



Agenda Item Summary

File #: 24-00961

Agenda Date: 10/22/2024

Agenda Item Name:

Watermelon Pond – Biro 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 95.88-acres, from John I. Biro 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 – Biro 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 – Biro Conservation Easement Deed in advance of closing;
2. Approve the acquisition subject to the non-permitted title exceptions, #5, #6, and #7, 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 October 24, 2023, the BoCC placed Watermelon Pond – Biro 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 \$448,855 to complete this acquisition. (Exhibit 7)

WSPP – Land Acquisition (Capital Expense) = \$359,550

Fund#: 140.41.4160.537.68.00 – 6194101 Watermelon Pond – CE-3 Conservation Easement - Biro & General Operating & Due Diligence (Operating Expense) = \$48,500

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 – Biro Option Contract to Purchase a Conservation Easement (Option), Exhibit 1, and it was executed by the Manager on October 11, 2024. The Option requires transmittal of a signed Notice of Exercise of Option by the BoCC Chair, to the Sellers by October 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 Biro property consists of two parcels (02714-000-000 & 02712-004-000) totaling approximately 95.88 acres. It is located in southwest Alachua County, south of Newberry, close to the boundary with Levy County. The property is a ¼ mile from the ACF Watermelon Pond Project Area. The Biro Property is separated by one landowner from the Alachua County-owned Watermelon Pond Preserve - Waryn Tract. Staff is currently working with this property owner on a potential conservation easement, with the goal of connecting the Biro property to the Watermelon Pond Preserve lands. The Biro property will contribute towards the larger conservation effort in the area and would be a good addition this effort.

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 borrowing owl, Eastern indigo snake, Sherman 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 Biro property contains a mixture of good to fair ecological condition sandhill, xeric oak hammock, scrub and successional hardwoods. The owner's restoration efforts include removal of sand pine and cedar trees, and they are working on debris removal. The property owner has lived on site since the early 1995 and has seen on the property, gopher tortoise, turkey, white tailed deer, and other species.

Additional information can be found in the attached property evaluation. (Exhibit 4)

The overarching “Conservation Values” outlined in the 95.88-acre conservation easement will direct the county’s protection of the land into the future (Exhibit 2). Mr. Biro’s primary residence is located in the conservation easement’s designated 11-acre Building Envelope and the remaining 84.88 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 Biro Option Contract, but these non-standard Title Exceptions are noted:

Schedule B-II Exceptions:

#5. Reservations contained in Deed recorded in Deed Book 138, Page 341, Public Records of Alachua County, Florida. (A 1943 standard reservation of easement for Trustees of the Internal Improvement Fund of the State of Florida when property was sold to private landowner by the State. Reserves 200’ wide easement for State Road Right of Way for state roads existing on or through property in 1943. No state roads existed in 1943 on the property.)

#6. Easements contained in instruments recorded in O.R. Book 821, Page 535; O.R. Book 1472, Page 989; O.R. Book 1808, Page 1172 and O.R. Book 1949, Page 2441, Public Records of Alachua County, Florida. (Four easements for Ingress, Egress and Public Utilities serving the Biro property and adjacent properties owned by other private landowners. Benefits the Biro property with legal access to public roads, and encumbers a 50ft x 50ft corner of the Biro property with an easement granted to neighboring properties for ingress, egress, and public utilities.)

#7. Declaration of Covenants and Restrictions for Private Road Easement and Maintenance as recorded in O.R. Book 2057, Page 1920, Public Records of Alachua County, Florida. (Establishes agreement among easement holders described in Title Exception #6 above, detailing for future road maintenance standards and costs for shared easement footprint.)

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 Biro Tract exists via easement described in Title Exception #6 above, to NE 130th Avenue then NE State Road 24.

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 – Biro 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.”