

**AGENDA**  
**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**  
**FEBRUARY 12, 2008**  
**2<sup>nd</sup> Substitute Page**

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**Item 1          Minutes**

Submittal of the Minutes from the December 4, 2007 and December 18, 2007 Cabinet Meetings.

(See Attachment 1, Pages 1-45)

**RECOMMEND APPROVAL**

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**2<sup>nd</sup> Substitute Item 2          University of North Florida/Jacksonville Police and Fire Pension Fund Option Agreement**

**REQUEST:** Consideration of an option agreement to acquire 17.92 acres for the use and benefit of The University of North Florida Board of Trustees from The Jacksonville Police and Fire Pension Fund.

**COUNTY:** Duval

**APPLICANT:** The University of North Florida (UNF)

**LOCATION:** Section 09, Township 03 South, Range 28 East

**CONSIDERATION:** \$18,081,671.21 (\$16,640,061.70 plus an additional, anticipated per diem totaling \$1,441,609.51 calculated through the date of closing)

<u>PARCEL</u>	<u>ACRES</u>	<u>APPRAISED BY:</u>		<u>APPROVED</u> <u>VALUE</u>	<u>SELLER'S</u> <u>PURCHASE</u> <u>PRICE</u>	<u>STATE'S**</u> <u>PURCHASE</u> <u>PRICE</u>	<u>OPTION</u> <u>DATE</u>
		<u>(08/07/07)</u>	<u>(11/07/07)</u>				
UNF Hall	17.92	\$19,500,000	\$18,500,000	\$19,500,000	\$16,500,000*	\$18,081,671.21 (93%)	120 days after BOT approval***

\* The University of North Florida Hall was purchased by Jacksonville Police and Fire Pension Fund on April 2, 2007 for \$16,500,000.

\*\* Title will vest in the Board of Trustees; The University of North Florida is the acquiring agency.

\*\*\* Targeted closing date is within 60 days after Board of Trustees' approval.

**Noted Features of Subject Property:**

The property includes a 125,000-square-foot, two-story office building and is located on 17.92 acres, near The University of North Florida campus.

Access to the property is along First Coast Technology Parkway via two curb cuts.

The subject is Zoned IBP-1 (Industrial Business Park) and has a Land Use of BP (Business Park).

The property is located just north of J. Turner Butler Boulevard and just to the east of State Road 9A.

**STAFF REMARKS:** This acquisition was negotiated by UNF. Funds for the acquisition were appropriated during the Legislative sessions for fiscal year 2006-2007 and fiscal year 2007-2008, and are available for use by UNF for acquisition and other costs related to this purchase. Although the Board of Trustees will have no financial responsibilities in this acquisition, title to the property will be conveyed to the Board of Trustees at closing, pursuant to section 1001.74(6)(a) and (f)3, F.S.

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

In addition to the \$16,640,061.70 purchase price, from April 2, 2007 to April 2, 2008, UNF will pay to the Jacksonville Police and Fire Pension Fund a per diem of \$3,875.08 (8.5 percent of the Option Price). If closing has not occurred by April 2, 2008, UNF's per diem will be reduced to \$2,473.21 (5 percent of the Option Price) and that per diem amount will be in effect until closing. At the time of closing, the per diem payment ceases. The Department of Environmental Protection's Division of State Lands' (DSL) staff anticipates closing within 60 days after Board of Trustees' approval. DSL staff is diligently working to close as quickly as possible. In no event will the total purchase price be more than the DSL approved value for the parcel.

**Project Summary**

The property is located on the southeastern perimeter of UNF's campus and is improved with a 125,000-square-foot, two-story office building currently leased by UNF. Upon closing, the present lease shall be terminated and the property will be added to the existing Board of Trustees' master lease for the UNF campus. UNF shall continue to use the property as UNF Hall, housing administrative offices and classrooms, according to the UNF campus master plan as approved pursuant to section 1013.30, F.S.

The existing boundaries of UNF's campus provide limited areas of developable land for future growth. The proximity of this property to the campus makes it a logical extension, within easy walking distance of both campus housing and the campus core.

Acquisition of the property would provide mixed-use support to the campus, addressing UNF's master plan goal of moving administrative and support services space to the perimeter of the campus and opening more of the campus core for the extension of academic programs.

**Encumbrances**

All mortgages and liens will be satisfied at the time of closing. Improvements on the property include a two-story office building. There is a reciprocal easement along the west side of the property for shared water retention and a 10-foot easement for encroachment at the extreme northwest corner of the building. These encumbrances were considered by the appraisers and do not affect the value of the property. In the event the commitment for title insurance, to be obtained prior to closing, reveals any other encumbrances that may affect the value of the property or the proposed management of the property, DSL staff will so advise the Board of Trustees prior to closing.

**Closing Information**

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

**Management**

This property will be managed by UNF as part of the existing campus.

(See Attachment 2, Pages 1-96)

**RECOMMEND APPROVAL**

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**Substitute Item 3 Palmer Ranch, LLC Recommended Consolidated Intent/Lease**

**DEFERRED FROM THE JANUARY 31, 2008 AGENDA  
WITHDRAWN FROM THE NOVEMBER 14, 2007 AGENDA**

**REQUEST:** Consideration of an application for a five-year sovereignty submerged lands lease to contain 22,014 square feet, more or less, for a proposed private docking facility (13 slips over sovereignty submerged lands and 6 slips in an adjacent man-made canal).

**COUNTY:** Collier  
Lease No. 110032365  
ERP File No. 11-0196577-001

**APPLICANT:** Palmer Ranch, LLC, an Illinois Limited Liability Company

**LOCATION:** Sections 18 and 19, Township 52 South, Range 27 East, in Coon Key Pass, Class II Outstanding Florida Waters, not approved for shellfish harvesting, within the local jurisdiction of Collier County.  
Aquatic Preserve: Rookery Bay-Cape Romano, Resource Protection Area 1 and 3  
Outstanding Florida Waters: Class II  
Designated Manatee County: Yes, with an approved manatee protection plan  
Manatee Aggregation Area: No  
Manatee Protection Speed Zone: Idle/slow speed zone

**CONSIDERATION:**

**Lease Fee:** \$3,887.13, representing (1) \$3,109.70 as the initial lease fee computed at the base rate of \$0.14126 per square foot; and (2) \$777.43 as the initial 25 percent surcharge payment. Sales tax and county discretionary sales surtax will be assessed pursuant to sections 212.031 and 212.054, F.S., if applicable. The lease fee may be adjusted based on six percent of the annual income pursuant to section 18-21.011(1)(a)1, F.A.C. Fees may be revised upon receipt of an acceptable survey.

**Public Interest:** \$320,000 worth of public access improvements and public land management improvements. This has been addressed as a special approval condition.

**STAFF REMARKS:** In accordance with rules adopted pursuant to sections 373.427(2) and 253.77(2), F.S., the attached "Recommended Consolidated Notice" contains a recommendation for issuance of both the permit required under part IV of chapter 373, F.S., and the authorization to use sovereignty submerged lands under chapters 253 and 258, F.S. The Board of Trustees is requested to act on those aspects of the activity which require authorization to use sovereignty submerged lands.

**Project Synopsis**

The applicant is proposing to construct a 19-slip private docking facility, with 13 slips over 22,014 square feet of sovereignty submerged lands and 6 slips in the man-made canal, adjacent to an undeveloped upland property. The proposed docking facility will accommodate private recreational vessels ranging in lengths from 20 to 60 feet with a maximum draft of 5 feet.

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**Substitute Item 3, cont.**

**Background**

As originally proposed, the project entailed nineteen 60-foot-long boat slips on sovereignty submerged lands along with the other activities on the uplands and in the man-made canal that are presently proposed. Six of those slips would have been located over sponges and other resources that constitute a Resource Protection Area 1 pursuant to chapter 18-20, F.A.C. The project was redesigned to eliminate those six boat slips (the area between Lease Areas A and B on the lease survey), thereby reducing impacts to sovereignty submerged land resources. The project has also been designed to minimize impacts to mangroves along the shoreline.

The upland property is commercially zoned and presently undeveloped except for a wastewater lift station that operates under a Department of Environmental Protection (DEP) wastewater collection permit. Upland development will include two restrooms, a swimming pool and deck, a 16-space paved parking lot, and a gravel cart path.

**Project Detail**

The docks will be floating concrete docks attached to fixed wooden access walkways by aluminum gangways. The boat slip mix at the leased docking facility will include 11 private recreational vessels up to 60 feet long, one up to 30 feet long, and one up to 20 feet long. Vessel drafts will not exceed 5 feet. An additional six slips will be located in an adjacent man-made canal (not sovereignty submerged lands). Those slips will be for private recreational vessels up to 20 feet long with drafts not to exceed 3.5 feet. The applicant intends to sell the right to use all of the boat slips on sovereignty submerged lands. A special approval condition requires the applicant to develop and implement a DEP-approved wet slip user agreement disclosing the lease requirements to slip users. Another special lease condition specifies that the docking facility will be subject to modification, including a reduction in size and associated lease area, if the upland use changes from commercial to residential.

The applicant proposes to dredge 325 cubic yards of material in the adjacent man-made canal. Since none of the dredging will be located on sovereignty submerged lands, no dredge fee is required.

**Public Interest**

The portion of the docking facility on sovereignty submerged lands is located in an aquatic preserve; therefore, the proposed lease must be shown to be in the public interest, pursuant to section 258.42, F.S., and section 18-20.004(1)(b), F.A.C. DEP is of the opinion that the project is in the public interest in light of the following proposals by the applicant: (1) donation of \$320,000 worth of public access improvements and public land management improvements, tentatively divided as follows: (a) \$200,000 worth of design, permitting and site development (including construction) for a proposed public educational/recreational facility within the Rookery Bay National Estuarine Research Reserve (RBNERR). The facility will include a public canoe/kayak launch that will provide non-motorized boating access to the Rookery Bay Aquatic Preserve at the northwest corner of County Road 951 and Capri Boulevard; (b) \$120,000 worth of side scan sonar mapping services to RBNERR to map seagrasses in the vicinity of the

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**Substitute Item 3, cont.**

project; and (2) installation and maintenance of educational displays at the site regarding the aquatic preserve and marine ecosystems. Item (1) includes flexibility for DEP to assign a portion of either donation to the other half of Item (1) if all funds from (a) or (b) are not required to complete the respective portion of the applicant's public interest proposal. Item (1) is addressed as a special approval condition and item (2) is addressed as a specific condition in the environmental resource permit (ERP).

**Noticing**

The proposed lease was noticed pursuant to section 253.115, F.S. Forty-eight property owners were specifically noticed and nine objections were received. The objections received raised the following concerns:

- (1) the proposed canal dock's potential interference with navigation in the canal;
- (2) disagreement over the location of the applicant's northern riparian line;
- (3) the project's potential inconsistency with the setback requirement in section 18-21.004(3)(d), F.A.C.;
- (4) potential adverse impacts to manatees;
- (5) potential adverse impacts to shoreline mangroves and nearby sponges, seagrass, shrimp and fish species, eagles and other birds;
- (6) potential noise and lighting impacts to neighbors and the lack of upland screening/buffering;
- (7) potential change in upland use;
- (8) the potential use of the boat slips for overnight mooring, commercial tour boats, and other uses;
- (9) how sewage will be removed from the site;
- (10) stormwater runoff from the adjacent upland property if it is developed;
- (11) the potential lack of adequate water depth at and adjacent to the proposed docking facility; and
- (12) the lack of a public meeting to explain the project to area residents.

Additionally, Save the Manatee Club has provided a written objection to the proposed project based on its opinion that the proposed project is inconsistent with the federal Marine Mammal Protection Act. In light of the objections received, DEP determined that the proposed lease requires Board of Trustees' consideration pursuant to the heightened public concern provision of section 18-21.0051(4), F.A.C.

DEP is of the opinion that the objections received are addressed as follows:

- (1) although the man-made canal is not sovereignty submerged lands and is thus not subject to chapter 18-21, F.A.C., navigation in the canal will be maintained by marginal mooring of vessels along the canal dock and by the proposed maintenance dredging of the canal by the applicant at the proposed marginal boat slips in the canal, and by the docking facility in the canal extending less than 25 percent of the width of the canal. Additionally, navigation is an issue that must be addressed by the U.S. Army Corps of Engineers (Corps) prior to any permit being granted for the project by the Corps;

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**Substitute Item 3, cont.**

- (2) the riparian line was established after extensive discussion between the applicant's surveyor and DEP's Bureau of Survey and Mapping, and the project is within the applicant's riparian area;
- (3) the northernmost portion of the project is within 25 feet of the mouth of the canal. DEP has not been able to conclusively determine the ownership of the man-made canal, other than the canal's dedication to the public as part of the recorded subdivision plat. Therefore, there is no entity to provide a setback waiver other than Collier County, which has provided a local comprehensive plan consistency letter for the project;
- (4) concerns regarding potential manatee impacts have been addressed through the Florida Fish and Wildlife Conservation Commission (FWC) recommendations that will be incorporated into the ERP;
- (5) the project has been designed to minimize impacts to shoreline mangroves to the greatest extent practicable, and the project has been modified to avoid nearby sponges and seagrass, and shrimp and fish species will be protected through maintenance of water quality through the general and specific conditions of the ERP, and the FWC has not raised any concerns regarding adverse impacts to bird species;
- (6) potential noise and lighting impacts to neighbors and the lack of upland screening/buffering are local land development code issues to be addressed by local governments;
- (7) any change in upland use depends in part on the zoning of the property by the local government regulatory agency, and will require a lease modification. If such changes include upland development activities, such changes will also require a modification to the ERP to address stormwater issues;
- (8) overnight occupancy of boats will be authorized by the lease and ERP, although liveaboards will be prohibited. Although the applicant desires commercial tour boats to be authorized, the lease and ERP prohibit commercial tour boats and other commercial vessels to address the objection received. Other uses of boat slips not specifically authorized by the lease and ERP will require a modification to those authorizations;
- (9) the ERP requires installation, use and maintenance of a sewage pumpout facility, and the facility will be connected to the upland sewage system, and the local sewage treatment entity has provided written verification that it has the capacity to accept such sewage;
- (10) stormwater runoff from the upland development will be treated prior to discharge, and is addressed in the ERP. Any potential future upland development that may generate additional stormwater runoff beyond that which is addressed through the ERP will require a modification to the lease and the ERP;
- (11) the applicant has provided bathymetric data showing adequate water depth on sovereignty submerged lands at the project site, and adequate water depths in the canal will be provided by the proposed maintenance dredging that qualifies as an exempt activity pursuant to section 403.813(2)(f), F.S. Additionally, quadrangle maps and navigational charts show navigation aides and depths of at least six feet between the project site and Gullivan Bay to the south and the Big Marco River to the north; and
- (12) the project was noticed pursuant to section 253.115, F.S., and entities receiving notice were provided adequate opportunity to review the application file.

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**Substitute Item 3, cont.**

**Permit Summary**

DEP's ERP will prohibit liveaboards and fueling facilities and authorize a sewage pumpout facility. The ERP will incorporate several requirements designed to prevent and/or reduce water quality impacts, including stormwater management for the proposed upland parking lot and golf cart paths and implementation of a marina operations plan. As a result, DEP is of the opinion that the project has addressed long-term secondary and cumulative impacts from this project.

**Commenting Agency**

The recommendations of FWC regarding the protection of manatees have been addressed in the ERP and/or lease. Collier County is a designated manatee county with an approved manatee protection plan (MPP). FWC has stated that the proposed project is consistent with the MPP. FWC has also stated that use of the proposed docking facility in the area over sovereignty submerged lands by boats with a 5-foot vessel draft would not significantly impact submerged aquatic vegetation in that mooring area and the ingress/egress area. In addition to the FWC recommendations, a special lease condition will require the applicant to ensure that the user of any slip at the docking facility enters into a signed agreement, between the applicant and the user, stating that the slip user agrees to comply with the speed zones contained in the MPP, and/or any revisions adopted by Collier County and approved by FWC, and/or any speed zones established by Collier County and approved by FWC.

**Comprehensive Plan**

A local government comprehensive plan has been adopted for this area pursuant to section 163.3167, F.S.; however, the Department of Community Affairs (DCA) determined that the plan was not in compliance. In accordance with the compliance agreement between DCA and the local government, an amendment has been adopted which brought the plan into compliance. The proposed action is consistent with the adopted plan as amended according to a letter received from Collier County.

(See Attachment 2, Pages 1-50 submitted on the January 31, 2008 agenda)

**RECOMMEND WITHDRAWAL**