

**AGENDA REQUEST FOR
GOVERNING BOARD MEETING
August 9, 2022**

MEMORANDUM

TO: Governing Board

THROUGH: Michael A. Register, P.E.
Executive Director

FROM: Sheila Theus, Director
Real Estate Services Program

SUBJECT: Approve the acquisition in fee simple interest of 101 acres adjacent to the Bayard Conservation Area and establish the name of the conservation area as the J.P. Hall Bayard Point Conservation Area.

RECOMMENDATION

Approve the acquisition in fee simple interest of 101 acres comprised of two parcels referred to as the Hall Properties adjacent to the Bayard Conservation Area and establish the name of the conservation area as the J.P. Hall Bayard Point Conservation Area, Clay County, Florida.

Staff recommends the Governing Board:

1. Designate that the Hall Properties are being acquired for conservation purposes pursuant to Section 373.089, Florida Statutes;
2. Approve the acquisition of the 91.84-acre parcel described in the Option Agreement for Sale and Purchase (Virginia Hall Agreement) based on the terms and conditions outlined below;
3. Approve the acquisition of the 10-acre parcel described in the Option Agreement for Sale and Purchase (JP Hall Agreement) based on the terms and conditions outlined below;
4. Approve the Grant Agreement with the Florida Department of Environmental Protection (Grant Agreement) based on the terms and conditions outlined below;
5. Approve Resolution 2022-10 amending the District's FY 2021-22 Adopted Budget as approved by the Executive Office of the Governor on June 29, 2022;
6. Approve the re-naming of the Bayard Conservation Area; and
7. Authorize the Executive Director to execute and deliver all documents as may be required to complete these transactions.

BACKGROUND

Acquisition of parcels within the Bayard Conservation Area (Conservation Area) began in 1992, from J.P. Hall Sr. The Conservation Area is comprised of several parcels totaling 10,388 acres within the south mainstem drainage basin of the Lower St. Johns River Basin. The Lower St. Johns River Basin is the portion of the river that flows north of Welaka to the river's mouth at Mayport. The hydrologic functions within the Conservation Area are largely intact with much of the water resource protections being accomplished through acquisition. The shoreline of the St. Johns River and associated wetlands are significant hydrologic features, influencing natural processes that occur on the property and in the surrounding area. The property was purchased using funding from Preservation 2000 and mitigation donations (Map 1).

The Conservation Area provides habitat for numerous wildlife species including listed species such as the gopher tortoise and bald eagle. There are five documented bald eagle nesting sites within the Conservation Area, three of which include observed activity. There is an additional documented nesting site located within one of the acquisition parcels (Map 2).

DISCUSSION

Acquisition of the property will prohibit further development in a FEMA high risk area for flooding and provide additional environmental protection to adjacent floodplain and wetland communities. The acquisition will also reduce high-density residential development in an area susceptible to flooding, provide additional shoreline stabilization of the St. Johns River, and enhance flood protection through capture and slow-release of flood waters within the Conservation Area's 4,110 acres of floodplain swamp.

The District engaged the seven property owners at Bayard Point in June 2021 for the acquisition of the 266-acre out parcels along the St. Johns River. Six of the seven properties are vacant land with minimal improvements. At the time of the District's initial contact letter, two property owners received purchase offers from private individuals and those transactions have subsequently closed. One of the seven property owners declined the District's initial inquiry to sell their homestead property. The remaining four property owners entered into Option Agreements between August and October of 2021 and offers for purchase were made on April 8, 2022. The owners of 101 acres immediately adjacent to the Bayard Conservation Area accepted the District's offer for fee simple acquisition (Map 3). Purchase offers remain open with the remaining two property owners.

These properties are included in the Fiscal Year 2022-2023 Statewide Flooding and Sea Level Rise Resilience Plan, that was approved by the Legislature.

The District received a Resilient Florida Program Grant Award in April 2022 for the acquisition of the Bayard Point properties. The award provides funding up to fifty percent (50%) of the purchase price with the associated costs related to pre-acquisition and acquisition activities reimbursable to the District. The remaining fifty percent (50%) for the acquisition will be provided by the District. The award expires in March 2025.

The Virginia Hall property

The Option Agreement for Sale and Purchase offered 100% of the appraised fair market value as the purchase price for the subject property. The Virginia Hall property (LRS LA 2021-017-P1) was initially appraised on October 15, 2021, by John A. Robinson, MAI, AI-GRS, ASA, CCIM, of Property Valuation & Consulting, Inc. and Courtland C. Eyrick, MAI, AI-GRS, of CBRE Valuation and Advisory Services. A third appraisal was performed on January 26, 2022, by William H. Benson, MAI, CCIM, of William H. Benson & Company. The Highest and Best Use of the property is considered by the appraisers. The results of the appraisals are as follows:

Appraiser	Valuation date	Value per acre
John A. Robinson, MAI, AI-GRS, ASA, CCIM, Property Valuation & Consulting, Inc	October 15, 2021	\$ 9,660
Courtland C. Eyrick, MAI, AI-GRS CBRE Valuation and Advisory Services	October 15, 2021	\$ 8,008
William H. Benson, MAI, CCIM, William H. Benson & Company	January 26, 2022	\$10,500

A review of the appraisals was performed by Ronald S. Crouse, ASA, CRA, IFAS, of Pomeroy Appraisal Associates of Florida, Inc. The Review Appraiser determined, given the unique market conditions and the relatively narrow range of the Appraiser's estimated values, the market value of the Virginia Hall Property is well represented at \$10,500 per acre. An agreement has been reached for the acquisition of the Virginia Hall property by the District according to the following terms and conditions.

RIGHTS PURCHASED

This is a fee simple acquisition.

PURCHASE PRICE

The purchase price of the Property is \$964,425 based on an estimated 91.85 acres.

FUNDING

FY 2021/2022 Budget.

CLOSING COSTS

The following costs of closing shall be paid by the Seller:

- 1) Documentary stamps on the deed, if applicable;
- 2) Recording Corrective Instruments

The following costs of closing shall be paid by the Buyer:

- 1) Preparation of documents to complete closing;
- 2) Title Insurance;
- 3) Level I Environmental Site Assessment;
- 4) Recording fees

POSSESSION

The Buyers shall take possession at the time of closing.

MANAGEMENT

Management of the 91.85-acre parcel will be incorporated into the management of the adjacent Bayard Conservation Area and will be managed by the District.

The JP Hall property

The Option Agreement for Sale and Purchase offered 100% of the appraised fair market value as the purchase prices for the subject property. The John Preston Hall property (LRS LA 2021-017-P2) was initially appraised on October 15, 2021, by John A. Robinson, MAI, AI-GRS, ASA, CCIM, of Property Valuation & Consulting, Inc., and Courtland C. Eyrick, MAI, AI-GRS, of CBRE Valuation and Advisory Services, as reconciled by Mr. Courtland on January 14, 2022. A third appraisal was performed on January 26, 2022, by William H. Benson, MAI, CCIM, of William H. Benson & Company. The Highest and Best Use of the property is considered by the appraisers. The results of those appraisals are as follows:

Appraiser	Valuation date	Value per acre
John A. Robinson, MAI, AI-GRS, ASA, CCIM, Property Valuation & Consulting, Inc	October 15, 2021	\$ 43,000
Courtland C. Eyrick, MAI, AI-GRS CBRE Valuation and Advisory Services	October 15, 2021	\$ 37,500
Courtland C. Eyrick, MAI, AI-GRS CBRE Valuation and Advisory Services	January 14, 2022	\$ 36,450
William H. Benson, MAI, CCIM, William H. Benson & Company	January 26, 2022	\$ 32,500

A review of the appraisals was performed by Ronald S. Crouse, ASA, CRA, IFAS, of Pomeroy Appraisal Associates of Florida, Inc. The Review Appraiser determined, given the unique market conditions and the relatively narrow range of the Appraiser's estimated values, the market value of the JP Hall Property is well represented at \$43,000 per acre. An agreement has been reached for the acquisition of the JP Hall property by the District according to the following terms and conditions.

RIGHTS PURCHASED

This is a fee simple acquisition.

PURCHASE PRICE

The purchase price is \$430,000 based on an estimated 10 acres.

FUNDING

FY 2021/2022 Budget.

CLOSING COSTS

The following costs of closing shall be paid by the Seller:

- 1) Documentary stamps on the deed, if applicable;
- 2) Recording Corrective Instruments

The following costs of closing shall be paid by the Buyer:

- 1) Preparation of documents to complete closing;
- 2) Title Insurance;
- 3) Level I Environmental Site Assessment;
- 4) Recording fees

POSSESSION

The Buyers shall take possession at the time of closing.

MANAGEMENT

Management of the 10-acre parcel will be incorporated into the management of the adjacent Bayard Conservation Area and will managed by the District.

Re-naming conservation area

As a condition of purchase the Sellers requested the conservation area include the name of the family patriarch who originally sold the 10,000 acres to the District. The Hall family has offered the following three options:

1. J.P. Hall Conservation Area at Bayard Point
2. J.P. Hall Family Conservation Area at Bayard Point
3. J.P. Hall Bayard Point Conservation Area

Staff is recommending the property be renamed as the "J.P. Hall Bayard Point Conservation Area." (Image 1)

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Consideration (ID # 4553)

Meeting of August 9, 2022

Map 1

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) community

**Bayard Conservation Area
Clay County, Florida**

0.4 0 0.4 Miles
1" = 54660'

- Bayard Point Parcels
- County Boundaries
- SJRWMD Full Fee
- Access Easement
- Proposed First Coast Expressway

Map 1

The St. Johns River Water Management District prepares and uses this information for its own purposes and this information may not be suitable for other purposes. This information is provided as is. Further documentation of this data can be obtained by contacting: St. Johns River Water Management District, Geographic Information Systems, Program Management, P.O. Box 1429, 4049 Reid Street Palatka, Florida 32178-1429 Tel: (386) 329-4500.

Author: U:\Real Estate Services\Staff Files\Sheila Theus\maps\My Map_files\2021_2022 For Consideration Map.mxd, Time: 6/8/2022 10:57:50 AM

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Consideration (ID # 4553)

Meeting of August 9, 2022

Map 2

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) 2021 Esri

**Bayard Conservation Area
Clay County, Florida**

0.4 0 0.4 Miles
1" = 65592'

Eagle Nest Locations

- Active
- Inactive
- Unknown
- Unobserved

Map 2

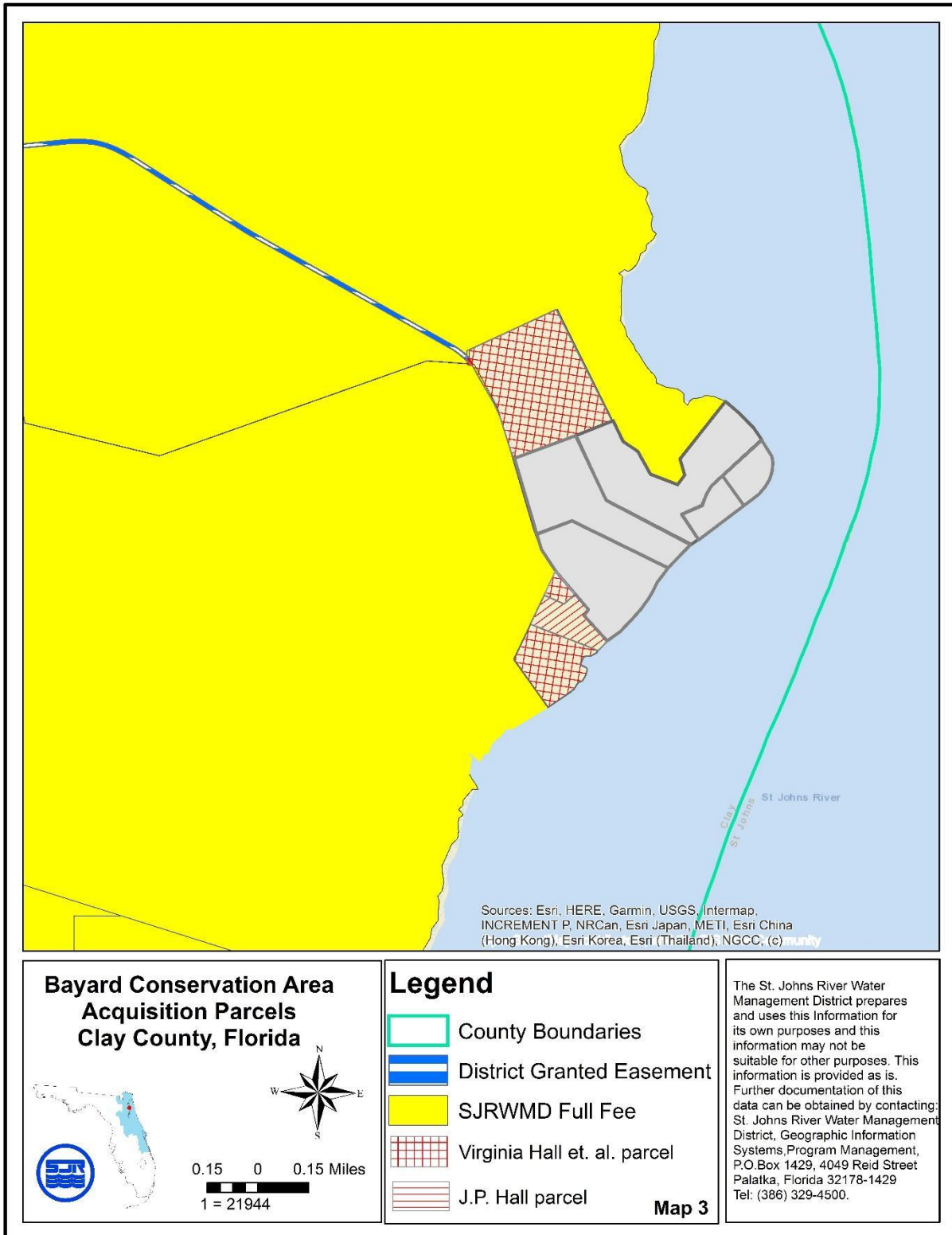
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Author: Source: U:\Real Estate Services\Staff Files\Sheila Theus\maps\My Map_files\2021_2022 For Consideration Map.mxd, Time: 6/8/2022 10:57:50 AM

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Map 3



Author: Source:U:\Real Estate Services\Staff Files\Sheila Theus\maps\My Map_files\001 MASTER.mxd, Time:5/3/2022 5:21:35 PM

Image 1





St. Johns River Water Management District

Michael A. Register, P.E., Executive Director

4049 Reid Street • P.O. Box 1429 • Palatka, FL 32178-1429 • 386-329-4500 • www.sjrwmd.com

RESOLUTION NO. 2022-10

AMENDING THE FISCAL YEAR 2021–2022 FINAL BUDGET; PROVIDING AN EFFECTIVE DATE.

Chapters 200 and 373, Florida Statutes (F.S.), as amended, require the Governing Board of the St. Johns River Water Management District (“District”) to adopt a final budget for each fiscal year.

By Resolution No. 2021-07, after a public hearing on September 28, 2021, the District Governing Board adopted a final budget (the “Budget”) covering the District’s proposed operation and other requirements for fiscal year October 1, 2021, through September 30, 2022.

The District may amend the Budget for any of the following reasons: (1) receipt of unanticipated revenues after the budget is adopted pursuant to 373.536(4)(c), F.S.; (2) the discovery of more accurate information after the budget was adopted; (3) modified operating requirements (e.g., transfer of budget authority between funds); and (4) year-end accounting adjustments (e.g., aligning projected budget authority with actual revenues received and expenses incurred).

The District anticipates receipt of \$1,500,000 in unbudgeted revenues and \$1,500,000 in budget reductions, for a net increase of \$0 in unbudgeted revenues, as further provided in the August 9, 2022, Governing Board Agenda Request, attached hereto as Exhibit A.

Pursuant to section 120.525, F.S., the District has provided notice of its intention to amend the Budget in the published notification of the Governing Board meeting at which the amendment will be considered.

In accordance with section 189.016(7), F.S., the District will post the adopted amendment on its official website within five days after its adoption.

Pursuant to section 373.083(5), F.S., and District Policy 120, Governing Board Delegations, the Executive Director is duly authorized to execute any document that has been approved by the Governing Board, with the exception of a deed of conveyance of real property owned by the District, and the General Counsel or Acting General Counsel is authorized to provide any required attestation.

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GOVERNING BOARD

Rob Bradley, CHAIR
FLEMING ISLAND

Maryam H. Ghyabi-White, VICE CHAIR
ORMOND BEACH

J. Chris Peterson, SECRETARY
WINTER PARK

Ron Howse, TREASURER
COCOA

Ryan Atwood
MOUNT DORA

Doug Bournique
VERO BEACH

Douglas Burnett
ST. AUGUSTINE

Cole Oliver
MERRITT ISLAND

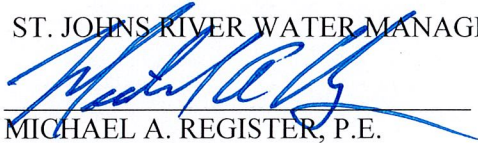
Janet Price
FERNANDINA BEACH

THEREFORE, be it resolved by the Governing Board of the District as follows:

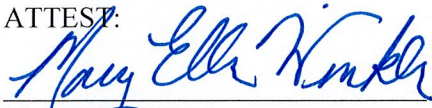
1. The Budget is hereby amended as summarized in the August 9, 2022, Governing Board Agenda Request, attached as Exhibit A, such amendments to take effect immediately upon adoption.
2. The Budget is increased by \$0 in unbudgeted revenues.

Passed and adopted this 9th day of August, 2022, A.D., by the Governing Board of the St. Johns River Water Management District.

ST. JOHNS RIVER WATER MANAGEMENT DISTRICT


MICHAEL A. REGISTER, P.E.
Executive Director

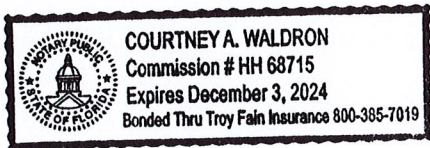
ATTEST:


Mary Ellen Winkler
General Counsel

STATE OF FLORIDA
COUNTY OF PUTNAM

BEFORE ME, the undersigned authority, physically appeared MICHAEL A. REGISTER, personally known to me to be the Executive Director of the ST. JOHNS RIVER WATER MANAGEMENT DISTRICT, who acknowledged before me that he executed the foregoing document on behalf of the Governing Board of the ST. JOHNS RIVER WATER MANAGEMENT DISTRICT as its true act and deed and that he was authorized to do so.

WITNESS my hand and official seal in the State and County last aforesaid this 9th day of August, 2022.



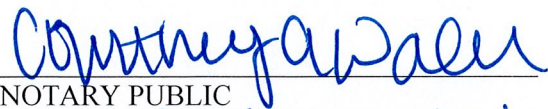

NOTARY PUBLIC
Print Name: Courtney A. Waldron
My Commission Expires: December 3, 2024

Exhibit A
St. Johns River Water Management District
August 2022 Board Memo Detail Attachment

<u>Sources:</u>	<u>Current Budget</u>	<u>Increases / (Decreases)</u>	<u>Revised Budget</u>	<u>Comments</u>
Fund Balance	\$53,464,458	\$0	\$53,464,458	<u>District Sources</u> – Fund Balance for Land Acquisition
Ad Valorem	\$92,941,279		\$92,941,279	
Other District Sources	\$6,108,910		\$6,108,910	
Local	\$2,350,950		\$2,350,950	
State	\$141,665,561	\$0	\$141,665,561	<u>State Sources</u> – Resilient Florida Program
Federal	\$125,303		\$125,303	
Total Sources	<u>\$296,656,461</u>	<u>\$0</u>	<u>\$296,656,461</u>	

**St. Johns River Water Management District
August 2022 Board Memo Detail Attachment**

<u>Uses:</u>	<u>Current Budget</u>	<u>Increases / (Decreases)</u>	<u>Revised Budget</u>	<u>Comments</u>
Water Resources Planning & Monitoring	\$19,416,491		\$19,416,491	
Acquisition, Restoration & Public Works	\$224,635,006	\$0	\$224,635,006	<u>Fixed Capital Outlay & Cooperative Funding Programs—</u> Unbudgeted Project
Operation & Maintenance of Lands & Works	\$27,722,531		\$27,722,531	
Regulation	\$13,810,411		\$13,810,411	
Outreach	\$1,242,253		\$1,242,253	
District Management & Administration	\$9,829,769		\$9,829,769	
Total Uses	<u>\$296,656,461</u>	<u>\$0</u>	<u>\$296,656,461</u>	



RON DESANTIS
GOVERNOR

STATE OF FLORIDA

Office of the Governor

THE CAPITOL
TALLAHASSEE, FLORIDA 32399-0001

www.flgov.com
850-717-9418

EOG# O-0064

June 29, 2022

Mr. Mike Register, Executive Director
St. Johns River Water Management
District Post Office Box 1429
Palatka, Florida 32178-1429

Dear Mr. Register:

Pursuant to your request, SJRWMD-004 dated June 22, 2022, and in accordance with section 373.536(4)(c), *Florida Statutes*, the Executive Office of the Governor hereby approves the amendment to your district's final budget for Fiscal Year 2021-22 as requested.

Sincerely,

A handwritten signature in black ink that reads "Brandi Gunder".

Brandi Gunder, Policy Coordinator
Office of Policy and Budget

BG/ggh

cc: Department of Environmental Protection, Division of Administrative Services