

MANATEE COUNTY GOVERNMENT AGENDA MEMORANDUM

SUBJECT	1912 Cortez Schoolhouse Conceptual Approval Agreement	TYPE AGENDA ITEM	Regular
DATE REQUESTED	December 1, 1998	DATE SUBMITTED/REVISED	November 20, 1998
BRIEFINGS?/WHO?	None	CONSEQUENCES IF DEFERRED	Failure to obtain grant funding
DEPARTMENT/DIVISION	Planning/Comprehensive Planning	AUTHORIZED BY TITLE	Carol B. Clarke, AICP Director <i>CBX</i>
CONTACT PERSON TELEPHONE/EXTENSION	Charles Hunsicker / <i>Susan Walter</i> ext. 6823 <i>6855</i>	PRESENTER/TITLE TELEPHONE/EXTENSION	Charles Hunsicker, Ecosystems Administrator, ext. 6823

ADMINISTRATIVE APPROVAL *[Signature]*

ACTION DESIRED
INDICATE WHETHER "REPORT or "DISCUSSION, "FORM OF MOTION, or "OTHER ACTION REQUIRED:

Authorization for the Chairman to execute the Conceptual Approval Agreement with Florida Communities Trust for the use of State funding for joint State/County acquisition of the 1912 Cortez Schoolhouse property and grounds.

ENABLING/REGULATING AUTHORITY
Federal/State law(s), administrative ruling(s), Manatee County Comp Plan/Land Development Code, ordinances, resolutions, policy.)

Comprehensive Plan Goal 3.3 Conservation Element

BACKGROUND/DISCUSSION

Continued to page 2

HAS COUNTY ATTORNEY REVIEW BEEN REQUESTED? Indicate "NO" or "YES" @ right.
If "NO," proceed to 1A/1B below. If "YES," proceed to 2A/2B below Yes

1) IF "NO" TO ABOVE,

A) PLEASE EXPLAIN BELOW: (see also following section 1B re: contract, agreement, lease, etc.)
N/A

B) IF A CONTRACT, AGREEMENT, LEASE OR OTHER DOCUMENT WAS PREVIOUSLY APPROVED, STATE YEAR OF LAST USE @ RIGHT: N/A

2) IF "YES" TO FIRST QUESTION IN THIS SECTION,

A) HAS ENTIRE MATTER, OR ONLY A PORTION, BEEN REVIEWED? IF ONLY A PORTION, WHICH PORTION?
Entire matter

B) HAVE ALL COMMENTS/SUGGESTIONS RAISED BY COUNTY ATTORNEY BEEN ADDRESSED/INCORPORATED; IF NOT, PLEASE EXPLAIN. A COPY OF FINAL COUNTY ATTORNEY MEMO RE THIS MATTER MUST BE ATTACHED. (If comments were verbal, so indicate.)
Yes. County Attorney memo is attached.

APPROVED IN OPEN SESSION
DEC 01 1998
BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA

<p>ATTACHMENTS: (List in order as attached)</p> <p>Conceptual Approval Agreement (2) Confidentiality Agreement (2) Land Management Cost Estimate SBNEP memo County Attorney memo</p>	<p>INSTRUCTIONS TO BOARD RECORDS:</p> <p>Return two (2) executed originals to Susan Waters (ext. 6855) for transmittal to Florida Communities Trust.</p>	
<p>COST</p> <p>\$387,376 acquisition \$52,824 acquisition \$26,450 One time Capital Improvements \$46,000 SBNEP/SWIM - Capital Imps</p>	<p>SOURCE (ACCT# & NAME)</p>	<p>FCT General Fund Parks & Recreation CIP Grants</p>
<p>COMMENTS</p> <p>Reviewed by Grants Coordinator <i>MAM</i></p>	<p>AMT./FREQ. OF RECURRING COSTS (ATTACH FISCAL IMPACT STATEMENT)</p> <p>\$1,600 annually for property management and maintenance of improvements.</p>	

BACKGROUND/DISCUSSION

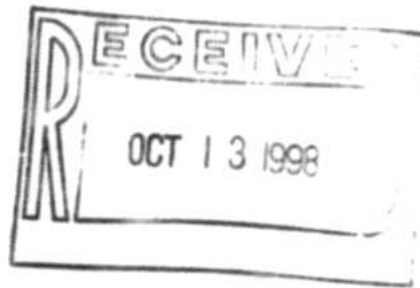
Continued from page 1

- On 4/21/98, the Board of County Commissioners adopted Resolution R-98-102 submitting an application to Florida Communities Trust (FCT) for a grant to fund the joint acquisition of the 1912 Cortez Schoolhouse property.
- On August 28, 1998, the Florida Communities Trust competitively ranked the 1912 Cortez Schoolhouse project application for funding, subject to an execution of a Conceptual Approval Agreement, with conditions, for the property.
- The attached Conceptual Approval Agreement has received legal review and is recommended by staff for approval.
- The 1912 Cortez Schoolhouse Conceptual Approval Agreement contains certain requirements that the County must carry out over a specified time frame to be eligible for funding. Articles I-VII specify certain actions pertaining to due diligence, appraisal, environmental audit and matters pertaining to execution of a closing statement. Staff is prepared, in close coordination with the County Attorney staff, to complete these requirements.

As part of public access requirements, the County is required to obtain public boater access through the mangroves to the open waters of Sarasota Bay. FCT recommends that we acquire this access fee simple from the owner (Mrs. Schewe). A written proposal to expand the acquisition area to include open water access was accepted by FCT, resulting in a grant increase allowance of up to \$35,000 for the acquisition of up to 73 acres of submerged lands. This results in a total acquisition cost for the Schoolhouse grounds and wetlands of \$440,200; FCT \$387,376/\$52,824 Manatee County.

Article VIII of the Conceptual Approval Agreement specifies County responsibilities after closing for long term property management, environmental restoration, maintenance of public access and education responsibilities. The County is prepared to meet these obligations, under a proposed partnership with the Manatee County Historical Society and the Florida Institute for Saltwater Heritage (FISH), a 501.3.c. non-profit organization dedicated to preserving the heritage of the Cortez Community. If for any reason this partnership can not be reached or is dissolved at some future date, the County would be obligated to manage the property. While staff has met with representatives of both groups to reach consensus on management approach, a draft management plan will not be available for review prior to the date required by the State for execution of this agreement.

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- **Much of the habitat restoration and public access improvements required in the Conceptual Approval Agreement will be performed under a partnership between Manatee County, the Sarasota Bay National Estuary Program, Southwest Florida Water Management District and volunteers from F.I.S.H. (see attached memorandum from SBNEP).**
 - **While the property to be acquired is in marketable condition, the Historic Schoolhouse will require renovation to meet ADA requirements and safety concerns to meet the criteria for a Certificate of Occupancy. A written estimate of recommended improvements and a range of costs for estimation purposes only is being prepared by the Facilities Management Department.**
 - **If plans are made to restore the structure in accordance with historic preservation requirements, grants would be applied for in future years. No cost estimates for historic preservation have been developed.**
 - **Estimated initiated investment to comply with the requirements of the Conceptual Approval Agreement is \$72,450. Annual recurring cost is estimated at \$1,600 (See attached Land Management Cost Estimate).**



Office of
**MANATEE COUNTY
ATTORNEY**

* Board Certified City, County & Local Government Law
† Board Certified Civil Trial

Teddy N. Williams, Jr., County Attorney
Mark P. Barnebey, Chief Assistant County Attorney*
Paul G. Bangel, Senior Assistant County Attorney*
William C. Henry, Senior Assistant County Attorney for Risk Management
Patricia McVoy, Senior Assistant County Attorney*
James A. Minix, Senior Assistant County Attorney†
Mitchell O. Palmer, Senior Assistant County Attorney
Jeffrey N. Steinsnyder, Senior Assistant County Attorney*

MEMORANDUM

DATE: October 12, 1998

TO: Charles Hunsicker, Ecosystems Administrator, Planning Department

FROM: Patricia McVoy, Senior Assistant County Attorney *PM 10/12/98*

RE: **Riverview Pointe Conceptual Approval Agreement with FCT
RLS-98-422; CAO File 1010-105-A
Cortez Schoolhouse Conceptual Approval Agreement
RLS-98-421; CAO File 1080-079-A**

The above agreements are acceptable, and I have no comments that need be furnished to FCT. It should be noted that the Riverview Pointe agreement does provide adjustments to deal with the fact that the property was pre-acquired by the County.

You should pay close attention to the requirements of Article VI, which provides several limitations on the use of the property arising as the result of financing with the State's tax-exempt bonds. You may want to be certain that canoe rentals or other government fees and charges would not be prohibited. This article also is of concern due to the interest of the Cortez organizations, which included fund-raising activities.

I see no reason that these agreements could not be presented to the Board once the blanks have been completed. Please contact me if you have any questions about any specific provisions in the agreements. This completes my response to the above Requests for Legal Services.

PM/klm

cc.: Carol B. Clarke, A.I.C.P., Director, Planning Department
Maggie Marr, Grants Coordinator, Financial Management Department

Office of County Attorney
1112 Manatee Avenue West, Suite 969, P.O. Box 1000, Bradenton, FL 34206

(941) 745-3750 • fax (941) 749-3089



November 19, 1998

Mr. Charlie Hunsicker, Ecosystem Administrator
Manatee County Govt.
Post Office Box 1000
Bradenton, Florida 34206

Dear Mr. Hunsicker:

Please accept the enclosed letter as a commitment on behalf of the Sarasota Bay National Estuary Program (SBNEP) to coordinate with Manatee County and the Southwest Florida Water Management District (SWIM Department) to conduct several key management improvements involving the Cortez Schoolhouse & Nature Preserve project site (referenced as FCT Project Number 98-009-P8A).

The SBNEP will seek cooperative funding from SWIM and other SWFWMD, state or federal funding agencies as may be needed to restore the tidal lagoon on the project site. The plans are to remove the exotic vegetation and re-establish the link between the tidal lagoon and Sarasota Bay by opening up the tidal artery and re-planting with native vegetation. This will allow for the restoration of habitat; improve water quality by restoring the natural hydrological function of the site; and allow public access to the site by way of enhancing an historic canoe trail, all of which will be conducted in such a way as to not cause harm to the natural resources.

The wetlands on the site will be restored by the re-connection of the lagoon to the waters of Sarasota Bay. Restoring the wetlands to their historic salt water environment will preserve, enhance and protect the long term viability of these communities. Additionally, the SBNEP is committed to educating the public about the values of wetlands, the coastal environment and listed wildlife species which inhabit the project area and plan to develop interpretive signage, a kiosk and brochures for the project site.

The SBNEP has reviewed the County cost estimate for the land management approaches of the project site and agrees to the level of funding and commitment earmarked for our area of responsibility. We look forward to restoring the environmental habitat, enhancing bay access for the public and developing education for 1912 Cortez Schoolhouse & Nature Preserve project site.

Sincerely,


A handwritten signature in cursive script that reads "Jaime Doubek-Racine".

Jaime Doubek-Racine, Project Manager
Sarasota Bay National Estuary Program

cc: Dr. David Tomasko, SWFWMD SWIM Senior Environmental Scientist
Grant Gelhardt, FCT, Planning Manager
Ernie Padgett, Administrator, Manatee County

5333 N. TAMiami TRAIL · SUITE 104 · SARASOTA, FL 34234

(941) 359-5841 · FAX (941) 359-5846
S/C 549-5841 · sbnep@gte.net





Florida Communities Trust

November 6, 1998

Mr. Charles A. Hunsicker
Ecosystems Administrator
Manatee County
Post Office Box 1000
Bradenton, FL 34206-1000

RE: FCT Project Number 98-009-P8A
1912 Cortez Schoolhouse & Nature Preserve
Manatee County

Dear Mr. Hunsicker:

Enclosed find copies of the Conceptual Approval Agreement (CAA) for the above-named project. This document was approved by the Florida Communities Trust (FCT) governing board on October 27, 1998. Also enclosed find the Confidentiality Agreement for the project. Both documents are now ready for execution, first by the local government grant recipient, then by FCT.

After execution of the documents, return all copies to FCT for our execution. Originals will be returned to you, according to the CAA section that relates to this. **The deadline for returning the documents is as soon as possible, and no later than December 15, 1998.**

You received a copy of the draft Conceptual Approval Agreement before the meeting. A close comparison of this final agreement with the draft agreement before execution is important.

Notice of Conceptual Approval

The Trust has filed a Notice of Conceptual Approval in compliance with the requirements of Rule 9K-4.010(2)(g) & (h), which states the following:

- (g) At the conclusion of the meeting for conceptual approval of applications, those applications selected for funding pursuant to the provisions of this

Mr. Charles A. Hunsicker
November 6, 1998
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part will be considered to have received conceptual approval for funding. The Trust shall publish a Notice of Conceptual Approval in the Florida Administrative Weekly that shall list all applications considered, whether the application has received conceptual approval or not, and the amount of funding conceptually approved for each applicant.

- (h) Any person with substantial interests that are or may be determined by the conceptual approval of funds for projects by the Trust may request an administrative proceeding pursuant to Section 120.57, Florida Statutes, within 21 days of publication of the Notice of Conceptual Approval.

The notice will appear in the November 21, 1998, issue of the *Florida Administrative Weekly*.

Please begin the process of executing the agreements immediately. If you have any questions regarding the agreement, contact me at 850/922-2207 or Ann Wild, Trust attorney, at 850/488-0410.

Sincerely,



Anne Peery
Executive Director

AP:jd

Attachments: Originals of Conceptual Approval Agreement for execution
Originals of Confidentiality Agreement for execution
Copy of Notice of Conceptual Approval