



Legislation Details (With Text)

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File created: 9/13/2022 **In control:** Board of County Commissioners
On agenda: 9/27/2022 **Final action:**
Title: Santa Fe River - Matthews Tract Option Contract to Purchase Real Property

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit 1 - Fully Executed Option Contract Santa Fe River - Matthews 9-9-2022.pdf, 2. Exhibit 2 - Notice of Exercise of Option - SFR - Matthews.pdf, 3. Exhibit 3 - Evaluation SFR - Matthews.pdf, 4. Exhibit 4 - Location & Parcel Maps SFR - Matthews.pdf, 5. Exhibit 5 - Title Commitment SFR - Matthews.pdf, 6. Exhibit 6 - Budget Amendment SFR - Matthews.pdf, 7. Exhibit 7 - Management Costs SFR - Matthews.pdf, 8. Exhibit 8 - Title Exceptions Memo SFR -Matthews.pdf, 9. Exhibit 9 - PPT SFR - Matthews Acquisition.pdf

Date	Ver.	Action By	Action	Result
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Agenda Item Name:

Santa Fe River - Matthews Tract Option Contract to Purchase Real Property

Presenter:

Andi Christman / (352) 264-6804

Description:

Staff Requests the Board of County Commissioners (BoCC) approve and exercise the attached Option Contract to Purchase the 202-acre Santa Fe River - Matthews property from the Matthews family through the Alachua County Forever program. The execution of this Contract to purchase Real Property, is the final BoCC action on the acquisition of this project.

Recommended Action:

Approve and authorize the Chair to execute the attached Notice of Exercise of Option for the Santa Fe River - Matthews Option Contract to purchase Real Property, subject to the County's rights to conduct due diligence inspections and notice Seller of Title Defects and Environmental Defects as set forth in the Contract; Approve the acquisition subject to title exceptions numbers 4 through 8, as listed in the attached Title Commitment; Authorize staff to execute additional documents as necessary to close the transaction; and Approve the attached budget amendment authorizing the expenditure of funds for due diligence and associated closing costs.

Prior Board Motions:

On January 23, 2018, the BoCC placed Santa Fe River - Matthews property on the Active Acquisition List as a Conservation Easement (Full Price). On January 25, 2022, the BoCC placed Santa Fe River - Matthews property on the Active Acquisition List as a Fee Simple purchase (Full Price). On

June 28, 2022, the BoCC adopted Resolution 22-66 amending the process for selecting and acquiring Environmentally Significant Lands purchased using Wild Spaces and Public Places local government infrastructure surtax proceeds. This authorizes the acquisition of lands through fee simple and less-than-fee means, and provides the process for such.

Fiscal Consideration:

The amount of the option payment is a non-refundable \$1,000.00. However, if the option is exercised, the \$1,000.00 will be applied to the final purchase price of the contract.

Total acquisition cost is estimated to be \$929,402 for the land plus \$79,500 for due diligence and closing services. The basis for these estimates is detailed below. The final purchase price will be based on \$4,601.00 per/acre multiplied by the surveyed acreage as defined in the Option Contract. A precise determination of the Santa Fe River - Matthews total acres will not be known until a boundary survey is complete.

In order to provide sufficient spending authority to cover an unanticipated change in acreage or acquisition costs, staff is requesting authorization to expend an amount equal to the estimated acquisition and due diligence costs, plus 10%. Any unused funds will remain in Fund 021 for future acquisitions.

Summary of Estimated Costs:

- Purchase price: **\$929,402** (202 ac x \$4,601.00/ac)
- Phase I ESA: **\$4,500**
- Boundary Survey: **\$54,000**
- Attorney's fees and closing costs: **\$21,000**
- 10% contingency on purchase price & due diligence: **\$100,890**
- TOTAL EXPENDITURE AUTHORITY REQUESTED: **\$1,109,792**

WSPP - Land Acquisition (Capital Expense)

Fund#: 021.41.4160.537.61.00 - 6194101 Santa Fe River - Matthews

&

Fund #: 021.41.4160.537.31.00 6184160: WSPP - Gen. Op. & Due Diligence (Operating Expense)

Annual Tax & Assessment Revenue of the Parcels & Residents: \$1,889.23 (2021 total for the 2 parcels)

Since the County acquisition involves the carving out of the purchase all residences and associated acreage from the two parent parcels, the Matthew family will continue to pay the annual tax assessment on the homes and retained land.

There are no structures included in this acquisition that would become a County asset.

Estimated Annual Alachua County Forever Management Costs: \$4,010

Estimated Alachua County Initial Improvements: \$19,544

(Exhibit 6 & 7)

Strategic Guide:

Environment

Background:

Staff has negotiated the attached Santa Fe River - Matthews Option Contract to Purchase Real Property (Option), Exhibit 1, and it was executed by the Manager on September 9, 2022. The Option requires transmittal of a signed Notice of Exercise of Option by the BoCC Chair, to the Sellers by October 31, 2022, the date the option period ends. (Exhibit 2)

During the Inspection Period, the County shall have 120 days after the BOCC exercises its Option to conduct all due diligence on the property. The County may exercise its rights to resolve any due diligence matters pursuant to the terms of the contract within those 120 days and to extend the closing date if necessary.

The 202-acre Matthews property is located 10 miles north of the City of Alachua, and generally between O'leno State Park and Santa Fe River Ranch/Hitchcock Conservation Easement. The Matthews property's northern boundary is the Santa Fe River and its southern boundary is on County Road 149. In addition, the land is adjacent to Alachua County's 47 acre, Odum Preserve to the east.

The Matthews fee simple acquisition project consists of two parcels (02725-000-000 & 02725-004-000). The property has approximately 3,300 feet of Santa Fe River frontage, which is an Outstanding Florida Water and about a mile downriver from several springs. Together with the Odum Preserve, these projects will protect almost 4,000 feet of the Santa Fe River. This river front protection is the most important part of this land acquisition. (Exhibit 3)

The Matthews Tract includes floodplain swamp, bottomland and upland hardwood forests buffering the River from the cattle grazing on the upland portion of the property. In 2014, some hardwoods were harvested from these river buffering lowland habitats, but these areas are in the process of regenerating. Recolonizing tree species of interest include, swamp chestnut oak, spruce pines, southern red oak, southern magnolia, live oak, pignut hickory and black cherry. South of the forest buffer, the uplands have sustained improved cattle pasture since at least the 1930s. Six sinkholes are scattered throughout the pasture and numerous seeps are present on site. (Exhibit 4)

The Option Contract requires the Seller to convey clean fee simple title to the County (*i.e.*, there are no Permitted Title Exceptions). However, the title search has revealed several title exceptions/defects, which are listed in the title commitment attached as Exhibit 5. Staff recommends that the Board accept the following title exceptions listed in Schedule B-II of the title commitment: #4, #5, #6, #7, and #8. Some of these preliminary title exceptions are expected to be deleted prior to closing based on additional title examination or the survey.

Schedule B-II Exceptions:

- #4. Phosphate, Minerals, Metals and Petroleum Reservations and Easement for State Road right of way in favor of the State of Florida, as set forth in the deed from the Trustees of the Internal Improvement Fund, recorded in Deed Book 226, Page 462.
- #5. Phosphate, Minerals, Metals and Petroleum Reservations and Easement for State Road right of way in favor of the State of Florida, as set forth in the deed from the Trustees of the Internal Improvement Fund, recorded in Official Records Book 902, Page 160. (Right of entry released by FS 270.11)
- #6. Phosphate, Minerals, Metals and Petroleum Reservations and Easement for State Road right of way in favor of the State of Florida, as set forth in the deed from the Trustees of the Internal Improvement Fund, recorded in Official Records Book 925, Page 231.
- #7. Boundary Agreement recorded in Official Records Book 983, Page 87.
- #8. Easement(s) in favor of Alachua County, a political subdivision of the State of Florida set forth in instrument(s) recorded in Official Records Book 1044, Page 901.

The Title Exception Memo, Exhibit 8, from Salter Feiber explains each exception and provides an opinion for each. In general, several of the Title Exceptions pertain to the reservation of gas, oil and mineral rights held by the State of Florida that are still valid and enforceable. Such rights, if exercised by the holder of said rights, would allow the holder to enter the Property to explore and extract gas, oil and minerals from at least 75% of the Property. Said exploration and extraction may or may not have a substantial impact on the ecological value of the Property, depending on the method and extent of said exploration and extraction.

Legal access to the Matthews Tract is along County Road 1491. Included in the County's acquisition is a 50' wide strip of land connecting the body of the property to County Road 1491.

A boundary survey and phase I environmental assessment are the next steps of due diligence that will be initiated after the Option is Exercised by Alachua County. Closing transactions would occur once there has been a determination by the County Manager that there are no title, survey, or environmental defects.

Comp Plan Reference:

Acquiring the Santa Fe River - Matthews fulfills multiple objectives endorsed within the Alachua County Comprehensive Plan. Specifically, Policy 6.0 Land Conservation Program within the Conservation and Open Space Element, states "Establish and maintain a land conservation program for the purchase, preservation, and management of natural areas and open space to complement the regulatory approaches identified in other section of this element."