



Agenda Item Summary

File #: 24-00341

Agenda Date: 4/23/2024

Agenda Item Name:

Land acquisition reimbursement grant contract LPS0089 between Alachua County and the State of Florida Department of Environmental Protection

Presenter:

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Description:

Request the Board to approve a Grant Contract Agreement (LPS0089) with the Florida Department of Environmental Protection (FDEP). This grant will provide reimbursement matching funds for the potential purchase of the High Springs - Lime Rock Mines LLC Alachua County Forever (ACF) Acquisition Project, if the property is acquired.

Recommended Action:

1. Approve and authorize the Chair to sign the Grant Contract Agreement LPS0089 between Alachua County and the FDEP (Exhibit 1); and
2. Approve budget amendment for grant award and project budget (Exhibit 2); and
3. Authorize the County Manager to execute all related documents and amendments as needed to receive grant approval and administer the grant, except any contract to purchase the land shall require BOCC approval.

Prior Board Motions:

September 28, 2021: Board of County Commissioners added the High Springs – Lime Rock Mines land conservation project to the Alachua County Forever Active Acquisition List as a bargain share, fee simple acquisition.

Fiscal Note:

If the High Springs Lime Rock Mines property is acquired, the county will receive grant funding from the State of Florida Department of Environmental Protection. This is a \$800,000 reimbursement grant to cover a portion of expenses of the potential purchase of the property. Additional partner funding may be necessary to meet the 50% bargain share funding requirement (pending property appraisal).

If the property is acquired, both the acquisition expenses and the grant reimbursement revenue will be associated with the Wild Spaces Public Places fund as follows:

Project #6914101 – High Springs – Lime Rock Mines
Revenue (grant award): 140.41.4160.334.3900
Expense: 140.41.4160.537.61.00

Strategic Guide:
Environment

Background:

The High Springs – Lime Rock Mine LLC property is on the Alachua County Active Acquisition List as a candidate for Bargain Share acquisition. Pursuant to Alachua County Board of County Commissioners Resolution 22-066, which details the Alachua County Forever Land Acquisition process, addition of any property to the Active Acquisition List authorizes staff to expend county resources to pursue acquisition, but does not guarantee acquisition. Properties on the Bargain Share list also must have a 50% funding partner for the property to move forward further as well.

A Springs Protection Program reimbursement grant was awarded for the project by the Suwannee River Water Management District and FDEP for \$800,000, providing the initial funding partnership needed for staff to continue pursuing potential acquisition of the property. Execution of the grant contract agreement number LPS0089 by the Board of County Commissioners (Grantee) will precede execution by FDEP (Grantor).

Project Background/Status Update:

The 316.97-acre property owned by Lime Rock Mines LLC, High Springs Lime Rock LLC, and SP Lime Rock LLC lies within the springshed of Hornsby Spring just over two miles east of the spring pool. Beginning in the 1950s and continuing to date, the entire property has been associated with an active limerock mining operation. Limerock mining is currently occurring on the property, but at low rate of production. There are approximately 142 acres of surface water quarry lakes created by the mining operations. The surface waters are mostly deep quarry pits (30-50 feet) with steep cliffs, that intersect the Floridan aquifer. The remaining 175 acres is comprised overburden soil material deposited after removal of the marketable limerock and re-graded to create an upland footprint. Current parcel zoning could allow the development of up to 63 residential units. Associated self-supply wells, septic tanks, and fertilization of lawns and landscapes would each have negative impacts on the Floridan Aquifer in general and Hornsby Spring in particular.

Staff evaluated the property after nomination, prior to its addition to the Active Acquisition List by the BOCC (Exhibit 3). Due to the unusual nature of this property, and the fact that the site includes an active mine operation with little known reclamation completed, staff also requested consultation and input from both the Risk Management Department, Parks and Open Space Department, and the County Attorney's office in review of potential risk and liability for the County to pursue acquisition of a property with current and historic use as a limerock mine. Risk Management staff prepared a Risk Assessment Report (Exhibit 4) which summarizes the assessment of risk to the County resulting from potential liability and reclamation costs associated with acquisition or future ownership of this property.

Staff has consulted with DEP Mining and Mitigation Program regarding the permit and reclamation requirements for the mine operation, professional property appraisers, and engineering contractors about valuation of a property of this type, and other public landowners about experiences with mine site ownership, uses and management constraints. Project complexity is increased by the fact that reclamation requirements exist under the mining permit issued by DEP, and a reclamation plan has not been prepared, approved, or implemented for the mine. This requirement and associated responsibility would transfer to any new landowner of a parcel with an active mine. Next steps may include: appraisal of the property, including overburden soil suitability assessment, contractor development of reclamation plan and calculation of reclamation costs and associated appraisal adjustment, DEP review of reclamation plan for adequacy with Environmental Resource Permit

requirements, and review of acquisition feasibility. Staff expects to return to the Board with project updates when available.

The Grant Agreement would provide the County with up to \$800,000 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 June 30, 2026, but is eligible for an extension of time provided that the State agrees to said extension of time.