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MEMORANDUM

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**TO:** CONE RANCH ADVISORY COMMITTEE  
**FROM:** PAMELA JO HATLEY  
**SUBJECT:** COMMENTS FOR DISCUSSION AT NOVEMBER 16, 2009 MEETING  
**DATE:** 11/6/2009  
**CC:** EDITH STEWART

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I concur with the sentiments expressed by panel members and the public at our past meetings that the Cone Ranch property should be preserved and protected into perpetuity. I believe our committee most likely has a consensus on that issue. However, the more difficult issue is what mechanism is best to accomplish the preservation and protection of the Cone Ranch property into perpetuity.

This committee has received information and heard presentations from Florida Conservation & Environmental Group (FC&EG), members of the County's technical advisory staff, environmental professionals, and members of the public. This information has been a tremendous help in focusing and clarifying the complex details that surround any potential disposition of the Cone Ranch property. The Board of County Commissioners (BOCC) will be compelled to work through these complex details if it decides ultimately to transfer the property to a county agency other than the water utility, to sell the property to conservation purchasers, or to take some hybrid option.

For example, the bond covenants that encumber the property present certain requirements for its disposition. However, while this fact might complicate a sale or transfer, they do not prevent either. In addition, Tampa Bay Water (TBW) holds the rights to develop water sources on the Cone Ranch property. Thus, unless termination can be negotiated, future owners would take title subject to TBW's rights. However, TBW's right to develop water resources does not preclude the property's sale or transfer.

Notwithstanding the complex details that would have to be addressed for any potential sale or transfer of the Cone Ranch property, I do not believe the question of how to work out these details is this committee's concern. Rather, I believe it is our job to honestly and objectively consider the options that we have been made aware of, and to recommend to the BOCC what we believe to be the best mechanism(s) to accomplish the preservation and protection of the Cone Ranch property into perpetuity.

I have reviewed and considered the options that have been presented to this committee and that we have discussed in our public meetings. I have read the voluminous reports and documents, and I have toured the Cone Ranch property. I recognize the importance

of this committee's work, and the significance of the ultimate decision BOCC will make regarding the Cone Ranch property. After taking all available information in to careful consideration, I have reached the following conclusions:

1. **The status quo is not adequate to protect and preserve the Cone Ranch property into perpetuity.** Although the property is publically owned, it is not under a conservation easement. There is no mechanism in place to prevent sale or development of the property in the future. The comprehensive plan land use designation can be amended, and is thus not adequate to prevent future development.
2. **The most desirable and effective mechanism for protection and preservation of the entire property is transfer to the county's Environmental Land Acquisition and Protection Program (ELAPP).** I concur with statements made by members of the public and of this committee that the Cone Ranch property should remain in public ownership. Ideally, the entire property would be transferred to ELAPP, and its environmental features would be restored and maintained consistent with an appropriately designed plan. The county taxpayers, of whom I am one, have consistently expressed willingness to support the acquisition and maintenance of environmentally valuable lands. The Cone Ranch property would be a priceless addition to this program. I would recommend the entire property be transferred to ELAPP, whether all at once or in phases over time. I believe the details can be worked out with the bond covenant requirements, and I also believe this disposition will have the greatest public support.
3. **Sale to conservation purchasers should be considered; but only if transfer to ELAPP is impossible, and only under certain conditions.** I do not share the sentiments expressed by some members of the public that the FC&EG proposal represents an attempt by wealthy developers to acquire and develop public lands. I have seen no evidence to support allegations that the FC&EG proposal is other than what it purports to be; broker of sale to conservation purchasers, who will take title subject to conservation easements designed to protect and preserve the property into perpetuity. In fact, as presented to this committee, the FC&EG proposal would require that a conservation easement be in place at the time of transfer of the property from the county to a not-for-profit entity, which would take title prior to subsequent sale to conservation purchasers. The Nature Conservancy and a conservation land trust would be the conservation easement beneficiaries who would monitor and enforce the easement provisions. The Nature Conservancy is imminently qualified for such a responsibility. Moreover, the conservation land trust board of directors would include members of the public and at least one member of the BOCC. Therefore, I believe the proposal contains safeguards to prevent development of the Cone Ranch property beyond that proposed by FC&EG. Furthermore, FC&EG seems willing to negotiate the terms of the conservation easement to the satisfaction of the concerned public.

Nevertheless, I do not favor the transfer of public property to a private entity. Therefore, I believe sale of the Cone Ranch property to a private entity should be considered only if transfer to ELAPP is absolutely impossible. Moreover, I believe that if the BOCC decides to consider sale of the property to a private entity, the county should follow a bid process. FC&EG is a for-profit entity that proposes to establish a not-for-profit entity for the purpose of purchasing this public land outside of a bid process. Although I do not believe FC&EG's intent is suspect, I am concerned that sale to a not-for-profit entity established in this manner and for this purpose will be perceived as an attempt to bypass the law. Therefore, I would recommend the county follow the bid procedures required for sale of public lands.

4. **The so-called “hybrid” approach is cumbersome, may result in delay, and may not result in preservation and protection of the entire Cone Ranch property.** A number of approaches have been presented to this committee at our public meetings. At our October 23, 2009 meeting a “hybrid” approach was suggested, which would apply a combination of the different approaches, namely some use of conservation easements, mitigation techniques, transfer to ELAPP, and possible transfer to private entities. I do not favor this approach because it is cumbersome, time-consuming, and may result in protection of less than the whole of the Cone Ranch property. I believe the uplands and wildlife habitat are on the property are important and as worth protecting as are the wetland areas. Moreover, as discussed above, the details of the bond encumbrance and TBW's rights will have to be worked out regardless of the approach implemented. Those details are complex enough without further complicating matters by dividing the property into various conservation and disposition mechanisms. I would recommend maintaining the entire Cone Ranch property as a whole and preserving it in its entirety.

To summarize the above, I suggest this committee recommend that the BOCC take action to protect and preserve the Cone Ranch property into perpetuity, and that the mechanism to accomplish protection and preservation be by transfer to the county's ELAPP. Only if that mechanism is impossible should the BOCC consider sale to a private entity. If sale to a private entity is considered, a bid process should be followed, and a strictly enforced conservation easement should be required. The beneficiaries of the conservation easement should be the Nature Conservancy and a conservation land trust with a board that includes members of the public and at least one member of the BOCC. Dividing the property into a variety of preservation mechanisms would be cumbersome and time-consuming.