



Agenda Item Summary

File #: 24-00289

Agenda Date: 4/9/2024

Agenda Item Name:

Watermelon Pond – Elliott Tract Option Contract to Purchase Conservation Easement

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 a Conservation Easement over approximately 40-acres from Russell W. Elliott through the Alachua County Forever (ACF) program.

The exercise of this Contract to purchase a Conservation Easement, is the final BoCC action on the acquisition of this project.

Recommended Action:

1. Approve and authorize the Chair to:
 - a. Exercise the Watermelon Pond – Elliott Option Contract to purchase a Conservation Easement, 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
 - b. Execute the Watermelon Pond – Elliott Conservation Easement Deed in advance of closing;
2. Approve the acquisition subject to the non-permitted title exceptions, #6, #7, #8, #9, #10, 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;
4. Approve the attached budget amendment authorizing the expenditure of funds for due diligence and associated closing costs.

Prior Board Motions:

On June 11, 2002, the BoCC placed Watermelon Pond – Elliott 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 attached Journal Entry requests \$206,140.00 to complete this acquisition. (Exhibit 7)

WSPP – Land Acquisition (Capital Expense) = \$150,000.00

Fund#: 140.41.4160.537.68.00 – 6194101 Watermelon Pond – CE1 Conservation Easement - Elliott &

General Operating & Due Diligence (Operating Expense) = \$56,140.00

Fund #: 140.41.4160.537.31.00 – 6184160

Please see exhibits 7 (Budget Amendment) & 8 (Acquisition and Stewardship Costs) for additional detail.

Strategic Guide:

Environment

Background:

Staff has negotiated the attached Watermelon Pond – Elliott Option Contract to Purchase a Conservation Easement (Option), Exhibit 1, and it was executed by the Manager on April 1, 2024. The Option requires transmittal of a signed Notice of Exercise of Option by the BoCC Chair, to the Sellers by May 31, 2024, the date the option period ends. (Exhibit 3)

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 Elliott property consists of one parcel (02711-006-010) totaling approximately 40 acres. It is located in southwest Alachua County, south of Newberry, along the boundary with Levy County. The property is within the Florida Forever project boundary for Watermelon Pond. The Elliott Property is adjacent to the Alachua County-owned Watermelon Pond Preserve - King Tract, and also shares its north and west boundary with the Ashton Biological Preserve which is under a Conservation Easement held by the county. The Elliott parcel is one of the areas inholdings in the larger conservation effort. Due to the parcel's adjacency to the surrounding conservation lands and its good ecological condition, it is wise to protect this parcel with a conservation easement, even if it is a smaller footprint than the county's conservation easements.

The Watermelon Pond area is a dynamic region in Alachua County that supports the threatened dry longleaf pine sandhill natural community with scattered marshes and lakes and all its associated wildlife, such as burrowing owl, Eastern indigo snake, southern fox squirrel, gopher frog and gopher tortoise. In addition, it is located on the Brooksville Ridge in the unconfined aquifer zone of Alachua County, making it a high rainfall aquifer recharge site. Future expansion and development of the City of Newberry and City of Archer threaten this unique Watermelon Pond area.

The Elliott property contains a mixture of sandhill, scrubby to mesic flatwoods, and oak hammock. It is in good ecological condition and was recently burned in the spring of 2023. The landowner has been very proactive and focused on the management of his property to benefit wildlife, and a variety of animals have been observed on the site including gopher tortoise, indigo snake, turkey, white tailed deer, diamondback rattlesnake, hognose snake, and a variety of birds, butterflies, and other species. The landowner also maintains a few small food plots as supplemental forage for deer and other animals. Additional information can be found in the attached property evaluation. (Exhibit 4)

The overarching “Conservation Values” outlined in the 40-acre conservation easement will direct the county’s protection of the land into the future (Exhibit 2). Mr. Elliott’s primary residence is located in the conservation easement’s designated 4-acre Building Envelope and the remaining 36 acres of the parcel will be designated as Preservation Area. (Exhibit 5)

The baseline documentation report will capture the property’s current condition and a 10-year Conservation Easement Stewardship Plan will be prepared by the closing date.

There are no Permitted Exceptions in the Elliott Option Contract, but these non-standard Title Exceptions are noted:

Schedule B-II Exceptions:

#6. Easement as set forth in Warranty Deed recorded in O.R. Book 1132, Page 963, Public Records of Alachua County, Florida.

#7. Road Grade Crossing Easement in favor of Watermelon Triangle Corporation recorded in O.R. Book 1925, Page 2584, Public Records of Alachua County, Florida.

#8. Easement in favor of Central Florida Electric Cooperative, Inc. recorded in O.R. Book 2397, Page 2890, Public Records of Alachua County, Florida.

#9. Declaration by and between Russell Elliott, Watermelon Triangle Corporation and CSX Transportation, Inc. recorded in O.R. Book 2210, Page 2689, Public Records of Alachua County, Florida.

#10. Easement as set forth in Warranty Deed recorded in O.R. Book 1026, Page 472, Public Records of Alachua County, Florida.

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

Current legal access to the Elliott Tract exists via an easement over private roads from U.S. Highway 27/41. The access is fully functional for easement monitoring activities. Alachua County’s ownership of the King, Ferran, Warny and Sheffield parcels acquired in 2006, 2008, 2021 and 2024 respectively, relies on the same access roads.

A boundary survey, baseline documentation report, phase I environmental assessment and the 10-year Conservation Easement Stewardship Plan 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 – Elliott Conservation Easement 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.”