

**AGENDA
BOARD OF TRUSTEES
DEPARTMENT OF AGRICULTURE & CONSUMER SERVICES
OCTOBER 26, 2010**

Attachments to the items below can be viewed at the following link:
http://www.dep.state.fl.us/secretary/cab/public_notices.htm

Item 1 Minutes

Submittal of the Minutes from the May 25, 2010 and June 8, 2010 Cabinet Meetings.

(See Attachment 1, Pages 1-11)

RECOMMEND APPROVAL

Item 2 Acquisition of Tiger Lake Ranch, Rural & Family Lands Protection Easement

REQUEST: Consideration of (1) an option agreement to acquire a 1763.5 acre perpetual conservation easement over lands lying within the Tiger Lake Ranch project of the Department of Agriculture and Consumer Services', Division of Forestry (DACS/DOF) Rural & Family Lands Protection Program (RFLPP) from Cary D. Lightsey and Layne L. Lightsey Individually and as Trustees of the Marnel R. Lightsey Irrevocable Trust. (2) designation of DACS/DOF as the monitoring agency.

APPLICANT: Department of Agriculture and Consumer Services' Division of Forestry (DACS/DOF)

COUNTY: Polk

LOCATION: Sections 16, 17, 18, 19, 20; Township 30 South; Range 30 East

CONSIDERATION: \$3,967,875.00

<u>PARCEL</u>	<u>ACRES</u>	<u>APPRAISED BY</u>		<u>APPROVED VALUE</u>	<u>SELLER'S PURCHASE PRICE</u>	<u>TRUSTEES' PURCHASE PRICE</u>	<u>OPTION DATE</u>
		<u>(12/29/09)</u>	<u>(12/29/09)</u>				
Adams	1763.5	\$4,762,000	\$4,056,000	\$4,762,000	*\$XXXXXX	** \$3,967,875	120 days after BOT approval

*Property was assembled by the Lightsey family over years.

**Easement purchase price \$2,250.00 per acre

STAFF REMARKS:

This acquisition was negotiated by DACS/DOF under its RFLPP. This is the fourth perpetual conservation easement proposed for acquisition under this program for a total of 3,565.5 acres preserved under the Rural and Family Lands Protection Program.

Item 2, cont.

PROPERTY DESCRIPTION:

Tiger Lake Ranch is a 1,763.5 acre cow-calf operation lying along the southern shore of Tiger Lake in Polk County. The Ranch, owned by the Lightsey Family, is comprised of large acreages of improved and free range pasture together with virtually undisturbed natural areas that provide habitat for not only numerous listed species, but also for many species of neotropical birds and fall game species including indigo snake, gopher tortoise, burrowing owls, caracara, white-tailed deer, wild turkey and northern bobwhite quail, just to name a few. These species depend on the dry and wet prairie for cover, roost sites, nesting sites and forage. The Lightsey's have been recognized both statewide and nationally for their ranching achievements and environmental stewardship excellence.

The Lightsey's originally settled in South Carolina in 1730's and have been involved in the cattle industry for 12 generations, finally migrating to Florida, via Georgia, in the 1850's. The Lightsey family is interested in pursuing an agriculture protection easement because of a desire to see the land, worked for 6 generations, continue to produce cattle, provide jobs, and pay taxes. The family is agreeing to protect and manage the land in perpetuity in accordance with the attached easement. Monies obtained from this easement will be utilized to offset a portion of the operating expense, facilitate estate planning, and allow the ranch to remain competitive while preserving the landscape from development and fragmentation. The Lightsey family has expressed hope that the use of perpetual agricultural conservation easements will encourage future generations of the family to stay in Florida and manage the land as a working ranch.

This RFLPP project is comprised of 1,763.5 acres with 79% uplands and 21% wetlands. The property has approximately two miles of shoreline on Tiger Lake with long leaf pine, palmetto flatwoods, scrub, dry and wet prairies, hammocks and fresh water marsh coming together to make up this unique landscape. Much of the prairie has been planted with pasture grasses; however, the hammock areas remain in a primarily natural state. Preserving the integrity of the Tiger Lake Ranch as a working landscape will not only help ensure availability of Florida Ag lands, it will also protect part of an extensive ecosystem that possesses high conservation significance from both a regional and state perspective.

PROHIBITED USES:

- Dumping of non-biodegradable, toxic or hazardous substances, trash garbage, wastes, abandoned vehicles, appliances, machinery or similar material is prohibited.
- The exploration for and extraction of oil, gas, minerals, dolostone, peat, muck, marl, limestone, limerock, kaolin, fuller's earth, phosphate, common clays, gravel, shell, sand and similar substances either directly or indirectly by Grantor or on Grantor's behalf, etc.

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Item 2, cont.

- Activities that affect the hydrology of the land or that detrimentally affect water conservation, erosion control, soil conservation, or fish and wildlife habitat, etc.
- Planting of nuisance exotic or non-native plants as listed by the Exotic Pest Plant Council (EPPC) or its successor, etc. The Grantor shall, to the extent practical, control and prevent the spread of nuisance exotics or non-native plants on the Property.
- Commercial or industrial activity, which for the purposes of this easement includes but is not limited to animal feeding operations as defined in 40CFR122.23(b)(1) (2008), or ingress, egress or other passage across or upon the Property in conjunction with any commercial, industrial or animal feeding operation activity. New construction or placing of temporary or permanent buildings, mobile homes or other structures in, on or above the ground of the Property except as may be necessary by Grantor for maintenance or normal operations of the Property or during emergency situations. For purposes of this paragraph the term “emergency” shall mean those situations that will have an immediate and irreparable adverse impact on the Purposes for which this Easement was acquired.
- Construction or placing of roads, billboards or other advertising, utilities, or structures, except those structures and unpaved roads necessary for the agricultural operations on the land or structures necessary for other activities allowed under the Easement, and except for linear facilities described in section 704.06(11), Florida Statutes. Grantee may erect and maintain signs designating the Property as land under the protection of Grantee.
- Fertilizer use for agriculture activities shall be in accordance with agricultural Best Management Practices recommended by the Natural Resources Conservation Service or the Florida Department of Agriculture and Consumer Services, whichever is more stringent, as those Best Management Practices may be amended from time to time. No agricultural activities shall occur within a 100-foot buffer around sinkholes and other karst features that are connected to spring conduits.
- Actions or activities that in the opinion of the DACS/DOF or Fish and Wildlife Conservation Commission may adversely affect threatened or endangered species.
- Any subdivision of the Property.
- There shall be no commercial water wells on the conservation easement property.
- There shall be no cutting of cypress trees anywhere on this easement.

Item 2, cont.

- There shall be no mitigation banks pursuant to section 373.4135, et. seq., Florida Statutes.

OWNER'S RIGHTS:

- The right to conduct prescribed burning on the Property.
- The right to mortgage the Property.
- The right to contest tax appraisals, assessments, taxes and other charges on the Property.
- The right to continue to use, maintain, repair, and reconstruct, all existing buildings, barns, dog pens, outbuildings, fences, roads, ponds, drainage ditches, swales, water conveyance structures, or other improvements and such other facilities on the Property.
- The right to sell, devise or otherwise transfer ownership of the property to a third party.
- The right to exclusive use of the improvements on the Property.
- The right to pursue agricultural practices on the Property.
- The right to construct, buildings or other structures incident to agricultural uses.
- The right to maintain property lines around the perimeter of the Property.
- The rights to observe, maintain, photograph, introduce and stock native fish or wildlife on the Property, to use the Property for hiking, recreation, eco-tourism activities and horseback riding.
- The right to manage the hunting and fishing rights on or related to the Property and the right to lease and sell privileges of such rights.
- The right to harvest landscape and ornamental plants outside of Special Natural Areas. (ie. Palm tree harvesting)

ENCUMBRANCES:

There are no known encumbrances on the property that adversely affect marketability or the ability to enforce the rights granted under the easement.

Item 2, cont.

MORTGAGES AND LIENS:

All mortgages and liens will be satisfied or subordinated at the time of closing.

On June 22, 1999, the Board of Trustees approved a staff recommendation to delegate to DEP the authority to review and evaluate marketability issues as they arise on all Chapter 259, F.S., acquisitions and to resolve them appropriately. Therefore, DEP staff will review, evaluate and implement an appropriate resolution for these and any other title issues that arise prior to closing.

CLOSING INFORMATION:

A title insurance commitment, a survey, and an environmental site assessment of the property will be provided by DOF prior to closing.

EASEMENT MONITOR:

This perpetual conservation easement will be monitored by the DOF.

COMPREHENSIVE PLAN:

This acquisition is consistent with section 187.201(22), F.S., the Agriculture section of the State Comprehensive Plan.

(See Attachment 1, Pages 1-66)

RECOMMEND APPROVAL