

Environmentally sensitive Collier tract in foreclosure

Contributed by Julee Felinski
Thursday, 21 January 2010

2000 acre Collier tract in foreclosure sells for \$30 million

The final bid went to Wilton Land Co. for \$30 million.

Posted by Laura Layden, Eco-Voice.org

A record land sale in Collier County has become a record foreclosure. More than 2,000 acres once destined for a luxury, golf course development near the Florida Sports Park is headed to a courthouse auction.

The land off Collier Boulevard in East Naples will be offered at a public sale to the highest bidder on Thursday. It's one of the largest foreclosures the court has seen in the county.

"Wow. It's unusual. It's not something I've seen a lot," said Dwight Brock, Collier County's clerk of the courts.

The final judgment in foreclosure exceeded \$103.4 million. It was the result of a legal battle that began in March 2008. In 2005, the buyers paid nearly \$108 million for the property, making it the fourth most expensive land purchase in Collier County's history.

After assembling chunks of land, Mike Taylor of Vision & Faith Inc. sold it to Toll-Rattlesnake LLC, a partnership between Toll Brothers, a nationally known luxury home builder, and the Sembler Co., a Florida-based commercial developer.

The land could end up back in the hands of one of the former owners, George Bauer, who along with Vision & Faith Inc., sued Toll-Rattlesnake LLC after the buyers failed to make the required payments on the mortgage. "A very large percentage of what we sell at the auction is bought back by the plaintiff at a very small dollar value," Brock said. "They start the bidding at \$100 and a lot of times it never moves."

In 2008, Sembler filed a lawsuit against Toll Brothers, Vision & Faith, Bauer and Taylor for damages related to the sale and the failings of the partnership, which was primarily owned and driven by Toll based in Pennsylvania.

Bauer and Vision & Faith Inc. filed a countersuit. A Collier County Circuit judge ruled in favor of Bauer, who has a lien on the property. It was a complicated land deal that involved more than 70 parcels. After acquiring the land, Toll-Rattlesnake LLC forced the closing of a public gun range located at the northernmost end of Florida Sports Park.

At one time, there were talks of moving the 28-acre sports park, including the Swamp Buggy track, to a location nearby so the land underneath it could be incorporated into a golf course for the new housing project. The land swap never happened.

At the track, people gather to watch buggies race in mud several times a year. It's a tourist attraction that has been in the area since 1949. Attorneys representing Sembler, Toll Brothers, Vision & Faith, Taylor and Bauer did not return phone calls seeking comment.

Conceptual site plans for the new development included large commercial and residential developments. One hundred acres was to be set aside for a faith-based college.

Environmentalists opposed the project.

“This is a property that includes lands that go out into the Picayune State Forest,” said Nancy Payton, a field representative for the Florida Wildlife Federation. “There has also been concern about how development would be placed on this parcel, how this parcel fits into the proposed road that Collier County wants to have one mile east of 951.”

“There was some effort to put some development on it and that didn’t get very far,” she said.

One parcel, she said, was spun off for the new Physicians Regional hospital. “There was going to be a Baptist College,” Payton said. “Somehow that didn’t work out.”

She’s concerned the property might become home to the Chicago Cubs if they decide to bring their spring training to Collier County. But the groups courting the baseball team say it’s not on the short list of potential sites.

“It’s a puzzle that has a lot of green baggage, meaning environmental concerns,” Payton said. “I wish there was some Florida Forever money so that they could buy it.” The state Legislature didn’t set aside any money this fiscal year for the Florida Forever program, which is meant to preserve land and protect wild places in the state.

Since the project was first proposed, new research has shown that more panthers are roaming the area, Payton said. “Our concerns have only been elevated,” Payton said.