

Turnbull Creek Land Preservation Committee Zoom Meeting June 15, 2020

The January 27th minutes were approved.

At the January 14, 2020 City Commission meeting, the Commission authorized proceeding with the next steps for the possible acquisition of six "Priority 1" parcels based on the Turnbull Creek Land Preservation Committee's recommendation. The Commission did not authorize Staff to proceed with the Priority 2 parcels at this time. Staff outlined the properties that are proposed to be purchased as part of the Turnbull initiative bond which are in the immediate vicinity of SR 44 at Turnbull Creek. The Task Force decided not to rank these specific properties in hopes that they all could be purchased.

At the April 14, 2020 City Commission meeting, the Commission authorized entering into an agreement with the North Florida Land Trust (NFLT) to perform real estate services for the six "Priority 1" parcels in the Turnbull Creek Land Acquisition program. Options for purchase are being completed.

A review of the Option Agreement for the Potential Purchase of the Sea Star Realty LLC Property ([Parcels 80, 91, and Remnant Parcel B](#)) totaling 10.08 acres and are part of the "Priority 1" list) was discussed. The Task Force voted to approve the staff recommendation (see below) to submit the negotiated values (\$1,200,000) of these properties to the City Commission for purchase. If the Commission approves the agreement at its next meeting on June 23rd, the City will have until October 30, 2020 to perform all due diligence activities and to decide whether to purchase the property.

An update regarding the Management Plan for the 151+/- acre Turnbull Trace property that was acquired by the City in 2019 was given. There was a general discussion about how the lands could be managed. Staff will bring back more details at the next meeting. A plan for the removal of the Brazilian Pepper was discussed, and it was also suggested that an archeological assessment be made of the property.

An update regarding the Florida Communities Trust (FCT) grant disbursement was given with the grant funds to be disbursed in August.

The Task Force recommended adding language in the new Charter to designate the properties purchased under this Turnbull Bond initiative as "protected" so that the lands cannot be sold without a citizen referendum.

THE CITY OF NEW SMYRNA BEACH – TURNBULL CREEK LAND PRESERVATION COMMITTEE

REVIEW OF AN OPTION AGREEMENT FOR THE POTENTIAL PURCHASE OF SEA STAR REALTY LLC PROPERTY (PARCELS 80, 91, AND REMNANT PARCEL)

JUNE 15, 2020

Background

At the January 14, 2020 City Commission meeting, the Commission authorized proceeding with the next steps for the possible acquisition of six "Priority 1" parcels, based on the Turnbull Creek Land Preservation Committee's recommendation. The Priority 1 parcels are in the immediate vicinity of SR 44 at Turnbull Creek, and are identified as Groups 1A and 1B on the attached "Turnbull Creek Target Parcel Priorities" map (Exhibit A). The City Commission did not authorize Staff to proceed with the Priority 2 parcels at this time.

Findings

At the April 14, 2020 City Commission meeting, the Commission authorized entering into an agreement with the North Florida Land Trust (NFLT) to perform real estate services for the six Priority 1 parcels in the Turnbull Creek Land Acquisition program (see Exhibit B showing the six parcels and their appraised values).

Parcels 80 and 91, owned by Sea Star Realty LLC and Neal Harding, are the top ranked parcels on the Priority 1 list. The subject property has a total combined area of 10.08 acres, and consists of three parcels, as shown on the enclosed survey (Exhibit C), broken down as follows:

Parcel 80: 9.14 acres Parcel 91: 0.50 acres (shown as Parcel "A" on the survey) Parcel "B": 0.44 acres (remnant parcel, shown as Parcel "B" on the survey) Total: 10.08 acres

The 0.44-acre remnant parcel was not included on the City's initial target parcel acquisition list, perhaps because it was so small. This parcel is on the north side of the creek and is surrounded by Parcel 80. The 0.44-acre remnant parcel could not be developed as a stand-alone parcel, as it would have no legal access, and it has significant environmental constraints (wetlands, floodplain).

Property Description

The 10.08 acre property is currently undeveloped along the south side of SR 44 east of Walker Drive. The site contains a total of five wetland areas, two upland cut ditches, and portions of Turnbull Creek. The uplands are characterized by a mixture of hardwoods and slash pine, while the wetlands are characterized as mixed wetland hardwood systems. Out of the 10.08 total acres, approximately 2.6 acres are wetlands, based on the St. Johns River Water Management District's approved wetland determination. Several dirt trail roads exist through

the site, and there are remnants of a bridge crossing over Turnbull Creek. The property has a thick tree canopy, as shown by the attached tree survey, which includes a number of historic trees (36-inches DBH or larger). Please refer to Exhibit C, pages 2-4, for the wetland survey, topographic survey, and tree survey).

In May 2019, Sea Star Realty, LLC submitted a site plan application to the City for a proposed development on the property, consisting of a 15,000 square foot building for a boat sales and service facility. City staff issued comments to the applicant, and the plans were resubmitted to the City on May 31, 2019. Staff issued comments on the resubmittal documents, then no further action was taken by the applicant. The site plan is not approved by the City and no permits have been issued by the City for the project. The latest plans are attached as Exhibit D. The applicant did obtain an Environmental Resource Permit from the St. Johns River Water Management District (Exhibit E attached).

Appraisals

Two independent property appraisals were obtained for the subject property. Pomeroy Appraisal Associates of Florida, Inc. estimated the value of the property at \$1,256,000. Bullard, Hall, & Adams, Inc. estimated the value at \$1,415,000. Both appraisals are attached for reference (Exhibits F and G). The appraisals generally used similar methodologies, with minor differences in what was considered to be the developable portion of the land.

Option Agreement

The enclosed "Option Agreement for Sale and Purchase" (Exhibit H) provides the City the option to purchase the 10.08-acre property (all three parcels) for \$1,200,000. The Option Agreement has been signed by the seller and is scheduled for the City Commission's review and approval at the June 23 City Commission meeting. Rebecca Perry from the North Florida Land Trust will be attending the June 15 Committee meeting, and she will provide an overview of the agreement. If the City Commission approves the agreement, the City would have until October 30, 2020 to perform all due diligence activities and to decide whether or not to purchase the property.

Staff Recommendation

Staff recommends the Turnbull Creek Land Preservation Committee forward a recommendation to the City Commission to approve the Option Agreement to purchase the 10.08-acre property in the amount of \$1,200,000.

Staff Report Created By: Brian Fields