

Suwannee River Water Management District

Governing Board Materials

Land Acquisition and Management

The following materials have been reviewed and approved for distribution to the Governing Board and the public.

Director of Land Acquisition
and Management

Assistant Executive Director

Executive Director

MEMORANDUM

TO: Governing Board
FROM: Terry E. Demott, Senior Land Resource Coordinator
DATE: February 7, 2011
RE: Amendment to the Conservation Easement with Chinquapin Farm, LLC

RECOMMENDATION

Staff recommends Governing Board approval and execution of the First Amendment to the Conservation Easement with Chinquapin Farm, LLC, for modification of the legal description.

BACKGROUND

Closing on the Chinquapin Farm, LLC, conservation easement took place in December 2009. At that time it was anticipated that a proper metes and bounds survey and legal description would be completed at a later date. Although the survey was finished several months ago, some modifications were necessary in order to satisfy the owners and the District.

At closing, it was assumed there were 6,350 acres in the Chinquapin CE. The surveyed acres came to 6,346.79, a 3.21-acre difference. The District will be reimbursed \$321.00 from the escrow account. With the complete and approved legal description in hand it is now necessary to amend the recorded conservation easement document.

gal
09-012

**FIRST AMENDMENT TO
CONSERVATION EASEMENT**

THIS FIRST AMENDMENT TO CONSERVATION EASEMENT

(“Amendment”) is made as of the ____ day of _____, 2011, by and between **CHINQUAPIN FARM, LLC**, a Florida limited liability company, State of Florida, Division of Corporations Document No. L07000085856, having a mailing address of 501 Riverside Avenue, Suite 500, Jacksonville, Florida 32202 (hereafter referred to as Chinquapin) and **SUWANNEE RIVER WATER MANAGEMENT DISTRICT**, a Florida Statutes Chapter 373 Water Management District, having a mailing address of 9225 CR 49, Live Oak, FL 32060 (hereinafter referred to as District).

W I T N E S S E T H:

WHEREAS, **Chinquapin** and **District** entered into a Conservation Easement on December 23, 2009, which was recorded December 31, 2009, in Official Records Book 1567, pages 394-417, public records of Suwannee County, Florida; and in Official Records Book 1186, page 2090, public records of Columbia County, Florida (the “Easement”); and

WHEREAS, the parties desire to modify and amend the legal description as shown on Exhibit A of the Easement.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and in consideration of the covenants, conditions and promises contained herein, the parties hereto agree and hereby amend the Easement as follows:

1. The legal description as shown on the above described Easement as Exhibit A is hereby stricken and in its place and stead is the amended legal description consisting of 4 pages attached hereto as Schedule A .

2. This Amendment shall be effective as of December 23, 2009, as if the same were recorded on that date.
3. Except as herein modified, the Easement shall remain in full force and effect.

Signed, sealed and delivered
in the presence of:

"GRANTOR"

CHINQUAPIN FARM, LLC, a
Florida limited liability company

Print Name: _____

By: _____
Edward L. Baker, Manager/Member

Print Name: _____

Print Name: _____

By: _____
John D. Baker, III, Manager/Member

Print Name: _____

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2011, by Edward L. Baker, as Manager/Member, of Chinquapin Farm, LLC, a Florida limited liability company, on behalf of the company, who is personally known to me, or whom produced _____, as identification.

Print Name: _____
Notary Public, State of Florida
My Commission Expires: _____

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2011, by John D. Baker, III, as Manager/Member, of Chinquapin Farm, LLC, a Florida limited liability company, on behalf of the company, who is personally known to me, or whom produced _____, as identification.

Print
Name: _____

Notary Public, State of Florida
Commission
No.: _____
My Commission
Expires: _____

Signed, sealed and delivered
in the presence of:

“GRANTEE”

**SUWANNEE RIVER WATER
MANAGEMENT DISTRICT**

Print Name: _____

Print Name: _____

By: _____
Don Quincey, Jr.
Chairman

Approved as to form and legality:

By: _____
Carl Meece
Secretary/Treasurer

By: _____
William J. Haley, Legal Counsel

**STATE OF FLORIDA
COUNTY OF _____**

The foregoing instrument was acknowledged before me this _____ day of _____, 2011, by Don Quincey, Jr. and Carl Meece, as Chairman and Secretary/Treasurer, respectively, of the Suwannee River Water Management District, a Florida Statutes Chapter 373 Water Management District on behalf of the Governing Board of the Suwannee River Water Management District, who are personally known to me, or whom produced _____, as identification.

Print Name: _____
Notary Public, State of Florida
My Commission Expires: _____

SCHEDULE "A"

SECTION 18, TOWNSHIP 5 SOUTH, RANGE 15 EAST, SUWANNEE COUNTY, FLORIDA

THE EAST ½ OF THE EAST ½; THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4; THE EAST ½ OF THE EAST ½ OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4; THE SOUTH 792 FEET OF THE WEST ½ OF THE EAST ½ OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4. TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL: COMMENCING 210 FEET SOUTH OF THE NORTHEAST CORNER OF THE WEST ½ OF THE EAST ½ OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 AS A POINT OF BEGINNING; THENCE SOUTH, 210.00 FEET; THENCE WEST, 210.00 FEET; THENCE NORTH, 210.00 FEET; THENCE EAST 210.00 FEET TO THE POINT OF BEGINNING.

SECTION 19, TOWNSHIP 5 SOUTH, RANGE 15 EAST, SUWANNEE COUNTY, FLORIDA

ALL OF SECTION 19.

SECTION 27, TOWNSHIP 5 SOUTH, RANGE 15 EAST, SUWANNEE COUNTY, FLORIDA

ALL OF SECTION 27 LYING EAST OF COUNTY ROAD NO. 137.

LESS AND EXCEPT THE SOUTH ½ OF THE SOUTH ½.

SECTION 28, TOWNSHIP 5 SOUTH, RANGE 15 EAST, SUWANNEE COUNTY, FLORIDA

ALL OF SECTION 28.

LESS AND EXCEPT THAT PORTION OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 LYING NORTHWEST OF STATE ROAD NO. 247 AND THAT PORTION OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 LYING EAST OF COUNTY ROAD NO. 137.

SECTION 29, TOWNSHIP 5 SOUTH, RANGE 15 EAST, SUWANNEE COUNTY, FLORIDA

ALL OF SECTION 29.

LESS AND EXCEPT EASEMENTS AND RIGHT-OF-WAYS DESCRIBED IN INSTRUMENTS RECORDED IN DEED BOOK 28, PAGE 29; DEED BOOK 110, PAGE 457; DEED BOOK 113, PAGE 492; OFFICIAL RECORDS BOOK 17, PAGE 245 AND OFFICIAL RECORDS BOOK 49, PAGE 650, ALL OF THE PUBLIC RECORDS OF SUWANNEE COUNTY, FLORIDA AND FURTHER LESS AND EXCEPT THAT PORTION AS CONTAINED IN WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 249, PAGE 241, PUBLIC RECORDS OF SUWANNEE COUNTY, FLORIDA.

SECTION 30, TOWNSHIP 5 SOUTH, RANGE 15 EAST, SUWANNEE COUNTY, FLORIDA

THE EAST ½; THE SOUTHWEST ¼ OF THE NORTHWEST ¼; THE NORTHWEST ¼ OF THE SOUTHWEST ¼; THE NORTH ½ OF THE SOUTHWEST ¼ OF THE SOUTHWEST ¼ LYING EAST OF COUNTY ROAD NO. 49; THE SOUTHEAST ¼ OF THE NORTHWEST ¼; THE EAST ½ OF THE SOUTHWEST ¼; ALL THAT PORTION THE SOUTH ½ OF THE SOUTHWEST ¼ OF THE SOUTHWEST ¼ LYING EAST OF COUNTY ROAD NO. 49.

SECTION 32, TOWNSHIP 5 SOUTH, RANGE 15 EAST, SUWANNEE COUNTY, FLORIDA

COMMENCE AT A CONCRETE MONUMENT MARKING THE NORTHWEST CORNER OF SAID SECTION 32 FOR A POINT OF REFERENCE; THENCE NORTH 89°33'00" EAST, 1471.43 FEET TO POINT OF BEGINNING; THENCE CONTINUE ON SAME BEARING 1170.10 FEET TO A CONCRETE MONUMENT; THENCE SOUTH 00°25'43" EAST, 1320.00 FEET TO A CONCRETE MONUMENT; THENCE SOUTH 89°33'00" WEST, 2302.53 FEET TO CONCRETE MONUMENT; THENCE NORTH 00°25'43" WEST, 234.00 FEET TO CONCRETE MONUMENT; THENCE NORTH 82°23'25" WEST, 342.35 FEET TO CONCRETE MONUMENT BEING ON THE WEST LINE OF SECTION 32; THENCE NORTH 00°25'43" WEST, 252.80 FEET ALONG THE WEST LINE OF SECTION 32 TO CONCRETE MONUMENT; THENCE NORTH 88°58'00" EAST, 433.80 FEET TO CONCRETE MONUMENT; THENCE NORTH 00°28'00" WEST, 100.00 FEET TO CONCRETE MONUMENT; THENCE NORTH 88°58'00" EAST, 1036.80 FEET TO CONCRETE MONUMENT; THENCE NORTH 00°20'43" WEST, 670.22 FEET TO POINT OF BEGINNING. LESS AND EXCEPT THE

WEST 10.57 ACRES THEREOF.

AND

THE EAST 55.84 ACRES OF THE SOUTH 1/2 OF THE NORTHWEST 1/4; THE NORTHEAST 1/4; THE SOUTH 1/2 OF THE SOUTHEAST 1/4; THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4; THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4; THE NORTH 1/2 OF THE SOUTHWEST 1/4.

SECTION 33, TOWNSHIP 5 SOUTH, RANGE 15 EAST, SUWANNEE COUNTY, FLORIDA

ALL OF SECTION 33, LESS AND EXCEPT THE LANDS DESCRIBED IN FINAL JUDGEMENT IN FAVOR OF THE STATE OF FLORIDA, RECORDED IN OFFICIAL RECORDS BOOK 57, PAGE 64, PUBLIC RECORDS OF SUWANNEE COUNTY, FLORIDA.

SECTION 34, TOWNSHIP 5 SOUTH, RANGE 15 EAST, SUWANNEE COUNTY, FLORIDA

ALL OF SECTION 34.

SECTION 4, TOWNSHIP 6 SOUTH, RANGE 15 EAST, SUWANNEE COUNTY, FLORIDA

THE WEST 1/2 OF THE NORTHEAST 1/4; THE NORTH 1/2 OF THE NORTHWEST 1/4; ALL THAT PART OF THE EAST 1/3 OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 LYING WEST OF COUNTY ROAD NO. 137; THE SOUTH 1/2 OF THE NORTHWEST 1/4; THE NORTH 1/2 OF THE SOUTHWEST 1/4; THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4; THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4; THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4; THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4.

LESS AND EXCEPT THAT PORTION OF SAID SECTION 4, MORE PARTICULARLY DESCRIBED AS FOLLOWS; BEGIN AT THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 4, SAID POINT ALSO BEING THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 9, TOWNSHIP 6 SOUTH, RANGE 15 EAST AND RUN SOUTH 01°16'28" EAST ALONG THE EAST LINE OF SAID NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 9, A DISTANCE OF 5.98 FEET TO THE NORTH RIGHT-OF-WAY LINE OF

BIBBY ROAD; THENCE SOUTH 89°11'13" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE, 713.40 FEET; THENCE NORTH 01°14'24" WEST, 305.50 FEET; THENCE NORTH 89°11'13" EAST, 713.40 FEET TO THE EAST LINE OF SAID SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 4; THENCE SOUTH 01°14'24" EAST ALONG THE EAST LINE, 299.52 FEET TO THE POINT OF BEGINNING.

SECTION 5, TOWNSHIP 6 SOUTH, RANGE 15 EAST, SUWANNEE COUNTY, FLORIDA

THE EAST 1/2 OF THE NORTH 1/2 OF THE NORTH 1/2; THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4; THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4; THE SOUTHEAST 1/4.
LESS AND EXCEPT THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, AND THE FOLLOWING:
COMMENCE AT THE SOUTHWEST CORNER OF SECTION 5; THENCE NORTH 88°58'16" EAST ALONG THE APPROXIMATED CENTERLINE OF AN ASPHALT COUNTY ROAD, A DISTANCE OF 3878.78 FEET TO A NAIL AND CAP BEING ON THE SOUTH BOUNDARY OF SECTION 5; THENCE NORTH 01°01'44" WEST, A DISTANCE OF 27.32 FEET TO A CONCRETE MONUMENT ON THE NORTH RIGHT-OF-WAY LINE OF A COUNTY PAVED ROAD AND BEING THE POINT OF BEGINNING; THENCE NORTH 88°58'16" EAST, A DISTANCE OF 208.75 FEET ALONG THE NORTH RIGHT-OF-WAY LINE TO A CONCRETE MONUMENT; THENCE NORTH 01°01'44" WEST, A DISTANCE OF 208.75 FEET TO A CONCRETE MONUMENT; THENCE SOUTH 88°58'16" WEST, A DISTANCE OF 208.75 FEET TO A CONCRETE MONUMENT; THENCE SOUTH 01°01'44" EAST, A DISTANCE OF 208.75 FEET TO THE POINT OF BEGINNING.

SECTION 35, TOWNSHIP 5 SOUTH, RANGE 15 EAST, COLUMBIA COUNTY, FLORIDA

ALL OF SECTION 35.

LESS AND EXCEPT ANY PORTION THEREOF LYING WITHIN ANY COUNTY OR STATE ROAD RIGHT-OF-WAY.

EXCLUDED AREA NO. 1

THE NORTHWEST 1/4 OF THE NORTHEAST 1/4; THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 AND THE NORTHWEST 1/4 OF THE

NORTHWEST 1/4 LYING EAST OF STATE ROAD NO. 247 ALL BEING IN SECTION 28 AND THAT PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 29 LYING SOUTH AND EAST OF STATE ROAD NO. 247, ALL BEING IN TOWNSHIP 5 SOUTH, RANGE 15 EAST, SUWANNEE COUNTY, FLORIDA.

CONTAINING 117.69 ACRES

EXCLUDED AREA NO. 2

PART OF SECTION 32, TOWNSHIP 5 SOUTH, RANGE 15 EAST, SUWANNEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR POINT OF REFERENCE COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 32, THENCE RUN SOUTH 01°09'18" EAST ALONG THE EAST LINE OF SAID SECTION 32, A DISTANCE OF 1181.56 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 01°09'18" EAST ALONG SAID EAST LINE, A DISTANCE OF 444.77 FEET; THENCE RUN SOUTH 88°34'31" WEST, PARALLEL TO THE NORTH LINE OF SAID SECTION 32, A DISTANCE OF 895.83 FEET TO THE EAST RIGHT-OF-WAY LINE OF A 239.00 FOOT ELECTRIC TRANSMISSION LINE EASEMENT; THENCE RUN NORTH 39°42'44" WEST ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 566.64 FEET; THENCE RUN NORTH 88°34'31" EAST, PARALLEL TO THE NORTH LINE OF SAID SECTION 32, A DISTANCE OF 1249.01 FEET TO THE POINT OF BEGINNING.

CONTAINING 10.95 ACRES

EXCLUDED AREA NO. 3

PART OF SECTION 5, TOWNSHIP 6 SOUTH, RANGE 15 EAST, SUWANNEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR POINT OF BEGINNING COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4, THENCE RUN NORTH 01°00'14" WEST ALONG THE WEST LINE OF SAID SOUTHEAST 1/4, A DISTANCE OF 1325.70 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4; THENCE RUN NORTH 88°33'05" EAST ALONG THE NORTH LINE OF SAID SOUTHWEST 1/4 OF THE SOUTHEAST 1/4, A DISTANCE OF 1324.37 FEET TO THE NORTHEAST CORNER OF SAID SOUTHWEST 1/4 OF SOUTHEAST 1/4; THENCE RUN SOUTH 01°19'19" EAST ALONG THE EAST LINE OF SAID SOUTHWEST 1/4 OF THE

SOUTHEAST 1/4, A DISTANCE OF 1090.36 FEET; THENCE RUN SOUTH 88°27'37" WEST, A DISTANCE OF 116.41 FEET; THENCE RUN SOUTH 01°51'33" EAST, A DISTANCE OF 234.76 FEET TO THE SOUTH LINE OF SAID SECTION 5; THENCE RUN SOUTH 88°32'05" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 1217.53 FEET TO THE POINT OF BEGINNING.

CONTAINING 39.79 ACRES.

EXCLUDED AREA NO. 4

ALL THAT PART OF THE EAST 1/3 OF THE NORTH ½ OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 4, TOWNSHIP 6 SOUTH, RANGE 15 EAST, SUWANNEE COUNTY, FLORIDA LYING WEST OF COUNTY ROAD NO. 137.

CONTAINING 5.87 ACRES MORE OR LESS.

MEMORANDUM

TO: Governing Board

FROM: Terry E. Demott, Senior Land Resource Coordinator

DATE: February 9, 2011

RE: Approval and Execution of Resolution 2011-05, Authorizing the Sale of the 320-acre ± Westwood West Tract to Herring Farms, LLC

RECOMMENDATION

Staff recommends approval and execution of Resolution 2011-05 authorizing the sale of the Westwood West Tract to Herring Farms, LLC.

BACKGROUND

In July 2009 the District Governing Board declared the 320-acre Westwood West Tract as surplus property and subsequently directed staff to contract with Poole Realty, Inc., to market the property. Herring Farms, Inc. (George D. Herring and Joey Herring, Principals) offered the District \$2,187.50 per acre for a total of \$700,000 on November 23, 2010. At that time the Executive Director accepted the offer and acknowledged that closing was to take place on March 31, 2011.

Several contingencies were in the contract, including obtaining rezoning of the property from Conservation to Agriculture, the application and approval of a water use permit, acknowledgement that the District and its contractor would continue harvesting sand pines until June 7, 2011; the District would provide a flood map; and successful securing of financing by Herring Farms. All of the contingencies have been fulfilled except the continuation of timber harvesting and securing financing. The Herrings are confident the financing request will be approved and the March 31, 2011 closing will take place.

With Governing Board approval, District Counsel will prepare deeds and close the conveyance of property to Herring Farms, LLC.

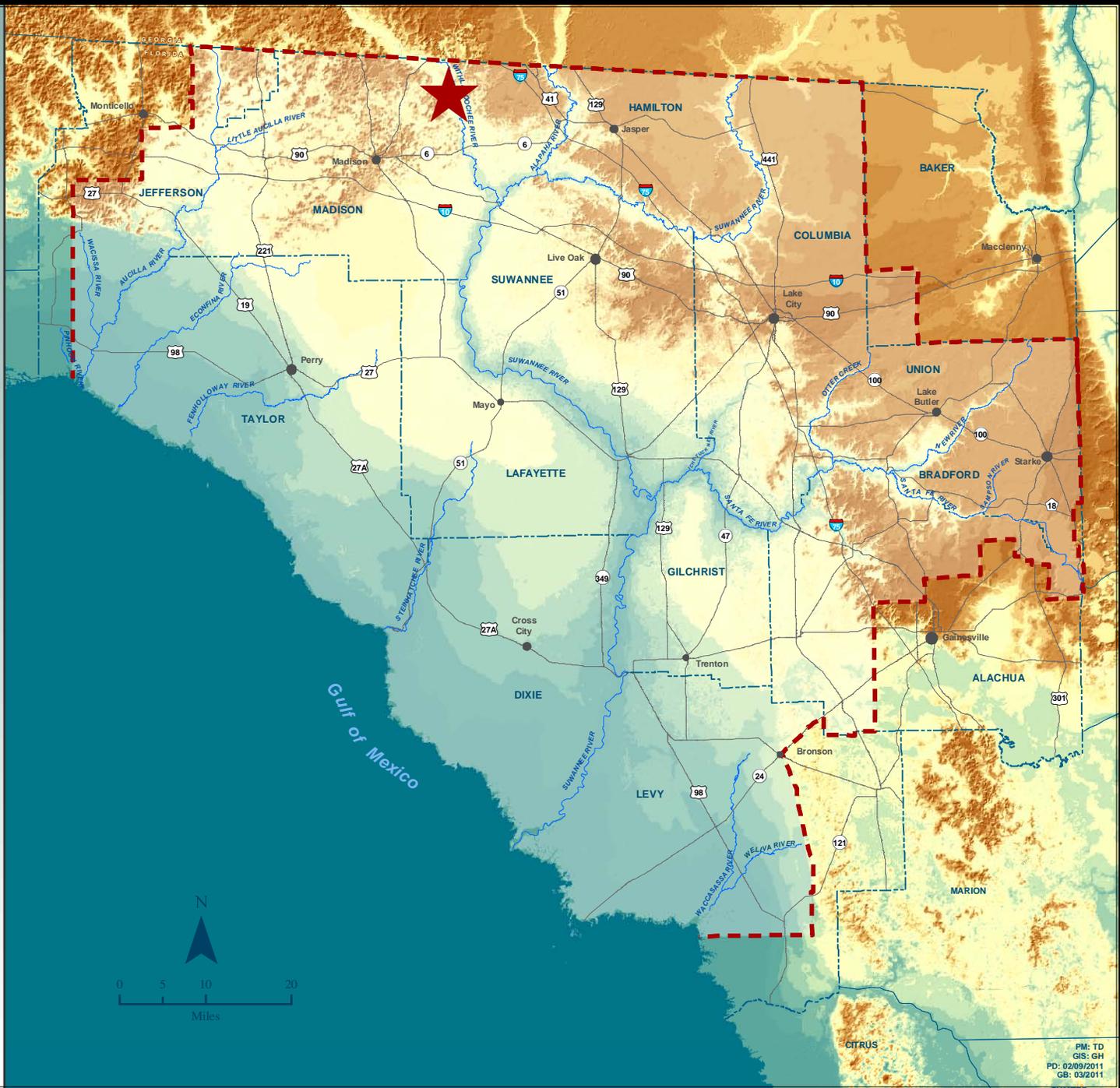
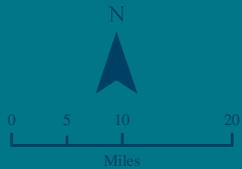
gal
enclosure
Westwood West Surplus 008-00402

Westwood West Surplus Land Madison County Florida

 SRWMD Boundary
 Project Location



NOTE: This map was created by the Suwannee River Water Management District (SRWMD), Department of Land Acquisition and Management (LA&M), to be used for planning purposes only. SRWMD shall not be held liable for any injury or damage caused by the use of data distributed as public records request regardless of the use or application. SRWMD does not guarantee the accuracy, or suitability for any use of this data, and no warranty is expressed or implied. In no event will the SRWMD, its staff, or the contributing agencies be liable for any direct, indirect, special, consequential or other damages, including loss of profit, arising from the use of this data, even if the District has been advised of the possibility of such damages. Users of this data should therefore do so at their own risk. For more information please contact the SRWMD at 1-386-362-1001.



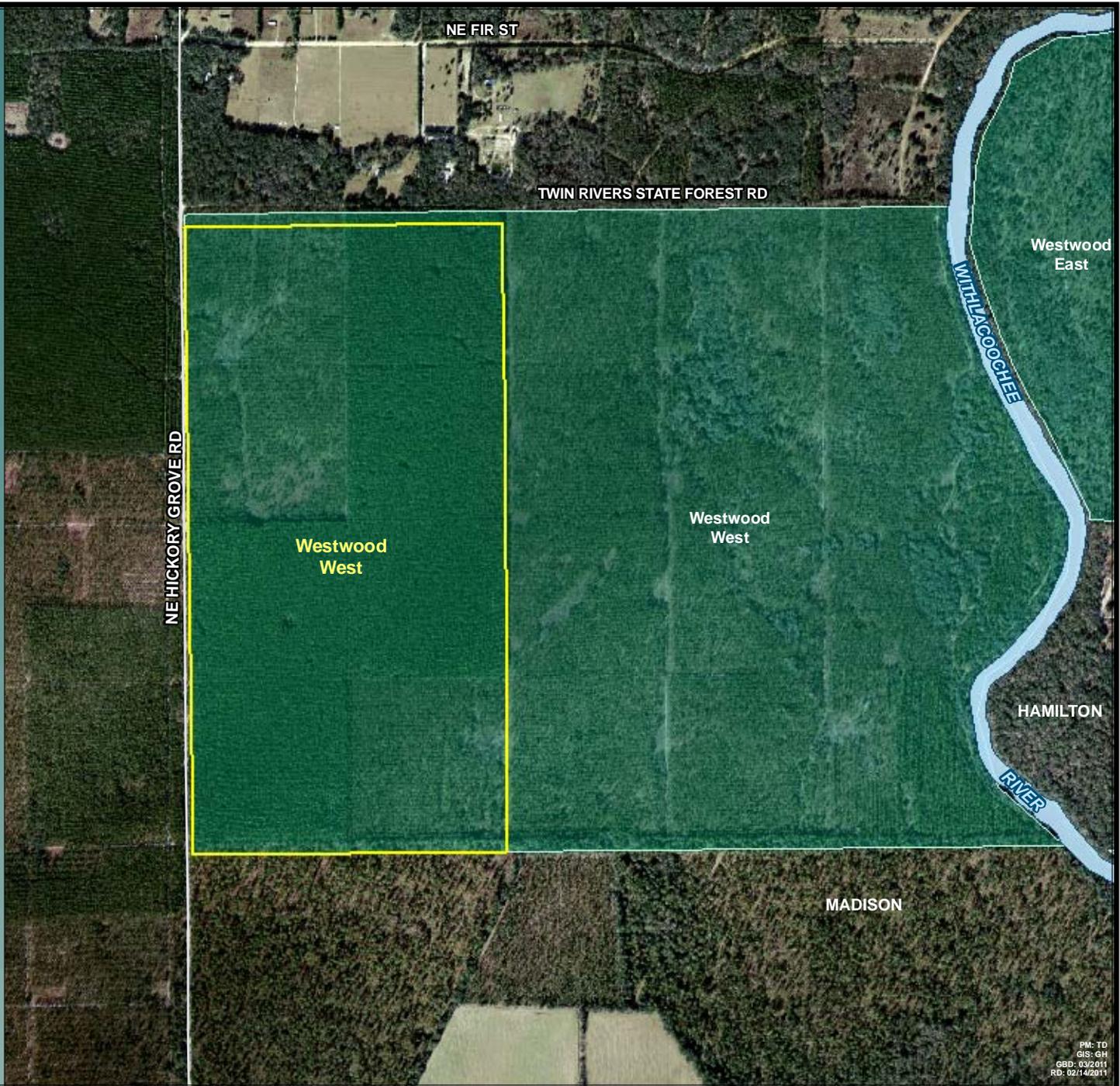
PM: TD
 GIS: GH
 PD: 02/09/2011
 GB: 03/2011

Westwood West Surplus Land Madison County Florida

-  Surplus Land
-  SRWMD Fee Land



NOTE: This map was created by the Suwannee River Water Management District (SRWMD), Department of Land Acquisition and Management (LA&M), to be used for planning purposes only. SRWMD shall not be held liable for any injury or damage caused by the use of data distributed as public records request regardless of the use or application. SRWMD does not guarantee the accuracy, or suitability for any use of this data, and no warranty is expressed or implied. In no event will the SRWMD, its staff, or the contributing agencies be liable for any direct, indirect, special, consequential or other damages, including loss of profit, arising from the use of this data, even if the District has been advised of the possibility of such damages. Users of this data should therefore do so at their own risk. For more information please contact the SRWMD at 1-386-362-1001. 2010 NC 1 FT. Imagery (Madison)



PM: TD
GIS: GH
GBD: 03/2011
RD: 02/14/2011

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

RESOLUTION NO. 2011-05

**RESOLUTION APPROVING THE SALE OF WESTWOOD
WEST PROPERTY OWNED BY SUWANNEE RIVER
WATER MANAGEMENT DISTRICT TO HERRING FARMS,
LLC**

WHEREAS, the Suwannee River Water Management District (SRWMD) declared surplus the 320-acre ± Westwood West property in Madison County in July 2009; and

WHEREAS, Herring Farms, LLC has offered the SRWMD an acceptable price of \$2,187.50 per acre for the Westwood West property; and

WHEREAS, Chapter 373.089(1) authorizes any water management district to surplus and sell lands for a selling price no less than appraised value; and

WHEREAS, this tract of land has been reappraised within the past 120 days, and the proposed selling price of \$2,187.50 per acre is higher than the appraised value; and

WHEREAS, a notice of intent of the proposed sale of this tract of land has been published in a newspaper in Madison County once each week for three consecutive weeks; and

WHEREAS, the Governing Board of Suwannee River Water Management District has designated that this tract of land is surplus and has determined it is no longer needed for conservation purposes; and

WHEREAS, Herring Farms, LLC has agreed to purchase this property on March 31, 2011.

NOW, THEREFORE, BE IT RESOLVED by the Governing Board of the Suwannee River Water Management District:

- (1) This 320-acre Westwood West parcel is no longer needed for conservation purposes.
- (2) Sale of this property is authorized to Herring Farms, Inc. for a price of \$2,187.50 per acre for a total of approximately \$700,000.
- (3) Proceeds from the sale of this property will be set aside for purchase of property with greater water resource values.

PASSED AND ADOPTED THIS 8th DAY OF MARCH, 2011 A.D.

**SUWANNEE RIVER WATER MANAGEMENT DISTRICT
BY ITS GOVERNING BOARD**

MEMBERS OF THE BOARD:

**DON QUINCEY, CHAIRMAN
DAVID FLAGG, VICE CHAIRMAN
CARL E. MEECE, SECRETARY/TREASURER
ALPHONAS ALEXANDER
RAY CURTIS
C. LINDEN DAVIDSON
HEATH DAVIS
JAMES L. FRALEIGH
GUY N. WILLIAMS**

ATTEST:

MEMORANDUM

TO: Governing Board
FROM: Gwen Lord, Business Resource Specialist
DATE: February 7, 2011
RE: Consideration of Resolution 2011-04 Requesting Reimbursement of Preacquisition Costs and Land Management Expenses for the Quarter Ending December 31, 2010

RECOMMENDATION

Staff recommends approval and execution of Resolution 2011-04, requesting the Department of Environmental Protection reimburse the District from the Water Management Lands Trust Fund (WMLTF) for preacquisition costs in the amount of \$147,758.26 and quarterly land management expenses in the amount of \$554,326.16 expended during the quarter ending December 31, 2010.

BACKGROUND

Section 373.59, F.S., allows the payment of preacquisition and land management costs from the WMLTF. Staff prepares quarterly reimbursement requests for costs associated with the District's activities.

Preacquisition costs cover most expenditures involving program administration and parcel-specific costs incurred prior to execution of a purchase agreement. Direct acquisition costs, including land costs, surveys, appraisals, and legal fees are either requested at the time of contract execution or are reconciled with preacquisition funding after the closing of each particular transaction. Preacquisition costs for the last quarter totaled \$147,758.26.

Land management costs for the same period totaled \$554,326.16. The largest share of this amount was for contractual services, which included site preparation, and forest management agreements.

gal
003-00100

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

RESOLUTION NO. 2011-04

**RESOLUTION REQUESTING RELEASE OF FUNDS
FROM THE WATER MANAGEMENT LANDS TRUST FUND
FOR REIMBURSEMENT OF PREACQUISITION COSTS AND
FOR MANAGEMENT, MAINTENANCE, AND CAPITAL
IMPROVEMENTS EXPENSES**

WHEREAS, the Suwannee River Water Management District has expended funds for certain costs in the acquisition of fee or other legal interest in lands necessary to carry out the five-year plan of acquisition filed with the Legislature and the Florida Department of Environmental Protection and consistent with Section 373.199, Florida Statutes (F.S.); and

WHEREAS, prior to acquisition, said lands will be appraised by at least one independent real estate appraiser, and were approved for acquisition after duly noticed public hearing thereon; and

WHEREAS, said lands shall not be acquired as right-of-way for canals or pipelines; and

WHEREAS, the acquisition of said lands has required the evaluations, negotiations, or closings for lands, including those specific projects listed on the Acquisition Summary attached hereto; and

WHEREAS, upon acquisition, said lands are made available for general recreational uses not inconsistent with the water management purposes for which they are being acquired; and

WHEREAS, upon acquisition, said lands are maintained in an environmentally acceptable manner, and to the extent practical, in such a way as to restore and protect their natural state and condition; and

WHEREAS, should this District subsequently dispose of said lands, all revenues derived therefrom will be used to acquire other lands for water management, water supply, and the conservation and protection of water resources; and

WHEREAS, the Suwannee River Water Management District has expended funds and committed funds for management, maintenance, and capital improvements to land acquired with moneys from the Water Management Lands Trust Fund; and,

WHEREAS, said committed funds were used, consistent with Chapter 373.59, F.S., to develop management plans which include an evaluation of the resource value, environmental sensitivity, and recreational suitability of these lands; and,

WHEREAS, moneys expended for field equipment are for equipment whose sole use shall be on District's Lands; and,

WHEREAS, the requested funds are within the 2011 Fiscal Year Budget for preacquisition costs and management costs; and,

WHEREAS, any revenues generated from the management of these lands shall be used for management, maintenance, and capital improvements of said lands; and,

WHEREAS, District desires to be reimbursed for District's moneys so expended or committed; and,

WHEREAS, the specific acquisition costs are set forth in attachments to this resolution showing expenditures and commitments from October 1, 2010, through December 31, 2010, in the amount of \$147,758.26, and

WHEREAS, the specific commitments and expenditures for said management, maintenance, and capital improvements are set forth in attachments to this resolution showing expenditures and commitments from October 1, 2010, through December 31, 2010, in the amount of \$554,326.16.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Board of the Suwannee River Water Management District:

(1) The above statements are hereby certified and declared to be true and correct.

(2) District hereby requests the Secretary of the Department of Environmental Protection to release from the Water Management Lands Trust Fund to District the sum of \$147,758.26 for District's acquisition costs necessary to carry out the five-year plan of acquisition.

(3) District hereby requests the Secretary of the Department of Environmental Protection to release from the Water Management Lands Trust Fund the sum of \$554,326.16 for District's expenditures for management, maintenance, and capital improvements of lands previously acquired under Water Management Lands Trust Fund as specifically set forth in the attachments to this resolution.

PASSED AND ADOPTED THIS 8th DAY OF MARCH 2011, A.D.

**SUWANNEE RIVER WATER MANAGEMENT DISTRICT
BY ITS GOVERNING BOARD**

MEMBERS OF THE BOARD:

**DON QUINCEY, CHAIRMAN
DAVID FLAGG, VICE CHAIRMAN
CARL E. MEECE, SECRETARY/TREASURER
ALPHONAS ALEXANDER
RAY CURTIS
C. LINDEN DAVIDSON
HEATH DAVIS
JAMES L. FRALEIGH
GUY N. WILLIAMS**

ATTEST:

PRE-ACQUISITION COSTS FOR THE QUARTER ENDED DECEMBER 31, 2010

Staff Salaries - Land Acquisition	\$74,506.83
Insurance	\$10,209.78
Retirement	\$8,223.07
FICA	\$5,253.62
TOTAL SALARIES & BENEFITS	\$98,193.30
Other Personal Services	\$0.00
Legal services	\$11,139.75
Contractual Services	\$12,055.00
TOTAL OTHER PERSONAL SERVICES	\$23,194.75
Printing & Binding	\$0.00
Publication of Notices	\$92.07
Postage	\$0.00
Meetings	\$0.00
Registrations & Training	\$684.95
Travel	\$597.80
Utilities	\$0.00
Communications	\$0.00
Vehicle Maintenance	\$0.00
Facilities Maintenance	\$0.00
Equipment Maintenance	\$0.00
Field Supplies	\$0.00
Office Supplies	\$0.00
Computer Supplies	\$0.00
Fuel & Lubricants	\$0.00
Maps & Aerials	\$0.00
Books & Documents	\$599.39
Non-Capital Land Improvements	\$0.00
Photographic Supplies	\$0.00
Graphic Arts Supplies	\$0.00
Office Support Equipment	\$0.00
Other Commodities	\$0.00
Computer Software	\$0.00
Equipment Rental	\$0.00
Fees & Permits	\$0.00
Other Current Charges	\$0.00
TOTAL EXPENSES	\$1,974.21
Office Equipment	\$0.00
Mobile Equipment	\$0.00
Field Equipment	\$0.00
TOTAL OPERATING CAPITAL OUTLAY	\$0.00
Land Improvements	\$0.00
TOTAL OPERATING CAPITAL OUTLAY	\$0.00
Interagency Expenditures	\$24,396.00
TOTAL INTERAGENCY EXPENDITURES	\$24,396.00
TOTAL PRE-ACQUISITION COSTS	\$147,758.26

MANAGEMENT COSTS FOR THE QUARTER ENDED DECEMBER 31, 2010

Staff Salaries - Land Acquisition	\$130,268.45
Insurance	\$19,417.98
Retirement	\$14,786.26
FICA	\$9,496.03
TOTAL SALARIES & BENEFITS	\$173,968.72
Other Personal Services	\$0.00
Legal Services	\$5,191.00
Audit Services	\$0.00
Contractual Services	\$317,475.71
TOTAL OTHER PERSONAL SERVICES	\$322,666.71
Payments In Lieu Of Taxes	\$0.00
Printing & Binding	\$50.00
Publication of Notices	\$241.65
Postage	\$0.00
Meetings	\$0.00
Registrations & Training	\$4,459.00
Travel	\$587.40
Utilities	\$460.00
Communications	\$800.43
Vehicle Maintenance	\$0.00
Facilities Maintenance	\$506.00
Equipment Maintenance	\$204.27
Field Supplies	\$20,275.76
Office Supplies	\$0.00
Computer Supplies	\$0.00
Fuel & Lubricants	\$0.00
Maps & Aerials	\$0.00
Books & Documents	\$24.00
Office Support Equipment	\$4,303.45
Non-Capital Land Improvements	\$0.00
Photographic Supplies	\$0.00
Other Commodities	\$0.00
Computer Software	\$2,626.02
Equipment Rental	\$572.00
Property & Casualty Ins	\$0.00
Fees & Permits	\$4,065.00
Other Current Charges	\$0.00
TOTAL EXPENSES	\$39,174.98
Office Equipment	\$0.00
Computer Equipment	\$0.00
Mobile Equipment	\$0.00
Field Equipment	\$0.00
TOTAL OPERATING CAPITAL OUTLAY	\$0.00
Construction	\$0.00
Land Improvements	\$0.00
TOTAL OPERATING CAPITAL OUTLAY	\$0.00
Interagency Expenditures	\$18,515.75
TOTAL INTERAGENCY EXPENDITURES	\$18,515.75
TOTAL MANAGEMENT COSTS	\$554,326.16

MEMORANDUM

TO: Governing Board
FROM: Surplus Lands Committee
DATE: February 10, 2011
SUBJECT: Program Directive 2011-01

RECOMMENDATION

The Surplus Lands Committee recommends adoption of Program Directive 2011-01 to clarify guidelines and procedures for identification and disposition of surplus real property.

BACKGROUND

The attached program directive was created to provide clarification of guidelines and procedures for identification and disposition of surplus real property. The directive was provided for public comment during the January 26 Surplus Lands Committee meeting.

This directive provides guidelines for staff to follow when preparing recommendations to the Board regarding surplus properties. Included in the directive is a table that provides guidelines for water resource values to be considered before surplus of a parcel.

Public comment has been an important part of the development of this program directive. Enclosed are a line-numbered program directive and a listing of public comments showing where the comments were incorporated into the directive.

gal
enclosure
Surplus Lands 008-00477

Department of Land Acquisition and Management
Program Directive 2011-01

Purpose: To amend Program Directive 2009-01 to provide updated guidelines and procedures for consistency regarding identification and disposition of surplus real property.

For the purpose of this directive, surplus lands are defined as those District-owned parcels that no longer need to be owned in order to further the District's land conservation purposes of flood control, water storage, water management, conservation and protection of water resources, aquifer recharge, water resource and water supply development, and preservation of wetlands, streams, and lakes, as per section 373.016, Florida Statutes.

Due to property ownership patterns and the demands of sellers in a voluntary program, the acquisition of surplus lands is unavoidable. Surplus acreage can be minimized, however, by observing the following guidelines prior to acquisition:

- Staff should state project objectives clearly and should delineate project boundaries to meet those objectives as tightly as possible.
- During negotiations, staff should work with the seller to keep acquisitions within the project boundaries by offering alternatives such as the purchase of a conservation easement over lands adjacent to the project area.
- If they can be identified, potential surplus lands should be referenced in the management prospectus that is presented to the Governing Board prior to entering into a purchase agreement.

Once acquired, in determination of whether a Governing Board interest in real property no longer needs to be maintained in order to further the District's purposes or the intent of the Florida Preservation 2000 Act, the Governing Board will consider the following:

- (a) Whether and the extent to which the parcel possesses or would affect any spring, floodplain, aquifer, surface water protection, or other water resource value; see Water Resource Value Guidelines table below.
- (b) Whether and the extent to which disposing of the parcel will adversely affect management effectiveness and efficiency;
- (c) Whether and the extent to which the parcel is currently used by the public for recreational purposes;
- (d) Whether and the extent to which the parcel provides other significant archaeological, historical, or ecological value;

- (e) Whether the parcel would be accessible to a future owner without causing adverse impacts to natural resources or hindering the District's management of the property (based on SRWMD Staff assessment and recommendation for items (a) through (e));
- (f) Whether the parcel is marketable, based on consultation with local realtors; and
- (g) Whether concerns of other public conservation land managers or members of the public have been addressed. As to notice and comment, procedure for determination of surplus lands shall be as follows:
 1. Staff will present proposed surplus lands for consideration to Committee or Governing Board;
 2. The Committee or Governing Board will then make an informal (not requiring a vote) determination as to whether or not to proceed forward to the procedures outlined in subparagraphs (g)(3-5).
 3. If Committee or Governing Board makes an informal determination to proceed forward as outlines in subparagraph (g)(2), then notice of consideration of the parcel for surplus sale will be posted on the District website in order to provide notice of said consideration, to allow for public input and to inform the public of the next meeting, Committee or Governing Board, in which the consideration of the proposed parcel will be discussed.
 4. At the Committee or Governing Board meeting of which notice was given to the public as outlined in subparagraph (g)(3), public comment on the proposed parcel will be received and discussed. The Committee or Governing Board will then make an informal (not requiring a vote) determination as to whether or not the parcel should be recommended for surplus at the next regularly scheduled Governing Board meeting.
 5. At the next regularly scheduled Governing Board meeting as described in subparagraph (g)(4) above, the Governing Board may take additional public input and may have additional discussion with regards to the parcel recommended for surplus. For lands acquired for conservation purposes, the Governing Board must determine the parcel is no longer needed for those purposes and approve their disposal by a two-thirds majority vote. All other lands may be designated as surplus and approved for disposal by a simple majority vote of the Governing Board.

In determining whether a Governing Board interest in real property acquired through any program is no longer needed for conservation purposes, the Governing Board will consider factors (a) through (f) listed above; however, the parcel's water resource values will be the primary consideration in the evaluation. No parcel shall be recommended to the Governing Board for consideration as surplus unless an on-site inspection has been conducted by SRWMD staff within the four months prior to the recommendation.

The following procedures will be followed by the District when selling, conveying, and disposing of Governing Board interests in real property as surplus lands:

- (a) After the Governing Board declares a real property interest to be surplus land, the District will obtain a certified appraisal of the property. Such appraisal shall only be valid for a period of 120 days.
- (b) A notice of intent to sell a real property interest as surplus land will be published by the District in a newspaper, in the county in which it is located, once a week for three consecutive weeks. The first publication of such a notice of intent must occur not less than 30 days nor more than 45 days prior to the sale and must include a description of the real property interest being offered for sale. A copy of the notice of intent to sell surplus land will be provided to the county and any municipality in which the property is located at the same time as the first notice is provided to the newspaper for publication.
- (c) All sales of surplus land shall be for cash or upon terms and security approved by the Governing Board for no less than the appraised value. No deed will be executed and delivered by the Governing Board until payment is made.

All proceeds from the sale of surplus land will be used to purchase other lands or conservation easements deemed to have significant water resource value.

WATER RESOURCE GUIDELINE VALUES* FOR SURPLUS TRACTS

	Recharge	Springs Protection	Surface Water Protection	100-Year Floodplain
Fee Sale	<15%	Zero	<25%	Zero
Conservation Easement	<50%	Zero	<25%	<25%
Small Tracts	Must be outside 10-Year Floodplain			

* These guidelines are for staff to consider and evaluate in making recommendations to the Governing Board in selecting surplus lands.

Department of Land Acquisition and Management
Program Directive 2011-01

1 Purpose: To amend Program Directive 2009-01 to provide updated guidelines
2 and procedures for consistency regarding identification and disposition of surplus
3 real property.

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5 owned parcels that no longer need to be owned in order to further the District's
6 land conservation purposes of flood control, water storage, water management,
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8 and water supply development, and preservation of wetlands, streams, and
9 lakes, as per section 373.016, Florida Statutes.

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11 program, the acquisition of surplus lands is unavoidable. Surplus acreage can be
12 minimized, however, by observing the following guidelines prior to acquisition:

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14 boundaries to meet those objectives as tightly as possible.
- 15 • During negotiations, staff should work with the seller to keep acquisitions
16 within the project boundaries by offering alternatives such as the purchase
17 of a conservation easement over lands adjacent to the project area.
- 18 • If they can be identified, potential surplus lands should be referenced in the
19 management prospectus that is presented to the Governing Board prior to
20 entering into a purchase agreement.

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22 property no longer needs to be maintained in order to further the District's
23 purposes or the intent of the Florida Preservation 2000 Act, the Governing Board
24 will consider the following:

- 25 (a) Whether and the extent to which the parcel possesses or would affect any
26 spring, floodplain, aquifer, surface water protection, or other water
27 resource value; see Water Resource Value Guidelines table below.
- 28 (b) Whether and the extent to which disposing of the parcel will adversely
29 affect management effectiveness and efficiency;
- 30 (c) Whether and the extent to which the parcel is currently used by the public
31 for recreational purposes;
- 32 (d) Whether and the extent to which the parcel provides other significant
33 archaeological, historical, or ecological value;

- 34 (e) Whether the parcel would be accessible to a future owner without causing
35 adverse impacts to natural resources or hindering the District's
36 management of the property (based on SRWMD Staff assessment and
37 recommendation for items (a) through (e));
- 38 (f) Whether the parcel is marketable, based on consultation with local
39 realtors; and
- 40 (g) Whether concerns of other public conservation land managers or members
41 of the public have been addressed. As to notice and comment, procedure
42 for determination of surplus lands shall be as follows:
 - 43 1. Staff will present proposed surplus lands for consideration to
44 Committee or Governing Board;
 - 45 2. The Committee or Governing Board will then make an informal (not
46 requiring a vote) determination as to whether or not to proceed forward
47 to the procedures outlined in subparagraphs (g)(3-5).
 - 48 3. If Committee or Governing Board makes an informal determination to
49 proceed forward as outlines in subparagraph (g)(2), then notice of
50 consideration of the parcel for surplus sale will be posted on the District
51 website in order to provide notice of said consideration, to allow for
52 public input and to inform the public of the next meeting, Committee or
53 Governing Board, in which the consideration of the proposed parcel will
54 be discussed.
 - 55 4. At the Committee or Governing Board meeting of which notice was
56 given to the public as outlined in subparagraph (g)(3), public comment
57 on the proposed parcel will be received and discussed. The Committee
58 or Governing Board will then make an informal (not requiring a vote)
59 determination as to whether or not the parcel should be recommended
60 for surplus at the next regularly scheduled Governing Board meeting.
 - 61 5. At the next regularly scheduled Governing Board meeting as described
62 in subparagraph (g)(4) above, the Governing Board may take additional
63 public input and may have additional discussion with regards to the
64 parcel recommended for surplus. For lands acquired for conservation
65 purposes, the Governing Board must determine the parcel is no longer
66 needed for those purposes and approve their disposal by a two-thirds
67 majority vote. All other lands may be designated as surplus and
68 approved for disposal by a simple majority vote of the Governing Board.

69 In determining whether a Governing Board interest in real property acquired
70 through any program is no longer needed for conservation purposes, the
71 Governing Board will consider factors (a) through (f) listed above; however, the
72 parcel's water resource values will be the primary consideration in the evaluation.
73 No parcel shall be recommended to the Governing Board for consideration as
74 surplus unless an on-site inspection has been conducted by SRWMD staff within
75 the four months prior to the recommendation.

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93
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96 WATER RESOURCE GUIDELINE VALUES* FOR SURPLUS TRACTS

	Recharge	Springs Protection	Surface Water Protection	100-Year Floodplain
Fee Sale	<15%	Zero	<25%	Zero
Conservation Easement	<50%	Zero	<25%	<25%
Small Tracts	Must be outside 10-Year Floodplain			

97 * These guidelines are for staff to consider and evaluate in making
98 recommendations to the Governing Board in selecting surplus lands.

Comments shown below are a compilation of those received from the public and considered in development of Program Directive 2011-01

There is a need for much greater specificity in criteria used by the District in identifying surplus lands. (*line 96*)

Define each of the current four criteria in common language; e.g., what does "aquifer recharge" mean.

Relate each criterion to the statutory purposes listed in FS 373.139(2).

Identify the critical parameters per criterion: (*lines 21-75*)

- Presence or absence of each criterion
- If present, the degree of presence (and how that is determined, and the basis for using that determination)
- If present, an analysis of the significance of the presence of the criterion, including "red flag" parameters per criterion (e.g., 20-25% of the parcel is in a spring protection zone)
- Analysis guidelines for exceptions to not meeting the criterion, but still recommending designating the parcel as surplus

Identify the data source used to measure the presence of each criterion, and describe why it is the best source, considering other alternatives. For example, the use of the National Wetlands Inventory (NWI) may be a good starting point when assessing a parcel for conservation value, but due to the inherent inaccuracy of the NWI, it should only be used as a starting point. Other resources, such as historic and recent aerial photographs, and "boots on the ground" by people with experience in wetlands identification and evaluation, are essential.

I recommend the District drop any attempt at identifying various resource values and their relative worth to the District and simply fall back to identifying discrete parcels that lack "conservation value" or that pose significant management problems as lands to surplus. If that means that the District keeps a few acres of uplands, so be it. If you do not accept this recommendation, it seems to me that you need to go into considerably more detail in spelling out how to identify surplus lands and how to properly weight all of the various water and "non-water" resources in the surplus lands program. (*lines 21-75*)

Begin the process of applying the criteria to a parcel by simply marking each criterion as positive or negative, based on simple occurrence. Parcels with no positive occurrences would not require further analysis.

Parcels with positive occurrences of a criterion would be discussed in a staff narrative that addresses the significance of the presence of a criterion category, and the impact of exceptions.

I assume that the District applies Chapter 62-340 F.A.C. (the Florida Wetlands

Delineation Rule) and has staff members that understand it and its applications.

Investments of public funds in past management and restoration activities should be considered as a criterion. Most of the land now being declared surplus has been owned by the District for ten years or more. Some has been restored to longleaf pine and managed by fire. This represents a considerable investment of public assets and should be taken into account when considering these parcels for surplus. *(lines 28-29, 34-37)*

The impact on land management (cost and efficiency) should be a criterion, and it should be determined in a measureable manner. It is recommended that any sale of land that decreases the ratio of acres to boundary length on the overall parcel be considered to have a negative effect on land management; a sale that increases the ratio of acreage to the boundary length would be considered to have a positive effect on land management. It is not cost effective to dispose of parcels that create longer boundaries to manage. *(lines 28-29, 34-37)*

Selection of lands to recommend for surplus should take into consideration the effects on the efficiency and costs of management. Length of property boundaries should be a major criterion. Generally lands should not be considered if the sale of these lands will increase the ratio of property boundaries to land area or increase the interface with private property owners. This is important for several reasons which result in increased management costs and threats to District lands. A good example is the 47 Runs property which was recently declared surplus. This parcel is bounded by a highway which provided an obvious boundary that was adjacent to a public road. If this 20 acre parcel is sold, it is likely that one or several residences will be built. The sale results in more boundary line to mark and maintain, as well as more fire line to maintain. The houses will be exposed to smoke from burning, the presence of structures will increase liability associated with burning, they will likely be landscaped with exotic plants (many of which are invasive and residents frequently dump yard trash onto adjacent public lands), residents may have 4-wheelers which they can just ride across the property boundary onto District land. These are problems that land managers encounter every day. Are the proceeds from 20 acres of land really worth these risks and additional management costs? In most cases land managers consider out parcels that are not contiguous and cannot be feasibly managed to be surplus. They may also sale off narrow peninsulas that are surrounded by private lands that are costly and difficult to manage. *(lines 28-29, 34-37)*

The District should seek to acquire inholdings and private parcels that are bounded by district lands. The District should avoid increasing land boundaries that have to be marked and maintained, require longer firelines to be created and maintained, increase the risks of fire escape, increase the risks from invasive species, and increases the risks of illegal land use such as off road vehicles, dumping, etc. *(lines 28-37)*

In order to make an informed decision, it is also important that the Surplus Committee and the Board be aware of all resources associated with a parcel before it is declared surplus. I would think if the District accepted CARL, P-2000, Florida Forever or other public funding and used it to acquire lands, they accepted with those funds some

responsibility for attributes other than just water. Therefore, a survey should be conducted to determine the presence or likely occurrence of endangered/threatened species and archeological sites on any parcel before it is submitted to the Surplus Committee. In fact, I feel strongly that the public has a right to know what is on public lands before they are sold. *(lines 32-37)*

Impacts to adjacent conservation lands should be considered as a criterion. Water resources include more than just water quality and quantity. It also includes such things as fish, wildlife and recreation value. This point is made at some length in the DEP letter (Ballard, August 23, 2010). Continuity, connectivity, areas of concern from the standpoint of water quality and quantity, aquifer recharge, natural floodplain, habitat for rare species and wildlife in general, under-represented communities, species occurrences, recreation, trails, functional wetlands, and management considerations are all list as important in the DEP analysis of nine of the parcels approved as surplus. *(lines 25-37)*

As a public lands management agency, it is only fair to the public for the District to consider impacts to the management of other public lands, and connectivity to other public lands. It is in the public interest for all public agencies to cooperate to increase recreational and conservation values and management efficiency. It is recommended that input be solicited from any adjacent public conservation land holder on the impact of a proposed sale to that agency's mission. Where agencies, such as Forestry and FWC, have management responsibilities on a District parcel, their input on project impacts should be solicited. *(lines 40-41)*

The District should take into consideration adjacent public lands. The District should not dispose of parcels that connect District lands to other public or publicly managed lands. These connections are important for wildlife corridors and they make management more efficient because public land managers can coordinate management. While some of these lands may not be the most sensitive from a water management perspective, all lands adjacent to streams and other wetlands have water quality values as well as other ecological and wildlife values. Therefore, it is in the best public interest to keep these lands under public ownership and management. *(lines 25-38, 40-41,)*

Land use restrictions provide some protection of water resources; however, they are not nearly as effective as public ownership which provides opportunities for ecological restoration that few private land owners employ.

When recommending lands to be considered for surplus, staff should make specific recommendations concerning the content of proposed conservation easements. Restrictions on development, or soil disturbing management practices, should be considered. It is likely that conservation easements on uplands are more important than easements on wetlands. *(lines 15-20)*

The funding source used to purchase each parcel being considered for surplus should be clearly stated, and the conditions of each funding source should also be clearly stated. Some of these sources, such as CARL, Preservation 2000, and Florida Forever,

include responsibility for conservation assets other than water. The presence or likely occurrence of endangered/threatened species and archeological sites for lands purchased with such resources should be a part of the descriptions of parcels purchased with these funds before the parcels are presented to the Surplus Lands Committee for their consideration.

The identification of lands for surplus and subsequent sale usually involves giving up public access to these lands. Public access questions are especially important if the District identifies lands as surplus that clearly have conservation values of interest to the public. *(lines 30-31)*

In the future, as our population grows and private public-access wild lands continue to disappear, the importance of public access to public lands will only increase. At some point I am convinced that we will regret the current direction of spending large amounts of money on parcels without gaining the right of access for the public. While public access should seldom be the only reason for buying a large piece of land, it should not be ignored. While the proposed language is a favorable addition, I suggest a minor change to recognize that current public use may be a less important indicator of its value than an assessment of its long range potential public use. *(lines 30-31)*

If the Board is to evaluate many specific conservation and public access values and if the Board feels the need to segregate some conservation values from others and weigh the merits of these values in its decisions, and if the Board needs to weigh the degree that various "water resource" values can be present on a parcel and still find it surplus, then much greater detail of how to do this will be necessary if very subjective, even arbitrary, decisions are to be avoided. If, at some point in the future, the District were to have a board ideologically dead set against the government owning and managing any lands, this proposed rule would do very little to prevent that board from disposing of major portions of the District's holdings and, at least within the District boundary, largely undoing the results of years of hard work at developing a public lands system that is probably the envy of every other state in the eastern United States. This would be a shame and I don't think you or the Board would like to see that happen. It will be very difficult for your staff to develop a rule with enough detail to give assurance that the surplus lands program will not be abused and yet give the Board the freedom of doing whatever they want on a day-to-day basis. The best way to avoid this conundrum is to back up and stop trying to break out "water resource" from other values and stop trying to raise money by selling off uplands and public access within existing holdings. Overall, I recommend that you use the narrower definition of surplus lands currently used, at least informally, by agencies on TIITF lands and restrict "surplus" lands to those that clearly are of little conservation use to anybody or that present truly significant obstacles to land management. *(lines 40-68, 96)*

The proximity of uplands to stream corridors should be considered as a criterion. The minimum required distance of the parcel from stream and river banks needs to be specified. Upland buffers along stream corridors are essential to proper management. Ownership and associated proper management of upland buffers along stream corridors provides a buffer and filters pollutants, especially nitrogen and other fertilizer

components that would leach into waterways from agricultural operations and septic systems. It also protects stream corridors from intensive silviculture activities that disturb the soil and cause siltation and potential contamination from herbicides and fertilizer. Allowing private lands to intrude close to a stream bank in District ownership will interfere in public use of the lands. Inherent risks include: interference with public use of lands and waterways; landowner "rights" to streams for things such as docks, boat ramps; impediments of movement and nesting of wildlife along stream corridors. *(lines 25-27)*

Proximity of uplands to stream corridors should be taken into consideration. High dry uplands adjacent to streams and other wetlands or surface waters may be more important to the water resource than wetlands. Such uplands probably provide recharge. If sold they are likely to pose a greater threat to the water resource than wetlands in private ownership because wetlands are afforded some protection by state and federal law, whereas there are few, if any, restrictions on uplands. If sold, they may be developed or at best they are likely to be managed intensively for timber or farmed. All of these activities have serious impacts on water quality and quantity. Management considerations are also important. The District/District land managers have expressed awareness of the importance of groundcover to protection of water resources (intact, healthy groundcover is more effective in controlling silting than bare ground or shrub dominated areas). As long as these lands are owned by the District, there are opportunities to restore the native groundcover using fire or other management tools. If these lands are sold, these opportunities are lost. *(lines 25-27)*

Traditionally, lands of very little conservation value that sometimes were a part of a large land purchase, such as a gas station or isolated house lots or lands that simply could not be managed effectively because they were small, isolated and surrounded by other land uses, were identified as surplus. Identifying these lands seems to be a logical step in removing non-conservation lands from the public inventory. It would seem that the District's plan to sell public lands which may have conservation values, but not necessarily those specific conservation values that are within the narrow statutory purview of the District, is a new and dangerous step. Within TIITF lands, for instance, we probably do not have Forestry selling off small pieces that don't support commercial forests and we do not have FWC identifying as surplus any lands not hunted or not supporting listed species. These agencies, and DEP's Recreation and Parks, tend to keep lands with conservation value that extend beyond the narrowest definition of that agency's mission. Public conservation lands seldom occur in neat packages where one acre has water resource values while an adjoining acre does not. In the natural resource world, water resource values and other values are all entwined and are not easily separated. *(lines 18-20, 25-33)*

It seems reasonable to make sure those parcels already declared surplus fit the surplus criteria before they are sold. Therefore, I suggest and request that no parcels be sold until this process is complete. *(lines 40-68)*

I think, considering the time and expense some citizens have invested in this process, that at the next board meeting a list of these comments that were submitted, (along with

who submitted them) be read into the record along with the reasoning behind the decisions not to include them. Since valuable, irreplaceable public lands are at stake, the public deserves to know the process and reasoning that is going into this directive.

It is very important to assure that **all** of the following criteria are adequately applied, measured, evaluated, and documented. The disposal of public lands is probably irreversible; therefore, any parcel considered for declaration as surplus deserves serious and detailed evaluation that is clearly documented. *(lines 21-41)*

Part of the documentation for the parcel should include the date of purchase and the source of funds used for purchase. *(lines 43-44)*

The Florida Natural Areas Inventory (FNAI) should be requested to provide a report for each parcel as a means to determining significant ecological value, using the Florida Forever Measures. (Descriptions of these measures can be seen at http://www.fnai.org/PDF/Data_Layers_Synopsis_May2010.pdf). FNAI maintains an extensive database for all of Florida and produces reports using a standard statewide set of criteria. FNAI develops the standard measures for lands acquired with Florida Forever funds. It also provides standard reports for Florida Community Trust lands. FNAI can produce customized reports for each parcel being considered for surplus by the District, and thereby reduce the time required for District staff to determine the ecological significance of a parcel. Such a report can describe the natural community and land cover type acres, makes an assessment of documented and potential rare species habitat, and considers the land within a broader regional or landscape-scale context. The report can be prepared for a very reasonable cost. *(lines 32-33, 40-41)*

Delete "however, the parcel's water resource values will be dominant (or primary) in the evaluation." Most, if not all of the criteria listed in paragraph 4 are either water resources or they are necessary to the protection of water resource values; therefore, that language is not necessary and may lead to confusion. *(lines 71-72)*

A copy of the notice of intent will also be provided to the Florida DEP, Division of State Lands, and any other public land management agency that may be interested. *(lines 40-41)*

MEMORANDUM

TO: Governing Board

FROM: Steven Minnis

DATE: February 10, 2011

SUBJECT: Program Directive 2011-02

RECOMMENDATION

Staff recommends adoption of Program Directive 2011-02 providing guidelines and procedures for effectively notifying affected local governmental entities of proposed acquisitions of land and related activities in accordance with Section 373.139(3) F.S.

BACKGROUND

The attached program directive was created to provide guidelines and procedures for effectively notifying affected local governmental entities of proposed acquisitions of land and related activities. This would allow opportunity for the local governments to comment on proposed acquisition activities prior to District expenditure of staff time and moneys.

Opportunity to comment on this draft language was provided to the counties and cities in our District.

gal
enclosure

Department of Land Acquisition and Management
Program Directive 2011-02

Purpose:

1. To provide guidelines and procedures for effectively notifying affected County Commissioners of proposed acquisitions of land and related activities in accordance with Section 373.139(3) F.S.
2. To actively seek input from potentially affected units of local government early in the planning process of a proposed acquisition or related activity prior to the expenditure of public funds on pre acquisition activities including, appraisals, title work and survey work.

For the purpose of this directive, land acquisition activities will include:

1. Staff recommendations that the Governing Board authorize a detailed assessment on a tract of land.
2. Staff recommendations that the Governing Board acquire a fee or conservation easement interest on a tract of land
3. Staff recommendations that the Governing Board declare a tract of land as surplus and no longer needed for conservation purposes.
4. Staff recommendations that the Governing Board convey a tract of surplus land to a public or private entity.
5. Staff recommendations that the Governing Board approve or amend the District's Land Acquisition Plan.

Guidelines and Procedures:

Upon formulation of a Governing Board memorandum addressing a contemplated land acquisition activity as described above, this memo will be provided to the Chairman of the County Commission, Clerk of the Court of the County, and appropriate County staff, in which the subject property is located and/or the Mayor, City Clerk, and appropriate City staff in which the subject property is located.

A transmittal letter to the Clerk will accompany the memo and specify a timeframe in which feedback is needed from the County and/or City Commission

regarding the contemplated activity. This feedback on any contemplated detailed assessment is critically important to assure the Governing Board is made aware of any concerns a unit of local government may have prior to the expenditure of public funds on pre acquisition activities including appraisals, title work and survey work.

Feedback received in a timely fashion from the County Commission or City Commission will be presented by staff to the Governing Board in order that it be given due consideration.

MEMORANDUM

TO: Governing Board

FROM: Terry Demott, Sr. Land Resource Coordinator

DATE: February 7, 2011

SUBJECT: Activity Report, Land Acquisition

The attached report summarizes the status of current projects and describes significant activities of staff for the preceding month. Staff will be prepared to address any tracts of particular interest the Board may wish to discuss at the March 8, 2011 Governing Board meeting.

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PROJECTS UNDER CONTRACT	STATUS
Sante Fe River Hammock LLC/ Santa Fe River Hammock CE Bradford County 167 acres ±	The District purchased the 167-acre conservation easement on January 31, 2011. This conservation easement perpetually protects 2.01 miles of Santa Fe River frontage and its floodplain.
Shaw, Robert Santa Fe Swamp Addition Alachua and Bradford Counties 60 acres ±	On September 14, 2010 the Governing Board approved a detailed assessment of 60 acres on both sides of the Santa Fe River. Closing on this property took place on January 31, 2011.
APPROVED PROJECTS	STATUS
Andrews Family Cedar Key #4 West & Lukens Reserve Levy County 897 acres ±	On October 12, 2010 the Governing Board approved a detailed assessment for conservation easement and fee simple appraisal on these properties. Terms of the conservation easement have been settled, a title search has been requested and appraisals are due for review by February 21, 2011.
Cooley Family/Cooley CE Jefferson County 120 acres ±	Detailed assessment for this property was approved on July 13, 2010. Preliminary title search has been received, and a draft easement document has been reviewed. Appraisals have been received and are currently under review.
Floyd Family/Floyd CE Jefferson County 570 acres ±	Detailed assessment for this property was approved on July 13, 2010. Preliminary title search has been requested, and the draft easement document has been reviewed. Appraisals have been received and are under review.
Guerry, Bryan and Candace Surplus Property Exchange Columbia County 127 acres ±	Staff is preparing a timber thinning on the District's proposed exchange property. After the timber is harvested, the District intends to propose an equivalent exchange with Mr. and Mrs. Guerry.
Hartzog, Grady and Honor/Stuart's Landing Conservation Easement Suwannee County 82 acres ±	On November 14, 2010 the Governing Board approved a detailed assessment of this parcel. A title search is complete and terms for a conservation easement have been agreed to with the landowner. Legal counsel is drafting the easement document.
Layman Law Firm/Walker Spring CE Jefferson County 172 acres ±	First drafts of the conservation easement appraisals arrived January 24 and final reports are due by February 22, 2011.

Nyman, George and Sharon Suwannee River Oaks CE Gilchrist County 312 acres ±	Terms of a conservation easement have been agreed to with the landowners, and the final conservation easement document has been finalized by legal counsel. A timber inventory is complete, and field appraisals took place on February 1, 2011.
Rock Bluff Springs Co. LLC/Rock Bluff Spring Gilchrist County 176 acres ±	On November 14, 2010 the Governing Board approved detailed assessment of this parcel. Staff confirmed the owner's price expectations, and title review is nearing completion prior to ordering appraisals.
Santa Fe Springs LLC/Sawdust Spring Columbia County 234 acres ±	On August 10, 2010 the Governing Board approved a detailed assessment of this Santa Fe River parcel. Title search and timber cruise and valuation are complete. Land valuation appraisals are set for February 15, 2011 completion.

SURPLUS LANDS	STATUS
	Final appraisals and timber valuations of Group I Land Sales are complete, and all Group I parcels have been listed for sale with Poole Realty of Live Oak. Appraisals and timber valuations for Group II parcels are complete, and the parcels are listed for sale with the Daniel Crapps Agency of Lake City. Appraisals of Group III Land Sales are complete, and the parcels are listed with Daniel Crapps Agency, Poole Realty and Don King Realty. The request for a zoning change on the Westwood West Tract has been approved.

SURPLUS LANDS

Group #	Tract Name	Acres	County	Acquired Date	Funding Source	Appraisal Date	Listing Date	Listing Price
1	Bay Creek South	46	Columbia	04/1990	WMLTF	6/14/2010	7/12/2010	Fee \$123,750
1	Owens Spring	77	Lafayette	03/1999	P2000	6/14/2010	7/12/2010	Fee \$277,200
1	Westwood West	320	Madison	12/1988	WMLTF	6/14/2010	7/12/2010	Fee entire tract \$751,300 80-acre parcels \$194,425
1	Blue Sink	79	Suwannee	12/1988	WMLTF	6/14/2010	7/12/2010	Fee entire parcel \$281,600 40-acre parcels \$154,000
2	Jennings Bluff	70	Hamilton	02/1989	WMLTF	7/30/2010	8/16/2010	Fee entire tract \$215,600
2	Adams South	60	Lafayette	05/1990	WMLTF	7/30/2010	8/16/2010	Fee entire tract \$191,400
3	Hunter Creek	120	Hamilton	09/2002	P2000		11/18/2010	Fee (3 parcels) \$343,200 Conservation Easement (3 parcels) \$243,100
3	Santa Fe Oasis	110	Gilchrist	06/1995	P2000	8/27/2010		Removed from Surplus action
3	Steinhatchee Rise	42	Dixie	02/1996	P2000	8/27/2010	11/18/2010	Fee entire tract \$126,940 Conservation easement \$97,020

Group #	Tract Name	Acres	County	Acquired Date	Funding Source	Appraisal Date	Listing Date	Listing Price
3	Timber River	1	Madison	03/1998	WMLTF	8/27/2010	11/18/2010	Fee entire tract \$10,780
3	Falmouth North (8 lots)	6	Suwannee	04/1998	WMLTF	8/27/2010	11/18/2010	Fee entire tract (8 lots \$52,030)

MEMORANDUM

TO: Governing Board
FROM: Bob Heeke, Senior Land Resources Manager
DATE: February 7, 2011
SUBJECT: Land Management Activity Report

ADMINISTRATION

Staff is currently working on another sale of property in the Sandlin Bay area of Columbia County. Funds for this sale will come from the PCS mitigation account and conveyance will be to the U. S. Forest Service. In addition, discussions have begun with the Forest Service to exchange properties that could completely divest the District of property in Sandlin Bay.

Monitoring of conservation easements took place on the five properties shown below. No deviations from the original terms of the easement documents were found.

- Tisdale/Manatee Springs Addition CE Levy County
- Champion/Mt. Gilead Addition CE Madison County
- Loncala/Monteocha Creek CE Alachua County
- Feagle/Bonnet Lake CE Columbia County
- Harrell/Warner-Harrell CE Suwannee County

Payment in lieu of taxes (PILT) applications for the 2010 calendar year have been received from ten counties.

FACILITY MANAGEMENT

District Staff and contractors have finished trimming and repairing roads on the Goose Pasture Tract.

PUBLIC RECREATION SERVICES

The annual planning meeting for Falling Creek Falls Tract in Columbia County was held with Columbia County representatives. Columbia County's plans for next fiscal year include regular maintenance and implementation of a park host position. The park host would be allowed to set up an RV at the former home site and would provide maintenance and security services in exchange for rent.

The following table shows special use authorizations issued during the last month:

Recreation	Temporary Ingress/Egress	Mallory Swamp ATV Trail ¹	RO Ranch	Goose Pasture Camping ¹	Total
24	3		10		

¹The Mallory Swamp ATV trail and the camp area at Goose Pasture are closed during general gun season.

NATURAL RESOURCE MANAGEMENT

Contractors completed the District's fiscal year 2011 reforestation efforts on a total of approximately 1,248 acres. The summary of the District's fiscal year 2011 reforestation of pine seedlings is as follows:

TRACT	ACRES	SPECIES
47 Bridge	67.9	Longleaf Pine
Cabbage Creek	260.0	Longleaf Pine
Jennings Bluff	22.7	Longleaf Pine
Mallory Swamp	64.7	Longleaf Pine
Mattair Springs	83.9	Longleaf Pine
Seven Bridges	117.5	Longleaf Pine
Steinhatchee Rise	26.3	Longleaf Pine
TOTAL LONGLEAF PINE	643.0	Longleaf Pine
Lake City Well Field	200	Slash Pine
Mallory Swamp	405.1	Slash Pine
TOTAL SLASH PINE	605.1	Slash Pine
GRAND TOTAL	1,248.1	

Timber Sale Report

The Steinhatchee Springs #2 timber sale began September 29, 2009 and was completed December 20, 2010. The timber was harvested by Suwannee Lumber Co. under Contract 08/09-193. This was a thinning operation on 255.14 acres. The Forestry Company's estimate of revenue was \$204,026.00. Actual revenue received was \$219,655.19, or 107.66% of estimated revenue.

The Steinhatchee Springs #5 timber sale began October 15, 2010 and was completed December 21, 2010. The timber was harvested by Harley Forest

Products under Contract 09/10-070. This was a thinning operation on 155.4 acres. The Forestry Company's estimate of revenue was \$187,952.77; actual revenue received was \$194,816.44, or 103.65% of the estimate.

Current timber harvest activities are shown below:

Contract #	Fiscal Year	Timber Sale Name	Consultant	Sale Date	Estimated Tons	Harvest Completion
09/10-137	2010	Steinhatchee #6	TFC	8/20/2010	13,919	10%
09/10-129	2010	Steinhatchee #7	TFC	7/23/2010	12,007	75%
09/10-085	2010	Westwoods #2	DOF/TRSF	6/7/2010	24,479	60%
09/10-070	2010	Steinhatchee #5	TFC	4/23/2010	13,728	Complete
09/10-022	2010	Steinhatchee #3	TFC	11/30/2009	21,603	82%
08/09-193	2009	Steinhatchee #2	TFC	9/29/2009	16,174	Complete
10/11-038	2011	Owens Springs #1	NRPS	12/16/2010	11,230	50%

Prescribed Fire Activity

Summary Table FY 2011

	2011 Target Acres	Acres Complete
SRWMD	8,500	6,484
DOF TRSF	2,000	502
TOTAL	10,500	6,986

Contractors conducting prescribed burns on Suwannee River Water Management District (District) lands this year include B&B Dugger (B&BD), Natural Resources Planning Service (NRPS), The Forestry Company (TFC) and Wildland Fire Services (WFS). Also included are the acres the Florida Division of Forestry burns on Twin Rivers State Forest (DOF TRSF). The Florida Division of Forestry (DOF COOP) will also provide a crew to burn additional acres on both District tracts and Twin Rivers State Forest.

In the early part of January conditions remained dry, and Burn Managers conducted most of their work on sites with sandy soils and low fuel levels. Later in the month precipitation increased and Burn Managers were able to move into floodplain areas and start burning sites containing both organic (duff) soils and higher fuel levels. No wildfires occurred on District land in the month of January.

Prescribed Burn Activity Table (January 2011)

TRACT	COUNTY	WFS	NRPS	TFC	B&BD	DOF COOP	DOF TRSF	Total Acres	Total Wildfire Acres
Chiefland Well Field	Levy		40					40	
Cabbage Creek	Taylor	21						21	
Natural Well Branch	Taylor	683						683	
Bay Creek	Columbia	134						134	
Little Creek	Columbia	174						174	
Mill Creek South	Madison						238	238	
Ellaville	Madison						252	252	
Pot Springs	Hamilton						12	12	
<i>Sub-total for Period</i>		1,012	40	0	0	0	502	1,554	0
<i>Previous Acres Burned</i>		1,126	219	2,381	1,706	0	0	5,432	12
Total Acres		2,138	259	2,381	1,706	0	502	6,986	12

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MEMORANDUM

TO: Governing Board
FROM: Brian Kauffman, Facilities Director
DATE: January 9, 2011
RE: R. O. Ranch Equestrian Park Monthly Activity Report

The R. O. Ranch Board of Directors held their monthly meeting at the visitor center on February 3, 2011. Four members of the public attended. Brian Lambert was presented a plaque from the R. O. Board of Directors for his volunteer efforts in organizing the Pioneer Day activities.

McInnis Construction has completed construction on the bath house. The certificate of occupancy should be issued as soon as the septic system is finished. The lift station and force main are complete, and contractors are scheduled to start the drain field this week. Plumbing contractors have installed water to the bath house and the first camping loop. Crews are starting the second loop.

Contractors are about to finish the picnic sites and horse stall areas. One regular site and one handicap site remain to be completed.

The District's inmate crew finished installing the tie posts and fire rings at each campsite. They also helped with the landscaping at District headquarters this month.

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