

AGENDA
BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND
APRIL 21, 2006
Substitute Page

Item 1 Minutes

Submittal of the Minutes from the March 3, 2006 Cabinet Meeting.

(See Attachment 1, Pages 1-22)

RECOMMEND APPROVAL

Substitute Item 2 SFWMD Conveyance/Determination/Everglades Construction Project

REQUEST: Consideration of (1) a determination that pursuant to section 18-2.018(3)(b)1.c., F.A.C., the conveyance of two parcels of Board of Trustees-owned land totaling 15.74 acres provides a greater benefit to the public than its retention in Board of Trustees' ownership; and (2) a request to convey the 15.74 acres of Board of Trustees-owned land to the South Florida Water Management District for inclusion in the Everglades Construction Project.

COUNTY: Palm Beach
 Deed No. 31581

APPLICANT: South Florida Water Management District (SFWMD)

LOCATION: Sections 07 and 36, Township 46 South, Range 37 East

STAFF REMARKS: The Florida Legislature, in the Everglades Forever Act (EFA), section 373.4592, F.S., declared that it is necessary for the public health and welfare that the Everglades water and water related resources be conserved and protected. It was recognized at that time that certain public lands might be needed for the treatment and storage of water prior to its release into the Everglades Protection Area. To accomplish this, SFWMD was given the responsibility of implementing the Everglades Construction Project, and of acquiring any lands necessary to meet the goals of the EFA.

SFWMD requested that a 0.14-acre parcel and a 15.6-acre parcel, which are both swamp and overflow lands, be deeded by the Board of Trustees to SFWMD in order to accommodate its fast-track plans under the Acceler8 Program to expand the existing Storm Water Treatment Area 2 and construct the Everglades Agricultural Area Reservoir. The Acceler8 Program steps up the pace to complete eight critical environmental projects more than a decade ahead of schedule.

Department of Environmental Protection (DEP) staff recommends that the Board of Trustees finds that a greater benefit to the public is obtained from this unencumbered land as part of the

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Acceler8 Program, specifically, the Everglades Agricultural Area Storm Water Treatment Areas Expansion Project (STA) and the Everglades Agricultural Area Reservoir Project (Reservoir). This STA project will expand the size and enhance the performance of existing STA'S created as part of the Everglades Construction Project. These constructed wetlands naturally reduce storm water runoff pollution levels flowing from the Everglades Agricultural Area before entering the Everglades. SFWMD has already acquired all of the other large acreage parcels necessary for the construction of this project that will expand STA-2 by approximately 9,000 acres. This Reservoir Project will provide significant additional water storage within the Everglades Agricultural Area, while reducing harmful discharges to coastal estuaries and lessening water supply dependency on Lake Okeechobee.

DEP staff has determined that this land can be conveyed to SFWMD if the Board of Trustees makes an affirmative finding, pursuant to section 18-2.018(3)(b)1.c., F.A.C., that the conveyance of this land to SFWMD provides a greater benefit to the public than its retention in Board of Trustees' ownership. SFWMD has indicated that the 15.6-acre parcel and the 0.14-acre parcel will be used solely and perpetually as part of the Everglades Agricultural Reservoir Project and the Everglades Agricultural Area Storm Water Treatment Areas Expansion Project, respectively.

The standard Board of Trustees' deed form will be used. The deed will contain mineral restrictions and a reverter clause stating that in the event the land is not used for Everglades restoration, the property shall, at the Board of Trustees' option and upon 60 days notice, revert back to the Board of Trustees.

A consideration of the status of the local government comprehensive plan was not made for this item. DEP has determined that land conveyances are not subject to the local government planning process.

(See Attachment 2, Pages 1-9)

RECOMMEND APPROVAL

Item 3 Mulder Option Agreement/Jackson County Greenways and Trails' Project

REQUEST: Consideration of an option agreement to acquire 4.09 acres within the Jackson County Greenways and Trails' project from Richard W. Mulder and Lynne M. Mulder.

COUNTY: Jackson

LOCATION: Section 13, Township 04 North, Range 10 West

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CONSIDERATION: \$661,750

<u>PARCEL</u>	<u>ACRES</u>	APPRAISED BY Chandler <u>(07/27/05)</u>	APPROVED <u>VALUE</u>	SELLER'S PURCHASE <u>PRICE</u>	TRUSTEES' PURCHASE <u>PRICE</u>	OPTION <u>DATE</u>
Mulder	4.09	\$696,500	\$696,500	\$50,400*	\$661,750** (95%)	120 days after BOT Approval

* Seller purchased the property on 2/1/80

** \$161,797 per acre

Noted Features of Subject Property:

The Mulder Parcel consists of 4.1 acres of which there are no wetlands.

The parcel has frontage along U.S. Highway 90 approximately two miles east of Marianna. It is adjacent to Spring Creek Park, which is managed by Jackson County.

The Mulder Parcel will provide upland access to a boardwalk system over a floodplain at Spring Creek Park. The parcel has a high elevation and overlooks the park. The parcel is cleared for trailhead parking.

The parcel has a "Commercial" land use designation.

The parcel is improved with a dilapidated single-family dwelling, a small tin shed, chain link fencing, and a billboard. The rental agreement with the billboard company is a tenancy at will and may be terminated by either party with only 15 days notice.

The highest and best use of the parcel is for commercial use, demolishing the existing improvements to make way for redevelopment.

STAFF REMARKS: The Jackson County 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 6.69 acres of which these are the first to be acquired. After the Board of Trustees approves this agreement, 2.60 acres, or 39 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. The parcel contains a dilapidated single-family dwelling, a small shed, some fencing, and a billboard. The billboard is subject to a tenancy at will, so that either the billboard company or the property owner can terminate the lease with 15 days notice. 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.

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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.

On January 23, 1996, the Board of Trustees acquired the Spring Creek Park property through the Conservation and Recreational Lands Program. Popularity of Spring Creek Park has attracted more visitors than it can support. Acquisition of the Mulder parcel as a trailhead facility is considered a priority as it will be utilized (1) by trail and park users for canoe/kayak launchings; (2) for expansion of the boardwalk trail system; and (3) for a scenic overlook, restrooms, overflow parking, and a concession facility. Acquisition of this parcel would also create continuity in the Jackson County portion of the Chipola River Blueway/Greenway and provide relief from an existing highway traffic safety problem related to illegal roadside parking.

Jackson County is developing a Blueway/Greenway system along the Chipola River and Spring Creek, which will form a recreational and wildlife corridor connecting the Blue Spring headwaters with Florida Caverns State Park, headwaters of the Chipola and the downstream river run. This blueway/greenway will serve to significantly enhance regional recreational opportunities, preserve valuable habitat and environmentally sensitive features from future development activities, and help protect water quality of the Blue Springs complex, Merritts Millpond, Spring Creek and Chipola River.

This acquisition furthers the mission of OGT, which is "To facilitate the establishment of a statewide system of greenways and trails for recreation and conservation purposes."

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

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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.

OGT will be the interim manager of the property with the Jackson County Parks and Recreation Department 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 1-26)

RECOMMEND APPROVAL