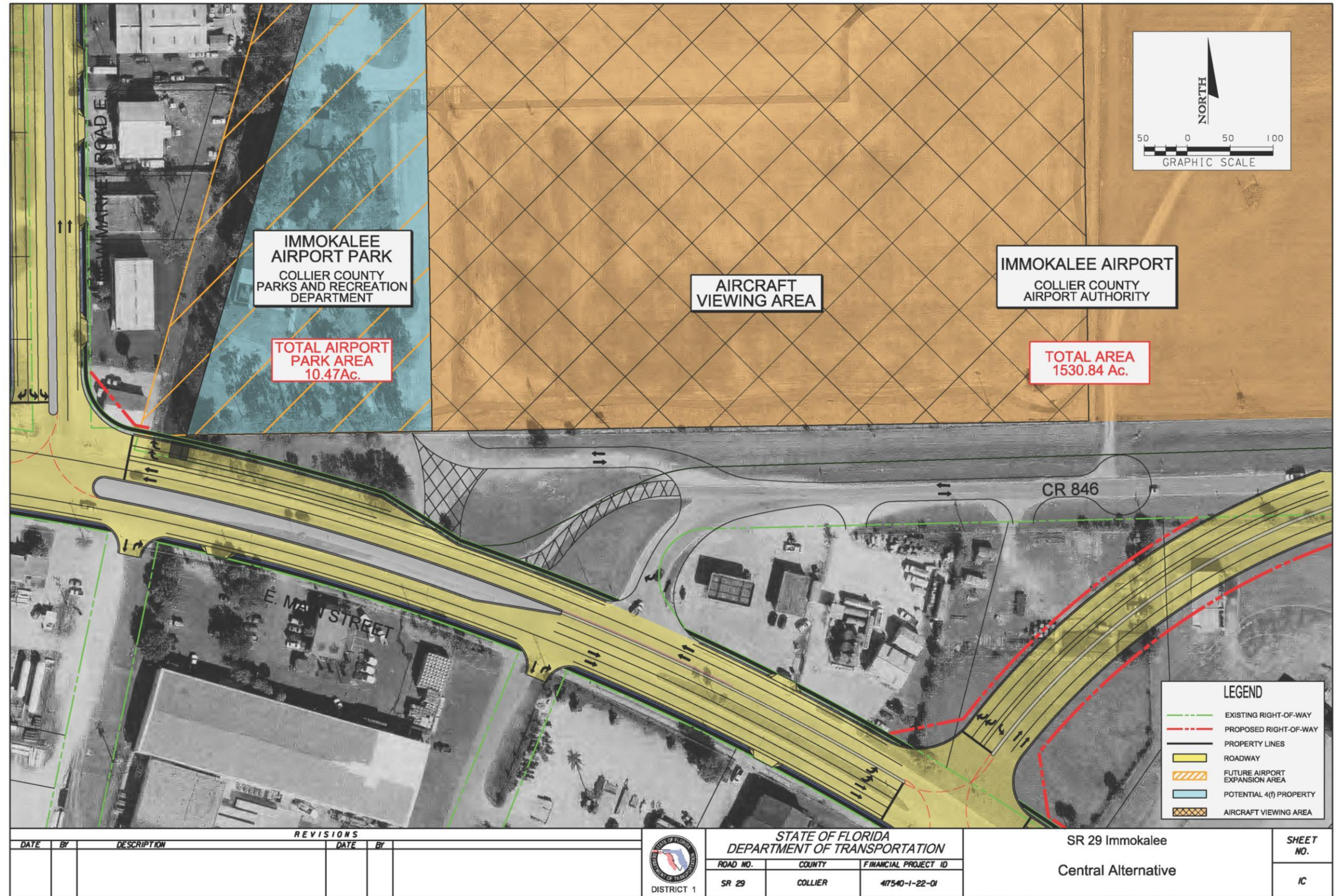
SR 29 Immokalee Existing Alternative
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**FIGURE 3-1**  
**SR 29 EXISTING ALTERNATIVE POTENTIAL**  
**IMPACT TO IMMOKALEE AIRPORT PARK**





REVISIONS					
DATE	BY	DESCRIPTION	DATE	BY	DESCRIPTION



STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION		
ROAD NO.	COUNTY	FINANCIAL PROJECT ID
SR 29	COLLIER	417540-1-22-01

SR 29 Immokalee Central Alternative	SHEET NO. IC
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**FIGURE 3-2**  
**SR 29 CENTRAL ALTERNATIVE POTENTIAL**  
**IMPACT TO IMMOKALEE AIRPORT PARK**



**5. Description and location of all existing and planned facilities.**

The Immokalee Airport Park is a long narrow parcel bordered by a drainage canal to the west and the Immokalee Airport to the east. A continuous 6-foot chain-link fence surrounds the park and adjacent “aircraft viewing area”. The fence separates the park from adjacent non-recreational use. The portion of the park designed to support active use is contained within the southern half of the site. The fencing limits access to the park to one entrance located at the north end of the active use area. No access to the park is provided from SR 29.

Within the park two pavilions, an amphitheater, restrooms, and a children’s playground form the center of activity, see **Photo 3-1**. Open space containing picnic tables and benches occupies the eastern edge of the park. Within the larger fenced area, the airport has developed an “aircraft viewing area” which rests adjacent to the park on airport property. The amenities provided within the viewing area are limited to a jogging trail and benches. A memorandum of understanding (MOU) has been developed between the Airport Authority and Parks Department that provides for the maintenance of the viewing area. No plans to expand or abandon the Airport Park are provided in the Collier County Parks Master Plan. However, the Immokalee Airport Master Plan shows an area of “Future Property Acquisition” which includes the park area.

**PHOTO 3-1  
IMMOKALEE AIRPORT PARK**



**6. Access and usage.**

The Airport Park is accessible at no fee to the general public. Access to the park is provided on the north side of the facility through a single gate located adjacent to the gravel parking area. The park is not accessible from SR 29. Access can only be gained by traveling on New Market Road. As part of the two alternatives, the intersection of CR 846 at SR 29 will be realigned. This alteration in roadway configuration will occur just south of the Airport Park. Preliminary design shows opportunity for the provision of additional access to the park at the realigned intersection. Further coordination during design will need to occur to identify the need for additional park access.

The park is designed to support active recreational activity. Two pavilions, an amphitheater, restrooms, and a children’s playground form the primary recreation space. The park supports non-structured recreational activity as well as special events. Based on county staff interviews, the park is heavily used by residents.

**7. Relationship to other similarly used lands in the vicinity.**

The Immokalee Airport Park is one of several public recreation facilities located within the Immokalee area. The park is located adjacent to the Immokalee Airport “Aircraft Viewing Area”. The viewing area is a feature present on Immokalee Airport property dedicated to recreational use though not termed as a park based on Federal Aviation Administration rules. Both the viewing area and the park serve to facilitate public recreation. The Immokalee Sports Complex is located less than one-half mile west of the Airport Park. The sports complex provides access to baseball and football fields, as well as, basketball and tennis courts. The planned 1<sup>st</sup> Street and 9<sup>th</sup> Street Plazas will be, once constructed, within 1 mile of the Airport Park. The 9<sup>th</sup> Street Plaza will support much of the same activity as the airport park to include an amphitheater and children’s playground. These multiple public spaces work together to provide recreational opportunity for the residents of, and visitors to, Immokalee.

**8. Applicable clause affecting ownership, such as lease, easement, covenants, restrictions, or conditions, including forfeiture.**

There are no clauses affecting ownership or use of the park. The Immokalee Airport Park is owned and maintained by Collier County.

A memorandum of understanding (MOU) is in place between the Collier County Airport Authority and Collier County Parks and Recreation Department for the operation of the tangent “aircraft viewing area”. The “aircraft viewing area” is maintained by the Parks and Recreation Department, and is commonly misconstrued as part of the Airport Park. **Appendix B**, beginning on page B-9, contains the property card for the parcel, detailed drawing of the airport property, and copy of the MOU.

**9. Unusual characteristics of the Section 4(f) property that either reduce or enhance value of all or part of the property.**

There are no unusual characteristics associated with this resource.

**10. Statement of significance from the official who has jurisdiction over the Section 4(f) property. The significance is on the entire Section 4(f) property and not of the proposed use.**

FDOT submitted multiple requests for a Statement of Significance to the Collier County Parks and Recreation Department. Despite written requests made to the County Parks Director in, June, August, and October of 2012, no letter of response was received. In the absence of a significance statement from the Collier County Parks Department, FDOT will proceed based on the assumption that the Immokalee Airport Park **is considered a significant public resource** to the recreational opportunities within Collier County. A summary of the coordination effort is included in **Appendix B**, on page B-4.

**11. Constructive use.**

In accordance with FHWA and FTA regarding 23 CFR 774.15 Section 4(f) Constructive Use Determination, the Parks, Recreation Areas, Wildlife and Waterfowl Refuges, and Historic Sites, Final Rule, effective April 11, 2008 and the FDOT PD&E Manual, it is unlikely through indirect impact that the proposed improvements would substantially impair the function, integrity, use, access, value, or setting of the Immokalee Airport Park. However, a detailed Noise Study Report will be completed as part of the PD&E to assess potential noise impacts to sensitive receptors such as the amphitheater contained within the Airport Park. The results of this analysis will aid in the final determination of any constructive use of the property.

Overall, based on existing information, this project does not constitute a “Constructive Use” of the park within the meaning of Section 4(f) for the following reasons:

1. No change in ownership.
2. The proximity impacts by the project would not substantially impair the activities, features, or attributes of the park, as defined in 23 CFR 774.15(f)(5) and Chapter 13 of the PD&E Manual.
3. No temporary use of this resource is anticipated.



# *Section 4.0*

## *1<sup>ST</sup> STREET PLAZA*

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**1. A detailed map or drawing of sufficient scale to identify the relationship of the alternatives to the Section 4(f) property.**

The 1<sup>st</sup> Street Plaza is a planned public plaza that will occupy approximately 0.95 acres of land adjacent to the intersection of SR 29 and 1<sup>st</sup> Street.

Five roadway design alternatives are currently under consideration for the improvement of SR 29 in Immokalee. Based on preliminary design of the proposed alternatives, the Existing SR 29 Alternative, East Alternative #1, and East Alternative #2 will directly impact the 1<sup>st</sup> Street Plaza. The design variants associated with each alternative are consistent in form near the 1<sup>st</sup> Street Plaza, and do not have a differing effect on the resource.

Of the roadway alternatives proposed, the Existing SR 29 Alternative will have the greatest impact on the plaza. Preliminary design shows an impact of approximately 0.23 acres (24.2%) of the 0.95 acre site. The impacts associated with the Existing SR 29 Alternative may displace activity within the plaza, or greatly affect the intended function of the resource. See **Figure 4-1**.

East Alternative #1 and East Alternative #2 propose the same design solution for SR 29 in the vicinity of the 1<sup>st</sup> Street Plaza. The preliminary design of the SR 29 / 1<sup>st</sup> Street Intersection would impact approximately 0.03 acres (3.1%) of the planned plaza site. The impact affects one parcel located on the east side of 1<sup>st</sup> Street. This impact may require the redesign of some elements of the planned plaza. See **Figures 4-2 and 4-3**.

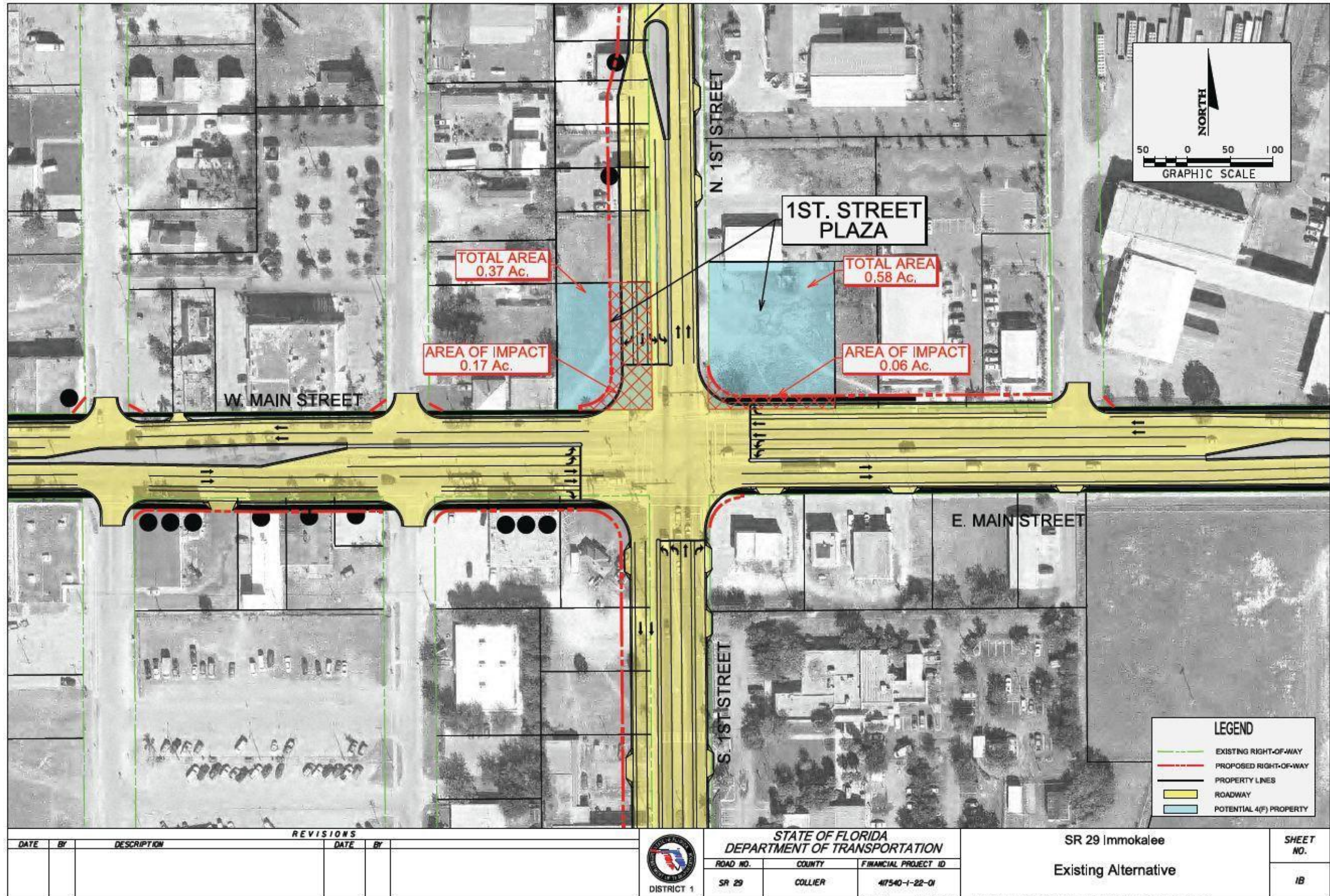
The remaining SR 29 Alternatives would have no direct effect on the 1<sup>st</sup> Street Plaza.

**Figures 4-1, 4-2, and 4-3** display the location of the plaza in relation to the proposed roadway improvements.

**2. Size and location of the affected Section 4(f) property.**

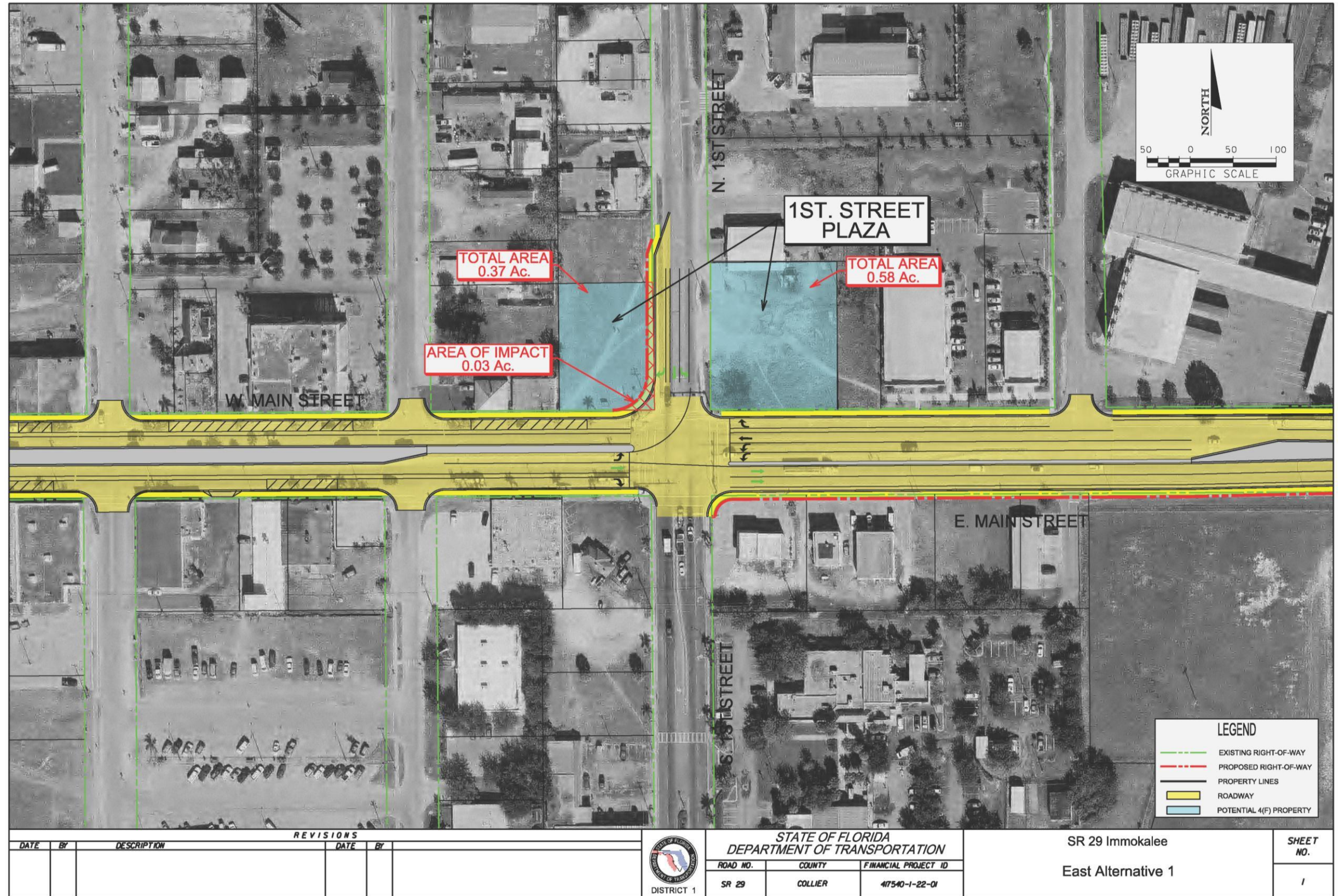
The 1<sup>st</sup> Street Plaza is planned to be located on the north side of the intersection of SR 29 and 1<sup>st</sup> Street. The plaza will incorporate two parcels that occupy in total approximately 0.95 acres.





**FIGURE 4-1**  
**EXISTING SR 29 ALTERNATIVE POTENTIAL**  
**IMPACT TO THE PLANNED 1<sup>ST</sup> STREET PLAZA**





REVISIONS					
DATE	BY	DESCRIPTION	DATE	BY	



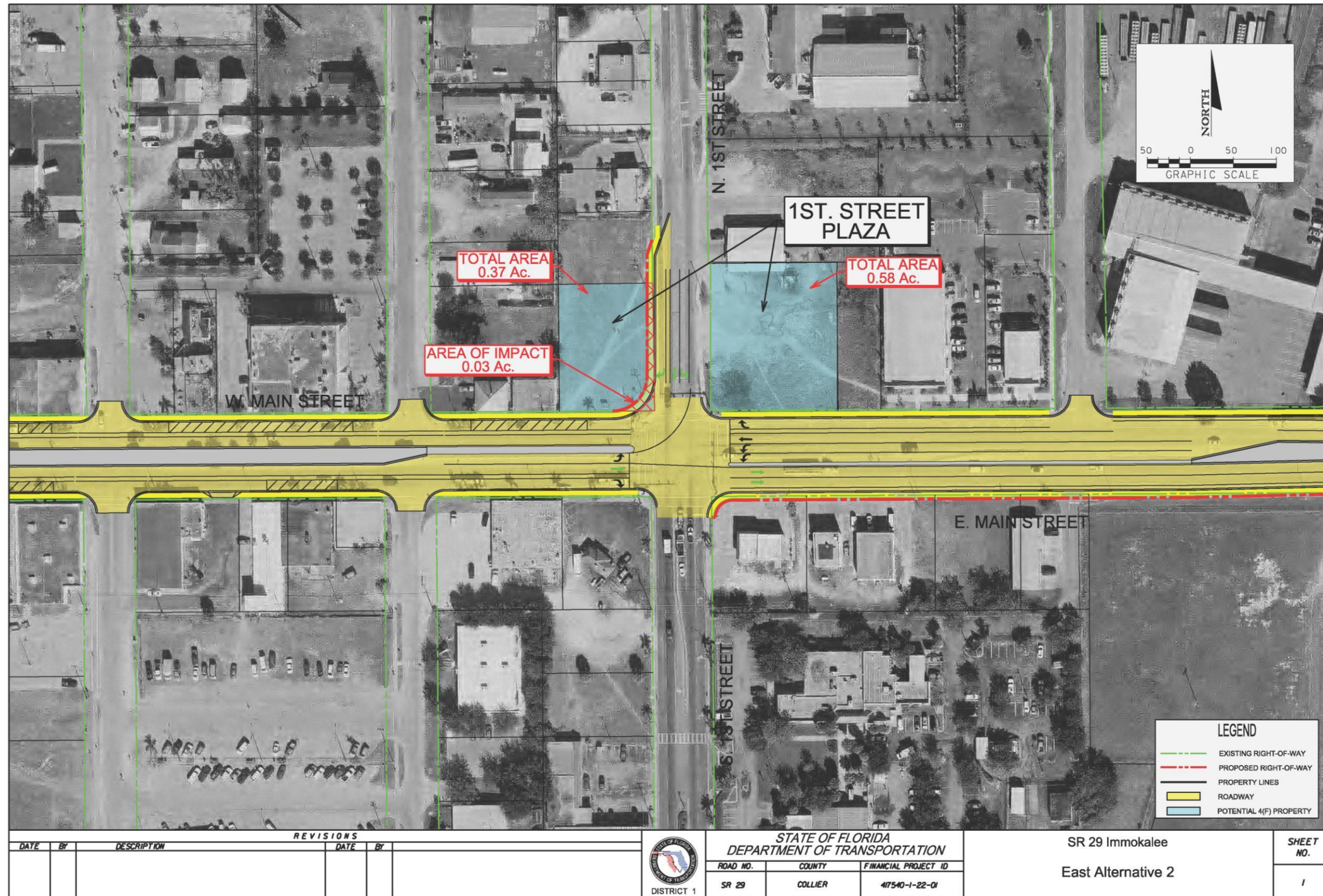
STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION		
ROAD NO.	COUNTY	FINANCIAL PROJECT ID
SR 29	COLLIER	417540-1-22-01

SR 29 Immokalee East Alternative 1	SHEET NO. 1
---------------------------------------	----------------

3/28/2013 8:25:27 AM G:\SR 29 Immokalee\Final Locher March 2013\0 East Alternative 1.dgn

**FIGURE 4-2  
EAST ALTERNATIVE #1 POTENTIAL  
IMPACT TO THE 1<sup>ST</sup> STREET PLAZA**





**FIGURE 4-3**  
**EAST ALTERNATIVE #2 POTENTIAL**  
**IMPACT TO THE 1<sup>ST</sup> STREET PLAZA**



### 3. Ownership and type of Section 4(f) property.

The 1st Street Plaza is planned as a publically owned recreation area. The Collier County Community Redevelopment Agency (CRA) is in the process of acquiring the land that will support the 1st Street Plaza. Based on Collier County Property Appraiser Records, the CRA purchased the western half of the planned Plaza on April 12, 2012. Interviews with CRA staff confirm that the CRA is actively working to acquire the parcel needed to support the eastern half of the Plaza. See **Appendix C**, beginning on page C-6, for copies of the property cards and deeds for the area of the planned plaza currently in county ownership

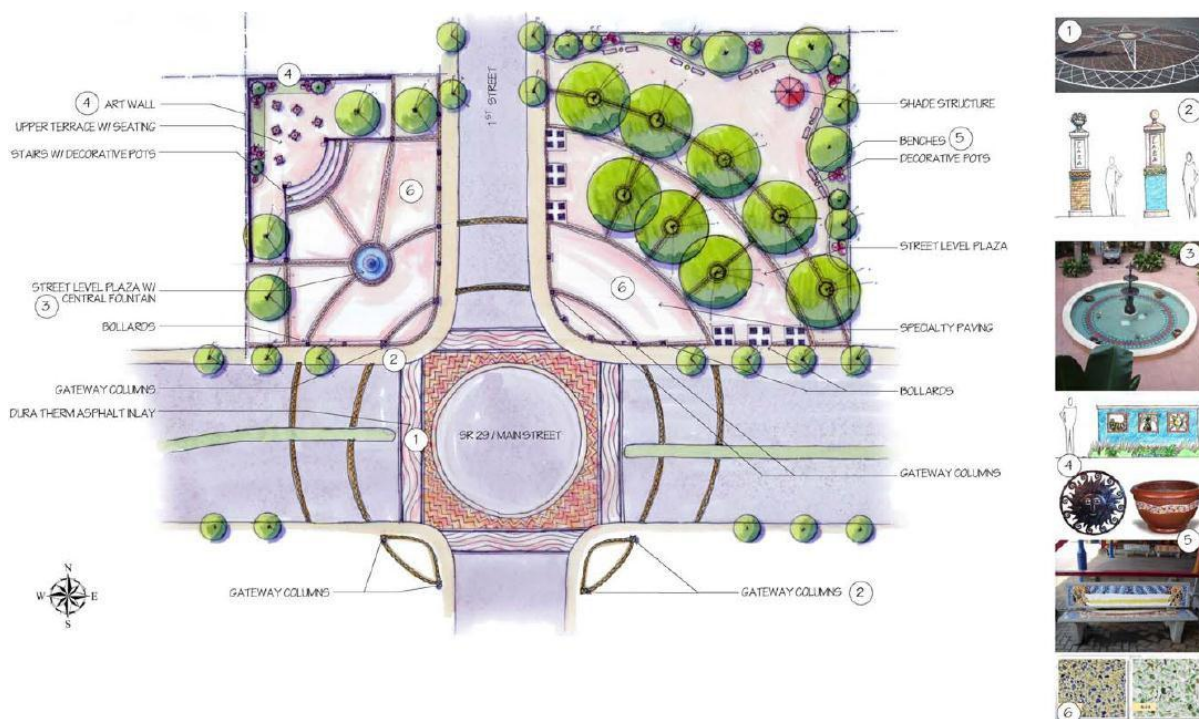
### 4. Function of or available activities on the property.

The plaza's conceptual design developed as part of the Immokalee Public Realm Plan establishes passive recreation as the primary use within the 1<sup>st</sup> Street Plaza. The public space would provide benches, an art wall, and fountain. The paved plaza will include trees and a shade structure to facilitate use of the open space year-round. The plaza will serves as a marker at the eastern edge of Downtown Immokalee. As open space located downtown, the park is intended to support special public events.

### 5. Description and location of all existing and planned facilities.

The 1<sup>st</sup> Street Plaza is planned to occupy the two northern corners of the SR 29 / 1<sup>st</sup> Street intersection. The plaza, once constructed, will serve as a gateway to Downtown Immokalee. The plaza will include an art wall, multiple seating areas, central fountain, shade trees and structure, and multiple gateway columns. **Photo 4-1** presents a rendering of the plaza and its elements.

**PHOTO 4-1  
PLANNED 1<sup>ST</sup> STREET PLAZA**



**6. Access and usage.**

The plaza is planned to be accessible to the general public at no fee. The site is designed to support specific activities such as the public display of art. The seating areas and shade structures are intended to facilitate interaction among the plaza patrons. The Immokalee Public Realm Plan, which presents the conceptual design of the plaza, describes the intention to use of the park in support of special events.

Heavy pedestrian traffic in the vicinity of the plaza was noted in the public realm plan. Much of the public space along SR 29 in Immokalee supports frequent use. It is assumed the 1<sup>st</sup> Street Plaza will be utilized in a similar manner.

Note that the plaza is planned to support only pedestrian and bicyclist traffic, no vehicular parking or access is provided.

**7. Relationship to other similarly used lands in the vicinity.**

The 1<sup>st</sup> Street Plaza is paired with the 9<sup>th</sup> Street Plaza to demarcate the bounds of downtown Immokalee and provide for public space in that core area. The Immokalee Airport Park is located approximately one half mile to the east of the 1<sup>st</sup> Street Plaza. The Immokalee Sports Complex is located approximately one-half mile to the northeast. The 1<sup>st</sup> Street Plaza does not support the sports related activities hosted in the adjacent parks, but does provide the same opportunity for public social interaction. The plaza will work in concert with these other resources to provide recreational opportunity for the residents of, and visitors to, Immokalee.

**8. Applicable clause affecting ownership, such as lease, easement, covenants, restrictions, or conditions, including forfeiture.**

For the portions of the plaza currently in county ownership, there are no clauses affecting ownership or use of the plaza.

**9. Unusual characteristics of the Section 4(f) property that either reduce or enhance value of all or part of the property.**

There are no unusual characteristics associated with this property.

**10. Statement of significance from the official who has jurisdiction over the Section 4(f) property. The significance is on the entire Section 4(f) property and not of the proposed use.**

FDOT requested a Statement of Significance from the Immokalee Community Redevelopment Agency for the 1<sup>st</sup> Street Plaza. A letter of response from the Immokalee CRA Director, was received on June, 22, 2012, which stated that the 1<sup>st</sup> Street Plaza **is considered a significant public resource**. A copy of the letter is included in **Appendix C** beginning on page C-1.

## **11. Constructive use.**

Based on assessment of preliminary design for each alternative, Existing SR 29 Alternative, East Alternative #1, and East Alternative #2 will directly impact the 1<sup>ST</sup> Street Plaza. The total impact associated with these alternatives will be addressed as part of the 4(f) Evaluation.

With regard to constructive use, the following applies to the No-Build Alternative and Central Alternative. In accordance with FHWA and the FTA regarding 23 CFR 774.15 Section 4(f) Constructive Use Determination, the Parks, Recreation Areas, Wildlife and Waterfowl Refuges, and Historic Sites, Final Rule, effective April 11, 2008 and the FDOT PD&E Manual, it is unlikely through indirect impact that the proposed improvements would substantially impair the function, integrity, use, access, value, or setting of the plaza. Overall, this project does not constitute a “Constructive Use” of the plaza within the meaning of Section 4(f) for the following reasons:

1. No change in ownership. The improvements would not encroach into the plaza.
2. The proximity impacts created by the project would not substantially impair the activities, features, or attributes of the plaza, as defined in 23 CFR 774.15(f)(5) and Chapter 13 of the PD&E Manual.
3. No temporary use of this resource is anticipated.

# *Section 5.0*

## *9<sup>TH</sup> STREET PLAZA*

---

**1. A detailed map or drawing of sufficient scale to identify the relationship of the alternatives to the Section 4(f) property.**

The 9<sup>th</sup> Street Plaza is a planned public plaza that will occupy approximately 1.93 acres of land adjacent to the intersection of SR 29 and 9<sup>th</sup> Street.

Five roadway design alternatives are currently under consideration for the improvement of SR 29 in Immokalee. Based on preliminary design of the proposed alternatives, the Existing SR 29 Alternative will directly impact the 9<sup>th</sup> Street Plaza. The design variants associated with the Existing SR 29 Alternative are consistent in form near the 9<sup>th</sup> Street Plaza, and do not have a differing effect on the resource.

Preliminary design of the Existing SR 29 Alternative shows that the proposed roadway will impact approximately 0.08 acres (4.15%) of the 9<sup>th</sup> Street Plaza. The impact will occur along the northern extreme of the site. Minimal revision of the site plan may be needed as a result of the impact.

The remaining SR 29 Alternatives would have no direct effect on the 9<sup>th</sup> Street Plaza.

**Figures 5-1** displays the location the plaza in relation to the proposed roadway improvements.

**2. Size and location of the affected Section 4(f) property.**

The 9<sup>th</sup> Street Plaza parcel is located on the southwest corner of the intersection of SR 29 and 9<sup>th</sup> Street. The plaza will incorporate a site that occupies approximately 1.93 acres.

**3. Ownership and type of Section 4(f) property.**

The 9<sup>th</sup> Street Plaza is planned as a publically owned recreation area. The Collier County Community Redevelopment Agency (CRA) purchased the land needed to support the 9<sup>th</sup> Street Plaza in June of 2010. See **Appendix D**, beginning on page D-6, for copies of the property card and deed for the site planned to support the plaza.

**4. Function of or available activities on the property.**

The plaza's conceptual design developed as part of the Immokalee Public Realm Plan establishes a wide range of activity within the 9<sup>th</sup> Street Plaza. The public space will provide benches, a walking path, shade trees, pond, interactive fountain, amphitheater, restrooms, great lawn, picnic area, and playground. The plaza will serve as a marker at the western edge of Downtown Immokalee. As open space located downtown, the park is intended to support special public events.





FIGURE 5-1  
EXISTING SR 29 ALTERNATIVE POTENTIAL  
IMPACT TO 9<sup>TH</sup> STREET PLAZA



## 5. Description and location of all existing and planned facilities.

The 9<sup>th</sup> Street Plaza is planned to occupy the southwest corner of the SR 29 / 9<sup>th</sup> Street intersection. The plaza, once constructed, will serve as a gateway to downtown Immokalee. The plaza will include benches, a walking path, shade trees, pond, interactive fountain, amphitheater, restrooms, great lawn, picnic area, and playground. **Photo 5-1** presents a rendering of the plaza and its elements.

**PHOTO 5-1  
PLANNED 9<sup>TH</sup> STREET PLAZA**



## 6. Access and usage.

The plaza is planned to be accessible to the general public at no fee. The site is designed to support specific activities such as picnicking and open air theater. The seating areas and shade structures are intended to facilitate interaction among the plaza patrons. The Immokalee Public Realm Plan, which presents the conceptual design of the plaza, describes the intention to use of the park in support of special events. Parking for motorized vehicles will be located at the west end of the plaza, and accessed via Boston Avenue. Pedestrian and bicycle traffic access will be provided on SR 29, 9<sup>th</sup> Street, and Boston Avenue.

Heavy pedestrian traffic in the vicinity of the plaza was noted in the public realm plan. Much of the public space along SR 29 in Immokalee supports frequent use. It is assumed the 9<sup>th</sup> Street Plaza will be utilized in a similar manner.

**7. Relationship to other similarly used lands in the vicinity.**

The 9<sup>th</sup> Street Plaza is paired with the 1<sup>st</sup> Street Plaza to demarcate the bounds of downtown Immokalee and provide for public space in that core area. The Immokalee Airport Park is located approximately one mile east of the 9<sup>th</sup> Street Plaza. The Immokalee Sports Complex is located approximately one mile to the northeast. The 9<sup>th</sup> Street Plaza supports many of the same activities supported by the airport park. The plaza will work in concert with these other resources to provide recreational opportunity for the residents of, and visitors to, Immokalee.

**8. Applicable clause affecting ownership, such as lease, easement, covenants, restrictions, or conditions, including forfeiture.**

There is no clause affecting ownership or use of the plaza. The 9<sup>th</sup> Street Plaza is owned and maintained by the Collier County CRA.

**9. Unusual characteristics of the Section 4(f) property that either reduce or enhance value of all or part of the property.**

There are no unusual characteristics associated with this property.

**10. Statement of significance from the official who has jurisdiction over the Section 4(f) property. The significance is on the entire Section 4(f) property and not of the proposed use.**

FDOT requested a Statement of Significance from the Immokalee Community Redevelopment Agency for the 9<sup>th</sup> Street Plaza. A letter of response from the Immokalee CRA Director, was received on June 22, 2012, which stated that the 9<sup>th</sup> Street Plaza **is considered a significant public resource**. A copy of the letter is included in **Appendix D** beginning on page D-1.

**11. Constructive use.**

Based on assessment of the preliminary design for each alternative, the Existing SR 29 Alternative will directly impact the 9<sup>th</sup> Street Plaza. The total impact associated with this alternative will be addressed as part of the 4(f) Evaluation.

With regard to constructive use, the following applies to the No-Build Alternative, Central Alternative, East Alternative #1, and East Alternative #2. In accordance with FHWA and the FTA regarding 23 CFR 774.15 Section 4(f) Constructive Use Determination, the Parks, Recreation Areas, Wildlife and Waterfowl Refuges, and Historic Sites, Final Rule, effective April 11, 2008 and the FDOT PD&E Manual, it is unlikely through indirect impact that the proposed improvements would substantially impair the function, integrity, use, access, value, or setting of the plaza. However, a detailed Noise Study Report will be completed as part of the PD&E study to assess potential noise impacts to sensitive receptors such as the planned amphitheater contained within the 9<sup>th</sup> Street Plaza. The results of this analysis will aid in the final determination of any constructive use of the property.

Overall, based on existing information, this project does not constitute a “Constructive Use” of the plaza within the meaning of Section 4(f) for the following reasons:

1. No change in ownership. The improvements would not encroach into the plaza.
2. The proximity impacts created by the project would not substantially impair the activities, features, or attributes of the plaza, as defined in 23 CFR 774.15(f)(5) and Chapter 13 of the PD&E Manual.
3. No temporary use of this resource is anticipated.

***APPENDIX A***

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**Collier Rural Lands Stewardship Sending Area #5**



## Florida Department of Transportation

RICK SCOTT  
GOVERNOR

801 North Broadway Avenue  
Bartow, FL 33830

ANANTH PRASAD, P.E.  
SECRETARY

June 18, 2012

Mr. Nick Casalanguida  
Administrator  
Collier County Growth Management Division  
2800 North Horseshoe Drive  
Naples, FL 34104

**Subject: Stewardship Sending Area #5  
SR 29 Collier County PD&E Study  
From Oil Well Road to SR 82, Collier County, Florida  
Financial Project ID: 417540-1-22-01**

Mr. Casalanguida,

The Florida Department of Transportation (FDOT) is conducting a Project Development and Environment (PD&E) Study for the improvement of SR 29 from Oil Well Road to SR 82 in Collier County, FL.

FDOT is evaluating five roadway alternatives for State Road (SR) 29 in Immokalee, FL as displayed on the enclosed project location map (Attachment A). Currently, FDOT is engaged in a data collection effort that will be used in an alternatives analysis of the PD&E Study alternatives. Subsequent phases of the PD&E Study will then determine which of the proposed alternatives will be advanced to the design phase of project development. If an alternative is selected that may potentially impact SSA #5, further coordination between the FDOT and controlling agency will occur.

Collier Rural Land Stewardship Sending Area (SSA) #5 has been identified as a publicly held land and potential Section 4(f) resource according to the U.S. Department of Transportation Act of 1966 (49 USC 303). As part of the PD&E Study, the Federal Highway Administration requires a statement of significance from an official who has jurisdiction over the subject resource. In the context of Section 4(f), significance means that in comparing the availability and function of the subject property to all similar properties within the region, the land in question plays an important role in meeting the overall objective of such resources. We believe this site **is a significant resource** as it will provide opportunity for the conservation of natural areas.

If you concur with FDOT's assessment of the significance of SSA #5, please sign and date the concurrence block on the following page and return this letter to my attention at the address listed.

Mr. Casalanguida  
Collier County Growth Management Division  
SR 29 Collier County PD&E Study  
From Oil Well Road to SR 82, Collier County, Florida  
Financial Project ID: 417540-1-22-01  
June 18, 2012  
Page 2


If you have any questions or concerns regarding the findings of this letter, please contact me at [mark.schulz@dot.state.fl.us](mailto:mark.schulz@dot.state.fl.us) or (863) 519-2357. Thank you for your assistance with this request.

Sincerely,



for

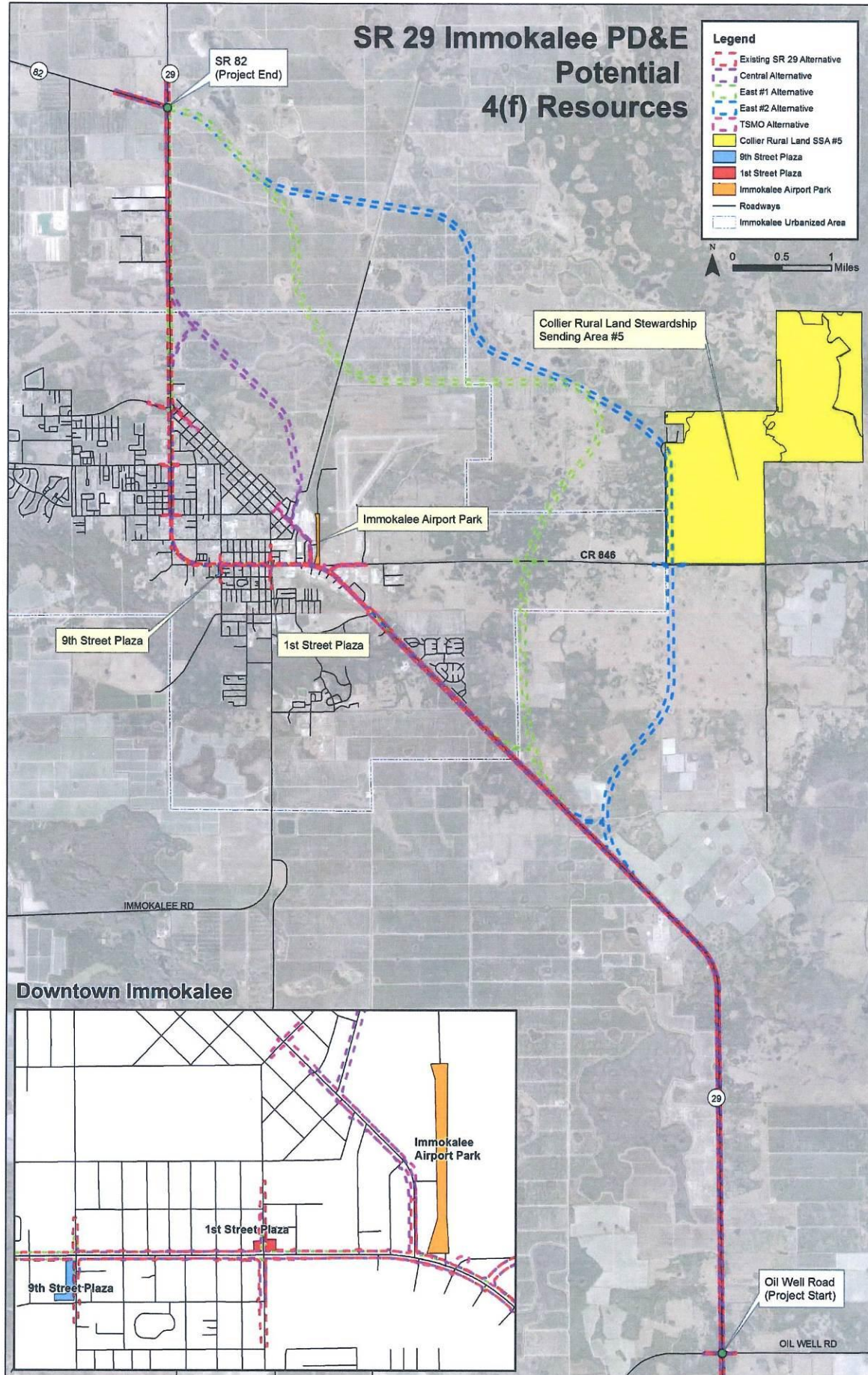
Mark A. Schulz  
Environmental Administrator  
Florida Department of Transportation  
801 North Broadway Avenue  
Bartow, Florida 33830

<b>Concurrence</b>	
	8-23-12
<i>(Signature)</i>	<i>(Date)</i>
Nick Casalanguida Administrator Collier County Growth Management Division	

Enclosure(s)

cc: Gewn Pipkin, FDOT  
Ron Gregory, URS







[Home Page](#) > [Executive Branch](#) > [Code of Federal Regulations](#) > [Electronic Code of Federal Regulations](#)



**e-CFR Data is current as of April 23, 2012**

## **Title 23: Highways**

[PART 774—PARKS, RECREATION AREAS, WILDLIFE AND WATERFOWL REFUGES, AND HISTORIC SITES \(SECTION 4\(F\)\)](#)

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### **§ 774.11 Applicability.**

- (a) The Administration will determine the applicability of Section 4(f) in accordance with this part.
- (b) When another Federal agency is the Federal lead agency for the NEPA process, the Administration shall make any required Section 4(f) approvals unless the Federal lead agency is another U.S. DOT agency.
- (c) Consideration under Section 4(f) is not required when the official(s) with jurisdiction over a park, recreation area, or wildlife and waterfowl refuge determine that the property, considered in its entirety, is not significant. In the absence of such a determination, the Section 4(f) property will be presumed to be significant. The Administration will review a determination that a park, recreation area, or wildlife and waterfowl refuge is not significant to assure its reasonableness.
- (d) Where Federal lands or other public land holdings (e.g., State forests) are administered under statutes permitting management for multiple uses, and, in fact, are managed for multiple uses, Section 4(f) applies only to those portions of such lands which function for, or are designated in the plans of the administering agency as being for, significant park, recreation, or wildlife and waterfowl refuge purposes. The determination of which lands so function or are so designated, and the significance of those lands, shall be made by the official(s) with jurisdiction over the Section 4(f) resource. The Administration will review this determination to assure its reasonableness.
- (e) In determining the applicability of Section 4(f) to historic sites, the Administration, in cooperation with the applicant, will consult with the official(s) with jurisdiction to identify all properties on or eligible for the National Register of Historic Places (National Register). The Section 4(f) requirements apply to historic sites on or eligible for the National Register unless the Administration determines that an exception under §774.13 applies.
- (1) The Section 4(f) requirements apply only to historic sites on or eligible for the National Register unless the Administration determines that the application of Section 4(f) is otherwise appropriate.
- (2) The Interstate System is not considered to be a historic site subject to Section 4(f), with the exception of those individual elements of the Interstate System formally identified by FHWA for Section 4(f) protection on the basis of national or exceptional historic significance.
- (f) Section 4(f) applies to all archeological sites on or eligible for inclusion on the National Register, including those discovered during construction, except as set forth in §774.13(b).
- (g) Section 4(f) applies to those portions of federally designated Wild and Scenic Rivers that are otherwise eligible as historic sites, or that are publicly owned and function as, or are designated in a management plan as, a significant park, recreation area, or wildlife and waterfowl refuge. All other applicable requirements of the Wild and Scenic Rivers Act, 16 U.S.C. 1271–1287, must be satisfied, independent of the Section 4(f) approval.

(h) When a property formally reserved for a future transportation facility temporarily functions for park, recreation, or wildlife and waterfowl refuge purposes in the interim, the interim activity, regardless of duration, will not subject the property to Section 4(f).

(i) When a property is formally reserved for a future transportation facility before or at the same time a park, recreation area, or wildlife and waterfowl refuge is established and concurrent or joint planning or development of the transportation facility and the Section 4(f) resource occurs, then any resulting impacts of the transportation facility will not be considered a use as defined in §774.17. Examples of such concurrent or joint planning or development include, but are not limited to:

(1) Designation or donation of property for the specific purpose of such concurrent development by the entity with jurisdiction or ownership of the property for both the potential transportation facility and the Section 4(f) property; or

(2) Designation, donation, planning, or development of property by two or more governmental agencies with jurisdiction for the potential transportation facility and the Section 4(f) property, in consultation with each other.

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[Section 508 / Accessibility](#)



EXHIBIT 1

This instrument Prepared by:

George L. Varnadoe, Esq.  
Young, van Assenderp, Varnadoe & Anderson, P.A.  
801 Laurel Oak Drive, Suite 300  
Naples, Florida 34108-2771

Tract: BCI SSA 5

STEWARDSHIP EASEMENT AGREEMENT

THIS STEWARDSHIP EASEMENT is granted this 7<sup>th</sup> day of September 2004, by Barron Collier Investments, Ltd., a Florida Limited Partnership ("BCI"), whose address is 2600 Golden Gate Parkway, Naples, Florida 34105, hereinafter called "Grantor," to Collier County, a political subdivision of the State of Florida, and Florida Department of Agriculture and Consumer Affairs, hereinafter collectively called the "Grantees".

RECITALS

- A. Grantor is the owner of approximately 1852.3 acres of land situated in Collier County, Florida, and more specifically described in Exhibit "A" attached hereto and incorporated herein by reference (hereinafter "Property" or "BCI SSA 5").
- B. Grantor and Collier County entered into a Stewardship Sending Area Credit Agreement (ASSA Agreement) dated Sept 7, 2004, which designated the Property "BCI Stewardship Sending Area 5" ("BCI SSA 5"). This 1852.3 acre parcel, as legally described in Exhibit "A," has been designated as a Stewardship Sending Area "SSA" in accordance with Section 2.2.27.9. of the Collier County Land Development Code ("LDC") (UDC Section 4.08.06). The Property is depicted on Exhibit "B."
- C. The SSA Agreement and Section 2.2.27.9.C.8 of the LDC (UDC Section 4.08.06(C)(8)) require Grantor to provide a perpetual Stewardship Easement identifying the specific land management measures for BCI SSA 5 and the party responsible for such measures.
- D. In exchange for the designation of the Property as SSA, the County has granted and assigned to Grantor two thousand nine hundred thirty eight and three-tenths (2938.3) Stewardship Credits which will allow Grantor to entitle three hundred sixty seven and twenty-nine hundredths (366.29) acres for development within the Rural Lands Stewardship Area District.

UK: 5004 PG: 1490

- E. The purposes of this Stewardship Easement are: (1) to designate the allowed uses of the Property consistent with the terms of the SSA Agreement; (2) to identify specific land management measures and the party responsible for land management; and (3) to provide for the enforcement of the Stewardship Easement.

NOW, THEREFORE, in consideration of the designation of the Property as Stewardship Sending Area, together with other good and valuable consideration, the adequacy and receipt of which are hereby acknowledged, Grantor hereby grants, creates, conveys and establishes a perpetual nonexclusive Stewardship Easement for and in favor of the Grantees upon the property described in Exhibit "A," which shall run with the land and be binding upon the Grantor, its successors and assigns and shall remain in full force and effect forever. It is agreed as follows:

1. The recitals and exhibits are incorporated by reference as if repeated verbatim herein.
2. BCI SSA 5 is legally described in Exhibit "A" and is depicted on Exhibit "B." The following previously permitted and conditional land uses are hereby eliminated from BCI SSA 5 land and the Property is henceforth prohibited from being used for the following:
  - A. Residential Land Uses, also described as Land Use Layer 1.
  - B. General Conditional Uses, also described as Land Use Layer 2.
  - C. Earth Mining and Processing Uses, also described as Land Use Layer 3.
  - D. Recreational Uses, also described as Land Use Layer 4.
  - E. Agriculture - Group 1, also described as Land Use Layer 5.
  - F. Agriculture - Support Uses, also described as Land Use Layer 6.All Land Use Layers are defined in Section 2.2.27.9.B.4. of the LDC (UDC Section 4.08.06(B)(4)).
3. Grantor reserves all rights as owner of the Property, including the right to engage in uses of the Property that are not inconsistent with the Agreement or the intent and purposes of this Stewardship Easement. Grantor may use the BCI SSA 5 only for the following land uses:
  - A. Conservation, Restoration, and Natural Resources Uses are allowed on all of the Property, including the specifics thereof set forth in Section 2.2.27.9.B.4.b of the LDC (UDC Section 4.08.06(B)(4)(b)).
  - B. BCI SSA 5 land, may also be used for Agriculture - Group 2 (Land Use Layer 7) as defined in Section 2.2.27.9.B.4. of the LDC (UDC Section 4.08.06(B)(4)).



Agriculture – Group 2 uses cannot be expanded beyond existing areas or areas for which permits exist as of the date of SSA designation of said lands.

- C. Owner retains the right to construct and maintain farm and ranch roads to access its lands within BCI SSA 5 for the purposes retained herein.
4. The Grantees shall have the right to enjoin any activity on or use of the Property that is inconsistent with this Stewardship Easement and to enforce the restoration of such areas or features of the Property that may be altered by any inconsistent activity or use.
  5. The following land management measures shall be undertaken as to BCI SSA 5 and the Owner of the fee title to the Property shall be the party responsible for such measures:  

In BCI SSA 5, on which Agriculture – Group 2 uses are the only remaining agricultural uses, land management measures will be those customarily utilized in ranching operations in Southwest Florida. These customary measures may include prescribed burning, mechanical brush control ("chopping") and other exotic and nuisance species control, fence construction and maintenance, selective thinning of trees, and ditch and ranch road maintenance.
  6. Grantees shall not be responsible for any costs or liabilities related to the operation of or land management measures for the Property.
  7. Grantor shall pay any and all real property taxes and assessments levied by competent authority on the Property.
  8. References to the LDC are to those provisions of Section 2.2.27. of the Collier County Land Development Code in existence as of the date of this Stewardship Easement Agreement and those LDC provisions shall control as to all rights, obligations, implementation, entitlements, land uses eliminated and permitted, and interpretations, requirements, or issues relating thereto, notwithstanding any future amendments thereto.
  9. Enforcement of the terms and provisions of the Stewardship Easement shall be at the reasonable discretion of Grantees, or either Grantee individually, and any forbearance on behalf of Grantees, or either of them, to exercise its rights hereunder in the event of any breach hereof by Grantors, shall not be deemed or construed to be a waiver of Grantees' rights hereunder. All costs and reasonable attorneys' fees incurred in enforcing, judicially or otherwise, the terms and restrictions of this Stewardship Easement shall be borne by and recoverable against the non-prevailing party in such proceedings.
  10. Grantees will hold this Stewardship Easement for the purposes set forth herein and to ensure compliance with the terms hereof. Grantees will not assign their rights and

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obligations under this Stewardship Easement except to another organization qualified to hold such interests under the applicable state laws.

- 11. If any provision of this Stewardship Easement or the application thereof to any person or circumstances is found to be invalid, the remainder of the provisions of this Stewardship Easement shall not be affected thereby, so long as the purpose of the Stewardship Easement is preserved.
- 12. All notices, consents, approvals or other communications hereunder shall be in writing and shall be deemed properly given if sent by United States certified mail, return receipt requested, addressed to the appropriate party or successor-in-interest.
- 13. This Stewardship Easement may be amended, altered, released or revoked only by written agreement of both Grantor and Grantees, which shall be filed in the Public Records of Collier County.

TO HAVE AND TO HOLD unto Grantees, their successors and assigns forever. These covenants, terms, conditions, restrictions and purposes imposed with this Stewardship Easement shall not only be binding upon Grantor, but also its successors and assigns, and shall continue as a servitude running in perpetuity with the Property.

Grantor hereby covenants with Grantees that Grantor is lawfully seized of the Property in fee simple; that the Property is free and clear of all encumbrances; that Grantor has good right and lawful authority to convey this Stewardship Easement; and that Grantor hereby fully warrants title to the Stewardship Easement hereby conveyed and will defend same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has hereunto set its hand and seal the 7<sup>th</sup> day of September, 2004.

OR: 3664 PG: 1493

BARRON COLLIER INVESTMENTS, LTD.,  
A Florida Limited Partnership

By: *Paul J. Marinelli*  
Paul J. Marinelli  
Administrative Agent

WITNESSES:

*Carolyn A. Shaw*  
(Signature)  
CAROLYN A. SHAW  
(Print full name)

*Diane L. Vigneri*  
(Signature)  
DIANE L. VIGNERI  
(Print full name)



BARRON COLLIER INVESTMENTS, LTD.,  
A Florida Limited Partnership

WITNESSES:


Carolyn A. Shaw  
(Signature)  
CAROLYN A. SHAW  
(Print full name)

DiDNE L. VIGNECI  
(Signature)  
DIANE L. VIGNECI  
(Print full name)

By: Katherine G. Sproul  
Katherine G. Sproul, Trustee  
Juliet C. Sproul Testamentary Trust  
a General Partner

STATE OF FLORIDA  
COUNTY OF COLLIER


The foregoing Stewardship Easement Agreement was executed before me this 7<sup>th</sup> day of September, 2004, by PAUL J. MARINELLI, as Administrative Agent of BARRON COLLIER INVESTMENTS, LTD.

 Susan L. Maturo  
My Commission DD343616  
Expires October 15, 2008

Susan L. Maturo  
Notary Public  
Name SUSAN L. MATURO  
Certificate No. DD 343616  
My Commission expires 10/15/08

STATE OF FLORIDA  
COUNTY OF COLLIER

The foregoing Stewardship Easement Agreement was executed before me this 7<sup>th</sup> day of September, 2004, by KATHERINE G. SPROUL, as Trustee of the Juliet C. Sproul Testamentary Trust, a General Partner of BARRON COLLIER INVESTMENTS, LTD.

 Susan L. Maturo  
My Commission DD343616  
Expires October 15, 2008

Susan L. Maturo  
Notary Public  
Name SUSAN L. MATURO  
Certificate No. DD 343616  
My Commission expires 10/15/08

OR: 3664 PG: 1494

GRANTEES' ACCEPTANCE OF STEWARDSHIP EASEMENT

Grantees, Collier County, Florida and the Florida Department of Agriculture and Consumer Affairs, by and through their undersigned representatives, hereby acknowledge and accept the Grantees' duties and responsibilities as specified in this Stewardship Easement Agreement.

FLORIDA DEPARTMENT OF AGRICULTURE  
AND CONSUMER AFFAIRS

By: Mike Gresham  
Its: Director of Administration

WITNESSES:

Angelina B. Rains

(Signature)

Angelina B. Rains

(Print full name)

John W. Costigan

(Signature)

John W. Costigan

(Print full name)

STATE OF FLORIDA  
COUNTY OF LEON

The foregoing Agreement was executed before me this 4th day of Oct, 2004, by Mike GRESHAM, as Director of Admin of the Florida Department of Agriculture and Consumer Affairs.

Karen A. Meyer  
Notary Public

Name KAREN A. MEYER

Certificate No. # 00949622

My Commission expires 10/20/2004



Karen A. Meyer  
MY COMMISSION # CC949622 EXPIRES  
October 20, 2004  
BONDED THRU TROY FAIN INSURANCE, INC.

OR: 3664 PG: 1495



ATTESTED TO BY

by: Tim Brock D.C.  
DWIGHT E. BROCK, CLERK

Attest as to Chairman's  
Signature and  
LEGAL SUFFICIENCY:

Patrick G. White

By: PATRICK G. WHITE  
ASSISTANT COUNTY ATTORNEY

BOARD OF COUNTY COMMISSIONERS  
COLLIER COUNTY, FLORIDA

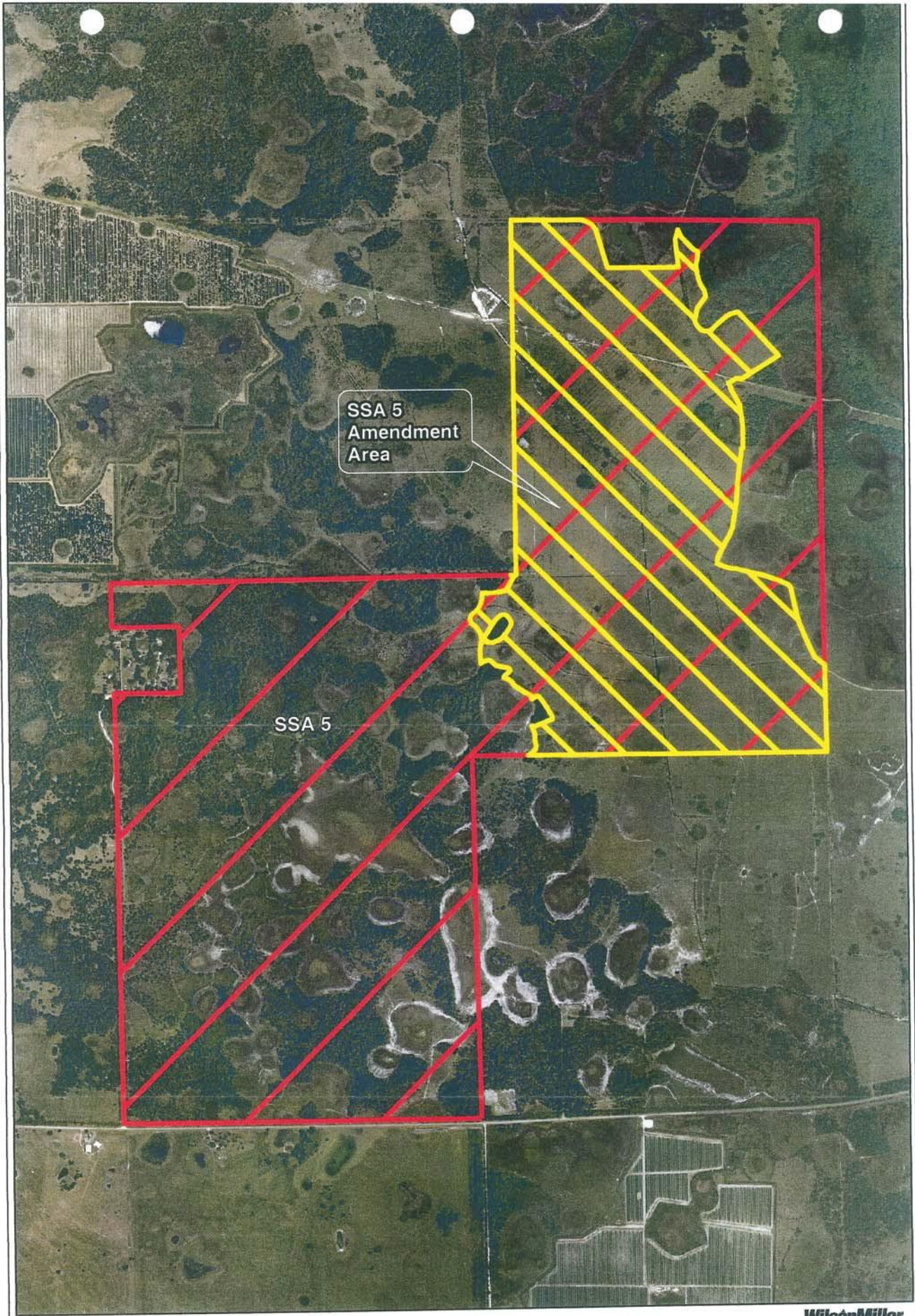
By:

Donna Fiala

DONNA FIALA, Chairman

OR: 3664 PG: 1496





**SSA 5 Amendment Area**  
Aerial View

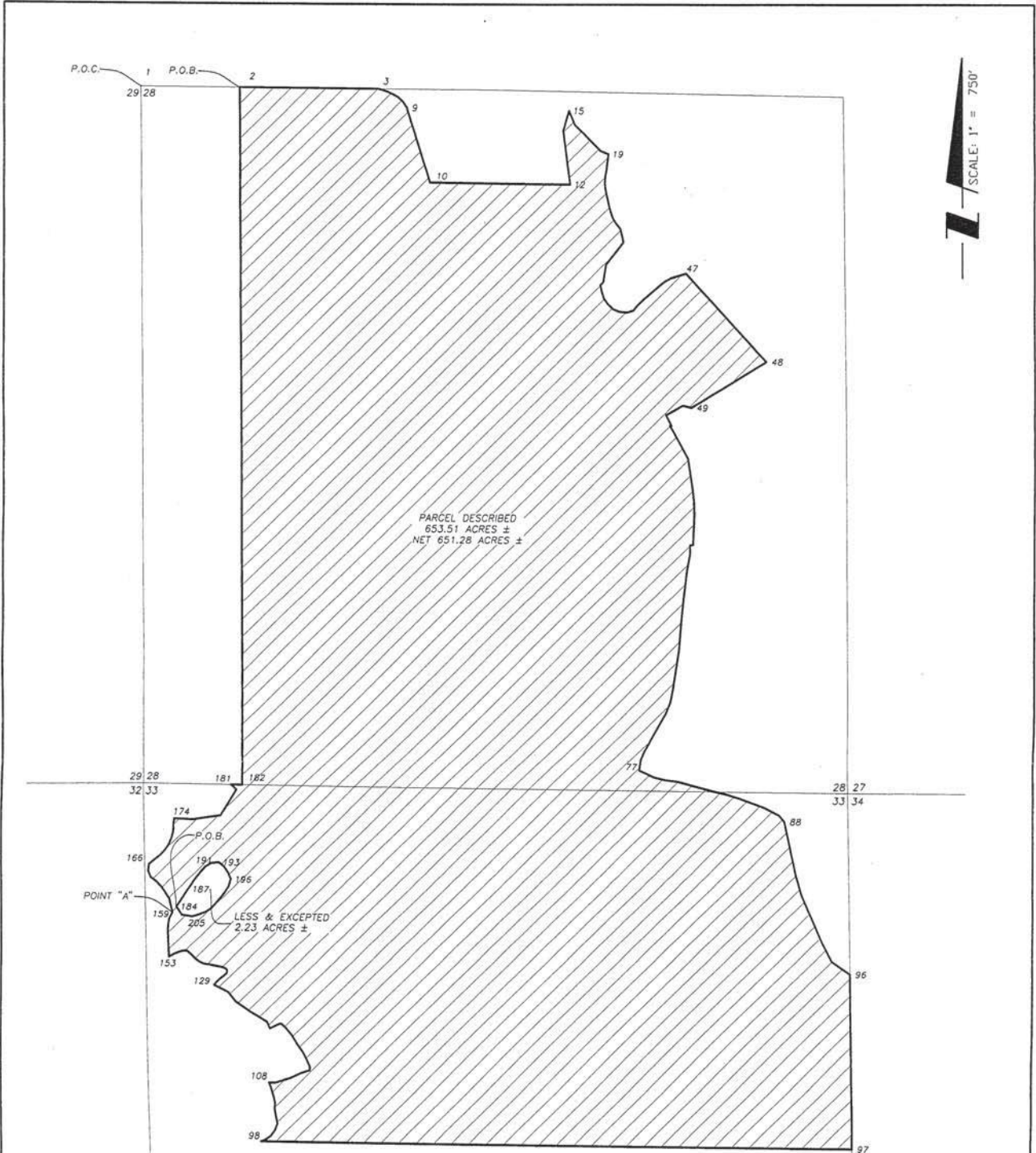
Figure 2



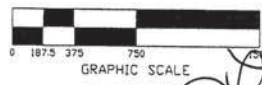
- Legend**
- ▬ SSA Boundary
  - ▨ SSA 5 Amendment Area

**WilsonMiller**  
 civil engineers in planning, design & engineering  
 2200 Bailey Lane, Suite 200  
 Houston, Texas 77058  
 Phone: (281) 648-6000 Fax: (281) 643-6718  
 www.wilsonmiller.com





- GENERAL NOTES:
- 1) REFER TO LEGAL DESCRIPTION FOR COORDINATES TO POINTS SHOWN HEREON.
  - 2) POINTS SHOWN ARE SEQUENTIAL. INTERMEDIATE POINTS ARE OMITTED FOR CLARITY AND ARE LISTED IN THE LEGAL DESCRIPTION.
  - 3) BEARINGS ARE BASED UPON THE NORTH LINE OF SECTION 28, TOWNSHIP 46 SOUTH, RANGE 30 EAST, COLLIER COUNTY FLORIDA, BEING SOUTH 89°37'53" EAST.
  - 4) NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
  - 5) CERTIFICATE OF AUTHORIZATION #LB-43
  - 6) SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.
  - 7) THIS SKETCH MAY HAVE BEEN REDUCED.
  - 8) SEE ATTACHED FOR LEGAL DESCRIPTION



*[Signature]*  
 LANCE T. MILLER, P.S.M. L.S.#5627

12/29/04  
 DATE

NOT VALID UNLESS SIGNED BY THE SURVEYOR AND SEALED WITH THE SURVEYOR'S EMBOSSED SEAL.  
 CERTIFICATE OF AUTHORIZATION # LB-43

\*\*\* NOT A SURVEY \*\*\*

DEC 28, 2004 - 15:51:33 - GRANDVIEW\BUND\228\1545 RESTRICTION AREA.dwg

**WilsonMiller**  
 Surveyors - Engineers - Drafters - Surveyors - Landscape Architects - Transportation Consultants  
 WilsonMiller, Inc.  
 2000 Baker Lane, Suite 202 - Naples, Florida 34109-4007 - Phone 239-949-0200 - Fax 239-949-0201 - Web Site www.wilsonmiller.com

ACTIVITY	INITIALS/EMP. NO.	DATE
RESEARCH		
FIELD WORK/DRAW SHEET		
DRAWN	GPRL/7857	12/24
CHECKED BY		
FIELD BOOK/PAGE		

TITLE	DATE	CLIENT
SKETCH OF DESCRIPTION	2/2004	AVE MARIA
PART OF SECTIONS 28 & 33, TOWNSHIP 46 SOUTH, RANGE 30 EAST, COLLIER COUNTY, FLORIDA	SCALE: 1"=750'	

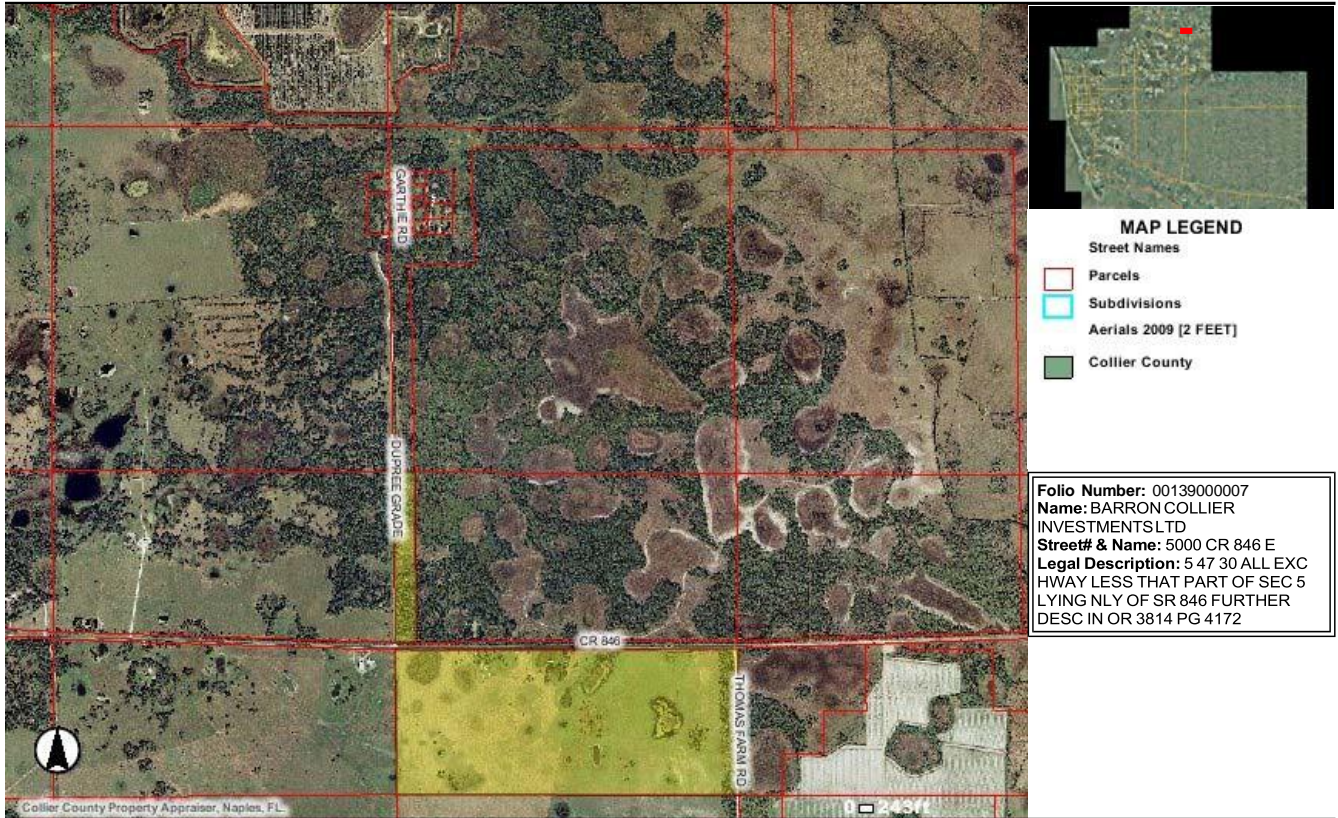
PROJECT NUMBER/FIL NO.	SHEET NO.	TOTAL SHEETS
03786-002-001	1 of 1	2/88

<b>Property Record</b>	<b>Sketches</b>	<b>Trim Notices</b>			
<b>Current Ownership</b>					
Parcel No. <b>0013900007</b>		Property Address <b>5000 CR 846 E</b>			
Owner Name <b>BARRON COLLIER INVESTMENTS LTD</b>					
Addresses <b>2600 GOLDEN GATE PKWY STE 200</b>					
City <b>NAPLES</b>		State <b>FL</b>	Zip <b>34105 - 3227</b>		
Legal	<b>5 47 30 ALL EXC HWAY LESS THAT</b> <b>PART OF SEC 5 LYING NLY OF SR</b> <b>846 FURTHER DESC IN OR 3814</b> <b>PG 4172</b> <i>*For more than four lines of Legal Description please call the Property Appraiser's Office.</i>				
Section <b>05</b>	Township <b>47</b>	Range <b>30</b>	Acres <b>*Acreage</b> <b>316.58</b>	Map No. <b>2F05</b>	Strap No. <b>473005 001.0002F05</b>
<b>Millage Rates</b>					
Sub No. <b>100</b>	<b>ACREAGE HEADER</b>	<b>Millage Area</b> <b>243</b>	School <b>5.527</b>	Other <b>7.9017</b>	Total <b>13.4287</b>
Use Code <b>60</b>	<b>AGRICULTURAL</b>				
<a href="#">*See Instructions for Calculations</a>					
<b>2011 Certified Tax Roll</b> (Subject to Change)			<b>Latest Sales History</b>		
<i>If all Values shown below equal 0 this parcel was created after the Final Tax Roll</i>					
Land Value	<b>\$ 1,018,610.00</b>	Date	Book - Page	Amount	
(+) Improved Value	<b>\$ 65,768.00</b>	12 / 1998	<b>2493 - 2779</b>	<b>\$ 14,417,500.00</b>	
(-) Market Value	<b>\$ 1,084,378.00</b>	06 / 1982	<b>975 - 674</b>	<b>\$ 0.00</b>	
(-) SOH Exempt Value & Other Exemptions	<b>\$ 961,820.00</b>	09 / 1980	<b>884 - 1432</b>	<b>\$ 0.00</b>	
(-) Assessed Value	<b>\$ 122,558.00</b>				
(-) Homestead and other Exempt Value	<b>\$ 0.00</b>				
(-) Taxable Value	<b>\$ 122,558.00</b>				
(=) School Taxable Value (Used for School Taxes)	<b>\$ 122,558.00</b>				
SOH = "Save Our Homes" exempt value due to cap on assessment increases.					

The Information is Updated Weekly.



0013900007



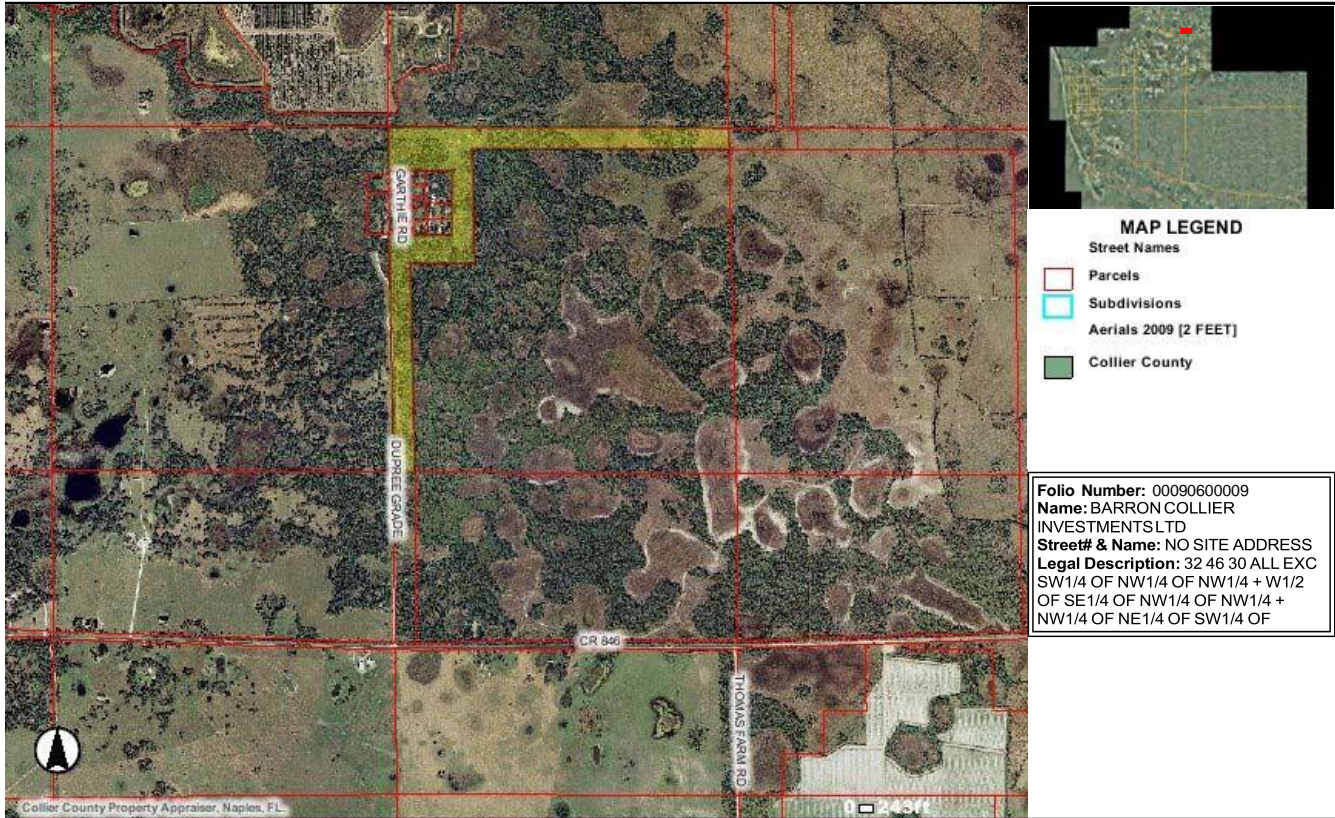
© 2004. Collier County Property Appraiser. While the Collier County Property Appraiser is committed to providing the most accurate and up-to-date information, no warranties expressed or implied are provided for the data herein, its use, or its interpretation.

<b>Property Record</b>	<b>Sketches</b>	<b>Trim Notices</b>				
<b>Current Ownership</b>						
Parcel No.	0009060009	Property Address	NO SITE ADDRESS			
Owner Name	BARRON COLLIER INVESTMENTS LTD					
Addresses	2600 GOLDEN GATE PKWY STE 200					
City	NAPLES	State	FL			
		Zip	34105 - 3227			
Legal	32 46 30 ALL EXC SW1/4 OF NW1/4 OF NW1/4 + W1/2 OF SE1/4 OF NW1/4 OF NW1/4 + NW1/4 OF NE1/4 OF SW1/4 OF *For more than four lines of Legal Description please call the Property Appraiser's Office.					
Section	Township	Range	Acres *Acreage	Map No.	Strap No.	
32	46	30	97.97	1F32	463032 001.0001F32	
<b>Millage Rates</b>						
Sub No.	100	ACREAGE HEADER	Millage Area	School	Other	Total
Use Code	60	AGRICULTURAL	243	5.527	7.9017	13.4287
<a href="#">*See Instructions for Calculations</a>						
<b>2011 Certified Tax Roll</b> (Subject to Change)			<b>Latest Sales History</b>			
If all Values shown below equal 0 this parcel was created after the Final Tax Roll						
Land Value	\$ 195,940.00	Date	Book - Page	Amount		
(+) Improved Value	\$ 0.00	12 / 1998	2493 - 2779	\$ 14,417,500.00		
(=) Market Value	\$ 195,940.00	06 / 1982	975 - 674	\$ 0.00		
(-) SOH Exempt Value & Other Exemptions	\$ 182,714.00	09 / 1980	884 - 1432	\$ 0.00		
(=) Assessed Value	\$ 13,226.00					
(-) Homestead and other Exempt Value	\$ 0.00					
(=) Taxable Value	\$ 13,226.00					
(=) School Taxable Value (Used for School Taxes)	\$ 13,226.00					
SOH = "Save Our Homes" exempt value due to cap on assessment increases.						

The Information is Updated Weekly.



0013900007



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**LDC Section 4.08.06(B)(4)(b)**

4 Land Use Layers to be Eliminated. A set of Land Use Layers has been established as part of the Stewardship Credit Worksheet and adopted as the *Land Use Matrix* set forth below. Each Layer incorporates a number of the permitted or **conditional uses** allowed under the Baseline Standards. Each Layer listed below has an established credit value (percentage of a base credit) developed during the RLSA Study. At the time of designation application, a landowner wishing to have his/her land designated as an SSA determines how many of the Land Use Layers are to be removed from the designated lands. A Land Use Layer can only be removed in its entirety (all associated activities/land use are removed), and Layers shall be removed sequentially and cumulatively in the order listed below.

a.

Land Use Layers.

1 - Residential Land Uses

2 - General **conditional uses**

3 - Earth Mining and Processing Uses

4 - Recreational Uses

5 - Agriculture - Group 1

6 - Agriculture - Support Uses

7 - Agriculture - Group 2

8 - Conservation, Restoration and Natural Resources

b.

Land Use Matrix

Residential Land Uses	General Conditional Uses	Earth Mining and Processing Uses	Recreational Uses	Agriculture Group 1	Agriculture - Support Uses	Agriculture Group 2	Conservation, Restoration and Natural Resources
Single-family dwelling, incl. Mobile home (P)	Family care facilities (P)	Excavation, extraction or earthmining and related processing and production (CU)	Golf courses and/or golf driving ranges (CU)	Crop raising; horticulture; fruit and nut production; groves; nurseries; improved pasture (P)	Farm labor housing (A)	Unimproved pasture and grazing, forestry (P)	Wildlife management, plant and wildlife conservancies, refuges and sanctuaries (P)
Mobile	Collection	Asphaltic	Sports	Animal	Retail sale	Ranching;	Water



homes [(P) in MH Overlay; (A) as temporary use]	and transfer sites for resource recovery (CU)	and concrete batch making plants (CU)	instructional schools and camps (CU)	breeding (other than livestock), raising, training, stabling or kenneling (P)	of fresh, unprocessed agricultural products; grown primarily on the property (A)	livestock raising (P)	management, groundwater recharge (P)
Private boathouses and docks on lake, canal or waterway lots (A)	Veterinary clinic (CU)		Sporting and recreational camps (CU)	Dairying, beekeeping; poultry and egg production; milk production (P)	Retail plant nurseries (CU)	Hunting cabins (CU)	Restoration, mitigation (P)
Recreational facilities integral to residential development, e.g., golf course, clubhouse, community center building and tennis facilities, parks, playgrounds and playfields (A)	Child care centers and adult day care centers			Aquaculture for native species (P) and non-native species (CU)	Packinghouse or similar agricultural processing of farm products produced on the property (A)	Cultural, educational, or recreational facilities and their related modes of transporting participants, viewers or patrons; tour operations, such as, but not limited to airboats, swamp buggies, horses and similar modes of transportation (CU)	Water supply, wellfields (P); oil and gas exploration (P)
Guesthouses (A)	Zoo, aquarium, aviary, botanical garden, or other similar uses (CU)			The commercial production, raising or breeding of exotic animals (CU)	Sawmills (CU)	Excavation and related processing incidental to Ag(A)	Boardwalks, nature trails (P)
	Churches and other places of worship			Wholesale reptile breeding			Natural resources not

	(CU)			and raising - non- venomous (P) and venomous(C U)			otherwise listed (P)
	Communicatio ns towers (P)(CU)						Essential services (P and CU)
	Social and fraternal organizations (CU)						Oil and gas field <b>developmen t</b> and production (CU)
	Private landing strips for general aviation (CU)						
	Cemeteries (CU)						
	Schools (CU)						
	Group care facilities, ALF (CU)						

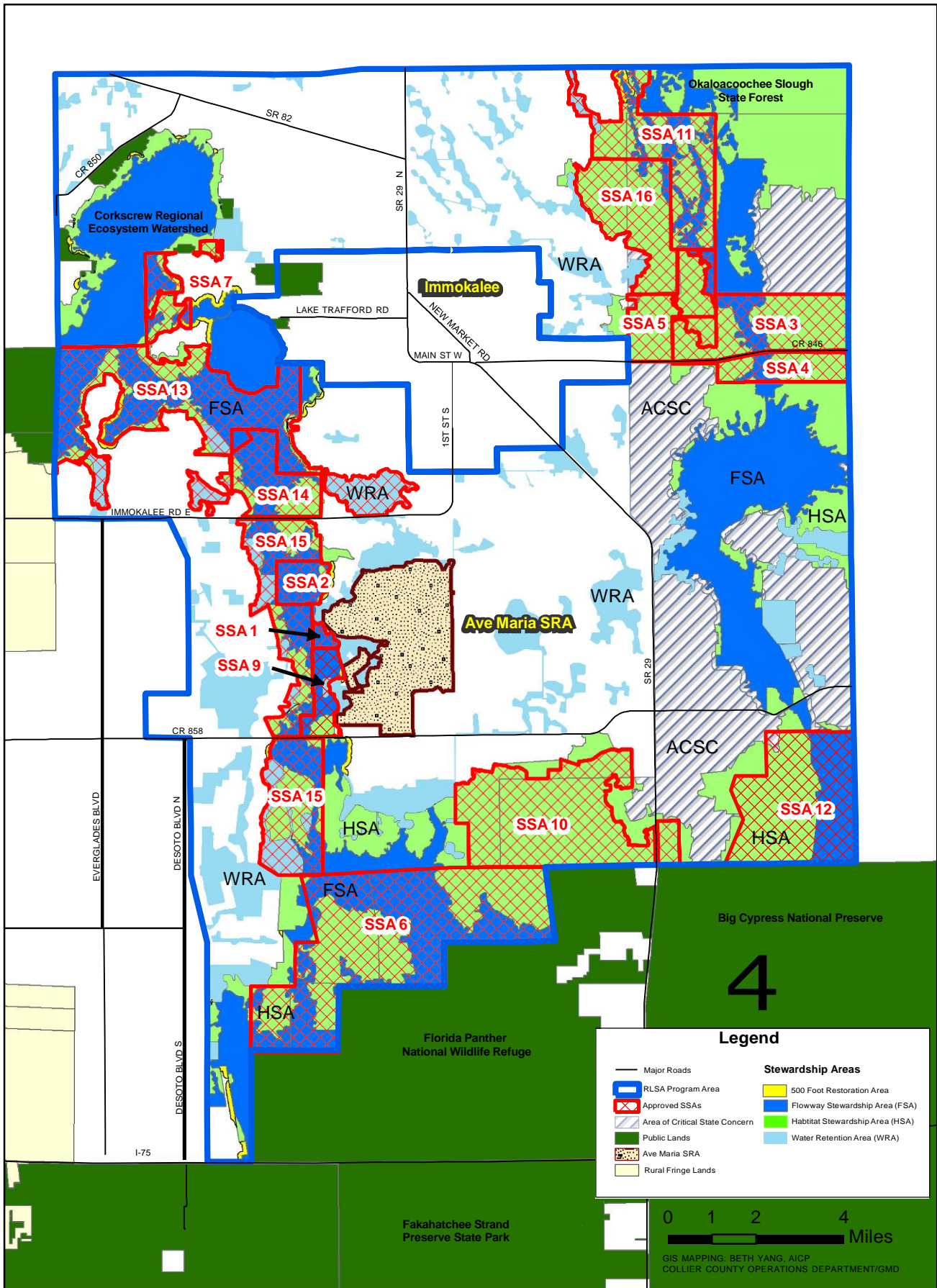
Uses as listed in LDC- Rural Agricultural District

- (P) **principal use,**
- (a) **accessory use,**
- (CU) **conditional use**



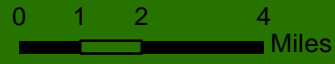
# RLSA STATUS MAP

OCTOBER 2011



**Legend**

Major Roads	<b>Stewardship Areas</b>
RLSA Program Area	500 Foot Restoration Area
Approved SSAs	Flowway Stewardship Area (FSA)
Area of Critical State Concern	Habitat Stewardship Area (HSA)
Public Lands	Water Retention Area (WRA)
Ave Maria SRA	
Rural Fringe Lands	



GIS MAPPING: BETH YANG, AICP  
COLLIER COUNTY OPERATIONS DEPARTMENT/GMD

***APPENDIX B***

---

**Immokalee Airport Park**





## Florida Department of Transportation

RICK SCOTT  
GOVERNOR

801 North Broadway Avenue  
Bartow, FL 33830

ANANTH PRASAD, P.E.  
SECRETARY

June 18, 2012

Mr. Barry Williams  
Director  
Collier County Parks and Recreation Department  
15000 Livingston Road  
Naples, FL 34109

**Subject: Immokalee Airport Park  
SR 29 Collier County PD&E Study  
From Oil Well Road to SR 82, Collier County, Florida  
Financial Project ID: 417540-1-22-01**

Mr. Williams,

The Florida Department of Transportation (FDOT) is conducting a Project Development and Environment (PD&E) Study for the improvement of SR 29 from Oil Well Road to SR 82 in Collier County, FL.

FDOT is evaluating five roadway alternatives for State Road (SR) 29 in Immokalee, FL as displayed on the enclosed project location map (Attachment A). Currently, FDOT is engaged in a data collection effort that will be used in an alternatives analysis of the PD&E Study alternatives. Subsequent phases of the PD&E Study will then determine which of the proposed alternatives will be advanced to the design phase of project development. If an alternative is selected that may potentially impact the Immokalee Airport Park, further coordination between the FDOT and controlling agency will occur.

The Immokalee Airport Park has been identified as a publicly held land and potential Section 4(f) resource according to the U.S. Department of Transportation Act of 1966 (49 USC 303). As part of the PD&E Study, the Federal Highway Administration requires a statement of significance from an official who has jurisdiction over the subject resource. In the context of Section 4(f), significance means that in comparing the availability and function of the subject property to all similar properties within the region, the land in question plays an important role in meeting the overall objective of such resources. We believe this site **is a significant resource** as it provides opportunity for public recreation.

If you concur with FDOT's assessment of the significance the Immokalee Airport Park, please sign and date the concurrence block on the following page and return this letter to my attention at the address listed.

Mr. Williams  
Collier County Parks and Recreation Department  
SR 29 Collier County PD&E Study  
From Oil Well Road to SR 82, Collier County, Florida  
Financial Project ID: 417540-1-22-01  
June 18, 2012  
Page 2

If you have any questions or concerns regarding the findings of this letter, please contact me at [mark.schulz@dot.state.fl.us](mailto:mark.schulz@dot.state.fl.us) or (863) 519-2357. Thank you for your assistance with this request.

Sincerely,



for

Mark A. Schulz  
Environmental Administrator  
Florida Department of Transportation  
801 North Broadway Avenue  
Bartow, Florida 33830

**Concurrence**

*(Signature)*

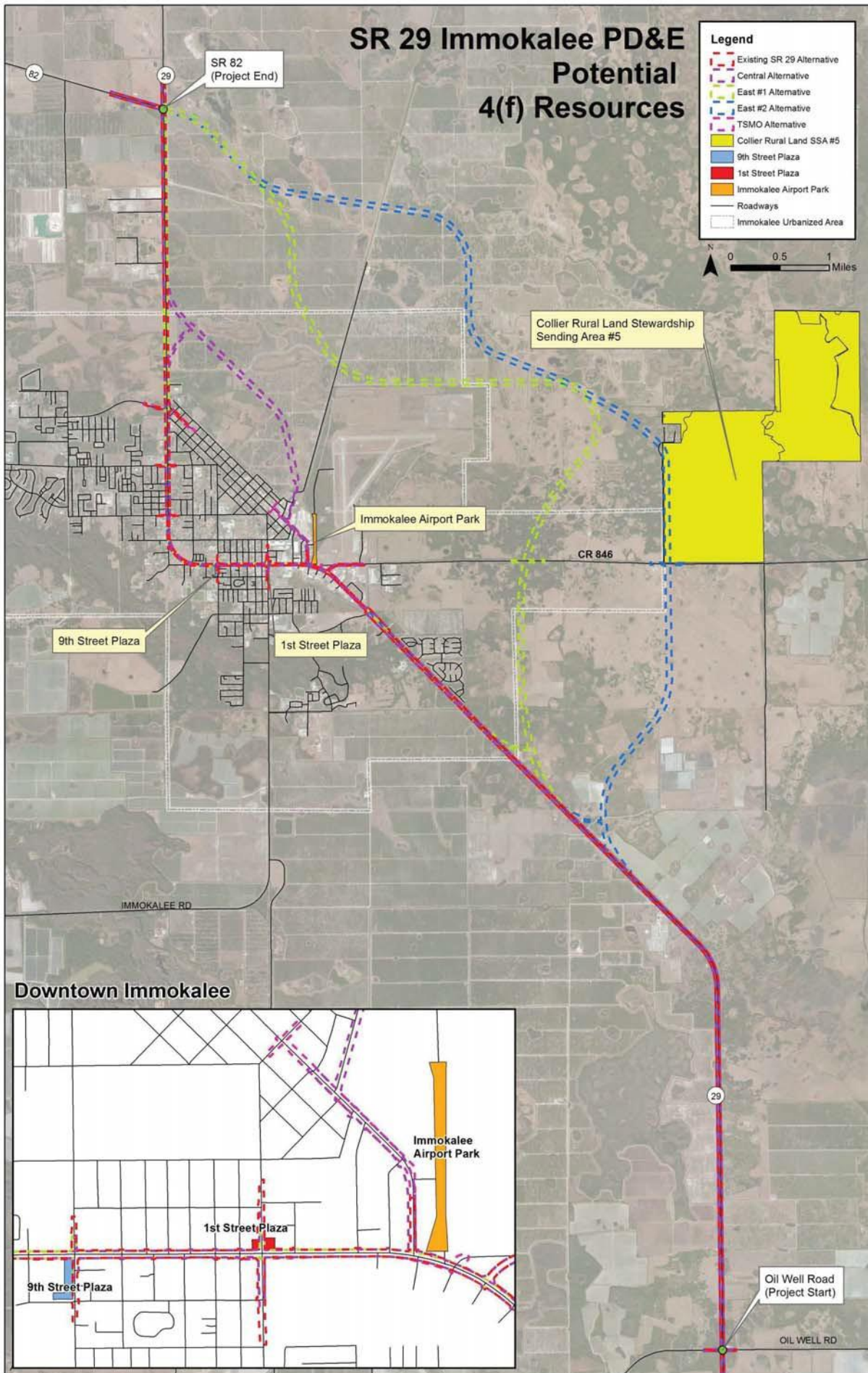
Barry Williams  
Director  
Collier County Parks and Recreation Department

*(Date)*

Enclosure(s)

cc: Gwen Pipkin, FDOT  
Ron Gregory, URS







## **Purcell, Adam**

---

**From:** Purcell, Adam  
**Sent:** Wednesday, November 07, 2012 11:11 AM  
**To:** Gregory, Ron  
**Subject:** Significance Letter - Airport Park - SR 29 Immokalee

Ron,

The deadline set for the submittal of the Airport Park Significance Letter with Collier County (Nov 1) has come and gone. The Parks and Rec Department has been unresponsive to the multiple requests made for the Significance Letter.

Currently, the Airport Park Significance Letter is the only outstanding element needed to complete the SR 29 Immokalee DOA. Should I now document our efforts with the county, and move ahead based on an assessment that the park is significant? I can document the following outreach regarding the Airport Park and Significance Letter in the DOA.

### **Phone Contact:**

September 28, 2011 – Spoke with Barry Williams (Parks Director) regarding the 4 (f) process and Significance Letter. He stated he would have his staff contact me.

October 6, 2011 – Left Message to request staff contact.

October 7, 2011 – Referred to Annie Alvarez as POC for information on Immokalee Area Parks

October 14, 2011 – Spoke with Annie Alvarez to identify County Parks along SR 29 in Immokalee.

December 12, 2011 – Spoke with Debra Bruggeman (County Airport Authority Planner), provided MOU for “aircraft viewing” area.

March 21, 2012 – Left message for Thomas Vergo (Airport Director), requested airport boundary info.

March 22, 2012 – Spoke with Annie Alvarez regarding county parks present in Immokalee. She stated Mr. Williams would serve as signatory on Significance Letter.

March 28, 2012 – Left message for Thomas Vergo, requested airport boundary info.

April 16, 2012 – Spoke with Thomas Vergo to define boundary of recreation area.

April 19, 2012 – Left Message with Annie Alvarez requesting better definition of park boundary. (no response)

July 2, 2012 – Left Message with Parks and Recreation Department, following up on hard copy Significance Letter mailed to the Director’s Office.

August 17, 2012 – Left Message with Amanda Eberil (Director’s Admin Assistant), following up on hard copy Significance Letter mailed to Director’s Office.

August 22, 2012 – Spoke with Amanda Eberil, to follow up on Significance Letter status.

September 5, 2012 – Spoke with Amanda Eberil, and informed Mr. Williams was on vacation until September 11. Letter would be presented to director for signature upon his return.

September 20, 2012 – Spoke with Amanda Eberil to request letter she would locate Significance Letter and respond on September 21. (no response)

October 15, 2012 - Left message requesting status of letter.

### **E-mail Contact:**

August 22, 2012 – E-mail with Significance Letter Forwarded to Collier Parks and Recreation Director’s Office. Signature Requested.

October 16, 2012 – E-mail with Significance Letter forwarded to Collier Parks and Recreation Director’s Office. Signature Requested.

### **Mail Contact:**

June 18, 2012 – Statement of Significance Letter with attachments mailed to Collier County Parks and Recreation Director by FDOT D1.

R.

**Adam P. Purcell, AICP**

Project Planner, Transportation Planning  
URS Corporation  
7650 West Courtney Campbell Causeway  
Tampa, FL 33607-1462

Direct: 813.675.6812

Fax: 813.286.6587

[adam.purcell@urs.com](mailto:adam.purcell@urs.com)



## Purcell, Adam

---

**From:** Purcell, Adam  
**Sent:** Wednesday, August 22, 2012 11:03 AM  
**To:** amandaeberl@colliergov.net  
**Subject:** Airport Park Significance Letter  
**Attachments:** Airport Park.pdf

Amanda,

Attached is the Resource Significance letter for Airport Park. Once Mr. Williams has signed, you can either scan the letter and return it to this e-mail address, or return the original to the address provided on the letter.

Again, if you have any questions feel free to contact me.

Thanks.

**Adam P. Purcell, AICP**  
Project Planner, Transportation Planning  
URS Corporation  
7650 West Courtney Campbell Causeway  
Tampa, FL 33607-1462

Direct: 813.675.6812  
Fax: 813.286.6587  
[adam.purcell@urs.com](mailto:adam.purcell@urs.com)

## Purcell, Adam

---

**From:** Purcell, Adam  
**Sent:** Tuesday, October 16, 2012 12:05 PM  
**To:** amandaeberl@colliergov.net  
**Cc:** Gregory, Ron  
**Subject:** FW: Airport Park Significance Letter  
**Attachments:** Airport Park.pdf

Amanda,

Just want to follow up on the phone message that I left yesterday. Attached is the letter for Mr. William's review and signature. We have yet to receive a signed copy at our offices. If you could, please forward a copy of the signed letter to this address.

We hope to have the Section 4(f) document (which includes the letter) submitted to the Federal Highway Administration by November 1.

Please let me know if I can be of any further assistance.

**Adam P. Purcell, AICP**

Project Planner, Transportation Planning  
URS Corporation  
7650 West Courtney Campbell Causeway  
Tampa, FL 33607-1462

Direct: 813.675.6812  
Fax: 813.286.6587  
[adam.purcell@urs.com](mailto:adam.purcell@urs.com)

---

**From:** Purcell, Adam  
**Sent:** Wednesday, August 22, 2012 11:03 AM  
**To:** 'amandaeberl@colliergov.net'  
**Subject:** Airport Park Significance Letter

Amanda,

Attached is the Resource Significance letter for Airport Park. Once Mr. Williams has signed, you can either scan the letter and return it to this e-mail address, or return the original to the address provided on the letter.

Again, if you have any questions feel free to contact me.

Thanks.

**Adam P. Purcell, AICP**

Project Planner, Transportation Planning  
URS Corporation

7650 West Courtney Campbell Causeway  
Tampa, FL 33607-1462

Direct: 813.675.6812

Fax: 813.286.6587

[adam.purcell@urs.com](mailto:adam.purcell@urs.com)



<b>Property Record</b>	<b>Sketches</b>	<b>Trim Notices</b>
------------------------	-----------------	---------------------



### Current Ownership



Parcel No.	00115560008	Property Address	700 CR 846 E
------------	-------------	------------------	--------------

Owner Name	COLLIER CNTY		
Addresses	BOARD OF COUNTY COMMISSIONERS		
	3301 TAMIAMI TRL E		
Country		Foreign Mail Code	

Legal	03 47 29 N1/2 E OF DITCH EXC
	DB 31 PG 135 & THAT PORTION OF
	VACATED ED SCOTT IMMOKALEE
	AIRPORT UNIT 2 RES 88-67
*For more than four lines of Legal Description please call the Property Appraiser's Office.	

Section	Township	Range	Acres	Map No.	Strap No.
03	47	29	211.43	2E03	472903 001.0002E03

Sub No.	100	ACREAGEHEADER	Millage Area	Millage Rates		
				School	Other	Total
Use Code	86	GOVERNMENT	67	5.6990	9.0405	14.739

[\\*See Instructions for Calculations](#)

### 2011 Preliminary Tax Roll (Subject to Change)

If all Values shown below equal 0 this parcel was created after the Final Tax Roll

### Latest Sales History

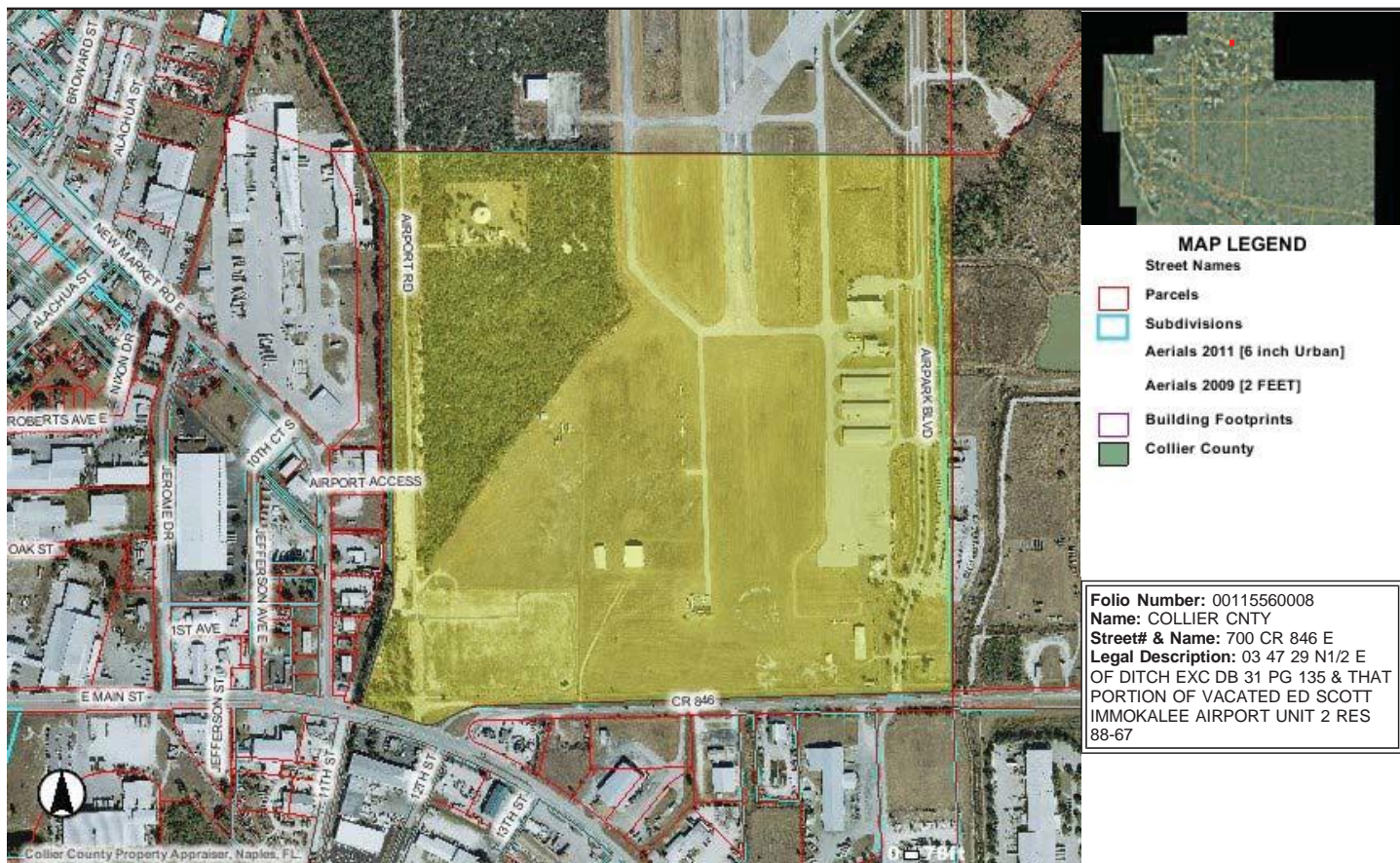
Land Value	\$ 5,857,413.00
(+) Improved Value	\$ 9,065,524.00
(-) Market Value	\$ 14,922,937.00
(-) SOH Exempt Value & Other Exemptions	\$ 0.00
(-) Assessed Value	\$ 14,922,937.00
(-) Homestead and other Exempt Value	\$ 14,922,937.00
(-) Taxable Value	\$ 0.00
(-) School Taxable Value (Used for School Taxes)	\$ 0.00

Date	Book - Page	Amount
------	-------------	--------

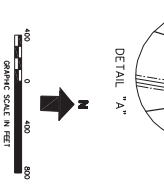
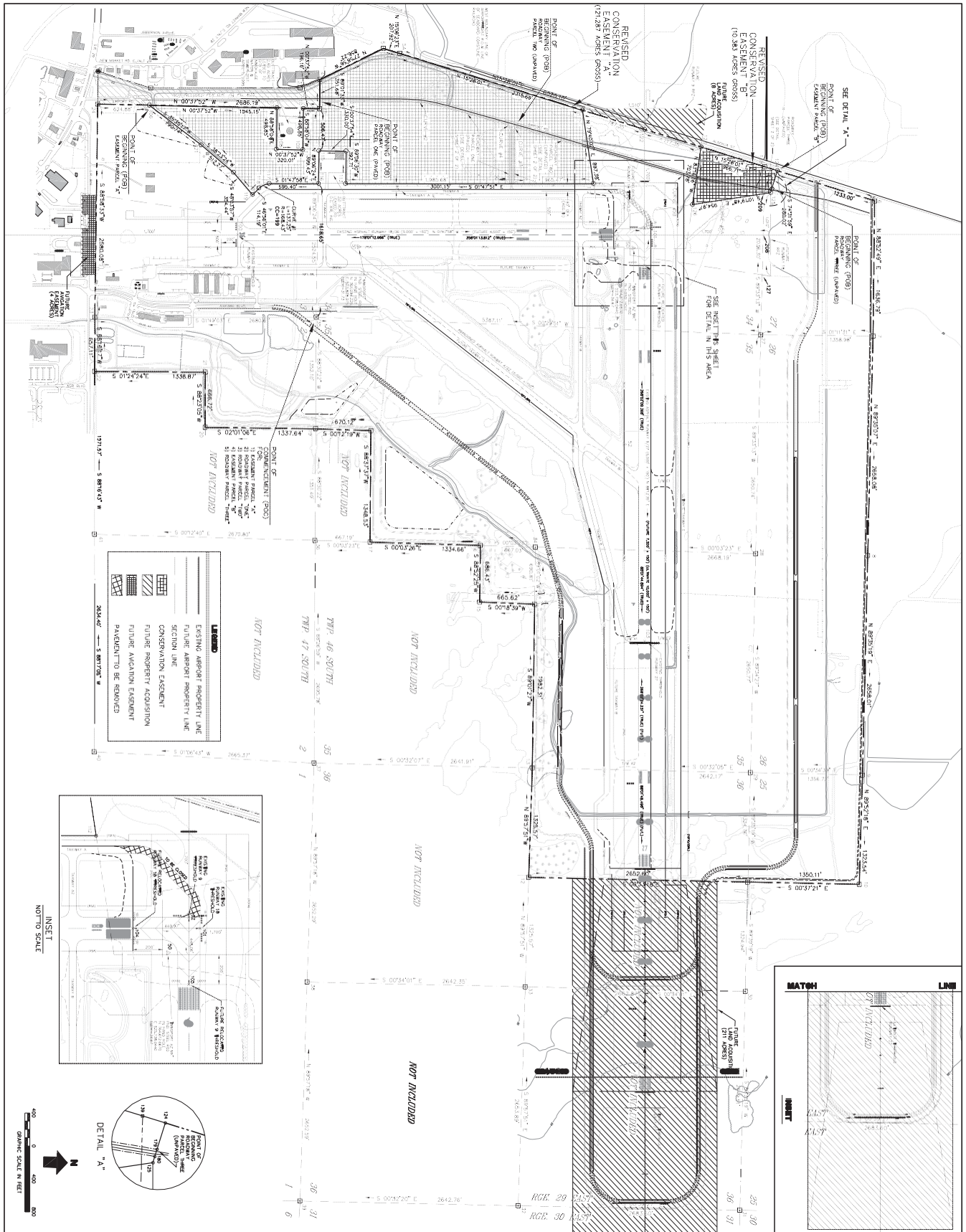
SOH = "Save Our Homes" exempt value due to cap on assessment increases.

The Information is Updated Weekly.

00115560008



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PREPARED FOR  
**COLLIER COUNTY AIRPORT AUTHORITY**  
 1000 W. STATE ST. SUITE 200  
 TAMPA, FL 33604

## AIRPORT PROPERTY MAP

### INNOKALEE REGIONAL AIRPORT INNOKALEE, GEORGIA

NO.	REVISIONS	BY	APP.	DATE	NO.	REVISIONS	BY	APP.	DATE



## MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is made and entered into this 26th day of April, 2011, between the Board of County Commissioners of Collier County, Florida, acting in its capacity as the Collier County Airport Authority, (hereinafter referred to as the "Authority") and Collier County, a political subdivision of the State of Florida, operating through its Parks and Recreation Department (hereinafter referred to as "County"), collectively stated as the "Parties."

### **RECITALS**

WHEREAS, Collier County, Florida, has leased to the Authority certain real property comprising the Immokalee Regional Airport located in Immokalee, Florida; and

WHEREAS, the Authority is responsible for the development, operation and maintenance of the Immokalee Regional Airport; and

WHEREAS, on July 29, 2007, the Authority entered into a Consent to Use Agreement with the County, through its Parks and Recreation Department, relating to an undeveloped portion of the Immokalee Regional Airport property, adjacent to an existing County park, which allowed recreational uses, including, but not limited to, passive recreational uses and temporary short-term activities such as festivals, charitable events, and concerts to be attended by large groups of persons; and

WHEREAS, the Parties desire to terminate the 2007 agreement; and

WHEREAS, the intent of this Memorandum of Understanding is to reestablish and continue the rights and obligations of the Parties set forth in the 2007 agreement in a manner compliant with current Federal Aviation Administration ("FAA") regulations.

### WITNESSETH:

NOW, THEREFORE, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration exchanged amongst the Parties, and in consideration of the covenants contained herein, the parties agree as follows:

## **1. Use of Park Property.**

- a. The Authority hereby consents to the County using that portion of the Immokalee Airport Property described in Exhibit "A" (approximately 305,000 square feet) ("Airport Viewing Area") for passive recreational purposes and for attendance by large group activities, such as outdoor concerts, festivals, charitable functions, and the like. The County may use the property for temporary parking of vehicles, to the extent needed during the respective large group event.
- b. Use of the Airport Viewing Area shall be on an "as-needed basis" whereby, upon request, and subject to approval of the Airport Authority, the County may grant such permission through the issuance of a permit. All permits shall be subject to review by the FAA.
- c. The Authority shall control the use of the property.
- d. In the event the County charges admission fees or parking fees, said fees shall be consistent with a Fee Schedule established by the Airport Authority for such purpose.
- e. The County shall not place, erect or install any permanent building, trees, structure or fixture within the Airport Viewing Area. It is agreed that temporary or permanent fencing may be relocated or installed on the property subject to approval by the Airport Authority at least 90 days in advance to the extent necessary to secure the Airport Property against entry from the Airport Viewing Area, and other removable things such as, but not limited to, park benches and picnic tables. Also, asphalt, cement or other improved pedestrian sidewalks and/or bicycle pathways are anticipated and are not prohibited permanent structures or fixtures.
- f. The County shall not use the Airport Viewing Area in a manner that will interfere with or disrupt operation and/or maintenance of the Airport. It is the intention and firm belief of the Parties that the County's proposed use of the Airport Viewing Area as described above, and in accordance with the terms of this Agreement, will not materially or adversely affect development, improvement, operation or maintenance of the Airport.

The Authority may charge a reasonable fee for County departments and Community Organizations to use the property. The fee will be consistent with the Authority Fee Schedule. Parks and Recreation will be charged a fee but will receive credit for the in-kind services provided to the Authority.

## **2. Property Maintenance.**

The Immokalee Regional Airport will maintain the Airport Viewing Area during the term of this Agreement including, but not limited to, maintenance of all vegetation, exotics removal, if required, mowing of grass, maintenance of all improvements permitted hereunder, including fencing and debris removal, and the County shall administer the events that are to occur at the Airport Viewing Area.

3. **Termination of This Agreement.** This Agreement may be terminated upon thirty (30) days written notice if the property is required by an aeronautical user to meet aeronautical demand or is determined to have a more valuable use as determined by the Authority. Should the Authority exercise this right, Tenant will be given three (3) months to vacate the premises and remove all of its improvements and fixtures.
4. **Notices; Large Group Events or Otherwise.** The County agrees to deliver written notice to the Authority no less than thirty (30) days prior to each large group event (more than 300 attendees expected). Any notice or other communication to be given to any party under this Agreement shall be in writing and shall be delivered by e-mail, facsimile or by hand delivery. If mailed, the notice should be addressed as follows (or to the addressee's other then applicable mailing address):

**If to the County:**

Director  
 Collier County Parks and Recreation  
 15000 Livingston Road  
 Naples Florida 34109

**If to the Authority:**

Executive Director  
 Collier County Airport Authority  
 Marco Island Executive Airport  
 2005 Mainsail Drive, Suite 1  
 Naples, Florida 34114

5. **Airport Security.** The remainder Airport Property (exclusive of the Airport Viewing Area) must always remain secure against entry by individuals and/or vehicles not authorized by the Airport Manager, the Authority or its Executive Director. The County agrees to cooperate with the Authority in location of existing fencing and/or additional fencing, to physically separate and to secure the Airport Property from the Airport Viewing Area during the term of this Agreement and to the extent deemed necessary by the Authority, its Executive Director or by the Airport Manager. The County shall make all reasonable efforts to prevent entry of individuals and vehicles onto the remainder Airport Property during each large group event. The Authority, at its option, may require submittal by the County of all planned security measures prior to each such event (to enable the Airport Manager or the Executive Director to determine whether the planned event might interfere with any concurrent in time use of the Airport, such as a fly-in, etc).
6. **Signage.** The County reserves the right to utilize the southern and westerly portion of the Airport Viewing Area immediately adjacent to the roadway for purposes of erecting, repairing and maintaining signage. No signage will be permitted on Airport property without prior approval and must be requested at least ninety (90) days in advance. Signage must also be approved in accordance with local, state and federal laws, as then applicable. The Authority in conjunction with FAA coordination will approve such signage requested by the County in writing
7. **Indemnification.**
  - a. The use of the Airport Viewing Area shall be at the sole risk and expense of the County.



b. The Authority is hereby relieved of any responsibility for any and all damages or losses resulting, directly or indirectly, from all use of the Airport Viewing Area. The Authority makes no representations as to the fitness of the Airport Viewing Area for any use or with regard to its physical condition. The County accepts the Airport Viewing Area "as is." To the greatest extent then permitted by law, the County agrees to indemnify and hold the Authority harmless from all losses, damages or injuries whatsoever arising directly or indirectly from this Agreement or use of the Airport Viewing Area. However, nothing in this Agreement shall be construed to be any waiver by the County or by the Authority, or otherwise, of all then existing protections of sovereign immunity, including Section 768.28, Florida Statutes, and/or any other then applicable law.

- 8. **Severability.** Should any provision of this Agreement be determined by a court of competent jurisdiction to be illegal or in conflict with any applicable law, the validity of the remaining provisions shall not be impaired to the greatest extent legally possible.
- 9. **No Third Party Beneficiaries.** Nothing herein shall be construed to be a consent by either Party to be sued by third parties in any matter arising out of this Agreement, and no third party shall have any right, privilege or any standing whatsoever with regard to this Agreement of any use of, or existence of, the Airport Viewing Area, or otherwise.
- 10. **No Assignment or Transfer.** As a matter of Florida law this Memorandum of Agreement is solely to the benefit of the County and cannot be assigned or otherwise transferred by the County or by the Authority, and any such attempt shall be void ab initio.

AS TO THE AUTHORITY:

ATTEST:  
DWIGHT E. BROCK, CLERK

By:   
Attest as to Chairman Clerk  
signature only.

BOARD OF COUNTY COMMISSIONERS  
COLLIER COUNTY, FLORIDA IN ITS  
CAPACITY AS THE COLLIER COUNTY  
AIRPORT AUTHORITY

By:   
FRED W. COYLE, CHAIRMAN

AS TO THE COUNTY:

ATTEST:  
DWIGHT E. BROCK, CLERK

By:   
Attest as to Chairman Clerk  
signature only.

BOARD OF COUNTY COMMISSIONERS  
COLLIER COUNTY, FLORIDA

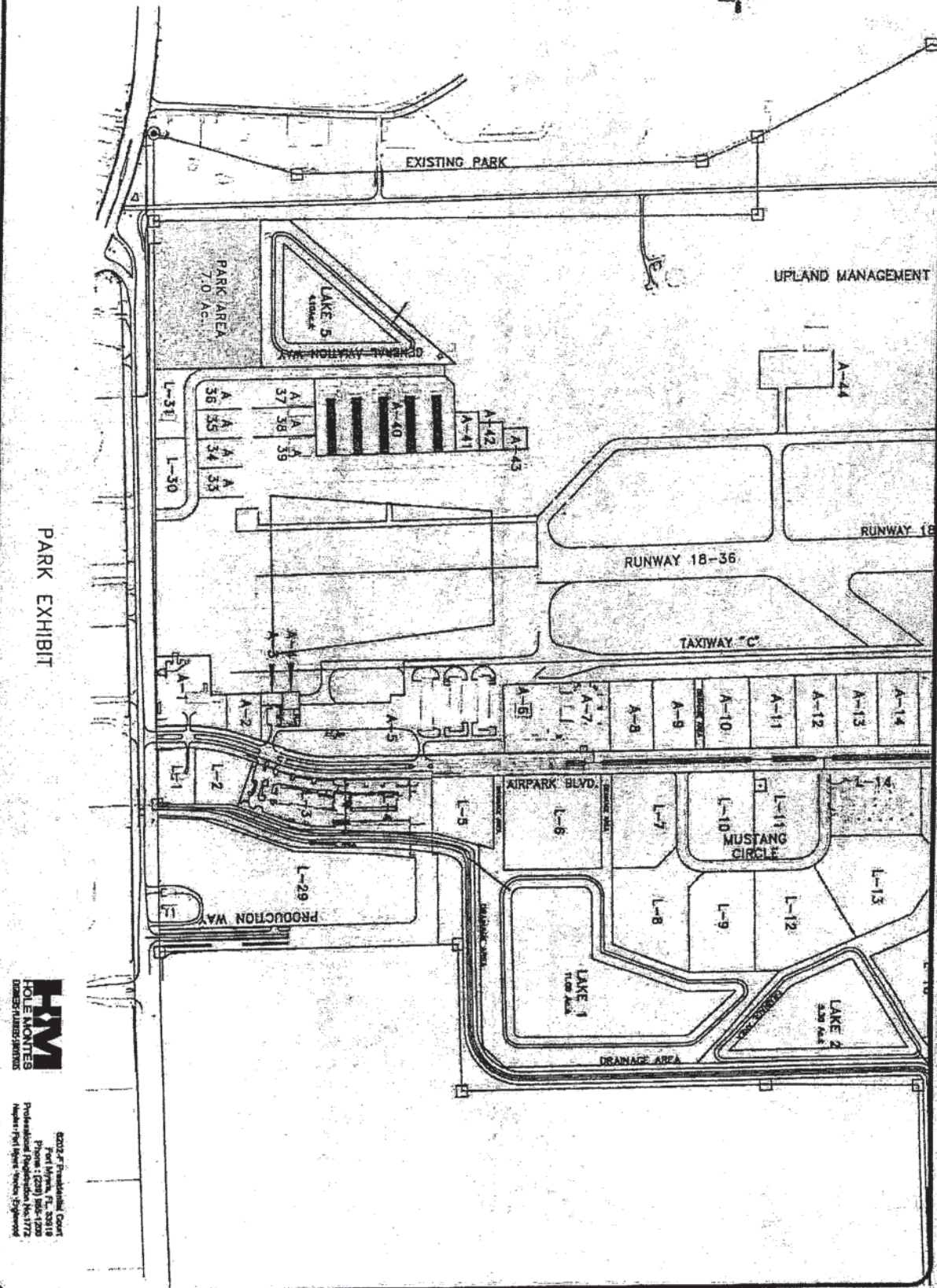
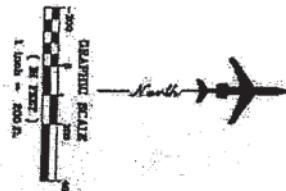
By:   
FRED W. COYLE, CHAIRMAN

Approved as to form  
and legal sufficiency:

Colleen M. Greene

for: Jeffrey A. Klatzkow  
Assistant County Attorney

# EXHIBIT A



6001st Professional Court  
 Fort Myers, FL 33918  
 Phone: (239) 985-1220  
 Professional Registration No. 172  
 Major: P.E. State: FL, License: 15999000



***APPENDIX C***

---

**1<sup>st</sup> Street Plaza**



## Florida Department of Transportation

RICK SCOTT  
GOVERNOR

801 North Broadway Avenue  
Bartow, FL 33830

ANANTH PRASAD, P.E.  
SECRETARY

June 18, 2012

Mrs. Penny Phillippi  
Executive Director  
Collier County Community Redevelopment Agency - Immokalee  
1320 N. 15<sup>th</sup> Street  
Immokalee, FL 34142

IMMOKALEE CRA

JUN 21 2012

RECEIVED

**Subject: 1<sup>st</sup> Street Plaza  
SR 29 Collier County PD&E Study  
From Oil Well Road to SR 82, Collier County, Florida  
Financial Project ID: 417540-1-22-01**

Mrs. Phillippi,

The Florida Department of Transportation (FDOT) is conducting a Project Development and Environment (PD&E) Study for the improvement of SR 29 from Oil Well Road to SR 82 in Collier County, FL.

FDOT is evaluating five roadway alternatives for State Road (SR) 29 in Immokalee, FL as displayed on the enclosed project location map (Attachment A). Currently, FDOT is engaged in a data collection effort that will be used in an alternatives analysis of the PD&E Study alternatives. Subsequent phases of the PD&E Study will then determine which of the proposed alternatives will be advanced to the design phase of project development. If an alternative is selected that may potentially impact the 1st Street Plaza, further coordination between the FDOT and controlling agency will occur.

Though still in the property acquisition phase of development, the 1<sup>st</sup> Street Plaza, once fully under the ownership of the Community Redevelopment Agency will exist as a publicly held land and potential Section 4(f) resource according to the U.S. Department of Transportation Act of 1966 (49 USC 303). As part of the PD&E Study, the Federal Highway Administration requires a statement of significance from an official who has jurisdiction over the subject resource. In the context of Section 4(f), significance means that in comparing the availability and function of the subject property to all similar properties within the region, the land in question plays an important role in meeting the overall objective of such resources. We believe this site is a **significant resource** as it will, once constructed, provide opportunity for public recreation.

If you concur with FDOT's assessment of the significance the 1<sup>st</sup> Street Plaza, please sign and date the concurrence block on the following page and return this letter to my attention at the address listed.

Mrs. Phillippi  
Collier County Community Redevelopment Agency – Immokalee  
SR 29 Collier County PD&E Study  
From Oil Well Road to SR 82, Collier County, Florida  
Financial Project ID: 417540-1-22-01  
June 18, 2012  
Page 2

If you have any questions or concerns regarding the findings of this letter, please contact me at [mark.schulz@dot.state.fl.us](mailto:mark.schulz@dot.state.fl.us) or (863) 519-2357. Thank you for your assistance with this request.

Sincerely,



*for* Mark A. Schulz  
Environmental Administrator  
Florida Department of Transportation  
801 North Broadway Avenue  
Bartow, Florida 33830

**Concurrence**

  
(Signature)

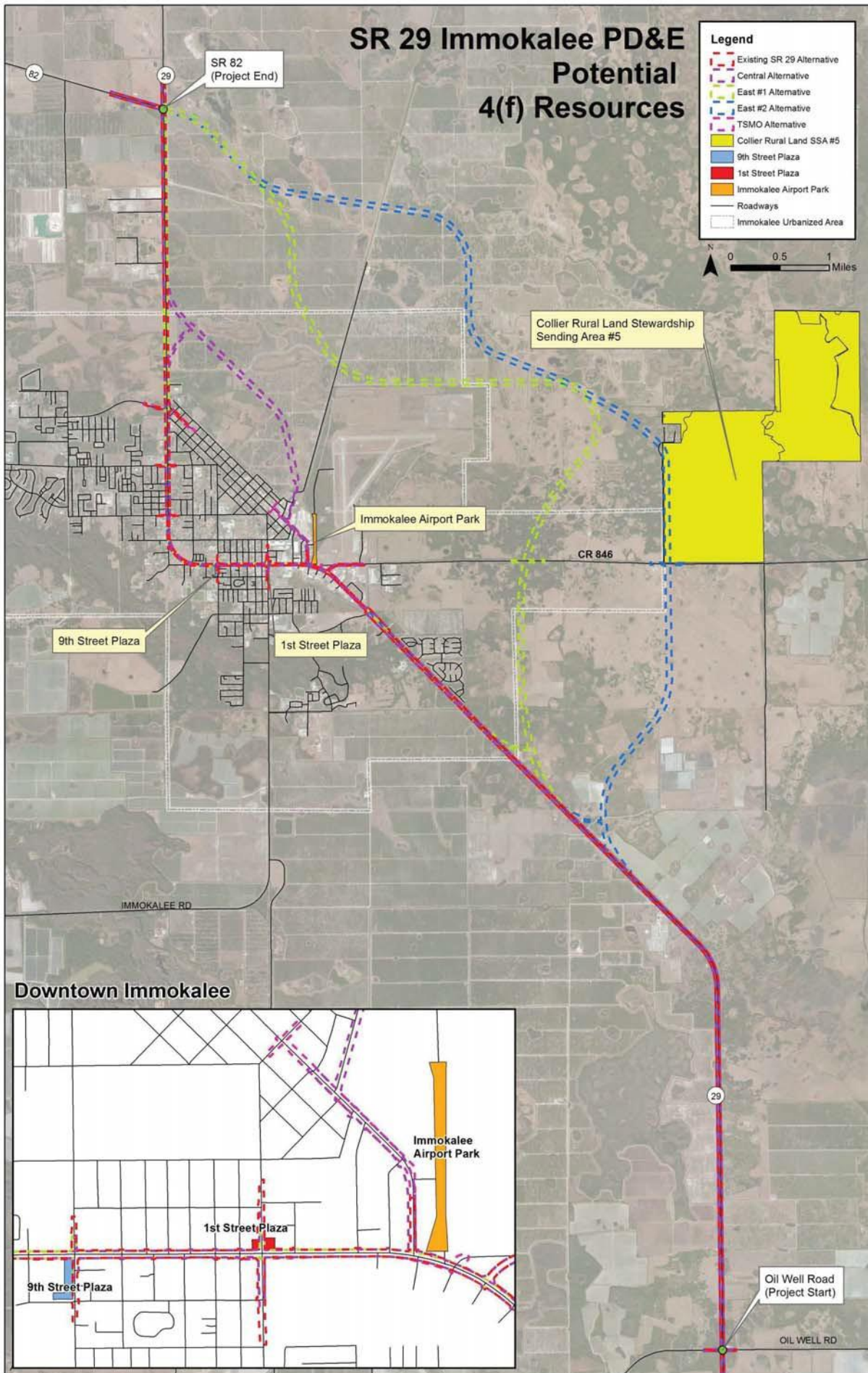
6/22/12  
(Date)

Penny Phillippi  
Executive Director  
Collier County Community Redevelopment Agency - Immokalee

Enclosure(s)

cc: Gwen Pipkin, FDOT  
Ron Gregory, URS









## A. Proposed 1st Street Plaza

First Street is a primary entrance to Immokalee from the Naples area, the new Ave Maria community, and the Seminole Indian Reservation surrounding the expanding casino. There are two vacant lots at the intersection of North 1<sup>st</sup> Street and Main Street, with one lot at the northeast intersection quadrant and the other lot at the northwest intersection quadrant. The area of both lots totals approximately 54,660 square feet (1.25 acres). From an analysis of the aerial to the right, there appears evidence of heavy pedestrian circulation crossing the lot on the northwest corner. The County's Road Safety Audit recommended purchasing this vacant lot and constructing a diagonal walkway from 1<sup>st</sup> Street to Main Street. However, the Public Realm Plan recommends a plaza for each parcel that will be more beneficial to the entire CBD rather than just a diagonal sidewalk. The conceptual design for the 1<sup>st</sup> Street plaza shown on the following page includes the use of both vacant lots on the north side of Main Street.

For special public events, 1<sup>st</sup> Street could temporarily be closed north of Main Street. This would allow for both 1<sup>st</sup> Street plaza areas to function as one large public space. For larger events, a temporary stage could be set up on the closed section of 1<sup>st</sup> Street.

The primary plaza space is the "street level" plaza east and west of 1<sup>st</sup> Street. The "middle" and "upper" terraces step up from the street level plaza in the interior of the space and slope upward from the perimeter of the plaza. Pedestrian accessibility is provided to the upper levels of both plazas.

As previously mentioned, gateway columns on either side of 1<sup>st</sup> Street are used to identify "downtown" Immokalee. They incorporate the design colors and names

of the plazas. Similarly, bollards are used for safety by defining areas and perimeters. They are proposed on the north side of Main Street and on both sides of 1<sup>st</sup> Street to identify the edges of the corner plaza. In keeping with the colorful multicultural theme, the



same site furnishings and paving proposed for the Main Street streetscape concept can be used in the plazas. The plaza design also includes art walls, which represent a novel feature of this plaza design. The wall has built-in openings for the display of art. The art wall can be used to display local or touring artwork. Local artists could be encouraged to develop works of art as part of a competition, special event, or fundraiser.



The use of porous paving or permeable pavers in the plazas will promote stormwater infiltration and groundwater recharge. They also offer a "cooler" pavement system



Decorative art elements.

that reduces the heat island effect. Rainwater harvesting is possible if the stormwater runoff is held and recycled in the irrigation system.

More detail about the 1st Street Plaza can be found in a detailed PowerPoint presentation include in Appendix B. This presentation provides additional exhibits depicting design elements proposed for this plaza.

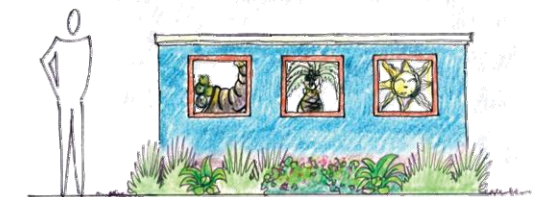
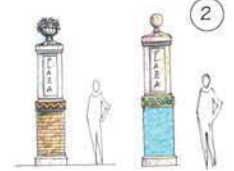
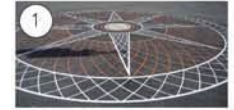
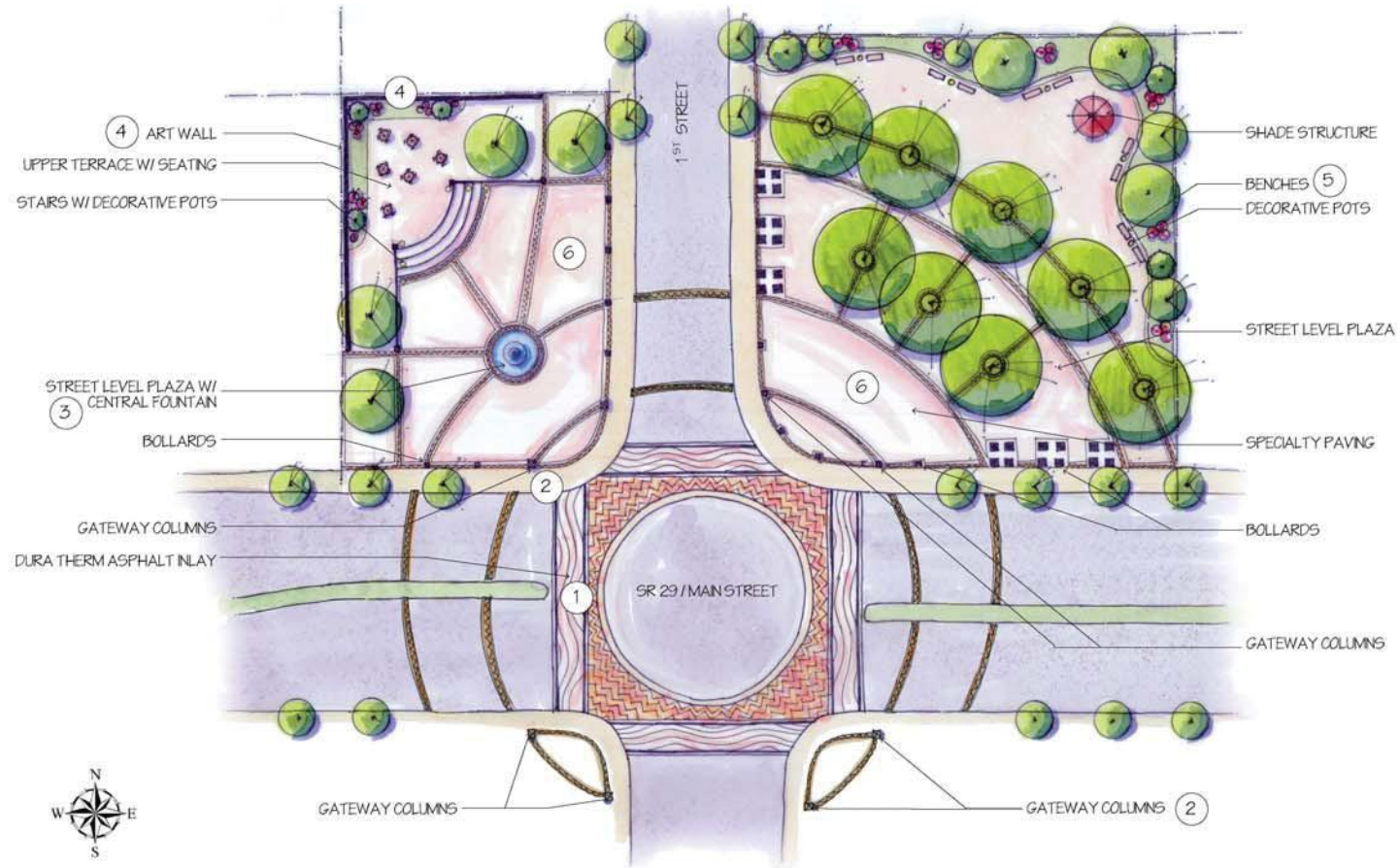




Figure 23. 1st Street Plaza

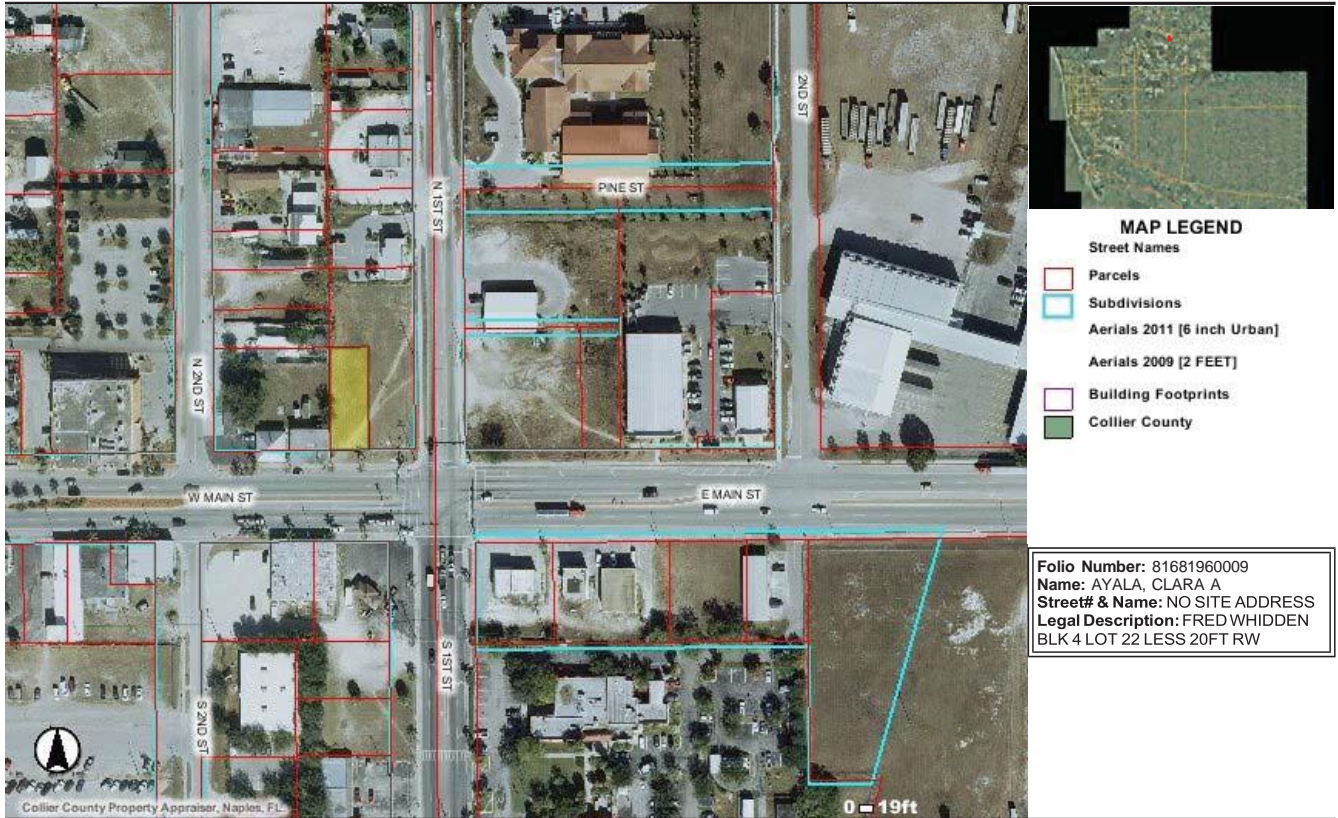




<b>Property Record</b>	<b>Sketches</b>	<b>Trim Notices</b>												
<b>Current Ownership</b>														
Parcel No.	81681960009	Property Address	NO SITE ADDRESS											
Owner Name	COLLIER COUNTY COMMUNITY													
Addresses	REDEVELOPMENT AGENCY													
	1320 N 15TH ST STE 2													
City	IMMOKALEE	State	FL	Zip	34142 - 3133									
Legal	FRED WHIDDEN BLK 4 LOT 22 LESS													
	20FT RW													
Section	Township	Range	Acres *Acreage	Map No.	Strap No.									
04	47	29	0.15	2E04	711400 4 222E04									
Sub No.	711400	WHIDDEN, FRED	Millage Area	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th colspan="3">Millage Rates</th> </tr> <tr> <th>School</th> <th>Other</th> <th>Total</th> </tr> <tr> <td>5.527</td> <td>9.0782</td> <td>14.6052</td> </tr> </table>		Millage Rates			School	Other	Total	5.527	9.0782	14.6052
Millage Rates														
School	Other	Total												
5.527	9.0782	14.6052												
Use Code	86	GOVERNMENT	5											
<a href="#">*See Instructions for Calculations</a>														
<b>2011 Certified Tax Roll</b> (Subject to Change)			<b>Latest Sales History</b>											
If all Values shown below equal 0 this parcel was created after the Final Tax Roll														
Land Value	\$ 9,750.00	Date	Book - Page	Amount										
(+) Improved Value	\$ 0.00	04 / 2012	4787 - 389	\$ 232,700.00										
(=) Market Value	\$ 9,750.00	02 / 2010	4578 - 1788	\$ 0.00										
(-) SOH Exempt Value & Other Exemptions	\$ 0.00	03 / 1990	1516 - 1788	\$ 50,200.00										
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(-) Homestead and other Exempt Value	\$ 0.00													
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SOH = "Save Our Homes" exempt value due to cap on assessment increases.														

The Information is Updated Weekly.

8168196009



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PROJECT: Collier County Community Development Agency/Immokalee CRA/1<sup>st</sup> Street Plaza Project  
FOLIO NUMBERS: 81681720003 & 81681960009

WARRANTY DEED

THIS WARRANTY DEED is made this 12 day of April, 2012, by CLARA A. AYALA, a married person, whose post office address is 207 Washington Avenue, Immokalee, Florida 34142 (hereinafter referred to as "Grantor"), to COLLIER COUNTY COMMUNITY REDEVELOPMENT AGENCY, its successors and assigns, whose post office address is 1320 N. 15<sup>th</sup> Street, Suite 2, Immokalee, Florida 34142 (hereinafter referred to as "Grantee").

(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and their respective heirs, legal representatives, successors and assigns.)

WITNESSETH: That the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, all that certain land situate in Collier County, Florida, to wit:

Lots 8, 9, 22 and 23, Block 4, Fred Whidden, according to the Plat thereof, as recorded in Plat Book 2, at Page 36, of the Public Records of Collier County, Florida. Less the South 20 feet of Lots 22 and 23, previously acquired by the State Road Department of Florida.

Subject to easements, restrictions, and reservations of record.

This is NOT Homestead property

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the same in fee simple forever.

AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever, and that said land is free of all encumbrances except as noted above.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Antony McDorman  
Witness (Signature)  
Name: Ashley McNamara  
(Print or type)

Tracy Wine Cornwell  
Witness (Signature)  
Name: Tracy Wine Cornwell  
(Print or type)

Clara A. Ayala  
Clara A. Ayala  
207 Washington Avenue  
Immokalee, Florida 34142

STATE OF FL  
COUNTY OF LEE

The foregoing Warranty Deed was acknowledged before me this 5 day of April, 2012 by Clara A. Ayala, who is personally known to me or who has produced \_\_\_\_\_ as identification.

(affix notarial seal)

Tracy Wine Cornwell  
(Signature of Notary Public)  
Tracy Wine Cornwell  
(Print Name of Notary Public)  
NOTARY PUBLIC  
Serial/Commission #:(if any) EE 103340  
My Commission Expires: 9-15-15



THIS CONVEYANCE ACCEPTED BY THE BOARD OF COUNTY COMMISSIONERS, COLLIER COUNTY, FLORIDA, PURSUANT TO AGENDA, DATED: 3-27-12 ITEM NO. 14(B)

Approved as to form & legal sufficiency

J. B. White  
Assistant County Attorney

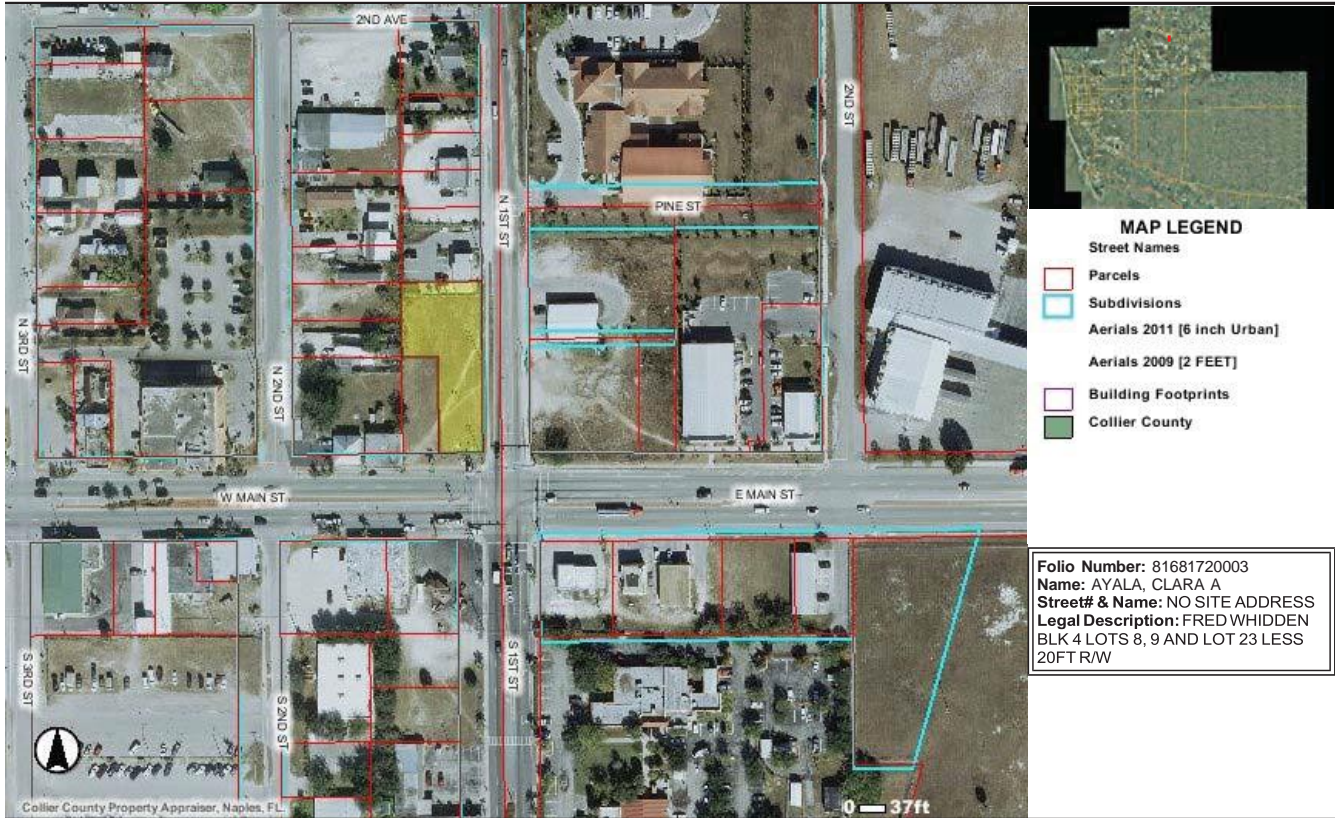
DBW  
2/27/12



<b>Property Record</b>	<b>Sketches</b>	<b>Trim Notices</b>				
<b>Current Ownership</b>						
Parcel No.	81681720003	Property Address	NO SITE ADDRESS			
Owner Name	COLLIER COUNTY COMMUNITY					
Addresses	REDEVELOPMENT AGENCY 1320 N 15TH ST STE 2					
City	IMMOKALEE	State	FL			
		Zip	34142 - 0000			
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Section	Township	Range	Acres *Acreage	Map No.	Strap No.	
04	47	29	0.43	2E04	711400 4 82E04	
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Sub No.	711400	WHIDDEN, FRED	Millage Area	School	Other	Total
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(=) Market Value	\$ 28,200.00	06 / 2010	<a href="#">4578 - 297</a>	\$ 0.00		
(-) SOH Exempt Value & Other Exemptions	\$ 0.00	03 / 1990	<a href="#">1516 - 1788</a>	\$ 50,200.00		
(=) Assessed Value	\$ 28,200.00	03 / 1990	<a href="#">1516 - 1777</a>	\$ 50,200.00		
(-) Homestead and other Exempt Value	\$ 0.00					
(=) Taxable Value	\$ 28,200.00					
(=) School Taxable Value (Used for School Taxes)	\$ 28,200.00					
SOH = "Save Our Homes" exempt value due to cap on assessment increases.						

The Information is Updated Weekly.

8168172003



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(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and their respective heirs, legal representatives, successors and assigns.)

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Subject to easements, restrictions, and reservations of record.

This is NOT Homestead property

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the same in fee simple forever.

AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever, and that said land is free of all encumbrances except as noted above.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Antony McDorman  
Witness (Signature)  
Name: Ashley McNamara  
(Print or type)

Clara A. Ayala  
Clara A. Ayala  
207 Washington Avenue  
Immokalee, Florida 34142

Tracy Wine Cornwell  
Witness (Signature)  
Name: Tracy Wine Cornwell  
(Print or type)

STATE OF FL

COUNTY OF LEE

The foregoing Warranty Deed was acknowledged before me this 5 day of April, 2012 by Clara A. Ayala, who is personally known to me or who has produced \_\_\_\_\_ as identification.

(affix notarial seal)

Tracy Wine Cornwell  
(Signature of Notary Public)

Tracy Wine Cornwell  
(Print Name of Notary Public)  
NOTARY PUBLIC

Serial/Commission #:(if any) EE 103340  
My Commission Expires: 9-15-15

Approved as to form & legal sufficiency



THIS CONVEYANCE ACCEPTED BY THE BOARD OF COUNTY COMMISSIONERS, COLLIER COUNTY, FLORIDA, PURSUANT TO AGENDA, DATED: 3-27-12 ITEM NO. 14(B)

J. B. White  
Assistant County Attorney

DBW  
2/27/12



***APPENDIX D***

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**9<sup>th</sup> Street Plaza**



## Florida Department of Transportation

RICK SCOTT  
GOVERNOR

801 North Broadway Avenue  
Bartow, FL 33830

ANANTH PRASAD, P.E.  
SECRETARY

June 18, 2012

Mrs. Penny Phillippi  
Executive Director  
Collier County Community Redevelopment Agency - Immokalee  
1320 N. 15<sup>th</sup> Street  
Immokalee, FL 34142

IMMOKALEE CRA

JUN 21 2012

RECEIVED

**Subject: 9<sup>th</sup> Street Plaza  
SR 29 Collier County PD&E Study  
From Oil Well Road to SR 82, Collier County, Florida  
Financial Project ID: 417540-1-22-01**

Mrs. Phillippi,

The Florida Department of Transportation (FDOT) is conducting a Project Development and Environment (PD&E) Study for the improvement of SR 29 from Oil Well Road to SR 82 in Collier County, FL.

FDOT is evaluating five roadway alternatives for State Road (SR) 29 in Immokalee, FL as displayed on the enclosed project location map (Attachment A). Currently, FDOT is engaged in a data collection effort that will be used in an alternatives analysis of the PD&E Study alternatives. Subsequent phases of the PD&E Study will then determine which of the proposed alternatives will be advanced to the design phase of project development. If an alternative is selected that may potentially impact the 9<sup>th</sup> Street Plaza, further coordination between the FDOT and controlling agency will occur.

The planned 9<sup>th</sup> Street Plaza has been identified as a publicly held land and potential Section 4(f) resource according to the U.S. Department of Transportation Act of 1966 (49 USC 303). As part of the PD&E Study, the Federal Highway Administration requires a statement of significance from an official who has jurisdiction over the subject resource. In the context of Section 4(f), significance means that in comparing the availability and function of the subject property to all similar properties within the region, the land in question plays an important role in meeting the overall objective of such resources. We believe this site is a **significant resource** as it will, once constructed, provide opportunity for public recreation.

If you concur with FDOT's assessment of the significance the 9<sup>th</sup> Street Plaza, please sign and date the concurrence block on the following page and return this letter to my attention at the address listed.

Mrs. Phillippi  
Collier County Community Redevelopment Agency – Immokalee  
SR 29 Collier County PD&E Study  
From Oil Well Road to SR 82, Collier County, Florida  
Financial Project ID: 417540-1-22-01  
June 18, 2012  
Page 2

If you have any questions or concerns regarding the findings of this letter, please contact me at [mark.schulz@dot.state.fl.us](mailto:mark.schulz@dot.state.fl.us) or (863) 519-2357. Thank you for your assistance with this request.

Sincerely,



for

Mark A. Schulz  
Environmental Administrator  
Florida Department of Transportation  
801 North Broadway Avenue  
Bartow, Florida 33830

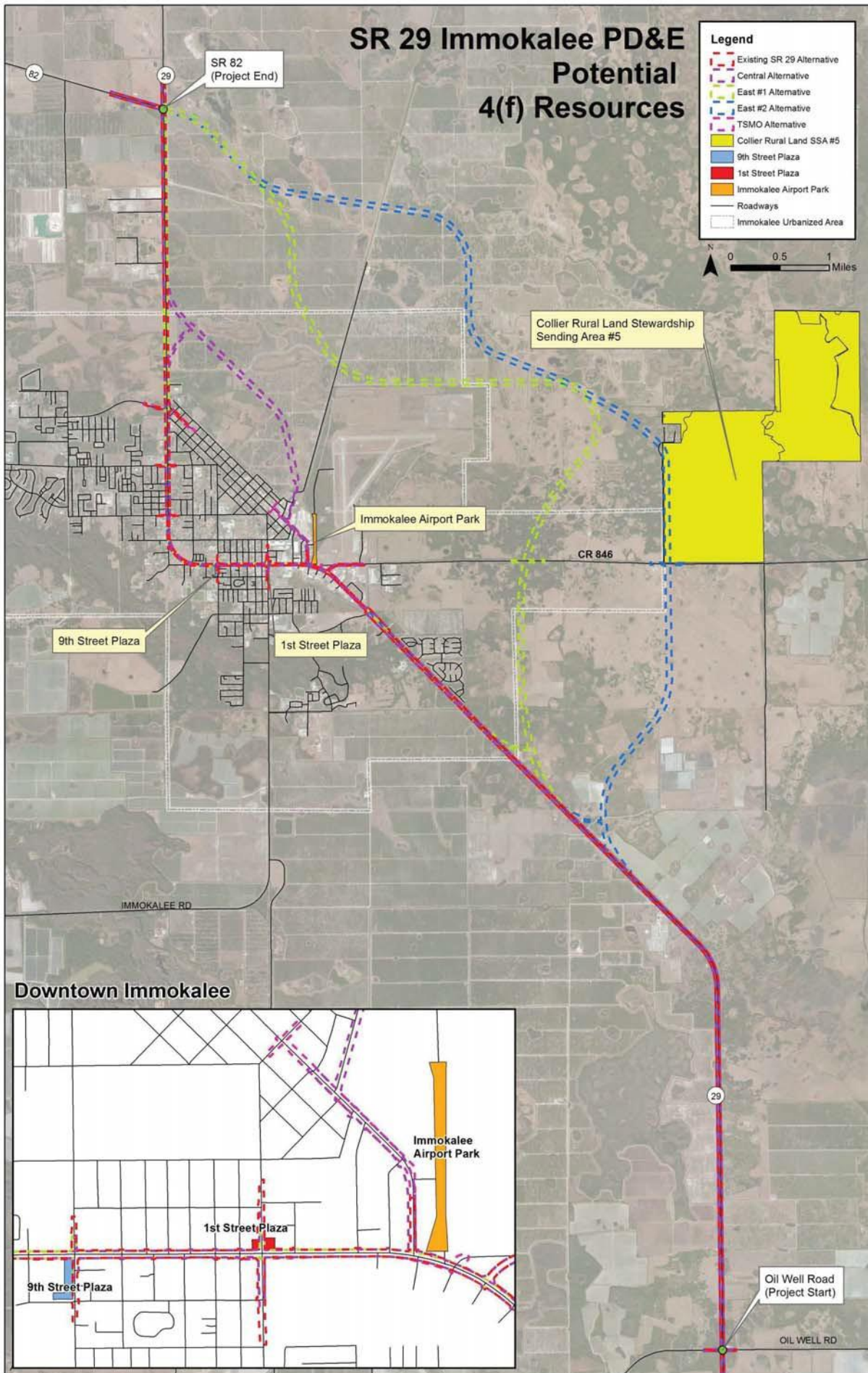
**Concurrence**

	
<i>(Signature)</i>	<i>6/22/12</i>
<i>(Date)</i>	
Penny Phillippi Executive Director Collier County Community Redevelopment Agency - Immokalee	

Enclosure(s)

cc: Gewn Pipkin, FDOT  
Ron Gregory, URS





## B. Proposed 9th Street Plaza

The development of a parcel on the southwest corner of Main Street and 9<sup>th</sup> Street was identified and studied for location of the second anchor plaza and park area. The single ownership of the parcel makes it conducive for the plaza development. The parcel depth and location allows for the connection of residential neighborhoods and a church to the Main Street corridor via the plaza area. The total area of the plaza and park is approximately 105,100 square feet (2.41 acres). A conceptual site plan for the proposed 9<sup>th</sup> Street plaza and park area is shown in the conceptual rendering on page 45.

Colorful perimeter fencing is proposed at the corner entrances to the park to showcase the Latin flavor of the design theme and to integrate unique features such as hand painted tiles. The fence style can introduce and reinforce a desired theme and

color scheme. The linear border between fencing is open, yet well-landscaped.

Permanent arbors and gazebos provide shade, as well as special-event tents. As shown, the tents will seat approximately 140 people banquet style and 182 people with an auditorium seating arrangement (Figure 25, photo 5). They may be installed as needed and do not need permanent posts for installation. When not tented, the lawn may become a multi-purpose field to accommodate a number of different sporting events and other social activities.

Other plaza amenities include a traditional fountain near Main Street, an amphitheater, an interactive fountain/splash pad, concession and restroom buildings, playground, and off-street parking. A bio-swale in between the parking bays can temporarily

store, convey, and treat run-off from the parking lot. A rain garden off of Boston Avenue continues to treat the stormwater runoff by removing nutrients and suspended solids. The rain garden can be designed as an aesthetic and functional site feature. The intent of these features is to “clean” the water before it is reused or returned to the ecosystem.

The use of porous paving or permeable pavers in the plazas will promote stormwater infiltration and groundwater recharge. They also offer a “cooler” pavement system, reducing the heat-island effect. Rainwater harvesting is possible when the stormwater runoff is held and recycled in the irrigation system or used in decorative fountains. Harvested rainwater could also be used to flush toilets in the restrooms.

More information about the 9<sup>th</sup> Street Plaza can be found in Appendix B. A Power Point presentation detailing design elements is included.

Figure 24. Potential Fencing Alternatives





Figure 25. 9th Street Plaza/Park





<b>Property Record</b>	<b>Sketches</b>	<b>Trim Notices</b>				
<b>Current Ownership</b>						
Parcel No.	00122840009	Property Address	NO SITE ADDRESS			
Owner Name	COLLIER COUNTY REDEV AGENCY					
Addresses	310 ALACHUA ST					
City	IMMOKALEE	State	FL	Zip	34142 - 3503	
Legal	4 47 29 N 538FT OF E1/2 OF E1/2 OF NE1/4 OF NE1/4 OF SW1/4 LESS R/W, S122FT OF E1/2 OF NE1/4 OF NE1/4 OF *For more than four lines of Legal Description please call the Property Appraiser's Office.					
Section	Township	Range	Acres *Acreage	Map No.	Strap No.	
04	47	29	1.96	2E04	472904 042.0002E04	
<b>Millage Rates</b>						
Sub No.	100	ACREAGE HEADER	Millage Area	School	Other	Total
Use Code	86	GOVERNMENT	5	5.527	9.0782	14.6052
<a href="#">*See Instructions for Calculations</a>						
<b>2011 Certified Tax Roll</b> (Subject to Change)			<b>Latest Sales History</b>			
If all Values shown below equal 0 this parcel was created after the Final Tax Roll						
Land Value	\$ 43,050.00		Date	Book - Page	Amount	
(+) Improved Value	\$ 0.00		06 / 2010	4580 - 1490	\$ 0.00	
(-) Market Value	\$ 43,050.00		04 / 2010	4570 - 1147	\$ 0.00	
(-) SOH Exempt Value & Other Exemptions	\$ 0.00		04 / 2010	4561 - 1319	\$ 232,500.00	
(-) Assessed Value	\$ 43,050.00		11 / 1998	2479 - 2373	\$ 0.00	
(-) Homestead and other Exempt Value	\$ 43,050.00		02 / 1983	1006 - 791	\$ 0.00	
(-) Taxable Value	\$ 0.00					
(=) School Taxable Value (Used for School Taxes)	\$ 0.00					
SOH = "Save Our Homes" exempt value due to cap on assessment increases.						

The Information is Updated Weekly.

00122840009



© 2004. Collier County Property Appraiser. While the Collier County Property Appraiser is committed to providing the most accurate and up-to-date information, no warranties expressed or implied are provided for the data herein, its use, or its interpretation.

PROJECT: Collier County Redevelopment Agency/Immokalee CRA  
FOLIO NO.: 00122840009

This Corrective Warranty Deed is being recorded to correct a scrivener's error in the legal description reflected on the Warranty Deed previously recorded April 30, 2010, O.R. Book 4561, Page 1319 to reflect: See Exhibit "A" and to include an original signature of Seller to supersede the Corrective Warranty Deed previously recorded May 26, 2010, O.R. Book 4570, Page 1147.

CORRECTIVE WARRANTY DEED

THIS WARRANTY DEED is made this 21 day of June, 2010, by **SHIRLEY M. BROWN**, an unmarried person, individually and as Trustee, U/T/D 3-25-96, FBO Shirley M. Brown with the power and authority either to protect, to conserve or to sell, or to lease, or to encumber, or to otherwise manage and dispose of the real property described herein as to an undivided one-half interest and Shirley M. Brown, Trustee of the Percy D. Brown Family Trust dated March 25, 1996, as to an undivided one-half interest whose mailing address is P.O. Box 5155, Immokalee, Florida 34143 (hereinafter referred to as "Grantor"), to **COLLIER COUNTY REDEVELOPMENT AGENCY**, its successors and assigns, whose mailing address is 310 Alachua Street, Immokalee, Florida 34142 (hereinafter referred to as "Grantee").

(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and their respective heirs, legal representatives, successors and assigns.)

WITNESSETH: That the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, all that certain land situate in Collier County, Florida, to wit:

\*See Exhibit "A" for full legal description attached hereto and incorporated herein\*

Subject to easements, restrictions, and reservations of record.

This is NOT Homestead property.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the same in fee simple forever.

AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except as noted above.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

BY: Shirley M. Brown

Shirley M. Brown, Individually and as Trustee U/T/D 3-25-96, FBO Shirley M. Brown with the power and authority either to protect, to conserve or to sell, or to lease, or to encumber, or to otherwise manage and dispose of the real property described herein as to an undivided one-half interest and Shirley M. Brown, Trustee of the Percy D. Brown Family Trust dated March 25, 1996, as to an undivided one-half interest

DATED: 06-21-2010

WITNESSES:

[Signature]  
(Signature)

ESTIL E. J. NICHOLS  
(Printed Name)

[Signature]  
(Signature)

CARMEN STUBBS  
(Printed Name)



STATE OF FLORIDA  
COUNTY OF COLLIER

The foregoing Warranty Deed was acknowledged before me this 21 day of July, 2010 by SHIRLEY M. BROWN, Individually and as Trustee U/T/D 3-25-96, FBO Shirley M. Brown with the power and authority either to protect, to conserve or to sell, or to lease, or to encumber, or to otherwise manage and dispose of the real property described herein as to an undivided one-half interest and Shirley M. Brown, Trustee of the Percy D. Brown Family trust dated March 25, 1996, as to an undivided one-half interest who is personally known to me or who has produced \_\_\_\_\_ as identification.

(affix notarial seal)

Estil E. J. Null  
(Signature of Notary Public)  
ESTIL E. J. NULL  
(Print Name of Notary Public)  
NOTARY PUBLIC  
Serial/Commission #: (if any)  
My Commission Expires: \_\_\_\_\_



Approved as to form and legal sufficiency:  
J B White  
Jennifer B. White  
Assistant County Attorney



Exhibit "A"

The South 122 feet of the East half (E ½) of the Northeast quarter (NE ¼) of the Northeast Quarter (NE ¼) of the Southwest Quarter (SW ¼) of Section 4, Township 47 South, range 29 East; and

The East half (E ½) of the East half (E ½) of the North 538 feet of the East half (E ½) of the Northeast quarter (NE ¼) of the Northeast quarter (NE ¼) of the Southwest quarter (SW ¼) of Section 4, Township 47 South, Range 29 East, except 50 feet of the North end thereof for State Road No. 164; and

The West one-half of the East one-half of the North 538 feet of the East one-half of the Northeast one-quarter of the Northeast one-quarter of the Southwest one-quarter of Section 4, Township 47 South, Range 29 East, except 50 feet off the North end thereof for State Road No. 164, Collier County, Florida.

