

RESOLUTION 15- 106

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, REPEALING AND REPLACING RESOLUTION 09-21, AS AMENDED BY RESOLUTION 12-45, WHICH ESTABLISHED THE WILD SPACES AND PUBLIC PLACES CITIZEN OVERSIGHT COMMITTEE; REPEALING AND REPLACING RESOLUTION 14-50 TO ADD THE WILD SPACES AND PUBLIC PLACES CITIZENS OVERSIGHT COMMITTEE FUNCTION AND DUTIES TO THE LAND CONSERVATION BOARD; PROVIDING A REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Alachua County contains many treasured natural resources of significant environmental importance that contribute greatly to the quality of life enjoyed by our citizens; and,

WHEREAS, it is in the best interest of the citizens of Alachua County that action be taken in order to protect for future generations the natural resources of Alachua County by acquiring, improving and managing environmentally significant lands; and,

WHEREAS, the acquisition of these environmentally significant lands will provide opportunities for both existing residents and future generations to enjoy wild and scenic areas and will provide opportunities for resource-based recreation and educational uses as well as opportunities to maintain good surface water quality by using appropriate lands for their natural stormwater cleansing abilities; and,

WHEREAS, it is consistent with the State of Florida Comprehensive Plan, the Strategic Regional Policy Plan adopted by the North Central Florida Regional Planning Council, and the Alachua County Comprehensive Plan to acquire, preserve and passively use environmentally significant lands located in Alachua County, Florida; and,

WHEREAS, Article 2, Section 7(a) of the Florida Constitution states it shall be the policy of the State of Florida to conserve and protect its natural resources and scenic beauty and that adequate provisions shall be made for the adequate protection and conservation of natural resources; and,

WHEREAS, on September 28, 1999, the Board of County Commissioners (BOCC) adopted Resolution 99-110 establishing the Land Conservation Advisory Committee (LCAC), for the purpose of recommending policies guiding the prioritization of environmentally significant lands for acquisition and related topics; and,

WHEREAS, on July 25, 2000, the Board of County Commissioners adopted Resolution 00-60, calling for a referendum on the question as to whether General Obligation bonds should

be issued to fund the acquisition, preservation, and passive recreational use of these environmentally significant lands; and,

WHEREAS, said referendum was held on November 7, 2000, and the voters of Alachua County approved issuing the bonds; and

WHEREAS, on August 12, 2008, the Board of County Commissioners adopted Ordinance 08-17, calling for a referendum on November 4, 2008, submitting to the qualified electors of Alachua County the question as to whether a 1/2-cent Local Government Infrastructure Surtax should be levied to fund the acquisition, preservation, and passive recreational use of these environmentally significant lands; and,

WHEREAS on July 25, 2000, the Board of County Commissioners adopted Ordinance 00-13 establishing the Alachua County Land Conservation Board (LCB), and as amended by Ordinance 01-23 on September 25, 2001; and,

WHEREAS, the Board of County Commissioners adopted Resolution 00-100 on October 10, 2000 to establish a process where environmentally significant lands may be acquired using these proceeds, and as amended by Resolution 01-126 on September 25, 2001 and by Resolution 01-137 on October 23, 2001, and by Resolution 02-017 on February 26, 2002, and by Resolution 05-061 on August 9, 2005, and by Resolution 05-094 on November 8, 2005, and by Resolution 06-01 on January 10, 2006, and by Resolution 09-10 on January 27, 2009, and by Resolution 14-50 on July 8, 2014; and,

WHEREAS, on August 12, 2008 the Board of County Commissioners of Alachua County adopted Ordinance 08-17 to impose a voter approved local government infrastructure surtax to be utilized by Alachua County and the municipalities within Alachua County to acquire and improve conservation lands and create, improve and maintain parks and recreational facilities within Alachua County; and

WHEREAS, a referendum on said surtax was held on November 4, 2008, and the voters of Alachua County approved said surtax; and

WHEREAS, the referendum language for the referendum calls for 'Citizen Oversight'; and

WHEREAS, the Board of County Commissioners of Alachua County adopted Resolution 09-21, as amended by Resolution 12-45, to establish a Citizen Oversight Committee to ensure that Wild Spaces & Public Places infrastructure surtax revenues are expended by the recipient municipalities and the County consistent with the ballot language approved by the voters; and

WHEREAS, some municipalities receiving surtax funds continue to have unspent surtax funds therefore requiring continued Citizen Oversight ; and

WHEREAS, the Board of County Commissioners has identified the requirement in Resolution 09-21 that the Citizen Oversight Committee member who is appointed by the

Alachua County League of Cities must be present at the Committee meetings to constitute a quorum presents an undue hardship on the Committee; and

WHEREAS, the Board of County Commissioners desires to remove this requirement from the Citizen Oversight Committee; and

WHEREAS, the Board of County Commissioners desires to reduce the number of its advisory boards and has identified the merger of Citizen Oversight Committee with the Land Conservation Board which will result in the elimination of the Citizen Oversight Committee and transfer the Citizen Oversight Committee function required by the 2008 surtax referendum to the Land Conservation Board.

NOW, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA THAT RESOLUTION 14-50 IS HEREBY REPEALED AND REPLACED WITH THE FOLLOWING LANGUAGE:

Section 1. Authority for this Resolution. This Resolution is adopted pursuant to the Alachua County Home Rule Charter, Chapter 125, Florida Statutes, as amended, the Code of Alachua County Section 310, and other applicable provisions of law.

Section 2. Applicability. These procedures apply to selection and purchase of land under the Alachua County Forever Bond referendum and the Wild Spaces and Public Places Referendum, and shall not apply to property acquisition completed by Alachua County for other purposes or using other funding sources.

Section 3. Overall Goals, Values and Policies of the Land Selection and Acquisition Program Established for Use of Funds Authorized by the Alachua County Forever Bond Referendum and the Wild Spaces and Public Places Local Government Infrastructure Surtax Referendum. The following goals, values and policies shall apply to Alachua County Land Conservation Program:

a. Alachua County's goals and values in establishing the Alachua County Land Conservation program to acquire and manage environmentally significant lands are to protect water resources, wildlife habitat, and natural areas suitable for resource-based recreation.

b. Alachua County seeks to maximize the effectiveness of local tax dollars by using them to leverage funds available from federal, state, municipal, private non-profit, and Water Management District sources. The County may own land in partnership with other agencies. The County may preferentially elect to designate Alachua County Forever bond and Wild Spaces and Public Places Local Government Infrastructure Surtax proceeds as matching funds for perpetual federal, state, municipal, private non-profit or Water Management District land acquisition projects if the LCB and the BOCC determine that any such project adequately meets the eligibility requirements established in the site ranking criteria or otherwise conforms with the above-stated overall goals of this program. The County may hold title in partnership with other agencies.

c. Mandated acquisition procedures for federal, state, or water management district (WMD) programs may be substituted in part or in whole for the provisions of these County policies and procedures when federal, state or WMD funds are available and will be utilized for the purchase of land, and qualification for such funds requires compliance with mandated acquisition procedures. The BOCC may waive any provision of the County's acquisition procedures when land is being conveyed to the County from another governmental entity.

d. The Board of County Commissioners recognizes that significant conservation goals can be achieved by alternatives to traditional fee simple acquisition. The acquisition of conservation easements is encouraged by the Florida Forever Program and can result in maximizing open space acquisition and rewarding good private stewardship of the lands, while keeping property on the tax rolls. Negotiations for acquisition of a conservation easement shall use appraisals based on the difference between the full fee simple valuation and the value of the interests remaining with the seller after acquisition.

e. The Board of County Commissioners shall determine the total amount of funding available for protection of environmentally significant land during any acquisition cycle or budget year. However, the Active Acquisition List will be maintained from cycle-to-cycle and year-to-year unless the property owner requests removal of a property from consideration.

f. All acquisitions under the Alachua County Forever Land Conservation program require the participation of a willing property owner. Alachua County shall not use the power of eminent domain (condemnation) to acquire property under this program, which has been presented as a voluntary preservation effort and shall not force the sale of property. If at any time the property owner of a parcel wishes to have that property removed from consideration, this request will be honored. If significant numbers of owners of keystone parcels wish to have their properties removed from consideration, the LCB may make a recommendation to the BOCC with regard to whether the entire project should be withdrawn from consideration. A parcel may be resubmitted for consideration at the request of the property owner at any time.

g. The goal of all purchase negotiations shall be to obtain the appropriate interest in land free of encumbrances, conditions, restrictions and reservations at the lowest possible price. However, the County Commission has the authority to accept lands with less than perfect title if it is determined to be in the best interests of the County.

h. Any member of the LCB or BOCC with a financial conflict of interest related to any property acquisition shall declare the nature of the conflict and shall abstain from voting on that project in accordance with state ethics law.

Section 4. Steps of the Land Selection Process. Environmentally significant lands to be acquired using Alachua County Forever bond or Wild Spaces and Public Places Local Government Infrastructure Surtax proceeds shall be selected for acquisition according to the following process:

a. Establishment of an Open Nomination Process. Alachua County shall accept nominations for land acquisition projects from any person or organization at any time for any

property located in Alachua County. Members of the LCB and BOCC may not nominate properties for acquisition. Nominated projects shall be reviewed in order on a first-come, first-serve basis. The Board of County Commissioners may limit the number or combined value of projects evaluated within each review cycle, and may establish deadlines for consideration within the active cycle. Those projects that are not reviewed in the active cycle shall be automatically considered in the next available cycle. The Board of County Commissioners shall periodically and broadly advertise its open process for accepting nominations for environmentally significant land acquisition projects.

b. Acceptance of One-Page Nominations. Each nomination shall be submitted on a one-page form provided by Alachua County. Information required on the form shall include the property location (street address and/or section, township, range), tax parcel number(s), approximate project size, record owner of title, existing designations on the applicable future land use and zoning maps, and reasons the land should be acquired. If requested, Alachua County staff shall provide any needed help in completing this form. Up to fifteen pages of text, maps, photographs, letters, appraisal summaries, or other documentation may be provided to the County for consideration at the time of nomination. This supporting documentation is not required. A signed standard form indicating each owner's willingness to negotiate a sale or easement and granting right of access for site inspection may also be submitted at the time of nomination, but is non-binding with respect to a sale by the owner and not required.

c. Establishment of the Nomination Pool. Upon receipt of a complete nomination form, each candidate project shall be added to the Nomination Pool and given an initial office review by County staff or designees using the most accurate reference materials available as well as any information submitted with the application form. References used to complete this initial office review shall include, but not be limited to existing maps, Geographic Information System (GIS) databases, aerial photographs, and reports. If, upon completion of the initial office review, staff finds that the biological value of the candidate project is low or that the proposed acquisition would not fulfill the purposes of the Alachua County Forever Land Conservation program set forth herein, staff may recommend the LCB take no further action on the application. The nominator will be notified of the decision and shall have the opportunity to appeal the decision at a regular meeting of the LCB. If the LCB decides to take further action on the candidate project, it will be referred back to staff for further evaluation under the procedures outlined below.

(1) A conceptual project boundary shall be established by County staff, and may be adjusted at the request of an affected property owner or the LCB. The conceptual project boundary may include all parcels that serve to enhance the values, purpose, viability or function of the project time.

(2) If a conceptual project boundary includes multiple properties with different owners, the LCB shall identify those keystone parcels that are necessary to acquire to justify obtaining other adjacent parcels. No non-keystone portion of a project shall be acquired unless the appropriate keystone parcels have been acquired as well. The LCB may review any project and recommend the BOCC amend the keystone parcel designations. Any candidate project may either be retained indefinitely in the Nomination Pool or removed by the LCB at the request of a keystone parcel owner. If the project is retained, reconsideration for advancement to the Active Acquisition List may be requested at any time with receipt of updated information that may affect the site ranking or viability of sale. If a parcel is removed from the Nomination Pool at the request of the parcel owner, it shall not be further considered for purchase for a period of not less than five (5) years unless submitted for reconsideration at the written request of the property owner. The parcel or a project may be reconsidered at any time if it was removed at the request of the LCB.

d. Rapid Ecological Project Assessment. Staff will use any available information to address the criteria in the Land Conservation Decision Matrix, adopted by the BOCC on October 23, 2001 (as amended) and summarized below. Staff will draft a Rapid Ecological Project Assessment (REPA) to evaluate the candidate project. The purpose of the REPA is to provide the LCB with the merit of the conceptual project relative to the existing projects. Alternately, staff may recommend that the LCB add nominated parcels to an existing project and amend its boundary and REPA appropriately, rather than establish a new project.

**LAND CONSERVATION DECISION MATRIX
FOR USING ALACHUA COUNTY FOREVER BONDS AND WILD SPACES AND
PUBLIC PLACES LOCAL GOVERNMENT INFRASTRUCTURE SURTAX PROCEEDS**

I-1. ENVIRONMENTAL VALUES - PROTECTION OF WATER RESOURCES
A. Whether the property has geologic/hydrologic conditions that would easily enable contamination of vulnerable aquifers that have value as drinking water sources;
B. Whether the property serves an important groundwater recharge function;
C. Whether the property contains or has direct connections to lakes, creeks, rivers, springs, sinkholes, or wetlands for which conservation of the property will protect or improve surface water quality;
D. Whether the property serves an important flood management function.
I-2. ENVIRONMENTAL VALUES - PROTECTION OF NATURAL COMMUNITIES AND LANDSCAPES
A. Whether the property contains a diversity of natural communities;
B. Whether the natural communities present on the property are rare;
C. Whether there is ecological quality in the communities present on the property;

- D. Whether the property is functionally connected to other natural communities;
- E. Whether the property is adjacent to properties that are in public ownership or have other environmental protections such as conservation easements;
- F. Whether the property is large enough to contribute substantially to conservation efforts;
- G. Whether the property contains important, Florida-specific geologic features such as caves, sinkholes or springs;
- H. Whether the property is relatively free from internal fragmentation from roads, power lines, and other features that create barriers and edge effects.

I-3. ENVIRONMENTAL VALUES - PROTECTION OF PLANT AND ANIMAL SPECIES

- A. Whether the property serves as documented or potential habitat for rare, threatened, or endangered species or species of special concern;
- B. Whether the property serves as documented or potential habitat for species with large home ranges;
- C. Whether the property contains plants or animals that are endemic or near-endemic to Florida or Alachua County;
- D. Whether the property serves as a special wildlife migration or aggregation site for activities such as breeding, roosting, colonial nesting, or over-wintering;
- E. Whether the property offers high vegetation quality and species diversity;
- F. Whether the property has low incidence of non-native invasive species.

I-4. SOCIAL/HUMAN VALUES

- A. Whether the property offers opportunities for compatible resource-based recreation, if appropriate;
- B. Whether the property contributes to urban green space, provides a municipal defining greenbelt, provides scenic vistas, or has other value from an urban and regional planning perspective.

II-1. MANAGEMENT ISSUES

- A. Whether it will be practical to manage the property to protect its environmental, social and other values (examples include controlled burning, exotics removal, maintaining hydro-period, and so on);
- B. Whether this management can be completed in a cost effective manner.

II-2. ECONOMIC/ACQUISITION ISSUES

A. Whether there is potential for purchasing the property with matching funds from municipal state, federal, or private contributions;

B. Whether the overall resource values justifies the potential cost of acquisition;

C. Whether there is imminent threat of losing the environmental, social or other values of the property through development and/or lack of sufficient legislative protections (this requires analysis of current land use, zoning, owner intent, location and market conditions).

e. Establishment of the Eligibility Pool. No less than twice per year, County staff shall provide a presentation on all draft REPAS at an open, public meeting of the Land Conservation Board. Prior to the presentation before the LCB, the County shall make a good faith effort to provide notice of the LCB meeting date to the person or organization nominating the subject property. Each shall be notified of the opportunity to speak and present additional information before the LCB. The Land Conservation Board shall divide conceptual projects into two categories for the purpose of establishing an Eligibility Pool: (1) projects eligible for further consideration for public acquisition by Alachua County; and (2) projects not eligible for further consideration for public acquisition by Alachua County at the present time. The decision to add a project to the Eligibility Pool shall be made by a majority vote of a quorum of the LCB. The project nominators shall be notified of the Eligibility Pool determination of the LCB. The Eligibility Pool recommendation shall be forwarded to the Board of County Commissioners for authorization to proceed with the acquisition process. The Board of County Commissioners may not add a project to, delete a project from, or alter the Eligibility Pool. Any parcel can be subject to approval for placement on the Eligibility Pool and the Priority Pool by the LCB without a vote by the County Commission.

f. Establishment of the Priority Pool. Staff shall contact the property owners of projects in the Eligibility Pool to determine their willingness to participate in the Program. Staff shall conduct site-specific evaluations using any available and appropriate information to answer the criteria in The Land Conservation Decision Matrix in (d) above and prepare a Site Evaluation Report. When the evaluation is complete, the draft Site Evaluation Report shall be provided upon request to the nominator, the property owner and the LCB. The property owner and nominator shall be notified of the opportunity to provide additional information regarding the draft Report within a specified timeframe. Staff and the LCB shall consider additional information submitted in a timely manner prior to sending projects to the BOCC. A Priority Pool of properties shall be established by the LCB and forwarded to the Board of County Commissioners for authorization to proceed with the acquisition process using budgeted funds available. The Board of County Commissioners may not add a project to, delete a project from, or alter the Priority Pool.

Section 5. Final Steps of the Acquisition Process by County Staff, Contracted Outside Agencies, and the Seller for Properties on the Active Acquisition List. The final steps in the acquisition process are as follows:

a. Establishment of Active Acquisition List with Approval by the BOCC. An Active Acquisition List, consisting of the Full-Price List and the Bargain-Share List as described below, will be maintained and regularly modified by the BOCC based on the following criteria, and other factors deemed significant by the decision-making bodies.

- Final site scores using the site scoring criteria.
- Potential purchase price.
- Availability of matching funds.
- Urgency of purchase based on imminent threat of loss.
- Contribution of the project to regional conservation efforts.
- Contribution of the project to protecting habitats and species under-represented in the portfolio.
- Contribution of the project to addressing unmet social, human, or resource-based recreation goals.
- Estimated management costs that may be borne by the County.

The Board of County Commissioners may remove a project from the list if acquisition of the project no longer furthers the purposes of the Alachua County Forever Land Conservation Program, but may not add a project to the list outside of the established process. The Board of County Commissioners may also direct staff to pursue matching funds from outside agencies or private parties for any project listed in the Active Acquisition List.

(1) The Full-Price List shall contain those acquisition proposals which are deemed most worthy of acquisition based upon the criteria provided in Section 5a and which have been recommended for immediate acquisition by the LCB. The County may acquire the Full-Price properties using Alachua County Forever or Wild Spaces and Public Places Funds alone to fund 100% of the purchase price and transaction costs. No ranking order shall be assigned to Full-Price List projects. The County shall pursue the acquisition of all projects on the Full-Price List. Staff is authorized to develop any partnerships with other agencies and non-profits and to apply for any grants to match the Bond and Surtax funds.

(2) The Bargain-Share List shall contain acquisition proposals which are deemed worthy of acquisition based upon the evaluation criteria provided in Section 5a and which have been recommended for acquisition by the LCB, but which have not been assigned to the Full-Price List. The County may not actively pursue acquisition of a property on the Bargain-Share List unless the share of the purchase price paid from the Alachua County Forever Bond or Wild Spaces and Public Places Local Government Infrastructure Surtax proceeds is no more than fifty (50) percent of the Fee-Simple purchase price of the property. Staff is authorized to develop partnerships with other agencies and non-profits and to apply for grants to match the Bond and Surtax funds. Property on the Bargain-Share List may also be acquired if the seller donates fifty (50) percent or more of the value of the property as estimated in an appraisal report prepared by a state certified real estate appraiser, within one (1) year of the property purchase, and accepted by the County. The Board of County Commissioners may move projects between the Full-Price List and the Bargain-Share List based on the factors described in Section 5a above.

(3) Inclusion on the Active Acquisition List will authorize the final steps listed in this section for closing on the properties within each project, but does not guarantee site acquisition.

(4) These final acquisition steps may be completed concurrently or in any sequence to expedite the acquisition process and minimize expenses.

(5) The County may elect to contract with a qualified not-for-profit agency to oversee and complete property appraisals, negotiations and other related acquisition activities. Such outside agency contracts shall not provide for compensation based on a percentage commission.

(6) If the seller chooses to be represented by a licensed realtor or other registered agent, all realtors' and agents' costs and commissions shall come from the seller's proceeds.

b. Final Steps for the Acquisition of Property on the Active Acquisition List.
The projects shall be pursued for acquisition by completing the following final steps:

(1) An Option Agreement shall be signed using a form acceptable to the County. The County shall not be under any obligation to exercise the option, and the option agreement is not required to contain either a minimum or maximum consideration to the Seller. The Agreement may establish a fixed price for the proposed transaction, or may establish a price per acre. No action on the part of County staff or any agency contracted to represent the County shall be interpreted to bind the County. Only the Board of County Commissioners may exercise an option agreement by formal action of a majority vote during a duly advertised public meeting.

(2) A Designation or Decline of Registered Agent Form must be completed to confirm whether the property owner wishes to be represented by an attorney, realtor or other registered agent.

(3) A Boundary Survey shall be completed by a Professional Land Surveyor registered in Florida. The County may solicit professional surveying services to expedite real property acquisitions in a consistent and cost efficient manner. All survey work shall be reviewed and approved by appropriate County staff.

(4) An Ownership and Encumbrance report shall be completed to clarify any issues related to the property title. All title work, including earliest record searches, title binders, title insurance policies, ownership reports, encumbrance reports and updated title reports shall be performed in accordance with adopted industry standards. The County may solicit professional title services to expedite real property acquisitions in a consistent and cost efficient manner. Property owners or other interested parties may secure title services using the County's selected contractors at the County's negotiated rates.

(5) Appraisal(s) shall be completed and used in accordance with the procedures described below. The Maximum Allowable Purchase Price (MAPP) using Alachua

County Forever funds alone shall be the appraised value if one appraisal report was required or the average of two appraisals if two appraisal reports are required.

(a) Purchases of real property having a value of \$20,000 or less may be appraised using current estimated market value tax appraisals on file with the Alachua County Property Appraiser's Office. All purchases of real property having a value of between \$20,000 and \$250,000 shall be supported by one independent appraisal report provided by a state certified real estate appraiser. All purchases of real property having a value greater than \$250,000 shall be supported by two current, independent appraisal reports prepared by different state certified real estate appraisers within one (1) year of the property purchase. Two appraisals shall be determined to be divergent if the higher of the two values exceeds 120% of the lower value. When two appraisals are required and are divergent, a third appraisal shall be obtained. If a third appraisal is obtained and approved, the MAPP is the average of the two closest, non-divergent appraisals. If the two closest appraisals are divergent, 110% of the lower of the two closest appraisals shall be the MAPP.

(b) If the agreed purchase price exceeds the MAPP, the Alachua County Board of County Commissioners may approve the purchase by an extraordinary vote.

(c) Notwithstanding any other provision of law, the maximum value of a parcel to be purchased by the Alachua County Board of County Commissioners as determined by the highest approved appraisal or as determined pursuant to the above standards shall not be increased or decreased as a result of a change of zoning or permitted land uses that are requested by the landowner that occur within 1 year prior to the date Board of County Commissioners approves a contract to purchase the parcel.

(d) The County may solicit professional appraisal services to expedite real property acquisitions in a consistent and cost efficient manner.

(6) Every offer or counteroffer for purchase of real property for a public purpose must be in writing. All appraisals, offers and counteroffers shall not be available for public disclosure or inspection and are exempt from the provisions of Florida Statutes section 119.07(1) until an Option Agreement is signed by a representative of the Board of County Commissioners, or, if no Option Agreement is executed, until 30 days before a contract or agreement for purchase is considered for approval by the Board of County Commissioners. If a contract is not submitted to the Board of County Commissioners for approval, the exemption from s.119.07(1) Florida Statutes will expire 30 days after the termination of negotiations. Appraisals are to be confidential and disclosure limited to those County staff designated by the County Manager. The County may use an appraisal provided by a cooperating agency, pursuant to an informal acquisition agreement. Standard practice for negotiations and appraisals on behalf of Alachua County shall be guided by Florida Administrative Code Chapter 18-1.

(7) Phase I and, if necessary, Phase II Environmental Audit(s) prepared in accordance with the American Society of Testing and Materials Practice E1527 as amended shall be performed by a Professional Engineer or Professional Geologist registered in the State of Florida. County Environmental Protection staff shall review the results of any environmental

audit completed for the site acquisition. Unfavorable or inconclusive environmental audit results or any other available information that indicates potential onsite contamination shall be sufficient cause to terminate the acquisition process or re-open property negotiations. Property may not be approved for purchase when it is determined by County staff that the property's natural resources are substantially impacted by litter, debris, or contamination. To expedite acquisitions, audits may be completed after closing, and an appropriate amount of the seller's proceeds escrowed to fund clean-up of the property after all the environmental audits have been approved by the County. The unused portion of the escrowed proceeds may be released to the seller after the audits and cleanup are complete.

(8) A Deed or Easement shall be prepared by the County Attorney's office or under contract. Alachua County may share title with any other governmental and non-profit conservation organizations and may hold less than fee title for conservation easements on private land. Alachua County may accept a special warranty deed or quit claim deed if reasonable assurance is provided that the desired conservation values of the property are being conveyed to the County in perpetuity as a result of the agreed-upon transaction. All exceptions, reservations, encroachments, or other adverse conditions that are disclosed in the course of the acquisition process shall be individually evaluated by the County in writing to review possible adverse effects on the objectives of the acquisition.

(9) BOCC action on the acquisition of property shall occur at a duly noticed Public Hearing, and during a meeting held after 5 PM.

(10) Documentation of the property transaction shall be completed for the records of the Board of County Commissioners and the Clerk of the Court.

(11) A Check Request shall be made to the County's Finance and Accounting Department for the purchase price and any closing costs to be paid by the County as purchaser.

(12) Real Estate Closing shall be completed in accordance with standard practice.

(13) BOCC Notification shall be made on the Commission's agenda to provide information of the final closing and associated costs.

(14) Recording of deed or easement shall be completed and filed with the Clerk of the Court.

(15) When the acquisition is for a conservation easement or other less-than-fee property interest, a baseline monitoring report that establishes the initial conditions of the property at the time of purchase shall be completed prior to closing. County staff or its designee will visit the property on an annual basis to insure that the conditions of the conservation easement are being fulfilled.

Section 6. Stewardship of Acquired Lands; Role of the LCB.

a. The 2000 Referendum mandates the County "improve and manage" the acquired lands; such stewardship shall be consistent with the directive to protect water resources and wildlife habitats, and to provide natural areas suitable for resource-based recreation. Resource-based recreation is defined in the Alachua County Comprehensive Plan as "Recreational activities that are essentially dependent upon the natural, scenic, or historic resources of the area provided the associated activities do not have significant adverse impacts on the ecological integrity or ecological or historical values of the resources in these areas."

b. The County recognizes that outreach, education and promoting volunteer opportunities are critical components of any stewardship strategy. The County recognizes that an informed community and educated neighbors allows the County to better steward these preserves. Further, the County recognizes the desire for the community to participate in the stewardship of the acquired lands as evidenced by their volunteering for service on the LCB, for work-days, and at other events.

c. The Alachua County Environmental Protection Department shall have the primary responsibility for implementing the stewardship of the lands acquired under the Alachua County Forever, Wild Spaces & Public Places referenda, as well as other conservation lands assigned by the BOCC.

d. A conceptual management plan shall be developed for the acquired property within twelve (12) months of closing and adopted by the BOCC. The plan may be amended as additional parcels within the same project are acquired.

e. The LCB shall have the responsibility of advising the BOCC regarding the stewardship of conservation lands acquired under this Resolution and elsewhere in Alachua County. As part of their general role as advisory board to the BOCC on conservation land stewardship, the LCB may:

- (1) Receive assignments from the BOCC to review stewardship issues and make policy recommendations for BOCC consideration;
- (2) Receive reports from County staff to provide advice and recommendations on stewardship issues before bringing them to the BOCC for consideration; and
- (3) Consider stewardship issues brought by the public as they relate to the management and operation of conservation lands.
- (4) Assist with the County's land conservation education, outreach and volunteer activities.

f. No less than every five (5) years, starting in March 2015, the LCB shall prepare a written report to the BOCC providing the public with an update on the previous five years major land stewardship accomplishments, initiatives, preserve openings and closures, and challenges. The Report should also outline the major land stewardship accomplishments, initiatives, preserve openings and closures, and challenges for the coming five years.

Section 7. Wild Spaces and Public Places Surtax Citizen Oversight; Role of the LCB.

- a. Responsibilities and Duties. The responsibility of the LCB shall be to:

1. Assure citizens and elected officials that funds approved through the referendum are expended only for:
 - (a) parks and recreation facilities that were on approved project lists attached to the Sales Surtax Ordinance approved by the Alachua County Commission; and,
 - (b) conservation land purchases consistent with 2008 surtax referendum language.
2. Track overall expenditure of one-half percent sales tax revenues.
3. The sunset date for the specific responsibilities and duties of the LCB under this section will be on or before December 31, 2018. Those responsibilities and duties may sunset earlier than December 31, 2018 when all the funds approved through the 2008 surtax referendum have been expended and a final report has been provided to the Board of County Commissioners.

Section 8. Repealing Clause. Resolutions 09-21 and 14-50 are hereby repealed. All other resolutions or parts thereof of the County in conflict with the provisions hereof are, to the extent of such conflict, hereby superseded and repealed.

Section 9. Effective Date. This Resolution shall take effect immediately upon its adoption this ____ day of _____, 20__.

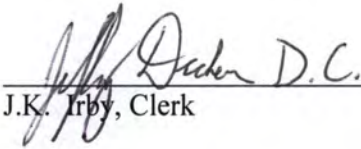
DULY ADOPTED in regular session, this 8th day of September, 2015.A.D.

SIGNATURE PAGES TO FOLLOW

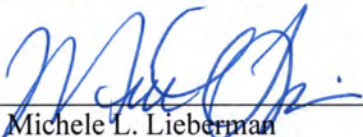
BOARD OF COUNTY COMMISSIONERS
OF ALACHUA COUNTY, FLORIDA

By: 
Charles S. Chestnut, IV, Chairman

ATTEST:

for  J.K. Irby, Clerk

APPROVED AS TO FORM


Michele L. Lieberman
Alachua County Attorney