



Agenda Item Summary

File #: 24-00971

Agenda Date: 11/12/2024

Agenda Item Name:

Watermelon Pond – Ashton Biological Preserve CE – Release of Right of First Refusal

Presenter:

Andi Christman, Land Conservation Program Manager, Environmental Protection Department, 352-262-5157

Description:

Request for the Board to release the County's right of first refusal to purchase underlying fee ownership interest of a portion of the Ashton Biological Preserve property, over which the County holds a Conservation Easement.

Recommended Action:

Recommended Board Motions:

- 1) Release right of first refusal to purchase underlying fee interests over ACPA Tax parcel 02711-006-006, subject to current offer; and
- 2) Approve and authorize a Chair letter to Leslie O'Hara, Trustee, confirming release of right of first refusal over ACPA tax parcel 02711-006-003 (Exhibit 1).

Prior Board Motions:

January 16, 2007 – Board of County Commissioners exercised and accepted assignment of Option Agreement for Sale and Purchase of the Conservation Easement on the Alachua County Forever Watermelon Pond – Ashton Tract, the Conservation Easement for the Ashton Tract, Baseline Documentation and Easement Stewardship Plan for the Ashton Easement.

Fiscal Note:

N/A – There is no additional cost or guaranteed budget commitment for this board action.

Strategic Guide:

Environment

Background:

On January 30, 2007, Alachua County, through the Alachua County Forever Program, acquired a 89-acre conservation easement over three ACPA tax parcels, which together comprise the Ashton Biological Preserve (Ashton Biodiversity Research & Preservation Institute Inc) (Exhibit 2 and Exhibit 3). The Conservation Easement Deed, dated January 30, 2007, and recorded in Official Record Book 3538, Page 1283, of Alachua County, Florida, acquired the development rights for the property, and established landowner (grantor) rights, and easement holder (grantee – Alachua County) rights

(Exhibit 3). Article III, Section D of the deed grants the right of first refusal over purchase of the underlying fee ownership of this tax parcel to Alachua County as follows: *D. Right of First Refusal. The right of first refusal to purchase the Property or any interest therein or portion thereof, in fee if the Grantor proposes to sell the Property or any interest therein or portion thereof to a third party other than a lineal descendant or an entity in which Grantor owns a controlling interest, and the right to purchase the Property from the estate or trust of Grantor, or from a third party if a third party other than a lineal descendant receives the Property as a gift or devise. Grantee's exercise of its right of first refusal shall be subject to all statutory and regulatory requirements in effect when Grantee elects to exercise its right of first refusal.*

Of the three parcels, underlying fee interest ownership of two parcels (TPN 02711-006-008 and TPN 02711-006-011) is held by the non-profit 501(c)3 organization, Ashton Biodiversity, Research and Preservation Institute, Inc (ABRPI). The underlying fee interest ownership of the third parcel, 02711-006-003 (51.36-acres) is held by a trustee of the ABRPI's founders, with a need to sell the parcel in the interest of the trust. That parcel has a negotiated sales price and terms which the landowner has presented for county consideration of right of first refusal (Exhibit 4). The County's interest in acquiring the conservation easement over the Ashton Biological Preserve included protection of the highly diverse and rare sandhill habitat in the Watermelon Pond area. Additionally, partnership with the founders of the ABRPI has added conservation value to this conservation easement partnership, which has served to expand protection and improvement of the habitat in this area with surrounding private landowners as well. County Land Conservation staff have communicated extensively with the landowner about potential sale and transfer of parcel ownership, and support the continued ownership of parcel 02711-006-003 as part of the Ashton Biological Preserve. This is especially important because the majority of the ABRPI building footprint (laboratory, office, residential structures) is on this parcel as well.

Given the ongoing superior management of the sandhill habitat by ABRPI staff on the parcel and Ashton Biological Preserve overall, the importance of the building footprint to the continued and ACF-complementary mission of ABRPI, and the critical role played by ABRPI in regional (Watermelon Pond area) habitat conservation and restoration; staff have assessed the greatest conservation value to be maintained by County release of the right of first refusal, and the transition in ownership of the parcel in question to a conservation buyer affiliated with the Ashton Biological Research and Preservation Institute.

This release does not apply to the right of first refusal held by Alachua County over ACPA tax parcel number 02711-006-008, nor ACPA tax parcel number 02711-006-011.

If the Board does not exercise its right of first refusal as to the current proposed sale and that sale closes, then the County's right of first refusal as to parcel 02711-006-003 will be extinguished forever but its interest in the Conservation Easement will remain in effect. If the sale does not close, then the County's interest in the Conservation Easement and related right of first refusal will both remain in effect.