

**RESOLUTION  
24-81**

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, ESTABLISHING A PROCESS FOR SELECTING AND ACQUIRING INTERESTS IN AGRICULTURALLY SIGNIFICANT LANDS PURCHASED USING WILD SPACES PUBLIC PLACES LOCAL GOVERNMENT INFRASTRUCTURE SURTAX PROCEEDS; CREATING AN AGRICULTURAL LAND CONSERVATION BOARD; PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, since 1950, Alachua County has lost 46% of its agricultural lands to development and other land use changes; 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 agricultural resources of Alachua County by conserving and improving agriculturally significant lands that contribute to protecting scenic, open space and assuring its availability for agricultural uses in the future; and,

WHEREAS, the protection of these agriculturally significant lands will provide opportunities for both existing residents and future generations to enjoy open, scenic areas and will assure its availability for continued agricultural use, as well as opportunities to protect natural, historic and cultural resources; and,

WHEREAS, it is consistent with the State of Florida Comprehensive Plan, and the Alachua County Comprehensive Plan to conserve agriculturally significant lands that have value for historic or natural resource conservation, or open space purposes 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 the Board of County Commissioners, in its 2023 Strategic Guide, identified “Invest in and Protect Our Environment” as a guiding principle, and has named “Continue Wild Spaces and Public Places and include agricultural lands as well” as a program action in support of this principle; and,

WHEREAS, on March 22, 2022, the Board of County Commissioners adopted Ordinance 22-08 calling for a referendum on November 8, 2022, submitting to the qualified electors of Alachua County the question as to whether a 10-year, 1-cent Local Government Infrastructure Surtax should be levied; providing that 50.0 percent of the proceeds of the new surtax shall be used to acquire and

improve lands for conservation, protection of natural resources, or public recreation, and to operate and maintain parks, recreational programs and recreational facilities throughout the county (“Wild Spaces Public Places uses” or “WSPP uses”); providing that 50.0 percent of the proceeds of the new surtax shall be used to repair roads and improve road safety, construct or renovate fire stations and other public facilities, acquire lands for affordable housing, and fund economic development projects pursuant to Florida Statute 212.055(2)(d)(3), Florida Statutes (“non-WSPP uses”);, and,

WHEREAS, a referendum on said surtax was held on November 8, 2022, and the voters of Alachua County approved said surtax; and

WHEREAS acquisition of agricultural land conservation easements which: are perpetual, allow for continuation of current or historic agricultural uses, and host activities conducted in accordance with Best Management Practices, is an allowable use of Local Government Infrastructure Surtax funds, as conducted in accordance with Florida Statute 704.06; and,

NOW, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA THAT:

**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 Alachua County Ordinance 22-08,, and other applicable provisions of law.

**Section 2. Applicability.** These procedures apply to selection and purchase of agricultural conservation easements (less than fee interests) over agriculturally significant land under the Wild Spaces and Public Places local government infrastructure surtax referendum, and shall not apply to property acquisition completed for parks and recreational facilities or other purposes or property acquired 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 Wild Spaces and Public Places Local Government Infrastructure Surtax Referendum.** The following goals, values and policies shall apply to Alachua County Forever Program’s – Agricultural Land Conservation Strategy:

- a. Alachua County's goals and values in establishing the Alachua County Forever Program’s Agricultural Land Conservation Strategy to acquire agricultural conservation easements on agriculturally significant lands, are to protect water resources, rural economy, contribute to local food security, and promote open, scenic space. The mission of the Agricultural Land Conservation Strategy shall be: To increase farmland conservation within the Alachua County through the purchase of agricultural land conservation easements.
- 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 acquire less than fee interests in land, in partnership with other agencies. The County may preferentially elect to designate 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 Agricultural Land Conservation Board (ALCB) and the Board of County Commissioners (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 Rural Family Lands Protection Program, and the USDA Agricultural Land Easement Program, and others and can result in maximizing open space acquisition and rewarding good private stewardship of the lands. Negotiations for acquisition of an agricultural 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 agriculturally significant land during any acquisition cycle or budget year. However, the Active Acquisition List of agricultural conservation easements will be maintained from cycle-to-cycle and year-to-year unless the property owner requests removal of a property from consideration.
- f. All conservation easement acquisitions under the Alachua County Forever Program's Agricultural Land Conservation Strategy 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. 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 less than fee 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 or land interests with less than perfect title if it is determined to be in the best interests of the County.
- h. Any member of the 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 property in accordance with state ethics law.

**Section 4. Establishment of an Agricultural Land Conservation Board.** The County Commission shall appoint the Alachua County Land Conservation Board (ALCB), a citizen board composed of nine volunteers who shall serve staggered four-year terms. The ALCB shall recommend properties for inclusion in the Active Acquisition List using the process described in Section 5 herein.

- a. Membership The ALCB shall be composed of nine voting members appointed by the Board of County Commissioners, made up of six members (including an alternate) with qualifications including education and experience in agricultural lands management, practices, or land protection, and four members who serve as citizens-at-large and represent diverse community interests.
- b. Operation. The ALCB shall operate in accordance with rules of procedure defined in Board

of County Commissioners Resolution 21-32, as may be amended by the Board of County Commissioners.

- c. Responsibilities. The responsibilities of the ALCB shall be:
  - 1. To elect officers pursuant to this Resolution.
  - 2. To establish an annual work program for the ALCB.
  - 3. To review properties nominated for consideration under the Alachua County Forever Program Agricultural Land Protection Strategy as potential agricultural conservation easements, and recommend to the Board of County Commissioners for inclusion on the Active Acquisition List as agricultural conservation easements.
- d. Elections. The ALCB shall annually elect one of its members as Chairperson, one as Vice-Chairperson and one as Secretary. Elections shall be held at the first regularly scheduled meeting after appointment of the ALCB. The Chairperson shall preside and conduct meetings of the ALCB according to the Roberts Rules of Order, Revised. The Vice-Chairperson shall act in the absence of the Chairperson. The Secretary shall be responsible for recording minutes for all meetings of the ALCB. Vacancies in offices will be filled by election at the next regular meeting following the date the vacancy occurred.
- e. Compensation. Members of the ALCB shall receive no compensation for the performance of their duties hereunder. Any member of the ALCB 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 property in accordance with state ethics law.
- f. Meetings. The ALCB shall schedule meetings at least quarterly. All meetings shall be open to the public.
- g. Attendance. Members of the ALCB whose attendance falls below 50% of the last six meetings will be removed from the Board.
- h. Quorum. A simple majority of the ALCB shall constitute a quorum. Recommendations and decisions of the ALCB must be made by a majority vote of those present and voting.

**Section 5. Steps of the Land Selection Process.** Agriculturally significant lands to be acquired using 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 ALCB 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 agricultural 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 agricultural conservation value of the candidate project is low or that the proposed acquisition would not fulfill the purposes of the Alachua County Forever's Agricultural Land Conservation Strategy set forth herein, staff may recommend the ALCB 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 ALCB. If the ALCB 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 ALCB. The conceptual project boundary may include all parcels that serve to enhance the values, purpose, viability or function of the project
  - (2) If a conceptual project boundary includes multiple properties with different owners, the ALCB 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 ALCB may review any project and recommend the BOCC amend the keystone parcel designations. Any candidate project or parcels may either be retained indefinitely in the Nomination Pool or removed by the ALCB 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 ALCB.
- d. Agricultural Site Evaluation Report. Staff will use any available information to address the criteria in the Agricultural Land Conservation Decision Matrix. Staff will draft an Agricultural Site Evaluation Report (ASER) utilizing the Decision Matrix, and other available information to evaluate the candidate project. The purpose of the ASER is to provide the ALCB with the merit of the conceptual project relative to the existing projects. Alternately, staff may recommend that the ALCB add nominated parcels to an existing project and amend its boundary and ASER appropriately, rather than establish a new project.

# **AGRICULTURAL LAND CONSERVATION DECISION MATRIX AND VALUES FOR ALACHUA COUNTY FOREVER AGRICULTURAL CONSERVATION EASEMENT ACQUISITIONS**

<b>1-1. ENVIRONMENTAL VALUES - PROTECTION OF NATURAL RESOURCES</b>
A. Whether the property serves an important aquifer/groundwater recharge function;
B. Whether the property is in the Santa Fe River watershed, Watermelon Pond watershed or a watershed with an existing TMDL;
C. Whether the property serves an important flood management or mitigation function;
D. Whether the property enhances wildlife and open space corridors through proximity of other conservation lands; is in a Springs Priority Focus Area;
E. Whether the property serves as documented or potential habitat for wildlife, and state or federally listed species;
F. Whether the property contains productive soils as determined through crop productivity indices;
G. Whether the property contains important, Florida-specific geologic features such as limerock outcrops, caves, sinkholes, or springs.

<b>1-2. SOCIAL AND HUMAN VALUES</b>
A. Whether the owner(s) of property qualify as historically underserved or limited resource;
B. Whether the owner(s) of property are open to succession planning, land transfer, or land access;
C. Whether the property is vulnerable to development or adjacent property is under development;
D. Whether the property contributes to open green space, provides a municipal defining greenbelt, provides scenic vistas, or has other value from an urban and regional planning perspective;
E. Whether there is imminent threat of losing the social, historical 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);

<b>1-3. FARM OPERATION/MANAGEMENT CONSIDERATION VALUES</b>
A. Whether the type of agricultural operation/s on the property forward the strategy mission and goals;
B. Whether the farm sells products that are consumed within Alachua or neighboring counties;
C. Whether the landowner purchases feed, equipment, repair services, etc. for farm operation locally?
D. Whether the landowner is offering a significant portion of the farm for inclusion in the easement.
E. Whether the landowner of the property is involved in day-to-day management of the operation;
F. Whether the property is enrolled in the FDACS BMP program or similar EQIP or CSP programs. If not, does the landowner agree to enroll in an applicable BMP program designed to reduce nutrient and water inputs prior to closing on an agricultural conservation easement with Alachua County;
G. Whether the property is engaged in management practices aimed at reducing nutrient and water inputs or practice regenerative agriculture principles? ie. cover cropping, reduced tillage, soil testing, etc.;
H. Whether the landowner is willing to write or contract, or already has a farm management plan in place addressing wildlife habitat value, water, soil and nutrient conservation;

<b>1-4. PARTNER EASEMENT ACQUISITION / COST SHARE VALUES</b>
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 justify the potential cost of acquisition;
C. Whether the landowner's expectation of acquisition value and timeline justifies proceeding with acquisition;

- e. Establishment of the Eligibility Pool. No less than twice per year, County staff shall provide a presentation on all draft Agricultural Site Evaluation Reports at an open, public meeting of the Agricultural Land Conservation Board. Staff shall contact the property owners of parcels in the Nomination 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 Agricultural Land Conservation Decision Matrix in (d) above and prepare an Agricultural Site Evaluation Report. When the evaluation is complete, the draft Agricultural Site Evaluation Report shall be provided upon request to the nominator, the property owner and the ALCB. The property owner and nominator shall be notified of the opportunity to provide additional information regarding the draft Agricultural Site Evaluation Reports within a specified timeframe. Prior to the presentation before the ALCB, the County shall make a good faith effort to provide notice of the ALCB meeting date to the person or organization nominating the subject property and the property owner. Each shall be notified of the opportunity to speak and present additional information before the ALCB.

Utilizing the Agricultural Site Evaluation Report and other information presented by staff, the Agricultural Land Conservation Board shall divide land acquisition projects into four categories for the purpose of establishing a Eligibility Pool: ( Category 1) Projects eligible for additional cost share through governmental easement acquisition funding programs and which warrant further consideration for public acquisition by Alachua County; (Category 2 – Cost Share Pool) Projects that have secured additional cost share funding either through state or federal governmental easement acquisition programs, or with landowner donation, or a combination of both. This category also includes projects that are currently ranked on a governmental easement acquisition list or have applied for additional easement acquisition cost share funding, but have not been awarded; (Category 3) Projects not eligible or competitive for additional cost share through governmental easement acquisition funding programs, but warrant further consideration for public acquisition by Alachua County at the present time; and (Category 4) Projects not eligible for further consideration for public acquisition by Alachua County at the present time. The decision to add a project to the Cost Share Pool shall be made by a majority vote of a quorum of the ALCB. The property nominators shall be notified of the Cost Share Pool determination of the ALCB. The Board of County Commissioners may not add a project to, delete a project from, or alter the Cost Share Eligibility Pool. Any parcel can be subject to approval for placement on the Cost Share Eligibility Pool by the ALCB without a vote by the County Commission

- f. Establishment of the Priority Pool. A Priority Pool of agricultural easement projects shall be established by the ALCB. The decision to move a property from Eligibility Pool Category 2 or Eligibility Pool Category 3 to the Priority Pool shall be made by a majority vote of a quorum of the ALCB. Staff and the ALCB shall consider additional information submitted prior to moving projects to the Priority Pool. Eligibility Pool Category 1 projects will not be moved into the Priority Pool without first moving into Category 2 or Category 3. The property nominators and owner shall be notified of the Priority Pool determination of the ALCB. The ALCB shall forward the Priority Pool list 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 6. 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 for agricultural land conservation easements are as follows:

- a. Establishment of Active Acquisition List with Approval by the BOCC. An Active Acquisition List of agricultural conservation easement projects 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 ASER evaluation and Agricultural Land Decision Matrix results
- Potential purchase price.
- Availability of matching funds or cost sharing partnerships.
- Urgency of purchase based on imminent threat of loss.
- Contribution of the project to regional conservation efforts.
- Contribution of project to protecting water resources.
- Contribution of the project to addressing unmet social, human, or local agricultural 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 Program's Agricultural Land Conservation Strategy, 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 Active Acquisition List shall contain those acquisition projects 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 ALCB. The County may acquire the less than fee interests using Wild Spaces and Public Places Funds alone to fund 100% of the purchase price and transaction costs. No ranking order shall be assigned to the Active Acquisition List properties. The County may pursue the acquisition of easements on all properties on the Active Acquisition List, however acquisition is not guaranteed. The Board of County Commissioners has identified cost-sharing as a priority for land acquisition projects within this strategy. Staff is authorized to develop any partnerships with other agencies and non-profits and to apply for any grants to match the Surtax funds. Agricultural Conservation Easements on the Active Acquisition List may also be acquired if the seller donates a portion of the value of the easement as estimated in an appraisal report prepared by a state certified real estate appraiser, within one (1) year of the property contract date, and accepted by the County.
- (2) 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.
- (3) These final acquisition steps may be completed concurrently or in any sequence to expedite the acquisition process and minimize expenses.
- (4) 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.
- (5) If the seller chooses to be represented by a licensed real estate professional or other registered agent, a Designation of Registered Agent Form must be completed and submitted to the Land Conservation Program Manager. All real



estate professionals' and other agents' costs and commissions shall come from the seller's proceeds.

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

- (1) An Option or Purchase and Sale 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 or execute a purchase and sale agreement by formal action of a majority vote during a duly advertised public meeting.
- (2) 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.
- (3) A Title Search or 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 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.
- (4) A Deed or Easement shall be prepared by staff with review by the County Attorney's office. Alachua County may share title with any other governmental organizations and may hold less than fee title for conservation easements on private land. 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.
- (5) Appraisal(s) shall be completed and used in accordance with the procedures described below. The Maximum Allowable Purchase Price (MAPP) using Wild Spaces and Public Places Local Government Infrastructure Surtax 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 interests 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 contract date. 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) Appraisals, offers and counteroffers for purchase of property interests shall comply with the temporary public records exemption requirements set forth in Florida Statute 125.355(1)(a) as may be amended. Appraisals are to be temporarily exempt from public disclosure or inspection, with 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, as amended.
- (7) Phase I and, if necessary, Phase II Environmental Site Assessment(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. Projects 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) All conservation easement acquisitions or acquisitions of other less-than-fee property interest shall require a baseline documentation 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 ensure that the conditions of the conservation easement are being fulfilled.

- (9) A Conservation Easement Stewardship Plan shall be developed for the property prior to closing with input from the landowners , and shall address Best Management Practices, and agricultural crop planning. The plan may be amended as additional parcels within the same project are acquired.
- (10) BOCC action on the acquisition of property shall occur at a duly noticed Public Meeting.
- (11) Documentation of the property transaction shall be completed for the records of the Board of County Commissioners and the Clerk of the Court.
- (12) 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.
- (13) Real Estate closings shall be completed in accordance with standard practice.
- (14) BOCC Notification shall be made on the Commission's agenda to provide information of the final closing and associated costs.
- (15) Recording of deed or easement shall be completed and filed with the Clerk of the Court.

**Section 7. Effective Date.** This Resolution shall take effect immediately upon its adoption this 10<sup>th</sup> day of September, 2024.

DULY ADOPTED in regular session, this 10<sup>th</sup> day of September, 2024 A.D.

SIGNATURE PAGES TO FOLLOW

BOARD OF COUNTY COMMISSIONERS  
OF ALACHUA COUNTY, FLORIDA

By: \_\_\_\_\_  
Charles S. Chestnut, IV Chair, Board of  
County Commissioners

ATTEST:

\_\_\_\_\_  
J.K. Irby, Clerk

APPROVED AS TO FORM

\_\_\_\_\_  
Dave Forziano  
Senior Assistant Alachua County Attorney