



Agenda Item Summary

File #: 24-01099

Agenda Date: 12/10/2024

Agenda Item Name:

Lake Forest Creek – K Squared Tract Option Contract to Purchase Real Property

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 the 29-acre Lake Forest Creek – K Squared property from K Squared Holdings LLC, through the Alachua County Forever program.

The exercise of the option to purchase under this Contract to purchase Real Property is the final BoCC action on the acquisition of this project.

Recommended Action:

1. Approve and authorize the Chair to exercise the option to purchase under Lake Forest Creek – K Squared Option Contract to purchase Real Property, 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-permitted title exceptions, #5, #6, #7, #8 & #9 and to the subject to the concurrence of the county attorney and of the closing attorney; and
3. Authorize staff to execute additional documents as necessary to close the transaction; and
4. Approve the attached budget amendment authorizing the expenditure of funds for due diligence and associated closing costs; and
5. Authorize staff to negotiate and prepare lease agreement with State of Florida Department of Environmental Protection, assigning management responsibility and authority for property to Paynes Prairie Preserve State Park; and
6. Direct staff to prepare license agreement authorizing FL DEP staff to utilize ACPA tax parcel 16187-064-000 for management access to the K Squared property.

Prior Board Motions:

On September 28, 2004, the BoCC placed Lake Forest Creek – K Squared 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 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 \$220,275 to complete this acquisition (Exhibit 6).

WSPP – Land Acquisition (Capital Expense) = \$155,150 (+10% contingency)

Fund#: 140.41.4160.537.61.00 – 6194101 Lake Forest Creek – K Squared

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General Operating & Due Diligence (Operating Expense) = \$45,100 (+10% contingency)

Fund #: 140.41.4160.537.31.00 - 6184160

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

Strategic Guide:

Environment

Background:

Staff has negotiated the attached Lake Forest Creek – K Squared Option Contract to Purchase Real Property (Option), Exhibit 1, and it was executed by the Manager on December 5, 2024. The Option requires transmittal of a signed Notice of Exercise of Option by the BoCC Chair, to the Sellers by December 31, 2024, the date the option period ends.

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 K - Squared property is located in east Gainesville, south of Hawthorne Road, just north of Paynes Prairie Preserve State Park (PPPSP), extending into a residential neighborhood. The ownership consists of one parcel (ACPA Tax Parcel: 16125-001-000) totaling 29 acres. The main impetus for this acquisition is to create a continuous wildlife corridor and possible future recreational corridor extending north from Paynes Prairie Preserve State Park to the City of Gainesville's, Morningside Nature Center. The creation of this corridor would require acquiring and combining approximately 12 separate parcels and the K Squared tract is the southernmost parcel of this connection.

The K Squared parcel is within the ACF Lake Forest Creek project area, and the East Side Greenway project of the Alachua County Ecological Inventory (KBN Study). The KBN Study describes the PPPSP to Morningside Nature Center connection as, "the most valuable and important connector" of the East Side Greenway project.

There are four natural community types on the property: seepage stream, bottomland forest, upland mixed forest and shrub swamp, all in very good or fair condition. The plant species diversity in areas of the property is pleasantly high, and the site's tree canopy is second growth and is regenerating naturally.

Since the K Squared property is adjacent to Paynes Prairie Preserve State Park and within the Park's

Optimum Boundary footprint, County staff have been in communication with PPPSP staff about managing the K Squared property. Preliminary communications with PPPSP indicate an interest in adding the K Squared parcel into the Park's management responsibilities but will require final approval. After the County's acquisition of the K Squared parcel County staff with work on a management license agreement with the State to have PPPSP manage the parcel.

During recent site visits, heavy to moderate invasive species density were observed. As typical for more urban properties with a creek running through it, there is a significant amount of trash being deposited on-site through the creek flow. This parcel also requires management attention for encroachments from residential neighbors, illegal hunting and from homeless camps. Additional information can be found in the attached property evaluation. (Exhibit 3 & 4)

There are no Permitted Exceptions in the K Squared Option Contract, but these non-standard Title Exceptions are noted: (#5, #6, #7, #8 & #9):

5. Lack of access because the above-described property does not abut, and there is no private easement to, a dedicated road, street or highway.

6. Notwithstanding Covered Risk number 4 of the jacket of this policy, this policy does not insure any right of access to and from said land.

#7. Lateral Ditch Drainage Easement as disclosed by Instrument recorded in O.R. Book 896, Page 627, public Records of Alachua County, Florida.

#8. Easement contained in instrument recorded in O.R. Book 1167, Page 189, Public Records of Alachua County, Florida. (Perpetual easement for the purpose of constructing, repairing and maintaining Public Utilities – O & L Corporation).

#9. Right of Way Easements to City of Gainesville contained in Transfer Closing Statement recorded in O.R. Book 1766, Page 2675; Partial Release recorded in O.R. Book 1795, Page 1579; Corrective Partial Release recorded in O.R. Book 1798, Page 122, all of the Public Records of Alachua County, Florida.

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

On its own, the K Squared parcel does not have legal access to a public roadway, but since Alachua County already owns an adjacent parcel (ACPA Tax Parcel: 16187-064-000), designated as Right-of-Way, County staff and its contractors can gain access to the K Squared parcel through this 0.22-acre parcel. This previously County owned parcel connects the K Squared parcel to the corner of SE 43rd Terrace and SE 24th Avenue, which are County maintained public roads.

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.

Comp Plan Reference:

Acquiring the Lake Forest Creek – K Squared 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.”