



Agenda Item Summary

File #: 24-00207

Agenda Date: 3/12/2024

Agenda Item Name:

Lake Santa Fe – Winchester 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-acre Lake Santa Fe – Winchester property from Robert S. Winchester and Alice F. Winchester through the Alachua County Forever 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 Lake Santa Fe – Winchester 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, #5 & #6 and to the subject to the concurrence of the county attorney and of the closing attorney;
3. Authorize staff to pursue termination of title exception #6, through acquisition of privately held ingress/egress easement interests for an amount not to exceed \$5,000 (contract shall not be contingent upon this action); and
4. Authorize staff to execute additional documents as necessary to close the transaction; and
5. Approve the attached budget amendment authorizing the expenditure of funds for due diligence and associated closing costs.

Prior Board Motions:

On August 24, 2004, the BoCC placed Lake Santa Fe – Winchester 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 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:

TOTAL EXPENDITURE AUTHORITY REQUESTED: \$115,940

WSPP – Land Acquisition (Capital Expense)

Fund#: 021.41.4160.537.61.00 – 6194101 (\$72,000) Lake Santa Fe – Winchester
&

Fund #: 021.41.4160.537.31.00 6184160 (\$43,940): WSPP - Gen. Op. & Due Diligence (Operating
Expense)

See (Exhibit 7)

Strategic Guide:

Environment

Background:

Staff has negotiated the attached Lake Santa Fe – Winchester Option Contract to Purchase Real Property (Option), Exhibit 1, and it was executed by the Manager on February 16, 2024. The Option requires transmittal of a signed Notice of Exercise of Option by the BoCC Chair, to the Sellers by April 30, 2024, the date the option period ends. (Exhibit 1)

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 Winchester property is located northeastern Alachua County, on the southeastern edge of the City of Waldo, off of Highway 301. The ownership consists of one parcel (ACPA Tax Parcel: 17504-000-000) totaling 40 acres bordered to the north by the Alachua County-owned Lake Alto Preserve's Dinh Tract. The creation of a continuous wildlife corridor extending along the eastern side of Alachua County and tying into the Florida Wildlife Corridor is the focus of this acquisition. Staff would incorporate the 40-acre Winchester property to the management of Lake Alto Preserve.

The Winchester parcel is within the ACF Lake Santa Fe project area, the Lake Santa Fe Strategic Ecosystem, the Florida Forever Lake Santa Fe Project and within the KBN, Alake Alto Swamp Project. There are three main natural community types on the property: bog, wet flatwood and basin swamp, all in good condition. Much of the property was logged between 1996 and 2001 as depicted on aerial photographs, but is recovering well. Approximately ten acres of the property was disturbed in the 1960's by the creation of a borrow pit that was excavated for the construction of US 301. The borrow pit is now functioning as aquatic habitats and provide good habitat for aquatic species, waterfowl and wading birds.

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 Winchester Option Contract, but these non-standard Title Exceptions are noted: (#5 & #6):

5. Lack of access because the above-described property does not abut, and there is no private easement to, a dedicated road, street or highway.

6. Easement contained in instrument recorded January 21, 2003, under, O.R. Book 2590, Page 776,

Public Records of Alachua County, Florida. (Southern Timber Company Inc.)

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 for the County is provided because the Winchester Tract is adjacent to the County's Lake Alto Preserve – Dinh Tract. Vehicular access to the Winchester Tract is via a private road, Northeast 129th Place, from U.S. Highway 301. None of the five parcels that use 129th Place, as their sole access, have recorded access easements, including the Winchester parcel. NE 129th Place is functional for land management activities. Public access, as may be appropriate, could be provided by way of staff-guided tours.

The 1963 State of Florida/Department of Transportation's temporary borrow pit easement on the Winchester parcel duration was four years and terminated in 1967.

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 Lake Santa Fe – Winchester 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."