



Florida Department of Transportation

RICK SCOTT
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

ANANTH PRASAD, P.E.
SECRETARY

March 21, 2014

Ms. Linda Anderson
Federal Highway Administration
545 John Knox Road, Suite 200
Tallahassee, FL 32303

**Subject: Section 4(f) Determination of Applicability Addendum
SR 29 Collier County PD&E Study
From Oil Well Road to SR 82, Collier County, Florida
Financial Project ID: 417540-1-22-01**

Ms. Anderson,

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.

A Section 4(f) Determination of Applicability (DOA) for this study was prepared and submitted to the Federal Highway Administration in April of 2013. Subsequent to the April 2013 submittal of the DOA, the two eastern most roadway alternatives (East Alternative #1 and East Alternative #2) were dropped from consideration, and a new central alternative was developed for study.

The removal of the two eastern alternatives eliminated the need to further examine potential impacts to Collier Rural Land Stewardship Sending Area #5. However, the newly developed central alternative (Central Alternative #2) places the proposed roadway north and east of existing SR 29, affecting the Immokalee Airport Conservation Easement, a resource potentially subject to the auspices of Section 4(f). The attached is an addendum to the original DOA, and is intended to aid FHWA in the determination of Section 4(f) applicability to the newly identified conservation easement. The FDOT believes that Section 4(f) applies to the Airport Conservation Easement.

Ms. Anderson
Federal Highway Administration
SR 29 Collier County PD&E Study
From Oil Well Road to SR 82, Collier County, Florida
Financial Project ID: 417540-1-22-01
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If you have any questions, or if I may be of assistance, please contact me at Gwen.Pipkin@dot.state.fl.us or (863) 519-2375. Thank you for your assistance with this request.

Sincerely,



Gwen G. Pipkin
District Environmental Administrator
Florida Department of Transportation

Enclosure(s)

cc: Gwen Pipkin, FDOT
Bill Howell, HW Lochner
Ron Gregory, URS

The Federal Highway Administration concurs with this determination.


Linda Anderson, FHWA

4-28-14
Date

Section 4(f) Determination of Applicability Addendum

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

January 2014

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Section 1.0

INTRODUCTION

1.1 PURPOSE OF THE ADDENDUM SUBMITTAL

This Addendum is submitted to provide the Federal Highway Administration (FHWA) an opportunity to determine the Section 4(f) applicability of the Immokalee Airport Conservation Easement. Subsequent to the April 2013 submittal of the Section 4(f) Determination of Applicability (DOA) for this project, an additional Alternative was developed for study. The new alternative (Central 2 Alternative) shifts the proposed roadway improvements north and east placing a section of new alignment within the Immokalee Airport Conservation Easement. The following is submitted to aid FHWA in the Section 4(f) DOA for the newly identified conservation easement.

1.2 PROJECT DESCRIPTION

The Florida Department of Transportation (FDOT) is conducting a Project Development and Environment (PD&E) Study on a segment of State Road (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 two-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.

1.3 DETERMINATION OF APPLICABILITY

The process of developing a Section 4(f) 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 (DOT) Act of 1966, recodified in 1983 [49 United States Code (U.S.C.) 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.

The DOA submitted in April of 2013 identified four potential Section 4(f) properties within close proximity of the alternative alignments. Correspondence received from FHWA in June 2013 provided concurrence that the Immokalee Airport Park, 1st Street Plaza, and 9th Street Plaza were Section 4(f) properties. The fourth resource identified as part of the April 2012 DOA, the Collier Rural Land Stewardship Sending Area, is no longer of relevance as the alternatives potentially affecting the resource have been removed from the study.

Additional analysis completed in the development of Central 2 Alternative resulted in the identification of one additional Section 4(f) resource, the Immokalee Airport Conservation Easement.

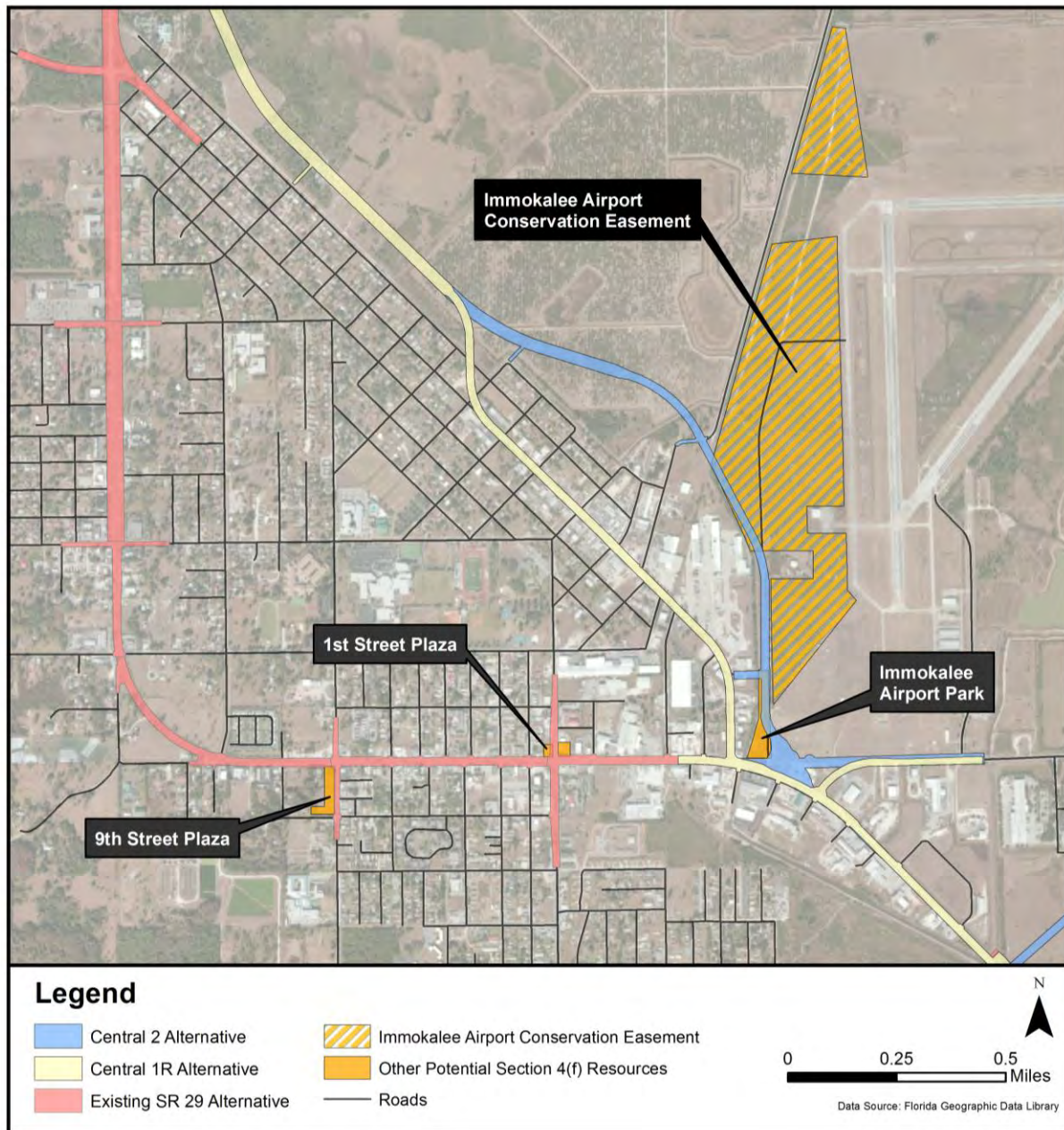
**FIGURE 1-1
PROJECT LOCATION MAP**



Figure 1-2 displays the location of the project and the four remaining potential Section 4(f) resources identified within the study area, and calls attention to the newly identified Immokalee Airport Conservation Easement.

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 to provide additional contextual detail.

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



Section 2.0

IMMOKALEE AIRPORT CONSERVATION EASEMENT

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

Located along the western edge of the Immokalee Airport complex, the Immokalee Airport Conservation Easement occupies approximately 132 acres of the 1,052-acre airport site. Based on the proposed alignment of the Central 2 Alternative, it appears approximately 4.2 acres of the airport conservation easement would be needed to support the proposed improvement of SR 29.

Figure 1-2, shown previously, reflects the relationship between the Immokalee Airport Conservation Easement. **Figure 2-1** shows the relation between the easement and the proposed Central 2 Alternative.

2. Size and location of the affected property.

The Immokalee Airport Conservation Easement totals 132 acres. The easement is located along the western edge of the Immokalee Airport complex in northeast Collier County.

See Figure 1-2 for the location of the conservation easement.

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

Immokalee Airport Property is owned by Collier County. An easement on a portion of the airport property was dedicated to the Florida Fish and Wild Conservation Commission (FWC) to serve as public conservation lands. **Appendix A**, pages A-1 through A-6, contain the site's Property Cards. **Appendix B**, page B-1 through B-13 contain the Deed of Conservation Easement.

4. Function of or available activities on the property.

The Airport Conservation Easement was dedicated to preserve upland habitat. The property is not accessible to the general public. No active use is programmed on the site. The Deed of Conservation Easement includes a list of prohibited activities on the site which generally prohibit activities that are detrimental to drainage, flood control, water conservation, erosion control, soil conservation, and/or fish and/or wildlife habitat preservation.

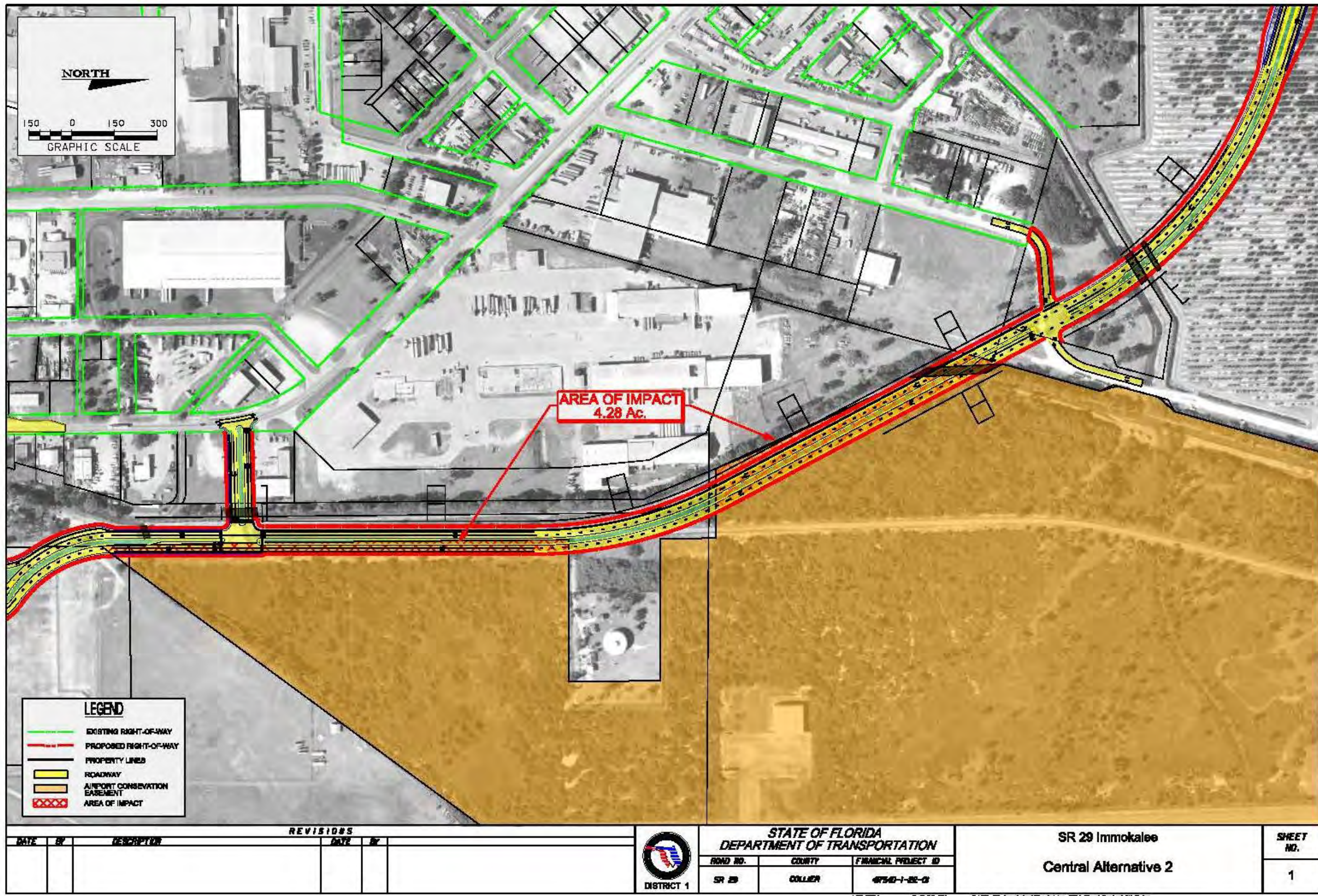


FIGURE 2-1
SR 29 CENTRAL ALTERNATIVE 2
IMPACT TO IMMOKALEE AIRPORT CONSERVATION EASEMENT

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

The Immokalee Airport Conservation Easement incorporates an unimproved section of the Immokalee Airport site. The purpose of the easement is to preserve upland habitat in a natural state. The deed of conservation easement limits allowable activity on the site, and prohibits future development. No improvement is planned for the area of the easement. See **Figure 2-2** for detail on current site use.

**FIGURE 2-2
PHOTO OF CONSERVATION AREA**



6. Access and usage.

The Airport Conservation Easement is fenced and specifically prohibits access by the general public. The area of the easement is used exclusively for conservation purposes. The deed of conservation easement includes a list of prohibited activities on the site to include those that are detrimental to drainage, flood control, water conservation, erosion control, soil conservation, and/or fish and/or wildlife habitat preservation.

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

The Immokalee Airport Conservation Easement is one of several publicly owned conservation lands located within Collier County. However, the 132 acres contained within the Immokalee Airport Conservation Easement stands relatively isolated from other conservation lands. The fenced property is

bounded by the airport to the east, Immokalee to the south, and citrus groves to the north and west. The most proximate conservation lands, managed as part of the Collier County Rural Lands Stewardship program, are located approximately 3 miles east of the Immokalee Airport property.

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

The Immokalee Airport is owned by Collier County and operated by the Collier County Airport Authority.

A Deed of Conservation Easement was dedicated by Collier County to the FWC in November of 1999. The deed of conservation easement secures the enforcement of a perpetual conservation easement on 132 acres of the Immokalee Airport property. Figure 1-2, provided previously, depicts the area of the easement. **Appendix B**, beginning on page B-1, contains the Deed of Conservation Easement.

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 requested a Statement of Significance from the FWC on September 19, 2013. A letter of response from the Director, Division of Habitat and Species Conservation was received on October 11, 2013, which stated that the Immokalee Airport Conservation Easement **is considered a significant public resource** to the natural system preservation efforts within Southwest Florida. A copy of the letter is included in **Appendix C** beginning on page C-1.

11. Constructive use.

In accordance with FHWA and Federal Transit Administration (FTA) regulation 23 Code of Federal Regulations (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 likely that the proposed construction of the Central 2 Alternative 2 may impair the function, access, and setting of the Immokalee Airport Conservation Easement.

This project will constitute a permanent direct impact to a portion of the Immokalee Airport Conservation Easement, and may create additional negative effects. The proximity impacts of the project may impair the activities, features, and attributes of the easement. A full assessment of the direct and indirect impacts associated with the improvement on SR 29 will be conducted in the Section 4(f) evaluation.

APPENDIX A

Airport Ownership Information

Collier County Property Appraiser Property Summary

Parcel No. 00088800002	Site Adr.
-------------------------------	------------------

Name / Address	SCOTT, ED				
	IMMOKALEE AIRPORT, COLLIER CO				
	3301 TAMIAMI TRL E BLDG F				
City	NAPLES	State	FL	Zip	34112-4902

Map No.	Strap No.	Section	Township	Range	Acres *Acreage
1E35	462935 001.0001E35	35	46	29	481.53

Legal	35 46 29 N1/2 + NW1/4 OF NW1/4 OF SE1/4, N1/2 OF SW1/4, SW1/4 OF SW1/4, N1/2 OF SE1/4 OF SW1/4, LESS ED SCOTT IMMOKALEE AIRPORT UNIT 2 455.47 AC
--------------	--

Millage Area 67	Millage Rates *Calculations		
Sub./Condo 100 - ACREAGE HEADER	School	Other	Total
Use Code 86 - COUNTIES INCLUDING NON-MUNICIPAL GOV.	5.69	9.4089	15.0989

Latest Sales History

(Not all Sales are listed due to Confidentiality)

Date	Book-Page	Amount
06/28/60	<u>70-635</u>	\$ 0
01/26/60	<u>57-582</u>	\$ 0

2013 Certified Tax Roll

(Subject to Change)

Land Value	\$ 15,649,725
(+) Improved Value	\$ 0
(=) Market Value	\$ 15,649,725
(-) SOH* & other Exempt.	\$ 0
(=) Assessed Value	\$ 15,649,725
(-) Homestead & other Exempt.	\$ 15,649,725
(=) Taxable Value	\$ 0
(=) School Taxable Value	\$ 0

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

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

Collier County Property Appraiser Property Aerial

Parcel No. **0008880002**

Site Adr.



Collier County Property Appraiser Property Summary

Parcel No. 00087680003	Site Adr. 260 AIRPARK BLVD
-------------------------------	-----------------------------------

Name / Address	SCOTT, ED				
	IMMOKALEE AIRPORT, COLLIER CO				
	3301 TAMIAMI TRL E BLDG F				
City	NAPLES	State	FL	Zip	34112-4902

Map No.	Strap No.	Section	Township	Range	Acres <u>*Acreage</u>
1E34	462934 002.0001E34	34	46	29	336.06

Legal	34 46 29 ALL E OF PROPERTY LI OF AC RR, LESS 5 AC DESC IN DB 31 PG 135, LESS VACATED RR R/W
--------------	--

<u>Millage Area</u> 67	<u>Millage Rates</u> *Calculations		
Sub./Condo 100 - ACREAGE HEADER	School	Other	Total
<u>Use Code</u> 86 - COUNTIES INCLUDING NON-MUNICIPAL GOV.	5.69	9.4089	15.0989

Latest Sales History

(Not all Sales are listed due to Confidentiality)

Date	Book-Page	Amount
06/28/60	<u>70-635</u>	\$ 0
01/26/60	<u>57-582</u>	\$ 0

2013 Certified Tax Roll

(Subject to Change)

Land Value	\$ 7,339,146
(+) Improved Value	\$ 0
(=) Market Value	\$ 7,339,146
(-) SOH* & other Exempt.	\$ 0
(=) Assessed Value	\$ 7,339,146
(-) Homestead & other Exempt.	\$ 7,339,146
(=) Taxable Value	\$ 0
(=) School Taxable Value	\$ 0

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

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

Collier County Property Appraiser Property Aerial

Parcel No. 00087680003

Site Adr. 260 AIRPARK BLVD



Collier County Property Appraiser Property Summary

Parcel No. 00115560008	Site Adr. 700 CR 846 E
-------------------------------	-------------------------------

Name / Address	COLLIER CNTY				
	BOARD OF COUNTY COMMISSIONERS				
	3301 TAMIAMI TRL E				
Country	USA	City		Foreign Mail Code	

Map No.	Strap No.	Section	Township	Range	Acres <u>*Acreage</u>
2E03	472903 001.0002E03	3	47	29	172.69

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
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<u>Millage Area</u> 67	<u>Millage Rates</u> *Calculations		
Sub./Condo 100 - ACREAGE HEADER	School	Other	Total
<u>Use Code</u> 86 - COUNTIES INCLUDING NON-MUNICIPAL GOV.	5.69	9.4089	15.0989

Latest Sales History

(Not all Sales are listed due to Confidentiality)

Date	Book-Page	Amount
06/28/60	<u>70-635</u>	\$ 0
01/26/60	<u>57-582</u>	\$ 0
05/14/56	<u>52-158</u>	\$ 0

2013 Certified Tax Roll

(Subject to Change)

Land Value	\$ 4,642,819
(+) Improved Value	\$ 11,543,615
(=) Market Value	\$ 16,186,434
(-) SOH* & other Exempt.	\$ 0
(=) Assessed Value	\$ 16,186,434
(-) Homestead & other Exempt.	\$ 16,186,434
(=) Taxable Value	\$ 0
(=) School Taxable Value	\$ 0

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

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

Collier County Property Appraiser Property Aerial

Parcel No. 00115560008

Site Adr. 700 CR 846 E



Collier County Property Appraiser Property Summary

Parcel No. 00115400003	Site Adr. 1180 CR 846
-------------------------------	------------------------------

Name / Address	COLLIER CNTY				
	ED SCOTT IMMOKALEE AIRPORT				
	3301 TAMIAMI TRL E BLDG F				
City	NAPLES	State	FL	Zip	34112-4902

Map No.	Strap No.	Section	Township	Range	Acres *Acreage
2E02	472902 002.0002E02	2	47	29	61.99

Legal	2 47 29 NW1/4 OF NW1/4, W1/2 OF SW1/4 OF NW1/4
--------------	--

Millage Area 67	Millage Rates *Calculations		
Sub./Condo 100 - ACREAGE HEADER	School	Other	Total
Use Code 86 - COUNTIES INCLUDING NON-MUNICIPAL GOV.	5.69	9.4089	15.0989

Latest Sales History

(Not all Sales are listed due to Confidentiality)

Date	Book-Page	Amount
06/28/60	<u>70-635</u>	\$ 0
01/26/60	<u>57-582</u>	\$ 0

2013 Certified Tax Roll

(Subject to Change)

Land Value	\$ 2,014,675
(+) Improved Value	\$ 0
(=) Market Value	\$ 2,014,675
(-) SOH* & other Exempt.	\$ 0
(=) Assessed Value	\$ 2,014,675
(-) Homestead & other Exempt.	\$ 2,014,675
(=) Taxable Value	\$ 0
(=) School Taxable Value	\$ 0

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

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

Collier County Property Appraiser Property Aerial

Parcel No. **0011540003**

Site Adr. **1180 CR 846**



APPENDIX B

Immokalee Airport Deed of Conservation Easement

AFFIDAVIT

STATE OF FLORIDA)
COUNTY OF COLLIER)

BEFORE ME, an officer duly qualified to administer oaths and take acknowledgments in Collier County, Florida, personally appeared the undersigned Affiant, who by me being first duly sworn, deposes and says:

1. I, the undersigned Affiant, am employed by the Collier County Airport Authority, a dependent district of the County of Collier, a political subdivision of the State of Florida. I am authorized to submit this Affidavit on behalf of the Airport Authority.

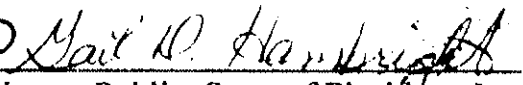
2. I hereby certify that attached hereto as Exhibit "A" is a "true copy" of a Deed of Conservation Easement that is yet to be recorded in the Public Records of Collier County. Exhibit "A" is exactly similar to a prior Deed of this same Conservation Easement, which prior Deed is recorded at book 2614, Page 0666, public records of Collier County, Florida.

3. I hereby certify that the only difference between the attached Exhibit "A" and the prior recorded Deed of Conservation Easement is that the words "incorporated herein by reference" have been inserted in the 5th line of paragraph numbered 1 of page 1 in the Deed. These words have been inserted into the Deed as only a clarification of the prior Deed. The initials on the right hand side of page one (1) are also additional for approval of change. Nothing substantive in the prior Deed of Easement is being changed by this amendment to the Deed.

SWORN TO AND SUBSCRIBED before me by _____;
who is personally known to me, this 13th day of September 2001.



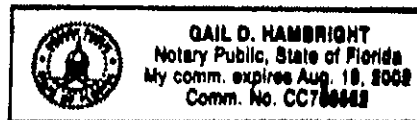
John Drury, Affiant



Notary Public, State of Florida at Large

Commission Number: CC 763562

My Commission expires: Aug 19, 2002



Retn:
COLLIER COUNTY AIRPORT AUTHORITY
2003 MAINSAIL DR
NAPLES FL 34114

2559937 OR: 2614 PG: 0666

RECORDED in the OFFICIAL RECORDS of COLLIER COUNTY, FL
11/23/1999 at 09:49AM DWIGHT H. BROCK, CLERK

RAC P&B	55.50
DOC-.70	.70
COPIES	12.00
MISC	1.00

DEED OF CONSERVATION EASEMENT

THIS DEED OF CONSERVATION EASEMENT is hereby granted by the Collier County Airport Authority and the County of Collier, a political subdivision of the State of Florida, whose mailing address is 3301 Tamiami Trail, Administration Building, Naples, Florida, 34112, ("Grantor") to the Fish and Wildlife Conservation Commission, an Agency of the State of Florida, whose address is 620 South Meridian Street, Tallahassee, Florida, 32399-1600, ("Grantee").

WITNESSETH:

WHEREAS, the Grantor is the owner of certain lands situated in Collier County, Florida, hereinafter referred to as the "Property," more specifically described in Exhibit "A" attached hereto and made a part hereof; and

WHEREAS, Grantor desires to protect and conserve certain uplands preserve areas; and

WHEREAS, Grantor in consideration of the consents of the Grantee to that certain Gopher Tortoise Incidental Take Permit issued to Grantor on the 3rd day of November, 1999, by Grantee, hereinafter referred to as the "Permit," whereby Grantor is required to grant and secure the enforcement of a perpetual conservation easement as defined in Section 704.06, *Florida Statutes* (1991), over the Easement Area.

NOW THEREFORE, consistent with the issuance of the Permit, Grantor hereby grants, creates, and establishes a perpetual conservation easement upon the Easement Area, which is depicted by the "cross-hatched" areas (generally west of runway 18-36) as shown on Exhibit "B." The Easement Area does not include 50 ft. wide existing roads and their associated rights-of-way and that proposed road to the hangar located within the Easement Area all identified on Exhibit "B." The easement shall run with the land within the Easement Area and shall be binding upon Grantor, its heirs, successors and assigns, and shall remain in full force and effect forever unless released by Grantee, its successors or assigns, as the case may then be.

1. The scope, nature, and character of this easement is to ensure, to the greatest extent now and/or hereafter allowed by law, that uplands preserve areas, including buffer zones, (Easement Area) shall be used only as conservation areas pursuant to Section 704.06, *Florida Statutes*, consistent with the Permit and the Management Plan ^(incorporated herein by reference). To carry out these purposes, the following rights are conveyed to Grantee by this easement:

(a) Authorized representatives of Grantee may enter upon the Property at reasonable times to enforce any and all rights herein granted upon prior notice to Grantor (or Grantor's successors or assigns as the case may then be) in a manner that will

PSM

MW

09H

Deed of Conservation Easement
Page 2

not unreasonably interfere with the use and quiet enjoyment of the Property by Grantor (its successors or assigns as the case may be) at the time of each such entry; and,

(b) Authorized representatives of (1) Grantee and/or (2) any other then authorized government entity may enjoy any activity on, or use of, the Property that is inconsistent with the purpose of this easement, and may enforce restoration of such areas or features of the Property that may be damaged by any inconsistent activity or use.

2. Collier County reserves to itself, its successors and/or assigns all rights as a non-charter County and as owner of the Airport, including rights to engage in all uses of the Airport that are not expressly prohibited herein and which are not inconsistent with the purposes of this easement as set forth in Section 704.06, *Florida Statutes*, as now exists or may hereafter be amended. Within the Easement Area, the following are prohibited uses/activities except as otherwise authorized elsewhere in this document, or as then required by applicable law(s), including Chapter 333, *Florida Statutes*, or the then current FAA FAR Part 77 Standards (or successor) in function of any of same:

(a) Construction or placing of buildings, roads, signs, billboards and other advertising, utilities, and/or other structures on or above the ground.

(b) Dumping or otherwise placing of trash, waste, or unsightly or offensive materials.

(c) Removal or alteration of trees, shrubs, or other vegetation unless allowed or mandated by the then current Management Plan and/or officials of Grantee.

(d) Excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other material substance in such manner as to affect the surface except as necessary for maintenance of drainage ditches.

(e) Surface use except for purposes that permit the land or water area to remain predominantly in its natural condition.

(f) Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, and/or fish and/or wildlife habitat preservation.

(g) Acts and/or uses that are detrimental to such retention of land.

(h) Alteration of the Easement Area except to the extent authorized by the Permit, by then applicable law(s) and/or the then current Management Plan.

Deed of Conservation Easement
Page 3

(i) Use of any pesticides within the Property without the prior written consent of the Grantee, which consent(s) will not be unreasonably withheld.

3. No right of access by any members of the general public to any portion of the Easement Area is conveyed by this easement.

4. Grantor agrees to bear all reasonable costs related to the normal operation, upkeep and maintenance of the Easement Area.

5. Grantor agrees that taxes and/or assessments levied on the Airport by competent authority will be paid.

6. Enforcement of this easement shall be at the discretion of Grantee. Any forbearance on behalf of Grantee to exercise any of its rights hereunder in the event of any breach hereof by Grantor (or its successors, personal representatives or assigns, as the case may be) shall not be deemed or construed to be any waiver of Grantee's rights hereunder in the event of any subsequent breach hereof.

7. Grantee will hold this easement exclusively for conservation purposes and will not assign this easement or any of its rights and/or obligations hereunder except to another organization then (a) qualified by law to hold such interests and/or perform those obligations under any then applicable law(s), and (b) then and thereafter committed to holding this easement exclusively for conservation purposes. If Grantor sells or otherwise conveys title to any part of the Airport or Easement Area to any person or entity, Grantor shall deliver written notice of such transfer to Grantee not later than thirty (30) days after recordation of the respective transfer in the public records of Collier County.

8. If any provision of this easement, or the application thereof to any person or circumstance, is found to be invalid, all other provisions of this easement, and the applications of any such provision(s) to persons or circumstances other than those as to which it is found to be invalid, shall not be affected thereby to the greatest extent then allowed by law.

9. All notices, consents, approvals or other communications pursuant hereto shall be in writing and shall be deemed properly received by the recipient if actually received via United States mail, certified, return receipt requested, addressed to the appropriate party (or successor-in-interest), at the addresses above set forth or such new address as either party may in writing deliver to the other party.

10. This easement may be amended, altered, released or revoked only by written agreement between the parties hereto, or their successors or assigns.

11. Grantor certifies to Grantee that the Airport is not subject to any mortgage or any other form of security that is superior to this easement or which needs to be subordinated.

12. This easement shall be recorded by Grantor in the public records of Collier County after receipt of acknowledgment of acceptance hereof by the Grantee.

13. Grantor agrees that if the property is subject to a mortgage or any form of security interest, Grantor shall provide documentation to verify that mortgage or security interest is subordinate to this Conservation Easement and such verification shall be provided and recorded either before or concurrent with execution of this Easement.

TO HAVE AND TO HOLD unto Grantees, their respective successors and assigns forever. The covenants, terms, conditions, restrictions and purposes imposed with this easement shall not only be binding upon Grantor but also upon its agents, authorized representatives, assigns, and all other successors in interest to it, and shall continue as a servitude running in perpetuity with the Airport unless and until released by Grantee or its successor or assigns, and then only to the extent of any such release(s).

IN WITNESS WHEREOF, Grantor has executed this easement on the 14 day of Sept, 1999.

ATTEST:
Dwight E. Brock, Clerk

BOARD OF COUNTY COMMISSION
OF COLLIER COUNTY, FLORIDA

By: [Signature]
Deputy Clerk
Attest as to Chairman's
signature only.

By: [Signature]
Pamela S. Mac'Kie, Chairwoman

Approved as to form
and legal sufficiency:

COLLIER COUNTY AIRPORT AUTHORITY
By: [Signature]
Michael Williams, Chairman

By: [Signature]
Thomas C. Palmer
Assistant County Attorney

GRANTEE'S ACCEPTANCE

The Fish and Wildlife Conservation Commission hereby approves and accepts the foregoing Conservation Easement and agrees to all of its terms and provisions this 26th Day of October, 1999.

**FLORIDA FISH AND WILDLIFE
CONSERVATION COMMISSION**

WITNESSES:

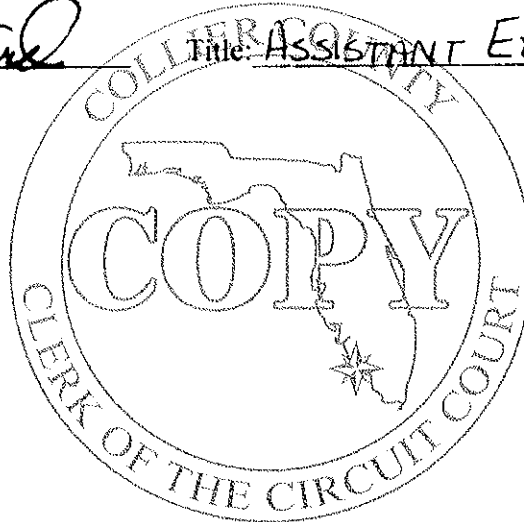
By: *Victor Heller*

Brenda Collins

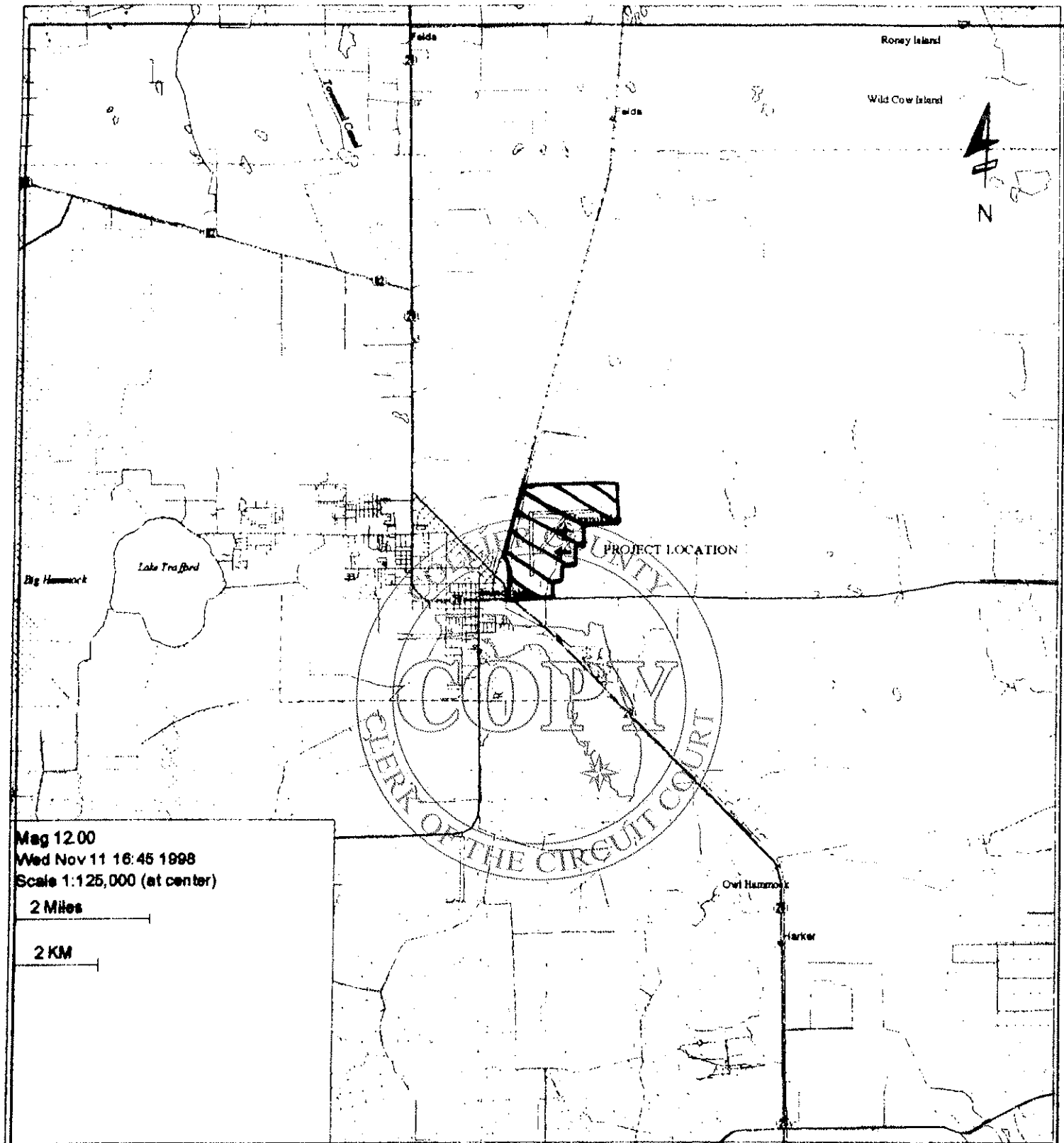
Name VICTOR J. Heller

Cynthia Ward

Title: ASSISTANT Executive Director



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY
Victor J. Heller
Commission Attorney



OR: 2614 PG: 0671

DATE: 11-12-98

**IMMOKALEE REGIONAL AIRPORT
LOCATION MAP**

**FLORIDA
ENVIRONMENTAL
INCORPORATED**

SCALE:

18505 Paulson Drive, Bldg. B
Port Charlotte, FL 33954
Tel (941) 624-2011
Fax (941) 628-7210

PROJECT NO: 94067.8

EXHIBIT A

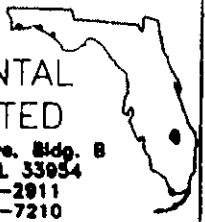
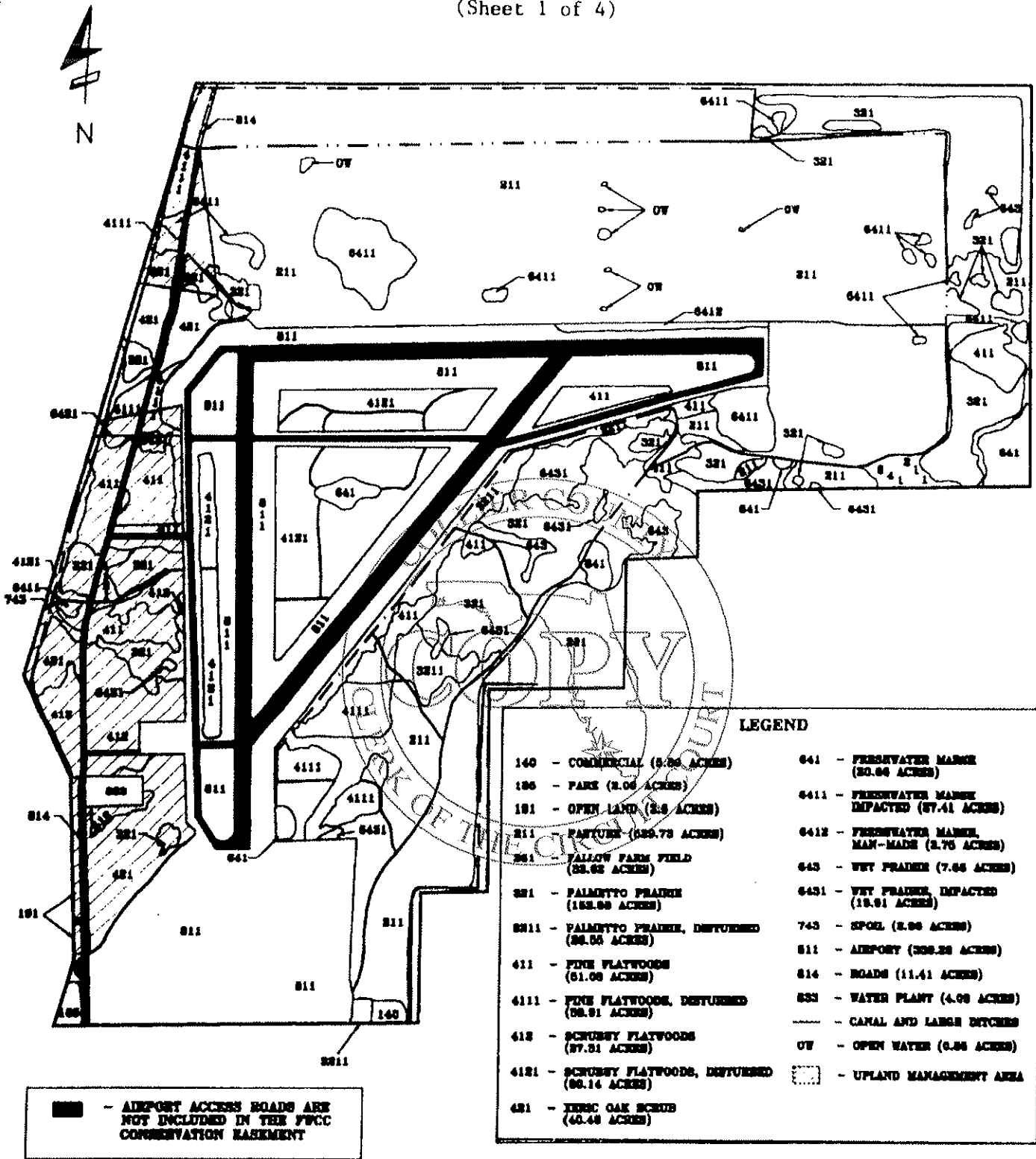


Exhibit B
(Sheet 1 of 4)



DATE: 7/12/99

SCALE: 1" = 1400'

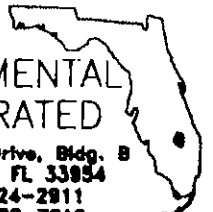
PROJECT NO: 94067.10

IMMOKALEE REGIONAL AIRPORT
UPLAND
MANAGEMENT AREA

EXHIBIT B SHEET 1 OF 4

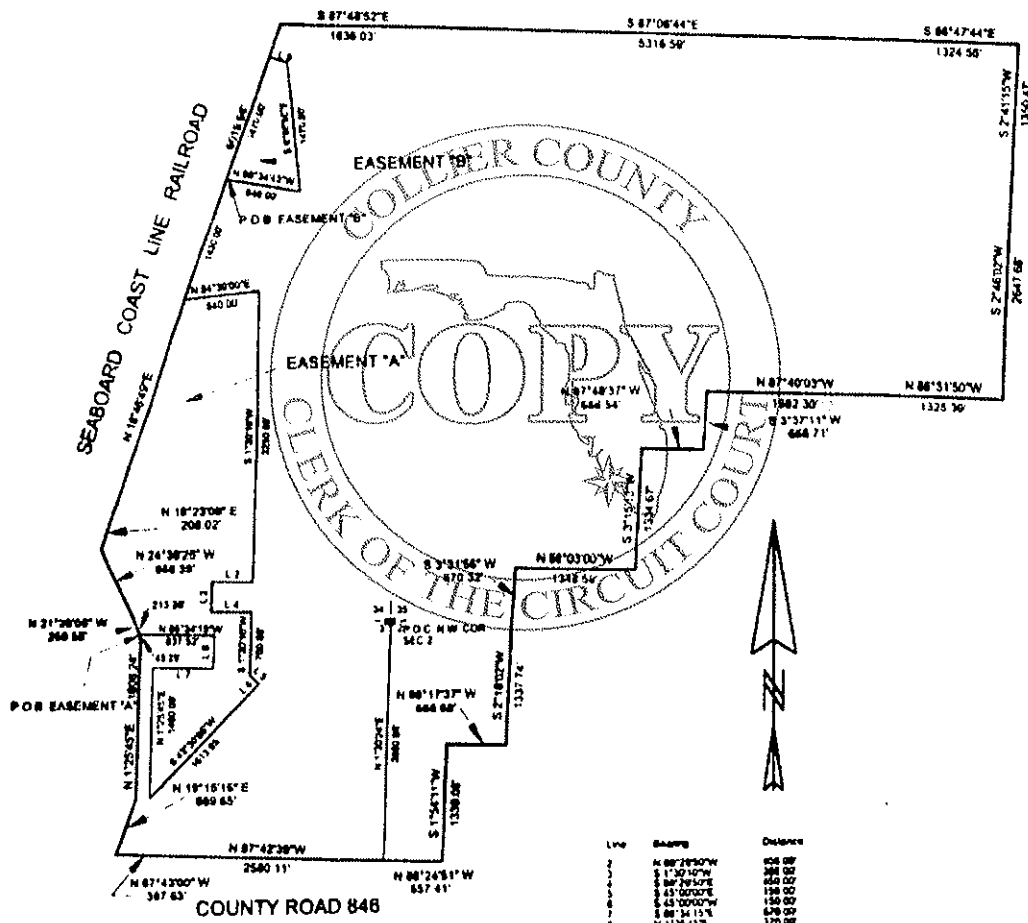
FLORIDA
ENVIRONMENTAL
INCORPORATED

18505 Paulson Drive, Bldg. B
Port Charlotte, FL 33954
Tel (941) 624-2911
Fax (941) 629-7210



PUBLIC WORKS ENGINEERING DEPARTMENT
3301 EAST TAMiami TRAIL. NApLES, FLORIDA 34112
(941) 774-8192

SKETCH OF DESCRIPTION
NOT A SURVEY



GENERAL NOTES
 1) P.O.C. = POINT OF COMMENCEMENT
 2) P.O.B. = POINT OF BEGINNING
 3) SEC. = SECTION
 4) TWP. = TOWNSHIP
 5) RGE. = RANGE
 6) RAW = RIGHT OF WAY
 7) ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF
 8) NOT VALID UNLESS SIGNED AND SEALED WITH THE EMBOSSED SEAL OF A PROFESSIONAL LAND SURVEYOR

CHECKED BY	CHECKED BY	SCALE	DATE	FILE NO.	SHEET 2 OF 4
		NOT TO SCALE	OCTOBER 25, 1999	IAFSJE	

PUBLIC WORKS ENGINEERING DEPARTMENT
3301 EAST TAMiami TRAIL NAPLES, FLORIDA 34112
(941) 774-8192

Easement Parcel "A"

PROJECT NO..

PARCEL NO..

FOLIO NO..

LEGAL DESCRIPTION (NOT A SURVEY)

COMMENCING AT THE NORTHWEST CORNER OF SECTION 2, TOWNSHIP 47 SOUTH, RANGE 29 EAST, COLLIER COUNTY, FLORIDA; THENCE SOUTH 1 DEGREE 30 MINUTES 24 SECONDS WEST, A DISTANCE OF 2680.88 FEET; THENCE NORTH 87 DEGREES 42 MINUTES 39 SECONDS WEST ALONG THE NORTH RIGHT OF WAY LINE OF COUNTY ROAD 846, A DISTANCE OF 2580.11 FEET; THENCE NORTH 87 DEGREES 43 MINUTES 00 SECONDS WEST, A DISTANCE OF 307.67 FEET; THENCE LEAVING SAID NORTH RIGHT OF WAY LINE NORTH 19 DEGREES 15 MINUTES 15 SECONDS EAST, A DISTANCE OF 669.65 FEET; THENCE NORTH 1 DEGREE 25 MINUTES 45 SECONDS EAST, A DISTANCE OF 1808.24 FEET; THENCE NORTH 21 DEGREES 20 MINUTES 05 SECONDS WEST, A DISTANCE OF 45.29 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH ALONG SAID LINE, A DISTANCE OF 213.26 FEET; THENCE NORTH 24 DEGREES 38 MINUTES 25 SECONDS WEST, A DISTANCE OF 856.39 FEET; THENCE NORTH 18 DEGREES 23 MINUTES 08 SECONDS EAST ALONG THE EAST RIGHT OF WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A DISTANCE OF 208.02 FEET; THENCE NORTH 18 DEGREES 46 MINUTES 49 SECONDS EAST, A DISTANCE OF 2728.00 FEET; THENCE LEAVING SAID EAST RIGHT OF WAY LINE NORTH 84 DEGREES 30 MINUTES 00 SECONDS EAST, A DISTANCE OF 840.00 FEET; THENCE SOUTH 1 DEGREE 30 MINUTES 10 SECONDS WEST, A DISTANCE OF 3250.00 FEET; THENCE NORTH 88 DEGREES 29 MINUTES 50 SECONDS WEST, A DISTANCE OF 450.00 FEET; THENCE SOUTH 1 DEGREE 30 MINUTES 10 SECONDS WEST, A DISTANCE OF 360.00 FEET; THENCE SOUTH 88 DEGREES 29 MINUTES 50 SECONDS EAST, A DISTANCE OF 450.00 FEET; THENCE SOUTH 1 DEGREE 30 MINUTES 10 SECONDS WEST, A DISTANCE OF 700.00 FEET; THENCE SOUTH 45 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 150.00 FEET; THENCE SOUTH 45 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 150.00 FEET; THENCE SOUTH 43 DEGREES 30 MINUTES 06 SECONDS WEST, A DISTANCE OF 1613.95 FEET; THENCE NORTH 1 DEGREE 25 MINUTES 45 SECONDS EAST, A DISTANCE OF 1480.00 FEET; THENCE SOUTH 18 DEGREES 24 MINUTES 15 SECONDS EAST, A DISTANCE OF 670.00 FEET; THENCE NORTH 1 DEGREE 25 MINUTES 45 SECONDS EAST, A DISTANCE OF 370.00 FEET; THENCE NORTH 88 DEGREES 34 MINUTES 15 SECONDS WEST, A DISTANCE OF 837.52 FEET TO THE POINT OF BEGINNING, SAID DESCRIBED TRACT CONTAINING 137.084 ACRES (5,971,401) SQUARE FEET), MORE OR LESS.

IAFSJEA

PREPARED BY: *George R. Richmond*

GEORGE R. RICHMOND

DATE: *1/2/88*

PROFESSIONAL LAND SURVEYOR-FL. REG. # 2406
PUBLIC WORKS ENGINEERING DEPARTMENT.
COLLIER COUNTY GOVERNMENT COMPLEX
3301 EAST TAMiami TRAIL
NAPLES, FLORIDA 34112

SHEET 3 OF 4

PUBLIC WORKS ENGINEERING DEPARTMENT
3301 EAST TAMiami TRAIL NAPLES, FLORIDA 34112
(941) 774-8192

PROJECT NO.

PARCEL NO...

FOLIO NO...

LEGAL DESCRIPTION (NOT A SURVEY)

Easement Parcel "B"

COMMENCING AT THE NORTHWEST CORNER OF SECTION 2, TOWNSHIP 47 SOUTH, RANGE 29 EAST, COLLIER COUNTY, FLORIDA, THENCE SOUTH 1 DEGREE 30 MINUTES 24 SECONDS WEST, A DISTANCE OF 2680.88 FEET; THENCE NORTH 87 DEGREES 42 MINUTES 39 SECONDS WEST ALONG THE NORTH RIGHT OF WAY LINE OF COUNTY ROAD 846, A DISTANCE OF 2580.11 FEET; THENCE NORTH 87 DEGREES 43 MINUTES 00 SECONDS WEST, A DISTANCE OF 397.63 FEET; THENCE LEAVING SAID NORTH RIGHT OF WAY LINE NORTH 19 DEGREES 15 MINUTES 15 SECONDS EAST, A DISTANCE OF 669.65 FEET; THENCE NORTH 1 DEGREE 25 MINUTES 45 SECONDS EAST, A DISTANCE OF 1808.24 FEET; THENCE NORTH 21 DEGREES 20 MINUTES 05 SECONDS WEST, A DISTANCE OF 258.55 FEET; THENCE NORTH 24 DEGREES 38 MINUTES 25 SECONDS WEST, A DISTANCE OF 856.39 FEET; THENCE NORTH 18 DEGREES 23 MINUTES 08 SECONDS EAST ALONG THE EAST RIGHT OF WAY LINE OF THE SEABOARD COAST LINE RAILROAD A DISTANCE OF 208.02 FEET; THENCE NORTH 18 DEGREES 46 MINUTES 49 SECONDS EAST, A DISTANCE OF 4158.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH ALONG SAID LINE, A DISTANCE OF 1470.00 FEET; THENCE LEAVING SAID EAST RIGHT OF WAY LINE SOUTH 71 DEGREES 13 MINUTES 11 SECONDS EAST, A DISTANCE OF 210.00 FEET; THENCE SOUTH 6 DEGREES 06 MINUTES 53 SECONDS EAST, A DISTANCE OF 1470.00 FEET; THENCE NORTH 90 DEGREES 34 MINUTES 43 SECONDS WEST, A DISTANCE OF 840.00 FEET TO THE POINT OF BEGINNING; SAID DESCRIBED TRACT CONTAINING 17.199 ACRES (749,189 SQUARE FEET), MORE OR LESS.

IAFSJEB

PREPARED BY *George R. Richmond* DATE *1/25/12*
GEORGE R. RICHMOND

PROFESSIONAL LAND SURVEYOR-FL. REG. # 2406
PUBLIC WORKS ENGINEERING DEPARTMENT
COLLIER COUNTY GOVERNMENT COMPLEX
3301 EAST TAMiami TRAIL
NAPLES, FLORIDA 34112

PUBLIC WORKS ENGINEERING DEPARTMENT
 3301 EAST TAMiami TRAIL NAPLES, FLORIDA 34112
 (941) 774-8192

PROJECT NO..
 PARCEL NO..
 FOLIO NO..

LEGAL DESCRIPTION (NOT A SURVEY)

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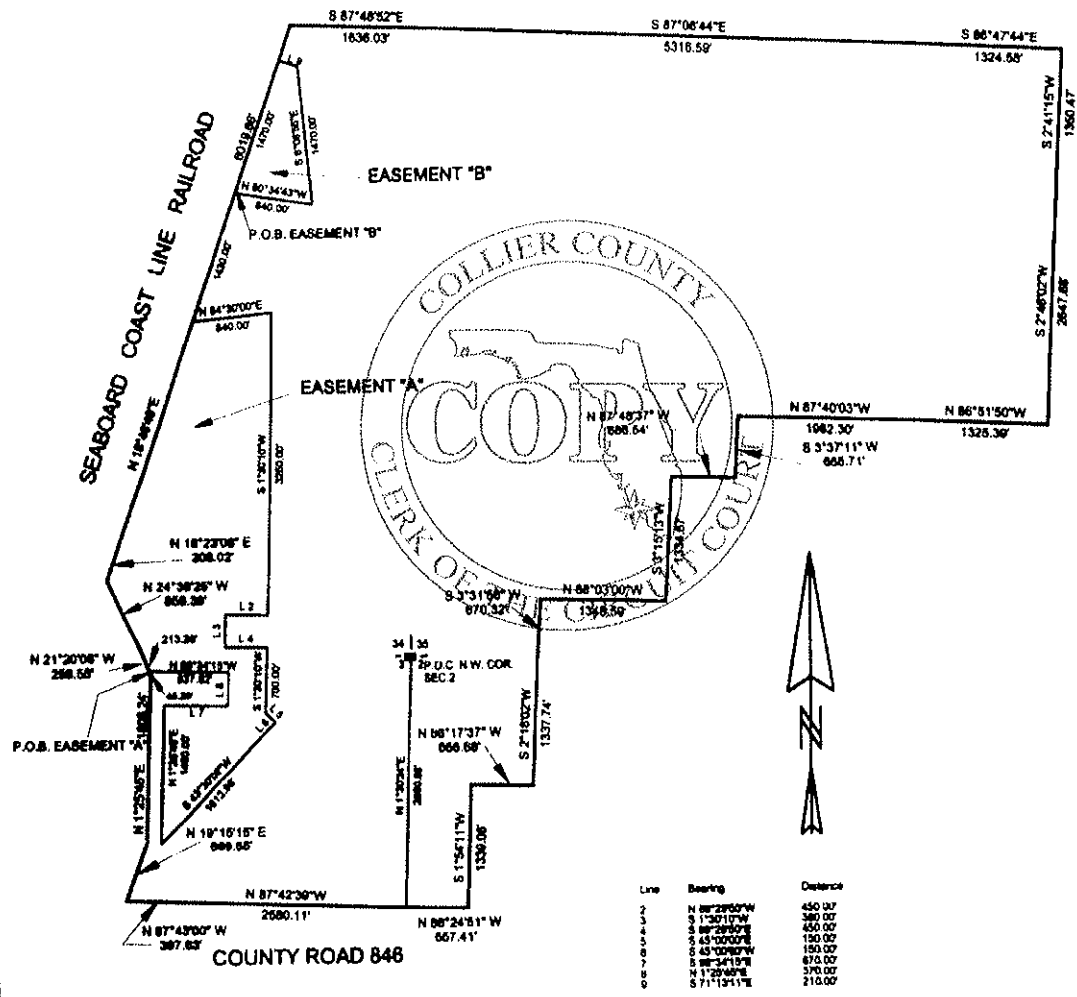
IAFSJEB

PREPARED BY *George R. Richmond* DATE *10/25/75*

GEORGE R. RICHMOND
 PROFESSIONAL LAND SURVEYOR-FL. REG. # 2406
 PUBLIC WORKS ENGINEERING DEPARTMENT,
 COLLIER COUNTY GOVERNMENT COMPLEX
 3301 EAST TAMiami TRAIL
 NAPLES, FLORIDA 34112

PUBLIC WORKS ENGINEERING DEPARTMENT
 3301 EAST TAMiami TRAIL NAPLES, FLORIDA 34112
 (941) 774-8192

SKETCH OF DESCRIPTION
 NOT A SURVEY



GENERAL NOTES
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DRAWN BY	CHECKED BY	SCALE	DATE	FILE NO	
		NOT TO SCALE	OCTOBER 25, 1999	IAFSJE	SHEET 2 OF 2

APPENDIX C

Statement of Significance



Florida Fish
and Wildlife
Conservation
Commission

Commissioners

Richard A. Corbett
Chairman
Tampa

Brian S. Yablonski
Vice Chairman
Tallahassee

Ronald M. Bergeron
Fort Lauderdale

Aliese P. "Liesa" Priddy
Immokalee

Bo Rivard
Panama City

Charles W. Roberts III
Tallahassee

Kenneth W. Wright
Winter Park

Executive Staff

Nick Wiley
Executive Director

Eric Sutton
Assistant Executive Director

Karen Ventimiglia
Chief of Staff

Division of Habitat and
Species Conservation
Thomas Eason, Ph.D.
Director

(850) 488-3831
(850) 921-7793 FAX

*Managing fish and wildlife
resources for their long-term
well-being and the benefit
of people.*

620 South Meridian Street
Tallahassee, Florida
32399-1600
Voice: (850) 488-4676

Hearing/speech-impaired:
(800) 955-8771 (T)
(800) 955-8770 (V)

MyFWC.com

15 October 2013

Ms. Gwen Pipkin
District Environmental Administrator
Florida Department of Transportation
801 N. Broadway Ave.
P. O. Box 1249
Bartow, FL 33830

RE: Immokalee Airport Conservation Easement
SR 29 Collier County PD&E Study
From Oil Well Road to SR82, Collier County, Florida
Financial Project ID: 417540-1-22-01

Dear Ms. Pipkin:

Please find enclosed our signed concurrence that the Immokalee Airport Conservation Easement is a significant resource in the context of Section 4(f) of the U. S. Department of Transportation Act of 1966 (49 USC 303).

Should you need additional information on this conservation easement, please contact Mr. Rick McCann at 850.921.1028 or richard.mccann@myfwc.com.

Sincerely,

Bradley J. Gruver, Ph.D.
Section Leader
Species Conservation Planning Section
Division of Habitat and Species Conservation

Enclosure

Immokalee Airport Conservation Easement Section 4(f) concurrence.docx
cc: Rick McCann



Florida Department of Transportation

RICK SCOTT
GOVERNOR

801 North Broadway Avenue
Bartow, FL 33830

ANANTH PRASAD, P.E.
SECRETARY

September 19, 2013

Mr. Thomas Eason
c/o Mr. Brad Gruver
Director, Habitat and Species Conservation
Florida Fish and Wildlife Conservation Commission
Farris Bryant Building
620 South Meridian Street
Tallahassee, FL 32399-1600

**Subject: Immokalee Airport Conservation Easement
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. Eason,

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.

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

The Immokalee Airport Conservation Easement has been identified as publicly held land and a potential Section 4(f) resource according to the U.S. Department of Transportation Act of 1966 (49 USC 303). As part of this 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 serves as part of a network of conservation lands in the region.

If you concur with FDOT's assessment of the significance of the Immokalee Airport Conservation Easement, please sign and date the concurrence block on the following page and return this letter to my attention at: Florida Department of Transportation, 801 N. Broadway Ave, P.O. Box 1249, Bartow, FL 33830.

Mr. Eason
Florida Fish and Wildlife Conservation Commission
SR 29 Collier County PD&E Study
From Oil Well Road to SR 82, Collier County, Florida
Financial Project ID: 417540-1-22-01
September 19, 2013
Page 2

If you have any questions or concerns regarding the findings of this letter, please contact me at Gwen.Pipkin@dot.state.fl.us or (863) 519-2375. Thank you for your assistance with this request.

Sincerely,



Gwen G. Pipkin
District Environmental Administrator
Florida Department of Transportation

Concurrence



10.11.13

(Signature)

(Date)

Thomas Eason
Director
Division of Habitat and Species Conservation, FFWCC

Enclosure(s)

cc: Gwen Pipkin, FDOT
Bill Howell, HW Lochner
Ron Gregory, URS