



Legislation Details (With Text)

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**File created:** 9/10/2019      **In control:** Board of County Commissioners

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**Title:** Lochloosa Slough Flatwoods - Lochloosa Slough Tract Contract to Purchase Real Property

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit 1 - Lochloosa Slough Flatwoods Purchase & Sales Agreement - Seller Executed.pdf, 2. Exhibit 2 - Lochloosa Slough Flatwoods Complete Evaluation.pdf, 3. Exhibit 3 - Lochloosa Slough Flatwoods Project Area Map.pdf, 4. Exhibit 4 - Lochloosa Slough Flatwoods Title Commitment.pdf, 5. Exhibit 5 - The Trust For Public Land - Certificate of Incumbency.pdf

Date	Ver.	Action By	Action	Result
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**Agenda Item Name:**

Lochloosa Slough Flatwoods - Lochloosa Slough Tract Contract to Purchase Real Property

**Presenter:**

Charlie Houder / (352) 264-6804

**Description:**

Request for the Board of County Commissioners (BoCC) to approve and execute the Contract to purchase the Lochloosa Slough Flatwoods - Lochloosa Slough Tract (±1,905 acres) through the Alachua County Forever program. The execution of this Contract is the final BoCC action on the acquisition of this project.

**Recommended Action:**

1. Approve and authorize the Chair to execute the Contract to purchase the Lochloosa Slough Flatwoods - Lochloosa Slough Tract;
2. Accept the Standard Exceptions to Title set forth in Paragraph 3 of Section II of Schedule B to the Title Commitment attached as Exhibit 4 to this Agenda item, subject to the County’s ability to delete said Standard Exceptions as provided in the “Notes on Standard Exceptions,” and accept the six potential title exceptions detailed below that may not be subject to deletion;
3. Authorize staff to execute additional documents as necessary to close the transaction; and
4. Approve any necessary budget transfers required for the Lochloosa Slough Flatwoods - Lochloosa Slough Project acquisition.

**Prior Board Motions:**

On November 13, 2018, the BoCC placed Lochloosa Slough Flatwoods - Lochloosa Slough Tract on the Active Acquisition List (Full-Price).

**Fiscal Consideration:**

The purchase price is estimated to be \$5,005,000 plus approximately \$96,000 for due diligence and closing services. The final purchase price will be based on \$2,600.00 per/acre and a precise determination of the Lochloosa Slough Flatwoods - Lochloosa Slough Tract's total acres will not be known until a boundary survey is complete. The figures above for acquisition, due diligence and closing services represent the maximum expected costs. Budget not required to close on the property will be returned to the Wild Spaces Public Places account.

WSPP - Land Acquisition (Capital Expense)

Fund#: 021.41.4160.537.61.00 - Project #: 6194101 WSPP Land Acquisition; Lochloosa Slough Flatwoods; Lochloosa Slough

There is sufficient budget in FY20 for this purchase.

**Background:**

On September 27, 2018, the Land Conservation Board (LCB) placed the Lochloosa Slough Tract on the Full-Price, Priority Pool. The approximately 1,905-acre, Lochloosa Slough property consists of seven contiguous parcels, located on U.S. Highway 301 in southeastern Alachua County, near Island Grove, FL. The tract of land is southeast of Lochloosa Lake and connects Lochloosa Wildlife Conservation Area, Orange Creek Restoration Area and Crones Cradle Conservation Easement. This tract includes most of the Lochloosa Slough, a forested wetland that provides a direct hydrologic connection between Lochloosa Lake and Orange Creek, a tributary of the Ocklawaha River.

The most significant natural community on this property is the Slough/Blackwater Stream itself and there are no indications it was ever logged. The natural communities surrounding the Slough, range between good to poor condition. The dominant community is flatwoods that were converted to bedded slash and loblolly pine plantation. The other natural communities on the property include mesic hammock, mesic flatwoods, baygall, basin swamp, dome swamp, floodplain swamp, basin marsh, depression marsh, flatwoods lake and wet flatwoods (Exhibit 2).

Lying north of the Lochloosa Slough tract, the Fox Pen Connector owned by the Weyerhaeuser Company is also on the Active Acquisition List. This 4,000-acre property provides an opportunity to extend the conservation corridor from Lochloosa Slough and link with the County-owned Fox Pen Preserve (Exhibit 3).

In August 2018, the Trust for Public Land (TPL) approached Alachua County's conservation land acquisition staff with the Lochloosa Slough acquisition opportunity. TPL has obtained an option to purchase the ~1,905 acres from Weyerhaeuser NR Company by December 31, 2019. TPL proposes to sell Alachua County the land for the same amount as its purchase price, \$2,600/acre, but without the seller's time constraints placed on Alachua County. TPL has paid for the timber valuation report, title commitment, and initial environmental site assessment. In addition, TPL will pay for the property boundary survey, but with the request that Alachua County reimburses 50% of the survey cost at

closing. The work paid for by TPL represents a potential savings to the County of approximately \$95,000: Boundary Survey (\$68,000) + Title Commitment (\$1,500) + Timber Valuation (\$10,500) + Title Insurance (\$15,000). All due diligence is being conducted to County standards and is or will be certified to the County. The Contract does include a provision that in the event of a default by the County, the seller would be due an amount equal to 100% of the survey cost.

The Contract contains no permitted title exceptions, so the County may cancel the Contract at any time during the due diligence period based on any title defect. However, a title commitment obtained by TPL and provided to the County identified a number of title issues. Staff has reviewed the documents behind several of these and would recommend that the BoCC accept the following:

- A 1944 reservation by the Trustees of the Internal Improvement Fund of ½ of petroleum and petroleum products; ¾ all other minerals; and an easement 100 feet on either side of any than existing State Road;
- A 1958 drainage easement to the State of Florida affecting 0.173 acres;
- A 1958 borrow pit easement that expired 48 months after execution;
- A 1995 easement to BellSouth Telecommunications over a 900 sq. ft. area;
- A 1975 unrecorded perpetual easement for clearing, excavating, constructing, and maintaining a road to an inholding owned by Agnes Tompkins Life Estate;
- A 1975 unrecorded easement to Clay Electric Cooperative, Inc. to place, replace construct, operate, repair and maintain one electric distribution line to an inholding over a 30-foot strip containing 0.9 acres.

The items above will be reviewed by the surveyor and may result in deductions from the gross acreage of the property for the purposes of calculating the purchase price.

Alachua County will obtain updates the environmental site assessment and title commitment prior to closing.

Comp Plan Reference:

Acquiring the Lochloosa Slough Tract fulfils multiple objectives endorsed within the Alachua County Comprehensive Plan. Specifically, Policy 6.0 Land Conservation Program within the Conservation and Open Space Element, states “Establish and maintain a land conservation program for the purchase, preservation, and management of natural areas and open space to complement the regulatory approaches identified in other section of this element.”