

**AGENDA**  
**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**  
**APRIL 19, 2011**

Attachments to the items below can be viewed at the following link:  
[http://www.dep.state.fl.us/secretary/cab/public\\_notices.htm](http://www.dep.state.fl.us/secretary/cab/public_notices.htm)

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**Item 1 Minutes**

Submittal of the Minutes from the February 22, 2011 Cabinet Meeting.

**VOTING REQUIREMENT FOR APPROVAL:** Simple majority

(See Attachment 1 at [http://www.dep.state.fl.us/secretary/cab/public\\_notices.htm](http://www.dep.state.fl.us/secretary/cab/public_notices.htm))

**RECOMMEND APPROVAL**

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**Item 2 SSA Developers, LLC Option Agreement/Clear Creek/Whiting Field Florida Forever Project/BOT/Department of Navy MOA/Declaration of Restrictive Covenants**

**REQUEST:** Consideration of (1) an option agreement to acquire 172.4 acres within the Clear Creek/Whiting Field Florida Forever project from SSA Developers, LLC; and (2) a request for authority to place a declaration of restrictive covenant against the property in favor of the United States of America, by and through the Department of the Navy pursuant to the memorandum agreement executed on September 29, 2006, amended May 21, 2007 and further amended October 1, 2009.

**VOTING REQUIREMENT FOR APPROVAL:** Simple Majority

**COUNTY:** Santa Rosa

**LOCATION:** Sections 35 and 36, Township 03 North, Range 28 West

**CONSIDERATION:** \$4,640 maximum per surveyed acre; Option Agreement states \$799,936 based on \$4,640 per acre for 172.4 unsurveyed acres (The Board of Trustees' consideration may be reduced by 50 percent of the purchase price as discussed under "Military Agreement", provided the Department of the Navy approves the supporting acquisition documentation.)

<u>PARCEL</u>	<u>ACRES</u>	<u>APPRAISED BY:</u>		<u>MAXIMUM APPROVED VALUE</u>	<u>SELLER'S PURCHASE PRICE</u>	<u>TRUSTEES' PURCHASE PRICE</u>	<u>OPTION DATE</u>
		<u>(08/19/10)</u>	<u>(08/19/10)</u>				
SSA	172.4	\$800,000	\$775,000	\$800,000	\$ 1,600,000*	\$799,936** (100%)	120 days after BOT approval

\* The owner purchased the parcels for \$1,600,000, total in two separate transactions on October 13 and 15, 2005.

\*\* Price per acre is \$4,640

**STAFF REMARKS:** The parcel is located within the Clear Creek/Whiting Field Florida Forever project, ranked eighth in the Florida Forever Partnerships and Regional Incentives project category, approved by the Board of Trustees on September 28, 2010. The project contains 5,291 acres, of which 1,783 acres have been acquired, protected by a conservation

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**Item 2, cont.**

easement, or are under agreement to be acquired. If the Board of Trustees approves this agreement, 3,508 acres or 66 percent of the project will remain to be acquired.

**Project Description**

The proposed acquisition would aid in the establishment of conservation and regional protection through a land linkage of natural areas forming a significant corridor connection between state and private conservation lands. Conceptual management planning would benefit from a coordinated, bioregional consideration among all stakeholders and across management agents regarding this landscape. This project would provide open space in an urbanizing area and is located close to the City of Milton. The project would also serve a dual purpose of stabilizing the land uses around the Whiting Field Naval Air Station so as to forestall the encroachment of land uses that could be incompatible with the continued function of this military installation. Essential buffering will preclude fragmentation and development that may adversely impact the Department of Navy's (Navy) mission. The continued mission of the Navy at Whiting Field is extremely important, if not critical, to the socio-economic viability of the region.

This project, in addition to providing additional buffering to Whiting Field and a motorized trail system, will provide public access that may include the following recreational activities: hiking, bicycling, birding, and nature trails/study. The proposed acquisition expands the potential for trail development in the region including the possible development of a trail around Whiting Field that would extend from and incorporate the existing state owned and managed multi-use Blackwater Heritage Trail (BHT) and the federally owned and managed multi-use Military Heritage Trail (MHT).

**Military Agreement**

In 2006, the Navy and the Department of Environmental Protection (DEP) entered into a memorandum of agreement and amended it on May 15, 2007 to clarify some items and further amended it on October 1, 2009 to change the Navy cost share from 25 percent to 50 percent responsibility. The memorandum provides that: (1) if the state buys certain lands around Whiting Field; and (2) if the Navy chooses to contribute 50 percent of the purchase price for the fee simple interest in the lands; then (3) the state will place specific restrictive covenants, protective of the Navy's flight operations and approved by the Navy, over that land. The Navy obligated \$5,031,000 to be used towards the 50 percent cost share for the restrictive covenants on any parcels located in the Clear Creek/Whiting Field Florida Forever project. The agreement expires September 30, 2011. All contributions will be subject to Navy approval of supporting documentation.

Below is a list of the proposed restrictions:

- Human Habitation – Transient accommodations, such as cabins and tents, with a limited density of 25 people per acre;
- Setbacks – No structure, except trail shelters or fencing, may be located within 50 feet of the property line abutting the Navy installation;
- Height Restrictions – Buildings and structures are limited to a height of 30 feet or less without Navy approval;

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**Item 2, cont.**

- Lighting – No direct lighting will be emitted above the horizontal plane. Lights, such as streetlights, must be angled downward;
- Other Operational and Training Hazards – Must have Navy approval for anything that may cause training or operational hazard, such as prescribed burns, bird feeding stations, or waterfowl congregation;
- Construction – Any construction must be approved by the Navy 60 days prior to commencement and the Navy has 30 days from receipt to approve or disapprove;
- Noise and Other Effects of Air Operations – The State waives the right to sue due to noise, vibrations, fumes, dust, and fuel particles that may be caused by aircraft operation from the Navy installation; and
- Property Interests – If the Navy chooses to exercise its right of eminent domain, the State shall receive just compensation. If the restrictions are found to be unenforceable and both parties cannot agree on an amendment, or the Navy installation does not require the continued encumbrance, the State will refund the Navy its 50 percent contribution in exchange for a release of restrictions.

**Mortgages and Liens**

All mortgages and liens will be satisfied at the time of closing. There is a 30-foot access easement over 1.8 acres, running along the west boundary of Section 36, which provides access to the parcels south of the subject property. There is an oil, gas and mineral reservation with rights of entry, dated January 14, 1982, in favor of The Estes Timber Company over the east 122.4 acres. The company has not been active since 1982. There is also an oil, gas and mineral reservation, with subsurface entry rights over the west 50 acres, in favor of William and Harry Rosasco. However, if the reservation is exercised, the owner of the oil, gas, and mineral rights will pay just compensation to the owner of the property for any damages. This reservation was previously in favor of the Estates of A. T. Rosasco, deceased, and W. S. Rosasco, deceased. Lastly there is a Flight Clearance easement over 26.6 acres of the western portion of the property. All the exceptions were considered to have minimal, if any, impact on the value, by the appraisers and were typical for rural property in this area. On June 22, 1999, the Board of Trustees approved a staff recommendation to delegate to the 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 will review, evaluate, and implement an appropriate resolution for any title issues that arise prior to closing.

**Closing Information**

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

**Management**

The property will be managed by the Department of Agriculture and Consumer Services' Division of Forestry as an addition to Blackwater River State Forest.

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**Item 2, cont.**

**Comprehensive Plan**

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 2, Pages 1-80)

**RECOMMEND APPROVAL**