



**AGENDA  
TAVARES CITY COUNCIL  
SPECIAL MEETING  
WOOTON PARK EXPANSION**

**JULY 20, 2010  
5:00 P.M.**

**TAVARES CITY HALL COUNCIL CHAMBERS**

**CALL TO ORDER**

**Mayor Wolfe**

**1) PURCHASE OF ADDITIONAL PROPERTY FOR  
WOOTON PARK**

**Bill Neron**

**ADJOURNMENT**

This Agenda is provided to the City Council only as a guide, and in no way limits their consideration to the items contained hereon. The Council has the sole right to determine those items they will discuss, consider, act upon, or fail to act upon. Changes or amendments to this Agenda may occur at any time prior to, or during the scheduled meeting.

F.S. 286.0105 If a person decides to appeal any decision or recommendation made by Council with respect to any matter considered at this meeting, he will need record of the proceedings, and that for such purposes he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk at least two (2) working days in advance of the meeting date and time at (352) 253-4546.

**AGENDA SUMMARY  
TAVARES CITY COUNCIL  
DATE OF MEETING: JULY 20, 2010**

**AGENDA ITEM NO: 1**

**SUBJECT TITLE: Review and decide on a proposal to acquire and develop additional property for Wooton Park**

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**OBJECTIVE:**

To have City Council review and decide on a proposal to acquire and develop additional property adjacent to Wooton Park.

**SUMMARY:**

Over the past three years, significant activity has taken place with regard to the planning, permitting, design and construction of the Tavares Seaplane Base, Marina and Special Events area along the down town water front on the shores of Lake Dora. Specifically the following activities have been designated at the down town water front property:

1. Wooton Wonderland play ground
2. Seaplane themed children's Splash Park
3. Special Events Pad and vender pads
4. Seaplane Base
5. Marina
6. Ship Store
7. Trail Head Facility
8. Pier and Pavilion

Accommodating seaplanes and boat trailers on the paved ramp is challenging at times due to the volume of boat and seaplane traffic. Accommodating music venues is challenging at times due to the popularity of the venues and the number of attendees. Accommodating the Special Events activities and Air shows is challenging at times due to the volume of spectators and limited space in the Park.

At its May 19, 2010 City Council meeting, the Council approved a recommendation from Vice Mayor Lori Pfister to direct the City Administrator and staff to see if there are additional properties available to expand the water front property for public purposes and public use and bring back their findings to the City Council for consideration.

Staff has identified property owned by Tavares Station along the water front south of the rail road tracks as a possible area to accommodate the above referenced challenges. The benefits of acquiring this property include:

1. Separating the Seaplane activity from the Boat Trailing activity
2. Providing a small 3,200 seat music Amphitheater for music events, H.S. graduations, commitment addresses, philharmonics, plays etc...
3. Provides additional space for Special Events, viewing airshows over the lake, and additional public access to the Lake Dora waterfront.
4. Converts the property to public use and removes the potential for private development.
5. Purchasing and improving the property now versus later provides potential cost savings in acquisition and development costs.
6. If left to be developed by a private developer for private use then the city will in all likelihood never be in a position to afford acquiring it in the future for public use.

Staff has solicited assistance from The Trust For Public Lands to assist in the due diligence process of what it would take/cost to acquire this property and they are here to give a overview of how they can assist should the Council desire to move forward (see attached information on what TPL does) .

Attached is a schematic of the property and its potential use as described above. The estimated cost of the property is \$4.5 million and the estimated cost to improve the property is \$4.3 million. Staff is recommending that the Council discuss its interest in pursuing or not pursuing the property and if interested in pursuing it that they authorize the TPL to assist and that the voters make the decision by referendum on November 2, 1010.

#### **OPTIONS:**

1. Pursue the acquisition and improvements of the identified property by voter referendum.
2. Do not pursue acquisition of the property.

#### **STAFF RECOMMENDATION:**

Staff recommends that the Council moves to pursue acquisition of the identified waterfront property and improvements by referendum and solicit assistance from Trust for Public Lands in that endeavor.

#### **FISCAL IMPACT:**

A voter general obligation bond referendum authorizing \$8.8 million would need to be approved by the voters on November 2, 2010.

#### **LEGAL REVIEW:**

This process has been reviewed and approved by the City Attorney.

## Q&A

### What does TPL do?

The Trust for Public Land (TPL) is a national nonprofit organization that conserves land for people to enjoy as parks, community gardens, historic sites, rural lands, and other natural places. Since 1972, TPL has completed more than 4,800 land conservation projects in 47 states, protecting more than 2.8 million acres. These projects range from small city parks, playgrounds, and gardens, to riverfronts and greenways, to thousands of acres of wild lands and forests.

TPL accomplishes its mission through several services, including Conservation Visioning (GIS-based planning), Conservation Finance (local and state ballot measures), and Conservation Transactions (interim land acquisition). TPL applies real estate and legal expertise to assist willing landowners who are seeking to protect properties and public agencies that are seeking to bring privately owned open space into the public domain. TPL can help communities identify which lands to protect, develop an acquisition strategy for those lands, identify sources of conservation funding, and independently acquire lands from private owners for conveyance to a public agency.

### How does TPL decide what lands to protect?

As an independent organization, TPL works for the public, and as such, TPL responds to the priorities of community groups, public officials, and the public at large.

For most federal acquisitions, it is Congress who makes the final call about what is purchased. When it passes a law to provide funding to purchase a critical missing piece in a national park or wildlife refuge, or to expand the boundaries of a federal area, Congress is making a definitive decision that a particular area is a federal priority. They are elected to make those decisions and TPL follows them. TPL's consistent practice is to coordinate with federal agencies, Congress, community leaders, and other key partners on each conservation opportunity.

Bringing opportunities to light for decision-makers – often after we have secured properties for potential public conservation - is a key facet of our public-interest work. We are able to act quickly in the private real estate marketplace to secure lands that otherwise would be lost to development, often before public agencies can add them to formal priority lists.

### What arrangement does TPL usually have with public agencies to work on targeted acquisitions?

The relationship both TPL and agencies usually find to be the most efficient and the most cost effective is through a non-contractual arrangement, in which TPL acts as an independent principal in land transactions rather than as an agent for either the public agencies or the landowners. Our independence is invaluable in situations where landowners of property proposed for acquisition have contentious or even litigious relationships with the interested agency, or when a successful transaction depends upon sensitive, confidential negotiations that would not be possible if we were effectively a contract employee of government.

In short, when we act as an independent, private negotiator in the marketplace with a neutral position between public agencies and landowners, we are best able to meet the goals of both parties and effect a mutually beneficial outcome.

## Why do agencies work with TPL?

Each agency is unique and has different strengths and challenges. Some agencies lack professional land acquisition staff, and rely on TPL's experienced real estate negotiators, attorneys and tax experts. Other agencies prefer not to take the financial risks that often are required to temporarily hold land off the market.

Regardless of their individual differences, however, agencies tend to work with TPL because: 1) we have an established track record of success in negotiating complex real estate transactions; 2) we offer a professional and streamlined approach, and bring extra hands and minds to assist often over-extended government staff; 3) we are accomplished in helping agencies, particularly local governments, find additional public or private dollars to leverage existing funds; and 4) we can usually save agencies money. These savings are generally found in two areas:

- Acquisition costs. TPL is able to absorb many or, in some cases, all the transaction-related costs associated with public agency land transactions. Costs for appraisals (ordered by TPL, which typically are relied upon by agencies in their market value determination), environmental assessments, surveys, accrued interest during holding periods, grant writing, and attorneys' and other staff time are usually the responsibility of TPL. We are obviously grateful if a public agency is able to reimburse us for a boundary survey or title work, but if not TPL is fully prepared to absorb the full expense in order to ensure the protection of the resource.
- Below market value dispositions. TPL uses its real estate expertise, the fact that we are a principal with the ability to pay all cash without normal permitting or other development-related contingencies, and possible tax benefits inherent to non-profit organizations to negotiate with landowners for the best possible price for their land. The dramatic decline of the real estate market has increased our opportunity to negotiate transactions below market value, and it is our policy to pass along these savings to the agencies with which we work. Even when TPL conveys land at full market value (based upon appraisals that are reviewed and approved by the agency steward), the agency saves money since this is the price it likely would have paid without TPL's involvement, and TPL has usually absorbed many of the transaction and staff costs that the agency would have otherwise incurred. TPL does not in most cases acquire property above the appraised market value, because it could jeopardize our 501(c)(3) nonprofit status, unless the public agencies we are working with approves the above market transaction and provides justification for the price.

## What process does TPL typically use to acquire land?

In most cases, TPL secures a property with a purchase option agreement. During the option period, which may be anywhere from 3 to 12 months or even longer, TPL performs the due diligence associated with the proposed purchase, including an appraisal, title review, environmental investigations, and surveys. TPL understands the need to meet the due diligence requirements of our agency partners, so we take extra steps to coordinate our due diligence preparation to meet or exceed required standards. If the public agency elects not to purchase the property from TPL, these are expenses normally absorbed by TPL as a cost of doing business in the marketplace as a risk-taking private buyer.

During our option term, TPL also works closely with the acquiring public agency to identify possible matching funds, prepare the necessary grant applications, engender community support, run ballot measures, and if necessary work with the agency on creative financing alternatives. A public agency is under no financial obligation to TPL until a specific purchase agreement has been entered into with TPL.

Once the due diligence has been completed, the acquisition funding has been identified, and an agency has agreed to purchase the property from TPL within a defined period of time, TPL normally exercises its option, purchases the property from the landowner with its own capital, and holds it pending its sale to the public agency. We typically seek to complete the sale of the property to the agency as soon as possible, in order to reduce our holding costs and free the capital for other critical acquisitions around the country.

### **Why do landowners sell to TPL rather than directly to government agencies?**

TPL focuses on conservation opportunities that public agencies cannot act upon due to considerations such as time, political issues, complexity of the transaction, or other factors. When priority lands become available, public agencies often do not have all the money available to purchase them. Landowners may be unwilling to wait until that money is available, meaning opportunities to protect valuable resources may be lost. As an independent organization, TPL can provide timely commitments to landowners until public agencies can eventually acquire the properties.

### **Does TPL get involved in the appraisal that establishes market value?**

Public agencies often ask TPL to pay for an independent appraisal to establish market value. TPL is committed to a process that provides a fair price to the agencies and fair treatment to property owners. TPL believes that agency review and approval of an independent appraisal is the cornerstone of a sound valuation process. The appraisal should be conducted to the highest government standards by appraisers who meet the highest standards of certification. Appraisals may come from a variety of sources, but in each instance, the same strict review standards and the same rules for valuation should apply. It is TPL's policy to share with appraisers all relevant information available to TPL pertaining to the value of property. Ultimately, it is the agency that decides, in every instance, whether an appraised value is justified.

### **How does TPL support itself financially?**

TPL is supported by donations. TPL is a recognized 501 (c)(3) public charity and as such, donations to TPL are tax-exempt. TPL is not a membership organization and receives no dues. Instead, TPL receives donations and support from individuals, corporations, and foundations.

More specifically, 86% of TPL's funds are received as donations and grants from individuals, landowners, foundations, corporations, and government agencies. A smaller percentage (11%) comes from fees for services such as consulting and planning, land maintenance and clean up, and services performed to assist others in land transactions. 3% is investment income.

A major source of support for TPL—about 45%—comes in the form of confidential donations from the landowners from whom we purchase properties. In most cases, private property owners make a tax-deductible donation of a portion of their property's value, or a cash donation, to TPL in connection with a transaction. TPL uses these donations to provide for our general support as well as pay for a great deal of the technical work specific to that particular land deal, from complex legal and title work to toxics assessment and remediation, that agencies often are unable to do or to pay for themselves. In Florida, the cost of our projects ranges between \$75,000-\$1,000,000 or more, depending on the complexity, the land value, and the holding period. TPL does not seek to be reimbursed by agencies for the considerable costs of this nonprofit work; rather, we rely on private donations to cover these and other costs of our programs around the country.

Though the vast majority of our public agency partners fully embrace (and in most cases, are downright thankful for) the fact that we seek our support from landowners rather than from them,

our donations have sometimes been a source of misunderstanding. Perhaps the biggest hurdle for public agency staff and officials to make is the understanding—and acceptance—that TPL’s contributions are coming out of the landowner’s proceeds, and are not funds that would otherwise be saved by the agency if TPL did not participate. Simply put, TPL’s donations do not inflate the value of the land we acquire.

In fact, TPL has conveyed the land it has purchased through the years to public agencies for more than \$1.3 billion below its appraised value, and still received our contributions. Landowners often give to TPL because they appreciate our mission and are interested in protecting their land, but even if landowners are not motivated by conservation desires, they nevertheless are pleased to provide a tax-deductible contribution to TPL because they see us as a professional, results oriented organization that has closed on more than 90% of its option agreements since our inception.

TPL has been reviewed by a number of independent analysts, including The American Institute of Philanthropy (<http://www.charitywatch.org/>), *Forbes* magazine (<http://www.forbes.com/>), and the Better Business Bureau Wise Giving Alliance ([www.give.org](http://www.give.org)). TPL receives high ratings for keeping fund-raising and operating costs low while meeting mission goals.

### **Does TPL disclose donations?**

TPL’s general policy is, with donors’ permission, to disclose in our Annual Report the gifts and donations that have been made, the name of the donors, and the year in which the donations are made. But many donors, including landowners who make donations, prefer that their gifts remain anonymous and TPL, as does all nonprofits, respects the wishes of donors.

TPL’s work with landowners is confidential because we have found that in the real estate market in which we operate, a guarantee of confidentiality places landowners at ease and ensures an environment that is favorable to working out complex issues. As a good-faith negotiator, TPL is careful to safeguard private financial information of the landowners who partner with us.

TPL has adopted policies to ensure continued standards of transparency while protecting the privacy of landowners. TPL protocols meet agency standards for sharing information while upholding our legal and ethical obligations under the Donor’s Bill of Rights to protect property owners’ rights to confidentiality and privacy. The Donor’s Bill of Rights is a document endorsed by virtually every charitable organization in the United States. Article VI states that donors have the right “to be assured that information about their donations is handled with respect and with confidentiality to the extent provided by law.”

### **Is TPL a Broker?**

A common error made by both landowners and public agencies is to mischaracterize TPL’s donations as “brokerage fees.” We understand the analogy, but of course there are two fundamental differences: 1) TPL is much more than a broker, actually acting as a principal in land transactions that expends its own funds to complete due diligence and to purchase land; and 2) as a 501 (c)(3) nonprofit organization, no one individual at TPL—be it volunteer, employee, or Board member—receives any portion of these contributions. They enable the organization to further our land-for-people mission by tackling expensive projects and continuing our good work in communities around the country. More than 90% of our support is poured back into our land-saving work, making us far and away one of the most efficient philanthropic conservation organizations in the country.

**Does TPL make a profit?**

No. TPL is a federally recognized public charity. TPL has neither owners nor shareholders and is governed by an unpaid board of directors. All donations received by TPL are directed toward our mission of conserving land for people. TPL's board members receive no financial benefits from their service. TPL has been recognized by independent financial media for keeping operating costs low while meeting mission goals.

**Why doesn't TPL work the way other land conservation groups do?**

Actually we do. Like all nonprofit conservation organizations, TPL relies on donations to support our work. The sources of the donations vary from one organization to the next. TPL's "conservation model" allows TPL to cover expenses, including extensive acquisition costs that otherwise would have been borne by public agencies and taxpayers; to invest substantial option payments, down-payments and other capital funds entirely at our own risk; to undertake costly community-building and other programmatic work; and still save public agencies money by not charging fees for services and selling land at or below fair market value.

**Does TPL use taxpayer dollars to conserve land?**

No, although when TPL sells land to a public agency, in some cases taxpayer dollars may fund the agency's purchase of the land from TPL.

**How does TPL guarantee that the lands it adds to the public open space will not be sold or given over to commercial use?**

In general, TPL relies on the fact that most public agencies are bound by law or regulation or their own management plans to keep property in a protected state. In some instances, the land is actually encumbered during the transaction with an additional legal protection, called a conservation easement, that may prevent development and other commercial uses. Public agencies go to significant expense and effort to acquire land because of its unique value for recreation, wildlife, watershed protection, and other human benefits, and we know of very few instances where land acquired for these purposes has later been sold for commercial use.