

LEGISLATIVE #

110258A

From: [Phillips, Steven R.](#)
To: "Nathan Collier"
Cc: [Bruce DeLaney](#); > [Cataudella](#); [Evan Weber](#); [Nagid, Stefanie M.](#); [Bridges, Samuel H.](#); [Folkers, Paul E.](#); [Allen, Margery E.](#)
Subject: RE: Steven; Privatizing Conservation, entering into Public/Private Partnership with adjacent property owners to significantly leverage City preservation efforts
Date: Wednesday, March 30, 2011 12:20:05 PM

Nathan, thanks for your follow-up. I have forwarded this to the City Manager's office and Departmental staff for review. We will be back in touch once we have had a chance to discuss. Steve

Steven R. Phillips, Director
City of Gainesville
Parks, Recreation and Cultural Affairs Department
Station 30, P.O. Box 490
(352) 393-8755 (work)
(352) 316-5303 (cell)

Office Hours: Monday - Thursday 7:00 a.m. to 6:00 p.m.

From: Nathan Collier [mailto:Nathan.Collier@colliercompanies.com]
Sent: Thursday, March 24, 2011 7:32 AM
To: Phillips, Steven R.
Cc: Bruce DeLaney; > Cataudella; Evan Weber; Nathan Collier
Subject: Steven; Privatizing Conservation, entering into Public/Private Partnership with adjacent property owners to significantly leverage City preservation efforts

Steven:

Re: Privatizing Conservation, entering into Public/Private Partnership with adjacent property owners to significantly leverage City preservation efforts.

Below is a proposed conservation easement to be given back to City to ensure that land remains protected. The conservation easement would be recorded in the public records to make it permanent and inviolate. I understand that 'surplus' designation may be only current City program that this fits under at the moment but truth be told never liked that designation when applied to conservation land. My dad was BIG on conservation when he was on the Commission and a lot of it got passed on to me; i really, truly do think of this as private conservation and really do believe that this is an opportunity for public/private partnership.

Recommend that price be set at least 5x market value. Issue: Market value hard to set for conservation land as conservation land i.e. non developable land does not normal trade on market. One way to set a very high bar would be to price at developable value (easy to determine) but remove development rights. City can set minimum pricing, right? or at least reject all offers? Make it clear up front what hurdle is?

Would be nice to find a way where funds could be set aside into a capital fund for Parks to acquire more conservation land in future. Do not want \$\$ to just disappear into the General Fund; impact would be greatly dissipated.

Could also be a fund the City encourage citizens to make charitable donations to somewhat the way UF raises endowment funds. There are many citizens who have a soft spot in their hearts for Gainesville and conservation and might be willing to include such a fund in their estate planing or life time gifting plans.

CONSERVATION EASEMENT

DONOR/OWNER

DONEE

For Purposes of this Conservation Easement, the Donor, who is the current Owner, and all subsequent Owners of the subject Property, will be referred to as the "Owner" throughout this Conservation Easement. The Donee will be referred to as the "City" throughout this Conservation Easement.

PROPERTY: (INSERT COMPLETE LEGAL DESCRIPTION)

CONVEYANCE: The Owner conveys and warrants to the City a perpetual Conservation Easement over the Property. The scope of this Conservation Easement is set forth in this agreement.

THE OWNER AND THE CITY AGREE TO THE FOLLOWING:

1. PURPOSES OF THIS CONSERVATION EASEMENT AND COMMITMENTS OF THE DONOR/OWNER AND THE CITY

1. This Conservation Easement assures that the Property will be perpetually preserved in its predominately natural condition. The Purposes of this Conservation Easement are to protect the Property's natural resource and watershed values; to maintain and enhance biodiversity; to retain quality habitat for native plants and animals, and to maintain and enhance the natural features of the Property.
2. The Donor is the Owner of the Property and is committed to preserving the Conservation Values of the Property. The Owner agrees to confine use of the Property to activities consistent with the Purposes of this Easement and the preservation of the Conservation Values.
3. The Property possesses natural and ecological values of prominent importance to the City which would be impaired by modification of the Property.
4. PROHIBITED ACTIONS.
 - a. Division. Any division or subdivision of the Property is prohibited.
 - b. Commercial Activities. Any commercial activity on the Property is prohibited.
 - c. Industrial Activities. Any industrial activity on the Property is prohibited.
 - d. Cutting Vegetation. Any clear cutting of trees or vegetation including bush hogging except for the cutting or removal of trees or vegetation which pose a threat to human life or property.
 - e. Dumping. Waste and unsightly or offensive material is not allowed and may not be accumulated on the Property.
 - f. Water Courses. Natural water courses, lakes, wetlands, or other bodies of water may not be altered.
 - g. Off-Road Recreational Vehicles. Motorized off-road vehicles such as, but not limited to, dune buggies, all-terrain vehicles, and motorcycles may not be operated off of designated roads on the Property.
5. PERMITTED USES. The Owner retains all ownership rights which are not expressly restricted by this Conservation Easement including the right to enclose the property and the right to sell, mortgage, bequeath, or donate the Property. Any conveyance will remain subject to the terms of the Conservation Easement and the subsequent Owner will be bound by all obligations in this agreement.
As long as it is in within 20 yards of a current or former public right of way, owner may construct a residential drive way of no more than 12 ft in width to connect non conservation properties.

ENTIRE AGREEMENT. This Conservation Easement sets forth the entire agreement of the parties. It is intended to supersede all prior discussions or understandings.