



Agenda Item Summary

File #: 23-00572

Agenda Date: 9/26/2023

Agenda Item Name:

Watermelon Pond – Sheffield 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 40.29-acre Watermelon Pond – Sheffield property from Felton M. Sheffield, Jr. 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 Watermelon Pond – Sheffield 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;
2. Approve the acquisition subject to the unpermitted title exception, #6 and to the subject to the concurrence of the County Attorney and of the closing attorney;
3. Authorize staff to execute additional documents as necessary to close the transaction; and
4. Approve the attached budget amendment authorizing the expenditure of funds for due diligence and associated closing costs.

Prior Board Motions:

On July 11, 2023, the BoCC placed Watermelon Pond – Sheffield 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 was a non-refundable \$1,000.00. The option was exercised, the \$1,000.00 will be applied to the final purchase price of the contract.

Total acquisition cost is \$322,320 for the land plus \$27,450 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: **\$322,320** (40.29 ac x \$8,000.00/ac)
- Phase I Environmental Site Assessment (ESA): **\$4,100**
- Boundary Survey: **\$15,000**
- Boundary Posts & Signs: **\$500**
- Attorney's fees and closing costs: **\$7,850**
- 10% contingency on purchase price & due diligence: **\$34,977**
- TOTAL EXPENDITURE AUTHORITY REQUESTED: **\$384,747**

The attached Journal Entry requests **\$384,747**. (Exhibit 6)

WSPP – Land Acquisition (Capital Expense)

Fund#: 021.41.4160.537.61.00 – 6194101 Watermelon Pond – Sheffield

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Fund #: 021.41.4160.537.31.00 6184160: WSPP - Gen. Op. & Due Diligence (Operating Expense)

Annual Tax & Assessment Revenue of the Parcel: \$277.82 (2022 total)

1. \$277.82 (02711-006-004) Sheffield Felton M. SR. Life Estate

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

Estimated Annual Alachua County Forever Management Costs: \$2,541

Estimated Alachua County Initial 10-year Improvements: \$13,670

(Exhibit 7)

Strategic Guide:

Environment

Background:

Staff has negotiated the attached Watermelon Pond – Sheffield Option Contract to Purchase Real Property, (Exhibit 1), and it was executed by the County Manager on September 12, 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. (Exhibit 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 Sheffield property is located southwestern Alachua County between Newberry & Bronson, along SW 119th Avenue. The ownership consists of one parcel [Alachua County Property Appraiser (ACPA)

Tax Parcel: 02711-006-004] totaling 40.29-acres, bordered to the east by the Alachua County-owned Watermelon Pond Preserve's Ferran Tract, and its southeast corner touches Ashton Biological Station, which is under an Alachua County Conservation Easement. Protection of the imperiled sandhill natural community is the focus of environmental acquisitions in this area of the county. Staff would incorporate the 40.29-acre Sheffield property to the management of Watermelon Pond Preserve.

The Sheffield parcel is within the ACF Watermelon Pond project area, but not within the Watermelon Pond Strategic Ecosystem.

There are three main upland community types on the property: sand pine plantation, remnant/former sandhill (in the area of the pine plantation that was harvested), and successional hardwood forest. Formerly, the uplands on this property were likely dominated by a sandhill natural community, and there are many remnant native species on site that are still represented on the property. Approximately two-thirds of the uplands were converted to sand pine plantation historically, and approximately 11 acres of this area were harvested sometime in or after 2020. This area was not replanted, and it is naturally revegetating with native species which are also found in the unharvested pine plantation, but at lower densities. The remaining uplands have succeeded into a hardwood forest with a moderately open understory.

Wetlands on the property include a small sinkhole lake in good condition. No invasive species were observed during the site visit. Additional information can be found in the attached property evaluation.

(Exhibit 3 & 4)

There are no Permitted Exceptions in the Sheffield Option Contract, but this non-standard Title Exception is noted: (#6):

(# 6) There are 3 easements reserved in the 1978 deed recorded in O.R. Book 1118, Page 581, Public Records of Alachua County, Florida. One easement benefits the subject property by providing legal access. The other two easements encumber the north 40 feet and the east 40 feet of the subject property. Both easements are for utilities and ingress egress, which allows certain third parties to use that portion of the easement that runs along the northern boundary of the property to access private property that is located to the east. The County may need to acquire additional access rights if the County desires to open the property to the general public.

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

As noted above, access to the Sheffield Tract is via easement over private roads from U.S. Highway 27/41. The access is fully functional for land management activities. Limited public access as may be appropriate can be provided by way of staff-guided tours. Alachua County's ownership of the King, Ferran and Warny parcels acquired in 2006, 2008 and 2021 respectively, relies on the same access road. Although, since Sheffield is in a different Section of land, it is not subject to the Declaration of Submission of Real Property to Watermelon Triangle Corporation as King, Ferran and Warny parcels are.

A boundary survey and Phase I Environmental 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 Watermelon Pond – Sheffield 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.”