



Agenda Item Summary

File #: 23-00652

Agenda Date: 10/24/2023

Agenda Item Name:

Lochloosa Creek Flatwoods – Sherouse & Flowers Tract Option Contract to Purchase Real Property

Presenter:

Andi Christman, Environmental Program Manager – Environmental Protection Dept., (352) 264-6803

Description:

Staff Requests the Board of County Commissioners (BoCC) approve and exercise the attached Option Contract to Purchase the 154-acre Lochloosa Creek Flatwoods – Sherouse & Flowers property from the George and Betty Sherouse Heirs through the Alachua County Forever (ACF) program.

The execution of this Contract to purchase Real Property, is the final BoCC action on the acquisition of this project.

Recommended Action:

1. Approve and authorize the Chair to exercise the Lochloosa Creek Flatwoods – Sherouse & Flowers Option Contract to purchase Real Property, subject to the County's rights to conduct due diligence inspections and notice Seller of Title Defects and Environmental Defects as set forth in the Contract; and
2. Authorize staff to execute additional documents as necessary to close the transaction; and
3. Approve the attached budget amendment authorizing the expenditure of funds for due diligence and associated closing costs; and
4. Authorize staff to pursue land stewardship partnerships, including potential agreement with Alachua Conservation Trust for property management.

Prior Board Motions:

On February 14, 2023, the BoCC placed Lochloosa Creek Flatwoods – Sherouse & Flowers property on the Active Acquisition List (Full Price List).

On June 28, 2022, the BoCC adopted Resolution 22-66 amending the process for selecting and acquiring Environmentally Significant Lands purchased using Wild Spaces and Public Places (WSPP) local government infrastructure surtax proceeds. This authorizes the acquisition of lands through fee simple and less-than-fee means and provides the process for such.

Fiscal Note:

The amount of the option payment is a non-refundable \$1,000.00. However, if the option is exercised, the \$1,000.00 will be applied to the final purchase price of the contract.

Total acquisition cost is \$423,500 for the land plus \$49,700 for due diligence and closing services. The basis for these estimates is detailed below.

In order to provide sufficient spending authority to cover an unanticipated change in acquisition costs, staff is requesting authorization to expend an amount equal to the estimated acquisition and due diligence costs, plus 10%.

Summary of Estimated Costs

- Purchase price: \$423,500.00 (~154 ac x \$2,750.00/ac)
- Phase I Environmental Site Assessment (ESA): \$4,600
- Boundary Survey: \$34,000
- Boundary Posts & Signs: \$800
- Attorney's fees and closing costs: \$10,300
- 10% contingency on purchase price & due diligence: \$47,320
- TOTAL EXPENDITURE AUTHORITY REQUESTED: \$520,520

The attached Journal Entry requests \$520,520. (Exhibit 6)

WSPP – Land Acquisition (Capital Expense):

Fund#: 021.41.4160.537.61.00 – 6194101 Lochloosa Creek Flatwoods – Sherouse & Flowers
&

WSPP - Gen. Op. & Due Diligence (Operating Expense):

Fund #: 021.41.4160.537.31.00 6184160

Annual Tax & Assessment Revenue of the Parcel: \$799.40 (2022 total)

1. \$799.40 (19151-000-000) Sherouse George Toby Heirs

There are no building structures included in this acquisition that would become a County asset.

Estimated Annual Alachua County Forever Management Costs: \$3,187

Estimated Alachua County Initial 10-year Improvements: \$69,580

Strategic Guide:

Environment

Background:

Staff has negotiated the attached Lochloosa Creek Flatwoods – Sherouse & Flowers Option Contract to Purchase Real Property (Option), Exhibit 1, and it was executed by the Manager on October 13, 2023. The Option requires transmittal of a signed Notice of Exercise of Option by the BoCC Chair, to the Sellers by October 31, 2023, the date the option period ends. (Exhibits 1 and 2)

During the Inspection Period, the County shall have 120 days after the BOCC exercises its Option to conduct all due diligence on the property. The County may exercise its rights to resolve any due diligence matters pursuant to the terms of the contract within those 120 days and to extend the closing date if necessary.

The Sherouse and Flowers project includes one parcel (19151-000-000) located north of Hawthorne along the border between Alachua and Putnam Counties. The property is located less than one mile northeast of Little Orange Creek Preserve which is co-owned by Alachua County, Alachua Conservation Trust (ACT), and the City of Hawthorne. Over 90% of the property lies within the Little Orange Creek Strategic Ecosystem.

Much of the property consists of a mixture of wetland ecosystems in relatively good condition including basin marshes, basin swamps, and dome swamps located in the northwestern north central, and southern parts of the property. Additional wetland features include the blackwater stream, floodplain swamp, and flatwoods lake. The complex of wetlands in the eastern portion of the property, along with Lake Winnott and South Bull Pond farther to the east in Putnam County, all contribute to the beginning of a blackwater stream system and the headwaters of Little Orange Creek.

The uplands on the property are a mix of mesic, wet, and scrubby flatwoods. Assessment from the site visit indicated that the scrubby flatwoods were in good condition, while the mesic and wet flatwoods were in good-fair condition. Nearly all these areas were clearcut around 2017 and were not replanted with pines, but instead left to naturally regenerate. Invasive plants were only found in low density, isolated patches across the site. Staff observed white tailed deer, gopher tortoise burrows, and a variety of birds during the site visit, and an environmental consultant who provided additional documentation in the nomination form, indicated the presence of southern fox squirrels, black bears, sandhill cranes, bald eagles, and more.

Additional detailed information can be found in the attached Property Evaluation.

(Exhibits 3 & 4)

There are no Permitted Exceptions in the Sherouse and Flowers Option Contract.

Some of the title exceptions are expected to be deleted prior to closing based on additional title examination or the survey. (Exhibit 5)

Legal access to the Sherouse & Flowers property is along SE 245 Street.

A boundary survey and Phase I Environmental Site Assessment are the next steps of due diligence that will be initiated after the Option is Exercised by Alachua County. Closing transactions would occur once there has been a determination by the County Manager that there are no title, survey, or environmental defects.

Comp Plan Reference:

Acquiring the Lochloosa Creek Flatwoods – Sherouse & Flowers Tract fulfills multiple objectives endorsed within the Alachua County Comprehensive Plan. Specifically, Policy 6.0 Land Conservation Program within the Conservation and Open Space Element, states “Establish and maintain a land conservation program for the purchase, preservation, and management of natural areas and open space to complement the regulatory approaches identified in other section of this element.”