

ALACHUA COUNTY
BOARD OF COUNTY COMMISSIONERS

RESOLUTION 2025-XX

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, REPEALING AND REPLACING RESOLUTION 24-81; CREATING THE PROCESS FOR SELECTING AND ACQUIRING INTERESTS IN AGRICULTURALLY SIGNIFICANT LANDS PURCHASED USING WILD SPACES PUBLIC PLACES LOCAL GOVERNMENT INFRASTRUCTURE SURTAX PROCEEDS; CREATING AN AGRICULTURAL LAND CONSERVATION BOARD; PROVIDING FOR SEVERABILITY, PROVIDING FOR CONFLICTS, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Alachua County contains many treasured natural and agricultural resources of significant environmental, cultural, and economic importance that contribute greatly to the quality of life enjoyed by our citizens; and

WHEREAS, since 1950, Alachua County has lost 46% of its agricultural lands to development and other land use changes; and

WHEREAS, it is in the best interest of the citizens of Alachua County that action be taken in order to protect for future generations the agricultural resources of Alachua County by conserving and improving agriculturally significant lands that contribute to protecting scenic, open space and assuring its availability for agricultural uses in the future; and,

WHEREAS, the protection of these agriculturally significant lands will provide opportunities for current residents and future generations to enjoy open, scenic areas and will assure its availability for continued agricultural use, as well as opportunities to protect natural, historic and cultural resources; and

WHEREAS, it is consistent with the State of Florida Comprehensive Plan, and the Alachua County Comprehensive Plan to conserve agriculturally significant lands that have value for historic or natural resource conservation, or open space purposes located in Alachua County, Florida; and

WHEREAS, Article 2, Section 7(a) of the Florida Constitution states in the pertinent part that it is the policy of the State of Florida to conserve and protect its natural resources and scenic beauty and that adequate provisions shall be made for the adequate protection and conservation of natural resources; and

WHEREAS, the Board of County Commissioners, adopted the Alachua County Strategic Guide on September 9, 2025, naming the Board Level Objective: “Protect, invest in, acquire sensitive land resources, and improve the County’s natural resources — including, but not limited to water quality and supply, conservation and agricultural lands, and all other natural resources — through sound policy and

ongoing stewardship” in the Environment and Conservation Focus Area ; and

WHEREAS, on March 22, 2022, the Board of County Commissioners adopted Ordinance 22-08 calling for a referendum on November 8, 2022, submitting to the qualified electors of Alachua County the question as to whether a Local Government Infrastructure Surtax should be levied; providing that 50.0% of the proceeds of the new surtax shall be used to acquire and improve lands for conservation, protection of natural resources, or public recreational programs and recreational facilities throughout the County (“Wild Spaces and Public Places uses” or “WSPP uses”); providing that 50% of the proceeds shall be used to repair roads and improve road safety; construct and renovate fire stations and other public facilities; acquire lands for affordable housing; fund economic development projects pursuant to Section 212.055(2)(D), Florida Statutes (“non-WSPP uses”); provide citizen oversight and independent audit by levying a one percent sales surtax for ten years starting January 1, 2023; and

WHEREAS, a referendum on said surtax was held on November 8, 2022, and the voters of Alachua County approved the referendum on the surtax; and

WHEREAS, acquisition of agricultural land conservation easements, which are perpetual, is an allowable use of Local Government Infrastructure Surtax funds; and

WHEREAS, to maximize eligibility for grant funding and cost-share assistance from the State of Florida, factors and criteria considered by the Florida Department of Agriculture are referenced in the Agricultural Land Conservation Decision Matrix; and

WHEREAS, to maximize eligibility for grant funding and cost-share assistance from the Federal government, criteria required by the U.S. Department of Agriculture is referenced in the Agricultural Land Conservation Decision Matrix; and

WHEREAS, the Board of County Commissioners adopted Resolution 24-81 on September 10, 2024 to establish a process where conservation easements on agriculturally significant lands may be acquired using these proceeds; and

WHEREAS, in 2025, County staff, the County Attorney’s Office, and members of the Agricultural Land Conservation Board identified sections in Resolution 24-81 that should be revised to clarify the process for selecting agriculturally significant lands and the role of the Agricultural Land Conservation Board, among other things; and

WHEREAS, the following changes were made to Resolution 24-81: several scrivener’s errors were corrected, sections of the resolution have been re-ordered for clarity the process for selecting agriculturally significant lands, additional descriptive detail was added to some sections, decision-making responsibility of the Agricultural Land Conservation Board related to current or potential cost-share opportunities on specific properties was revised from the original multi-category decision process to a more straightforward assessment of property being recommended for addition to the Active Acquisition List in

either the full price list or cost-share list (requiring a 25% funding partner), the basis for the criteria in the resolution that will assist with grant funding, a provision was added to direct staff to prioritize cost-share whenever possible; and

WHEREAS, since a substantial number of changes were made, County staff recommends that the Board of County Commissions repeal Resolution 24-81 in its entirety and replace it with this Resolution.

NOW, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA THAT

Section 1. The foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby incorporated in this Resolution by reference.

Section 2. Resolution 24-81 that established the process for the selection and acquisition of agriculturally significant lands and the creation of the Agricultural Land Conservation Board is hereby repealed in its entirety and replaced with this Resolution.

Section 3. Authority for this Resolution. This Resolution is adopted pursuant to the Alachua County Home Rule Charter, Chapter 125, Florida Statutes, as amended, the Alachua County Ordinance 22-08, and other applicable provisions of law.

Section 4. Applicability. These procedures apply to selection and purchase of agricultural conservation easements (less than fee interests) over agriculturally significant lands under the Wild Spaces and Public Places Local Government Infrastructure Surtax Referendum and shall not apply to acquisitions completed for parks and recreational facilities or other purposes or property acquired using other funding sources.

Section 5. Overall Goals, Values and Policies of the Land Selection and Acquisition Program Established for Use of Funds Authorized by the Wild Spaces and Public Places Local Government Infrastructure Surtax Referendum. The following goals, values, and policies shall apply to Alachua County Forever Program’s Agricultural Land Protection Strategy:

- a. Alachua County's goals and values in establishing the Alachua County Forever Program’s Agricultural Land Conservation Strategy to acquire agricultural conservation easements on agriculturally significant lands, are to protect water resources, support the local rural economy, contribute to local food security, and promote open, scenic space. The mission of the Agricultural Land Conservation Strategy is: To increase farmland conservation within the Alachua County through the purchase of agricultural land conservation easements.
- b. Alachua County seeks to maximize the effectiveness of local tax dollars by using them to leverage funds, including but not limited to grants and cost-share funding, available from Federal, state, municipal, private, non-profit, and Water Management District sources. The County may acquire less than fee simple ownership interests in land in partnership with other agencies. The County may preferentially elect to designate Wild Spaces and Public Places Local Government Infrastructure Surtax proceeds as cost-share or matching funds for perpetual Federal, state, municipal, private, non-profit, or Water Management District land acquisition projects if the Agricultural Land Conservation Board (ALCB) and the Board of County Commissioners (BOCC) determine that any such project adequately meets eligibility requirements and otherwise conforms with the above-stated overall goals of this program. The County may hold title in partnership with other agencies.

- c. Mandated acquisition procedures for Federal, state, or Water Management District (WMD) programs may be substituted in part or in whole for the provisions of these County policies and procedures when Federal, state, or WMD funds are available and will be utilized for the purchase of land or land interests, and qualification for such funds requires compliance with mandated acquisition procedures. The BOCC may waive any provision of the County's acquisition procedures when land is being conveyed to the County from another governmental entity.
- d. The BOCC recognizes that significant conservation goals can be achieved by alternatives to traditional fee simple acquisition. The acquisition of conservation easements is encouraged by the Florida Forever Program and Rural Family Lands Protection Program, and the USDA Agricultural Land Easement Program, and others and can result in maximizing open space acquisition and rewarding good private stewardship of the lands. Negotiations for acquisition of an agricultural conservation easement shall use appraisals based on the difference between the full fee simple valuation and the value of the interests remaining with the seller after acquisition.
- e. The BOCC shall determine the total amount of funding available for protection of agriculturally significant lands during any acquisition cycle or budget year. However, the Active Acquisition List of agricultural conservation easements will be maintained from cycle-to-cycle and year-to-year unless the property owner requests removal of a property from consideration.
- f. All conservation easement acquisitions under the Alachua County Forever Program's Agricultural Land Conservation Strategy require the participation of a willing property owner. Alachua County shall not use the power of eminent domain (condemnation) to acquire property under this program, which has been presented as a voluntary preservation effort and shall not force the sale of property. If at any time the property owner wishes to have that real property removed from consideration, this request will be honored. Real property may be resubmitted for consideration at the request of the property owner at any time.
- g. The goal of all purchase negotiations shall be to obtain the appropriate less than fee interest in real property free of encumbrances, conditions, restrictions, and reservations at the lowest possible price. However, the BOCC has the authority to accept lands or land interests with less than perfect title if it is determined to be in the best interests of the County.
- h. Any member of the BOCC with a financial conflict of interest related to any property acquisition shall declare the nature of the conflict and shall abstain from voting on that property in accordance with state ethics law.

Section 6. Establishment of an Agricultural Land Conservation Board. The BOCC shall appoint the Alachua County Agricultural Land Conservation Board (ALCB), a citizen board composed of nine volunteers (and an alternate) who shall serve staggered four-year terms. The ALCB shall have the authority to recommend properties for inclusion on the Active Acquisition List using the process described in Section 5 herein.

- a. Membership. The ALCB shall consist of six members (including an alternate) with qualifications including education and experience in agricultural land management, practices, or land protection, and four members who serve as citizens-at-large and represent diverse community interests.
- b. Operation. The ALCB shall operate in accord with the most recent resolution with the rules of procedure of the Board of County Commissioners. As of the date of this Resolution, the most recent rules are in Resolution 24-53, which may be amended or replaced by the Board of County Commissioners.
- c. Responsibilities. The responsibilities of the ALCB shall be:
 - To elect officers pursuant to this Resolution.
 - To establish an annual work program for the ALCB.
 - To review properties nominated for consideration under the Alachua County Forever

Program Agricultural Land Protection Strategy as potential agricultural conservation easements and recommend to the BOCC for inclusion on the Active Acquisition List.

- d. Elections. Elections shall be held at the first regularly scheduled meeting after appointment of the ALCB. Thereafter, ALCB shall annually in October or the next meeting thereafter, elect one of its members as Chairperson, one as Vice-Chairperson, and one as Secretary. The Chairperson shall preside and conduct meetings of the ALCB according to the Standard Code of Parliamentary Procedure (formerly known as Sturgis Standard Code of Parliamentary Procedure). The Vice-Chairperson shall act in the absence of the Chairperson. The Secretary shall be responsible for recording minutes for all meetings of the ALCB. Vacancies in offices will be filled by election at the next regular meeting following the date the vacancy occurred.
- e. Compensation. Members of the ALCB shall receive no compensation for the performance of their duties hereunder. Any member of the ALCB with a financial conflict of interest related to any property acquisition shall declare the nature of the conflict and shall abstain from voting on that property in accordance with state ethics law.
- f. Meetings. The ALCB shall schedule open, public meetings at least quarterly.
- g. Attendance. Members of the ALCB whose attendance falls below 50% of the last six meetings will be removed from the ALCB.
- h. Quorum. A simple majority of appointed members of the ALCB shall constitute a quorum. Recommendations and decisions of the ALCB must be made by a majority vote of those physically present and voting, unless virtual, video, or telephonic attendance for a quorum is authorized by applicable law.

Section 7. Steps of the Land Selection Process. Agriculturally significant lands to be acquired using Wild Spaces and Public Places Local Government Infrastructure Surtax proceeds shall be selected for acquisition according to the following process:

- a. Establishment of an Open Nomination Process. Alachua County shall accept nominations for land acquisition projects from any person or organization at any time for any property located in Alachua County. Members of the ALCB and BOCC may not nominate properties for acquisition. Nominated projects shall be reviewed in order on a first-come, first-serve basis. The BOCC may limit the number or combined value of projects evaluated within each review cycle and may establish deadlines for consideration within the active cycle. Those projects that are not reviewed in the active cycle shall be automatically considered in the next available cycle. The BOCC shall periodically and broadly advertise its open process for accepting nominations for agricultural land acquisition projects.
- b. Acceptance of One-Page Nominations. All nominations must be submitted on an Alachua County Nomination form. The Nomination Form must have the property location (such as street address and/or section, township, range) prior to submission. The Nomination form may have the following information included prior to submission: names and addresses of each property owner, tax parcel number(s), approximate project size, record owner of title, existing designations on the applicable future land use and zoning maps, and reasons the land should be acquired. If requested, Alachua County Staff may provide any needed help in completing this form. Up to fifteen pages of text, maps, photographs, letters, appraisal summaries, or other documentation may be provided to the County for consideration at the time of nomination. This supporting documentation is not required. A signed standard form indicating each owner's willingness to negotiate a sale or easement and granting right of access for site inspection may also be submitted at the time of nomination but is non-binding with respect to a sale by the owner and not required.
- c. Establishment of the Nomination Pool. Upon receipt of a complete nomination form, each candidate project shall be added to the Nomination Pool.
 - 1) The nomination form and all of the documents submitted in Section 5.b. of this Resolution will be reviewed by County Staff. County Staff shall also review all of the

following documents associated with the Nominated Property: existing maps, Geographic Information System (GIS) databases, aerial photographs, reports, and any other documents pertinent to property title and the past and present condition of the property.

- 2) County Staff shall contact the owners of the Nominated Property to confirm the owners' consent to the nomination and obtain written consent from the owner(s) for site visit(s).
 - 3) County Staff shall perform site visit(s) of the Nominated Property as needed and conduct evaluations using any available and appropriate information.
 - 4) County Staff shall use the data obtained regarding the Nominated Property to prepare an Agricultural Site Evaluation Report (ASER) and allocate responses and points for the Nominated Property in accordance with the Agricultural Land Conservation Decision Matrix.
 - 5) When the evaluation is complete, the draft Agricultural Site Evaluation Report shall be provided to the nominator, the property owner, and the ALCB.
 - 6) County Staff shall send written correspondence to the property owner and nominator stating that they have an opportunity to provide additional information regarding the Agricultural Site Evaluation Report within a specified timeframe.
 - 7) A conceptual project boundary shall be established by County Staff and may be adjusted at the request of an affected property owner or the ALCB. The conceptual project boundary may include all parcels that serve to enhance the values, purpose, viability, or function of the project.
 - 8) If a conceptual project boundary includes multiple properties with different owners, the ALCB shall identify those keystone property that are necessary to acquire to justify obtaining other adjacent parcels. No non-keystone portion of a project shall be acquired unless the appropriate keystone property have been acquired as well. The ALCB may review any project and recommend the BOCC amend the keystone property designations. Any Project or real property may either be retained indefinitely in the Nomination Pool or removed by the ALCB at the request of a keystone property owner. If the project is retained, reconsideration for advancement to the Active Acquisition List may be requested at any time with receipt of updated information that may affect the site ranking or viability of sale. If a parcel is removed from the Nomination Pool at the request of the parcel owner, it shall not be further considered for purchase for a period of not less than five (5) years unless submitted for reconsideration at the written request of the property owner. The parcel or a project may be reconsidered at any time if it was removed at the request of the ALCB.
- d. Requirements for Placement of Nominated Property on the Agriculture Land Conservation Board Agenda. The Nominated Property must meet the following minimum requirements prior to placement on the ALCB agenda:
- 1) Written documentation of owner willingness for property to be considered as an acquisition project; and
 - 2) Determination by County Staff that the property has the potential to contribute to the goals and values of the Alachua County Forever Program's Agricultural Land Conservation Strategy stated in Section 3.a. of this Resolution (protect water resources, support the local rural economy, contribute to local food security, and promote open, scenic space).

If County Staff determines that the requirements in Section 5.d.(1) of this Resolution are not met, the Nominated Property will not be placed on the ALCB agenda. County Staff shall send correspondence to nominator stating the decision not to place the Nominated Property on the ALCB agenda and including the reason for the decision.

- e. Agricultural Site Evaluation Report. An Agricultural Site Evaluation Report assesses the degree to which a Nominated Property fulfills the goals and values of Alachua County Forever’s Agricultural Land Protection Strategy stated in Section 3.a. and is used to rank properties. The purpose of the ASER is to provide the ALCB with the merit of the conceptual project relative to existing projects. County Staff may recommend that the ALCB add nominated parcels to an existing project and amend its boundary and ASER appropriately, rather than establish a new project. Staff may use the following information to prepare an ASER to evaluate the Nominated Property that will be submitted to the ALCB herein referred to as the “Project”: staff observations onsite, landowner interview responses, reference data from local, state, and Federal partners, including GIS datasets, imperiled species records, USDA NRCS soils surveys, crop productivity indices, Springs protection area mapping, aquifer recharge datasets, hazardous materials/sites records, Alachua County Environmental Protection Department Natural Resources program development review analysis, partner funding program ranking, factors, and criteria, wetland and floodplain mapping datasets, and others as available and appropriate.
- f. The Agricultural Land Conservation Decision Matrix and Values for the Alachua County Forever Program’s Agricultural Conservation Easement Acquisitions. The factors and values included in the table below will be used by County Staff in completing evaluations of nominated properties.

1-1.	1-1. ENVIRONMENTAL VALUES - PROTECTION OF NATURAL RESOURCES
A.	Whether the property serves an important aquifer/groundwater recharge function;
B.	Whether the property is in the Santa Fe River watershed, Watermelon Pond watershed or a watershed with an existing TMDL;
C.	Whether the property serves an important flood management or mitigation function;
D.	Whether the property enhances wildlife and open space corridors through proximity of other conservation lands; is in a Springs Priority Focus Area;
E.	Whether the property serves as documented or potential habitat for wildlife, and state or Federally listed species;
F.	Whether the property contains productive soils as determined through crop productivity indices;
G.	Whether the property contains important, Florida-specific geologic features such as limerock outcrops, caves, sinkholes, or springs;

1-2.	SOCIAL AND HUMAN VALUES
A.	Whether the owner(s) of property qualify as historically underserved or limited resource;
B.	Whether the owner(s) of property are open to succession planning, land transfer, or land access;
C.	Whether the property is vulnerable to development or adjacent property is under development;
D.	Whether the property contributes to open green space, provides a municipal defining greenbelt, provides scenic vistas, or has other value from an urban and regional planning perspective;
E.	Whether there is imminent threat of losing the social, historical or other values of the property through development and/or lack of sufficient legislative protections (this requires analysis of current land use, zoning, owner intent, location and market conditions);

1-3.	FARM OPERATION/MANAGEMENT CONSIDERATION VALUES
A.	Whether the type of agricultural operation/s on the property forward the strategy mission and goals;
B.	Whether the farm sells products that are consumed within Alachua or neighboring counties;
C.	Whether the landowner purchases feed, equipment, repair services, etc. for farm operation locally?
D.	Whether the landowner is offering a significant portion of the farm for inclusion in the easement.
E.	Whether the landowner of the property is involved in day-to-day management of the operation;
F.	Whether the property is enrolled in the FDACS BMP program or similar EQIP or CSP programs. If

	not, does the landowner agree to enroll in an applicable BMP program designed to reduce nutrient and water inputs prior to closing on an agricultural conservation easement with Alachua County;
G.	Whether the property is engaged in management practices aimed at reducing nutrient and water inputs or implements sustainable or regenerative agriculture principles? i.e. cover cropping, reduced tillage, soil testing, etc.;
H.	Whether the landowner is willing to write or contract, or already has a farm management plan in place addressing wildlife habitat value, water, soil and nutrient conservation;

1-4.	PARTNER EASEMENT ACQUISITION / COST SHARE VALUES
A.	Whether there is potential for purchasing the property with matching funds from municipal state, Federal, local governmental entity, or private contributions;
B.	Whether the overall resource values justify the potential cost of acquisition.

Section 8. Agricultural Land Conservation Board Meetings. No less than twice per year, County Staff shall provide a presentation on all draft Agricultural Site Evaluation Reports at an open, public meeting of the Agricultural Land Conservation Board.

- a. Presentation Materials. County Staff shall provide the ALCB with a copy of the Agricultural Site Evaluation Reports presented at the meeting. Staff may also share slide presentations, maps, and other relevant project materials to assist the ALCB.
- b. Notification to Property Nominators and Owners. Prior to the presentation before the ALCB, County Staff shall make a good faith effort to provide notice of the ALCB meeting date to the person or organization nominating the subject property and the property owner. Each shall be notified of the opportunity to speak and present additional information before the ALCB. At the end of the presentation, the ALCB shall open up each item for public comment.
- c. ALCB Review. The ALCB shall review the project and documentation it receives associated with the project and determine whether it meets the program’s eligibility requirements.
- d. Establishment of the Eligibility Pool. The Eligibility Pool shall include properties which have been assessed to meet the mission and goals of the agricultural land protection strategy. Utilizing the ASER and other information presented by staff, the ALCB shall divide projects into two (2) categories for the purpose of establishing an Eligibility Pool: (1) Properties meeting program requirements and that are eligible for further consideration for public acquisition by Alachua County; and (2) Properties that do not meet program requirements and are not eligible for further consideration for public acquisition by Alachua County at the present time. The decision to add a property to the Eligibility Pool shall be made by a majority vote of a quorum of the ALCB. The property nominators and owners shall be notified of the Eligibility Pool determination of the ALCB. The BOCC may not add a property to, delete a property from, or alter the Eligibility Pool. Any real property can be subject to approval for placement in the Eligibility Pool by the ALCB without a vote by the BOCC.
- e. Establishment of the Priority Pool. The Priority Pool shall include properties which not only meet the strategy mission, but have also been assessed and deemed by the ALCB to provide the greatest benefit to the agricultural land protection strategy goals and the Alachua County Forever program mission as evaluated by the ASER and other factors including those listed in section 7.b. below. A Priority Pool of properties shall be established by the ALCB and forwarded to the BOCC for authorization to proceed with the acquisition process using budgeted funds available. The decision to move a property from the Eligibility Pool to the Priority Pool shall be made by a majority vote of a quorum of the ALCB. In addition to deciding which projects to place in the Priority Pool, the ALCB may also recommend to the BOCC that an acquisition be made only with cost-share assistance as described below in Section 7.f. The property nominator and owners shall be notified of the decisions and recommendations of the ALCB. The BOCC may not add a property to, delete

a property from, or alter the Priority Pool. County Staff shall forward the ALCB's decisions and recommendations to the BOCC.

Section 9. Required Steps of the Acquisition Process by County Staff, Contracted Outside Agencies, and the Seller for Properties on the Active Acquisition List. The required steps in the acquisition process for agricultural land conservation easements are as follows:

- a. Active Acquisition List. The BOCC will maintain an Active Acquisition List, consisting of the Full-Price List and the Cost-Share List as described below, which shall contain those acquisition projects deemed most worthy of acquisition based upon the factors in this Section.
- b. Process for BOCC Approval of Real Property for Placement on the Active Acquisition List. The Board of County Commissions will consider the recommendations from the ALCB and also use the following factors, and other factors deemed significant by the decision-making bodies, to determine whether the Nominated Property should be placed on the Active Acquisition List of agricultural conservation easement projects:
 - Final ASER evaluation and Agricultural Land Decision Matrix results; and
 - Potential purchase price; and
 - Availability of matching funds or cost-share partnerships; and
 - Urgency of purchase based on imminent threat of loss; and
 - Contribution of the project to regional conservation efforts; and
 - Contribution of project to protecting water resources; and
 - Contribution of the project to addressing social, human, or local agricultural goals; and
 - Estimated management costs that may be borne by the County.
- c. BOCC Removal and Addition of Real Property from the Active Acquisition List. The BOCC may remove a project from the list if acquisition of the project no longer furthers the goals and values or mission of the Alachua County Forever Program's Agricultural Land Protection Strategy but may not add a project to the list outside of the process in this Resolution.
- d. Ranking Order of Projects. No ranking order shall be assigned to the Active Acquisition List properties. The County may pursue the acquisition of easements on any or all properties on the Active Acquisition List. Inclusion on the Active Acquisition List will authorize the final steps listed in this Resolution for closing on the properties within each project; however, acquisition is not guaranteed.
- e. Establishment of the Full-Price List. The Full-Price List shall contain those acquisition proposals which are deemed most worthy of acquisition based upon the factors provided in this Section and which have been recommended for immediate acquisition by the ALCB. The County may acquire the Full-Price properties using Alachua County Forever or Wild Spaces and Public Places Funds alone to fund 100% of the purchase price and transaction costs or the County may seek cost-share assistance to support the acquisition.
- f. Establishment of the Cost-Share List. The Cost-Share List shall contain acquisition proposals which are deemed worthy of acquisition, and which have been recommended for acquisition by the ALCB, but which have not been assigned to the Full-Price List. The properties placed on the Cost-Share List are those that the ALCB recommends that the County not actively pursue unless at least twenty-five (25) percent of the cost of the agricultural conservation easement is paid by funding sources apart from the Wild Spaces and Public Places Local Government Infrastructure Surtax proceeds. Agricultural conservation easements on the Active Acquisition List may also be acquired from the Cost-Share List if the seller donates a qualifying portion twenty five percent (25%) or more of the value of the easement, as estimated in an appraisal report prepared by a state certified real estate appraiser, within one (1) year of the property contract date and accepted by the County. The BOCC may move properties between the Full-Price List and the Cost-Share List based on the factors described in this Section.

Section 10. Funding Sources for Acquisitions. The following is permitted to facilitate meeting the terms of this Resolution:

- a. The County may acquire both fee simple interests and less than fee simple interests using surtax funds alone to fund 100% of the purchase price and transaction costs.
- b. County Staff are authorized to apply for grant funding or obtain contributions from governmental entities including Federal, state, local governments, and Water Management Districts, as well as private individuals and entities including non-profit organizations, and submit the necessary documentation for grant funding or contributions.
- c. County Staff are authorized to seek partnerships that support the Agricultural Land Protection Strategy's goals and values with other agencies and non-profits and submit the necessary documentation to these agencies and non-profits.
- d. The BOCC may also direct staff to pursue cost-share funds from outside agencies or private parties for any project listed on the Active Acquisition List.

Section 11. Final Steps for the Acquisition of Projects on the Active Acquisition List. These final acquisition steps may be completed concurrently or in any sequence to expedite the acquisition process and minimize expenses. The County may elect to contract with a qualified not-for-profit agency to oversee and complete property appraisals, negotiations and other related acquisition activities. Such outside agency contracts shall not provide for compensation based on a percentage commission. If the seller chooses to be represented by a licensed real estate professional or other registered agent, a Designation of Registered Agent Form must be completed and submitted to the Land Conservation Program Manager. All real estate professionals' and other agents' costs and commissions shall come from the seller's proceeds. Properties shall be pursued for acquisition by completing the following final steps:

- 1) An Option or Purchase and Sale Agreement shall be signed using a form acceptable to the County. The County shall not be under any obligation to exercise the option, and the option agreement is not required to contain either a minimum or maximum consideration to the Seller. The Agreement may establish a fixed price for the proposed transaction or may establish a price per acre. No action on the part of County Staff or any agency contracted to represent the County shall be interpreted to bind the County. Only the BOCC may exercise an option agreement or execute a purchase and sale agreement by formal action of a majority vote during a duly advertised public meeting.
- 2) A Boundary Survey shall be completed by a Professional Land Surveyor registered in Florida. The County may solicit professional surveying services to expedite real property acquisitions in a consistent and cost-efficient manner. All survey work shall be reviewed and approved by appropriate County Staff.
- 3) A Title Search or an Ownership and Encumbrance report shall be completed to clarify any issues related to the property title. All title work, including earliest record searches, title searches, title binders, title insurance policies, ownership reports, encumbrance reports and updated title reports shall be performed in accordance with adopted industry standards. The County may solicit professional title services to expedite real property acquisitions in a consistent and cost-efficient manner. Property owners or other interested parties may secure title services using the County's selected contractors at the County's negotiated rates.
- 4) A Deed or Easement shall be prepared by staff with review by the County Attorney's office. Alachua County may share title with any other governmental organizations and may hold less than fee title for conservation easements on private land. All exceptions, reservations, encroachments, or other adverse conditions that are disclosed in the course of the acquisition process shall be individually evaluated by the County in writing to review possible adverse effects on the objectives of the acquisition.
- 5) Appraisal(s) shall be completed and used in accordance with the procedures described below. The Maximum Allowable Purchase Price (MAPP) using Wild Spaces and Public Places Local Government Infrastructure Surtax funds alone shall be the appraised value if one appraisal report was required or the average of two appraisals if two appraisal reports are required.

- a. Purchases of real property interests having a value of \$20,000 or less may be appraised using current estimated market value tax appraisals on file with the Alachua County Property Appraiser's Office. All purchases of real property having a value of between \$20,000 and \$250,000 shall be supported by one independent appraisal report provided by a state certified real estate appraiser. All purchases of real property having a value greater than \$250,000 shall be supported by two current, independent appraisal reports prepared by different state-certified real estate appraisers within one (1) year of the property contract date. Two appraisals shall be determined to be divergent if the higher of the two values exceeds 120% of the lower value. When two appraisals are required and are divergent, a third appraisal shall be obtained. If a third appraisal is obtained and approved, the MAPP is the average of the two closest, non-divergent appraisals. If the two closest appraisals are divergent, 110% of the lower of the two closest appraisals shall be the MAPP.
 - b. If the agreed purchase price exceeds the MAPP, the BOCC may approve the purchase by an extraordinary vote.
 - c. Notwithstanding any other provision of law, the maximum value of a parcel to be purchased by the Alachua County BOCC as determined by the highest approved appraisal or as determined pursuant to the above standards shall not be increased or decreased as a result of a change of zoning or permitted land uses that are requested by the landowner that occur within 1 year prior to the date BOCC approves a contract to purchase the parcel.
 - d. The County may solicit professional appraisal services to expedite real property acquisitions in a consistent and cost-efficient manner.
- 6) Appraisals, offers and counteroffers for purchase of property interests shall comply with the temporary public records exemption requirements set forth in Section 125.355(1)(a), Florida Statutes as may be amended. Appraisals are to be temporarily exempt from public disclosure or inspection, with disclosure limited to those County Staff designated by the County Manager. The County may use an appraisal provided by a cooperating agency, pursuant to an informal acquisition agreement. Standard practice for negotiations and appraisals on behalf of Alachua County shall be guided by Florida Administrative Code Chapter 18-1, as amended.
 - 7) Phase I and, if necessary, Phase II Environmental Site Assessment(s) prepared in accordance with the American Society of Testing and Materials Practice E1527 as amended shall be performed by a Professional Engineer or Professional Geologist registered in the State of Florida. County Environmental Protection staff shall review the results of any environmental audit completed for the site acquisition. Unfavorable or inconclusive environmental audit results or any other available information that indicates potential onsite contamination shall be sufficient cause to terminate the acquisition process or re-open property negotiations. Projects may not be approved for purchase when it is determined by County Staff that the property's natural resources are substantially impacted by litter, debris, or contamination. To expedite acquisitions, audits may be completed after closing, and an appropriate amount of the seller's proceeds escrowed to fund clean-up of the property after all the environmental audits have been approved by the County. The unused portion of the escrowed proceeds may be released to the seller after the audits and cleanup are complete.
 - 8) All conservation easement acquisitions or acquisitions of other less-than-fee property interest shall require a baseline documentation report that establishes the initial conditions of the property at the time of purchase shall be completed prior to closing. County Staff or its designee will visit the property on an annual basis to ensure that the conditions of the conservation easement are being fulfilled.
 - 9) A Conservation Easement Stewardship Plan shall be developed for the property prior to closing with input from the landowners, and shall address Best Management Practices, and agricultural crop planning. The plan may be amended as additional parcels within the same project are acquired.
 - 10) BOCC action on the acquisition of property shall occur at a duly noticed Public Meeting.
 - 11) Documentation of the property transaction shall be completed for the records of the Board of County Commissioners and the Clerk of the Court.

- 12) A Check Request shall be made to the County's Finance and Accounting Department for the purchase price and any closing costs to be paid by the County as purchaser.
- 13) Real Estate closings shall be completed in accordance with standard practice of the County.
- 14) BOCC Notification shall be made on the Commission's agenda to provide information on the final closing and associated costs.
- 15) County staff or the County's contractor shall record the Deed or Easement in the Official Records of Alachua County and the Deed or Easement shall be filed with the Clerk of the Court.

SECTION 12. If any clause, section or other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or application of this Resolution.

SECTION 13. That all resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 14. That this Resolution shall be in full force and effect upon its adoption.

DULY ADOPTED in regular session, this ____ day of _____, 2025.

SIGNATURE PAGES TO FOLLOW

**BOARD OF COUNTY COMMISSIONERS
OF ALACHUA COUNTY, FLORIDA**

BY: _____
Ken Cornell, Chair
Board of County Commissioners

ATTEST:

J.K. "Jess" Irby, Esq., Clerk

APPROVED AS TO FORM

Alachua County Attorney