



Legislation Text

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Private Purchase of Public Land Update (B)

This item involves a request for the City Commission to review the matter of private purchase of public land.

At the May 16, 2013, City Commission meeting, the City Manager was directed to prepare a City Commission agenda item describing the process for surplusing up to 4.99 acres of the Loblolly Woods parcel adjacent to Nathan Collier's property located west of NW 22nd Terrace and north of NW 8th Avenue. The City Attorney was directed to prepare a resolution for the surplus. Conditions of the action included setting a minimum price of \$200,000 per acre, protecting listed species potentially by placing a conservation easement on a portion of the property and specifying that any funds received from the surplus would be earmarked for the future acquisition of conservation lands.

The procedure for disposition of real property is as follows. Prior to the fee title disposition of any real property the City Commission must first, by adoption of a resolution, find and declare that the property is surplus. Being declared surplus means that the property no longer serves a public purpose, is in excess of the City's needs, or the sale of which would serve a greater public purpose than the retention of the property. Once declared surplus, the City may dispose of such property but shall do so in a competitive manner, meaning any individual or entity meeting the terms of the competitive solicitation may bid on the property. The City may establish a minimum sale price and other appropriate terms for the competitive solicitation, and has a right to reject all offers. For real property valued at \$100,000 or more, the City shall also obtain an appraisal prior to the final approval of the sale. Finally, any proceeds from the disposition of park property shall be used exclusively for recreation and park infrastructure enhancements and improvements, pursuant to Section 95.36, Florida Statutes, and the City Comprehensive Plan.

City staff met with Mr. Collier and his representative on June 3 and July 9 to discuss the City Commission action. At these meetings there were discussions on several issues. Mr. Collier expressed interest in the option of being able to build one single family home on the property. The motion approved by the City Commission would not allow development on the property since the property is currently zoned 'conservation' and development (e.g., a single-family dwelling) is only allowed on properties that are greater than or equal to 5 acres in size. In other words, no single-family dwelling would be permitted because the proposed property would be less than the required 5 acres. However, if sold to Mr. Collier, the 4.99 acres could potentially be rezoned sometime in the future to another zoning district that would allow development at a density of at least 3.5 units per acre. A more enduring assurance that this property will be conserved in perpetuity is a conservation easement executed at sale. In these discussions, Mr. Collier expressed concerns about a conservation easement and mentioned a deed restriction as another possible option.

Subsequently, City staff reviewed the property and concluded that it is entirely within the 100 year flood plain and significantly within the 10 year flood channel district. Due to the volume of sediment being transported in the Hogtown Creek watershed, the base creek flow has been shifting its location within the 10 year flood way in recent years. City staff believes it is important to protect the functionality of the flood channel so

development of permanent structures should not be allowed.

Regarding the endangered species (e.g., Godfrey's Privet) located on site, Mr. Collier was not in favor of placing a conservation easement on the land to provide access and protection to the listed plant species. Alternative options suggested were to mitigate for the listed species (including acquisition of nursery grown plants and a mitigation fee) or to transplant the endangered species to another site in the Loblolly Woods property. In 2000, there were 13 known occurrences of the Godfrey's Privet plant in the state of Florida. This plant is also found in two other states and the one nursery found to carry this plant is located in South Carolina. In regard to the consideration of acquiring nursery grown plants as part of mitigation, there is concern of introducing a nursery plant of questionable genetic origin into a natural area. There is also another listed species (i.e., Florida Milk Vine) located near the southern border of the proposed boundary line, which would not be included in the proposed surplus. Lastly there is a colony of Wake Robin Trillium wildflowers in the proposed site which is unique to this area since it represents the southernmost range of the species of plant found in Florida.

A bid process for parties interested in purchasing the property would be initiated based on the buyer requirements approved by the City Commission. Based on the City Commission approved motion, the City would surplus approximately 4.99 acres (redraw boundaries to eliminate impact on Milk Vine and need for mitigation); solicit bids for purchase of the 4.99 acres with the following buyer requirements: 1) \$200,000 per acre minimum base bid (\$998,000); 2) up to \$25,000 in mitigation costs; 3) pay mitigation costs for Godfrey's Privet and Wake Robin Trillium; 4) pay replacement costs for building new public access trail; 5) agree to placement of a conservation easement on the entire property; and 6) proceeds of the sale are net to the seller, buyer will pay all closing costs and any due diligence expenses related to the sale of the property.

Separate from the potential sale of the property, the adjoining property owners (including buyer) may initiate a petition to vacate public right-of-way; in which the City Commission may or may not approve such a petition at its discretion. The proceeds from the minimum base bid (not including mitigation costs) shall be used by the City exclusively for the acquisition of conservation lands.

On Tuesday, August 27, 2013, the City Commission received an email from Mr. Collier withdrawing his offer to purchase the City's property in Loblolly Woods.

Sale of the identified property would potentially result in minimum revenue of approximately \$1 million, of which the land surplus proceeds would be earmarked for the Greenspace Acquisition fund for future environmental land acquisition and the plant mitigation and trail relocation, and development funds would be deposited in a land management account.

The City Commission discontinue further consideration of the potential surplus and sale of property in Loblolly Woods.