

MEMORANDUM

TO: Governing Board Members

FROM: Chip Merriam, Deputy Executive Director

DATE: June 20, 2006

SUBJECT: Memorandum of Agreement with Florida Gulf Coast University, Permit 36-02881-S

RECOMMENDATION

Authorize staff to execute the attached Memorandum of Agreement (MOA) with Florida Gulf Coast University (FGCU) and to approve future modifications thereto.

BACKGROUND

The District issued Permit 36-02881-S with conceptual authorization for the 756.7-acre FGCU campus and construction and operation approval for the 45.9-acre first phase of construction. This permit required recordation of a conservation easement over the mitigation area for the wetland impacts associated with the first phase, and submittal of additional conservation easements with each future phase of construction.

FGCU has submitted legal descriptions of several of the mitigation areas. However, conservation easements have not been recorded, due to FGCU and the District subsequently learning that FGCU does not have the authority to dedicate conservation easements over the land. The land upon which FGCU is located is owned by the Board of Trustees of the Internal Improvement Trust Fund, which does not as a matter of policy dedicate conservation easements to state agencies.

The attached MOA has been reviewed and approved by the District's Office of Counsel and has been executed by FGCU as an alternate encumbrance on the land, in lieu of conservation easements. The MOA will preclude FGCU from engaging in activities contrary to the intent of the required mitigation activities and will be recorded in the public records, substantially similar to a conservation easement. Legal descriptions and sketches of several of the mitigation areas are attached to this MOA. Additional areas will be added to the area covered by the MOA via future permit modifications.

GOVERNING BOARD ACTION

Approval of the above staff recommendation will authorize the Natural Resource Management Division Director to execute the attached MOA and future modifications.

Staff Contacts: Anita Bain, Natural Resource Management Division Director
(561) 682-6866