

AGENDA
BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND
AUGUST 28, 2007
Substitute Page

Substitute Item 1 South Shore Group Partners, LLC Recommended Consolidated Intent/Lease

REQUEST: Consideration of an application for a ten-year sovereignty submerged lands lease containing 358,975 square feet, more or less, for a proposed 128-slip commercial marina.

COUNTY: Duval
 Lease No. 160339572
 Application No. 16-260736-001-EI

APPLICANT: South Shore Group Partners, LLC

LOCATION: Section 44, Township 02 South, Range 26 East, in the St. Johns River, Class III Waters, within the local jurisdiction of the city of Jacksonville
 Aquatic Preserve: No
 Outstanding Florida Waters: No
 Designated Manatee County: Yes, with an approved manatee protection plan
 Manatee Aggregation Area: No
 Manatee Protection Speed Zone: 600-foot slow speed, channel exempt

CONSIDERATION: \$48,173.37, representing the initial lease fee computed at the base rate of \$0. 14126 per square foot, discounted 30 percent because of the first-come, first-served nature of the facility and including the 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.

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 chapter 253, F.S. The Board of Trustees is requested to act on those aspects of the activities, which require authorization to use sovereignty submerged lands. If the Board of Trustees approves the request to use sovereignty submerged lands and the activity also qualifies for a permit, the Department of Environmental Protection (DEP) will issue a "Consolidated Notice of Intent to Issue" that will contain general and specific conditions. If the Board of Trustees denies the use of sovereignty submerged lands, whether or not the activity qualifies for a permit, DEP will issue a "Consolidated Notice of Denial."

Project Synopsis

The applicant is proposing to construct a 128-slip commercial marina in downtown Jacksonville on the southbank of the St. Johns River. The proposed marina will preempt 358,975 square feet of sovereignty submerged lands.

Substitute Item 1, cont.

Background

The uplands in this section of the St. Johns River are mixed-use commercial/residential. The shoreline adjacent to the proposed marina, in either direction, is in an unnatural, bulkheaded, or riprapped condition. The River City Brewing Company Marina and an adjacent Public Boat Ramp are located approximately 827 feet to the east of the project site.

The upland property adjacent to the proposed marina was previously one distinct property. It has since been subdivided and a portion of the original property, which was owned by South Shore Group Partners, LLC, was sold to South Shore Riverpointe Holdings, LLC, a condominium developer. The applicant, South Shore Group Partners, LLC, preserved its riparian rights by retaining a 5-foot-wide strip of land along the entire shoreline of the original parcel.

South Shore Group Partners, LLC, granted a 12-foot-wide easement, along the shoreline, to the City of Jacksonville (City), for the purpose of creating an extension of the South Bank Riverwalk, on December 7, 2005. The deed granting ownership of the condominium parcel to South Shore Riverpointe Holdings, LLC, dated June 17, 2006, includes the easement as an encumbrance. Thus, a 7-foot-wide strip that is now on the condominium property is subject to the easement previously granted to the City, plus the 5 feet of the applicant-owned property, represents the 12-foot-wide easement. The City's right to construct and maintain the boardwalk is established in a grant of easement executed between the applicant, South Shore Riverpointe Holdings, LLC, and the City. The grant of easement, however, preserves the applicant's right to moor boats, have access to those boats, and to install utilities and fixtures for use in conjunction with the boats. Further, the grant of easement preserves the applicant's right in common with the public to use and cross the boardwalk for access to such boats.

Project Detail

The proposed marina will accommodate recreational vessels either motor-powered or sail-powered ranging from 40 feet to 120 feet in length, with drafts up to 13 feet. This section of the St. Johns River provides sufficient water depths for the intended boat drafts and does not contain any wetland or other significant submerged or aquatic resources. No dredging is proposed and the floating docks will be secured in place by dock mooring pilings. The floating docks with associated finger piers will commence at the existing bulkhead.

A minimum of 90 percent of all of the slips will be rented to the public on a first-come, first-served basis with no longer than one-year rental terms. This requirement has been included as a special lease condition. The applicant has also agreed to a special lease condition which will state that the applicant can not sell a boat slip to the owners of the upland condominium units or any other individual or entity, and that the purchase of an upland condominium unit shall not provide any greater right or privilege to rent a boat slip than that offered to the general public.

To meet the requirements of the Jacksonville Municipal Code for Marinas, there will be 86 parking spaces reserved for marina slip lessees. There will be 2,227 parking spaces on the adjacent uplands owned or controlled by the applicant, in surface parking lots and in a parking

Substitute Item 1, cont.

garage. The parking in these areas is currently controlled by means of an electronic pass for tenants of the commercial office building on the property. Marina slip renters will be given the same electronic pass access, affording them the guaranteed parking in the applicant controlled parking lots of the parking garage.

The pedestrian access from the dedicated parking spaces to the marina is entirely within the applicant owned property, via external open and covered walkways and through the Aetna Building ground floor atrium. The Aetna Building is always open and has 24-hour per day on-site security personnel.

Vehicular access to the marina has been guaranteed by the execution and recording of a reciprocal access easement between the applicant and the condominium developer granting vehicle access through the condominium parcel to the waterfront for marina pick-up and drop-off.

Noticing

The project was noticed to five property owners within 500 feet of the proposed lease area as required by section 253.115(1), F.S. No objections or comments have been received to date.

Permit Summary

DEP's environmental resource permit authorizes sewage pumpout facilities, but does not authorize liveaboards or fueling facilities.

Commenting Agency

The recommendations of the Florida Fish and Wildlife Conservation Commission (FWC) regarding protection of manatees have been addressed in the environmental resource permit and as special lease conditions. Duval County is a designated manatee county with an approved Manatee Protection Plan (MPP). FWC stated that the proposed project appears to be consistent with the MPP.

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 the city of Jacksonville.

(See Attachment 1, Pages 1-31)

RECOMMEND WITHDRAWAL

**Substitute Item 2 East Coast Trading Co., Inc. Recommended Consolidated Intent/
Lease Modification**

REQUEST: Consideration of an application for (1) a modification of a five-year sovereignty submerged lands lease for a proposed 18-slip commercial marina to (a) reassign the lease; (b) extend the term to ten years; (c) increase the preempted area from 192 square feet to 28,665 square feet, more or less; (d) change the use from a private fishing pier to a commercial marina; and (e) delete Special Lease Condition No. 30 prohibiting mooring; (2) authorization for the severance of approximately 110 cubic yards of sovereignty material; and (3) authorization for the placement of 524 linear feet of vertical bulkhead at the approximate mean high water line.

COUNTY: Putnam
Lease No. 540003502
Application No. 54-270356-001-EI

APPLICANT: East Coast Trading Co., Inc.

LOCATION: Section 38, Township 10 South, Range 27 East, in the St. John's River, Class III Waters, within the local jurisdiction of Putnam County
Aquatic Preserve: No
Outstanding Florida Waters: No
Designated Manatee County: No
Manatee Aggregation Area: No
Manatee Protection Speed Zone: No

CONSIDERATION: \$3,977.48, representing (1) \$3,839.98 as the initial lease fee computed at the base rate of \$0.14126 per square foot, discounted 30 percent because 90 percent of the slips are open to the public for rent on a first-come, first served basis, and including the initial 25 percent surcharge payment on the additional area; and (2) \$137.50 for the severance of sovereignty material computed at the rate of \$1.25 per cubic yard pursuant to section 18-21.011(3)(a)3, F.A.C. 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.

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 chapter 253, F.S. The Board of Trustees is requested to act on those aspects of the activity that require authorization to use sovereignty submerged lands. If the Board of Trustees approves the request to use sovereignty submerged lands and the activity also qualifies for a permit, the Department of Environmental Protection (DEP) will issue a "Consolidated Notice of Intent to Issue" that will contain general and specific conditions. If the Board of Trustees denies the use of sovereignty submerged lands, whether or not the activity qualifies for a permit, DEP will issue a "Consolidated Notice of Denial."

Substitute Item 2, cont.

Project Synopsis

The applicant is proposing to remove an existing fishing pier used in conjunction with an upland motel and construct a new 18-slip commercial docking facility to be used in conjunction with a proposed upland marina with a 270-space dry storage facility.

Background

The existing sovereignty submerged lands lease for the motel fishing pier was approved by the Board of Trustees on December 18, 1990 and was most recently renewed by DEP, under delegation of authority, on December 18, 2005. The existing lease authorizes the preemption of 192 square feet of sovereignty submerged lands.

The applicant currently has Purchase Agreements, pending Board of Trustees' approval of the lease modification, for the upland parcel containing the existing motel and for two adjacent parcels to accommodate the dry storage and office facilities. There are currently two unused single-family dock structures on the adjacent undeveloped parcels that are to be removed prior to the construction of the proposed facility. A special approval condition will require the applicant to obtain sufficient upland interest prior to executing the lease.

Project Detail

The proposed marina has a preempted area of 28,665 square feet, an addition of 28,473 square feet to the existing lease area. The facility will accommodate both power and sail type recreational vessels ranging up to 40 feet in length with an average draft of 6 feet.

A minimum of 90 percent of all of the slips will be rented to the public on a first-come, first-served basis with no longer than one-year rental terms. This requirement has been included as a special lease condition.

The applicant is also proposing to dredge 110 cubic yards of sovereignty material to reach a depth of -6 feet mean low water at the area of the dry storage launch. The spoil will be disposed of in an upland spoil site. In addition, 524 linear feet of vertical bulkhead is to be placed at the apparent mean high water line along the applicant's riparian shoreline. Backfill is to be placed behind the bulkhead to level the property.

The proposed project will not impact any significant submerged or aquatic resources. Submerged aquatic vegetation beds were surveyed and as a result of the presence of this resource, the marina has been redesigned and reconfigured such that the main pier has moved waterward of the resource and runs parallel to the bulkhead creating a 36-foot avoidance area extending waterward from the bulkhead and an additional 15-foot buffer area extending waterward from the waterward most edge of the beds in order to protect the beds from possible impacts associated with the marina. Because the marina was moved waterward to avoid adverse impacts to the resource, this portion of the nearshore area that is protected from marina activities is therefore precluded from the preempted area calculated for the proposed sovereignty submerged lands lease area pursuant to section 18-21.003(40), F.A.C. Signage and "No Entry"

Substitute Item 2, cont.

buoys are to be installed at the edges of the avoidance areas for additional protection of the submerged aquatic vegetation. This requirement has been included as a special lease condition.

The proposed project will be located within the 25-foot setback area along the northeast property line and a letter of concurrence has been obtained from the affected adjacent property owner, which includes rights of ingress and egress outside of the applicant's riparian area. Further, the applicant has a Purchase Agreement pending on this parcel for possible future expansion of the marina facilities.

Noticing

The proposed project was noticed pursuant to section 253.115, F.S. As a result of noticing the proposed lease to the adjacent property owners, ten written objections have been received as of April 19, 2007. The objections express concerns regarding potential impacts to manatees and submerged aquatic vegetation, possible water quality violations due to the lack of public water and sewage facilities to service the area, inadequate stormwater management facilities, potential navigational hazards due to the narrowing of the river in this area, and increased roadway traffic. The Florida Fish and Wildlife Conservation Commission (FWC) has reviewed the proposed marina plan and with specific manatee related conditions added to the lease, believes that there is little potential impact to manatees as a result of this marina. Copies of the letters of objection concerning manatee related issues were forwarded to FWC for further review and in an email dated March 14, 2007, FWC confirmed it's original position that the proposed marina will have little potential impact to the manatee.

Submerged aquatic vegetation beds were surveyed and a 36-foot avoidance area extending waterward from the bulkhead and an additional 15-foot buffer area extending waterward from the waterward most edge of the beds have been denoted. Signage and "No Entry" buoys are to be installed at the edges of the avoidance areas for additional protection of the submerged aquatic vegetation.

Concerns regarding sewer and water have been resolved by a special approval condition requiring an executed Utility Agreement be in place to provide water and sewer services. Also, a special lease condition shall require the connection and use of such utility services. Initially, the marina will utilize the privately-owned water and wastewater system that services Eastgate Plaza, a strip mall directly across Highway 17. This system has sufficient capacity to accept the additional volume generated by the marina's pumpout services and restroom. The applicant will need to directional drill under Highway 17 to connect its lift station to the Plaza. When the County Regional Wastewater system becomes available, the marina will utilize this system, which is expected to run a foreman along the Highway on the same side as Eastgate Plaza. The applicant will expedite the timing, reduce the cost and accommodate the needed infrastructure for the County's system by installing piping large enough to serve East Palatka west of the Highway. The stormwater management system includes exfiltration galleries that are not apparent upon review of the project design as they are underground. Review of the engineering report shows that the design meets all state rules and water quality standards. The applicant has stated that the marina will apply for the "Clean Marina" designation once open, providing further assurance that water quality standards will be met.

Substitute Item 2, cont.

The river is over 1,000 feet wide at the narrowest point in this area of the river. The applicant has since redesigned the marina and reduced the number of wet slips from 90 to 18 and the number of slips in the dry storage facility from 300 to 270. At the narrowest point in the river, the redesigned marina extends nine percent of the width of the waterbody. The waterward most end of the dock structure is 495 feet from the edge of the existing channel.

To address the increased roadway traffic, the applicant is installing a traffic signal at the entrance to the marina to increase the safety of motorists traveling along Highway 17.

The same property owners were specifically re-noticed as to the redesign of the marina and reduced lease area and no objections have been received to date.

Permit Summary

DEP's environmental resource permit prohibits liveaboards and authorizes fueling facilities and sewage pumpout facilities.

Commenting Agency

The recommendations of the FWC regarding protection of manatees have been addressed in the permit and are included as special lease conditions.

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 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 plan as amended according to a letter received from Putnam County.

(See Attachment 2, Pages 1-37)

**RECOMMEND APPROVAL SUBJECT TO THE SPECIAL APPROVAL
CONDITIONS, THE SPECIAL LEASE CONDITIONS, AND
PAYMENT OF \$3,977.48**

Item 3 **Tanenbaum Conveyance/Determination**

REQUEST: Consideration of (1) a determination that, pursuant to Article X, section 11, Florida Constitution, and section 18-21.004(1)(a), F.A.C., it is in the public interest to convey approximately 1,249 square feet (0.03 acre) of filled, formerly submerged, sovereignty lands in Orange County; (2) a determination that, pursuant to section 253.034, F.S., the parcel is surplus; and (3) conveyance of the parcel to Tom Tanenbaum and Wendy Tanenbaum, husband and wife, the riparian owners.

Item 3, cont.

COUNTY: Orange

APPLICANTS: Tom Tanenbaum and Wendy Tanenbaum, husband and wife

LOCATION: Section 07, Township 23 South, Range 30 East

CONSIDERATION: \$28,000 to be deposited in the Internal Improvement Trust Fund

<u>PARCEL</u>	<u>ACRES</u>	<u>CSA VALUE*</u> <u>(07/10/07)</u>	<u>TRUSTEES'</u> <u>SALES PRICE</u>	<u>CLOSING</u> <u>DATE</u>
BOT	0.03	\$28,000	\$28,000	120 Days After BOT Approval

* Pursuant to section 253.034(6)(g), F.S., a comparable sales analysis (CSA) may be used to determine value for parcels estimated to be less than \$100,000. The Division of State Lands, Bureau of Appraisal, staff prepared the CSA for this parcel.

STAFF REMARKS:

Background

The Department of Environmental Protection (DEP), Division of State Lands (DSL) has received a request from the Tanenbaums to purchase approximately 1,249 square feet (0.03 acre) of filled, formerly submerged, sovereignty lands in Orange County on Little Lake Conway to resolve a swimming pool encroachment. The Tanenbaums, who are the riparian owners, purchased their home with the existing swimming pool in 1998, and were not aware that the existing pool encroached on state-owned land until they were provided a copy of the survey at the closing table. The pool encroachment was caused by a predecessor in title. In 2004, the Tanenbaum's home was damaged by Hurricane Charley and they would like to make repairs to their property. DSL staff contacted Orange County to confirm what would be necessary for the Tanenbaums to obtain permits to do any repairs. Orange County advised staff that the applicants would need fee simple ownership of the encroachment area to repair any improvements.

DSL's Title and Land Records' Section has advised that the subject lot is located on reclaimed lake bottom conveyed by the Board of Trustees in 1956. Waterward of the platted shoreline are overfilled lands created sometime before 1963. These overfilled lands were not conveyed by the Board of Trustees. Since the overfilled lands are sovereignty lands, the property owner is considered riparian to Little Lake Conway.

Public Interest

Pursuant to Article X, section 11, of the Florida Constitution, and section 18-21.004(1)(a), F.A.C., the Board of Trustees may convey sovereignty lands if an evaluation of the benefits and costs of the request shows that conveyance is in the public interest. DEP staff recommends the Board of Trustees find that it is in the public interest to convey this parcel to the Tanenbaums for the following reasons:

Item 3, cont.

- it would not be feasible to restore the land to its previous state;
- the parcel is landlocked and its location is not suitable for management by the state; and
- approval will resolve the pool encroachment created by a predecessor in title.

There are no costs or negative impacts to the state associated with conveying this parcel to the Tanenbaums.

Noticing

Pursuant to section 253.111(5), F.S., if any riparian owner exists with respect to any land to be sold by the Board of Trustees, such riparian owner shall have the right to secure such land, which right is prior in interest to the right in the county created by this section, provided that such riparian owner shall be required to pay for such land upon such prices, terms, and conditions as determined by the Board of Trustees. Therefore, no notice was sent to local government or state agencies.

Comprehensive Plan

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

(See Attachments 3, Pages 1-15)

RECOMMEND APPROVAL

Item 4 August 2007 Florida Forever Report/Priority List

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

STAFF REMARKS: The August 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 February 16, April 13, and June 15, 2007, ARC added three new projects and amended the boundaries of six projects on the February 2007 Florida Forever Priority List. The August Report includes the August 2007 Florida Forever Priority List of acquisition projects approved by ARC on June 15, 2007 and proposed for adoption by the Board of Trustees.

<u>Projects Added to List</u>	<u>Acres</u>	<u>County</u>
Adams Ranch	11,057	Osceola
Rainbow River Corridor	1,183	Marion
West Aucilla River Buffer	721	Jefferson

Item 4, cont.

<u>Projects with Boundary Amendments</u>	<u>Acres</u>	<u>County</u>
Etoniah/Cross Florida Greenway	85	Marion
Ichetucknee Trace	1,170	Columbia
Indian River Lagoon Blueway	490	Brevard & St. Lucie
Northeast Florida Timberlands & Watershed Reserve	2,665	Clay
South Goethe	5,553	Marion
Terra Ceia	395	Manatee

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 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 March 2007, the state's Florida Forever land acquisition program has been extremely successful as evidenced by the protection of:

- 235,960 acres of Strategic Habitat Conservation Areas (Florida Fish and Wildlife Conservation Commission);
- 382,930 acres of rare species habitat conservation areas (FNAI), and over 630 listed species locations of 204 different species, 104 of which are state-listed as endangered, 43 state-listed threatened, and 17 species of special concern;
- 523,680 acres of ecological greenways (Office of Greenways & Trails);
- 51,270 acres of under-represented natural communities;
- 57,620 acres of natural floodplains;
- 541,220 acres important to significant water bodies;

Item 4, cont.

- 5,080 acres of fragile coastline;
240,180 acres of functional wetlands;
- 524,833 acres of significant groundwater recharge areas;
- 87,860 acres of land to support priority recreational trails;
- 265,340 acres of sustainable forest land; and
- 2,720 acres of archaeological and historic sites have been protected.

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 552,764 acres of land with \$2.01 billion in Florida Forever funds through June 2007.

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

(See Attachment 4, Page 1)

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

Item 5 Clay Option Agreement/Waiver/DACS/DOF/Point Washington State Forest Additions and Inholdings Project

REQUEST: Consideration of (1) an option agreement to acquire 9.9 acres within the Department of Agriculture and Consumer Services, Division of Forestry's Point Washington State Forest Additions and Inholdings project from William F. Clay; and (2) the authority to waive the survey requirement pursuant to section 18-1.005, F.A.C.

COUNTY: Walton

APPLICANT: Department of Agriculture and Consumer Services, Division of Forestry (DOF)

LOCATION: Section 31, Township 02 South, Range 19 West

CONSIDERATION: \$810,000

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<u>PARCEL</u>	<u>ACRES</u>	APPRAISED BY Fruitticher (2/22/07)	APPROVED <u>VALUE</u>	SELLER'S <u>PURCHASE</u> <u>PRICE</u>	TRUSTEES' <u>PURCHASE</u> <u>PRICE</u>	OPTION <u>DATE</u>
Clay	9.9	\$835,000	\$835,000	\$750,000*	\$810,000** (97%)	60 days after BOT approval

* Mr. Clay purchased the property on September 7, 2004 for \$750,000

**\$81,818 per acre

Noted Features:

The neighborhood is located in southern Walton County. Residential and commercial development is occurring along the major thoroughfares in the area.

Zoning allows for one single-family residential dwelling per 2.5 acres. Current land use is low density residential.

The property is a single, 9.9-acre parcel completely surrounded by forestry lands of the Point Washington State Forest. The land has 3.5 acres (35%) of wetlands.

Value is based upon a unit value of \$84,192 per gross acre.

No reservations of oil, gas, and mineral rights were found.

There are no known improvements on the parcel.

Access to the property is by a platted, but unimproved road.

STAFF REMARKS: This acquisition was negotiated by Department of Agriculture and Consumer Services, DOF, under its Florida Forever Additions and Inholdings Program. The Florida Department of Transportation (FDOT) has entered into an agreement with the Board of Trustees and DOF, dated March 29, 2000, for the purpose of mitigating FDOT's use of the Board of Trustees' lands for road improvement projects in Walton County. DOF, Department of Environmental Protection (DEP), and FDOT are in discussions at this time to determine the possibility of FDOT funding or reimbursing DOF Additions and Inholdings program a portion of this transaction cost as a part of its mitigation.

Property Description

This property is an isolated inholding of the Point Washington State Forest. Currently this tract is undeveloped, being bounded on four sides by state managed lands. Development of this tract would create significant obstacles to the use of prescribed fire as a management tool and increase pressure on the region's bio-diversity. Several plants and animals that are listed as threatened, endangered, or species of special concern exist on the Point Washington State Forest. Some of these rare species include: American kestrel (*Falco sparverius*), gopher tortoise, flatwoods salamander, white-topped pitcher plant (*Sarracenia leucophylla*) and the world's largest population of Curtiss sandgrass (*Calamovilfa curtisii*).

Mortgages and Liens

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 DEP the authority to review and evaluate marketability issues as they arise on all chapter 259, F.S., acquisitions and to resolve them appropriately. DEP staff will review, evaluate, and implement an appropriate resolution for these and any other title issues that arise prior to closing.

Survey Waiver

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 a

Item 5, cont.

survey is minimal relative to its cost; therefore, a waiver of the requirement for a survey of the property is being requested pursuant to section 18-1.005, F.A.C.

Closing Information

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

Management

This parcel will be managed by DOF as an addition to Point Washington State Forest.

Comprehensive Plan

This acquisition is consistent with section 187.201(22), F.S., the Agriculture section of the State Comprehensive Plan.

(See Attachment 5, Pages 1-30)

RECOMMEND APPROVAL

Item 6 New College Foundation, Inc. Option Agreement/Florida Board of Governors/New College of Florida

REQUEST: Consideration of an option agreement to acquire 1.17 acres for the benefit of the Florida Board of Governors and New College of Florida from New College Foundation, Inc.

COUNTY: Sarasota

APPLICANT: New College of Florida

LOCATION: Section 01, Township 36 South, Range 17 East

CONSIDERATION: \$1,255,000

<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>(09/20/06)</u> Dailey	<u>(09/19/06)</u> Hunt				
572 58 th St.	.39	\$460,000	\$435,000	\$460,000	\$315,000*	\$1,255,000***	120 days after
540 58 th St.	.39	\$435,000	\$410,000	\$435,000	**	(100%)	BOT approval
Lot #3 58 th St.	.39	\$340,000	\$360,000	\$360,000	**		
	1.17			\$1,255,000			

* 572 58th Street was purchased by New College Foundation, Inc. on January 19, 2005 for \$315,000.
 ** 540 58th Street and Lot #3 58th Street were donated to New College Foundation, Inc. on July 23, 1997.
 *** \$1,072,650 per acre.

Item 6, cont.

Noted Features of Subject Property:

The neighborhood is both urban and suburban with uses including single-family homes, the New College of Florida campus, and the Ringling Art Museum.

All three lots are contiguous with the New College of Florida campus and therefore can be used in conjunction with the campus. However, there is no premium in value associated with the proximity to the campus.

Zoning and land use is residential. Value is based on the residential zoning.

572 58th Street is improved with a single-family home built in 1954. The value is based on sales of similar homes.

540 58th Street is improved with a single-family home built in 1958. The value is based on sales of similar homes.

Lot #3 58th Street is vacant. Value is based on sales of similar vacant lots and lots with minimal improvements.

All three lots have access along the south side of 58th Street and together are bordered on all sides (north, south, east and west) by state-owned property.

STAFF REMARKS: This acquisition was negotiated by New College of Florida (NCF). Funds for the acquisition were appropriated during the Legislative sessions for fiscal year 2002-2003 and fiscal year 2004-2005, and are still available for use by NCF for acquisition and costs associated with this purchase. The proceeds of this acquisition will be retained by New College Foundation, Inc., a not-for-profit corporation, for future acquisition needs. 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(31)(c), F.S.

Project Summary

The property located at 572 58th Street is improved with a 2,574-square-foot, single-family residence. Upon closing, the purchaser shall use the property for temporary faculty housing, according to its management plans approved by the Board of Trustees of NCF.

The property located at 540 58th Street is improved with a 2,039-square-foot, single-family residence. The purchaser will take title to this parcel, subject to a Lease Agreement by and between New College Foundation, Inc. and The New College Child Care Center, Inc., a not-for-profit corporation serving New College students, faculty, and staff (Day Care Center) dated July 9, 2007. The term of the lease is for one year, ending June 30, 2008. The Day Care Center will be responsible for payment of all charges for the furnishing of gas, electricity, telephone, other services or public utilities, maintenance, and insurance during the lease period. Upon closing, the lease shall be assigned to the Board of Trustees and to NCF, as lessor, and the rights and obligations of the Day Care Center shall remain unaffected except that the Day Care Center will be a sub-lessee of NCF, for the term of the lease.

The property located at Lot #3 58th Street is an unimproved lot. Upon closing, the purchaser shall use the property in accordance with its management plans approved by the Board of Trustees of NCF.

Long-term, all the 58th Street parcels will be used as sites for new residence halls, a physical plant shop facility, and support parking. NCF's Campus Master Plan Update is scheduled for final adoption in September 2007.

Encumbrances

All mortgages and liens will be satisfied at the time of closing. Improvements on the properties include two single-family residences, one of which will be used as temporary faculty housing

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and the other will be used as a day care center pursuant to the existing lease agreement. There is an easement for telephone maintenance and an easement for masonry wall and utilities covering the three parcels. In the event the commitment for title insurance, to be obtained prior to closing, reveals any encumbrances that may affect the value of the properties or the proposed management of the properties, 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 NCF as part of the existing campus.

(See Attachment 6, Pages 1-60)

RECOMMEND APPROVAL