

Alachua County, FL

12 SE 1st Street
Gainesville, Florida



Meeting Agenda - Final

Tuesday, October 15, 2019
1:30 PM
Grace Knight Conference Room

Special Meeting

12 SE 1st Street ■ Gainesville, Florida 32601 ■ Tel. (352) 264-6900 ■ Fax (352) 338-7363 ■ TDD call 711 Relay
Commissioners' E-Mail: bocc@alachuacounty.us ■ Home Page: www.alachuacounty.us
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Approval of Agenda

[19-0565](#) Approve the agenda

Items for Discussion

[19-0317](#) Presentation on Sports Events Center by Victus Advisors

Fiscal Consideration: It is estimated that a new sports events center and ancillary development at Celebration Pointe could generate net impacts over a period of 30 years with a net present value (NPV) of approximately \$1.2 billion in total economic output, \$392 million in wages, and nearly \$24 million in County sales tax revenues, and County tourist development taxes. In addition, it is estimated that up to 1,150 incremental annual jobs could be supported by this new economic activity.

Recommended Action: Hear presentation and direct staff further explore the creation of a Sports Events Center via a partnership with Celebration Pointe Community Development District with the following ordered steps:

- 1) Determine public funding sources/amounts for the project.
- 2) Develop architectural designs and construction cost estimates.
- 3) Conduct a Celebration Pointe parking demand study and determine cost and funding sources for additional parking stalls.
- 4) Establish legal parameters for venue funding and ownership.

[Community Engagement Survey.pdf](#)

[VictusAdvisors AlachuaCounty Phasell 09.18.19.pdf](#)

[19-0474](#) Utilities in County ROW

Fiscal Consideration: N/A

Recommended Action: N/A

[UtilityinCountyROWADAPASSED.pptx](#)

[ProposedUtilityRightofWayUsepermitADAPASSED.docx](#)

[MapofCollectorandArterialStreetsADAPASSED.pdf](#)

[ExampleofUtilityPermitADAPASSED.pdf](#)

[ANSIA300Part8RootManagementStandardsADAPASSED.pdf](#)

[ANSIA300Part1PruningStandardsADAPASSED.pdf](#)

[AlachuaCountyUtilityAccomodationGuideADAPASSED.pdf](#)

[CAO05122016TreesMemo\(2\).pdf](#)

[Utilities and Landscaping Memo 01 28 2019BoCC \(002\).pdf](#)

[CommunityEngagementSurveyforUtilitiesinCountyROW\(1\).pdf](#)

[19-0484](#) Special Assessment District

Fiscal Consideration: N/A

Recommended Action: Staff is requesting Board direction for selection criteria to be used for

existing subdivisions. Further, staff is requesting Board direction for all new approved subdivisions.

[SADADAPASSED.pptx](#)

[AlachuaCountyAdministrativeProceduresforCitizeninitiatedMSBU16-50ADAPASSED.;](#)

Closing Comments

[19-0566](#)

Public Comment

[19-0567](#)

Commission Comments

Adjourn



Alachua County, FL

12 SE 1st Street
Gainesville, Florida

Agenda Item Summary

Agenda Date: 10/15/2019

Agenda Item No.:



Agenda Item Summary

Agenda Date: 10/15/2019

Agenda Item No.:

Agenda Item Name:

Presentation on a Sports Events Center by Victus Advisors

Presenter:

Brian Connolly, Principal at Victus Advisors

Description:

This presentation brings back to the Board an analysis of a Sports Events Center at Celebration Pointe

Recommended Action:

Hear presentation and direct staff further explore the creation of a Sports Events Center via a partnership with Celebration Pointe Community Development District with the following ordered steps:

- 1) Determine public funding sources/amounts for the project.
- 2) Develop architectural designs and construction cost estimates.
- 3) Conduct a Celebration Pointe parking demand study and determine cost and funding sources for additional parking stalls.
- 4) Establish legal parameters for venue funding and ownership.

Prior Board Motions:

At the May 7, 2019 Special Meeting Commissioner Byerly moved the following:

1. That we direct staff to expand Victus Study to include an analysis of the Celebration Pointe Site and include as needed an analysis of the range of Public and/or Private Ownership models and to work with the Celebration Community Development District to come up with those numbers.
2. Direct staff to prepare a business model / operational analysis for all three of the sites we have been considering for public investment; Celebration Pointe, Cabot Koppers and the MLK Site.
3. Direct Staff to draft an Interlocal Agreement for consideration by the Commission for investments of Community Redevelopment Agency (CRA) funds and Wild Spaces Public Places funds for the Citizens Field and Cabot Koppers sites. This should include a timeline for the development.
4. Authorize a Chair Letter to request that the Event Center be a topic of discussion at our Joint Meeting in June with the City of Gainesville.

The motion carried 5-0.

Fiscal Consideration:

It is estimated that a new sports events center and ancillary development at Celebration Pointe could

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generate net impacts over a period of 30 years with a net present value (NPV) of approximately \$1.2 billion in total economic output, \$392 million in wages, and nearly \$24 million in County sales tax revenues, and County tourist development taxes. In addition, it is estimated that up to 1,150 incremental annual jobs could be supported by this new economic activity.

Background:

Prior Market Study & Site Analysis - In January 2019, Victus Advisors completed a Market Demand Study identifying demand for a new sports events center in Alachua County with:

- At least eight (8) indoor hardwood basketball/volleyball courts,
- An indoor banked track (hydraulic or removable),
- Retractable/portable seating with upwards of 3,000 seats for championship track events, and
- Parking for up to 1,150 vehicles.

In addition, in June 2019, Victus Advisors also completed a Site Options Analysis which identified Celebration Pointe as the recommended location for a new sports events center in Alachua County. Celebration Pointe is located on the northwest quadrant of the Interstate 75 and Archer Road (SR 24) interchange in Alachua County. The Celebration Pointe site was scored as “highly recommended” due to its easy access to hotels, retail, and dining, as well as convenient highway access, all of which could maximize tourism benefits, drive visitor satisfaction and return usage, and provide the greatest opportunity for the long-term success of the proposed sports events center.

Partnership - Since the completion of the market and site studies, Alachua County staff has begun preliminary partnership discussions with the developer of Celebration Pointe (Viking Companies) and representatives of the Celebration Pointe Community Development District (CPCDD), a special district established by Alachua County to levy a public user fee within the CPCDD to help pay for infrastructure improvements.

Additional Victus Advisors Analysis for the County - In June 2019, Victus Advisors was engaged again by Alachua County to conduct a business planning, operations analysis, and economic impact analysis for a new sports events center at Celebration Pointe.

This study is intended to be a first step in analyzing the partnership opportunity at Celebration Pointe, confirming the operational validity of the site, and analyzing the net benefits of the project; and thus facilitating additional conversations between the potential project partners (i.e. Alachua County, CPCDD, and Viking Companies).

In this additional study, Victus Advisors conducted the following services and analysis, specific to the proposed Celebration Pointe site and partnership opportunity:

- Meetings in Alachua County with Viking Companies and CPCDD to discuss potential parameters and information needs for a partnership to develop a new sports events center,
- SWOT Analysis for a new sports events center at Celebration Pointe,
- Management Options Analysis for a public-private sports events center,
- Usage Projections and Operating Pro Forma under the recommended management model,

and

- Economic and Fiscal Impact Analysis, incorporating Celebration Pointe development plans both with and without a new sports events center.

Engagement Survey

1. In regard to this item being submitted to the agenda, has County staff engaged with the stakeholders in a way that allowed input/ feedback to be shared?

- ☐ Yes, please fill out the remainder of this form
- ☐ No, please explain why: _____
(If no, there is no need to continue filling out this form)

2. Please provide the following information for each method of engagement used by County staff.
(Please write N/A for any items that are not applicable)

<u>Engagement Activity</u>	<u>Quantity</u>	<u>Date</u>	<u>Location</u>	<u>Was community input recorded?</u>
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Hosted by County

Hosted with stakeholders

Surveys

Interviews

Focus Groups

Other:

2. Please indicate what communication/ outreach was used to inform the public about your engagement activities. (Select all that apply)

- ☐ Email
- ☐ Letter from Mayor/ Commission
- ☐ Mailers
- ☐ Phone calls
- ☐ Print media (flyers, posters)
- ☐ Social Media
- ☐ Website
- ☐ Other:

3. How has stakeholder input/ feedback been incorporated into the recommendations being presented to the County Commission? Yes



BUSINESS PLANNING, OPERATIONS ANALYSIS &
ECONOMIC IMPACT ANALYSIS FOR A NEW SPORTS
EVENTS CENTER AT CELEBRATION POINTE

Submitted to Alachua County - September 18, 2019





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EXECUTIVE SUMMARY



STUDY BACKGROUND



Prior Market Study & Site Analysis - In January 2019, Victus Advisors completed a Market Demand Study identifying demand for a new sports events center in Alachua County with:

- At least eight (8) indoor hardwood basketball/volleyball courts,
- An indoor banked track (hydraulic or removable),
- Retractable/portable seating with upwards of 3,000 seats for championship track events, and
- Parking for up to 1,150 vehicles.

In addition, in June 2019, Victus Advisors also completed a Site Options Analysis which identified Celebration Pointe as the recommended location for a new sports events center in Alachua County. Celebration Pointe is located on the Celebration Pointe is located on the northwest quadrant of the Interstate 75 and Archer Road (SR 24) interchange in Alachua County. The Celebration Pointe site was scored as “highly recommended” due to its easy access to hotels, retail, and dining, as well as convenient highway access, all of which could maximize tourism benefits, drive visitor satisfaction and return usage, and provide the greatest opportunity for the long-term success of the proposed sports events center.

Public-Private Partnership - Since the completion of our market and site studies, Alachua County staff has begun preliminary public-private partnership discussions with the developer of Celebration Pointe (Viking Companies) and representatives of the Celebration Pointe Community Development District (CPCDD), a special district established by Alachua County to levy a public user fee within the CPCDD to help pay for infrastructure improvements.

Additional Victus Advisors Analysis for the County - In June 2019, Victus Advisors was engaged again by Alachua County to conduct a business planning, operations analysis, and economic impact analysis for a new sports events center at Celebration Pointe. This study is intended to be a first step in analyzing the public-private partnership opportunity at Celebration Pointe, confirming the operational validity of the site, and analyzing the net benefits of the project; and thus facilitating additional conversations between the potential project partners (i.e. Alachua County, CPCDD, and Viking Companies).

In this additional study, Victus Advisors conducted the following services and analysis, specific to the proposed Celebration Pointe site and public-private partnership opportunity:

- Meetings in Alachua County with Viking Companies and CPCDD to discuss potential parameters and information needs for a public-private partnership to develop a new sports events center,
- SWOT Analysis for a new sports events center at Celebration Pointe,
- Management Options Analysis for a public-private sports events center,
- Usage Projections and Operating Pro Forma under the recommended management model, and
- Economic and Fiscal Impact Analysis, incorporating Celebration Pointe development plans both with and without a new sports events center.



SWOT ANALYSIS FOR A NEW SPORTS EVENTS CENTER AT CELEBRATION POINTE

Internal Factors -

• Strengths

- Location - Convenient I-75 Access
- Retail/Dining/Lodging - The site is located within the Celebration Pointe development, which has numerous current and planned amenities that would be attractive to out-of-town visitors, including lodging, retail shops, and restaurants, in addition to office and residential units.
- CPCDD - The presence of the CPCDD, which was created under the provisions of Florida Statutes and established and adopted by Alachua County, could allow for a public-public partnership between the County and the CPCDD to both fund and operate the proposed sports events center within the privately-owned Celebration Pointe development.

• Weaknesses

- Ownership/Structure - The site is currently privately owned, which could require complex public-private negotiations and legal structuring.
- Parking - Development of a new sports events center would likely require additional parking to meet peak demand.
- Urban Development - The proposed Celebration Pointe site would limit opportunities for a new sports events center to serve as part of redevelopment efforts in the Gainesville downtown core or east side.

External Factors -

• Opportunities

- Leverage Established Sports Commission - There will be significant opportunity for the operator of the proposed sports events center to partner with the Commission to attract multi-team youth and amateur sports events.
- Draw from 15 million People Within 5-hrs - There are 11 markets within a 5-hour drive (overnight trip).
- Tap Into Local/Regional Sports & Event Facility Demand - A multi-purpose event center would capture lost and future events that are not able to use the O'Connell Center.

• Threats

- Larger Markets Within a 5-Hour Drive - The proximity to other large markets within North Florida and Central Florida could potentially draw events away from Alachua County.
- Lack of a Major Airport for National Events - The lack of a major airport limits the number of direct flights to the Gainesville/Alachua County area.
- Competition From Future Regional Facilities - The future development of another sports events center within a 3-hour drive range (daytrip) could lead to increased competition for regional events.
- Economic Downturns - A negative shift in economic conditions could lead to less disposable income of potential attendees, as well as less access to capital for paying debt service on a new sports events center.



MANAGEMENT OPTIONS ANALYSIS

Comparative Ownership & Funding Models -

Facility	City, State	Open	Owner	Funding	Operator
Hoover Sports Complex	Hoover, AL	2017	Public	Public	Private
Myrtle Beach Sports Center	Myrtle Beach, SC	2015	Public	Public	Private
Pasco Sports Complex	Pasco Co, FL	2019	Public	Private	Private
Rocky Mount Event Center	Rocky Mount, NC	2018	Public	Public	Private
Rocky Top Sports World	Gatlinburg, TN	2014	Public	Public	Private
The Big House	Tavares, FL	2013	Private	Private	Private
Virginia Beach Sports Center	Virginia Beach, VA	2020	Public	Public	Private
		% Public	86%	71%	0%
		% Private	14%	29%	100%

Public Ownership - 86% of the comparable sports tourism venues above are publicly-owned. The primary factor driving public ownership is that sports facility operations rarely generate operating income capable of supporting construction debt service, thus a separate dedicated public funding source is often required. Privately-owned facilities can also be subject to additional ownership costs, such as property tax and long-term capital maintenance, which introduces significant risk of annual cash losses for a private owner.

Private Operating Model - All of the comparable sports tourism facilities above are privately operated by a third-party management firm with established relationships in the sports industry. Private operators of public sports facilities typically operate on a management fee model (as discussed in detail later in this section).

Management Options Summary for Alachua County-

For this analysis, we have assumed that a new sports events center in Alachua County should be owned by a valid public entity, specifically the CPCDD, which would be the vehicle most beneficial for facilitating the public-private development of the facility. As such, it should be noted that a public facility can either be operated publicly (typically by employees of the public ownership entity) or privately (often by a third-party operator that is contracted by the public facility owner).

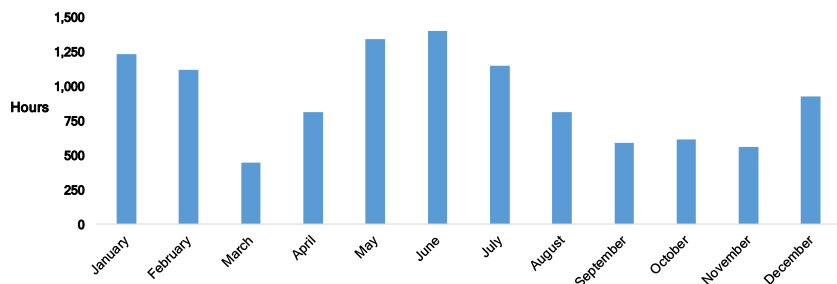
Our recommendations for the ownership and operations of a new sports events center in Alachua County are summarized below:

- **Public Ownership:** Private ownership of the facility is not recommended, as public funds are needed to construct the facility, and the high costs of private ownership introduces significant annual operating risk. Therefore, it is recommended that CPCDD should be the primary vehicle for constructing and owning the facility in order to facilitate an effective public-private partnership between Alachua County and Viking Companies.
- **Private Management:** It is a possibility that the new facility could be operated by a dedicated staff hired by CPCDD, however a private third-party management firm hired under a management fee structure (with incentive bonuses for achieving positive annual net operating income generation) is likely to provide a more efficient and experienced option for maximizing the usage and operations of the facility.



USAGE PROJECTIONS & OPERATING PRO FORMA

Estimated Annual Usage By Month -



Victus Advisors estimates that usage at a new sports events center in Alachua County would peak during the summer months with basketball and volleyball tournaments. Usage at the facility is also estimated to be relatively high from December to February with indoor track usage.

Estimated Annual Attendance By Event Type -

Sport	Projected Attendance
Basketball	284,088
Volleyball	288,420
Track & Field	125,201
Other	54,541
TOTAL	752,250

Victus Advisors estimates annual attendance of approximately 752,000 visits. It is estimated that basketball and volleyball would account for the majority (76%) of the annual attendance at the new sports events center in Alachua County.

Financial Operating Pro Forma -

In a stabilized year of operations, it is estimated that the operations of the new sports events center could generate a positive estimated operating margin of approximately 10%.

	Stabilized Year
Operating Revenues:	
Rental Income (Tournaments, Other Events, etc.)	\$1,179,000
Programming (Leagues, Camps, Clinics)	\$280,000
Concessions & Merchandise (Gross Sales)	\$1,650,000
Advertising & Sponsorship	\$96,000
Total Revenues:	\$3,205,000
Operating Expenses:	
Salaries, Wages, & Benefits	\$672,000
Cost of Goods Sold (Concessions & Merchandise)	\$1,245,000
Program Expenses	\$112,000
Utilities	\$252,916
Advertising, Marketing, & Promotion	\$100,000
General, Administrative, & Other	\$168,000
Maintenance/Repair	\$108,000
Materials/Supplies	\$72,000
Management Fee	\$150,000
Total Expenses:	\$2,879,916
EBITDA	\$325,084
ESTIMATED OPERATING MARGIN	10%

Notes:

(1) Presented in 2019 dollars. Stabilized year of operations typically occurs by Year 3.

(2) EBITDA represents Earnings before Interest, Taxes, Depreciation, and Amortization.



ECONOMIC & FISCAL IMPACT ANALYSIS

Key Assumptions - In order to complete this comparative analysis, Viking Companies provided us with preliminary estimates of the potential future development plans that could occur at Celebration Pointe, both with and without the proposed sports events center, as shown below:

Current Plan for Additional Celebration Pointe Development: <i>Without the Sports Events Center</i>		Potential Plan for Additional Celebration Pointe Development: <i>With the Sports Events Center</i>	
Type	Estimated Sq. Ft.	Type	Estimated Sq. Ft.
Retail	99,400	Sports Events Center	120,000
Restaurant	3,000	Retail	76,500
Residential	272,050	Restaurant	8,000
Total:	374,450	Residential	65,400
		Office	40,000
		Hotel (179 rooms)	116,800
		Total:	426,700

Source: Viking Companies

Note: These are preliminary estimates only, subject to changes in market conditions and demand. These estimates in no way reflect any commitments from Viking Companies.

Annual Economic Impact Analysis - County-Wide -

- **Without Sports Events Center** - It is estimated that current planned development at Celebration Pointe (retail, residential, and restaurant only) could generate more than \$5 million in annual net direct spending within the County, approximately \$8.5 million in total economic output, 150 incremental annual jobs, and nearly \$3.5 million in net annual wages.

	GROSS	NET NEW
Direct Spending	\$50,037,000	\$5,004,000
Total Output	\$85,394,000	\$8,539,000
Full- & Part-time Jobs	1,540	154
Wages	\$34,551,000	\$3,455,000

- **With Sports Events Center** - It is estimated that potential development at Celebration Pointe that includes the proposed sports events center (as well as ancillary retail, residential, restaurant, office, and hotel) could generate significantly greater County-wide impacts due to the increased visitation associated with sports tourism event activity. It is estimated that a new sports events center could generate nearly \$77 million per year in net total output, 1,150 incremental annual jobs, and approximately \$25.9 million in net annual wages.

	GROSS	NET NEW
Direct Spending	\$109,923,000	\$47,931,000
Total Output	\$179,530,000	\$76,707,000
Full- & Part-time Jobs	2,860	1,150
Wages	\$64,417,000	\$25,854,000

Annual Fiscal Impact Analysis -

- **Without Sports Events Center** - It is estimated that current planned development at Celebration Pointe (retail, residential, and restaurant only) could generate net annual fiscal impacts of approximately \$57,000 per year, via Alachua County sales tax.

	GROSS	NET NEW
Alachua County Sales Tax (1.0%)	\$574,000	\$57,000
TOTAL:	\$574,000	\$57,000



ECONOMIC & FISCAL IMPACT ANALYSIS (CONT.)

- **With Sports Events Center** - It is estimated that potential development at Celebration Pointe that includes the proposed sports events center (as well as ancillary retail, residential, restaurant, office, and hotel) could generate significantly greater fiscal impacts due to the increased visitation associated with sports tourism event activity. We estimate net annual fiscal impacts over \$1.1 million dollars per year, including County sales tax, and County tourist development tax.

	GROSS	NET NEW
Alachua County Sales Tax (1.0%)	\$1,215,000	\$525,000
County Tourist Development Tax (5.0%)	\$611,000	\$611,000
TOTAL:	\$1,826,000	\$1,136,000

Hotel/Motel Impacts - Victus Advisors estimates that a new sports events center could generate over 116,000 annual hotel nights in Alachua County.

Estimated Annual Hotel Impacts - Alachua County	
Total Visitors Staying in Hotel/Motel:	233,520
Estimated People Per Room	3.0
Total Rooms Utilized	77,840
Average Nights per Room:	1.5
Total - Annual Room Nights	116,760
Average Daily Room Rate (ADR):	\$104.65
Total - Hotel Room Spending:	\$12,218,950

Notes:

- (1) Overnight Visitors estimate developed by Victus Advisors as part of our Utilization & Attendance Estimates
- (2) Total Hotel Room Spending represents direct hotel room spending only in 2019 dollars, and does not include indirect or induced impacts

30-year Impacts of Sports Events Center at Celebration Pointe - It is estimated that a new sports events center and ancillary development at Celebration Pointe could generate net impacts over a period of 30 years with a net present value (NPV) of approximately \$1.2 billion in total economic output, \$392 million in wages, and nearly \$24 million in County sales tax revenues, and County tourist development taxes. In addition, it is estimated that up to 1,150 incremental annual jobs could be supported by this new economic activity.

	Cumulative	Net Present Value
Direct Spending:	\$2,280,337,000	\$727,387,000
Total Output:	\$3,649,367,000	\$1,164,083,000
Annual Jobs:	1,150	n/a
Wages:	\$1,230,015,000	\$392,353,000
Taxes:	\$76,076,000	\$23,980,000

Notes: Assumes 3% annual inflation. NPV was calculated based upon a 4% discount rate.

Next Steps- This study was completed as an initial step in potentially establishing a public-private partnership between Alachua County and Celebration Pointe to develop a new sports events center. In order to continue this process, Victus Advisors recommends these next steps be taken in the following order:

- 1) Determine public funding sources/amounts for the project.
- 2) Develop architectural designs and construction cost estimates
- 3) Conduct a Celebration Pointe parking demand study and determine cost and funding sources for additional parking stalls.
- 4) Establish legal parameters for venue funding and ownership.



1. INTRODUCTION



STUDY BACKGROUND



PRIOR MARKET STUDY - In January 2019, Victus Advisors completed a Market Demand Study identifying demand for a new sports events center in Alachua County with:

- At least eight (8) indoor hardwood basketball/volleyball courts,
- An indoor banked track (hydraulic or removable),
- Retractable/portable seating with upwards of 3,000 seats for championship track events, and
- Parking for up to 1,150 vehicles (including 150 adjacent spots for customers with disabilities, VIP customers, and preferred guests; and 1,000 parking spots distributed nearby for other attendees).

PRIOR SITE ANALYSIS - In June 2019, Victus Advisors also completed a Site Options Analysis which identified Celebration Pointe as the recommended location for a new sports events center in Alachua County. Celebration Pointe is located on the northwest quadrant of the Interstate 75 and Archer Road (SR 24) interchange in Alachua County. The Celebration Pointe site was scored as “highly recommended” due to its easy access to hotels, retail, and dining, as well as convenient highway access, all of which could maximize tourism benefits, drive visitor satisfaction and return usage, and provide the greatest opportunity for the long-term success of the proposed sports events center.

PUBLIC-PRIVATE PARTNERSHIP - Since the completion of our market study, Alachua County staff has begun preliminary public-private partnership discussions with the developer of Celebration Pointe (Viking Companies) and representatives of the Celebration Pointe Community Development District (CPCDD), a special district established by Alachua County to levy a special public user fee within the CPCDD to help pay for construction and on-going maintenance of on-site infrastructure such as bridges, garages, roads, bike lanes, and sidewalks. As part of these discussions, Viking Companies has developed preliminary site plans and concepts for a new sports events center, as shown in this section.



STUDY BACKGROUND (CONT.)



ADDITIONAL VICTUS ANALYSIS - In June 2019, Victus Advisors was engaged again by Alachua County to conduct a business planning, operations analysis, and economic impact analysis for a new sports events center at Celebration Pointe. This study is intended to be a first step in analyzing the public-private partnership opportunity at Celebration Pointe, confirming the operational validity of the site, and analyzing the net benefits of the project; and thus facilitating additional conversations between the potential project partners (i.e. Alachua County, CPCDD, and Viking Companies).

In this additional study, Victus Advisors conducted the following services and analysis, specific to the proposed Celebration Pointe site and public-private partnership opportunity:

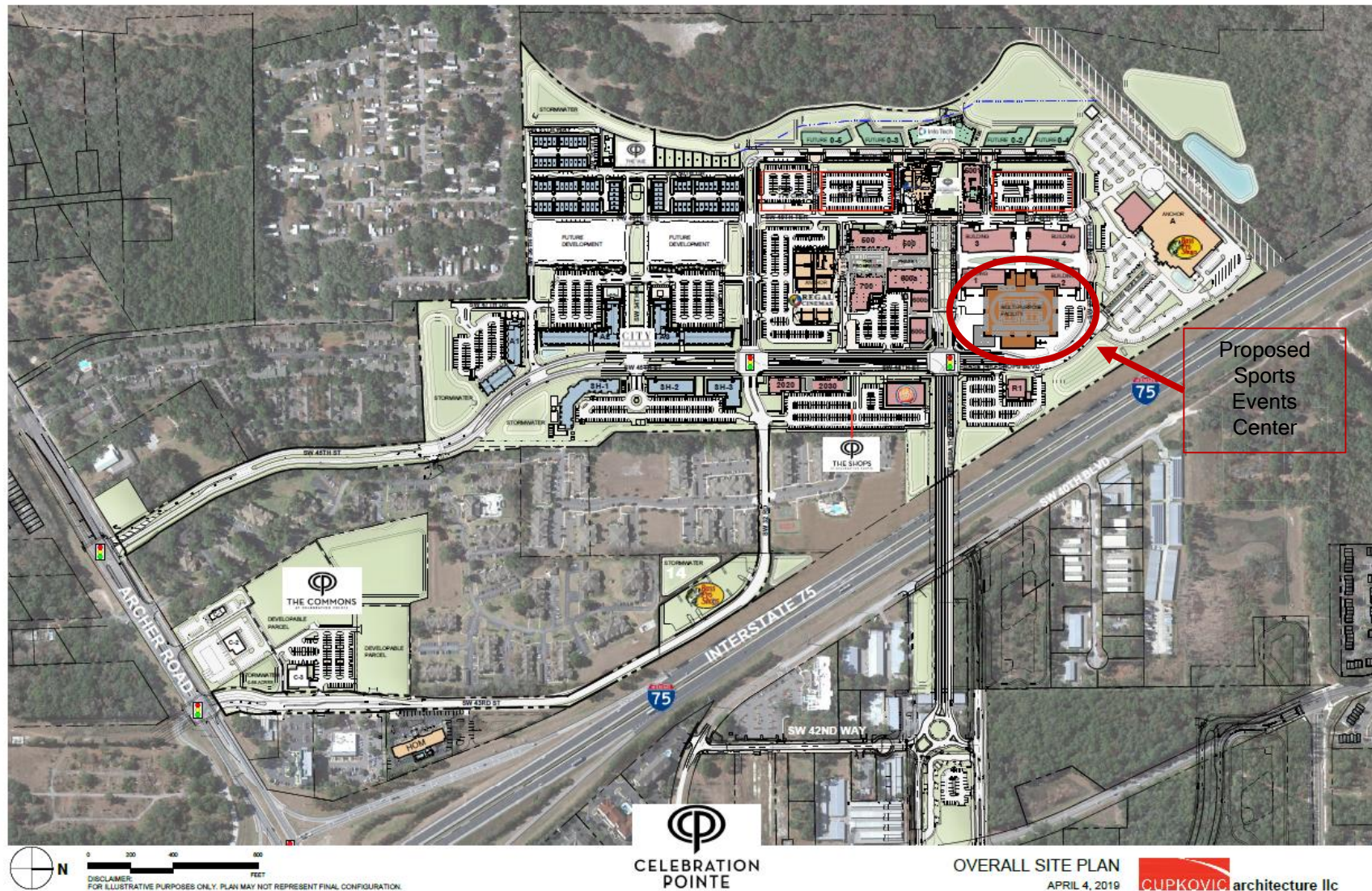
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- SWOT Analysis for a new sports events center at Celebration Pointe,
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- Usage Projections and Operating Pro Forma under the recommended management model, and
- Economic and Fiscal Impact Analysis, incorporating Celebration Pointe development plans both with and without a new sports events center.

* * *

The remainder of this section presents initial site plans and preliminary design concepts developed by Viking Companies, based upon Victus Advisors' prior Market Demand Study for a new sports events center in Alachua County. Please note, these concepts are preliminary in nature, and intended only as sample test fits for a basic sports events center concept at Celebration Pointe.

PRELIMINARY SITE PLAN

The image below shows an overall site plan for Celebration Pointe, including a sports events center.



PRELIMINARY CONCEPT - VIEW 1

The image below is a perspective of the proposed sports events center from the north.



MULTI-PURPOSE FACILITY

Design information herein is property
of CUPKOVIC architecture, llc
Architect

APRIL 15, 2019
11-028-01



CUPKOVIC architecture llc

Source: Viking Companies 14

PRELIMINARY CONCEPT - VIEW 2

The image below is a perspective of the proposed sports events center from the south.



MULTI-PURPOSE FACILITY

Design information herein is property
of CUPKOVIC architecture, llc
Architect

APRIL 15, 2019
11-028-01



CUPKOVIC architecture llc

Source: Viking Companies 15

2. SWOT ANALYSIS



SWOT ANALYSIS - STRENGTHS

KEY STRENGTHS OF A NEW SPORTS & EVENTS CENTER AT CELEBRATION POINTE:

- **LOCATION** - The site is immediately off I-75 which gives easy access for attendees within the County and beyond.
- **ON-SITE VISITOR AMENITIES** - The site is located within the Celebration Pointe development, which has numerous current and planned amenities that would be attractive to out-of-town visitors, including lodging, retail shops, and restaurants, in addition to office and residential units.
- **RETAIL** - Shopping within a 5-minute radius of the Celebration Pointe site is highlighted by Bass Pro Shops, Nike, Walmart Supercenter, Target, and Sam's Club, among others.
- **DINING** - Dining within a 5-minute radius of the Celebration Pointe site is highlighted by Miller's Ale House, MidiCi Neapolitan Pizza, Cracker Barrel, Olive Garden, McDonald's, and Chick-fil-A.
- **LODGING** - There are 19 hotels within a 5-minute drive-time radius of the Celebration Pointe Site. Furthermore, several of the hotels are within walking distance of the site.
- **CPCDD** - As discussed later in the report, the proposed Celebration Pointe site is contained within Celebration Pointe Community Development District (CPCDD). The presence of the CPCDD, which was created under the provisions of Florida Statutes and established and adopted by Alachua County, could allow for a public-public partnership between the County and the CPCDD to both fund and operate the proposed sports events center within the privately-owned Celebration Pointe development.



SWOT ANALYSIS - WEAKNESSES

KEY WEAKNESSES OF A NEW SPORTS & EVENTS CENTER AT CELEBRATION POINTE:

- **OWNERSHIP** - The site is currently privately owned, which could require complex public-private negotiations and legal structuring. However, as previously noted, the presence of the CPCDD could help facilitate this process.
- **PARKING** - The site currently has parking for the existing uses (retail, restaurants, residential, and office), however development of a new sports events center would likely require additional parking to meet peak demand. A preliminary parking needs estimate is presented later in this report.
- **URBAN REDEVELOPMENT GOALS** - The proposed Celebration Pointe site is located on the West side of I-75, which would limit opportunities for a new sports events center to serve as part of redevelopment efforts in Gainesville's downtown core or east side.



SWOT ANALYSIS - OPPORTUNITIES



KEY OPPORTUNITIES FOR A NEW SPORTS & EVENTS CENTER AT CELEBRATION POINTE:

- **LEVERAGE ESTABLISHED SPORTS COMMISSION** - The Gainesville Sports Commission was founded in 1988, and over the past 30+ years it has established a great reputation with regional and national event organizers. Local groups have worked with the Commission to bring in events in the past, and there will be significant opportunity for the operator of the proposed sports events center to partner with the Commission to attract multi-team youth and amateur sports events.
- **ATTRACT VISITORS FROM REGIONAL DRIVE MARKETS** - There are five large markets (with a population of more than 500,000 people each) within a 2.5-hour drive of Alachua County. An additional six large markets are within a 5-hour drive (overnight trip), with a total population within a 5-hour drive of Alachua County of nearly 15 million people. It is noted that other small cities (such as Tallahassee) are also located within these drive-time windows
- **TAP INTO LOCAL/REGIONAL SPORTS & EVENT FACILITY DEMAND** - In our prior market study, Victus found that large multi-court facilities and indoor track facilities are significantly lacking in Alachua County relative to the demand that exists both locally and regionally. A multi-purpose event center would capture lost and future events that are not able to use the O'Connell Center, as well as larger sports and trade/expo events that current venues in the County can't accommodate.



SWOT ANALYSIS - THREATS

KEY THREATS FOR A NEW SPORTS & EVENTS CENTER AT CELEBRATION POINTE:

- **REGIONAL MARKET COMPETITION** - The proximity to other large markets within North Florida and Central Florida, such as Jacksonville and Orlando, could potentially draw events away from Alachua County. All things being equal from a facility standpoint, larger markets have the potential to be more attractive to national events and attendees due to their larger airports and wider range of tourism and entertainment options. However it should be noted that regional youth/amateur sports tournament organizers typically prioritize facility size, rental rates, date availability, and driving access over larger market size.
- **REGIONAL AIRPORT LIMITS NATIONAL EVENTS** - The lack of a major airport limits direct flights to the Gainesville/Alachua County area, and thus could limit the number of events and visitors from outside of a regional driving range distance (beyond a 5-to-6-hour drive for overnight stays).
- **COMPETITION FROM FUTURE SPORTS & EVENTS FACILITIES** - The future development of another sports events center within a 3-hour drive range (daytrip) could lead to increased competition for regional events. However, Alachua County could develop a first-mover advantage by being the first to market within the region and establishing a satisfied repeat client base.
- **ECONOMIC DOWNTURNS** - A recession or a negative shift in economic conditions could lead to less disposable income of potential attendees, as well as less access to capital (via public funding mechanisms) for paying debt service on a new sports events center. It should be noted though, that sports tourism spending grew nationally following the financial crisis of 2007-2008 and subsequent recession, due in large part to families cutting their overall travel/tourism budgets but continuing sports tournament travel for their children as their primary tourism spending focus.

Strengths

1. Location Convenient I 75 Access
2. Retail On Site/Nearby Shopping Options
3. Dining On Site/Nearby Restaurant Options
4. Lodging On Site/Nearby Hotel Opt
5. CPCDD Facilitation of P3 Opportunities

Weaknesses

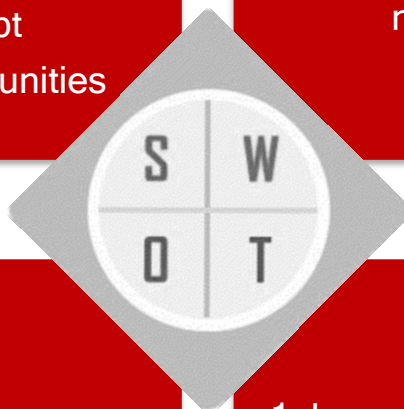
1. Ownership/Structure Privately Owned Site
2. Parking Parking Could Need Expansion
3. Urban Development Reduced opportunities ntown or east side redevelopment

Opportunities

1. Leverage Established Sports Commission
2. Draw from 15 million People Within 5 hrs
3. Tap Into Local/Regional Sports & Event Facility Demand

Threats

1. Larger Markets Within a 5 Hour Drive
2. Lack of a Major Airport for National Events
3. Competition From Future Regional Facilities
4. Economic Downturns





3. MANAGEMENT OPTIONS ANALYSIS



OVERVIEW

The purpose of this section is to present an overview of various options regarding the ownership, management and operations of the proposed multi-purpose sports events center at Celebration Pointe in Alachua County.

Each management structure for the proposed facility has its own unique advantages and disadvantages, which should be considered when making decisions regarding the management of the venue. The following section provides an overview of each potential facility ownership and management structure.

- **Facility Ownership Options:**
 - **Public**
 - **Private**
- **Facility Management Options:**
 - **Public**
 - **Private**
 - **Other (Agency/Bureau, Non-Profit)**



COMPARATIVE OWNERSHIP & FUNDING MODELS FOR SPORTS TOURISM VENUES

The table below shows a selection of comparable sports tourism facilities that meet the following criteria:

- Sports events centers built since 2010 in the Southeast United States
- At least 75,000 sq. ft. with at least eight (8) indoor basketball courts
- Primary weekend utilization by sports tournaments and regional destination events

Facility	City, State	Open	Owner	Funding	Operator
Hoover Sports Complex	Hoover, AL	2017	Public	Public	Private
Myrtle Beach Sports Center	Myrtle Beach, SC	2015	Public	Public	Private
Pasco Sports Complex	Pasco Co, FL	2019	Public	Private	Private
Rocky Mount Event Center	Rocky Mount, NC	2018	Public	Public	Private
Rocky Top Sports World	Gatlinburg, TN	2014	Public	Public	Private
The Big House	Tavares, FL	2013	Private	Private	Private
Virginia Beach Sports Center	Virginia Beach, VA	2020	Public	Public	Private
Source: Victus Advisors research		% Public	86%	71%	0%
Note: Sorted by Facility in alphabetical order		% Private	14%	29%	100%

OWNERSHIP & OPERATIONS NOTES

Public Ownership - 86% of the comparable sports tourism venues above are publicly-owned. The primary factor driving public ownership is that sports facility operations rarely generate operating income capable of supporting construction debt service, thus a separate dedicated public funding source is often required. Privately-owned facilities can also be subject to additional ownership costs, such as property tax and long-term capital maintenance, which introduces significant risk of annual cash losses for a private owner.

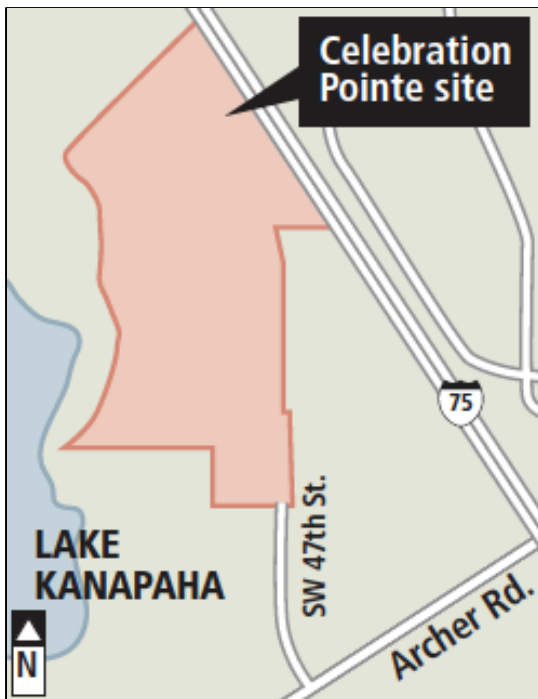
Private Operating Model - All of the comparable sports tourism facilities above are privately operated by a third-party management firm with established relationships in the sports industry. Private operators of public sports facilities typically operate on a management fee model (as discussed in detail later in this section).



CELEBRATION POINTE COMMUNITY DEVELOPMENT DISTRICT

CELEBRATION POINTE COMMUNITY DEVELOPMENT DISTRICT:

The Celebration Pointe Community Development District (CPCDD) was approved by Alachua County in 2012 and includes approximately 237 acres in the County. The District allows for the sale of district bonds to help pay for public infrastructure, such as roads, bridges, garages, bike lanes, and sidewalks within Celebration Pointe. A 1% Public User Fee (CP PUF) is added to all retail transactions (excluding charitable and government transactions) within the CPCDD. The CP PUF is collected to help Celebration Pointe pay off the State of Florida Infrastructure Bank Loans (SIB) that it used to advance construction of Celebration Pointe Avenue bridge, the multimodal transportation center parking garage, and other roads, bike lanes, sidewalks, etc., within the CPCDD. Upon repayment of the SIB Loans, future CP PUF revenues will be used to pay for the ongoing maintenance of infrastructure in Celebration Pointe.



POTENTIAL BENEFITS FOR A SPORTS & EVENTS CENTER :

- As a special district established by the County, CPCDD could serve as the conduit for capital project funding for the sports events center via County bonds or other County funds.
- CPCDD could serve as owner of the site/facility, thus eliminating property tax burden on the facility operations.
- CPCDD could hire a dedicated public operating staff for the venue and/or subcontract to a qualified third-party management firm.
- Note: CPCDD cannot be burdened with any cost overruns to operate the venue, as CP PUF funds are dedicated for infrastructure.

OWNERSHIP IMPACT ON OPERATING OPTIONS

		OWNER	
		Public	Private
OPERATOR	Public	✓	✗
	Private	✓	✓

It should be noted that the ownership of the proposed facility will determine what operation options are available. The matrix at left summarizes the different combinations available for ownership and operation of the proposed new sports events center.

For this analysis, we have assumed that a new proposed multi-purpose sports events center in Alachua County should be owned by a valid public entity, specifically the CPCDD, which would be the vehicle most beneficial for facilitating the public-private development of the facility. As such, it should be noted that a public facility can either be operated publicly (typically by employees of the public ownership entity) or privately (often by a third-party operator that is contracted by the public facility owner).

The following pages detail the different potential public and private operating models that could be available to a sports events center owned by CPCDD.



PUBLIC OPERATIONS

Publicly-owned facilities have the option of being operated by the staff of the public entity that owns the facility. Public management of sports and event facilities was the typical model prior to the early 1990's. Facility operational control within a governmental is typically done either by creating a separate department and hiring departmental staff that is responsible for facility management, or by designating responsibility to an existing department within the governmental agency. In many cases a governmental agency, such as a Community Facilities District or a Public Facilities Authority, will already have other existing public assembly facilities such as arenas, auditoriums, expo centers, or theaters under their control prior to the development of a new venue, and in these cases the governmental departments currently overseeing the other public assembly facilities could control new venues as well. However, it should be noted that in the case of a new sports events center in Alachua County, the CPCDD does not currently have staff or a departmental structure capable of easily incorporating these new responsibilities. Significant hiring of new specialized staff (both full-time and part-time) would be necessary, which could require significant public processes and approvals for budget increases, etc.

Advantages of public management can include owner control, public financial support, and sharing of staff and support functions from other public departments, among other factors. Within this structure, the management's primary responsibility is typically to support the needs/desires of the constituents of the public entity. The ability to combine the purchase of goods and services with other governmental departments can also provides a distinct advantage in maximizing purchasing power and rate structures. The ability to use governmental employees from other departments can also be advantageous. Lastly, if a public management staff is hired, there is no need to pay management fees to a private contractor.

Disadvantages of public management can include lack of private sector support, civic service constraints, and changing political policies. The primary disadvantages relate to the additional burden placed on governmental departments and the additional level of bureaucracy sometimes required to facilitate building operating decisions. Public operating staff may also have limits related to their pay structures, most notably with incentive commissions for sales/marketing staff, which can harm the facility's ability to hire top sales/marketing talent. Lastly, the decisions made regarding the operation of a facility may also be slowed due to the nature of the particular governmental department in terms of requirements for approvals and other regulations and procedures.

A summary of key advantages and disadvantages associated with public management is shown below:

ADVANTAGES	DISADVANTAGES
<ul style="list-style-type: none">• Owner control• Public financial support• Coordinating/sharing of staff/support functions• Bulk-price purchasing• No management fees	<ul style="list-style-type: none">• Lack of outside/private sector financial support• Civic service constraints• Contract approval requirements• Changing political policies• Lack of commission incentives• Limited decision-making flexibility• Possible lack of expertise and access in sports and event industry



PRIVATE OPERATIONS

Facilities that are publicly-owned also have the option to engage a private facility operator.

Intense and increasing levels of competition among facilities, coupled with increased pressure from governmental entities for facilities to at least break-even operationally, has forced many governments to consider changes in the fundamental process of managing sports and event venues. As a result, numerous venues across the country have contracted day-to-day operations to a private management company. Currently, private management companies such as SMG, AEG, Spectra (formerly Global Spectrum), VenuWorks, Sports Facilities Management, American Sports Centers, Sports Force, and other such firms operate numerous sports and event venues across the country, typically under fee-based management agreements with public facility owners.

Under typical private management, the facility owner retains all of the rights and privileges of ownership while the private management firm performs assigned management functions. The public owner sets policies while the private management firm establishes procedures in order to implement the policies. The private management firm is often compensated with a flat annual management fee, plus incentive payments designed to reward the contractor for producing desired operational results. Incentives could be based on achieving specific revenue goals, attendance, events, room night generation, or other such targets. Operating contracts usually stipulate that operating budgets must be submitted by the management company to the public owner of the facility for approval. The public owner is responsible for providing any funds necessary to operate the facility, as well as long-term capital maintenance funds.

Private management firms are typically responsible for various key operational and fiscal factors such as policies and directives, organizational structure, leadership, job classifications, competition, scheduling and booking, finance and accounting, and routine maintenance/repairs. In addition to the day-to-day operations of the venue, a number of private management firms also offer project services such as pre-opening management services, operational audit services, and marketing support as alternatives to full facility management.

A summary of key advantages and disadvantages associated with private management is shown below:

ADVANTAGES

- Incentives for efficiency or performance
- Network of relationships to leverage event bookings
- Internal network of facility knowledge/experience
- More independence in negotiations
- Greater staffing resources
- More objective criteria for accountability
- More efficient procurement process
- Design and pre-opening services
- Less financial risk for owner

DISADVANTAGES

- Potential loss of direct control by owner
- Profit motive versus community benefit motive
- Misaligned purpose and goals between owner and management firm
- Facility management fees
- Management personnel turnover
- Corporate resources spread among several facilities
- Less access for affordable or free public use



PRIVATE MANAGEMENT FEE STRUCTURES



The following fee arrangements are typical for sports events centers that are publicly-owned and privately-operated.

Fixed Annual Fee:

At a minimum, the private operator is typically compensated with a flat annual management fee. Based upon our experience the minimum annual third-party operating fee for a sports facility is typically \$100,000 to \$150,000, but can go upwards from there depending on the size, scale, and profitability of the venue.

Incentive Bonuses (in addition to Fixed Annual Fee):

Fixed fee management agreements are often accompanied by incentive payments designed to reward the operator for producing desired results. Incentives could be based on achieving specific revenue or income goals, attendance, events, room night generation, or other targets. Incentive payments based upon financial operating targets such as gross revenue or net operating income are the most common.

In a fixed annual fee operating scenario, the facility owner (public sector) is typically entitled to any remaining profits after facility costs and management fees. However, facility owners often provide additional incentive compensation via a revenue or income share once the operator achieves pre-set annual financial operating goals. A hypothetical example is shown on the following page.



PRIVATE MANAGEMENT (CONT.)

Incentive Bonuses (Cont.):

As an example, the hypothetical below shows potential additional incentive pay to an operator based upon escalating incentive payments after \$150,000 in annual NOI has been achieved:

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
Monthly Net Operating Income:	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$300,000
Annual Cumulative NOI:	\$25,000	\$50,000	\$75,000	\$100,000	\$125,000	\$150,000	\$175,000	\$200,000	\$225,000	\$250,000	\$275,000	\$300,000	
Incentive %:	-	-	-	-			20%	20%	30%	30%	40%	40%	
Incentive Pay Amount:	-	-	-	-			(\$5,000)	(\$5,000)	(\$7,500)	(\$7,500)	(\$10,000)	(\$10,000)	(\$45,000)
Income after Incentive Payments:													\$255,000

In the hypothetical model shown above, incentive payments include 20% of the first \$50,000 in annual net operating income above \$150,000, 30% of the next \$50,000, and 40% of annual net operating income above \$250,000. In the above hypothetical, the facility earns annual net operating income of \$300,000, and pays out incentive bonuses of \$45,000, leaving \$255,000 in net operating income after incentive payments.

Alternative Scenario - Full Operating Rights via Lease:

An occasional alternative scenario, instead of management fee/incentive structures, is for the facility owner to lease (or license) the operating rights to a private operator. The annual lease payment amount can be fixed (with annual adjustments for inflation) or an annual percentage payment based upon positive net operating income, or some combination of the two. It should be noted that in this scenario:

- A) The private operator would be solely responsible for profit and loss, which introduces much higher risk. However, capital improvements would typically still be the responsibility of the public owner.
- B) This operating approach is much more rare than the fixed fee/incentive structure, which most experienced sports facility operators prefer. In fact, many qualified 3rd-party sports operators will not operate a facility in smaller markets (such as Alachua County) under a lease agreement.



OTHER MANAGEMENT OPTIONS

OTHER POTENTIAL MANAGEMENT OPTIONS

In some cases, a public owner will outsource the management of a facility to a third-party via a tourism promotion agency or a non-profit organization:

- **TOURISM PROMOTION AGENCY (TPA)**

Tourism promotion agencies (such as CVB's or sports commissions) are created to attract local, regional, and national events to generate incremental tourism-related spending and revenue in the local economy. The agency's priorities typically include, but are not limited to (in order): visitor spending, marketing the region, representing the tourism industry in the community, supporting local tourism and hospitality-related businesses, and tourism advocacy. Many tourism promotion agencies are quasi-public agencies that are formed by local or state government entities. Much like a non-profit, these agencies or bureaus are typically governed by a Board of Directors with board members consisting of a mixture of elected officials and local stakeholders. Although it is operationally independent, a tourism promotion agency is typically funded (in part or in whole) by a dedicated public revenue source, usually tourism-related taxes such as hotel occupancy tax.

Due to their public (or quasi-public) status, TPA's are often capable of managing public assembly venues, especially when it is a tourism-focused venue such as the proposed sports events center. Regardless, TPA's can enhance the successful operations of a new sports/event venue even if they are not the facility operator, due to their established relationships in the tourism industry and ability to market the region and attract room night-generating events. ⁴¹

- **NON-PROFIT MANAGEMENT**

Under this form of management, the organization is typically run under the guidance and supervision of a non-profit Board of Directors. Members of the board tend to be local community leaders and stakeholders. This can serve as an advantage if the board members have the broader community's best interests in mind. However, a lack of diversity on the Board in terms of sports and event interests can often skew programming and uses to heavily favor particular events and activities desired by the Board, sometimes to the detriment of other potential community user groups. Non-profit facilities also typically favor local and community programs, and provide affordable rates to such programs, and so this non-profit management structure typically requires active and continued support both in labor and funding from the local community. The non-profit organization would likely need to depend in part on donations and grants (in most cases donations would be tax deductible) from individuals, companies, and government entities, in addition to volunteer labor hours, to be sustainable in both the short- and long-term. Key advantages/disadvantages associated with agency/bureau or non-profit management may include:

ADVANTAGES

- Community's best interest at heart (All)
- Aligned vision with City (public sports commission/agency/bureau)
- Limited use of public funds to maintain operations (non-profit)

DISADVANTAGES

- Risks alienating groups in community (non-profit)
- Lack of diverse interest groups (non-profit)
- Would need dedicated revenue source to sustain operations (sports commission/agency/bureau)



MANAGEMENT SUMMARY



The primary facility ownership and management options identified by Victus Advisors for a new sports events center in Alachua County include:

- **Public Ownership:** Private ownership of the facility is not recommended, as public funds are needed to construct the facility, and the high costs of private ownership introduces significant annual operating risk. Therefore, it is recommended that CPCDD should be the primary vehicle for constructing and owning the facility in order to facilitate an effective public-private partnership between Alachua County and Viking Companies.
- **Private Management:** It is a possibility that the new facility could be operated by a dedicated staff hired by CPCDD, however a private third-party management firm hired under a management fee structure (with incentive bonuses for achieving positive annual net operating income generation) is likely to provide a more efficient and experienced option for maximizing the usage and operations of the facility.



4. USAGE PROJECTIONS & OPERATING PRO FORMA



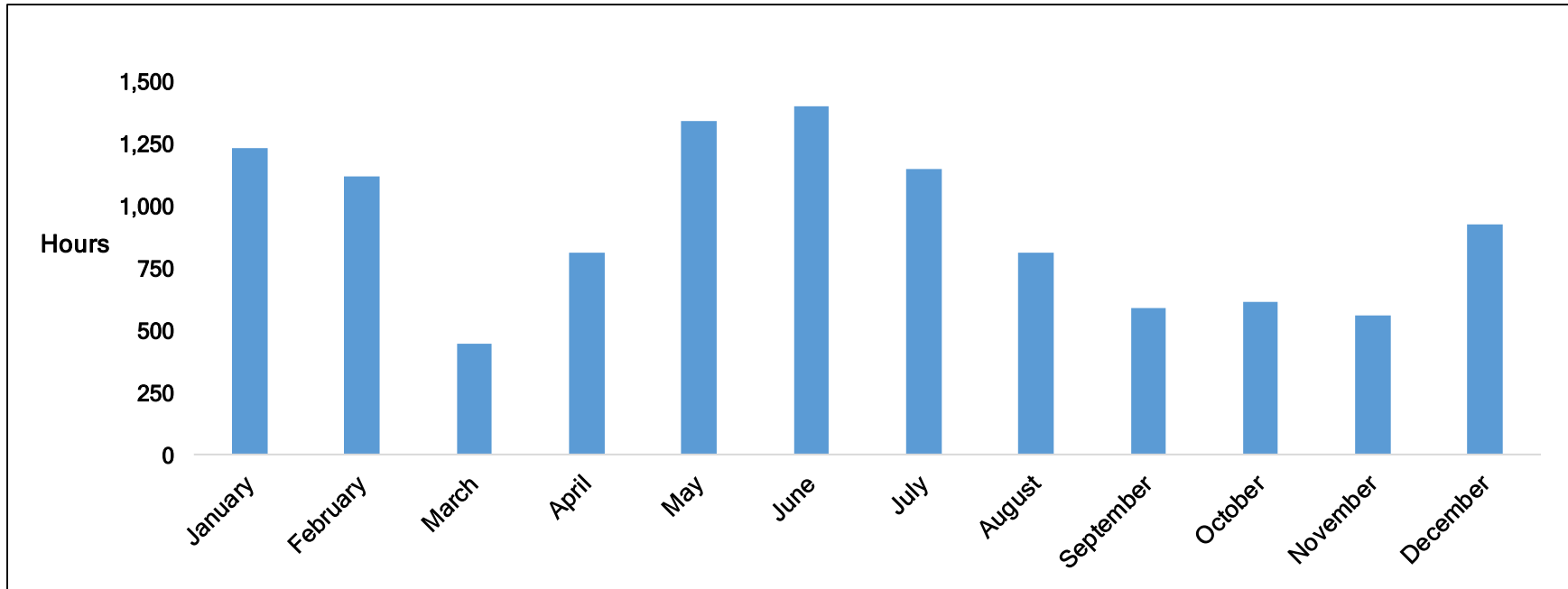
KEY ASSUMPTIONS FOR ESTIMATES & PROJECTIONS



The following key assumptions were utilized by Victus Advisors in order to develop usage estimates and financial operating projections for a new sports events center in Alachua County:

- The facility will be publicly-owned and privately-operated by a third-party management firm with proven experience in the youth/amateur sports industry.
- The financial projections herein are for facility operations only, and thus do not include assumptions for debt service, tax obligations, or long-term capital improvements.
- Operating revenue and expense projections are based upon the recommended building program presented earlier in this report and the estimated usage presented in this section.
- The facility will host indoor track and field events, including championships, meets, and practices. The indoor track will remain in place for at least three months, from approximately December to March.
- During the remaining calendar year, the facility will:
 - Offer competitive rental rates and aggressively market both locally (for teams, leagues, camps, and clinics) and regionally/nationally for indoor sports tournaments and championships.
 - Market and operate local-use programming such as sports leagues, camps, and clinics, such as basketball, volleyball, etc., in order to enhance the revenues of the facility.
- The estimates and projections in this section are based on current market circumstances and assume there will be no other major changes to the available indoor sports facility inventory within the region.
- The estimates and projections displayed in this section utilize a variety of additional assumptions, including data gathered from third-party sources, information provided by Alachua County and Viking Companies, and Victus Advisors' sports facility industry experience. There will be differences between these projections and actual events, and these differences may be material.

ESTIMATED ANNUAL USAGE BY MONTH



Victus Advisors estimates that usage at a new sports events center in Alachua County would peak during the summer months with basketball and volleyball tournaments. Usage at the facility is also estimated to be relatively high from December to February with indoor track usage.



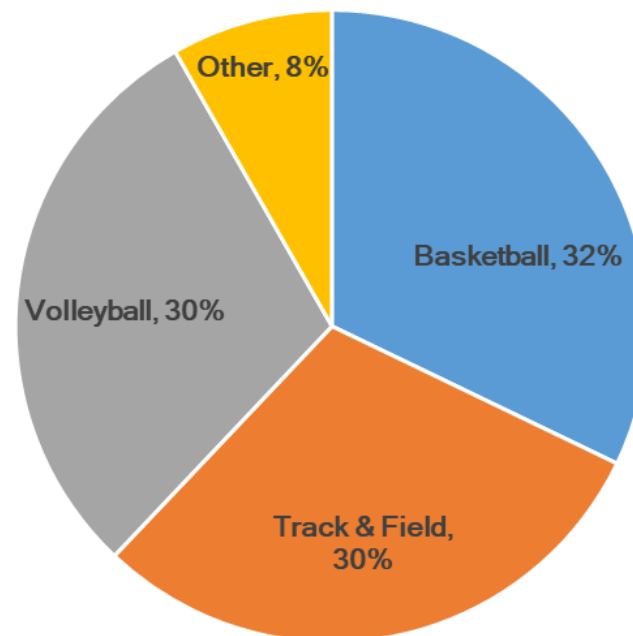
ESTIMATED ANNUAL FACILITY HOURS BY SPORT

It is estimated that basketball, volleyball, and track & field usage would account for the majority of facility utilization during the year. Overall, we have estimated more than 21,000 annual facility usage hours.

Sport	Facility Hours
Basketball	6,892
Track & Field	6,412
Volleyball	6,364
Other	1,768
TOTAL	21,436

Notes:

- (1) Sorted by Facility Hours in descending order
- (2) Other Sports include wrestling, dance, cheer, gymnastics, etc.



Estimated Annual Sports Tourism Events (Weekend Tournaments & Championships): 35

Total Estimated Annual Visits: 752,250*

**Notes:*

- (1) Includes estimated athletes, officials, coaches, parents/family, spectators, vendors etc.
- (2) Represents unique daily visits for local users. For example, if an athlete participated in practices on a Tuesday and a Thursday one week, that would count as two unique visits that week.



ESTIMATED ANNUAL ATTENDANCE BY EVENT TYPE

Victus Advisors estimates annual attendance of approximately 752,000 visits. It is estimated that basketball and volleyball would account for the majority (76%) of the annual attendance at the new sports events center in Alachua County.

<u>Sport</u>	<u>Projected Attendance</u>
Basketball	284,088
Volleyball	288,420
Track & Field	125,201
Other	54,541
TOTAL	752,250

Notes: (1) Sorted by Projected Attendance in descending order

(2) includes estimated athletes, officials, coaches, parents/family, spectators, vendors etc.

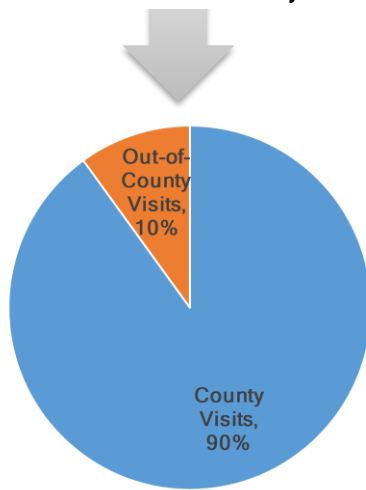
(3) Represents unique out-of-town visitors and local visits. For example, if an athlete participated in practices on a Tuesday and a Thursday one week, that would count as two unique visits that week.

ESTIMATED OUT-OF-COUNTY VISITATION

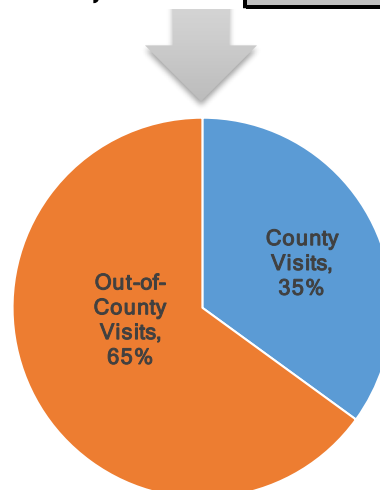
It is estimated that out-of-county visitors could account for at least 54% of annual attendance at the new sports events center in Alachua County. The majority of overall attendance and out-of-town visitation would be driven by weekend events (tournaments and championship events).

It is assumed that weekday usage would primarily be local programming, such as youth practices, youth leagues, and adult sports and recreation programs. Whereas weekend use would primarily be dedicated to youth/amateur sports tournaments and track & field championships.

	<u>Weekday</u>	<u>Weekend</u>	<u>TOTAL</u>
County Visits	138,132	209,570	347,702
Out-of-County Visits	15,348	389,201	404,549
TOTAL VISITORS	153,480	598,770	752,250

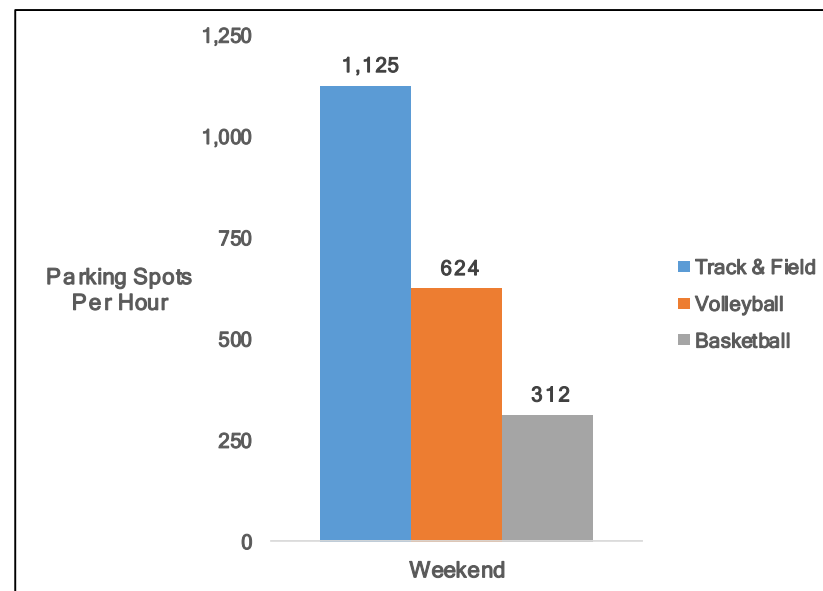
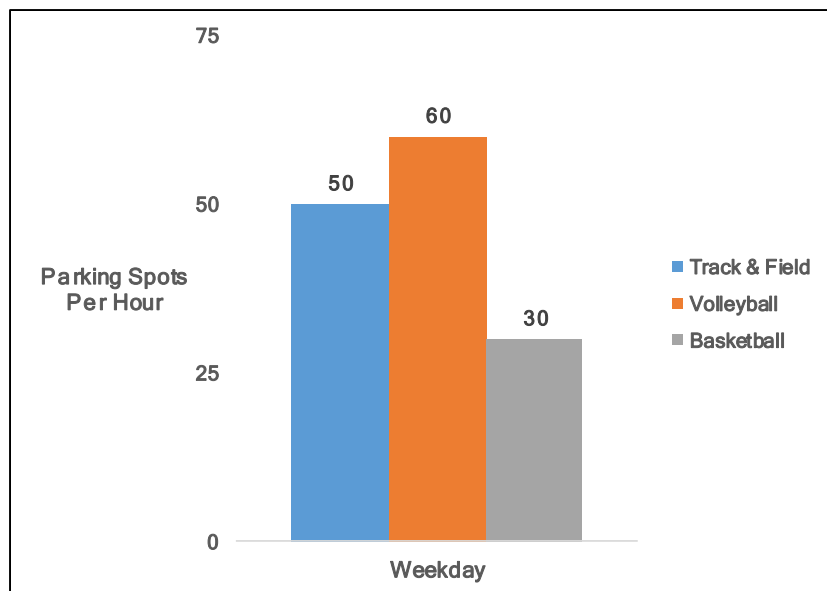


Weekday



Weekend

PARKING DEMAND ESTIMATES



Note: Parking estimates are not cumulative and represent hourly demand estimates for various types of sports uses/events.

Parking needs were estimated based on facility attendance by sport, broken down by weekday (local sports/recreation) versus weekend (tournaments/championships) events. Victus estimates that a minimum of 30 to 60 parking spots per hour would be needed on a typical weekday to accommodate local usage of the sports events center. Minimum weekend parking needs vary significantly by sport, and we estimate a range from approximately 300 to 1,125 spots per hour. Track & Field championships that utilize the facility's full seating bowl capacity would have the greatest need for weekend parking spots needing nearly 1,250 per hour. Basketball, volleyball, and other tournament events need less parking spots per hour, because games/competitions are conducted across multiple courts, as opposed to a single event held at the track that requires seated spectators to remain in the venue for a set period of time.



ADDITIONAL PARKING OPTIONS

It should be noted that the highest demand for parking is likely to occur during track and field championship events that seat the sports events center's full seating bowl (approximately 3,000 seats) with spectators. In our model, we have assumed that these types of large track & field championship events would occur no more than three (3) to five (5) weekends per year. During all other weekends, it is estimated that no more than 625 spots (for a large volleyball tournament) could be needed.

It should also be noted that these parking demand estimates assume that all parking needs would be accommodated on-site. However, it is common for sports event centers to provide on-site parking that meets the demand for the majority of events (such as local weekday use and weekend tournament activity for typical volleyball/basketball tournaments). During the larger special events/championships that occur less often, many facilities will utilize other strategies to reduce the need for additional on-site parking, such as:

- Sports Commissions and/or Visitors Bureaus often partner with events and facilities to establish discounted room blocks at nearby hotels for event attendees. As part of this arrangement, they also often provide shuttle buses from the room block hotels to the event venue on a regular basis throughout the day during tournaments and championship events. Ideally, these hotels should be located no more than a five (5) to ten (10) minute drive from the facility.
- Additional off-site parking for large events can also be provided at nearby satellite parking lots. Shuttle buses could be run between the satellite lots and the facility on a regular basis (typically no longer than every 30 minutes). As with partner hotels, any satellite parking lots should be located no more than five (5) to ten (10) minutes away from the facility.



FINANCIAL OPERATING PRO FORMA

In a stabilized year of operations, it is estimated that the operations of the new sports events center could generate a positive estimated operating margin of approximately 10%.

Please note: this pro forma assumes that concessions stands (and/or a food court) within (or directly attached to) the facility would be under the operations of the sports events center manager. Without the ability to sell concessions within the facility, it is likely that the facility could suffer annual operating losses.

	Stabilized Year
Operating Revenues:	
Rental Income (Tournaments, Other Events, etc.)	\$1,179,000
Programming (Leagues, Camps, Clinics)	\$280,000
Concessions & Merchandise (Gross Sales)	\$1,650,000
Advertising & Sponsorship	\$96,000
Total Revenues:	\$3,205,000
Operating Expenses:	
Salaries, Wages, & Benefits	\$672,000
Cost of Goods Sold (Concessions & Merchandise)	\$1,245,000
Program Expenses	\$112,000
Utilities	\$252,916
Advertising, Marketing, & Promotion	\$100,000
General, Administrative, & Other	\$168,000
Maintenance/Repair	\$108,000
Materials/Supplies	\$72,000
Management Fee	\$150,000
Total Expenses:	\$2,879,916
EBITDA	\$325,084
ESTIMATED OPERATING MARGIN	10%

Notes:

- (1) Presented in 2019 dollars. Stabilized year of operations typically occurs by Year 3.
 (2) EBITDA represents Earnings before Interest, Taxes, Depreciation, and Amortization.



OPERATING REVENUES



Revenue generated by a new sports events center is expected to consist primarily of rental income, concessions, and advertising/sponsorship. A brief description of each potential revenue source is provided below.

Rental Income

Facility rent typically accounts for the largest income source for a sports events center. Rentals typically occur for practices and league play (primarily local-use within Alachua County) and tournaments/championships (regional and national usage). We have conservatively assumed, based on competitive rental rates within the County and comparable markets, that average rental rates for courts would be approximately \$55 per court per hour at a new facility, and the average rental rate for the full facility on a per day basis would be approximately \$5,000 per day. It is expected that “rack” rates could be higher, however average rental rates are often lower than rack rates due to discounts associated with multi-day or longer-term usage agreements with user groups.

Programming

Programming revenue consists of an estimate of revenue from local-use sports/recreation programs and leagues that could be conducted by facility management, primarily during weeknights at the new sports events center. These estimates are based on our past experience with programming at similar facilities.

Concessions

Concessions revenue consists of sales of various food and beverage items at the center. Revenue assumptions are based on estimated usage and attendance, and comparable per capita spending from⁵³ facilities across the country (approximately \$1 to \$3 per visitor per day, depending on user type). Concessions revenue is shown as gross sales, and then off-set by cost of goods sold as an expense.



OPERATING REVENUES (CONT.)

Advertising & Sponsorship

Advertising and sponsorship revenues are assumed to be derived from the sale of interior wall banners (\$500 per banner) and scoreboard signage (\$2,000 per scoreboard). Given the relatively small size of the corporate base in Alachua County, we have conservatively assumed there would be total interior advertising sales of less than \$100,000 annually (\$96,000 per year). It should be noted that we have not assumed that the facility would have a primary corporate naming rights partner, however this could be an opportunity for a private facility operator to generate additional operating income if they are able to sell the overall facility naming rights to a corporate partner.

Other Potential Revenue Options

Based upon the mutually agreed preferences of the facility operator, Viking Companies, CPCDD, and the County, a new sports events center could also potentially drive additional revenue from a gate/entrance fee charged at the door during tournament/championship attendees (or a parking fee charged per car during tournaments/championships). We have not currently included any gate fees or parking fees in our operating model, however these types of fees (typically in the \$5 to \$10 range per entrant or car) have become more common in recent years during youth/amateur tournaments held across the country.



OPERATING EXPENSES



Operating expenses expected to be generated by the new sports events center include salaries, wages, and benefits, utilities, program expenses, and other administrative expenses. A brief description of each potential major source of expense is provided below.

Salaries, Wages & Benefits

We have assumed that the facility would hire eight (8) full-time-equivalent employees, including a General Manager, administrative staff, and additional maintenance and custodial needs. Lastly, we have assumed approximately \$100,000 per year in additional part-time and seasonal labor, primarily associated with tournament weekends.

Programming

Programming expense estimates are estimated from Victus' past experiences. This expense includes all costs associated with running community recreation programs and typically is 70% of total programming revenue.

Utilities

Utilities often represent one of the largest expenses incurred by facility operators. Our cost estimates for utilities include use of electricity, gas, water, and steam, and are based on cost-per-square-foot rates at comparable facilities nationwide. Please note, since the Alachua County market tends to have utility costs at nearly 20% higher than the national average according to the ACCRA Cost of Living Index, we have increased these rates to reflect the higher utility costs in the Alachua County market.



EXPENSES (CONT.)

Other Expenses

Other expenses expected to be incurred by the new sports events center include general and administrative expenses, repairs and maintenance, materials and supplies, marketing/advertising costs, insurance, and other such expenses, as described below:

- Maintenance and repairs for structures, equipment, grounds, etc.
- Materials and supplies for administration and operations of the facility
- General liability insurance to cover the courts, track, grounds, restrooms, and other such areas
- Office and administrative expenses, including but not limited to marketing and advertising, telecommunications, travel costs, permits, service fees, and other such operating expenses
- Management fee paid to a third-party operator of the facility

These expenses have been estimated based upon expenses at comparable venues.



5. ECONOMIC & FISCAL IMPACT ANALYSIS



KEY ASSUMPTIONS

The purpose of this analysis is to estimate the County-wide economic and fiscal impacts that could be generated by a new sports events center at Celebration Pointe in Alachua County. As such, we have developed two alternative models: 1) the impacts of prior development plans at Celebration Pointe without a new sports events center, versus 2) the impacts of new development plans at the same proposed Celebration Pointe site with the new sports events center. We can then compare and contrast the expected County-wide economic/fiscal impacts of each Celebration Pointe development alternative.

In order to complete this comparative analysis, Viking Companies provided us with preliminary estimates of the potential future development plans that could occur at Celebration Pointe, both with and without the proposed sports events center, as shown below:

Current Plan for Additional Celebration Pointe Development: <i>Without the Sports Events Center</i>		Potential Plan for Additional Celebration Pointe Development: <i>With the Sports Events Center</i>	
Type	Estimated Sq. Ft.	Type	Estimated Sq. Ft.
Retail	99,400	Sports Events Center	120,000
Restaurant	3,000	Retail	76,500
Residential	272,050	Restaurant	8,000
Total:	374,450	Residential	65,400
		Office	40,000
		Hotel (179 rooms)	116,800
		Total:	426,700

Source: Viking Companies

Note: These are preliminary estimates only, subject to changes in market conditions and demand.

These estimates in no way reflect any commitments from Viking Companies.



In order to estimate the potential economic and fiscal impacts of each alternative development option (as shown on the previous page), Victus Advisors utilized the following four (4) step process:

1. Estimate the Gross Direct Spending Associated with Annual Facility Operations



2. Identify the Relevant Economic Area for Net Impact Analysis



3. Estimate the Net Direct Spending Occurring within the Defined Economic Area by Outside Visitors



4. Utilize the Multiplier Effect to Estimate Total Economic & Fiscal Impacts (including Direct, Indirect & Induced Spending)



1. ESTIMATE GROSS DIRECT SPENDING

The first step in projecting the potential economic and fiscal impacts of a new sports events center in Alachua County is estimating the Gross Direct Spending activity that could occur throughout the County due to the ongoing annual operations of the facility.

Gross Direct Spending represents all of the annual direct spending that could be associated with the facility, regardless of income source or spending location within the County.

Primary Sources of Direct Spending from a New Sports Events Center

Ongoing Facility Operations

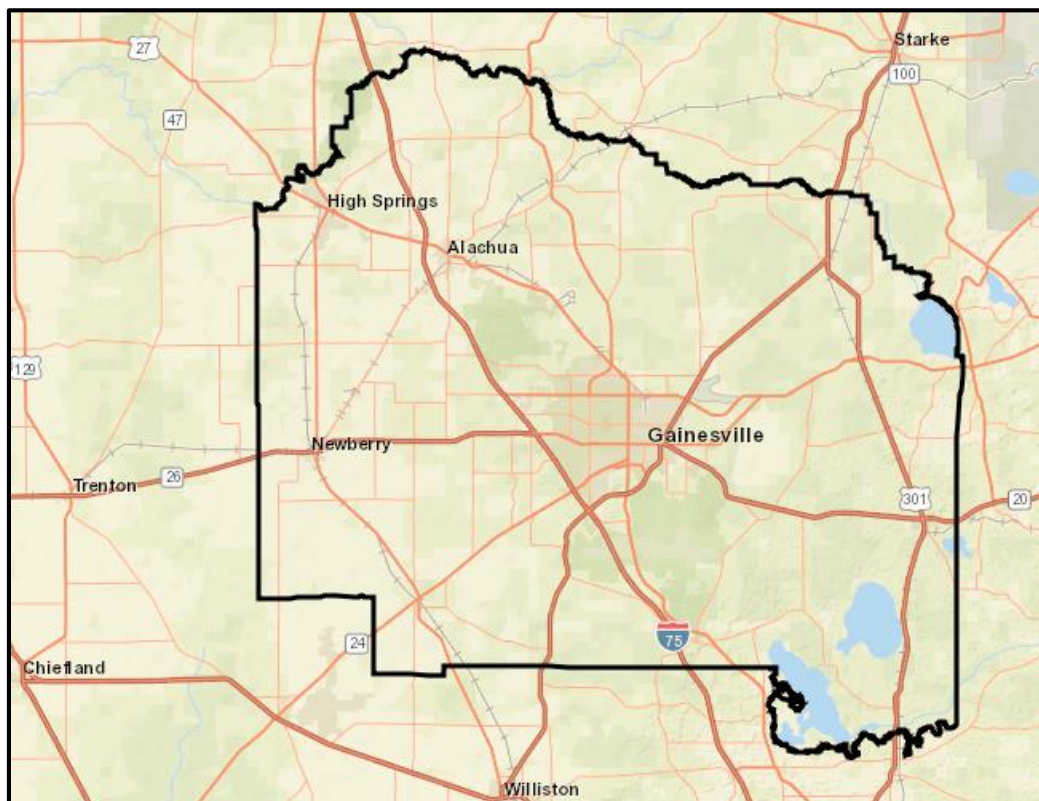
In-Facility Revenues:

- Facility Rental Fees
- Programming Revenue
- Concessions Sales
- Merchandise Sales
- Sponsorships/Advertising

County-Wide Visitor Spending:

- Lodging
- Restaurants
- Entertainment
- Retail
- Transportation

2. IDENTIFY “LOCAL” ECONOMY



Source: Esri

For purposes of this study, Victus Advisors has been tasked with identifying the potential economic and fiscal impacts within Alachua County. Therefore, the local economy studied in this analysis is the physical area solely within Alachua County (as highlighted at left).

As described on the next page, “Net” Direct Spending only occurs when the spending source originates outside of the County and occurs within the County’s limits, which most often occurs when regional/national event activity is held (such as tournaments, championships, etc.).

3. CALCULATE NET IMPACTS

After estimating the “Gross” economic activity associated with sports events center development, Victus Advisors estimated the portion of Gross Direct Spending that could represent incremental (or “Net”) spending within the County’s economy. Net Direct Spending accounts for the phenomenon of “displacement”, as described below.

DISPLACEMENT is the economic principle that assumes a household’s sports/recreation budget would be spent within the local economy with or without development of a new sports events center. For purposes of this study, we have assumed that local event spending would be displaced (i.e. spent elsewhere within the Alachua County economy) without the presence of a new sports events center at Celebration Pointe. Therefore...

NET IMPACTS estimated by Victus Advisors will only include the estimated dollars spent within County limits by non-resident visitors who come to Alachua County for regional/national sports event activity, thus injecting new incremental dollars into the County’s economy.

4. THE MULTIPLIER EFFECT

Net Direct Spending from outside visitors that is captured in Alachua County is subsequently re-spent, both inside and outside the local economy. The cumulative impact of the re-spending cycles that occur within Alachua County is called the “Multiplier Effect”.



4. THE MULTIPLIER EFFECT (CONT.)

Victus Advisors utilized IMPLAN Multipliers specific to Alachua County (as shown below) to estimate the following County-wide Net Economic Impacts:

- **TOTAL OUTPUT** (direct, indirect & induced spending in Alachua County)
- **EMPLOYMENT** (full-time & part-time jobs in Alachua County)
- **LABOR INCOME** (salaries & wages associated with Alachua County jobs)
- **TAX REVENUES** (local taxes associated with the total output)

IMPLAN MULTIPLIERS - ALACHUA COUNTY

Industry	Total Output Multiplier	Employment Multiplier	Labor Income Multiplier
Amusement & Recreation (Entertainment)	Multipliers range from 1.52 to 1.86 per industry	Multipliers range from 1.6679×10^{-5} per industry	Multipliers range from 0.41 to 1.02 per industry
Retail Stores			
Transit & Ground Passenger Transportation			
Fitness & Recreational Sports Centers			
Hotels & Motels, Including Casino Hotels			
Food Service & Drinking Places			
Other Personal Services			



ANNUAL COUNTY-WIDE ECONOMIC IMPACTS



ESTIMATED ANNUAL ECONOMIC IMPACTS - RETAIL/RESIDENTIAL/RESTAURANT ONLY

	GROSS	NET NEW
Direct Spending	\$50,037,000	\$5,004,000
Total Output	\$85,394,000	\$8,539,000
Full- & Part-time Jobs	1,540	154
Wages	\$34,551,000	\$3,455,000

WITHOUT SPORTS EVENTS CENTER - It is estimated that current planned development at Celebration Pointe (retail, residential, and restaurant only) could generate more than \$5 million in annual net direct spending within the County, approximately \$8.5 million in total economic output, 154 incremental annual jobs, and nearly \$3.5 million in net annual wages.

ESTIMATED ANNUAL ECONOMIC IMPACTS - SPORTS CENTER & ANCILLARY DEVELOPMENT

	GROSS	NET NEW
Direct Spending	\$109,923,000	\$47,931,000
Total Output	\$179,530,000	\$76,707,000
Full- & Part-time Jobs	2,860	1,150
Wages	\$64,417,000	\$25,854,000

WITH SPORTS EVENTS CENTER - It is estimated that potential development at Celebration Pointe that includes the proposed sports events center (as well as ancillary retail, residential, restaurant, office, and hotel) could generate significantly greater County-wide impacts due to the increased visitation associated with sports tourism event activity. It is estimated that a new sports events center could generate nearly \$77 million per year in net total output within the County, 1,150 incremental annual jobs, and approximately \$25.9 million in net annual wages.

Note: Represents annual impacts. Presented in 2019 dollars.



ANNUAL COUNTY-WIDE IMPACTS BY ECONOMIC SECTOR

Current Plan for Additional Celebration Pointe Development: <i>Without the Sports Events Center</i>		
TOTAL OUTPUT:		
Sports (In-Facility)	\$0	0%
Lodging	\$32,000	0%
Food & Beverage	\$160,000	2%
Shopping	\$8,315,000	97%
Entertainment	\$21,000	0%
Transportation	\$11,000	0%
TOTAL:	\$8,539,000	100%
EMPLOYMENT:		
Sports (In-Facility)	0	0%
Lodging	1	0%
Food & Beverage	3	2%
Shopping	150	97%
Entertainment	0	0%
Transportation	0	0%
TOTAL:	154	100%
LABOR INCOME:		
Sports (In-Facility)	\$0	0%
Lodging	\$13,000	0%
Food & Beverage	\$65,000	2%
Shopping	\$3,364,000	97%
Entertainment	\$9,000	0%
Transportation	\$4,000	0%
TOTAL:	\$3,455,000	100%

Current Plan for Additional Celebration Pointe Development: <i>With the Sports Events Center</i>		
TOTAL OUTPUT:		
Sports (In-Facility)	\$3,416,000	4%
Lodging	\$21,991,000	29%
Food & Beverage	\$24,779,000	32%
Shopping	\$13,508,000	18%
Entertainment	\$6,400,000	8%
Transportation	\$6,613,000	9%
TOTAL:	\$76,707,000	100%
EMPLOYMENT:		
Sports (In-Facility)	58	5%
Lodging	211	18%
Food & Beverage	398	35%
Shopping	243	21%
Entertainment	110	10%
Transportation	129	11%
TOTAL:	1,150	100%
LABOR INCOME:		
Sports (In-Facility)	\$1,062,000	4%
Lodging	\$5,931,000	23%
Food & Beverage	\$9,562,000	37%
Shopping	\$5,465,000	21%
Entertainment	\$1,992,000	8%
Transportation	\$1,842,000	7%
TOTAL:	\$25,854,000	100%

WITH SPORTS EVENTS CENTER - It is estimated that with a potential development at Celebration Pointe that includes the proposed sports events center (as well as ancillary retail, residential, restaurant, office, and hotel) the Food & Beverage industry and Lodging industry within the County would benefit the most (approximately 32% and 29% of incremental output, respectively). Conversely, Shopping/Retail would be the only significant beneficiary in a development without the sports events center.



ANNUAL FISCAL IMPACTS

ESTIMATED ANNUAL FISCAL IMPACTS - RETAIL/RESIDENTIAL/RESTAURANT ONLY

	GROSS	NET NEW
Alachua County Sales Tax (1.0%)	\$574,000	\$57,000
TOTAL:	\$574,000	\$57,000

WITHOUT SPORTS EVENTS CENTER - It is estimated that current planned development at Celebration Pointe (retail, residential, and restaurant only) could generate net annual fiscal impacts of approximately \$57,000 per year, via Alachua County sales tax.

ESTIMATED ANNUAL FISCAL IMPACTS - SPORTS CENTER & ANCILLARY DEVELOPMENT

	GROSS	NET NEW
Alachua County Sales Tax (1.0%)	\$1,215,000	\$525,000
County Tourist Development Tax (5.0%)	\$611,000	\$611,000
TOTAL:	\$1,826,000	\$1,136,000

WITH SPORTS EVENTS CENTER - It is estimated that potential development at Celebration Pointe that includes the proposed sports events center (as well as ancillary retail, residential, restaurant, office, and hotel) could generate significantly greater fiscal impacts due to the increased visitation associated with sports tourism event activity. We estimate net annual fiscal impacts over \$1.1 million dollars per year, including County sales tax, and County tourist development tax.



HOTEL/MOTEL IMPACTS: SPORTS EVENTS CENTER ONLY

As shown on the previous page, the impacts of future development at Celebration Pointe would only generate significant incremental hotel nights (and associated tourist development tax collections) if a new sports events center was built. Victus Advisors estimates that a new sports events center could generate over 116,000 annual hotel nights within Alachua County, as shown below.

Estimated Annual Hotel Impacts - Alachua County	
Total Visitors Staying in Hotel/Motel:	233,520
Estimated People Per Room	3.0
Total Rooms Utilized	77,840
Average Nights per Room:	1.5
Total - Annual Room Nights	116,760
Average Daily Room Rate (ADR):	\$104.65
Total - Hotel Room Spending:	\$12,218,950

Notes:

(1) Overnight Visitors estimate developed by Victus Advisors as part of our Utilization & Attendance Estimates

(2) Total Hotel Room Spending represents direct hotel room spending only in 2019 dollars, and does not include indirect or induced impacts



CUMULATIVE 30-YEAR IMPACTS OF SPORTS EVENTS CENTER AT CELEBRATION POINTE

As shown below, it is estimated that a new sports events center and ancillary development at Celebration Pointe could generate net impacts over a period of 30 years with a net present value (NPV) of approximately \$1.2 billion in total economic output, \$392 million in wages, and nearly \$24 million in County sales tax revenues, and County tourist development taxes. In addition, it is estimated that up to 1,150 incremental annual jobs could be supported by this new economic activity.

NET IMPACT

	Cumulative	Net Present Value
Direct Spending:	\$2,280,337,000	\$727,387,000
Total Output:	\$3,649,367,000	\$1,164,083,000
Annual Jobs:	1,150	n/a
Wages:	\$1,230,015,000	\$392,353,000
Taxes:	\$76,076,000	\$23,980,000



CONTACT INFORMATION



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Agenda Item Summary

Agenda Date: 10/15/2019

Agenda Item No.:

Agenda Item Name:

Utilities in County ROW

Presenter:

Lalit Lalwani

Description:

This is a joint presentation by County Attorneys Office, Public Works Department, and Growth Management Department to respond to Commissioner Byerly's January 29th, 2019 motion regarding Utilities in the Rights-of-way.

Recommended Action:

N/A

Prior Board Motions:

January 29th, 2019

Fiscal Consideration:

N/A

Background:

On January 29, 2019 Special Meeting, Commissioner Byerly moved the following:

1. Staff to provide expanded code language that would make landscaping one of the conditions for which the County could request the movement of utilities.
2. Staff to provide a list of County maintained roadways collector size or larger that have the types of permits described. A map format would be the preferred method.
3. Provide the standard language used by the County in such permits.
4. Staff to provide for Board consideration a more formal process for when and how landscaping by utilities can be approved by the County Engineer for a utility with a permit.
5. Staff to provide language for criteria for landscaping in the development review process for new corridors and allow for some process to follow if the developer and utility do not agree. The proposed language should be fairly loose approach were the County gets in ahead of the development review process and gives the County some rights with the developer. The code should specify landscaping requirements for corridors. With a provision that allows the County to reopen the

process if the utility refused to put in service.

This is a joint presentation by County Attorneys Office, Public Works Department, and Growth Management Department to respond to the above motion.



UTILITIES IN COUNTY ROW

Follow up to January
29, 2019 BoCC
Special Meeting

*Where Nature and
Culture Meet* ⁷³



Board Question #1



- Staff to provide expanded code language that would make landscaping one of the conditions for which the County could request the movement of utilities.

Response #1-County Attorney



Florida Statutes Chapter 337

- Chapter 337.401 (1) (a)
 - defines local government as the “authority” over public roads
 - defines local government to prescribe reasonable rules or regulations.
- Chapter 337.403 (1)
 - states that if found by the local authority to be unreasonably interfering in any way with the convenient, safe, or continuous use, or the maintenance, improvement, extension, or expansion, of such public road the utility owner shall, upon 30 days’ written notice to the utility or its agent by the authority, initiate the work necessary to alleviate the interference at its own expense.

Response #1-County Attorney



- Define “landscaping as a roadway enhancement and improvement” in Alachua County Chapter 367 Utility Installation Ordinance
- Modify Alachua County Utility Accommodation Guide to include a section for landscaping in the Right of Way
- Proposed language will not be retroactive

Response #1-County Attorney



Define “landscaping as a roadway enhancement and improvement” in Chapter 367, Section 367.02.

Proposed Language:

Enhancement: Any project approved by the Board of County Commissioners within a public right-of-way intended to enhance the usability and function of the right-of-way, including for pedestrian, bicycle, and vehicular traffic. Enhancements include, but are not limited to, the construction of sidewalks and the placement of trees in accordance with a Board of County Commissioners approved Tree Planting Work Plan.

Improvement: The construction of streets and all related appurtenances, bridges, utilities, pedestrian ways, bikeways, or planting of landscaping in connection with an approved development or public works project, whether involving the subdivision of land or not, in connection with a Board of County Commissioners approved Tree Planting Work Plan project within a public right-of-way.

Response #1-County Attorney



Add a new Section 367.03.1 for Trees or other vegetation within rights-of-way; removal or damage in Alachua County Chapter 367.

Proposed Language:

The removal, cutting, marring, defacing, or destruction of any trees or other vegetation, either by direct personal action or by causing any other person to take such action, within the County's public rights-of-way is prohibited unless prior written permission to remove or cut such trees or other vegetation has been granted by the Department, except where normal tree trimming is required to ensure the safe operation of utility facilities and such tree trimming is performed in accordance with the provisions of the County's Utility Accommodations Guide dated _____. The department shall adopt rules for the implementation of this section in its Utility Accommodation Guide to achieve protection of trees and vegetation within the rights-of-way while at the same time assuring safe utility operations.

Response #1-Public Works



Modify Alachua County Utility Accommodation Guide to include a section for landscaping in the Right of Way

Proposed Language:

UTILITY RELOCATION DUE TO ROAD RECONSTRUCTION, ENHANCEMENT, MAINTENANCE, IMPROVEMENT, EXTENSION OR EXPANSION PROJECT:

The Utility shall relocate the utilities at their own expense due to road reconstruction, enhancement, maintenance, improvement, extension or expansion project in County right-of-way as defined in Alachua County Chapter 367 Utility Installation Ordinance and governed by provisions of Chapter 337 Florida Statutes.

TREE REPLACEMENT OF DAMAGED LANDSCAPE VEGETATION:

The Utility shall replace any landscape vegetation removed or irreparably damaged by the Utility at their own expense as approved by County Horticulturist. Landscape vegetation includes all plants that have been placed within the County right-of-way. All tree trimming of existing trees or tree canopy in County maintained R/W shall be done in accordance with ANSI A300 (Part 1) Pruning Standards and ANSI A300 (Part 8) Root Management Standards.

Board Question #2



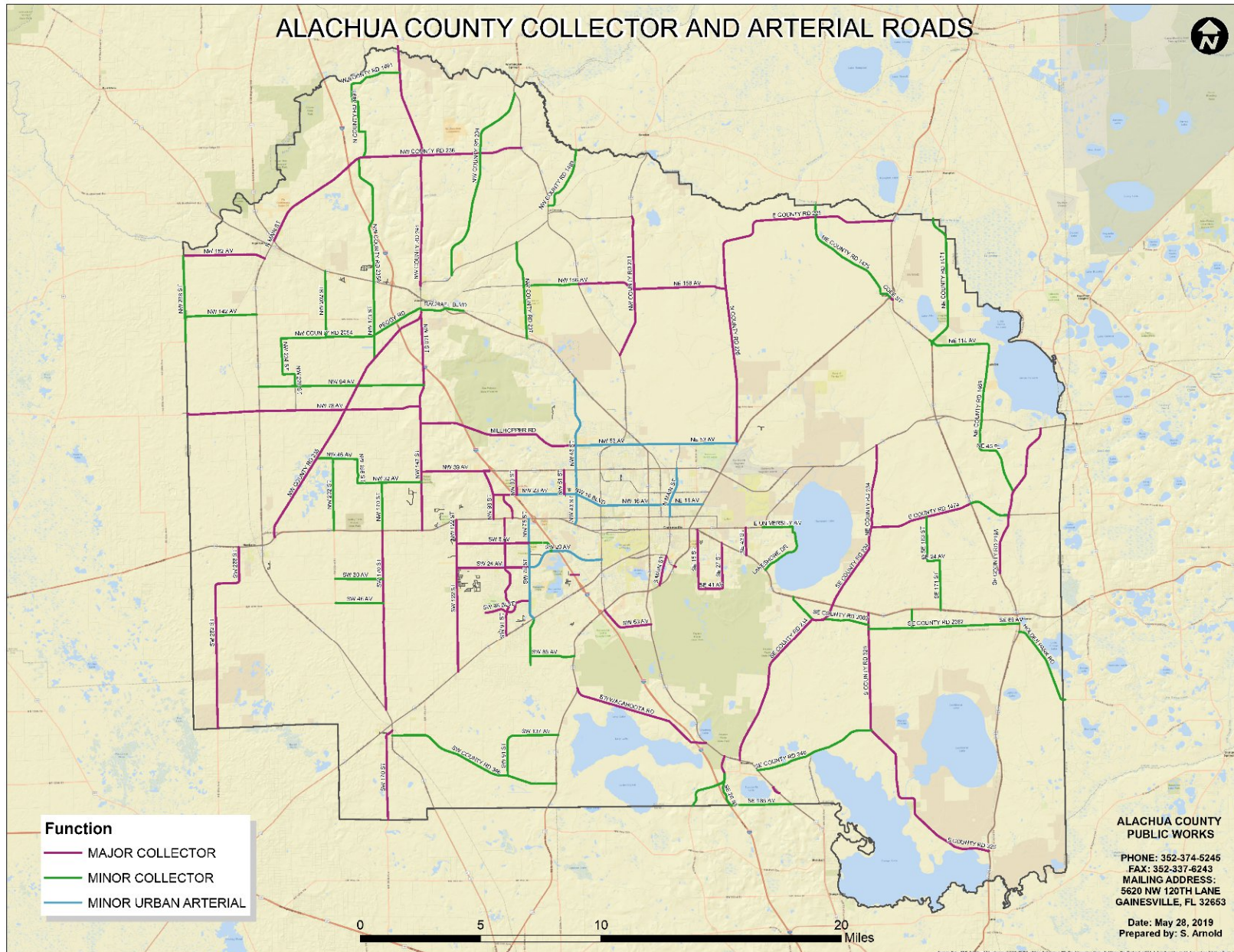
- Staff to provide a list of County maintained roadways collector size or larger that have the types of permits described. A map format would be the preferred method. Provide an example copy of the permit.

Response #2-Public Works



- Map of Alachua County Collector and Arterial Roads.
- Example of Alachua County Utility Permit

Response #2-Public Works



Response #3-Public Works



CALL SUNSHINE
1-800-432-4770
IT'S THE LAW IN FLORIDA

SEG.# 262
SID SW 63 Blvd / SW 6 Ave

Permit Fee: \$85.00
GRU File No.: U-AC-8-17

ALACHUA COUNTY
UTILITY PERMIT

COMPLIANCE WITH STATE STATUTE 337.40 THRU 337.408

Date: February 27, 2017

Subject: County Road No.: SW 63rd Blvd/SW 62nd Ave - Force Main Relocation
Between Road No. SR24 (Archer Road) and Road No. SR 121 (Williston Road)

PERMITTEE: GAINESVILLE REGIONAL UTILITIES, c/o REAL ESTATE DEPT. Phone No. 352-3400 ext. 1216
Permittee's Address P.O. Box 147117, Sta. A-130, Gainesville, FL 32614-7117
Contact Person: Peter Simms, GRU Wastewater Dept (352) 214-9879

PERMIT NO. 017-108

Permit Approved Yes (X) No ()

NOTIFY THE ALACHUA COUNTY CONST. INSPS.,
OFFICE, GAINESVILLE, 352-548-1244
48 HOURS PRIOR TO BEGINNING WORK

IF CONTRACTOR IS TO DO WORK:

Contractor's Name _____ Phone No. _____
Contractor's Address _____
Contact Person _____ Street # _____ P.O. Box _____ City _____ State _____ Zip Code _____

NOTE: Fill out fully if Contractor is not known; notify County as soon as that information is available.

Requesting permission from the Alachua County Public Works Department, hereinafter called The Department, to construct, operate and maintain: 300 +/- 12" dia. DR-18 PVC force main (by open trench- 36" min. depth) in the westerly ROW of SW 63rd Blvd/SW 62nd Ave beginning at STA 132+80 and ending at STA 135+60, as shown on attached detailed drawing

Note: The existing 12" force main is this location will be removed as shown.

1. Proposed work is within the corporate limits of a municipality Yes () No (X)
Name of municipality: City of Gainesville
A letter of concurrence from municipality is attached. **RIGHT OF WAY USE PERMIT ONLY** Yes () No (X)

2. Applicant declares that prior to filing this application he has ascertained the location of all existing utilities, both aerial and underground.
A letter of notification was mailed on 2/24/2017 to the following utilities:
AT&T, Cox Communications, GRU Gas Department

3. State right-of-way is involved Yes () No (X)

4. It is expressly stipulated that this permit is a license for permissive use only and that the placing of facilities upon public property pursuant to this permit shall not operate to create or vest any property right in said holder.

5. Whenever necessary for construction, repair, improvement, maintenance, safe and efficient operation, alteration or relocation of all, or any portion of said highway as determined by the Public Works Department, any or all of said poles, wires, pipes, cables or other facilities and appurtenances authorized hereunder, shall be immediately removed from said highway, or reset or relocated thereon as required by the Public Works Department, and at the expense of the Permittee unless reimbursement is authorized.

6. All work shall meet Department standards and be performed under the supervision of the Public Works Department.

7. All materials and equipment shall be subject to inspection by the Public Works Department.

8. All Department property shall be restored to its original condition as far as practical, in keeping with Department specifications, and in a manner satisfactory to the Department.

9. All installations shall conform to the Department's Utility Accommodation Guide in effect the date permit is approved.

10. The attached sketch covering details of this installation shall be made a part of this permit.

11. The Permittee shall commence actual construction in good faith within sixty (60) days from the date of said permit approval and shall be completed within 120 days. This permit expires at the end of 60 days, if no work has begun.

12. The construction and maintenance of such utility shall not interfere with the property and rights of a prior Permittee.

RECEIVED
FEB 28 2017
Alachua County
Public Works Department

Start work 3/13/17

Response #3-Public Works



13. Special Conditions: Re-grade, seed, fertilize and mulch all disturbed areas.
14. Special Instructions "All traffic control will be in accordance with the most recent Roadway and Traffic Design Standards, Section No. 600 issued by the Department of Transportation (FDOT)" All utility installation will be in accordance with the most current issue of the FDOT Utility Accommodation Guide.
15. It is understood and agreed that the rights and privileges herein set out are granted only to the extent of the County's right, title and interest in the land to be entered upon and used by the Permittee. The Permittee agrees in consideration of the benefits derived by the granting of this permit and the County's coordination of the Permittee's facilities with other utilities and transportation facilities on this right-of-way, the Permittee will to the extent permitted by, and in accordance with F.S. 768.28, at all times, assume all risk of and indemnify, defend, and save harmless Alachua County, its Department of Public Works employees and agents, from and against any and all loss, damage, cost or expense arising from Permittee's negligent acts or omissions, or the negligent acts or omissions of Permittee's Officers or employees in the exercise or attempted exercises by said holder of the aforesaid rights and privileges. During construction, all safety regulations of the State and County shall be observed and the Permittee must take such measures, including placing and display of safety devices, as may be necessary in order to safely conduct the public through the project area in accordance with the State and Federal traffic safety standards.
- The Permittee further agrees, in consideration of the aforesaid benefits, the Permittee will hold harmless and indemnify, Alachua County, its Public Works Department employees and agents, against all loss and damage to the Permittee's facilities and property, including loss of use, and loss of income, in accordance with the provisions of F.S. 768.28, as amended.
- The Permittee shall be solely responsible for relocation of its facilities in the event of future roadway improvements.
16. The Office of the Public Works Department named in paragraph six shall be notified forty-eight (48) hours in advance before starting work.
17. In the case of non-compliance with the Department's requirements this permit is void and the facility will have to be made to comply with such requirements or be removed from the R/W at no cost to the Department.

Submitted by: GAINESVILLE REGIONAL UTILITIES
Permittee

Place Corporate Seal

Tiffany Davis
Signature and Title
Tiffany Davis, Land Rights Coordinator

Attested

Roadway construction is proposed or underway.

Yes () No ☒

Proposed installation is in accordance with
Alachua County's Accommodation Guide

Yes ☒ No ()

Approved by Brent Shaw
For County Engineer

Date 3/6/17

ACPW USE ONLY

DATE WORK STARTED: 3/13/17 COMPLETED: 3/5/18

ACPW ACCEPTANCE (Initial by Inspector) B.F.

DEPTH 8' from Natural Ground METHOD open Trench

LOCATION SEE Attached Drawing RESTORATION

INSPECTED BY:

REMARKS:

Board Question #3



- Provide the standard language used by the County in such permits.

Response #3-Public Works



HIGHLIGHTS OF THE UTILITY PERMIT

- It is expressly stipulated that this permit is a license for permissive use only and that the placing of facilities upon public property pursuant to this permit shall not operate to create or vest any property right in said holder.
- Whenever necessary for construction, repair, improvement, maintenance, safe and efficient operation, alteration or relocation of all, or any portion of said highway as determined by the Public Works Department, any or all of said poles, wires, pipes, cables or other facilities and appurtenances authorized hereunder, shall be immediately removed from said highway, or reset or relocated thereon as required by the Public Works Department, and at the expense of the permittee unless reimbursement is authorized.
- The Permittee shall be solely responsible for relocation of its facilities in the event of future roadway improvements.

Board Question #4



- Staff to provide for Board consideration a more formal process for when and how landscaping by utilities can be approved by the Public Works Director/County Engineer for a utility with a permit.

Response #4-Public Works



PROPOSED LANGUAGE ADDITION TO THE CURRENT UTILITY PERMIT (*Italics and underlined*)

- Whenever necessary for construction, repair, reconstruction, enhancement, extension, expansion, improvement, maintenance, safe and efficient operation, alteration or relocation of all, or any portion of said highway as determined by the Public Works Department, any or all of said poles, wires, pipes, cables or other facilities and appurtenances authorized hereunder, shall be immediately removed from said highway, or reset or relocated thereon as required by the Public Works Department, and at the expense of the permittee unless reimbursement is authorized.

Response #4-Public Works



PROPOSED LANGUAGE ADDITION TO THE CURRENT UTILITY PERMIT

a) Is any tree or native vegetation trimming or pruning required? Yes () No ()

All tree trimming of existing trees or tree canopy in County maintained R/W shall be done in accordance with ANSI A300 (Part 1) Pruning Standards and ANSI A300 (Part 8) Root Management Standards.

b) Is regulated native tree removal required of trees 8 inches or larger in diameter (wide as 4.5 feet above grade) Yes () No ()

All regulated trees shall be protected from damage and/or mitigated if damaged or removed, consistent with Article 2 of the Alachua County Land Development Code 406.13.

c) Is regulated native tree removal required of trees 8 inches or larger in diameter (wide as 4.5 feet above grade) on private property outside of County Right of Way consistent with Article 2 of the Alachua County Land Development Code 406.10. Yes () No ()

Tree removal permits for private property are obtained from the Growth Management Department and are attached to this application if required.

Board Question #5



- Staff to provide language for criteria for landscaping in the development review process for new corridors and allow for some process to follow if the developer and utility do not agree. The proposed language should be a fairly loose approach where the County gets in ahead of the development review process and gives the County some rights with the developer. The code should specify landscaping requirements for corridors, with a provision that allows the County to reopen the process if the utility refuses to put in service.

Response #5 – Growth Management



- Street Trees are a required element of nearly all new roadways
 - Section 407.43.1(b) has requirements for tree selection, spacing and planting areas
 - Section 407.43.3 requires that utilities be designed to provide clearance from the mature height of trees and landscaping
 - Table 407.141.1 identifies which roadway cross-section require street trees
- All Final Development Plans include a requirement that changes after approval require resubmittal

Backup Material



- Florida Statutes Chapter 337.401, 337.403

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0300-0399/0337/Sections/0337.401.html

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0300-0399/0337/Sections/0337.403.html

- Alachua County Utility Installation Ordinance Chapter 367.05

https://library.municode.com/FL/alachua_county/codes/code_of_ordinances?nodeId=PTIIIUNLADECO_TIT36IN_CH367UTINRE

- Alachua County Utility Accommodation Guide
- Map of Collector and Arterial streets
- Example of Utility Permit
- Proposed Utility Right of Way Use Permit
- ANSI A300 (Part 1) Pruning Standards and ANSI A300 (Part 8) Root Management Standards
- Alachua County Land Development Regulation 406.10, 406.13, 407.43.1 (b), 407.43.3, 407.141 (h)-Table 407.141.1

https://library.municode.com/fl/alachua_county/codes/code_of_ordinances?nodeId=PTIIIUNLADECO_TIT40LADERE_CH406NAHIREPR_ARTIITRNAVE_S406.10AP

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https://library.municode.com/fl/alachua_county/codes/code_of_ordinances?nodeId=PTIIIUNLADECO_TIT40LADERE_CH407GEDEST_ARTIVLA_S407.43.1RETRPLLA

https://library.municode.com/fl/alachua_county/codes/code_of_ordinances?nodeId=PTIIIUNLADECO_TIT40LADERE_CH407GEDEST_ARTIVLA_S407.43.3LAUTSEAR

https://library.municode.com/fl/alachua_county/codes/code_of_ordinances?nodeId=PTIIIUNLADECO_TIT40LADERE_CH407GEDEST_ARTXIIICMASTNEST_S407.141MIDECOSTSTDRSY

Permit Fee:

ALACHUA COUNTY UTILITY RIGHT OF WAY USE PERMIT

COMPLIANCE WITH STATE STATUTE 337.40 THRU 337.408, Chapter 367

PERMIT NO. Permit Approved Yes () No ()

Date: Subject: County Road No. between Road No. and Road No. PERMITTEE Phone No. Permittee's Address Contact Person

IF CONTRACTOR IS TO DO WORK:

Contractor's Name Phone No. Contractor's Address

Contact Person

NOTE: If Contractor is not known, notify County as soon as that information is available.

Requesting permission from the Alachua County Public Works Department, hereinafter call The Department, to construct, operate and maintain

1. Proposed work is within the incorporated limits of a city municipality Yes () No ()

Name of city municipality

A letter of concurrence from city municipality is attached. Yes () No ()
2. Applicant declares that prior to filing this application he has ascertained the location of all existing utilities, both aerial and underground.
- A letter of notification was mailed on to the following utilities:
3. State right-of-way is involved Yes () No ()
4. It is expressly stipulated that this permit is a license for permissive use only and that the placing of facilities upon public property pursuant to this permit shall not operate to create or vest any property right in said holder.
5. Whenever necessary for construction, repair, reconstruction, enhancement, extension, expansion, improvement, maintenance, safe and efficient operation, alteration or relocation of all, or any portion of said highway as determined by the Public Works Department, any or all of said poles, wires, pipes, cables or other facilities and appurtenances authorized hereunder, shall be immediately removed from said highway, or reset or relocated thereon as required by the Alachua County Public Works Department, and at the expense of the permittee unless reimbursement is authorized.
6. All work shall meet Department standards and be performed under the supervision of the Public Works Department.
7. All materials and equipment shall be subject to inspection by the County.
8. All Department property shall be restored to its original condition as far as practical, in keeping with Department specifications, and in a manner satisfactory to the Department.
9. All installations shall conform to the Department's Utility Accommodation Guide in effect the date permit is approved.
- a) Is any tree or native vegetation trimming or pruning required? Yes () No ()

All tree trimming of existing trees or tree canopy in County maintained R/W shall be done in accordance with ANSI A300 (Part 1) Pruning Standards and ANSI A300 (Part 8) Root Management Standards.
- b) Is regulated native tree removal required of trees 8 inches or larger in diameter (wide as 4.5 feet above grade) Yes () No ()

All regulated trees shall be protected from damage and/or mitigated if damaged or removed, consistent with Article 2 of the Alachua County Land Development Code 406.13.
- c) Is regulated native tree removal required of trees 8 inches or larger in diameter (wide as 4.5 feet above grade) on private property outside of County Right of Way consistent with Article 2 of the Alachua County Land Development Code 406.10. Yes () No ()

Tree removal permits for private property are obtained from the Growth Management Department and are attached to this application if required.
10. The attached sketch covering details of this installation shall be made a part of this permit.

11.

The permittee shall commence actual construction in good faith within sixty (60) days from the date of said permit approval and shall be completed within ____ days. **This permit expires at the end of 60 days, if no work has begun.**
12.

The construction and maintenance of such utility shall not interfere with the property and rights of a prior permittee.
13.

Special Conditions: **Re-grade, seed, fertilize and mulch all disturbed areas and/or provide tree mitigation as required.**

14.

Special Instructions **"All traffic control will be in accordance with the most recent Roadway and Traffic Design Standards, Section No. 600 issued by the Department of Transportation (FDOT)" All utility installation will be in accordance with the most current issue of the FDOT Utility Accommodation Guide.**

15.

It is understood and agreed that the rights and privileges herein set out are granted only to the extent of the County's right, title and interest in the land to be entered upon and used by the Permittee. The Permittee agrees in consideration of the benefits derived by the granting of this permit and the County's coordination of the Permittee's facilities with other utilities and transportation facilities on this right-of-way, the Permittee will, at all times, assume all risk of and indemnify, defend, and save harmless Alachua County, its Department of Public Works employees and agents, from and against any and all loss, damage, cost or expense arising in any manner on account of the exercise or attempted exercises by said holder of the aforesaid rights and privileges. During construction, all safety regulations of the State and County shall be observed and the Permittee must take such measures, including placing and display of safety devices, as may be necessary in order to safely conduct the public through the project area in accordance with the State and Federal traffic safety standards.

The Permittee further agrees, in consideration of the aforesaid benefits, the Permittee will hold harmless and indemnify, Alachua County, its Public Works Department employees and agents, against all loss and damage to the Permittee's facilities and property, including loss of use, and loss of income, whether or not such loss or damage is caused in whole or in part by any negligent act of Alachua County, its Public Works Department, employees or agents. Indemnity provisions of F.S.768.28, as amended, shall apply for permittee's which are government agencies as defined by Florida Statutes.

The Permittee shall be solely responsible for relocation of its facilities in the event of future roadway improvements.

16.

The Office of the Public Works Department named in paragraph six shall be notified forty-eight (48) hours in advance before starting work.
17.

In the case of non compliance with the Department's requirements this permit is void and the facility will have to be made to comply with such requirements or be removed from the R/W at no cost to the Department.

Submitted by:

Permittee

Place

Corporate Seal

Signature and Title

Attested

Roadway construction is proposed or underway.

Yes () No ()

Proposed installation is in accordance with Alachua County's Accommodation Guide

Yes () No ()

Approved by

County Engineer

Date

ACPW USE ONLY

DATE WORK STARTED:

COMPLETED:

ACPW ACCEPTANCE (Initial by Inspector)

DEPTH

METHOD

LOCATION

RESTORATION

TRAFFIC CONTROL AND SIGNING:

INSPECTED BY:

REMARKS:

ALACHUA COUNTY COLLECTOR AND ARTERIAL ROADS



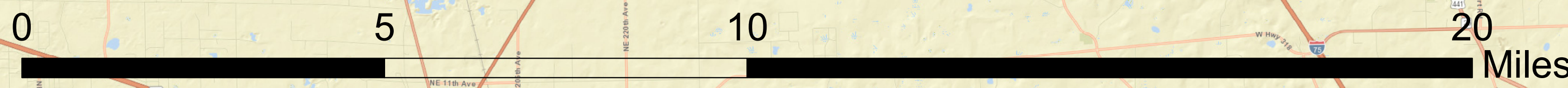
Function

- MAJOR COLLECTOR
- MINOR COLLECTOR
- MINOR URBAN ARTERIAL

**ALACHUA COUNTY
PUBLIC WORKS**

PHONE: 352-374-5245
FAX: 352-337-6243
MAILING ADDRESS:
5620 NW 120TH LANE
GAINESVILLE, FL 32653

Date: May 28, 2019
Prepared by: S. Arnold



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

Permit Fee: \$85.00
GRU File No.: U-AC-8-17

ALACHUA COUNTY
UTILITY PERMIT

COMPLIANCE WITH STATE STATUTE 337.40 THRU 337.408

PERMIT NO. 017-108

Date: February 27, 2017

Permit Approved Yes (X) No ()

Subject: County Road No.: SW 63rd Blvd/SW 62nd Ave - Force Main Relocation

Between Road No. SR24 (Archer Road) and Road No.: SR 121 (Williston Road)

PERMITTEE: GAINESVILLE REGIONAL UTILITIES, c/o REAL ESTATE DEPT. Phone No. 334-3400 ext. 1216

Permittee's Address P.O. Box 147117, Sta. A-130, Gainesville, FL 32614-7117

Contact Person: Peter Simms, GRU Wastewater Dept (352) 214-9879

**NOTIFY THE ALACHUA COUNTY CONST. INSPS.,
OFFICE, GAINESVILLE, 352-548-1244
48 HOURS PRIOR TO BEGINNING WORK**

IF CONTRACTOR IS TO DO WORK:

Contractor's Name _____ Phone No. _____

Contractor's Address _____

Street # _____ P.O. Box _____ City _____ State _____ Zip Code _____

Contact Person _____

NOTE: Fill out fully if Contractor is not known; notify County as soon as that information is available.

Requesting permission from the Alachua County Public Works Department, hereinafter called The Department, to construct, operate and maintain: 300 +/- 12" dia. DR-18 PVC force main (by open trench- 36" min. depth) in the westerly ROW of SW 63rd Blvd/SW 62nd Ave beginning at STA 132+80 and ending at STA 135+60, as shown on attached detailed drawing

Note: The existing 12" force main is this location will be removed as shown.

1. Proposed work is within the corporate limits of a municipality Yes () No (X)

Name of municipality: City of Gainesville

A letter of concurrence from municipality is attached.

RIGHT OF WAY USE PERMIT ONLY

Yes () No (X)

2. Applicant declares that prior to filing this application he has ascertained the location of all existing utilities, both aerial and underground.

A letter of notification was mailed on 2/24/2017 to the following utilities:

AT&T, Cox Communications, GRU Gas Department

3. State right-of-way is involved Yes () No (X)

4. It is expressly stipulated that this permit is a license for permissive use only and that the placing of facilities upon public property pursuant to this permit shall not operate to create or vest any property right in said holder.

5. Whenever necessary for construction, repair, improvement, maintenance, safe and efficient operation, alteration or relocation of all, or any portion of said highway as determined by the Public Works Department, any or all of said poles, wires, pipes, cables or other facilities and appurtenances authorized hereunder, shall be immediately removed from said highway, or reset or relocated thereon as required by the Public Works Department, and at the expense of the Permittee unless reimbursement is authorized.

6. All work shall meet Department standards and be performed under the supervision of the Public Works Department.

7. All materials and equipment shall be subject to inspection by the Public Works Department.

8. All Department property shall be restored to its original condition as far as practical, in keeping with Department specifications, and in a manner satisfactory to the Department.

9. All installations shall conform to the Department's Utility Accommodation Guide in effect the date permit is approved.

10. The attached sketch covering details of this installation shall be made a part of this permit.

11. The Permittee shall commence actual construction in good faith within sixty (60) days from the date of said permit approval and shall be completed within 120 days. This permit expires at the end of 60 days, if no work has begun.

12. The construction and maintenance of such utility shall not interfere with the property and rights of a prior Permittee.

RECEIVED

FEB 28 2017

Alachua County
Public Works Department

Start work 3/13/17

13. Special Conditions: Re-grade, seed, fertilize and mulch all disturbed areas.
14. Special Instructions "All traffic control will be in accordance with the most recent Roadway and Traffic Design Standards, Section No. 600 issued by the Department of Transportation (FDOT)" All utility installation will be in accordance with the most current issue of the FDOT Utility Accommodation Guide.
15. It is understood and agreed that the rights and privileges herein set out are granted only to the extent of the County's right, title and interest in the land to be entered upon and used by the Permittee. The Permittee agrees in consideration of the benefits derived by the granting of this permit and the County's coordination of the Permittee's facilities with other utilities and transportation facilities on this right-of-way, the Permittee will to the extent permitted by, and in accordance with F.S. 768.28, at all times, assume all risk of and indemnify, defend, and save harmless Alachua County, its Department of Public Works employees and agents, from and against any and all loss, damage, cost or expense arising from Permittee's negligent acts or omissions, or the negligent acts or omissions of Permittee's Officers or employees in the exercise or attempted exercises by said holder of the aforesaid rights and privileges. During construction, all safety regulations of the State and County shall be observed and the Permittee must take such measures, including placing and display of safety devices, as may be necessary in order to safely conduct the public through the project area in accordance with the State and Federal traffic safety standards.
- The Permittee further agrees, in consideration of the aforesaid benefits, the Permittee will hold harmless and indemnify, Alachua County, its Public Works Department employees and agents, against all loss and damage to the Permittee's facilities and property, including loss of use, and loss of income, in accordance with the provisions of F.S. 768.28, as amended.
- The Permittee shall be solely responsible for relocation of its facilities in the event of future roadway improvements.
16. The Office of the Public Works Department named in paragraph six shall be notified forty-eight (48) hours in advance before starting work.
17. In the case of non-compliance with the Department's requirements this permit is void and the facility will have to be made to comply with such requirements or be removed from the R/W at no cost to the Department.

Submitted by: GAINESVILLE REGIONAL UTILITIES
Permittee

Place Corporate Seal

Tiffany Davis
Signature and Title

Tiffany Davis, Land Rights Coordinator

Attested

Roadway construction is proposed or underway.

Yes () No (☒)

Proposed installation is in accordance with
Alachua County's Accommodation Guide

Yes (☒) No ()

Approved by Brent Shaw
FOR County Engineer

Date

3/03/17

ACPW USE ONLY

DATE WORK STARTED: 3/13/17

COMPLETED: 3/05/18

ACPW ACCEPTANCE (Initial by Inspector) B.S.

DEPTH 8' from Natural Ground METHOD open Trench

LOCATION SEE Attached Drawing RESTORATION

TRAFFIC CONTROL AND SIGNING:

INSPECTED BY:

REMARKS:

American National Standard
for Tree Care Operations –

Part 8 – Root Management

Subclause 1.1 to 1.3 excerpted from ANSI A300 (Part 1) – *Pruning*

1 ANSI A300 standards

1.1 Scope

ANSI A300 standards present performance standards for the care and management of trees, shrubs, and other woody plants.

1.2 Purpose

ANSI A300 performance standards are intended for use by federal, state, municipal and private entities including arborists, property owners, property managers, and utilities for developing written specifications.

1.3 Application

ANSI A300 performance standards shall apply to any person or entity engaged in the management of trees, shrubs, or other woody plants.

80 – Root Management standards

80.1 Purpose

The purpose of this standard is to provide industry consensus guidelines for root management and standards for writing specifications.

80.2 Reasons for root management

The reasons for root management may include but are not limited to promoting tree health, stability, and longevity, and managing the interaction of tree roots with soil, infrastructure, property, and other plants. Root management practices for agriculture, horticultural production, or silvicultural purposes are exempt from this standard unless this standard, or a portion thereof, is expressly referenced in these standards for these other related areas.

80.3 Implementation

80.3.1 Root management specifications should be written and administered by an arborist with related training and experience.

80.3.1.1 Root management shall be implemented by a qualified professional, familiar with the practices and hazards associated with root management and the equipment used in such operations.

80.3.1.2 Specifications for root management shall include objectives, scope of work, and timing.

80.3.1.3 Specifications for root management should include, but are not limited to: objectives; treatment area; methods; materials; equipment; and, timing.

80.3.2 Practices that minimize damage to roots shall be preferred (see Annex A).

80.4 Safety

80.4.1 This performance standard shall not take precedence over applicable industry safe work practices.

80.4.2 Personnel shall follow appropriate safe work practices.

80.4.3 Performance shall comply with applicable Federal and State Occupational Safety and Health Administration (OSHA) standards, ANSI Z133, and other federal, state, and local regulations.

80.4.4 The site shall be inspected for visible above-ground hazards prior to beginning any root management procedure.

80.4.5 The location of utilities and other obstructions both below and above ground shall be taken into consideration prior to root management operations. Utilities and other obstructions include, but are not limited to: gas; electric; communications; sewer; drainage; and, signage.

80.4.6 Job briefings shall be performed as outlined in ANSI Z133.

81 Normative references

ANSI A300 for Tree Care Operations – Tree, Shrub, and Other Woody Plant Management – Standard Practices, all Parts

ANSI Z60, Nursery stock

ANSI Z133 for Arboricultural Operations – Safety Requirements

ASTM A-475, Standard Specification for Zinc-Coated Steel Wire Strand

Federal Standard: FF-T-276b, Thimbles, Rope

29 CFR 1910, Occupational Safety and Health Standards (General Industry)¹⁾

29 CFR 1910.268, Telecommunications¹⁾

29 CFR 1910.269, Electric power generation, transmission and distribution¹⁾

29 CFR 1910.331 - 335, Electrical safety-related work practices¹⁾

29 CFR 1910, Subpart S – Electrical, §§ 1910.331 - 335, Safety-related work practices¹⁾

¹⁾ Available from U.S. Department of Labor, 200 Constitution Ave. NW, Washington, D.C. 20210, or www.osha.gov.

82 Definitions (Definitions are considered part of the ANSI A300 (Part 8)-2013 Root Management standard.)

82.1 adventitious root: Root arising from parts of the root or the stem.

82.2 aggregate: Materials such as sand, gravel, or rock, often used under paved surfaces, as back-fill, or for other purposes.

82.3 arborist: An individual engaged in the profession of arboriculture who, through experience, education and related training, possesses the competence to provide for, or supervise the management of, trees and other woody ornamentals.

82.4 arborist trainee: An individual undergoing on-the-job training to obtain the experience and the competence required to provide for, or supervise

the management of, trees and woody plants. Such trainees shall be under the direct supervision of an arborist.

82.5 berm: Soil added above grade for a specified purpose, such as a planting bed or barrier.

82.6 callus: Undifferentiated, non-lignified tissue, usually developed in response to wounding.

82.7 crown: Upper part of a tree, measured from the lowest branch, including all the branches and foliage.

82.8 decay: (v.) Decomposition of woody tissues by microorganisms. (n.) Wood that is decomposed.

82.9 fill: Soil, sand, gravel, rocks, or other material placed over the existing soil surface to raise the finished grade to some specified level.

82.10 flare (trunk flare, root flare): The area at the base of the plant's stem or trunk where the stem or trunk broadens to form roots.

82.11 hardscape: Built infrastructure such as pavement, sidewalks, curbing, storm drains, walls, and footings.

82.12 hydraulic soil excavation: The removal of soil using pressurized water.

82.13 mitigation: 1. Reducing or alleviating unfavorable conditions. 2. The process of diminishing risk.

82.14 mulch: A material applied to the soil surface to protect the soil, deter erosion, moderate soil temperature, conserve moisture, inhibit weeds; or improve soil structure.

82.15 pneumatic soil excavation: The removal of soil using pressurized air.

82.16 qualified professional: An individual possessing skills, experience, training, education, certificates, degrees, registration, certification, or licensing as needed to perform job tasks.

82.17 radial trenching: Removing soil and other material in trenches radiating from the trunk.

82.18 root barrier: A device designed to direct root growth.

82.19 root channel: An underground system

used to direct root growth and increase soil volume.

82.20 root collar: The transition zone between the flare and the root system.

82.21 root collar examination: The process of exposing and assessing the root collar.

82.22 root cutting: Severing roots non-selectively.

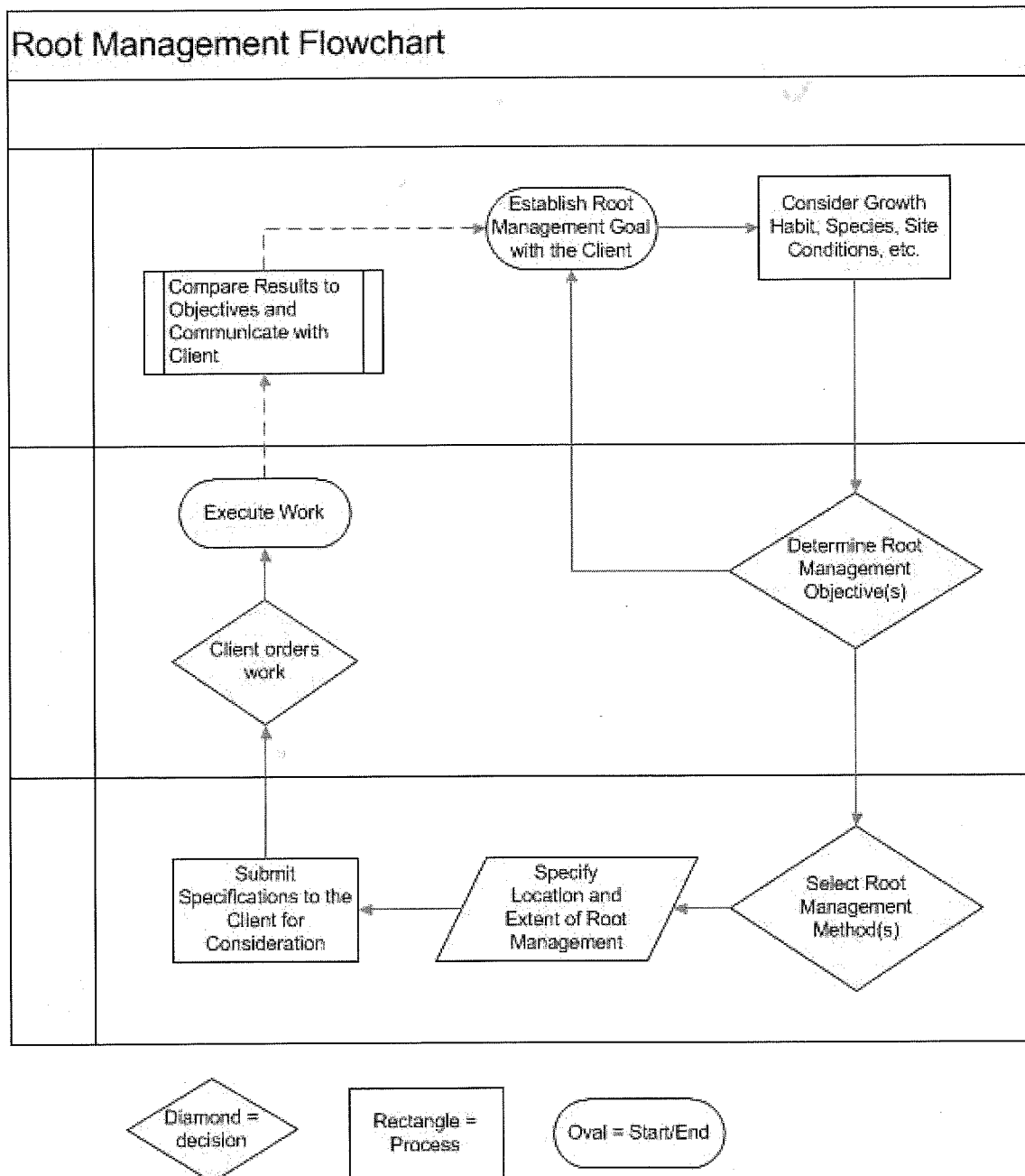
82.23 root pruning: Severing roots selectively.

82.24 root, buttress: A major lateral root radiating from the base of the trunk.

82.25 root, circling: A root that encircles all or a portion of a trunk but does not contact it.

82.26 root, girdling: A root that encircles all or a

The following flowchart is the recommended procedure for normal root management operations:



portion of a trunk and contacts the trunk or a buttress root.

82.27 root, surface: A lateral root that is visible above grade.

82.28 shall: As used in this standard, denotes a mandatory requirement.

82.29 should: As used in this standard, denotes an advisory recommendation.

82.30 soil volume: The volume of soil available to trees and other woody plants for root development.

82.31 specifications: A detailed, measurable plan or proposal for performing a work activity or providing a product; usually a written document.

82.32 standard, ANSI A300: The performance parameters established by industry consensus as a rule for the measure of extent, quality, quantity, value or weight used to write specifications.

82.33 stem: A woody structure bearing buds, foliage, and giving rise to other stems.

82.34 tracing: The removal of loose, damaged tissue from in and around the wound.

82.35 utilities: Facilities associated with services such as telephone, data, CATV, electricity, gas, steam, energy transmission and distribution, water and sewage, and transportation.

82.36 wood-chip mulch: A material placed on the soil surface composed of ground wood, bark, and leaves usually generated by sending tree parts through a wood chipping machine.

82.37 wound: Damage to plant tissue caused by pests, pruning, mechanical damage, or other natural forces.

83 Root management practices

83.1 Root management objectives

83.1.1 Arborists developing objectives and specifications, and managing roots shall have sufficient training and experience.

83.1.2 Arborists developing objectives and speci-

cations, and managing roots should visually inspect the tree(s) and the site.

83.1.3 Soil volume, fill, air and water movement, drainage, and the distance between roots and infrastructure should be considered.

83.1.4 Root management objectives shall be established with the owner or owner's agent.

83.1.5 Root management objectives shall be defined based on potential tree benefits, the intended use of the site, tree stability, and the scope of the assignment.

83.2 General

83.2.1 If a condition is observed requiring attention beyond the original scope of the work, the condition should be reported to an immediate supervisor, the owner, or the person responsible for authorizing the work.

83.2.2 Root management practices should include, but are not limited to, one or more of the following:

- Inspection of the tree, including the trunk, flare, root collar, detectable roots, and soil volume;
- Selective root pruning;
- Non-selective root cutting; and,
- Directing or redirecting roots.

83.2.3 Tools and equipment should be maintained according to manufacturer's recommendations.

83.2.4 Equipment, tools, and work practices that damage living tissue, bark, or soil beyond the scope of work shall be avoided.

83.2.5 Wound treatments that are damaging to tree tissues outside the scope of work shall not be used.

83.2.6 Wound treatments shall not be used to cover wounds, except to manage dessication or pests, or for aesthetic purposes.

83.2.7 Tracing of wounds shall remove only dead, loose, and damaged tissue.

83.2.8 Evaluation of decay, callus and woundwood growth, and response growth in the trunk and crown shall be considered.

83.3 Trunk, flare, and root inspection

83.3.1 Objectives of inspections shall be established.

83.3.2 The method, area, depth, and limitations of inspection shall be specified.

83.3.3 Tools and equipment used for inspection shall be specified.

83.3.4 Inspection should include, but is not limited to, one or more of the following:

- Conditions in the crown that may reflect root conditions;
- Stem tissue connecting the crown and the roots;
- Girdling of the buttress roots or stems by roots or other materials, and the tree's response;
- Tree association with beneficial and harmful insects;
- Tree association with pathogenic and beneficial microorganisms (e.g. mycorrhizae);
- Wounds, and the tree's response to wounds;
- Mechanical damage to detectable roots and response;
- Indications of root disease and response; and,
- Graft unions in grafted trees.

83.3.5 Mulch, soil, and other materials should be removed as needed to allow for the inspection.

83.3.6 Soil excavation for root collar examination

83.3.6.1 Small adventitious roots that interfere with excavation or examination should be moved or pruned.

83.3.6.2 Adventitious roots should be considered for retention.

83.3.6.3 Temporary protection of newly exposed rootzone, root tissue, and stem tissue shall be considered.

83.3.7 Detectable flare and root diseases and disorders should be diagnosed.

83.3.8 If significant structural defects are

observed, a risk assessment should be recommended, see ANSI A300 (Part 9) – *Tree Risk Assessment* standard.

83.3.9 The flare and buttress roots should remain visible after inspection.

84 Root management practices – root pruning and cutting

84.1 Root pruning and cutting objectives

84.1.1 Root pruning and cutting objectives shall be established.

84.1.2 The extent and method of root pruning or cutting shall be based on the objectives, species tolerance, environmental factors, timing, age, health, lean, and structural condition of the tree(s).

84.1.3 When establishing objectives, potential for tree decline or destabilization shall be considered.

84.1.4 Tools and equipment shall be specified.

84.2 Root pruning and root cutting practices

84.2.1 The owner should be notified of the risk to tree health and stability prior to the pruning or cutting of roots.

84.2.2 When mitigating or avoiding infrastructure damage, only roots causing or likely to cause damage should be pruned.

84.2.3 Surface roots should be managed by removing soil or reducing soil density in accordance with ANSI A300 (Part 2) – *Soil Management* standard, to meet the objective including, but not limited to raising the grade with porous soil, sand, or mulch.

84.2.4 Selective root pruning or non-selective root cutting shall be specified where needed to meet the objective.

84.2.5 When root removal is unavoidable, selective pruning shall be the preferred method.

84.2.6 Root pruning and cutting tools should be sharp.

84.3 Selective root pruning

84.3.1 The size and/or location of roots to be pruned shall be specified.

84.3.2 Roots should be exposed using the least injurious excavation method prior to pruning.

84.3.3 A pruning cut that removes a root at its point of origin should not cut into the trunk or parent root.

84.3.4 Smaller pruning cuts shall be preferred.

84.3.5 The final cut should result in a flat surface with adjacent bark firmly attached.

84.4 Selective root pruning – girdling roots

84.4.1 Roots that encircle or girdle the trunk or a buttress root should be considered for redirecting or pruning.

84.4.2 Girdling roots should be exposed before pruning cuts are planned or made.

84.4.3 Retention of encircling or girdling roots that are providing more benefit than damage shall be considered.

84.4.4 The trunk and buttress roots shall not be damaged beyond the scope of the work.

84.4.5 If one or more large girdling roots are present, progressive root pruning over a specified time period should be considered.

84.4.6 Root pruning tools shall include, but are not limited to: handsaws; lopping shears; chisels; hand shears; chain saws; reciprocating saws; and, circular saws (see subclause **80.4 Safety**).

84.5 Non-selective root cutting

84.5.1 When non-selective root cutting is necessary, roots shall be cut as far from the trunk as practical.

84.5.2 The location and depth of excavation for root cutting shall be specified.

84.5.3 Minimum distance from the trunk for root cutting should be adjusted according to trunk diameter, species tolerance to root loss, tree age, health, and site condition.

84.5.4 Root cutting distances from the trunk shall be adjusted for disease management, root location, tree species and condition, and, site and soil conditions.

84.5.5 When roots are damaged within six times the trunk diameter (DBH), mitigation shall be recommended.

84.5.6 Roots should be cut with equipment that minimizes cracking the wood and tearing the bark.

84.5.7 Heavy equipment should be located outside the root cut line or remain on existing pavement or on a soil-protecting surface.

84.5.8 Temporary staging areas for excavated soil should be located at a safe distance on the side of the trench furthest from the trunk.

84.5.9 Upon completion of non-selective root cutting, selective root pruning of damaged roots in accordance with subclause 84.3 shall be considered.

85 Managing the direction of root-growth

85.1 Objectives for managing the direction of root growth shall be established prior to beginning operations.

85.2 The type, depth, and location of root direction materials shall be specified to achieve the objective.

85.3 Root direction methods shall include, but are not limited to, one or more of the following:
Designing, installing, and/or maintaining root barriers; and,
Designing, installing, and/or maintaining root channels.

85.4 Managing the direction of root growth shall be considered as an alternative, or in conjunction with, root pruning or cutting.

85.5 Managing the direction of root growth shall be considered following root pruning.

85.6 Use and installation of root management devices should follow manufacturer's recommendations.

85.7 Root barriers should be installed as far from tree trunks as possible.

85.8 Roots that grow over the root barrier should be pruned on the tree trunk side of the barrier.

86 Post root – management care practices

86.1 Specifications for monitoring and maintaining tree health and stability should be established.

86.2 Root damage that affects the stability of the tree should be mitigated (see *ANSI A300 (Part 9) – Tree Risk Assessment standard*).

86.3 Post-root management care should be specified for an appropriate period of time based on the region, site conditions, and species.

86.4 Specifications for post root – management

care should consist of, but are not limited to, one or more of the following:

- a. soil moisture management;
- b. mulching;
- c. integrated pest management;
- d. pruning (see *ANSI A300 (Part 1) – Pruning standard*);
- e. soil management (see *ANSI A300 (Part 2) – Soil Management standard*);
- f. maintenance/removal of tree support systems (see *ANSI A300 (Part 3) – Supplemental Support Systems standard*); and,
- g. appropriate use of growth regulator.

American National Standard

Part 1 – Standard Practices (Pruning)

1 ANSI A300 standards

1.1 Scope

ANSI A300 performance standards cover the care and management of trees, shrubs, palms, and other woody landscape plants.

1.2 Purpose

ANSI A300 standards are intended for the development of work practices, written **specifications**, best practices, regulations and other measures of performance.

1.2.1 These standards may be excerpted or incorporated by reference; however, they are not intended to be adopted in their entirety into laws and regulations or as work specifications without additional information and clarification (see *Annex B – Specification writing guideline*).

1.3 Application

ANSI A300 standards shall apply to any person or entity engaged in the management of trees, shrubs, palms, or other woody plants, including federal, state or local agencies, utilities, **arborists**, consultants, arboricultural or landscape firms, and managers or owners of property.

1.3.1 ANSI A300 standards shall not apply to commercial agricultural, horticultural production, or silviculture unless this standard, or a portion thereof, is expressly referenced in other standards or specifications.

2 Part 1 – Pruning standards

2.1 Purpose

The purpose of Part 1, *Pruning*, is to provide performance standards for the pruning of trees, shrubs, palms, and other woody plants, and to guide the

development of written specifications, best practices, training materials, regulations, and other performance measures.

For root pruning standards, refer to the most recent version of ANSI A300 Part 8, *Root Management*.

2.2 Reasons

Reasons for pruning include reducing **risk**, improving or maintaining health, developing desired structure and appearance, preventing interference with the built environment, and other specific objectives.

2.3 Implementation

2.3.1 Specifications for pruning should be written and administered by an arborist or other **qualified professional** (see clause 4).

2.3.2 Following pruning operations, monitoring and follow-up recommendations should be made based on the pruning objective, plant condition, site/location, species, and growth rate.

2.3.3 Pruning shall be performed only by arborists or other qualified professionals who, through related training and on-the-job experience, are familiar with the standards, practices, and hazards of **arboriculture** related to pruning and the equipment used in such operations.

2.3.4 The location and type of utilities and other obstructions shall be considered prior to pruning operations.

2.4 Safety

2.4.1 This performance standard shall not take precedence over applicable industry safe work practices.

2.4.2 Performance, including pruning in proximity to energized conductors, shall comply with applicable Federal Occupational Safety and Health Administration (OSHA) standards, 29 CFR 1910.331 – 335, 29 CFR 1910.269, ANSI Z133, and state and local laws and regulations as they apply.

3 Normative references

The following standards contain provisions, which, through reference in the text, constitute provisions

of this American National Standard. All standards are subject to revision, and parties to agreements based on this American National Standard shall apply the most recent edition of the standards indicated below.

ANSI A300 *Tree, Shrub, and Other Woody Plant Management – Standard Practices*, all Parts¹

ANSI Z60 *Nursery stock*²

ANSI Z133 for *Arboricultural Operations – Safety Requirements*³

29 CFR 1910, *Occupational Safety and Health Standards (General Industry)*⁴

16 U.S.C. §§703-711, *Migratory Bird Treaty Act*⁵

16 U.S.C. 1531-1544, *Endangered Species Act*⁵

1) Available from the Tree Care Industry Association, www.tcia.org

2) Available from AmericanHort, www.americanhort.org

3) Available from the International Society of Arboriculture, www.isa-arbor.com

4) Available from U.S. Department of Labor, www.osha.gov

5) Available from U.S. Fish and Wildlife Service, www.fws.gov

4 Pruning objectives

4.1 One or more pruning objectives shall be specified (see Annex D – *Additional explanation of objectives, evolving concepts, explanation of material removed from previous versions*).

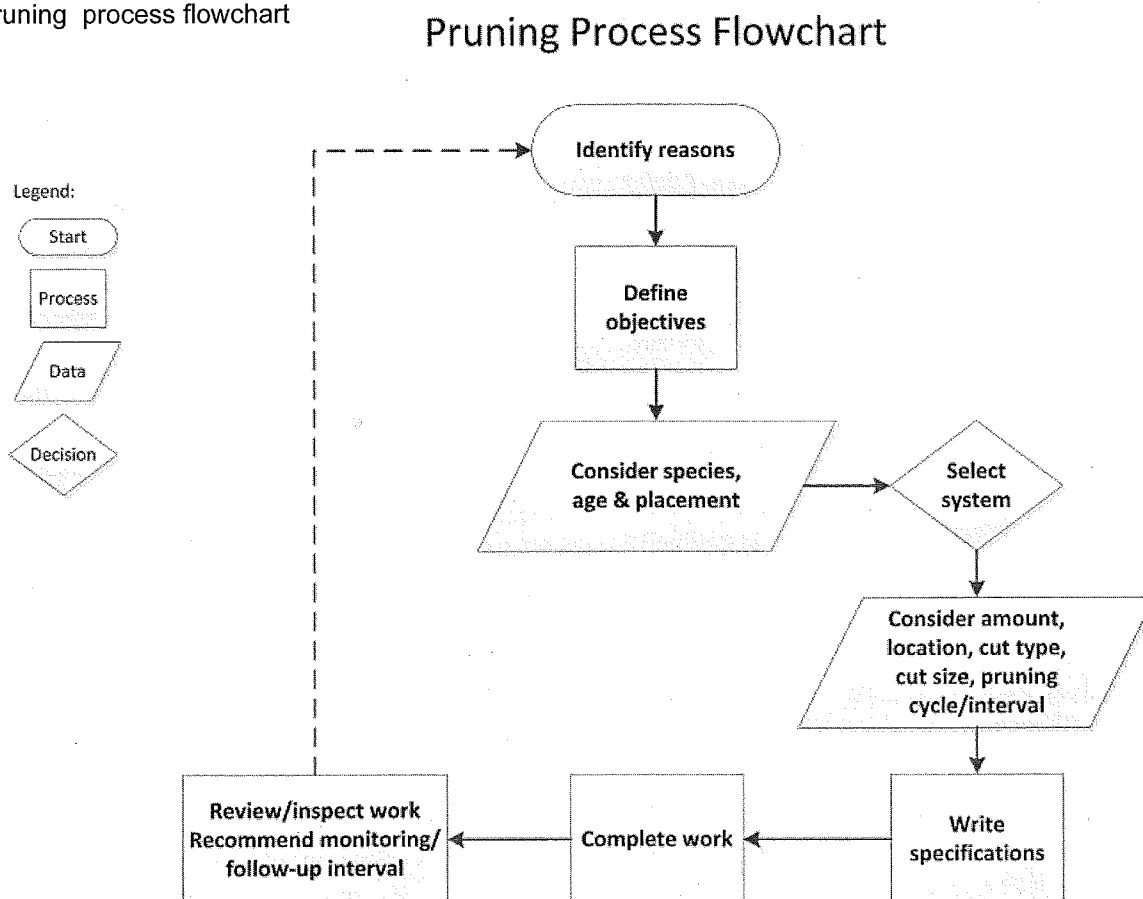
4.1.1 The **pruning system** (if specified, see subclause 5), plant health, growth habit, structure, species characteristics, expected response, and the ability of a plant to sustain the amount of pruning proposed shall be considered when establishing pruning objectives.

4.2 Objectives should include, but are not limited to, one or more of the following:

Manage risk (see ANSI A300 Part 9, *Tree Risk Assessment*, and ANSI A300 Part 3, *Supplemental Support Systems*).

Manage health (see ANSI A300 Part 10, *Integrated Pest Management* and ANSI A300 Part 2, *Soil Management*).

Fig. 4
Pruning process flowchart



Develop structure, such as to:

- Improve **branch** and **trunk** architecture;
- Promote or subordinate certain leaders, **stems**, or branches;
- Promote desirable branch spacing;
- Promote or discourage growth in a particular direction (**directional pruning**);
- Minimize future interference with traffic, lines of sight, or infrastructure, or other plants;
- Restore plants following damage; and/or,
- Rejuvenate shrubs (see Annex D – *Additional explanation of objectives, evolving concepts, explanation of material removed from previous versions*).

Provide clearance, such as to:

- Ensure safe and reliable **utility** services;
- Minimize current interference with traffic, lines of sight, infrastructure, or other plants;
- Raise crown(s) for movement of traffic or light penetration;
- Ensure lines-of-sight or desired views;
- Provide access to sites, buildings, or other structures; and/or,
- Comply with regulations.

Manage size or shape.

Improve aesthetics.

Manage production of fruit, flowers, or other products.

Manage wildlife habitat.

5 Pruning systems

5.1 A pruning system should be specified to achieve the desired long-term form of the plant.

5.1.2 Consideration shall be given to the ability of the plant to respond to the selected pruning system.

5.2 Natural (see Annex D – *Additional explanation of objectives, evolving concepts, explanation of material removed from previous versions*).

A natural system should be preferred.

5.2.1 A natural system should allow for changes in appearance resulting from pruning when achieving certain specified objectives, such as:

- Crown or branch **reduction**;
- **Raising** crowns;
- Developing or improving structure;
- Providing clearance;
- Improving tree health;
- Risk reduction; and,
- Enhancing views.

5.3 Pollarding

A pollarding system should be considered when appropriate to achieve management objectives.

5.3.1 Trees selected for pollarding should be of an appropriate size, species, and age.

5.3.1.1 Pollarding should not be initiated on mature trees.

5.3.1.2 A plan shall be made for the periodic removal of **shoots**.

5.3.2 To initiate pollarding, **heading** cuts should be made at specified heights or locations in the crown after which no additional heading cuts should be made.

5.3.3 Existing **pollard heads** should not be damaged or removed. Shoots growing from the pollard heads should be removed at an appropriate time, usually during the dormant season.

5.3.3.1 Shoots should be removed at intervals of three years or less. The recommended shoot removal interval should be determined by species, plant health, climate, and design intent.

5.3.4 Existing pollarded trees should be maintained as pollards.

5.4 Topiary

A topiary system should be used when the objective is a specified form or shape, such as a hedge.

5.4.1 Plants selected for a topiary system should be of an appropriate size, species, and age.

5.4.2 The shape of the topiary should be determined prior to the start of pruning.

5.4.3 Selective pruning and **shearing** should be performed as needed to develop and/or maintain the desired shape.

5.5 Espalier

An espalier system should be used when the objective is to grow plants in a **planary form**.

5.5.1 Plants selected for an espalier system should be of an appropriate size, species, and age.

5.5.2 Branches that extend outside the desired plane of growth shall be pruned and/or tied back.

5.5.3 Ties shall be replaced or adjusted as needed to prevent girdling.

5.6 Pleaching

A pleaching system should be used to train plants to achieve a desired form through pruning, interweaving and tying branches to one another, or to a frame.

5.6.1 Plants selected for a pleaching system should be of an appropriate size, species, and age.

5.6.2 When pleaching is initiated, branches that are not included within the desired form should be reduced, removed, or tied to other branches or a frame.

5.6.3 New shoots that are not growing within the desired form should be periodically pruned, or tied or woven into the desired form.

5.6.4 Ties shall be replaced or adjusted as needed to prevent girdling.

6 Pruning specifications (see Fig. 4 and Annex B – *Specification writing guideline*)

6.1 Pruning specifications should include:

- Physical location of the plants to be pruned;
- Pruning objectives;
- Pruning system;
- Type of parts to be removed (e.g. living or dead branches, fruit, mistletoe);
- **Pruning amount** (e.g. percent of foliage or crown, or number of branches to be removed);
- Location in crown of parts to be removed;
- Pruning cut types (e.g. removal, reduction, heading, shearing);
- Size range (e.g. diameter, length) of parts to be removed;
- Plan for disposal/repurposing of debris;
- Time frame for completion; and,
- Other information as necessary (e.g. topiary shape, clearance distances, desired views, lines of sight).

6.2 Pruning operations should remove no more living material than what is necessary to achieve specified objectives.

6.3 Species, size, age, condition, and site shall be considered when specifying the location and amount of live branches to be removed.

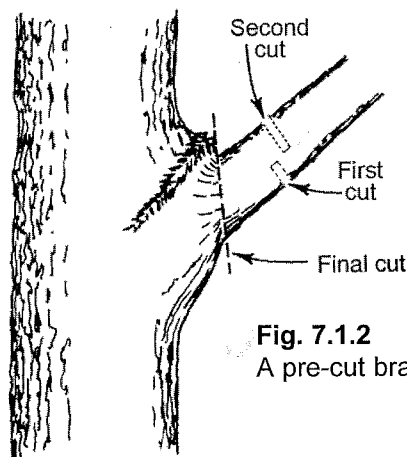


Fig. 7.1.2
A pre-cut branch

7 Pruning cuts

7.1 General

7.1.1 The smallest diameter cut that meets the objective should be preferred.

7.1.1.1 The number and size of cuts that expose heartwood should be minimized.

7.1.2 Branches shall be pre-cut when necessary to avoid splitting of the wood or tearing of the bark (see Fig. 7.1.2 and Annex A – *Pruning cut guideline*).

7.1.3 When removing a branch with a narrow angle of attachment, the cut should be made from the outside of the branch to prevent damage to the remaining branch or stem (see Fig. 7.1.3).

7.1.4 When removing a branch with included bark, the cut should be made as close as possible to the point where the wood of the stems join without damaging the remaining stem (see Fig. 7.1.3).

7.1.5 When removing a dead branch or stem, the final cut shall be made just outside the collar of living tissue, without leaving a dead **stub** (see Fig. 7.1.5).

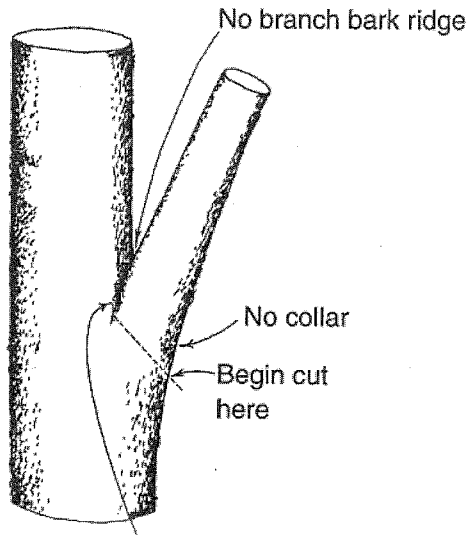


Fig. 7.1.3 Included bark
Removing a branch with narrow angle of attachment.

7.1.6 The final pruning cut should leave adjacent bark firmly attached.

7.1.7 Interior and lower branches should be retained when compatible with objectives and system.

7.1.8 When removing live branches, the majority of cuts should be in the outer portion of the crown.

7.1.9 A **flush-cut** is not an acceptable pruning practice (see Fig. 7.1.9).

7.2 **Branch removal cuts** (see subclause 10.42 and Annex A – *Pruning cut guideline*)

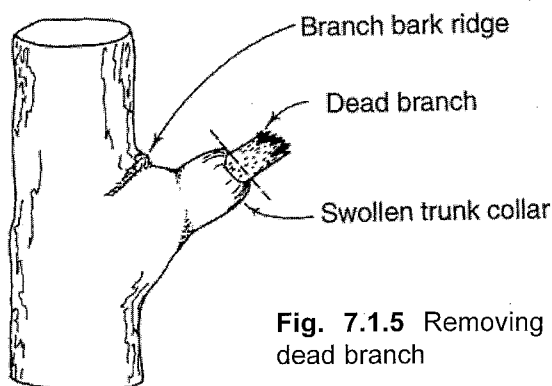


Fig. 7.1.5 Removing a dead branch

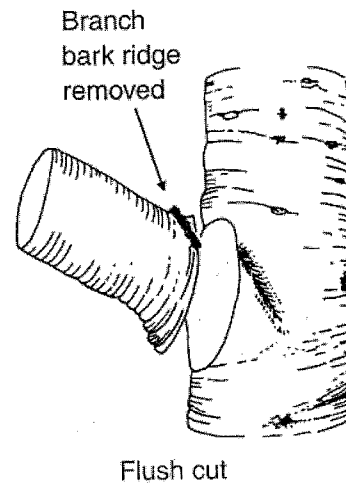


Fig. 7.1.9
A flush-cut, not an acceptable practice

7.2.1 A branch removal cut shall be made without cutting into the **branch bark ridge** or **branch collar**, or leaving a stub (see Fig. 7.2.1).

7.2.1.1 When a branch collar is not apparent, the cut shall be made without cutting into the branch bark ridge, **parent stem**, or leaving a stub (see Fig. 7.2.2.1).

7.3 **Reduction cuts** (see subclause 10.39 and Annex A – *Pruning cut guideline*)

7.3.1 A reduction cut should be made to a live lateral branch or codominant stem when it can be expected to sustain the remaining branch or stem.

7.3.2 The remaining lateral branch should typically be at least one-third the diameter of the stem or branch being removed.

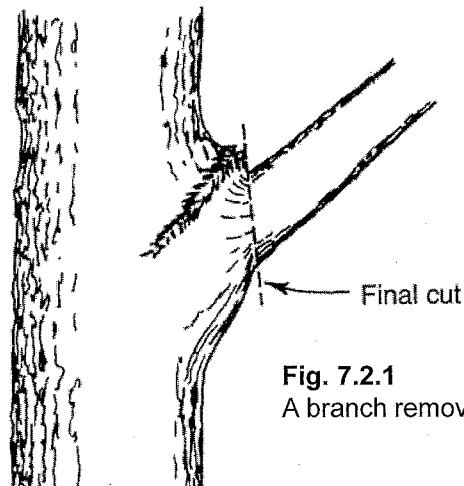
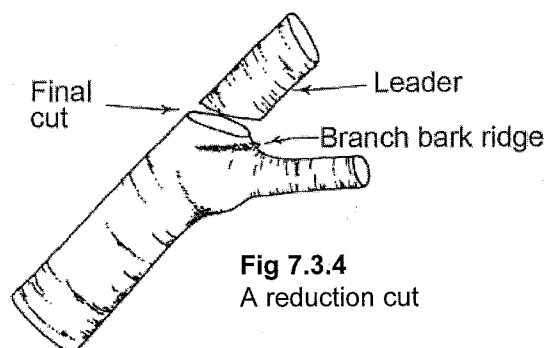
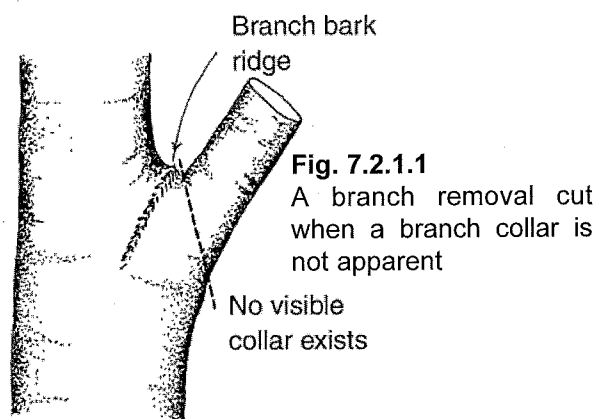


Fig. 7.2.1
A branch removal cut



7.3.3 A reduction cut should be made at a slight angle to the remaining branch or codominant stem, without damaging the branch bark ridge and without leaving a stub (see Fig. 7.3.4).

7.4 Heading cuts

7.4.1 A heading cut should only be made when necessary to conform with certain pruning systems (e.g. Initiation of a pollarding system, topiary pruning), or to accomplish specific pruning objectives, such as:

- **Structural development** on young plants;
- Mitigating risk, where reduction to a suitable lateral branch is not practical, where no such branch is present, or where cutting to such a branch does not achieve the objective;
- **Restoration** of damaged plants;
- **Rejuvenation** of shrubs;
- To avoid making an unnecessarily large branch removal cut where an appropriate lateral branch is not present; and,
- Conserving or creating wildlife habitat.

7.4.2 A heading cut should only be made when it can be expected that the remaining lateral(s) or shoots that grow from retained buds are able to sustain the remaining branch.

7.5 Shearing cuts

7.5.1 Shearing should be performed when necessary to accomplish specified objectives within the topiary system (see subclause 5.4).

7.5.2 Shearing should be performed on appropriate species at intervals that minimize deleterious effects on plant health.

7.5.2.1 Shearing cuts should only be made to stems capable of generating new shoots.

7.5.3 Reduction cuts should be considered after shearing when necessary.

8 Pruning practices

8.1 Inspection

8.1.1 In addition to required safety procedures, an arborist or qualified professional should conduct a visual inspection of the plant(s) to identify conditions that would affect the original scope of work.

8.1.2 Conditions identified in the visual inspection that would affect, or are outside of, the scope of work should be reported to an immediate supervisor or to the **client**.

8.1.2.1 When the scope of work is limited by property boundaries, easements, or other constraints, inspection of plants or parts of plants outside of the assigned scope of work shall not be required.

8.2 Work Practices

8.2.1 Equipment and tools used in pruning operations shall be maintained according to manufacturers recommendations.

8.2.2 Work practices that damage living tissue, other plants or property, beyond the scope of normal work practices, shall be avoided.

8.2.2.1 Where necessary to avoid damage or injury to other parts of the tree, people, or property, rig-

ging or other equipment shall be used to control and lower heavy plant parts to the ground.

8.2.2.2 Climbing spurs shall not be used when entering and climbing trees for the purpose of pruning or other tree maintenance, except in situations where other means are impractical, such as:

- Remote/rural utility rights-of-way;
- When branches are more than throw-line distance apart and there is no other means of climbing the tree;
- When the outer bark is thick enough to prevent damage to the inner bark or cambium; and,
- Emergency operations (see subclause 8.10).

8.2.3 Cut or detached branches shall be removed from the **crown** upon completion of pruning, at times when the tree would be left unattended, or at the end of the workday, unless otherwise specified in the scope of work.

8.2.4 When pruning has a high potential to spread pests, appropriate precautions should be taken (see Annex A – *Pruning cut guideline* and ANSI A300 Part 10, *Integrated Pest Management*).

8.2.5 When pruning has a high potential to result in sunscald, a temporary protective covering for vulnerable areas of bark should be considered.

8.3 Wound treatment

8.3.1 Wound treatments should be used only when necessary to prevent the spread of pests or for other specified reasons.

8.3.2 Wound treatments that damage the plant shall not be used.

8.3.3 When treating damaged bark, only loose or damaged tissue shall be removed.

8.4 Clearance pruning

8.4.1 Branches growing toward specified **clearance areas** should be reduced to lateral branches or removed to parent stems growing outside and/or away from the clearance area (see subclause 10.15 directional pruning).

8.4.2 When a minimum clearance distance is required, a branch removal or reduction cut should be made beyond the specified clearance distance at

a suitable branch **union**.

8.4.2.1 When a reduction cut cannot be made to a suitable lateral branch, and to avoid an unnecessarily large pruning cut at the parent stem, a heading cut should be considered.

8.4.3 When frequent or excessive pruning is required to achieve objectives due to species, growth habit and/or location, alternatives such as relocation, treatment with growth regulators, or removal and replacement with an appropriate plant, should be considered.

8.5 Mechanical pruning

8.5.1 Mechanical pruning cuts should be made close to the main stem, outside of the branch bark ridge and branch collar. Precautions should be taken to avoid stem wounding.

8.5.2 Mechanical pruning shall only be performed in **remote/rural locations**, away from settled areas and dwellings, or during emergency situations.

8.6 Topping

Reduction of tree size by cutting to stubs without regard for long-term tree health or structural integrity, shall be considered an unacceptable practice.

8.7 Lion tailing

When pruning trees using the natural system, the removal of interior lateral branches that results in a concentration of growth at branch ends shall be considered an unacceptable practice.

8.8 Disposal and/or repurposing

8.8.1 A method for disposal of pruning debris should be specified (see Annex E – *Urban forest products chart*).

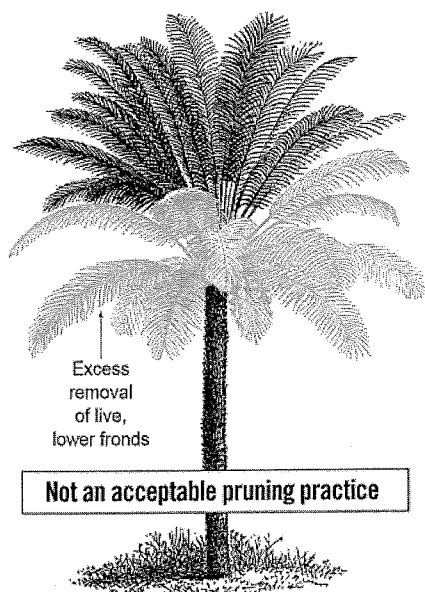
8.8.2 Disposal of pruning debris shall comply with applicable regulations, including quarantines.

8.8.3 Repurposing of debris should be preferred (eg. creating mulch, firewood, wood products, etc.).

8.9 Monitoring and pruning interval

8.9.1 A monitoring and/or a pruning interval should be recommended, and should be based on

Fig. 9.6
An overpruned palm



the objectives, pruning system, plant health, site/location, species, and growth rate (see ANSI A300 Part 7 *Integrated Vegetation Management* and ANSI A300 Part 10 *Integrated Pest Management*).

8.10 Emergency operations

Exemptions to the non-safety related sections of this standard shall be allowed during emergencies, including those declared by federal, state or local governments, utilities or other critical-service providers, when services must be restored.

8.10.1 Following the emergency, restoration pruning should be considered.

9 Pruning palms and similar plants

9.1 Dead, damaged, or loose fronds should be pruned when necessary to reduce risk or improve aesthetics.

9.2 Healthy fronds should not be removed other than to provide clearance.

9.3 Fruits that pose unacceptable risk or nuisance, or flowers that will lead to the development of such fruits, should be removed.

9.4 Palms that could grow into and damage or interfere with electric utility or other infrastructure

should be pruned, treated with growth regulators, relocated, or removed (see subclause 8.4.3).

9.5 Yellowing fronds that are not diseased or infested should be retained, except when they pose safety or aesthetic concerns.

9.5.1 Diseased or infested palms should be treated, or fronds removed, when necessary to reduce the spread of pests and/or to protect the health of the palm (see ANSI A300 Part 10, *Integrated Pest Management*).

9.6 If all or most fronds are damaged (e.g. following high winds or frost), damaged green fronds that do not pose unacceptable risk should be retained until new fronds develop (see Fig. 9.6). This is not an acceptable pruning practice.

9.7 Fronds should be removed by making a cut close to the **petiole** base without damaging living trunk tissue.

9.7.1 To ensure worker safety, removal of **palm frond skirts** shall be performed from the top down (see ANSI Z133, *Arboricultural Safety*).

9.7.2 When removing dead petiole bases (skinning, peeling, shaving), living trunk tissue should not be damaged.

9.8 When palm pruning practices have a high potential to spread pests, appropriate precautions shall be taken.

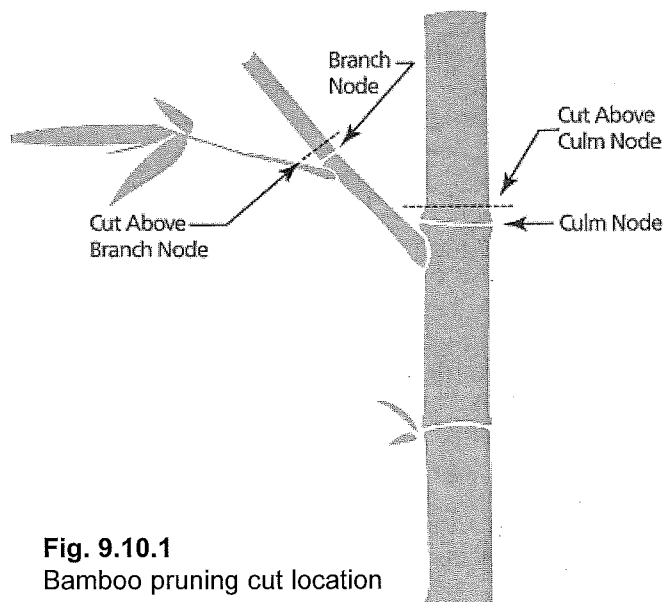


Fig. 9.10.1
Bamboo pruning cut location

9.8.1 Climbing spurs should not be used to climb live palms.

9.9 Disposal of debris should be specified per subclause 8.8 Disposal and/or repurposing.

9.10 Bamboo

9.10.1 Culms and branches shall be pruned by making cuts just above **nodes**, without leaving a stub (see Fig. 9.10.1).

10 Definitions This clause is part of the ANSI A300 (Part 1)-2017 standard.

10.1 arboriculture: The art, science, technology, and business of commercial, public, and utility tree care.

10.2 arborist: An individual engaged in the profession of arboriculture who, through experience, education, and related training, possesses the competence to provide for or supervise the management of trees and other woody plants.

10.3 arborist trainee: An individual undergoing on-the-job training to obtain the experience and the competence required to provide for or supervise

the management of trees and other woody plants. Such trainees shall be under the direct supervision of an arborist.

10.4 branch: A shoot or stem arising from another branch or stem (see Fig. 10.4).

10.4.1 codominant stem/codominant branch: Two or more stems or branches of similar diameter originating from the same union (see Fig. 10.4.1).

10.4.2 lateral branch: A shoot or stem growing from a larger (parent) branch (see Fig. 10.4).

10.4.3 parent stem/branch: A tree trunk, main stem, **leader** or branch from which other smaller branches grow (see Fig. 10.4).

10.5 branch bark ridge: The raised strip of bark on the top and side of a union where the branch and parent stem meet. (see Fig. 7.2.1).

10.6 branch collar: The area of swelling at the union between a parent stem and a smaller branch.

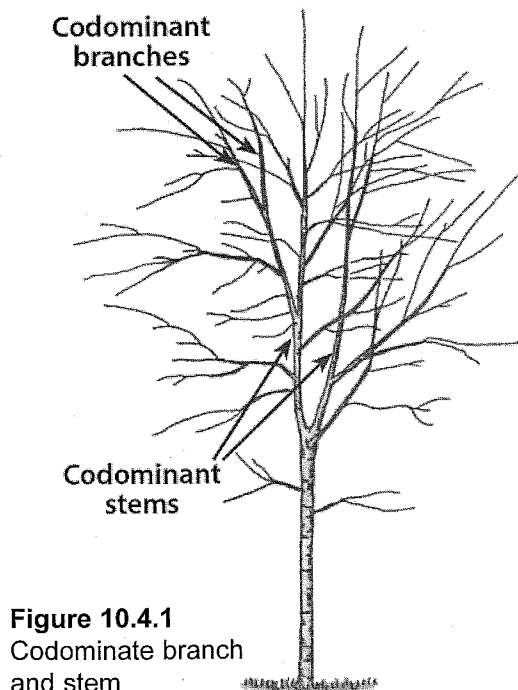


Figure 10.4.1
Codominate branch and stem

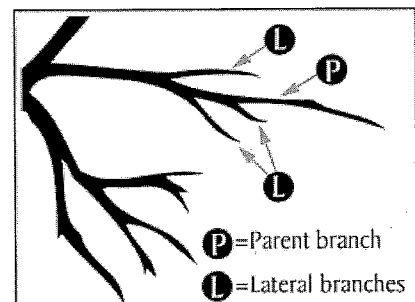
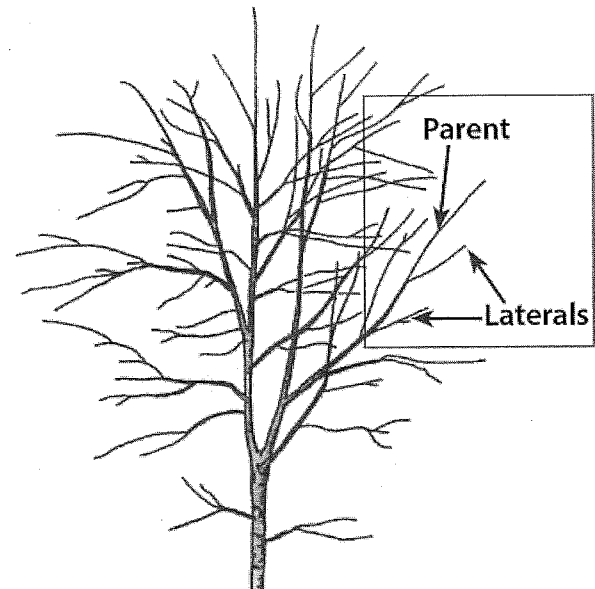


Figure 10.4
Standard branch definitions

10.7 cambium: Meristematic tissue that gives rise to xylem, phloem and new cambium.

10.8 clean: Arboricultural term used to describe selective pruning to remove one or more of the following: dead, diseased, infested, rubbing, declining, detached and/or broken branches.

10.9 clearance area: specified area from which vegetation is to be removed.

10.10 client: a person, corporation, or other entity who has hired the qualified professional.

10.11 climbing spurs: Sharp, pointed devices strapped to a climber's lower legs used to assist in climbing trees (syn.: gaffs, hooks, spurs, spikes, climbers).

10.12 crown: The part of a tree or shrub, measured from the lowest branch upward, including all the branches and foliage.

10.13 culm: the stem of a grass or sedge, including, for the purposes of this standard, the woody, hollow aerial stem of bamboo.

10.14 decay: The degradation of woody tissue caused by microorganisms.

10.15 directional pruning: Selective removal of branches to guide and/or discourage growth in a particular direction.

10.16 espalier: A pruning system that trains plants to grow within a plane, such as along a wall, trellis or fence.

10.17 flush cut: A pruning cut that removes the branch bark ridge and/or branch collar, damaging the trunk or **parent branch**. (see Fig. 7.1.9).

10.18 frond: A leaf of a palm.

10.19 heading: Pruning cut that removes a branch or stem between nodes (leaving a stub), to a bud, or to a live branch typically less than one-third the diameter of the branch or stem being removed.

10.20 leader: A main trunk or stem that dominates all or a portion of the crown. Trees and shrubs may have one leader or several individual leaders.

10.21 line of sight: The line of vision to a specific

view element (syn. sightline).

10.22 lion tailing: The use of branch removal cuts to remove interior lateral branches, resulting in a concentration of growth at branch ends.

10.23 mechanical pruning: Pruning with heavy equipment (not hand-held) fitted with power saws or other cutting devices (e.g. saws mounted on booms or suspended from a helicopter).

10.24 natural (pruning system): A pruning system intended to maintain the tree's characteristic growth pattern and adaptations.

10.25 node: Slightly enlarged portion of a stem (or branch) where shoots arise.

10.26 palm: Monocotyledonous plant of the *Aracaceae* family, generally with one or more unbranched trunks, with fronds emanating from a meristem at the top of the trunk.

10.27 palm frond skirt: One or more year's accumulation of dead and drooping fronds at the bottom of the canopy and along the trunk.

10.28 petiole: The stalk of a leaf or frond.

10.29 planary form: Shape that conforms to a geometric plane.

10.30 pleaching: Pruning system that trains one or more plants to achieve a desired shape or form through a combination of pruning and interweaving or tying small branches to one another, or to a pre-formed frame.

10.31 pollard head: Response growth that forms a knob or swelling at sprout removal sites on trees maintained within a pollarding pruning system.

10.32 pollarding: A pruning system that maintains crown size by initial heading of branches on young trees, followed by removal of shoots to their point of origin at appropriate intervals without disturbing the resulting pollard head.

10.33 pruning: The selective removal of plant parts to achieve defined objectives.

10.34 pruning amount: Quantity of plant parts removed at one pruning, expressed in terms of a number of branches or other parts removed, and/

or percentage of the crown or buds removed on an entire tree or specific branches.

10.35 pruning system: Process used to achieve the desired long-term form of the plant.

10.36 qualified professional: An individual who, by reason of training and experience, has demonstrated the ability to safely and effectively perform assignments, and, where required, is properly credentialed in accordance with federal, state or local laws and regulations.

10.37 raising: Arboricultural term referring to pruning of branches to provide vertical clearance below the crown.

10.38 reduction: Arboricultural term referring to decreasing branch length, or plant height and/or spread.

10.39 reduction cut: A pruning cut that removes the larger of two or more branches or stems, or one or more codominant stem(s), to a live lateral branch, typically at least one-third the diameter of the stem or branch being removed.

10.40 rejuvenation: Removal of overmature, dead or dying stems of a shrub, near the ground, to stimulate new stem development.

10.41 remote/rural location: Undeveloped or sparsely populated area including areas of agricultural and forest land, not in direct association with dwellings or development.

10.42 removal cut, branch: A pruning cut that removes the smaller of two branches at a union, or a parent stem, without cutting into the branch bark ridge or branch collar, or leaving a stub.

10.43 restoration: Pruning to redevelop structure, form, and appearance of topped or damaged woody plants.

10.44 risk: The combination of the likelihood of an event (e.g. tree failure and impact to a target) and the severity of the potential consequences (e.g. personal injury, property damage, or disruption of activities).

10.45 shall: As used in this standard, denotes a mandatory requirement.

10.46 shearing: Cutting leaves, shoots and branches to a desired plane, shape or form, using tools designed for that purpose, as with topiary.

10.47 shoot: New stem or branch growth.

10.48 should: As used in this standard, denotes an advisory recommendation.

10.49 shrub: Woody perennial plant, usually with several stems that may be erect or close to the ground, generally smaller than a tree.

10.50 specifications: A document stating a detailed, measurable plan or proposal for provision of a product or service.

10.51 standard, ANSI A300: Industry consensus standards for the professional management of trees, shrubs and other woody plants that serve as the foundation for work specifications, training materials, quality protocols, and regulations for the management of trees, shrubs, palms, and other woody plants.

10.52 stem: A dominant leader or branch bearing buds, foliage, and giving rise to other branches and stems.

10.53 structural development pruning: Pruning to influence the orientation, spacing, growth rate, strength of attachment, and ultimate size of branches and stems.

10.54 stub: Portion of a branch or stem remaining after an internodal cut or branch breakage.

10.55 subordination: The removal of the end of a branch or stem to reduce leaf surface area, and to slow its growth relative to its parent, or to other branches or stems.

10.56 sucker: Vigorous upright epicormic shoot that arises from latent buds below soil level or the graft union.

10.57 target: People, property, or activities that could be injured, damaged, or disrupted by the failure of a tree or tree parts (see ANSI A300 Part 9, *Tree Risk Assessment*).

10.58 thinning: An arboriculture term used to describe selective pruning to reduce density of branches and foliage.

10.59 topiary: Pruning system that uses a combination of pruning, supporting, and training branches to orient a plant into a desired shape.

10.60 topping: Reduction of tree size by cutting live branches and leaders to stubs, without regard to long-term tree health or structural integrity.

10.61 tracing: The removal of loose, damaged tissue from in and around a wound.

10.62 tree: A woody perennial plant with a single or multiple trunks, which typically develop a mature size of over several inches diameter, and 10 or more feet in height.

10.63 trunk: The main or primary stem or stems of a tree.

10.64 union: Junction of branches, stems, or leaders.

10.65 utility: A public or private entity that delivers a public service, such as electricity, gas, or communications.

10.66 vine: A woody perennial plant that typically lies along the ground, or that rises above the ground by attaching to other plants or objects with tendrils or by twining.

10.67 wound: An opening that is created when the bark of a live branch or stem is cut, penetrated, damaged, or removed.

APPENDIX VI

ALACHUA COUNTY PUBLIC WORKS UTILITY ACCOMMODATION GUIDE

Alachua County Public Works intends to utilize the Florida Department of Transportation (FDOT) Utility Accommodation Manual for installation guidelines, to the greatest extent possible. This guide shall be utilized to provide exceptions to the referenced FDOT standards.

The following items are exceptions to the FDOT Utility Accommodation Manual:

PERMITTING

- 1.) Applications shall be submitted on the Utility Permit form, Appendix A.
- 2.) Permit applications shall be accompanied by the appropriate fee as established by resolution of the Board of County Commissioners.
- 3.) All reference to the Local Maintenance Engineer, the District Maintenance Engineer, or the District Permit Engineer shall be understood to mean the County Engineer.
- 4.) All permits submitted for approval shall be originals, in triplicate.
- 5.) Pictures of the proposed work are not required, unless specifically requested during the approval review process.
- 6.) Emergency repair, initiated to protect life and property, may be initiated immediately and the County Engineer, or his designee, shall be notified immediately. A permit application must be initiated the following business day.

NON-COMPLIANCE

- 1.) Permit non-compliance will be addressed in accordance with the Utility Installation Ordinance.

ACCOMMODATION STANDARDS

- 1.) Permits for installations on rights-of-way designated as "Scenic Roads", by act of the Board of County Commissioners, shall conform to all stipulations of the respective Ordinance for utility installations.
- 2.) Clear recovery zone dimensions shall be governed by the FDOT Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (Green Book) when dimensions reflected in the Accommodation Manual are less restrictive.

PAVEMENT CUTTING

1.0) Cutting of the asphalt surface of an existing County maintained roadway will only be allowed in extenuating circumstances. Pavement cuts that are allowed shall have the asphalt surface replaced within 24 hours, with open cut restoration performed in accordance with FDOT Index No. 307, most current edition, using the flowable fill option. Thickness of limerock base may be replaced with Type "S" asphaltic concrete at the rate of 2.5" of asphalt for 6" of limerock base.

(EXCEPTION TO 1.0) FOR THE REPAIR OF LOCAL ROADWAY CUTS (SUBDIVISIONS)

The following described specifications shall be considered as minimum specifications for the repair of any cut or repair necessitated by damage to roadway pavement. Consideration should be given to local conditions and the type and depth of cut, or damage to the roadway surface. The advice and recommendation of the Alachua County Department of Public Works should be sought on any condition not strictly covered by these specifications. Directions on repairing those situations not covered by these specifications should be obtained from the department in writing. It is suggested that the field supervisor assigned to oversee the completion of the repair of the cut discuss the procedure with the Alachua County Department of Public Works Inspection Office prior to beginning work. It is, however, the contractor's responsibility to see that these specifications are met. Subsequent determination that the repair was not done according to these minimum specifications will result in the necessity of the repair being done again to meet the specifications at the permittee's expense.

- 1.1 Method of subgrade fill will be in accordance with Section 125-8.3 of the Florida D.O.T. Specifications, most current revision.
- 1.2 Compaction density will be 98% of AASHTO T-180 for all subgrade materials.
- 1.3 The upper 12 inches of fill will be two (2) 6-inch lifts of limerock base, compacted to 98% of AASHTO T-180. Limerock replacement shall be the width of the trench plus three feet, and 6 inches outside the existing edge of pavement (if applicable).
- 1.4 All density testing will be performed at the expense of the permittee.
- 1.5 Density tests will be required at one foot over the pipe and every other 1' lift thereafter in the subgrade. One density test will be required on each lift of the limerock base.
- 1.6 The pavement section will be replaced with asphaltic concrete from a D.O.T. approved supplier equal to thickness and type of asphalt on the existing roadway. Friction course shall be required as necessary to be consistent with existing surface.

- 1.7 Dimension of pavement replacement will be the width of the ditch plus four (4) feet.
- 1.8 The street or road will remain open for traffic during construction.
- 1.9 The County Engineering Inspection Department will be notified by calling 352-374-5245 ext. 244, prior to start of excavation.
- 1.10 Traffic control will be according to pertinent sections of the current edition of the FDOT Roadway and Traffic Design Standards.
- 1.11 Pavement will be replaced within 24 hours of limerock completion.

LOCATION CRITERIA

- 1.) All underground installations shall be placed parallel to the roadway, or right-of-way, as far back from the edge of the roadway as possible. Congestion due to existing facilities will not be grounds for approval of any installation detrimental to the roadway integrity.
- 2.) No underground utilities, installed parallel to the roadway, shall be installed in the shoulder area of a rural roadway or within 4' of the back of curb on a curb and gutter roadway.
- 3.) All underground utilities installed within Alachua County Right of Way will be installed to a depth meeting the minimum requirements of this manual however; never less than the minimum depth of 36" below finished grade when installed beneath the pavement and 30" below finish grade when installed outside the limits of the pavement.

UNDERGROUND CROSSINGS

- 1.) Underground crossings of existing roads may be installed by jacking, boring, or directional bore. Directional boring will be restricted from areas known to contain flint rock of enough concentration to deflect the true plane of the installation. Crossing of existing roadways with any pressurized line will require that the utility line be placed in a casing. On new construction, all service lines of any utility will be in a casing, however water mains may be installed without a casing when the main is constructed of ductile iron pipe (DIP).
- 2.) All crossings installed either by direct bury or by boring, will have the ends of the casing no closer than 8' from the edge of the pavement on rural roads with paved shoulders, 13' on rural roads without a paved shoulder, and no closer than 5' from the back of the curb on a curb and gutter roadway. Casing lengths may be required to be longer in order to facilitate known future widening or reconstruction. All jacked, bored, or directional bored crossings are subject to require pressure testing to a minimum of 20 psi for 24 hours, prior to the installation of the utility line, if there are any concerns about the integrity of the casing after installation.
- 3) Alachua County Construction Inspections shall be notified 24 hours prior to the start of a

roadway crossing by directional bore or by jack and bore. The assigned inspector and the utility contractor making the crossing shall meet on site prior to the excavation of any bore pits. The area shall be evaluated to prevent damage to any underground drainage structures, under drain, sidewalk, or any other structural portion of the roadway.

ACCESS TO UTILITY FACILITIES

1.) Any utility facility which requires frequent access, such as communication huts, lift stations, junction boxes, or any other similar facility, shall have permanent driveway access constructed. Such driveway access shall be permitted in accordance with the Alachua County Access Management Ordinance prior to construction.

THIS DOCUMENT MAY BE REVISED AS NECESSARY IN ORDER TO PROMOTE TECHNOLOGY, ADDRESS SITE SPECIFIC CIRCUMSTANCES, OR TO IDENTIFY FURTHER DIFFERENCES WITH THE FDOT UTILITY ACCOMMODATION MANUAL AS THEY OCCUR OR ARE IDENTIFIED.

CURRENT DATE OF THIS REVISION NO. 3 IS SEPTEMBER 5, 2013.



Alachua County Attorney's Office

Michele Lieberman, County Attorney

MEMORANDUM

TO: Robert Hutchinson, Alachua County Board of County Commissioners Chair

FROM: Sylvia E. Torres, Assistant County Attorney *[Signature]*

VIA: Michele Lieberman, County Attorney *[Signature]*

DATE: May 12, 2016

SUBJECT: *Right-of-Way Trees and Utility Conflicts*

At the March 15, 2016 Board of County Commissioners' Meeting, the Board directed the County Attorney "to define clearly the lines of authority for tree planting and maintenance in County Road rights-of-way." In the context of the Board discussion which led to this motion, the Board is seeking clarity regarding what rights the County has to plant and maintain trees in the County right-of-way when there are coexistent utilities.

Short Answer

In most circumstances, the County may plant and maintain trees in its right-of-way, regardless of the existence of permitted utilities or right-of-way use permits, if both of the following, site-specific conditions are true.

1. Tree planting and maintaining does not actively interfere with permitted uses of the right-of-way; and
2. Trees are planted and maintained to provide for safe and efficient roadways.

Concurrent with the County's right to plant and maintain trees, permitted utilities have the right to use certain vegetation controls to alter or regulate normal plant growth. Utilities are permitted to trim and, with permission of the County Engineer, remove trees to ensure and maintain the safe operations of utilities.

This memorandum will examine the first condition, as stated above. The second condition should be addressed by the County Engineer on a site-by-site basis, using industry standards and good engineering judgement.

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Planting and Maintaining Trees Consistent with Other Permitted Uses

The County holds most right-of-way in fee simple, obtained through plat dedication, deed or maintenance map. Most utilities are in the County right-of-way subject to utility permits issued by the County Public Works Department. Other permits, such as permits for driveways, bus stops, private irrigation, private lighting and monitoring wells, also impact County right-of-way. This memorandum examines this typical scenario.

The County's tree planting and maintaining in its right-of-way must not actively interfere with permitted uses of the right-of-way. While there is no express language in any of the right-of-way permits issued by the County that limits the County's concurrent use of the right-of-way, the issuance of the permit is an implicit agreement that the County will not actively interfere with the permitted use.

Permitted Utilities in the Right-of-Way

The County has certain authority to determine when or if to permit utilities to locate in the right-of-way, to decide where in the right-of-way they can be located, to create conditions for issuance of a permit, and to, in limited circumstances, require removal or relocation of utilities from the right-of-way. Section 337.401.401, Fla. Stat., grants authority to the County to create reasonable rules or regulations regarding utilities in the County's right-of-way. See Sec. 337.401(1)(a), Fla. Stat. The Statutes go on to say that "such rules may include, but need not be limited to, that the use of right-of-way for longitudinal placement of electric utility transmission lines is reasonable based upon consideration of economic and environmental factors, including, without limitation, other practicable alternative alignments, utility corridors and easement, impact on adjacent property owners, and minimum clear zones and other safety standards...." Sec. 337.401(1)(b), Fla. Stat.

Consistent with this statutory authorization, the County has adopted regulations governing the placement, removal or relocation of utilities in the County right-of-way. Chapter 367 (Utility Installation Regulations) defines a utility permit as "[a]n application for permission to install a system or facility in public right-of-way for intention of providing utility service. This document is a legally binding contract between the county and the permitted utility." Sec. 367.02(6), Alachua County Code. Per this definition, a permit is an agreement between the County and the utility owner.

This chapter of the Code goes on to specifically reserve to the County the right to prohibit or restrict the installation of new or additional utility facilities (to the extent of the County's authority under state or federal law) and permits the County to require removal or relocation of utilities under certain circumstances. Sec. 367.05(3), Alachua County Code. The County Public Works Department issues utility permits, pursuant to the authority granted it by the Board, see Sec. 401.20(d)(5), Alachua County Code. The Code delegates the creation of criteria for permit approval, location in the right-of-way and approved methods of installation to the "Alachua County Utility Accommodation Guide," a department-level administrative document. Sec. 367.03(a) and 367.05(2), Alachua County Code. The Alachua County Utility Accommodation Guide is Appendix VI of the

May 12, 2016

Page 3

Construction and Inspection Standards of the Public Works Department (last revised September 5, 2013), attached. The County Utility Accommodation Guide adopts the standards in the 2010 Florida Department of Transportation Utility Accommodation Manual (FDOT Topic No. 710-020-001-g), with exceptions found in the local guide. Though neither the state Utility Accommodation Manual nor the local exceptions reference tree planting or maintenance, Public Works staff reports that they examine the locations of preexisting trees when determining the location of utilities in County right-of-way and the method of installation of those utilities when reviewing permit applications.

Once located in the right-of-way, County utility permit holders must comply with the vegetative control standards in Chapter 4.6 of the Florida Department of Transportation Utility Accommodation Manual when trimming or removing trees. Section 4.6.1 states, in part, that the utility owner shall not remove, cut or destroy vegetation unless authorized by the Local Maintenance Engineer (in the County's case, the County Engineer). Section 4.6.2 (Tree Trimming) is an exception to the requirement to get County Engineer approval prior to conducting vegetation management. Section 4.6.2 requires the use of "recognized and approved methods of modern vegetation control, with emphasis on tree health." This Section also requires the utility to replace trees that die due to trimming.¹

Within this context, the issuance of a utility permit is a contract (Sec. 367.02(6), Alachua County Code) with an implicit agreement that the County will not actively interfere with the permitted use unless the permit is revoked. Active interference with a utility permit could take the form of planting a tree in a location that requires a utility to trim it in a way that kills the tree or planting a tree directly under an electrical transmission line.

Other Permitted Uses in the Right-of-Way

The County Public Works Department issues driveway and right-of-way use permits, pursuant to the authority granted it by the Board, see Sec. 401.20(d)(5)-(6), Alachua County Code. Right-of-way use permits can be for such uses as driveways, bus stops, private irrigation, private lighting and monitoring wells. As stated above, there is no express language in these issued permits that limits the County's concurrent use of the right-of-way for tree planting and maintenance. That said, the issuance of a permit is an implicit agreement that the County will not actively interfere with the permitted use. Active interference with a permitted use could take the form of planting a tree in a location where it blocks a driveway or the visibility of the user of a driveway or placing a tree where it block nearly all of the light from permitted pedestrian-scale lighting.

¹ Section 4.6.2, Florida Utility Accommodation Manual states, in relevant part: "The [utility owner] shall trim trees to ensure and maintain the safe operation of utilities. Such trimming shall employ recognized and approved methods of modern vegetation control, with emphasis on tree health. When trimming does irreparable damage or causes trees or shrubs to die, the [utility owner] shall replace this vegetation as described in UAM Section 4.5. The [utility owner] shall use mechanical tree trimming machines for routine maintenance...."

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Safe and Efficient Roadways

The County should plant and maintain trees in way that provides for safe and efficient roadways. Issues, such as avoiding blocking traffic control signs and vision triangles, and planting outside of clear zones, stormwater ditches and stormwater structures, should be taken into consideration when deciding where and what to plant and determining a maintenance plan. These issues can be best addressed by the County Engineer on a site-by-site basis, using industry standards and good engineering judgement.

Conclusion

The County may plant and maintain trees in the County right-of-way, regardless of the existence of permitted utilities or other uses, so long as the County's use does not actively interfere with permitted uses. Despite this right, utilities may trim trees within the right-of-way so long as that trimming follows approved methods of vegetative control and must replace trees that die due to that maintenance. Additionally, trees should be planted and maintained in a manner which provides for safe and efficient roadways.

Attachment: Alachua County Utility Accommodation Guide – Appendix VI of the Construction and Inspection Standards of the Public Works Department (last revised September 5, 2013)

xc: Members of Board of County Commissioners
Lee Niblock, County Manager
James Harriott, Deputy County Manager

CONSTRUCTION AND INSPECTION STANDARDS
PUBLIC WORKS DEPARTMENT
ALACHUA COUNTY, FLORIDA

August 1, 2002

Revised November 5, 2015

APPENDIX VI

ALACHUA COUNTY PUBLIC WORKS UTILITY ACCOMMODATION GUIDE

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- 6.) Emergency repair, initiated to protect life and property, may be initiated immediately and the County Engineer, or his designee, shall be notified immediately. A permit application must be initiated the following business day.

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- 1.) Permit non-compliance will be addressed in accordance with the Utility Installation Ordinance.

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- 1.1 Method of subgrade fill will be in accordance with Section 125-8.3 of the Florida D.O.T. Specifications, most current revision.
- 1.2 Compaction density will be 98% of AASHTO T-180 for all subgrade materials.
- 1.3 The upper 12 inches of fill will be two (2) 6-inch lifts of limerock base, compacted to 98% of AASHTO T-180. Limerock replacement shall be the width of the trench plus three feet, and 6 inches outside the existing edge of pavement (if applicable).
- 1.4 All density testing will be performed at the expense of the permittee.
- 1.5 Density tests will be required at one foot over the pipe and every other 1' lift thereafter in the subgrade. One density test will be required on each lift of the limerock base.
- 1.6 The pavement section will be replaced with asphaltic concrete from a D.O.T. approved supplier equal to thickness and type of asphalt on the existing roadway. Friction course shall be required as necessary to be consistent with existing surface.

- 1.7 Dimension of pavement replacement will be the width of the ditch plus four (4) feet.
- 1.8 The street or road will remain open for traffic during construction.
- 1.9 The County Engineering Inspection Department will be notified by calling 352-374-5245 ext. 244, prior to start of excavation.
- 1.10 Traffic control will be according to pertinent sections of the current edition of the FDOT Roadway and Traffic Design Standards.
- 1.11 Pavement will be replaced within 24 hours of limerock completion.

LOCATION CRITERIA

- 1.) All underground installations shall be placed parallel to the roadway, or right-of-way, as far back from the edge of the roadway as possible. Congestion due to existing facilities will not be grounds for approval of any installation detrimental to the roadway integrity.
- 2.) No underground utilities, installed parallel to the roadway, shall be installed in the shoulder area of a rural roadway or within 4' of the back of curb on a curb and gutter roadway.
- 3.) All underground utilities installed within Alachua County Right of Way will be installed to a depth meeting the minimum requirements of this manual however; never less than the minimum depth of 36" below finished grade when installed beneath the pavement and 30" below finish grade when installed outside the limits of the pavement.

UNDERGROUND CROSSINGS

- 1.) Underground crossings of existing roads may be installed by jacking, boring, or directional bore. Directional boring will be restricted from areas known to contain flint rock of enough concentration to deflect the true plane of the installation. Crossing of existing roadways with any pressurized line will require that the utility line be placed in a casing. On new construction, all service lines of any utility will be in a casing, however water mains may be installed without a casing when the main is constructed of ductile iron pipe (DIP).
- 2.) All crossings installed either by direct bury or by boring, will have the ends of the casing no closer than 8' from the edge of the pavement on rural roads with paved shoulders, 13' on rural roads without a paved shoulder, and no closer than 5' from the back of the curb on a curb and gutter roadway. Casing lengths may be required to be longer in order to facilitate known future widening or reconstruction. All jacked, bored, or directional bored crossings are subject to require pressure testing to a minimum of 20 psi for 24 hours, prior to the installation of the utility line, if there are any concerns about the integrity of the casing after installation.
- 3) Alachua County Construction Inspections shall be notified 24 hours prior to the start of a

roadway crossing by directional bore or by jack and bore. The assigned inspector and the utility contractor making the crossing shall meet on site prior to the excavation of any bore pits. The area shall be evaluated to prevent damage to any underground drainage structures, under drain, sidewalk, or any other structural portion of the roadway.

ACCESS TO UTILITY FACILITIES

1.) Any utility facility which requires frequent access, such as communication huts, lift stations, junction boxes, or any other similar facility, shall have permanent driveway access constructed. Such driveway access shall be permitted in accordance with the Alachua County Access Management Ordinance prior to construction.

THIS DOCUMENT MAY BE REVISED AS NECESSARY IN ORDER TO PROMOTE TECHNOLOGY, ADDRESS SITE SPECIFIC CIRCUMSTANCES, OR TO IDENTIFY FURTHER DIFFERENCES WITH THE FDOT UTILITY ACCOMMODATION MANUAL AS THEY OCCUR OR ARE IDENTIFIED.

CURRENT DATE OF THIS REVISION NO. 3 IS SEPTEMBER 5, 2013.



Alachua County Attorney's Office

Sylvia E. Torres,
County Attorney

MEMORANDUM

TO: Charles S. Chestnut, IV, Board of County Commissioners Chair

FROM: Corbin F. Hanson, Assistant County Attorney *CFH*

VIA: Sylvia E. Torres, County Attorney *SET*

DATE: January 28, 2019

SUBJECT: ***Landscaping and Utilities within County Rights-of-Way***

At its December 4, 2018 meeting, the Board of County Commissioners directed the County Attorney's Office to research the County's ability to require the relocation of utilities within County-owned rights-of-way for the purpose of allowing and accommodating landscaping. Additionally, the Board asked for potential ways in which the County could "shift the balance-of-power" from utilities in the rights-of-way to the County and the County's desired outcomes for development of rights-of-way. This memorandum analyzes the County's options as they relate to previously permitted utilities in the County's existing rights-of-way and to potential standards for utilities in future rights-of-way.

Relocation of Currently Permitted Utilities in Existing Rights-of-Way

Florida law currently provides local governments with flexibility to prescribe and enforce reasonable rules and regulations on placing and maintaining utilities across, on, or within rights-of-way owned and controlled by the local government. Section 337.401(1)(a), *Florida Statutes*. In accordance with this allowance, Alachua County adopted Chapter 367, Article I of the Alachua County Code, entitled "Utility Installation Regulations."

Section 367.03 of the County Code prescribes certain standards and rules for utility installation and requires an approved utility permit for all utility facilities installed within a County right-of-way. A "utility permit" is defined in the County Code as "an application for permission to install a system or facility in public right-of-way for the intention of providing a utility service. *This document is a legally binding contract between the County and the permitted utility [emphasis added].*" A utility company may apply to the County for issuance of a utility permit, which, if issued, then authorizes the utility company to place utilities within the right-of-way in the location approved by the County.

With issuance of a utility permit, the County agrees to allow the location of utilities within the

designated right-of-way and the utility company agrees to remove or relocate said utilities if the Public Works Department determines “that roadway reconstruction, enhancement, or maintenance is restricted or in conflict with an installed” utility. Section 367.05(3), Alachua County Code. The current language contained in Chapter 367 of the Alachua County Code, the County’s standard utility permit, and the County’s Utility Accommodation Guide, does not anticipate the addition of new landscaping in the right-of-way as a condition requiring removal or relocation of permitted utilities. As discussed in a 2016 opinion from the County Attorney’s Office, nothing in the County’s utility permit limits the County’s use of the right-of-way for tree planting and other landscaping, so long as the County’s landscaping does not interfere with the utility permitted by the County. That opinion may be viewed [here](#).

Therefore, the County has the following options for relocating utilities or planting landscaping within current County-owned rights-of-way with existing utility lines:

- 1) Enter into an agreement with the utility to relocate the utilities at the County’s expense;
- 2) Plant landscaping near, over, or under the utilities. If the landscaping interferes with the utility’s rights, the utility company may trim or remove the landscaping;
- 3) When undertaking a “roadway reconstruction, enhancement, or maintenance” project that necessitates utility relocation, require the utility to move its utilities at its own expense;
- 4) Wait for a utility company to seek a new utility permit, potentially for the expansion of existing utility capacity, and require the utility company to locate its expanded utility lines in a portion of the right-of-way that allows landscaping and utilities to coexist.

Pursuant to section 367.03 of the Alachua County Code, “criteria for permit approval, location in the right-of-way, and approved methods of installation shall be contained in the ‘Alachua County Utility Accommodation Guide,’ most current revision.” To clarify the County’s interest in considering landscaping when reviewing a utility permit application, the County should amend its “Alachua County Utility Accommodation Guide” to include the consideration of current and future landscaping in the right-of-way when determining where in the right-of-way to allow utilities to locate.

Utilities Located in Future Right-of-Way

As discussed above, the County has flexibility under Chapter 337, *Florida Statutes*, to prescribe and enforce reasonable regulations for the location of utilities within County-owned rights-of-way. However, for the County to exercise this authority within its rights-of-way, the County must have already accepted ownership of the right-of-way prior to the installation of utilities within the subject right-of-way, thereby requiring the utility company to apply for a utility permit from the County to locate within the right-of-way.

Under the County’s current land development code, the County does not take ownership of, or accept jurisdiction over, the rights-of-way contained in the development until a formal dedication of ownership is offered by the developer and accepted by the County. For residential developments, this typically happens as a part of the plat approval process. Until ownership is transferred to the County, the developer retains the authority to grant utility easements or fee simple ownership to utility companies in those locations requested by the utility company. Then, later in the development process, the developer dedicates to the County rights-of-way that may come to the County subject to

existing utility rights or confined on either side by existing utility rights, severely limiting the County's ability to place landscaping in the rights-of-way or expand the right-of-way in the future.

However, as the regulatory entity responsible for reviewing proposed developments for compliance with the County's code of ordinances and comprehensive plan, the County has the ability to include criteria regarding the placement of utilities as part of the development review process. The County already requires developers to indicate the "location of utilities that will serve the site" as part of a developer's preliminary development plan ("PDP"). Section 402.43(a) Alachua County Code. If the PDP is approved, the subsequent final development plan will then be reviewed for compliance with the PDP. Currently, the County requires the developer to show the location of utilities on the PDP, but does not have development criteria requiring that the utilities be located in any particular manner to avoid future conflicts with landscaping. Establishing land development criteria that favor landscaping is one potential mechanism for "shifting the balance-of-power" in favor of landscaping. This option may place the potential developer in a "catch 22" if the utility company refuses to allow utilities to be located where the County's development standards mandate they be located.

Additionally, the County does not have an obligation to accept ownership or maintenance responsibilities for unsatisfactory rights-of-way offered to the County by developers. The County could adopt additional criteria for accepting rights-of-way to consider the location of utilities installed in the right-of-way prior to acceptance, as well as a requirement that a right-of-way be free and clear of any encumbrances prior to the County accepting ownership. As noted above, this route also places the burden on the developer to navigate the potentially inconsistent requirements imposed by the County and the utility company.

Formal agreement between the County and the major utilities serving unincorporated County presents another way of addressing future conflicts between the location of utilities and the location of landscaping on future County-owned rights-of-way. Through these agreements, the County may be able to secure assurances from the relevant utility companies that they will locate their utilities in proposed rights-of-way in a manner consistent with the County's landscaping standards. The County and the utility companies could negotiate preferred utility locations within the rights-of-way and assign costs for the future relocation of utilities within County-owned rights-of-way.

CH/ch

xc: Members of Board of County Commissioners
Michele L. Lieberman, County Manager
James Harriott, Deputy County Manager

Engagement Survey

1. In regard to this item being submitted to the agenda, has County staff engaged with the stakeholders in a way that allowed input/ feedback to be shared?

- ☐ Yes, please fill out the remainder of this form
- ☐ No, please explain why: _____
(If no, there is no need to continue filling out this form)

2. Please provide the following information for each method of engagement used by County staff.
(Please write N/A for any items that are not applicable)

<u>Engagement Activity</u>	<u>Quantity</u>	<u>Date</u>	<u>Location</u>	<u>Was community input recorded?</u>
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Hosted by County

Hosted with stakeholders

Surveys

Interviews

Focus Groups

Other: Stakeholder (neighboring counties citizens, staff and Florida Department of Environmental Protection (FDEP)) engagement was conducted as part of the contract negotiations with the FDEP. The requested item is for the renewal of a 23 year old grant with the Florida Department of Environmental Protection for the collection of Hazardous Waste in neighboring counties.

2. Please indicate what communication/ outreach was used to inform the public about your engagement activities. (Select all that apply)

- ☐ Email
- ☐ Letter from Mayor/ Commission
- ☐ Mailers
- ☐ Phone calls
- ☐ Print media (flyers, posters)
- ☐ Social Media
- ☐ Website
- ☐ Other: Stakeholder (neighboring counties citizens, staff and Florida Department of Environmental Protection (FDEP)) engagement was conducted as part of the contract negotiations with the FDEP.

3. How has stakeholder input/ feedback been incorporated into the recommendations being presented to the County Commission? Yes



Agenda Item Summary

Agenda Date: 10/15/2019

Agenda Item No.:

Agenda Item Name:

Special Assessment District

Presenter:

Lalit Lalwani

Description:

Special Assessment Districts are created by the Boards authority through the Alachua County Ordinance Chapter 37 or through the Citizen initiated MSBU Program resolution 16-50. This presentation describes the process of implementation and seeks policy direction for milling and resurfacing roads within existing and new approved subdivisions.

Recommended Action:

Staff is requesting Board direction for selection criteria to be used for existing subdivisions. Further, staff is requesting Board direction for all new approved subdivisions.

Prior Board Motions:

N/A

Fiscal Consideration:

N/A

Background:

In the past, the Board has created Special Assessment Districts through Resolutions for citizen initiated requests regarding roadway improvements. Staff is seeking Board direction for criteria to be used for existing subdivisions and Board direction for all new approved subdivisions.



SPECIAL ASSESSMENT DISTRICT (SAD)

*Where Nature and
Culture Meet* 135

Research Outline



- Review Florida Statutes, Ordinances and Administrative Procedures
- Obtain information on the types of subdivisions and the varying rates of Non-Ad valorem assessment
- Purpose is not to assess condition of roads and priority of projects

Florida Statutes



- Florida Statutes 125.01 (1) (q) – Counties can establish, municipal service taxing or benefit units for any part or all of the unincorporated area of the county, within which may be provided including, but not limited to, streets; sidewalks; street lighting; drainage; and other essential facilities and municipal services from funds derived from service charges, special assessments. Subject to the consent by ordinance of the governing body of the affected municipality given either annually or for a term of years, the boundaries of a municipal service taxing or benefit unit may include all or part of the boundaries of a municipality.
- Florida Statutes 197.3632 (d) - “Non-ad valorem assessment roll” means the roll prepared by a local government and certified to the tax collector for collection.
- Florida Statutes 197.3632 (g) - “Capital project assessment” means a non-ad valorem assessment levied to fund a capital project, which assessment may be payable in annual payments with interest, over a period of years.
- Florida Statutes 197.432 (2) - “A lien created through the sale of a tax certificate may not be enforced in any manner except as prescribed in this chapter.

Alachua County Ordinances and Administrative Procedures



- Code of Ordinances, Part II, Subpart A, Title 3
 - Chapter 37-Special Assessment District (SAD)
- Administrative Procedures for Citizen initiated MSBU Program
 - Resolution 16-50

Chapter 37-SAD for Current Subdivisions

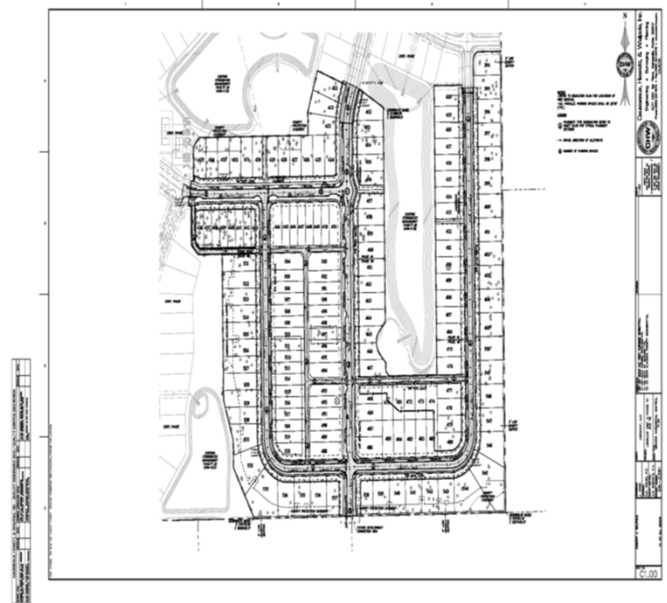


- Section 37.03- Board is authorized to establish special assessment districts
- Section 37.06- Real property owners can petition for a special assessment district with at least 50 percent signing of the property to be specially benefitted by the proposed improvement.
- Section 37.09 - Nothing in this section shall preclude the board from issuing a notice of intent to use uniform method to impose non-ad valorem assessment when no property owner interest poll has been taken or when a property owner interest poll results shows that less than the thresholds of responding property owners are in favor of the creation of a district."

Existing Subdivisions reviewed



- Town of Tioga 1996 to 2016 (West)
- Longleaf 2004 to 2013 (Southwest)
- Ellis Park 2004 to 2011 (Northwest)
- Jockey Club 1996-2001 (West)
- Hawks Ridge 2008 (Northwest)
- Hopewell Estates 2009 (Northwest)
- Lana's Place 2009 (Southeast)
- Durelle Heights 2007 (Southeast)
- Robinson Heights 1960 (Southeast)
- Coco-Plum Estates 1984 (Northeast)
- Lakeshore Homesites & Gathercole & Davis 1958 (East)



Assumptions



- Contingencies
 - 5% for Road maintenance, Tree trimming, Street light replacement
- Sidewalk repairs and maintenance-Used Actual costs from Cityworks database
- Cost per mile of milling and resurfacing includes design, construction, inspection and contingency
- 20 years asphalt life span
- Annual distribution rates using 3% interest rate
- Assumed cost of construction inflation at the rate of 2.5% per year

Town of Tioga



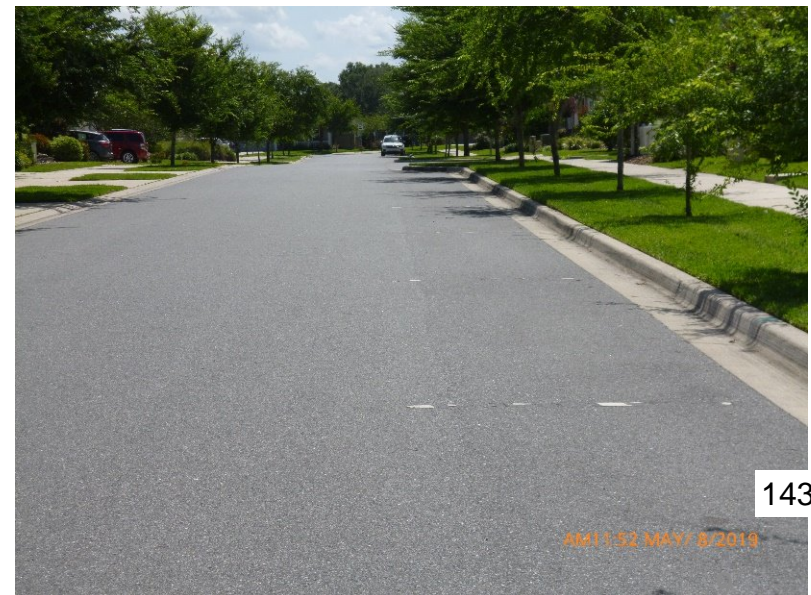
- Total 5.32 centerline miles
- 10/12 foot wide lanes
 - Curb and gutter cross-section
- Number of Lots: 375
- Estimated Annual Assessment: \$483



Longleaf



- Total 4.46 centerline miles
- 10/12 foot wide lanes
 - Curb and gutter cross-section
- Sidewalk maintenance cost-\$192,167
- Number of Lots-550
- Estimated Annual Assessment\$330



Ellis Park

- Total 1.64 centerline miles
- 11 foot wide lanes
 - Curb and gutter cross-section
- Sidewalk maintenance costs- \$68441
- Number of Lots-176
- Estimated Annual Assessment \$390



Jockey Club

- Total 1.26 centerline miles
- 12 foot wide lanes
 - Swale, Curb and gutter cross-section
- Number of Lots-68
- Estimated Annual Assessment \$708



Hawks Ridge

- Total 0.91 centerline miles
- 10 foot wide lanes
 - with swale cross-section
- Number of Lots-24
- Estimated Annual Assessment \$1248



Hopewell Estates

- Total 0.83 centerline miles
- 10 foot wide lanes
 - with swale cross-section
- Number of Lots-20
- Estimated Annual Assessment \$1505



Lana's Place

- Total 0.19 centerline miles
- 11 foot wide lanes
 - with curb and gutter cross-section
- Sidewalk maintenance
- Number of Lots-16
- Estimated Annual Assessment \$401



Durelle Heights

- Total length of Road-0.13 miles
- 10 foot wide lanes with swale cross-section
- Number of Lots-12
- Estimated Annual Assessment \$356



Robinson Heights

- Total 0.92 centerline miles
- 10 foot wide lanes
 - with sheet flow cross-section
- Number of Lots-96
- Estimated Annual Assessment \$319



Coco Plum Estates

- Total 0.43 centerline miles
- 10 foot wide lanes
 - with swale cross-section
- Number of Lots-22
- Estimated Annual Assessment \$588



Lakeshore Homesites and Gathercole & Davis



- Total 2.80 centerline miles
- 10 foot wide lanes
 - with curb & gutter
 - sheet flow cross-section
- Number of Lots-156
- Estimated Annual Assessment \$528



Current Process of NEW Subdivision approvals and Acceptance of maintenance



- Final Subdivision approval
- Plat approval by BoCC (within 1 year of Final Subdivision approval)
- Issuance of Construction Permit
- Certificate of completion for infrastructure
- Acceptance of maintenance after 1 year of certificate of completion

Future Process of NEW Subdivision approvals and Acceptance of maintenance



- Final Subdivision approval
- Plat approval by BoCC (within 1 year of approval)
- Notice of Resolution and hearing to impose non-ad valorem assessment roll (public hearing same meeting as plat approval by BoCC)
- Adoption of assessment with \$0 assessment
- Certificate of completion for infrastructure
- Acceptance of maintenance after 1 year of certificate of completion
- Adoption of assessment with more than \$0 assessment

Next steps for NEW Subdivisions



- Prepare and Adopt Ordinance
- Create Resolution for each NEW Subdivision at Plat approval
- Amend Land Development Regulations to require SADs for NEW subdivisions
- SADs should include road maintenance and capital, stormwater/drainage capital, street lighting, sidewalk maintenance, tree trimming.

Board Policy Direction for Existing and New Subdivisions



- Staff is requesting Board direction for selection criteria to be used for EXISTING subdivisions. Funding source for upfront cost to be determined with input from the Office of Management and Budget.
- Staff is requesting Board direction for all NEW approved subdivisions. Funds will be collected after plat approval and over the assessed period.

Backup Material



- Florida Statutes 125.01 (1) (q), 197.3632 (d), 197.3632 (g), 197.432 (2)

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0125/Sections/0125.01.html

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0197/Sections/0197.3632.html

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0197/Sections/0197.432.html

- Alachua County Chapter 37- Special Assessment District

https://library.municode.com/fl/alachua_county/codes/code_of_ordinances?nodeId=PTIIADC O_TIT3REFI_CH37SPASDI_S37.01DE

- Alachua County-Administrative Procedure for Citizen Initiated MSBU-Resolution 16-50

Administrative Procedure



Regulation Number: 16-50
Review Date: May 3, 2018

Effective Date: October 1, 2016
Revised Date: N/A

CITIZEN-INITIATED MSBU PROGRAM FOR CAPITAL IMPROVEMENTS AND MAINTENANCE FOR PUBLICALLY OWNED ROADS

Purpose: To provide Alachua County Citizens and the Board of County Commissioners (Board) a mechanism to receive and provide municipal services and improvements for benefitting properties within the unincorporated area of Alachua County.

The Program is responsible for coordinating the public services and capital improvements funded by non-ad valorem assessments requested by the property owners of the benefitting properties. Administration of each assessment district (MSBU) shall include financial management of the fund; ensuring assessments are levied accurately per local and state requirements; monitoring service contracts; maintaining records for active and closed MSBUs, and responding to property owner interests and inquiries.

The Citizens-Initiated MSBU Program outlines the administration of non-ad valorem assessments levied for PUBLICALLY OWNED ROADS, ROAD RELATED CAPITAL IMPROVEMENTS, AND PERIODIC MAINTENANCE OF INCLUDED ROADS.

Policy: To provide an orderly and efficient method for utilizing the statutory authority given to the Alachua County Board of County Commissioners by Florida Statue 125.01(1)(q) and Alachua County Code Chapter 37 to create a Municipal Services Benefit Unit (MSBU) Program, driven by citizen request, within the unincorporated area of Alachua County. It is the intention of this Administrative Procedure to supplement the established Florida Statutes and Alachua County Code; therefore any perceived contradictions or omissions shall cede to these controlling entities.

This hereby establishes a policy for the creation of citizen-initiated MSBUs along with the procedures for levying, collecting, adjusting, supporting, and enforcing created MSBUs.

Definitions:

Assessment Roll – Area or group of properties assigned a pro-rata amount to fund an essential public service or improvement offering benefit to those properties.

Benefit – Direct or indirect assistance or advantage.

Assessment/Benefit Unit – Equitable base or measure used for allocating cost; such as parcel, acreage, or dwelling.

Capital Improvement Assessment/Assessable Cost – Amount levied for a constructed improvement for which the amount is levied once but may be repaid in annual installments over a period of years.

Fee (Petition) – A non-refundable amount which must be included with the initial Citizen-Initiated MSBU Petition for administration and review of the request.

Liaison – Applicant or person that voluntarily serves as a spokesperson for the community during the various phases of the MSBU process. The liaison acts as a go-between for the benefitting property owners and the County and is authorized to request or approve minor changes in services or project(s) scope (increase in annual cost and/or assessments of no more than 10%) without Board action.

Lien – A legal claim upon property to secure the payment of a debt or obligation.

Municipal Service – Assistance or improvement provided by a local government to serve a public purpose.

Municipal Services Benefit Unit (MSBU) – An assessment district created to fund a localized public service.

Non-Ad Valorem Assessment – Amount levied on a property by criteria other than property value; typically assigned by units of benefit.

Ordinance – An authoritative order or legislation enacted by a municipal authority such as the Alachua County Board of County Commissioners.

Petition (MSBU Petition) – Document originated by citizens in the form of a request for an MSBU which should include general scope of services or project(s), a map depicting the proposed Unit boundaries, and the level of benefitting property owner's support for its creation. The Petition is then further processed within the MSBU Program to determine a "honed" MSBU scope and cost including:

- Project analysis
- Engineering/design
- Construction
- Contracted services
- Equipment Installation
- Utilities
- Administration
- Financing
- Reserves
- Contingencies
- Other direct and indirect costs

Pro-rata – A proportionate allocation.

Public Purpose – Available or pertinent to the people as a whole; open to all members of a community; may be provided by local authorities and supported by money from taxes, fees or assessment.

Public Hearing – A special meeting which allows the public to comment on proposed plans and projects before the local government makes a final decision.

Public Service – Essential service provided by a government to people living within its jurisdiction.

Special Assessment District (SAD) – Also known as MSBU

Unincorporated Area – A region of land outside the taxing boundary of a city; governed by the County.

Variable Rate Assessment – An amount levied annually to fund an ongoing service for which the service cost may change each year.

Procedure:

1. Creating and establishing an MSBU
 - A. It shall be the policy of the Board of County Commissioners to require an MSBU Petition and associated fee for consideration of a new MSBU. Such petition will define the general parameters of the MSBU however; the Board, at its discretion, may establish a minimum service area requirement.
 - B. Petitions must be submitted by February in the year prior to the targeted beginning of MSBU revenue collections.
 - C. A petition process is used in establishing MSBUs to ensure community awareness and involvement in the decision-making process. This also increases recognition of the public nature of the improvements and the responsibility of property owners for payment of the assessments.
 - D. MSBUs must be created and utilized to provide road related services and/or infrastructure in accordance with Florida Statute 125.01(1)(q).
 - E. The Board will determine the best course of financing, including whether to provide initial internal or external funding, on a case-by-case basis.
 - F. If it is determined that outside funding (e.g. loans and bonds) is necessary to fund a requested MSBU the Board will absorb any issuance costs.
 - G. Each MSBU shall be maintained and managed individually in accordance with established “best practices” and Generally Accepted Accounting Principles (GAAP)

2. Processing requests

- A.** Citizen requests should be sent to the County Manager (CM) in the form of a Petition for initial recording and collection of the associated fee. The CM shall then forward the request to County staff (“staff”) to continue formulating the MSBU request. It is the responsibility of the citizens to:
 - I.** Organize support for the MSBU.
 - II.** Develop a general scope of work and/or services
 - III.** Prepare the petition for submittal to the Board via the Deputy CM.
 - IV.** Designate a liaison
- B.** Once the completed petition and associated fee is submitted staff will prepare a cost estimate for the proposed improvements using current County standards. Estimates may also include eventual replacement and ongoing maintenance costs. Estimate(s) will then be presented to the Board no later than May in the year prior to the targeted beginning of MSBU revenue collections.
- C.** The Board may choose to conduct a Property Owner Interest Poll and send a letter and vote card, via First Class Mail, to the benefitting property owners. The letter shall describe the proposed improvement, the area to be specially benefitted, the estimated improvement cost, and the allocation of the cost to each property owner.
- D.** The vote card must be signed and returned within 45 days of the date of the letter. The vote cards will be verified to determine that at least 50% of the responding benefitting property owners within the proposed unit boundaries signed in favor of the petition. For proposed improvements to unpaved roads owners representing at least 60% of the benefitting property must respond and of those responses at least 75% must be in support of creating the MSBU.
- E.** Such verification shall be accomplished by comparing the vote card with the existing tax rolls of the Property Appraiser and voter registration rolls if applicable. The Board may also, at its discretion, increase the required percentage of signatures on a letter/vote card.
- F.** Upon verification that the appropriate percent of benefitting property owners signed in favor of the MSBU, staff shall proceed with scheduling the MSBU creation.
 - I.** Staff shall abide by Florida Statute 197.3632 and Sections 37.10 thru 37.14 of the Alachua County Code.

- II. Staff shall prepare ordinances and resolutions.
 - III. Staff shall publish required legal and display notices.
 - IV. Staff shall mail each benefitting property owner a first class notice advising them of the date and time of the public hearing for the purpose of adopting the ordinance creating the MSBU.
- G. If the required percentage is not obtained within the 45 day period, the application will be deemed invalid and a letter will be mailed to the applicant to notify them that the requested MSBU has not met the signature requirement.
 - H. The Board of County Commissioners reserves the right to approve, deny, or modify MSBU requests.
3. Adopting MSBU budgets and assessment rolls
- A. Prior to January 1st of each year, the department will submit the proposed non-ad valorem assessment roll as part of a public hearing for adoption of each new MSBU created during the preceding year as prescribed in Florida Statute 197.3632(3)(a) through (4)(b).
 - B. Prior to January 1 of each year, the Board of County Commissioners may adopt a resolution at a public hearing stating its intent to utilize the uniform method of collection of non-ad valorem assessments for all new MSBU's created during the preceding calendar year.
 - C. All costs associated with publishing the public hearing notice will be divided equally among the MSBUs being brought to the Board and charged to the appropriate MSBU Fund and paid for by the non-ad valorem assessment levied against the benefitting property owners and included on the annual tax bill.
 - D. The content of the resolution and conduct of the public hearing must be in accordance with F.S. Chapter 197.3632(3)(a).
 - E. First class mail notice shall be sent to each person owning property within the proposed MSBU boundaries.
 - F. A public hearing will be required in following years whenever there are changes in the boundaries or the purpose of the MSBU as outlined in F.S. Chapter 197.3632(4)(a).
 - G. Any proposed revision resulting in an increase or decrease in the services provided by the MSBU shall be reviewed by County staff. If the revision cost is 10% or below the Board approved amount the approval authority is with the

MSBU's Citizen Liaison. Any changes above 10% require Board approval via the Public Hearing Process.

- H. Staff shall prepare the budgets for their MSBUs during the annual budget process. The Office of Management & Budget shall prepare the resolutions documenting the Board's approval of the MSBU budgets at the public hearing adopting the County-wide budget and its corresponding resolutions.
 - I. Staff shall prepare the MSBU assessment rolls annually and submit them to the Office of Management and Budget so they may be included for adoption at the same time as the MSBU and County-wide budget resolutions go before the Board.
 - J. Staff will ensure that the assessment roll certifications are submitted to the Property Appraiser and Tax Collector for billing and collection as set forth by Florida Statute 197.
4. Levying and collecting MSBU assessments
- A. An MSBU may be created at any time during the fiscal year as long as previously described deadlines have been met. However, implementation shall coincide with the adoption of the annual County budget beginning October 1.
 - B. All new MSBUs must be created (resolution adopted) by January 1 of each year in order to be implemented the following October.
 - C. The Board will levy the special assessment to be collected through the Uniform Method of Collection authorized by Florida Statute 197.3632.
 - D. In the case when an individual MSBU is closed out, residual monies remaining in the Fund totaling 5% or more of the original Board approved budget shall be refunded back to the property's current owner of record on a pro rata share as originally assessed. Any residual monies remaining in the fund totaling less than 5% of the original budget will be transferred to the responsible department's primary fund.
5. All contract and purchasing scenarios must be processed and managed by the responsible department in accordance with existing County policies and procedures.
6. Property Appraiser – The Property Appraiser will be asked to provide a section map(s) detailing the proposed MSBU area, the benefitting property owner's name, address, property value, and applicable frontage as well as the size and type of property structures.
7. Tax Collector

- A. The Tax Collector is responsible for the annual billing and collection of the non-ad valorem assessments in the same fashion as the tax rolls are billed and collected each year.
 - B. Assessments become delinquent after April 1, and failure to pay may result in a lien levied against the property and may result in the sale of a tax certificate in accordance with Florida Statute 197.432.
- 8. Clerk of Court – The Clerk is responsible for recording and, when required, the administering of liens on unpaid non-ad valorem assessments.
- 9. Processing appeals of assessments.
 - A. Property owners wishing to appeal or request a review of their initial assessment may contact the responsible department to document the nature of the request.
 - B. All requests received prior to the deadline set forth by Florida Statutes (30 days after certification of the tax roll) each year shall be handled so as to allow payment of taxes before they become delinquent.
 - C. Staff shall investigate the request in consultation with the Property Appraiser and make a determination as to whether or not an adjustment is warranted.
 - D. In the event an adjustment to the initial assessment is warranted, staff shall prepare a “Certificate of Correction” and submit it to the Tax Collector and Property Appraiser. If a determination of adjustment is made prior to payment of the current tax bill, a revised tax bill will be sent by the Tax Collector reflecting the adjusted assessment. If a determination of adjustment is made after payment of the current tax bill, the property owner may request a reimbursement for the assessment overpayment; otherwise the overpayment will be reflected on the following year’s tax bill.
 - E. Adjustments to initial assessments resulting from appeal/review requests received after the deadline will be documented on a “Certificate of Correction” by the responsible department and reflected on the following year’s tax bill.
 - I. Reimbursement will only be made on assessments paid within the previous three years.
 - II. Reimbursement will be reviewed and processed by the responsible department with the funding source being the appropriate MSBU Fund.

AS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS
RESOLUTION **16-50**
DATED **05/03/2016**



Agenda Item Summary

Agenda Date: 10/15/2019

Agenda Item No.:



Agenda Item Summary

Agenda Date: 10/15/2019

Agenda Item No.:
