



Agenda Item Summary

File #: 23-00779

Agenda Date: 12/12/2023

Agenda Item Name:

Lochloosa Connector – Rimes Tract Tri-Party 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 Tri-Party Option Contract to purchase the 161-acre Lochloosa Connector – Rimes property from Lessie M. Rimes through the Alachua County Forever (ACF) program, with Joint Participation from the Saint Johns River Water Management District (SJRWMD).

The execution of this Contract to purchase Real Property, is the final BoCC action on the acquisition of this project. The Governing Board of the SJRWMD will also be considering exercise of this tri-party option contract on Dec 12, 2023. While partnership with SJRWMD on this land acquisition project provides an opportunity for cost sharing in acquisition and land management, should SJRWMD not be able to provide this partnership, Alachua County will pursue this important project without financial partnership from SJRWMD.

Recommended Action:

1. Approve and authorize the Chair to exercise the Lochloosa Connector – Rimes Tri-Party 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 non-permitted title exceptions, #7, #8, #9, #10, #11, #12, #13, and #14, and to the subject to the concurrence of the county attorney and of the closing attorney;
3. Approve and authorize the Chair to exercise the Lochloosa Connector – Rimes Joint Participation Agreement with the St. Johns River Water Management District; and
4. Authorize staff to execute additional documents as necessary to close the transaction and including the pursuit of a non-public access easement on SE 148th St.; and
5. Approve the attached budget amendment authorizing the expenditure of funds for due diligence and associated closing costs.

Prior Board Motions:

The Lochloosa Connector - Rimes parcel (18354-038-045) was originally nominated to the Alachua

County Forever (ACF) Program on February 10, 2006. The property was placed on the Priority Pool by the Land Conservation Board at their May 25, 2006 meeting, and the BoCC added the project to the Active Acquisition List (Full Price List) at the June 27, 2006 meeting.

On April 10, 2012, the BoCC voted to defer the Option Contract for the Lochloosa Connector – Rimes project per Alachua County Forever staff recommendation, due to limited remaining available funding for land acquisition projects.

The property was renominated in July 2022, which included five additional parcels (18354-054-016, 18354-054-020, 18354-054-019, 18354-038-046, and 18354-038-007) that the family desired to consider for potential conservation. The BoCC approved the additional parcels for placement on the Active Acquisition List (Full Price List) on October 25, 2022.

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 \$1,453,347 for the land plus \$111,200 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: \$1,453,347 (lump sum)
- Phase I Environmental Site Assessment (ESA): \$5,000
- Boundary Survey: \$77,500
- Boundary Posts & Signs: \$1,500
- Attorney's fees and closing costs: \$27,200
- 10% contingency on purchase price & due diligence: \$156,455
- TOTAL EXPENDITURE AUTHORITY REQUESTED: \$1,721,002

The attached Journal Entry requests \$1,721,002. (Exhibit 6)

WSPP – Land Acquisition (Capital Expense)

Fund#: 021.41.4160.537.61.00 – 6194101 Lochloosa Connector – Rimes
&

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

Fund #: 021.41.4160.537.31.00 6184160

Annual Tax & Assessment Revenue of the Parcels: \$9,385.92 (2022 total)

1. \$6,791.80 (18354-038-045) Rimes, Lessie
2. \$30.04 (18354-038-046) Rimes, Lessie

3. \$2,564.08 (18354-038-007) Rimes, Lessie

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

Estimated Annual Alachua County Forever Management Costs: \$9,800*

Estimated Alachua County Initial 10-year Improvements: \$269,500* (Exhibit 8)

* Partner Agency Management Option – Joint Participation Agreement with SJRWMD (Exhibit 3)
County staff have negotiated with St. Johns River Water Management District (SJRWMD) for partnership in the acquisition and management of this property. Through execution of the Joint Participation Agreement (Exhibit 3), SJRWMD will provide 20% of the purchase price (not to exceed \$290,669.40) and certain pre-acquisition and acquisition-related costs associated with the transaction not to exceed \$9,300. Additionally, SJRWMD will assume management responsibility for the property, to be added to the Lochloosa Wildlife Conservation Area via an Annexation Agreement. Under this agreement, Alachua County will have no financial obligations for the stewardship.

Strategic Guide:

Environment

Background:

Staff has negotiated the attached Lochloosa Connector – Rimes Tri-Party Option Contract to Purchase Real Property (Option), Exhibit 1, and it was executed by the Seller on November 30, 2023 and was executed by the Manager on December 4, 2023, but has not yet been executed by the SJRWMD. The Option requires transmittal of a signed Notice of Exercise of Option by the BoCC Chair, to the Sellers by December 31, 2023, the date the option period ends. (Exhibit 2)

Staff has negotiated a Joint Participation Agreement (Exhibit 3) with the SJRWMD to partner in acquisition and management of the property. SJRWMD determined the Property is eligible for funding under the SJRWMD List of Critical Wetlands created pursuant to Section 373.036, Florida Statutes and was approved by the District's Governing Board on November 14, 2023. Alachua County and SJRWMD are both respectively Buyer Parties in the Tri-Party Option Contract, and both will consider execution of the Option Contract and Joint Participation Agreement on December 12, 2023.

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 subject property (tax parcel 18354-038-045) was first nominated to the Alachua County Forever Program on February 10, 2006, by the Conservation Trust of Florida (CTF), with the approval of the property owners John D. Rimes Jr. and Lessie M. Rimes. On May 25, 2006, the Land Conservation Board placed the Lochloosa Connector – Rimes property in the Priority Pool as a Full Price, Fee Simple Acquisition Project. The property was appraised, and staff undertook negotiations with the family; culminating in a signed contract to purchase the property in January 2012. Despite initial efforts, staff ultimately recommended that the BoCC vote to defer the execution of the Option Contract at the May 26, 2006 meeting due to Program funding constraints, and in consideration of other nominated properties that were being negotiated at the time that were a higher priority for funding.

The property was on hold for many years, but the Rimes family reached out to Alachua County

Forever staff again in 2022 to inquire about revisiting their project. By July 26, 2022, ACF staff had received a nomination of five additional parcels (18354-054-016, 18354-054-020, 18354-054-019, 18354-038-046, and 18354-038-007) that the family wanted to include in the project. Staff revisited the property to ascertain that its condition had not been significantly altered in the time since the project was placed on hold. Staff presented their assessment to the LCB on July 28, 2022, where the LCB voted to approve the additional parcels for placement in the Priority Pool with the original nomination.

The property is located in southeastern Alachua County north of the Cross Creek community and adjacent to the Cross Creek waterbody which abuts the property on the west and flows into Lochloosa Lake. The entire eastern boundary of the Rimes project is shared with the St. Johns River Water Management District's Lochloosa Wildlife Conservation Area. The property has frontage on the south shore of Lochloosa Lake in the portion of the Lake called Little Lochloosa Lake, which is designated as an Outstanding Florida Water. The wetlands on the property are some of its most significant ecological features and include lakeshore swamp, basin marsh, and marsh lake that are in Excellent to Good condition. Uplands on the property are dominated by mesic hammock that are in fair condition. Invasive plants were observed in low to moderate densities on the site.

Additional information can be found in the attached property evaluation.

(Exhibit 4 & 5)

There are no Permitted Exceptions in the Rimes Option Contract, but these non-standard Title Exceptions are noted: #7, #8, #9, #10, #11, #12, #13, #14.

Schedule B-II Exceptions:

- #7. Possible right of the public to use that part of the land between the water's edge and the apparent boundary of the upland parcel that is now, or was formerly, regularly used by the public for recreational purposes.
- #8. All matters contained on the plat of Forrest Grove Subdivision, as recorded in Plat Book A, Page 41, Public Records of Alachua County, Florida. (As to Parcel 1)
- #9. Reservations in favor of the State of Florida, as set forth in the deed from the Trustees of the Internal Improvement Fund of the State of Florida recorded August 16, 1954, under Deed Book 322, Page 394, Public Records of Alachua County, Florida; however, the right of entry and exploration associated with the oil and mineral reservation has been released pursuant to Sec. 270.11, F.S. (As to Lot 12 of Parcel I)
- #10. Easement for road right-of-way, ingress, egress, utilities and drainage contained in Deeds of Easement recorded in O.R. Book 1010, Page 43 and O.R. Book 1010, Page 45, Public Records of Alachua County, Florida. (As to Parcel I)
- #11. Easement for ingress, egress and public utilities contained in Easement recorded in O.R. Book 2050, Page 1103, Public Records of Alachua County, Florida. (As to Parcel 1)
- #12. Easement for ingress, egress and public utilities contained in Warranty Deed recorded in O.R. Book 4912, Page 982, Public Records of Alachua County, Florida. (As to Parcel I)
- #13. Easement for ingress, egress and public utilities contained in Warranty Deed recorded in O.R. Book 1233, Page 726, Public Records of Alachua County, Florida. (As to Parcel I)

- #14. Rights of ingress and egress of other parties over the lands described herein, due to other parties' lands being landlocked by the lands described herein, including, but not limited to, rights created under Chapters 704 and 712, Florida Statutes.

Some of the title exceptions may be deleted prior to closing based on additional title examination or the survey. (Exhibit 6)

Current access to the Rimes Tract is via SE 148th Street. This road is a private road and is part of the parcel that the County intends to acquire (18354-038-000). The road will be carved out of the final purchase, but the County and SRJWMD will be granted non-public access easement on this road to facilitate access for land management activities. The southeastern part of the property can also be accessed from SE 182 Ave., a public road. Public access as may be appropriate will be assessed as part of the management plan development, and subject to review and approval by both the County and SJRWMD.

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 Lochloosa Connector – Rimes 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.”