



Agenda Item Summary

File #: 24-00421

Agenda Date: 5/28/2024

Agenda Item Name:

Santa Fe River – Block Tract Option Contract to Purchase Real Property & Land Acquisition Reimbursement Grant Agreement LPS0107

Presenter:

Andi Christman, Land Conservation Program Manager – Environmental Protection Department, (352) 264-6803

Description:

Staff requests the Board of County Commissioners (BoCC) approve and exercise the attached Option Contract to Purchase the approximately 250-acre Santa Fe River – Block property from the Block Family Partnership of Gainesville, LTD. 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.

In addition, staff request the Board to approve a Grant Contract Agreement (LPS0107) with the Florida Department of Environmental Protection (FDEP). This grant will provide reimbursement matching funds for the purchase of the Santa Fe River – Block acquisition project.

Recommended Action:

1. Approve the exercise of the option to purchase the property described in the Santa Fe River – Block Option Contract to Purchase Real Property (“Contract”) and authorize the Chair to execute notice to the Seller of same, 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. Approve the acquisition subject to the non-standard title exceptions #5 & #6; and
3. Authorize staff to execute additional documents as necessary to close the transaction; and
4. Approve and sign the attached Resolution and Budget Amendment to recognize unanticipated revenue authorizing the expenditure of funds for due diligence and associated closing costs and for grant award; and
5. Approve and authorize the Chair to sign the Grant Contract Agreement LPS0107 between Alachua County and the Florida Department of Environmental Protection; and
6. Authorize the County Manager to execute all related documents and amendments as needed to

receive the grant.

Prior Board Motions:

On October 25, 2022, the BoCC placed Lake Santa Fe River – Block property on the Active Acquisition List (Bargain Share 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:

The attached Journal Entry requests \$2,140,051.00 to complete this acquisition (Exhibit 6).

WSPP – Land Acquisition (Capital Expense)

Fund#: 140.41.4160.537.61.00 – 6194101 Santa Fe River – Block

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Fund #: 140.41.4160.537.31.00 6184160: WSPP - Gen. Op. & Due Diligence (Operating Expense)

Fund #: 140.41.4160.334.3900 Revenue/Reimbursement Grant Award: \$1,668,917.00

Please see Exhibit 6 (Budget Amendment) & Exhibit 7 (Acquisition and Stewardship Costs) for additional details.

Strategic Guide:

Environment

Background:

Staff has negotiated the attached Santa Fe River – Block Option Contract to Purchase Real Property (Option), and it was executed by the Manager on May 21, 2024. The Option requires transmittal of a signed Notice of Exercise of Option by the BoCC Chair, to the Sellers by June 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 Block property is located in northwestern Alachua County, adjacent to the County's Poe Springs Park in High Springs. The ownership consists of one parcel (ACPA Tax Parcel: 01454-000-000) totaling 250.21 acres along the boundary line of Gilchrest County.

The Block parcel is within the ACF Santa Fe River project area (highest ranked area), Outstanding Florida Springs Priority Focus Area and within the Santa Fe River Watershed: within 0.5 mile of Santa Fe River, an Outstanding Florida Waters. In addition, the property is located in the area of the County where the aquifer is unconfined and highly vulnerable to contamination.

There are roughly 11 sinkholes on-site which vary in size and depth, some more than 15 feet deep. The tree canopy around the sinkholes is dominated by a variety of hardwood species. The remaining portion of the property has been partially or entirely managed as a pine plantation since about the

1960's. Prior to that, the land was utilized in a variety of agricultural activities since at least the 1930's. Nonnative plants were observed in low densities during the site visit. Additional information can be found in the attached property evaluation. (Exhibit 3 & 4)

There are no Permitted Exceptions in the Block Option Contract, but staff is recommending that the Board purchase the property subject to, and without requiring that the Seller cure, non-standard Title Exceptions #5 & #6 (Exhibit 5):

5. SUBJECT TO an existing 40-acre oil, gas, mineral rights reservation with right of entry to explore and mine for same, and the reservation of a 200-foot wide road right-of-way. Reservation 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 in O.R. Book 321, Page 597, Public Records of Alachua County, Florida.

6. SUBJECT TO an existing power line easement 100 feet in width across the North end of the NW ¼ of NE ¼ of Section 7, Township 8 South, Range 17 East, as recorded in Deed Book 226, page 114 of the Public Records of Alachua County, Florida.

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

The Block property has road frontage on three sides, County Road 340 (north), County Road 337 (West) and NW 174th Avenue (South). Legal access for county staff and the public could be provided through any of the three options, but using County Road 340 on the north side of the property and across from Poe Springs would seem the most practical option.

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 other than the Title Exceptions #5 and #6.

The Santa Fe River – Block property is on the Alachua County Forever Bargain Share List requiring staff to obtain a minimum 50% match partnership for the acquisition costs of the project. Environmental Protection Department, Water Resources Program staff submitted the Springs Protection Program grant application, and the application was successfully approved. A Springs Protection Program reimbursement grant was awarded for the project by the Suwannee River Water Management District and FDEP for \$1,668,917, providing more than the 50% required funding partnership needed for staff to pursue acquisition of the property. Execution of the grant contract agreement number LPS0107 by the Board of County Commissioners (Grantee) will precede execution by FDEP (Grantor). (Exhibit 8)

The Grant Agreement would provide the County with up to \$1,668,917.00 towards reimbursement of the costs associated with acquiring fee simple ownership of the property (including access rights through ingress/egress easements, leases, license agreements, or other site access agreements; and/or obtaining record title ownership of real property through purchase). In order to receive payment under the Grant Agreement, the County's request for payment must be supported by the following: Copies of Property Appraisals, Environmental Site Assessments, Surveys and Legal Descriptions, Boundary Maps, Acreage Certification, Title Search Reports, Title Insurance, Closing Statements/Documents, Deeds, Leases, Easements, License Agreements, or other legal instrument documenting acquired property interest and/or rights. If land acquisition costs are used to meet match requirements, Grantee agrees that those funds shall not be used as match for any other Agreement

supported by State or Federal funds. In addition, the Grant Agreement requires that the deed conveying the property to the County contain certain restrictive covenants that are attached as Exhibit G to the Grant Agreement. Said restrictive covenants name FDEP as a third-party beneficiary and provides that the State has the legal right to enforce the restrictive covenants, and that venue for such legal actions shall be in Leon County, Florida. The restrictive covenants would require the County to use the property for land conservation to restore natural communities and limit nutrient impacts to groundwater as its primary purpose. The restrictive covenants would also prohibit the County from selling/conveying the property without the written approval of FDEP. The Grant Agreement will expire on March 31, 2026, but is eligible for an extension of time provided that the State agrees to said extension of time.

Comp Plan Reference:

Acquiring the Santa Fe River – Block 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.”