

**AGENDA**  
**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**  
**APRIL 4, 2006**

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**Item 1        Minutes**

Submittal of the Minutes from the January 31, 2006 and February 14, 2006 Cabinet Meetings.

(See Attachment 1, Pages 1-45)

**RECOMMEND APPROVAL**

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**Item 2        Department of Health/Health Care District of Palm Beach County Sublease Agreement**

**DEFERRED FROM THE JANUARY 31, 2006 AGENDA**

**REQUEST:** Consideration of a sublease agreement between the Department of Health and the Health Care District of Palm Beach County for an approximately 0.45-acre parcel of state-owned land for public health care purposes.

**COUNTY:** Palm Beach

**APPLICANTS:** Department of Health (DOH) and Health Care District of Palm Beach County (District)

**LOCATION:** Section 21, Township 43 South, Range 43 East

**STAFF REMARKS:** The Department of Management Services (DMS) currently leases 3.44 acres, more or less, of state-owned land under Board of Trustees' Lease No. 3537 as the site of its Dimick Building. DMS' anchor tenant in the building is the Department of Children and Families, which uses the building for a variety of programs including its district headquarters. Adjacent to the DMS lease area, DOH leases a 3.53-acre, more or less, parcel of state-owned land under Board of Trustees' Lease No. 4478. DOH's future plans call for the construction of a new 91,000-square-foot county health department facility. DOH has submitted a request to sublease approximately 0.45-acre of its lease area to the District. Initially the sublease area will be used for parking, but the District's future plans call for the construction of up to 90,000 square feet of headquarters facility for its various programs and support areas. The sublease would run concurrently with DOH's lease, which expires on November 22, 2054.

The authority to approve the sublease has been delegated to the Department of Environmental Protection (DEP); however, when the subject of a delegation involves a controversial matter or an issue of significant public interest, the matter shall be brought before the Board of Trustees for a decision. Public interest centers around a proposal to incorporate DOH's lease area, including the proposed District sublease area, and 0.27 acre of DMS' lease area into a 36-acre transit-oriented public/private redevelopment project.

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**Item 2 cont.**

TOD Advisors, LLC (TOD) has submitted a proposal in which the Board of Trustees would convey 3.80 acres to the South Florida Regional Transportation Authority (SFRTA). The 3.80 acres consists of the 3.53-acre DOH lease area and an additional 0.27-acre of the adjacent DMS lease area. DMS will retain the remaining 3.17 acres of its lease area. In exchange, DOH will be provided with a replacement site directly across the street from its current location on a wedge-shaped parcel planned to become a Health, Emergency Services and Educational Campus (Campus). The proposed 91,000-square-foot county health department will be built on the replacement site, as will the future District administration building. DOH will be provided with 192 unreserved parking spaces at no cost, to be located in a structured parking facility that TOD has committed to finance and construct. In addition, DOH will be provided space on the Campus to construct up to 50,000 square feet for expansion for a building potentially to be shared with the District. SFRTA proposes to enter into a purchase and sale agreement with TOD for the state land, as well as adjacent county-owned land, which will be subject to an auction to allow opportunity for a third party to outbid TOD and to match the terms associated with the planned development, including providing workforce housing in accordance with policies implemented by Palm Beach County and the City of West Palm Beach.

DEP, DMS, DOH and the Department of Community Affairs (DCA) have all expressed support for a redevelopment project, but only if the County, City or SFRTA will commit, in writing, to insure that funding for the DOH facility will be guaranteed. DOH has existing funding available for the new health facility that will be lost if the sublease is not executed by February 1, 2006. The agencies also required a commitment to provide, among other things, for expansion of both the DMS and DOH facilities, and a value-for-value exchange for the state-owned land. Although some of the conditions have been addressed there are still critical issues that need to be resolved including the following:

- As consideration for the state-owned land, TOD proposes to provide DOH with a replacement site for the DOH facility and future expansion. It is unclear whether the Board of Trustees would own the replacement sites. Earlier proposals called for a 20-year lease from SFRTA to the Board of Trustees until bonds used for acquisition could be repaid, at which time title would be conveyed to the Board of Trustees. A later revised plan called for the Board of Trustees to obtain title immediately. The current proposal is unclear. An exchange of fee title for leasehold interest is not beneficial to the Board of Trustees; and
- TOD proposes to reimburse the District and County for the \$17.1 million of funding for the DOH facility. This cost is included as consideration to be provided to the Board of Trustees in exchange for title to the state-owned land; however, such reimbursement benefits the District and County, not the Board of Trustees.

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**Item 2 cont.**

The exchange as proposed does not appear to be value-for-value, and it's unclear who will hold title to the DOH replacement sites. The resulting separation of the state facilities precludes any future sharing of office space and parking by DMS and DOH. Both DMS and DOH currently have room for their facilities and any future expansion, and existing funding for the proposed DOH building is available at no cost to the state. There is no written commitment to insure that replacement funding will be provided if that existing funding is lost. DEP staff recommends that the Board of Trustees move forward with approval of the sublease agreement, which will be executed as provided under existing delegation of authority. Execution of the sublease does not preclude the state from participating in any redevelopment projects. DEP and its managing agencies will continue to work together on the proposed economic development project when more specific information can be provided regarding the project and when such efforts adequately incorporate the state's existing uses and provide for compensation for any use of state land.

A local government comprehensive plan has been adopted for this area pursuant to section 163.3167, F.S. DCA determined that the plan was in compliance. The City of West Palm Beach has indicated there is a problem with the need for a waiver regarding parking. DOH believes that the issue is not a long term one because structured parking is intended in the future and the issue can be resolved.

**RECOMMEND WITHDRAWAL**

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**Item 3      Hawkins Option Agreement/West Jacksonville Greenway Project**

**REQUEST:** Consideration of an option agreement to acquire 17.7 acres within the West Jacksonville Greenway project from Howard L. Hawkins.

**COUNTY:** Duval

**LOCATION:** Section 20, Township 02 South, Range 24 East

**CONSIDERATION:** \$324,700

<u>PARCEL</u>	<u>ACRES</u>	<u>APPRAISED BY</u> Lampe (09/20/05)	<u>APPROVED</u> <u>VALUE</u>	<u>SELLER'S</u> <u>PURCHASE</u> <u>PRICE</u>	<u>TRUSTEES'</u> <u>PURCHASE</u> <u>PRICE</u>	<u>OPTION</u> <u>DATE</u>
Hawkins	17.7	\$324,700	\$324,700	\$100,000*	\$324,700** (100%)	120 days after BOT Approval

\* Seller purchased the property in 3/22/90  
\*\* \$18,345 per acre (Overall, Including Improvements)

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**Item 3 cont.**

Noted Features of Subject Property:

Total value is allocated as \$258,500 for the land and \$66,200 for the improvements.  
Improvements include two very small primitive cabins and one 2,032-square-foot lodge type building.  
The property could potentially be developed with a density of 1 unit per 2.5 acres with a land use designation of Agricultural.  
The west 125 feet of the site is encumbered by a DOT drainage easement containing 4.41 gross acres.  
The west 2.8 acres within this drainage easement are jurisdictional wetlands.  
On the other hand, an FPL utility easement is within the east side, upland portion of the drainage easement.  
Additionally, the access driveway and a good amount of additional gravel fill, that provides good parking at the extreme northwest portion of the site, are also within upland portions of the encumbered areas.  
The appraisal report indicates that upland values are typically \$22,000 per acre in this area. Accordingly, the concluded value at \$18,345 per acre, overall and including the improvements, reflects a reasonable accounting for these encumbrances, given their mixed utility.

**STAFF REMARKS:** The West Jacksonville Greenway project has been identified on the Department of Environmental Protection's (DEP) Office of Greenways and Trails' (OGT) Florida Forever approved acquisition list. DEP's Division of State Lands, on behalf of OGT, negotiated this acquisition under the Florida Forever Greenways and Trails program. The project contains 444 acres, of which 94.89 acres have been acquired. After the Board of Trustees approves this agreement, 331.41 acres, or 75 percent of the project, will remain to be acquired.

This property is being acquired using federal acquisition procedures in accordance with the Federal Intermodal Surface Transportation Efficiency Act and the Code of Federal Regulations Title 49. On June 22, 1999, the Board of Trustees approved a recommendation to substitute the land acquisition procedures of the Federal Highway Administration for the State of Florida's procedures outlined in section 259.041, F.S., for the projects that qualify for federal enhancement funding, as administered by the Florida Department of Transportation. Under the federal guidelines, DEP is required to disclose the full appraised value of the parcel at the beginning of negotiations.

All mortgages and liens will be satisfied at the time of closing. There are two small primitive guest cabins, an oval concrete bicycle track, and one 2,032-square-foot lodge type building on the property. There is also a drainage easement containing 4.41 acres encumbered by the Department of Transportation and a utility easement in favor of Florida Power and Light on the property also. The improvements were considered by the appraisers in their final reconciliation of value. On June 22, 1999, the Board of Trustees approved a staff recommendation to delegate to DEP the authority to review and evaluate marketability issues as they arise on all chapter 259, F.S., acquisitions and to resolve them appropriately. Therefore, DEP staff will review, evaluate and implement an appropriate resolution for these and any other title issues that may arise prior to closing.

In January 2004, DEP acquired a 28-acre parcel previously owned by Mr. Hawkins. While Mr. Hawkins was willing to sell a portion of his property at that time, he requested to retain the homestead portion of his property, which is the 17.7 acres before you today. Due to unforeseen circumstances, Mr. Hawkins is now ready to sell his homestead property and has

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**Item 3 cont.**

requested to stay if necessary, two to three months after closing. The managing agencies have agreed and the contract contains a leasehold interest for Mr. Hawkins to remain on the property for up to 12 months after closing.

A title insurance policy, a survey, an environmental site evaluation and, if necessary, an environmental site assessment will be provided by the purchaser prior to closing.

This project is adjacent to and contiguous with the publicly-owned West Jacksonville Greenway Connector (a/k/a Brandy Branch Trail Head). It will connect to the Jacksonville to Baldwin Rail Trail via Jacksonville Electric Authority lands, which are publicly owned, therefore providing a critical link in the larger greenway system. Trailhead development on this parcel will allow for trail access north of US90/Beaver Street as access is provided immediately south of US90/Beaver Street via Pope Duval Park. The ultimate goal is to have a continuous greenway system from Jennings State Forest to Cary State Forest. In addition, this project could ultimately connect to the proposed Camp Blanding to Osceola National Forest Ecological Greenway to the west and further north to the Osceola National Forest and to the south to Camp Blanding Military Reservation. This project will create a more manageable boundary configuration and enhance public access when added to adjacent publicly-owned lands, thus reducing the amount of development that could occur, as this parcel has frontage on US 90/Beaver Street.

This parcel will allow for trailhead development in a disturbed area, allowing the contiguous parcels to be used for trail systems. Currently the site is marginally improved with several rustic buildings that are unique in construction style and use. The existing buildings would be renovated to provide for meeting space for groups such as the Boy and Girl Scouts, 4-H Clubs, bike clubs, etc. The idea of group camping facilities would be entertained to take advantage of the primitive guest quarters. In addition an oval, concrete paved, bicycle track with approximately 975 linear feet of concrete surface area is located on the property. Recreational opportunities included for this acquisition is biking, hiking, equestrian trails and birding. It will serve as a trailhead for restroom facilities and a parking area.

The project contains environmentally sensitive lands including Bottomland Forest, Stand Swamp, Hydric Hammock, Wet Flatwoods and Basin Swamps that will be protected. Brandy Branch courses through much of the project. Acquisition of this parcel will enhance surface and groundwater quality by protecting the pristine portion of Brandy Branch, adjacent wetlands and other portions of the watershed. Hydrology of the site will be investigated in more detail and placement of trails will be planned to avoid environmental impacts and to avoid environmentally sensitive lands.

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**Item 3 cont.**

**OGT's Application Process**

Applicants apply for OGT's 1.5 percent (\$4.5 million) annual allocation of Florida Forever funding through an application process. The applicants must meet criteria specified by chapter 260, F.S., and detailed by rule in chapter 62S-1, F.A.C. Applications are initially reviewed by OGT staff and biologists and then forwarded to the Florida Greenways and Trails Council for review and approval. The council consists of 21 members as outlined in chapter 260, F.S. At a public meeting, the council evaluates the projects before recommending a final acquisition list. The list is then forwarded to the Secretary of DEP for final approval.

In order to be eligible, applicants must apply for and receive a Certificate of Eligibility. A Certificate of Eligibility is approved by staff if the proposed project meets the definition of a greenway or trail, as defined in chapter 260, F.S.; the planned project corridor is located with or adjacent to at least one opportunity segment on one or more of the Recreational Prioritization Maps; at least 80 percent of the planned project corridor has a landowner willing to negotiate and; the project has a willing manager. Once the Certificate of Eligibility is approved, the application may then be submitted during an open cycle period. Proposed projects are then evaluated based on the following criteria: the rank (high, medium, or low) assigned to the project based on the Recreational Prioritization Maps; the percentage of any matching funds available or committed to the project; the percentage of acreage that is proposed for less-than-fee acquisition; the ecological values; the recreational attributes; and the historical and cultural resources. Projects are then grouped into an A or B category and recommendations are made to the Florida Greenways and Trails Council for approval at a public meeting and then forwarded to the Secretary of DEP for final approval.

**Florida's Statewide Greenways & Trails System**

The major components of the Florida Statewide Greenways and Trails Program were established through a legislatively adopted plan. This plan was developed through the work and consensus of a broad range of groups and stakeholders such as recreational users, conservation groups and private landowners. The foundation for its development consisted of various legislative actions and efforts that occurred throughout the more than 20 years prior to its adoption in 1999. OGT is charged with overseeing the establishment of the statewide system of greenways and trails, in coordination with the Florida Greenways and Trails Council.

One important component of the Florida Greenways and Trails Program is the identification of ecological and recreational connections (opportunity areas) throughout the state. These areas have been identified, mapped and prioritized and are the basis for developing and evaluating acquisition projects.

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**Item 3 cont.**

OGT will be the interim manager of the property with the City of Jacksonville as the long-term manager.

This acquisition is consistent with section 187.201(9), F.S., the Natural Systems and Recreational Lands section of the State Comprehensive Plan.

(See Attachment 3, Pages 1-31)

**RECOMMEND APPROVAL**

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**Substitute Item 4    **Smith    Option    Agreement/Managing    Agency    Designation/  
Management Policy Statement Confirmation/Lake Santa Fe Florida  
Forever Project****

**REQUEST:** Consideration of (1) an option agreement to acquire 27.2 acres within the Lake Santa Fe Florida Forever project from Daniel L. Smith; (2) designation of the Florida Fish and Wildlife Conservation Commission and the Florida Department of Agriculture and Consumer Services, Division of Forestry, as the managing agencies; and (3) confirmation of the management policy statement.

**COUNTY:** Bradford

**LOCATION:** Sections 01 and 12, Township 09 South, Range 22 East

**CONSIDERATION:** \$700,000

<u>PARCEL</u>	<u>ACRES</u>	<u>APPRAISED BY</u>		<u>APPROVED</u> <u>VALUE</u>	<u>SELLER'S</u>	<u>TRUSTEES'</u>	<u>OPTION</u> <u>DATE</u>
		<u>String</u> <u>(06/27/05)</u>	<u>Candler</u> <u>(01/18/06)</u>		<u>PURCHASE</u> <u>PRICE</u>	<u>PURCHASE</u> <u>PRICE</u>	
Smith	27.2	\$1,150,000	\$1,056,000	\$1,150,000	\$144,400 *	\$700,000** (61%)	120 days after BOT approval

\*Seller purchased the property from an estate on 6/6/03 with a partner for \$130,000 and on 6/29/05 Seller bought out partner for \$14,400.

\*\* \$25,735 per acre

**Noted Features of Subject Property:**

- The property contains 27.2 acres above the 141 foot contour of Lake Santa Fe.
- The 27.2 acres of non-sovereign acreage consists of 15.0 acres of uplands and 12.2 acres of jurisdictional wetlands.
- This is a heavily wooded parcel with a mix of pine, oak, sweetgum, hickory, and cypress trees.
- The westerly side of the property has approximately 2,203 feet of frontage on marsh land bordering Lake Santa Fe.
- It has extensive paved road frontage on S.R. 21 along its east boundary, and S.E. 5<sup>th</sup> Avenue on the south boundary of the parcel.
- The north boundary of the parcel accesses a canal which provides open water access to Lake Santa Fe.
- The highest and best use of the property is for residential development.
- There is strong demand for residential lots fronting on or accessible to Lake Santa Fe and Little Lake Sante Fe, both in Bradford and Alachua Counties.

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**Substitute Item 4 cont.**

**STAFF REMARKS:** The Lake Santa Fe is an "A" group project on the Florida Forever Full Fee Project List approved by the Board of Trustees on February 14, 2006. The project contains 10,735 acres, of which these are the first to be acquired. After the Board of Trustees approves this agreement, 10,707.8 acres or 99 percent of the project will remain to be acquired.

The property contains 27.2 non-sovereign acres that are above the 141-foot contour of Lake Santa Fe. The deed will also include approximately 72.3 acres of sovereignty submerged lands, to clarify that the Board of Trustees holds title to the sovereignty submerged lands below the 141-foot contour. The appraisal is based on 27.2 non-sovereign acres.

All mortgages and liens will be satisfied at the time of closing. There is a perpetual easement, over the property, granted in favor of Clay Electric Cooperative for the purposes of allowing one overhead stub guy pole, guy wire, and anchor. This easement was considered in the final approved value. On June 22, 1999, the Board of Trustees approved a staff recommendation to delegate to the Department of Environmental Protection (DEP) the authority to review and evaluate marketability issues as they arise on all chapter 259, F.S., acquisitions and to resolve them appropriately. Therefore, DEP staff will review, evaluate and implement an appropriate resolution for this and any other title issues that may arise prior to closing.

A title insurance policy, a survey, an environmental site evaluation and, if necessary, an environmental site assessment will be provided by the purchaser prior to closing.

This project will protect the only remaining shoreline of Lake Santa Fe that supports wading bird nesting and resting, natural shoreline fauna and historic cypress fringe. It includes significant swamps with attendant habitat qualities and mostly undisturbed wetlands. The areas of uplands away from the lake are mostly pine plantation.

The contributions of the lands within this project to the health and function of the Santa Fe Swamp will help to insure adequate surface water resources and water quality. Further dewatering that could be expected if these tracts are developed would adversely affect the character and quality of the swamp systems. Conversion of the upland areas to development could also reduce available water supply.

Pursuant to section 259.032(9)(e), F.S., staff recommends that the Board of Trustees designate the Florida Fish and Wildlife Conservation Commission and the Florida Department of Agriculture and Consumer Services, Division of Forestry, as the managing agencies for this site under a Unified Management Agreement.

Section 259.032(9)(e), F.S., requires that the Board of Trustees, concurrent with its approval of the initial acquisition agreement within a project, "evaluate and amend, as appropriate, the management policy statement for the project as provided by section 259.035, F.S., consistent with the purposes for which the lands are acquired." The management policy statement for



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**Substitute Item 4 cont.**

this project was included in the 2006 Florida Forever Annual Report adopted by the Board of Trustees on February 14, 2006. Staff recommends that the Board of Trustees confirm the management policy statement as follows:

To protect Florida’s surface water quality; wetland and aquatic habitat for species associated with freshwater swamps and lakes; to preserve nesting and resting habitat for upland and aquatic species; to provide natural resource-based outdoor recreation opportunities for the people of Florida, including, but not limited to, fishing, boating, hiking, camping, and nature appreciation; to help buffer and protect existing conservation lands at the Santa Fe Swamp Conservation Area; and to protect Florida’s biodiversity at the species, natural community, and landscape levels.

This acquisition is consistent with section 187.201(9), F.S., the Natural Systems and Recreational Lands section of the State Comprehensive Plan.

(See Attachment 4, Pages 1-31)

**RECOMMEND APPROVAL**

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**2<sup>nd</sup> Substitute Item 5    Rowland Foundation, Inc., Option Agreement/Managing Agency Designation/Management Policy Statement Confirmation/Okeechobee Battlefield Florida Forever Project**

**REQUEST:** Consideration of (1) an option agreement to acquire 145.53 acres within the Okeechobee Battlefield Florida Forever project from the Rowland Foundation, Inc.; (2) designation of the Department of Environmental Protection, Division of Recreation and Parks, as the managing agency; and (3) confirmation of the management policy statement.

**COUNTY:** Okeechobee

**LOCATION:** Sections 25 and 36, Township 37 South, Range 35 East

**CONSIDERATION:** \$3,217,250

<u>PARCEL</u>	<u>ACRES</u>	<u>APPRAISED BY</u>		<u>APPROVED VALUE</u>	<u>SELLER'S PURCHASE PRICE</u>	<u>TRUSTEES' PURCHASE PRICE</u>	<u>OPTION DATE</u>
		<u>Marr (06/01/05)</u>	<u>Catlett (07/07/05)</u>				
Rowland Foundation, Inc.	145.53	\$3,640,000	\$3,785,000	\$3,785,000	*	\$3,217,250** (85%)	120 days after BOT approval

\*Seller purchased the property in November, 1989

\*\* \$22,100 per acre

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**2<sup>nd</sup> Substitute Item 5 cont.**

Noted Features of Subject Property:

145.53 acres, 100% upland

Physical access is from U.S. 441, S.E. 38<sup>th</sup> Ave. and S.E. 32<sup>nd</sup> Lane, all of which are paved and publicly maintained.

Zoning: RSF - Single Family Residential; C - Commercial; and A - Agricultural

Land Use Designation: URMA - Urban Residential Mixed Use

Improvements: There is a vacant single family residence, detached garage, and a 2,000-square-foot barn on the property.

Present Use: The entire site is fenced and cross fenced and is used for pasture.

Highest and Best Use: Remove existing improvements and redevelop as a residential subdivision.

Oil, gas, and minerals are considered to be in tact but this is actually unknown.

**STAFF REMARKS:** The Okeechobee Battlefield is an “A” group project on the Florida Forever Full Fee Project List approved by the Board of Trustees on February 14, 2006. The project contains 211 acres, of which these are the first to be acquired. After the Board of Trustees approves this agreement, 65.47 acres or 31 percent of the project will remain to be acquired.

All mortgages and liens will be satisfied at the time of closing. There is a vacant single-family residence, detached garage and a 2,000-square-foot barn on the property. The improvements were considered by the appraisers in their final reconciliation of value. On June 22, 1999, the Board of Trustees approved a staff recommendation to delegate to the Department of Environmental Protection (DEP) the authority to review and evaluate marketability issues as they arise on all chapter 259, F.S., acquisitions and to resolve them appropriately. Therefore, DEP staff will review, evaluate and implement an appropriate resolution for these and any other title issues that may arise prior to closing.

A title insurance policy, a survey, an environmental site evaluation and, if necessary, an environmental site assessment will be provided by the purchaser prior to closing.

For the last few years the Battle of Lake Okeechobee site has been on the National Trust for Historic Preservation’s top list of endangered historical sites in the U. S. It represents the most important battle sites for the Second Seminole War in Florida, the nation’s most costly in men lost and money expended of all the wars with its native population. It also represents the largest battle in which the Seminoles, Miccosukees, and their African American allies faced off against the United States Army and volunteer units, mostly from Missouri. The Christmas Day 1837 battle brought to national attention Colonel Zachary Taylor who later became President of the United States. The Seminoles and Miccosukees were led by Abiaka (Sam Jones), Alligator, and Coacoochee (Wildcat). The battle resulted in the loss of 26 killed and 112 wounded in the Army’s ranks and 11 killed and 14 wounded on the Seminole and Miccosukee side. This site is recorded in the Florida Master Site File as 8OB10 and has been listed in the National Register of Historic Places (in the 1960) and is now a National Historic Landmark site. It consists of improved pasture and freshwater marsh, similar to that at the time of the battle and this provides the backdrop to the annual educational reenactment of the

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**2<sup>nd</sup> Substitute Item 5 cont.**

battle. State acquisition of the Okeechobee Battle Site will meet Goal F of the Florida Forever program by adding a site listed in the Florida Master Site File. Acquisition of the site will represent one of the most significant Florida historical sites for the Second Seminole War.

Pursuant to section 259.032(9)(e), F.S., staff recommends that the Board of Trustees designate DEP's Division of Recreation and Parks (DRP) as the managing agency for this site. DRP will work with the Archaeological and Historical Conservancy to identify and interpret the significant historical resources on this property. The site will be managed as a state historic site.

Section 259.032(9)(e), F.S., requires that the Board of Trustees, concurrent with its approval of the initial acquisition agreement within a project, "evaluate and amend, as appropriate, the management policy statement for the project as provided by section 259.035, F.S., consistent with the purposes for which the lands are acquired." The management policy statement for this project was included in the 2006 Florida Forever Annual Report adopted by the Board of Trustees on February 14, 2006. Staff recommends that the Board of Trustees confirm the management policy statement as follows:

The primary goals of management of the Okeechobee Battlefield are to preserve a historical site of true state and national significance and the various archeological and environmental features associated with it. A secondary goal is to interpret the battlefield by providing controlled public access and living history events, establishing the battle site as a community educational resource and heritage tourist destination.

This acquisition is consistent with section 187.201(9), F.S., the Natural Systems and Recreational Lands section of the State Comprehensive Plan.

(See Attachment 5, Pages 1-31)

**RECOMMEND APPROVAL**

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**Item 6      Rockett Option Agreement/Florida Keys Ecosystem Florida Forever Project**

**REQUEST:** Consideration of an option agreement to acquire 1.82 acres within the Florida Keys Ecosystem Florida Forever project from Michele S. Rockett.

**COUNTY:** Monroe

**LOCATION:** Section 06, Township 66 South, Range 33 East

**CONSIDERATION:** \$400,000

**Board of Trustees  
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**Item 6 cont.**

<u>PARCEL</u>	<u>ACRES</u>	APPRAISED BY Benson (09/25/05)	<u>APPROVED VALUE</u>	<u>SELLER'S PURCHASE PRICE</u>	<u>TRUSTEES' PURCHASE PRICE</u>	<u>OPTION DATE</u>
Rockett	1.82	\$465,000	\$465,000	\$50,000*	\$400,000** (86%)	120 days after BOT approval

\*Seller purchased the property in 2001 as part of a divorce settlement, original purchase price is unknown  
 \*\*\$219,780 per acre, value based on price per square foot, \$6.25 a square foot for 70,279 square feet and \$3.10 a square foot for 9,000 square feet

Noted Features of Subject Property:  
 Value based on commercial development.

**STAFF REMARKS:** The Florida Keys Ecosystem project is an “A” group project on the Florida Forever Small Holdings Project List approved by the Board of Trustees on February 14, 2006. The project contains 11,854 acres, of which 5,016 acres have been acquired or are under agreement to be acquired. After the Board of Trustees approves this agreement, and other agreements in the Florida Keys Ecosystem project on today’s agenda, 6,833.63 acres, or 58 percent of the project, will remain to be acquired.

All mortgages and liens will be satisfied at the time of closing. There is a permanent easement for ingress and egress of vehicular and foot traffic, as well as utility easement over, across and under the Easterly 20 feet of the property in favor of adjacent land owners. This easement was considered in the final approved value. On June 22, 1999, the Board of Trustees approved a staff recommendation to delegate to Department of Environmental Protection (DEP) the authority to review and evaluate marketability issues as they arise on all chapter 259, F.S., acquisitions and to resolve them appropriately. Therefore, DEP staff will review, evaluate and implement an appropriate resolution for these and any other title issues that may arise prior to closing.

A title insurance policy, a survey, and an environmental site evaluation will be provided by the purchaser prior to closing.

The unique pine rocklands and hardwood hammocks of the Florida Keys, forest of West Indian plants that shelter several extremely rare animals, are being lost to the rapid development of the islands. Public acquisition of the Florida Keys Ecosystem project will protect all the significant unprotected hardwood hammocks left in the Keys and many rare plants and animals, including the Lower Keys marsh rabbit and Key deer. It will also help protect the Outstanding Florida Waters of the Keys, the recreational and commercial fisheries, and the reefs around the islands, and also give residents and visitors more areas for enjoying the natural beauty of the Keys.

This property will be managed by the City of Marathon.

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**Item 6 cont.**

This acquisition is consistent with section 187.201(9), F.S., the Natural Systems and Recreational Lands section of the State Comprehensive Plan.

(See Attachment 6, Pages 1-14)

**RECOMMEND APPROVAL**

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**Item 7      Jumel LLC/Maggi Purchase Agreements/Survey Waiver/Florida Keys Ecosystem Florida Forever Project**

**REQUEST:** Consideration of (1) two purchase agreements to acquire 2.55 acres within the Florida Keys Ecosystem Florida Forever project from Jumel LLC and Marilyn Maggi-Miceli, Laura A. Maggi, and Mark Maggi; and (2) the authority to waive the survey requirement.

**COUNTY:** Monroe

**LOCATION:** Section 28, Township 61 South, Range 39 East; and Sections 25 and 30, Township 65 South, Range 33 East

**CONSIDERATION:** \$666,000

<u>PARCEL</u>	<u>ACRES</u>	APPRAISED BY Benson <u>(08/01/05)</u>	APPROVED <u>VALUE</u>	SELLER'S PURCHASE <u>PRICE</u>	TRUSTEES' PURCHASE <u>PRICE</u>	CLOSING <u>DATE</u>
Jumel	1.13	\$296,000	\$296,000	\$22,500*	\$296,000** (100%)	120 days after BOT approval

<u>PARCEL</u>	<u>ACRES</u>	APPRAISED BY Pallardy <u>(06/23/05)</u>	APPROVED <u>VALUE</u>	SELLER'S PURCHASE <u>PRICE</u>	TRUSTEES' PURCHASE <u>PRICE</u>	CLOSING <u>DATE</u>
Maggi	1.42	\$298,000	\$298,000	Inherited***	\$370,000**** (124%)	120 days after BOT approval
	<u>2.55</u>		<u>\$594,000</u>		<u>\$666,000</u>	

- \* Property was purchased on July 7, 2003
- \*\* \$261,947 per acre or \$37,000 per lot, (8 ROGO allocations)
- \*\*\* Property was inherited on September 1, 1987
- \*\*\*\* \$260,563 per acre or \$37,000 per lot, (8 ROGO allocations) and 2 non-buildable lots at \$1,000 each

Noted Features of Subject Property:  
Value based on potential sale as ROGO points.

**STAFF REMARKS:** The Florida Keys Ecosystem project is an "A" group project on the Florida Forever Small Holdings Project List approved by the Board of Trustees on February 14, 2006. The project contains 11,854 acres, of which 5,016 acres have been acquired or are

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**Item 7 cont.**

under agreement to be acquired. After the Board of Trustees approves these agreements, and another agreement in the Florida Keys Ecosystem project on today's agenda, 6,833.63 acres, or 58 percent of the project, will remain to be acquired.

On February 16, 2005, the Board of Trustees delegated authority to the Secretary of the Department of Environmental Protection, or designee, to (1) extend offers and approve any contract for the sale and purchase of land pursuant to section 259.041(1), F.S., at \$7,000 over, or up to 125 percent, per parcel of the current appraised value, whichever is greater, when the purchase price per parcel does not exceed \$100,000; (2) recognize and appraise as Rate of Growth Ordinance parcels those parcels that previously qualified for Rate of Growth Ordinance designation; and (3) allow payments in lieu of litigation to settle claims by private landowners to lands that appear to be sovereignty lands, such payments not to exceed \$1,000 per parcel.

All mortgages and liens will be satisfied at the time of closing. On June 22, 1999, the Board of Trustees approved a staff recommendation to delegate to Department of Environmental Protection (DEP) the authority to review and evaluate marketability issues as they arise on all chapter 259, F.S., acquisitions and to resolve them appropriately. Therefore, DEP staff will review, evaluate and implement an appropriate resolution for any title issues that arise prior to closing.

Title insurance policies and environmental site evaluations will be provided by the purchaser prior to closing. It is the opinion of the Bureau of Survey and Mapping that the available boundary information is sufficient to reasonably protect the public's interest and any additional benefit derived from surveys is minimal relative to the cost; therefore, a waiver of the requirement for surveys of the properties is being requested pursuant to section 18-1.005, F.A.C.

The unique pine rocklands and hardwood hammocks of the Florida Keys, forest of West Indian plants that shelter several extremely rare animals, are being lost to the rapid development of the islands. Public acquisition of the Florida Keys Ecosystem project will protect all the significant unprotected hardwood hammocks left in the Keys and many rare plants and animals, including the Lower Keys marsh rabbit and Key deer. It will also help protect the Outstanding Florida Waters of the Keys, the recreational and commercial fisheries, and the reefs around the islands, and also give residents and visitors more areas for enjoying the natural beauty of the Keys.

The Jumel property will be managed by Monroe County and the Maggi property will be managed by the City of Marathon.

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**Item 7 cont.**

These acquisitions are consistent with section 187.201(9), F.S., the Natural Systems and Recreational Lands section of the State Comprehensive Plan.

(See Attachment 7, Pages 1-40)

**RECOMMEND APPROVAL**