

AGENDA
BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND
FEBRUARY 27, 2007

Item 1 February 2007 Florida Forever Report/Florida Forever Priority List

REQUEST: Consideration of (1) the February 2007 Florida Forever Report of the Acquisition and Restoration Council; and (2) the February 2007 Florida Forever Priority List.

STAFF REMARKS: The February 2007 Florida Forever Report was prepared pursuant to chapter 259, F.S., and chapter 18-24, F.A.C. During the Acquisition and Restoration Council (ARC) meetings of August 11, October 13, and December 8, 2006, ARC removed one project, added 3 new projects, amended the boundaries of 10 projects, and moved 3 projects from Group B to Group A on the February 2007 Florida Forever Priority List. The February Report includes the February 2007 Florida Forever Priority List of acquisition projects approved by ARC on December 8, 2006 and proposed for adoption by the Board of Trustees.

<u>Project Removed from List</u>	<u>Reason</u>	<u>County</u>
Babcock Ranch	Acquired	Charlotte/Lee

<u>Projects Added to List</u>	<u>Acres</u>	<u>County</u>
BJ Bar Ranch	5,228	Putnam
Florida National Scenic Trail (Bell Springs tract)	46	Columbia
South Goethe	6,152	Levy

<u>Projects with Boundary Amendments</u>	<u>Acres</u>	<u>County</u>
Bombing Range Ridge	3,189	Highlands
Caber Coastal Connector	1,709	Levy
Flagler County Blueway	20	Flagler
Florida's First Magnitude Springs	305	Hamilton
Lake Wales Ridge Ecosystem	11,444	Polk
Ochlockonee River Conservation Area	1,025	Gadsden/Leon
Osceola Pine Savannas	5,529	Osceola
Pumpkin Hill Creek	713	Duval
Twelve Mile Swamp	-2	St. Johns
Wekiva-Ocala Greenway	77	Lake

<u>Projects Moved From Group B to Group A</u>	<u>Reason</u>	<u>County</u>
Atlantic Ridge Ecosystem	Willing Seller	Martin
Baldwin Bay/St. Marys River	Willing Seller	Duval / Nassau
Ichetucknee Trace	Willing Seller	Columbia

All property within the boundaries of the Florida Forever projects, unless specifically noted otherwise, is proposed to be purchased, in fee-simple or a lesser interest, for conservation purposes.

The Florida Forever Tool for Efficient Resource Acquisition and Conservation (F-TRAC) and Single Resource Ranking are analyses produced every six months by the Florida Natural Areas Inventory (FNAI) to provide scientific support to ARC in advance of its semi-annual vote on

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Florida Forever land acquisition projects. The analyses provide a concise overview of the natural resource values of each existing and proposed Florida Forever project. A Single Resource Ranking is provided for 10 resource types outlined in the Florida Forever Act. The F-TRAC 2010 Scenarios show which projects offer the greatest return in resource protection given the estimated acreage likely to be acquired by Florida Forever. Complete documentation for the F-TRAC and Single Resource Ranking analyses may be downloaded from the FNAI website (www.fnai.org).

The F-TRAC and Single Resource Ranking analyses evaluate projects only according to natural resource values. Other considerations such as willing sellers, active negotiations, completing projects, management feasibility, development threat, etc., are always part of any decision regarding project status. The information provided in these analyses is not intended to substitute for the informed judgment of expert decision makers. The analyses are a tool to guide decision-making, not a final conservation plan that must be followed. Nevertheless, the F-TRAC and Single Resource Ranking provide sound direction for Florida Forever, and decisions made to the contrary should be justifiable.

Since its inception in July 2001 through September 2006, the state's Florida Forever land acquisition program has been extremely successful as evidenced by the protection of: over 231,730 acres of Strategic Habitat Conservation Areas (Florida Fish and Wildlife Conservation Commission); 374,890 acres of habitat conservation areas (FNAI), and over 580 listed species locations of 190 different species, 98 of which are state-listed as endangered, 41 state-listed threatened, and 17 species of special concern; 513,050 acres of ecological greenways (Office of Greenways & Trails); 68,260 acres of under-represented natural communities; 54,540 acres of natural floodplains; 530,550 acres important to significant water bodies; 5,060 acres of fragile coastline; 236,210 acres of functional wetlands; 524,846 acres of significant groundwater recharge areas; 30,130 acres of land to support priority recreational trails; and, 268,330 acres of sustainable forest land. Also, over 2,500 acres of archaeological and historic sites have been protected. Note: these acreages were derived from the most recently updated Florida Forever data layers, which are continuously amended to reflect the most current scientific analyses of Florida's natural resources. Additionally, the acreages recorded for each measure often overlap, and thus should not be added together. Collectively, the State of Florida has protected over 530,211 acres of land with \$1.76 billion in Florida Forever funds through November 2006.

The February 2007 Florida Forever Priority List is consistent with section 187.201(9), F.S., the Natural Systems and Recreational Lands section of the State Comprehensive Plan.

The February 2007 Florida Forever Report is being submitted in digital format.

(See Attachment 1, Page 1)

RECOMMEND ACCEPTANCE OF THE FEBRUARY 2007 FLORIDA FOREVER REPORT AND APPROVAL OF THE FEBRUARY 2007 FLORIDA FOREVER PRIORITY LIST

Item 2 River Oaks Properties, Inc. Conveyance/Murphy Act Parcel

REQUEST: Consideration of a sales contract to sell a 6-acre, more or less, parcel of state-owned land in Citrus County to River Oaks Properties, Inc.

COUNTY: Citrus

APPLICANT: River Oaks Properties, Inc. (ROPI)

LOCATION: Section 02, Township 18 South, Range 19 East

CONSIDERATION: \$45,000 to be deposited in the Internal Improvement Trust Fund

<u>PARCEL</u>	<u>ACRES</u>	<u>APPRAISED BY</u>	<u>TRUSTEES'</u>	<u>CLOSING</u>
River Oaks Prop.	6	Tolle (01/06/06) \$30,000	SALE PRICE \$45,000	DATE 120 days after BOT approval

STAFF REMARKS: The Board of Trustees originally acquired this parcel of land pursuant to chapter 18296, 1937 Laws of Florida, known as the Murphy Act. The act provided for statutory forfeiture of lands for nonpayment of taxes. Tax certificates unredeemed as of June 9, 1939, were automatically converted to fee simple title in the name of the state.

The Department of Environmental Protection (DEP)'s Division of State Lands (DSL) received a request from ROPI to purchase the subject parcel for residential use; ROPI currently owns all of the surrounding property.

Pursuant to section 253.82(2)(b), F.S., land which is vested in the Board of Trustees by the Murphy Act that is 10 acres or less in size, and has an appraised market value of \$250,000 or less, is surplus, except for lands determined to be needed for state use, and may be sold in any manner provided by law.

In accordance with sections 253.034(6)(f) and 253.111, F.S., Citrus County and state agencies were notified of the proposed sale. Citrus County expressed an interest in the parcel initially; however, later decided not to pursue the purchase of the property due to the small size and lack of access. The subject parcel is not located within the city limits, so local government noticing was not applicable. Pursuant to section 253.115, F.S., property owners within 500 feet of the subject property were also notified, and no objections were received.

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

(See Attachment 2, Pages 1-24)

RECOMMEND APPROVAL

Substitute Item 3 The School Board of Volusia County Release/Transfer of Deed Restrictions/ Reverters

REQUEST: Consideration of a release and transfer of deed restrictions and reverters from Board of Trustees' Deed Numbers 21670-A (11.84 acres) and 21672-B (10.16 acres) to a 71.65-acre parcel owned by The School Board of Volusia County, Florida.

COUNTY: Volusia
Deed Numbers 21670-A and 21672-B

APPLICANT: The School Board of Volusia County, Florida (School Board)

LOCATION: Sections 42 and 43, Township 17 South, Range 34 East

CONSIDERATION: (1) Transfer of the deed restriction to the new 71.65-acre school site; (2) 15 percent of the sale price of the existing school, to be deposited in the Internal Improvement Trust Fund; (3) donation of 11 acres to the Board of Trustees; and (4) inclusion of a requirement for an 8- to 10-foot boardwalk, for public access, on the uplands along the perimeter of the waterfront property in any future sales contract, exchange agreement, competitive bid specifications, or any other contract for conveyance of the 22 acres.

STAFF REMARKS: On May 19, 1961, the Board of Trustees conveyed 22 acres in Volusia County to the School Board by Board of Trustees' Deed Numbers 21670-A (11.84 acres) and 21672-B (10.16 acres). The deeds contain restrictions that require that the property be used solely for public school purposes. The deeds also include reverters in favor of the Board of Trustees, in the event the land ceases to be used for public school purposes. Both parcels were subsequently filled by the School Board and used for the construction of the New Smyrna Beach High School. The School Board has requested the Board of Trustees release the restrictions and reverters from the 22-acres so that they may sell the land by competitive bid and use the proceeds for other school construction projects. Mr. Robert S. Sutte, MAI, SRA, valued the existing school site at \$13.2 million, as of May 18, 2005. Proceeds from the sale must be used for other capital outlay projects, pursuant to state requirements for educational facilities, which are incorporated in chapter 6A-2, F.A.C. Department of Environmental Protection (DEP) staff is recommending approval of the release, provided that the Board of Trustees receives 15 percent of the high bid received by the School Board.

The School Board has already acquired a 71.65-acre replacement school site valued by Mr. Sutte at \$1.5 million, as of May 18, 2005, and has spent \$40 million on construction of the new high school that opened in August 2006. As additional consideration for the release, DEP staff is recommending that: (1) the deed restriction be transferred to the new school site; (2) the School Board donate an 11-acre parcel of submerged and marsh lands located adjacent to the 22 acres, in accordance with DEP's Division of State Lands' requirements for donations; and (3) any future sales contract, exchange agreement, competitive bid specifications, or any other contract for conveyance include a requirement that the purchaser include in future design specifications an 8- to 10-foot boardwalk, for public access, over, across, and upon uplands along the waterfront perimeter of the 22 acres.

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Based on the following, DEP staff recommends release of the deed restriction from the existing school site:

- The School Board incurred the cost of filling the submerged lands for the school site;
- The Board of Trustees will receive 15 percent of the gross sales price received by the School Board;
- The remaining sale proceeds must be used for other capital outlay projects;
- The restriction and reverter will be transferred to the new 71.65-acre school site; and
- The School Board has already spent \$40 million on construction of the replacement school;
- The Board of Trustees will reacquire 11 acres of submerged/marsh lands; and
- Public access to the waterfront will be provided in any future development of the 22 acres via an 8- to 10-foot boardwalk.

The School Board has received objections from local residents that want the property to remain available for public purposes. The objecting citizens formed an organization called the Smyrna University Research Fund (SURF), with the objective of continuing use of the property for public educational activities, while still compensating the School Board for releasing its claim on the property. In July 2006, the Volusia County School Board approved a Joint Statement of Intent with SURF that gave SURF until October 15, 2006 to identify another Florida public educational institution that wanted to use the property. Selection of any such institution would require School Board and Board of Trustees approval, as well as compensation to the School Board for its interest in the property. SURF was unsuccessful in its efforts, and the School Board is moving forward with its request to dispose of the property.

A consideration of the status of any local government comprehensive plans was not made for this item. DEP has determined that this action is not subject to the local government planning process.

(See Attachment 3, Pages 1-42)

RECOMMEND APPROVAL