

From: Merrill, Mike
To: Alligator Bob Young <gatorbob@gatorbob.com>
Cc: Cury, Della; Ferlita, Rose; Ottino, Sandy; Stewart, Edith; Bean, Pat; Hamilton, Samuel; Adams, Mark-David <MAdams@eapdlaw.com>; Simon, Timothy; Lee, Renee - CAT; Vanderploog, Paul
Sent: Fri Dec 18 11:43:33 2009
Subject: RE: Cone Ranch Appraisal Required, Please Explain

Mr. Young,

Commissioner Ferlita asked me to respond to your inquiry below.

As I explained in my comments to the BOCC, and as supported by the attached legal opinions rendered by experienced and competent bond lawyers, the bond covenants require fair market value in the sale of Utility System assets; Cone Ranch is an asset of the System. In order to determine fair market value at highest and best use, an appraisal is the accepted approach. The bond covenant requires the opinion of an Independent Consultant which, as it relates to valuation, includes any and all experts (including appraisers) who can carry out that charge. Section 11.07 of the Bond Resolution, R03-112 (a copy of which is attached; see page 45) recites these requirements.

Attached is a 1999 opinion from then County Bond Counsel, Holland & Knight, clearly stating and defining the Fair Market Value/Highest and Best Use requirement. This document was provided to the Advisory Panel and to the public, and is on the County's website link for the Advisory Panel. Also attached is a May 2008 opinion from our current bond counsel, Edwards Angell Palmer Dodge, reiterating the applicability of the fair market value requirement of Section 11.07 of the Bond Resolution in connection with a Lowry Park Zoo request for a nominal lease arrangement on Cone Ranch.

The conclusions of Bond Counsel in both of these opinions are applicable to the current issue of ELAPP acquiring Cone Ranch.

The \$200,000 - \$250,000 appraisal cost is an estimate. It is based on the mid-range of projected cost described to the Advisory Panel in a presentation on October 23, 2009 (a copy of which is attached and was posted on the County's website). Clearly, we would spend only as much as is necessary to obtain the required valuation and, consequently, the actual cost could be far less.

I hope this is helpful. Our common goal is to find a way to permanently preserve Cone Ranch in a manner that is legal, financially supportable to both the Water Utility and ELAPP, and is economically fair to all parties. We will continue to work toward this goal.

Please contact me if you have questions.

Mike Merrill

From: Cury, Della
Sent: Friday, December 18, 2009 8:45 AM
To: Merrill, Mike
Subject: FW: Cone Ranch Appraisal Required, Please Explain

Mike,

Rose received this yesterday and asked that I forward to you for response. Please copy Rose on your correspondence to Mr. Young. Thanks so much.

Della Cury

Legislative Aide to Rose V. Ferlita
Hillsborough County Commission, District 1
813-272-5470

From: GatorBob [mailto:gatorbob@gatorbob.com]

Sent: Thursday, December 17, 2009 9:54 AM

To: Beckner, Kevin; Ferlita, Rose; Hagan, Ken; Higginbotham, Al; Norman, Jim; Sharpe, Mark; White, Kevin

Subject: Cone Ranch Appraisal Required, Please Explain

Please explain or show me where in this document we have to spend \$250,000 for three appraisals to satisfy the Bond Covenants.

I am referring to the same document cited by Mr. Mike Merrill. RESOLUTION NO. R03-112,

AMENDED AND RESTATED UTILITY SYSTEM BOND RESOLUTION

, ARTICLE XI, section 11.07, I believe you to have a copy of this document in your possession.

I am of the opinion Mr. Merrill was not completely truthful at the BOCC meeting and you knew that .

I am looking forward to your assistance in helping me understand what is happening here.

Thank You for your attention to this highly important matter.

Alligator Bob Young

Florida Master Naturalist

"Your Guide To The Secrets In Nature"

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