





# FLORIDA DEPARTMENT OF Environmental Protection

Marjory Stoneman Douglas Building 3900 Commonwealth Boulevard Tallahassee, FL 32399-3000 Ron DeSantis Governor

Jeanette Nuñez Lt. Governor

Noah Valenstein Secretary

### MEMORANDUM

To: Brad Richardson, Chief, Bureau of Public Land Administration From: Wayne Griffin Senior Appraiser, Bureau of Appraisal Approved by: Jay Scott, Chief, Bureau of Appraisal Subject: Appraisal Approval Memorandum Date: 1/12/2021

Project Name:City of Daytona Beach ReverterBA File Number:20-8233Fee Appraiser:Jim Cooksey, MAI, CCIM

County: Volusia Date of Value: 10/21/2020

Owner	Land Size (Acres)	Appraised Value	Maximum Value
City of Daytona Beach With Reverter	0.41 Acres	\$105,000	\$105,000
City of Daytona Beach Without Reverter	0.41 Acres	\$205,000	\$205,000

## Value of the Reverter \$100,000

### **SUMMARY OF COMMENTS:**

A compliance review of the appraisal for the above referenced property was conducted by a staff appraiser. The primary purpose of the appraisal review is to ensure conformity to at least the minimum requirements of the appraisal standards and supplemental appraisal standards applicable to the real property appraisal assignment.

The staff appraiser's check list and comments, as to the content and appropriateness of the methods, techniques and data, are accepted. The staff appraiser stated the appraisal report complies with the required standards and is approved as reviewed. The Chief Appraiser concurs.

Wayne Griffin Date: 2021.01.12 22:04:11 -05'00'

Staff Appraiser

Digitally signed by Jay Jay Scott Scott Date: 2021.01.13 07:52:56 -05'00' **Chief Appraiser** 



# FLORIDA DEPARTMENT OF **Environmental Protection**

Marjory Stoneman Douglas Building

3900 Commonwealth Boulevard

Tallahassee, Florida 32399-3000

**Rick Scott** Governor

Secretary

**Carlos Lopez-Cantera** Lt. Governor

Noah Valenstein

## Memorandum

То:	Office of the Secretary Office of General Counsel Florida Coastal Office District Office Division of Recreation and Parks Division of Water Resource Management Division of State Lands	
FROM:	Rene Lewis, Director Office of Cabinet Affairs	
SUBJECT:	Notice of Board Action	
DATE:	December 4, 2018	
ITEM #	Item 9	

TITLE: City of Daytona Beach Release of Restriction and Right of Revocation/Release of **Mineral Rights** 

CABINET MEETING DATE: December 4, 2018

ACTION: \_\_\_\_\_ Approved without objection.

Future Board of Trustees' Action Required If required, date to be taken to Board of Trustees:

Action/Follow-Up Needed Comments: \_\_\_\_\_

#### **MEMBERS**:

	Present	Absent
GOVERNOR SCOTT	Х	
ATTORNEY GENERAL BONDI	X	
CHIEF FINANCIAL OFFICER PATRONIS	Х	
COMMISSIONER OF AGRICULTURE PUTNAM	X	

The above action was taken on the subject division agenda item at today's meeting. Will you please see that the information is provided to appropriate staff for further processing/handling of the matter and that the formal action as noted is made a part of the division's master file.

Please contact me immediately if you have any questions relating to the item's action as noted (245-2024). Thank you for your cooperation.

RL/jd



# FLORIDA DEPARTMENT OF Environmental Protection

Marjory Stoneman Douglas Building 3900 Commonwealth Boulevard Tallahassee, Florida 32399-3000 Rick Scott Governor

Carlos Lopez-Cantera Lt. Governor

> Noah Valenstein Secretary

#### STATE OF FLORIDA

#### **COUNTY OF LEON**

#### **CERTIFICATE**

I, Rene Lewis, do hereby certify that the Governor and Cabinet, sitting as the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, met on December 4, 2018 and approved the following Item 9 on the agenda for that date.

# <u>Item 9</u> City of Daytona Beach Release of Restriction and Right of Revocation/Release of Mineral Rights

**REQUEST:** Consideration of a (1) Release of Restriction and Right of Revocation from Board of Trustees' Deed No. 17190, 17191, 19622-A, 23287, 20798-B and 40152 for approximately 75.52-acres; and (2) consideration of a Release of Mineral Rights held by the Board of Trustees to approximately 97.22-acres of filled submerged lands deeded to the City of Daytona Beach.

#### **VOTING REQUIREMENT FOR APPROVAL:** Three votes

**COUNTY:** Volusia

APPLICANT: City of Daytona Beach (City)

LOCATION: Section 8, 38 and 39, Township 15 South, Range 33 East

**CONSIDERATION:** \$8,770,300 based on an appraisal, to be deposited into the Internal Improvement Trust Fund.

		APPRAISED BY
		Hamilton
PARCEL	ACRES	<u>(07/09/2018)</u>
BOT	75.52	\$8,760,000 (Deed Restriction and Reversion Rights)
BOT	97.22	\$10,300 (Oil, Gas and Mineral Rights)

### STAFF REMARKS:

#### Background

The Board of Trustees deeded approximately 97.22-acres to the City of Daytona Beach through multiple deeds. The deeds all contain deed restrictions that, if violated, cause reversion of the property should the City lease the land for any private use.

**Deed No. 17190** January 29, 1925: "TO HAVE AND TO HOLD... for public purposes forever."

Deed No.17191 January 29, 1925: "TO HAVE AND TO HOLD ... for public purposes forever"

**Deed No. 19622-A** April 14, 1953: "shall never sell or convey or lease the above described land or any part thereof to any private person, firm or corporation for any private use or purpose, it being the intention of this restriction that the said lands shall be used solely for public purposes."

**Deed No. 23287** March 6, 1963: "shall never sell, convey or lease any part of said land to any private person, firm or corporation, it being the intention hereof that said land shall be used for public purpose only."

Deed No. 20798-B April 12, 1963: added lands to 20798; did not include public purpose language.

**Deed No. 40152** October 17, 2002 (Corrective Deed to 20798): "shall never sell or convey or lease the above described land or any part thereof to any private person, firm or corporation, for any private use of purpose, it being the intention of this restriction that the said land shall be used solely for public purposes."

In 1954, the Board of Trustees conveyed a parcel of sovereignty submerged lands to the City of Daytona Beach by Deed No. 20798. This deed contained deed restrictions that, if violated, cause reversion of the property should the City lease the land or any part thereof to a private person, firm or corporation for any private use. On September 13, 1988, the Board of Trustees approved the Release of the Deed Restrictions on 21.70-acres contained in Deed No. 20798. The current request includes a release the oil, gas and mineral rights held by the Board of Trustees formerly under Board of Trustees Deed No. 20798, and those mineral rights held under Deed No. 19622-A, 40152, 17190, 17191, 23287, and 20798-B which are being presented for the Release of Deed Restriction. The total area considered for oil, gas and mineral reservation release is approximately 97.22-acres of filled submerged lands. The Board of Trustees holds three-fourths undivided interest in phosphate, minerals and metals, together with one-half undivided interest in petroleum with mining rights.

#### **Current Request**

The City has requested the release of the restriction and reverter and release of oil, gas and mineral rights to increase the opportunities of redevelopment on the subject parcels. The City adopted a Downtown Redevelopment Riverfront Master Plan on August 4, 2010 to attract redevelopment and investment potential in the City's downtown riverfront area. The City's plan is to expand its efforts to attract new businesses and residents to the area for the benefit of the local economy. The restrictions, reverter and mineral reservation clause limits the opportunities that can be considered in the redevelopment of this area of the city.

The Department of Environment Protection (DEP) is recommending the Board of Trustees approve the City's request for the release of the restriction and reverter because it will enable the City to expand its efforts to attract residents and businesses to the area for the benefit of the local economy.

#### Certificate for Item 9 December 4, 2018 Trustees' Agenda Page Three

DEP, Florida Geological Survey provided a generalized review summary of the potential mineral resources within the subject property on October 23, 2017. The review indicated a low potential of economic viable quantities of oil, gas and minerals.

This release of restriction in no way waives any regulatory requirements including but not limited to those of DEP, Army Corps of Engineers, Water Management District, and local government.

#### **Comprehensive Plan**

A local government comprehensive plan has been adopted for this area pursuant to section 163.3167, F.S. The proposed action is consistent with the adopted plan.

(See Attachment 9, Pages 1-13)

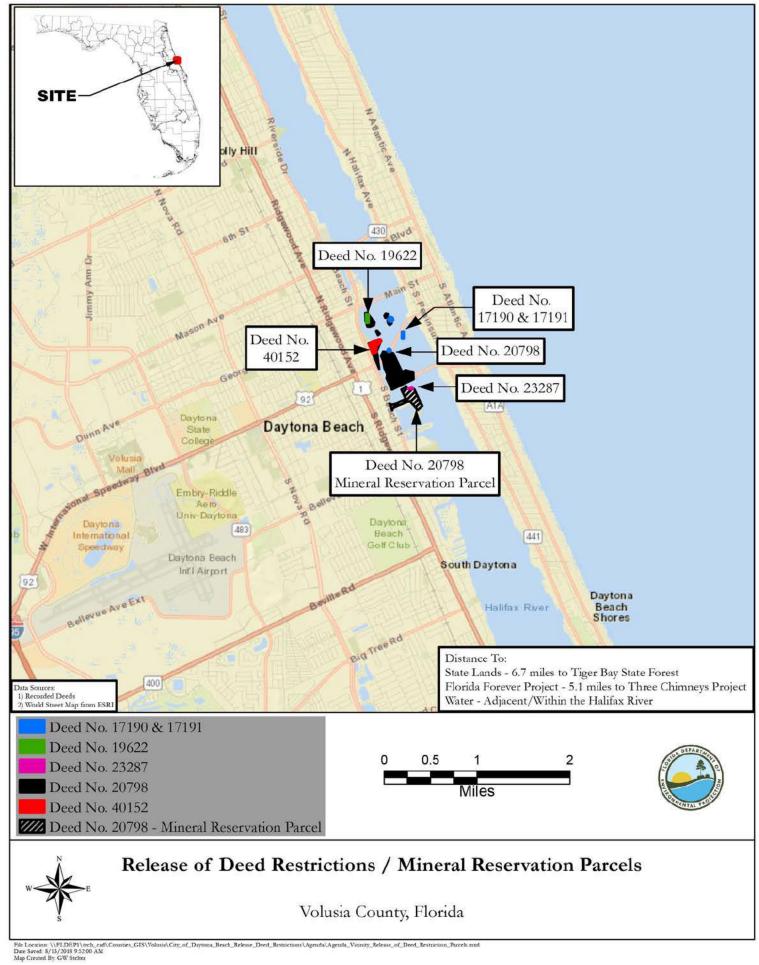
#### **RECOMMEND** <u>APPROVAL</u>

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the Board of Trustees of the Internal Improvement Trust Fund on this 4<sup>th</sup> day of December A.D., 2018.



OURD

Rene Lewis, Director Office of Cabinet Affairs





File Location: \\FLDEP\\rech\_cuil\Counties\_GIS\Volusii\City\_of\_Daytona\_Beach\_Release\_Deed\_Restrictions\Agenda\Agenda\_Aerial\_Release\_of\_Deed\_Re Due Saved: 8/13/2018 90542 AM Mpl Created Bry GW Steller





# THE CITY OF DAYTONA BEACH

DEVELOPMENT & ADMINISTRATIVE SERVICES REDEVELOPMENT DIVISION

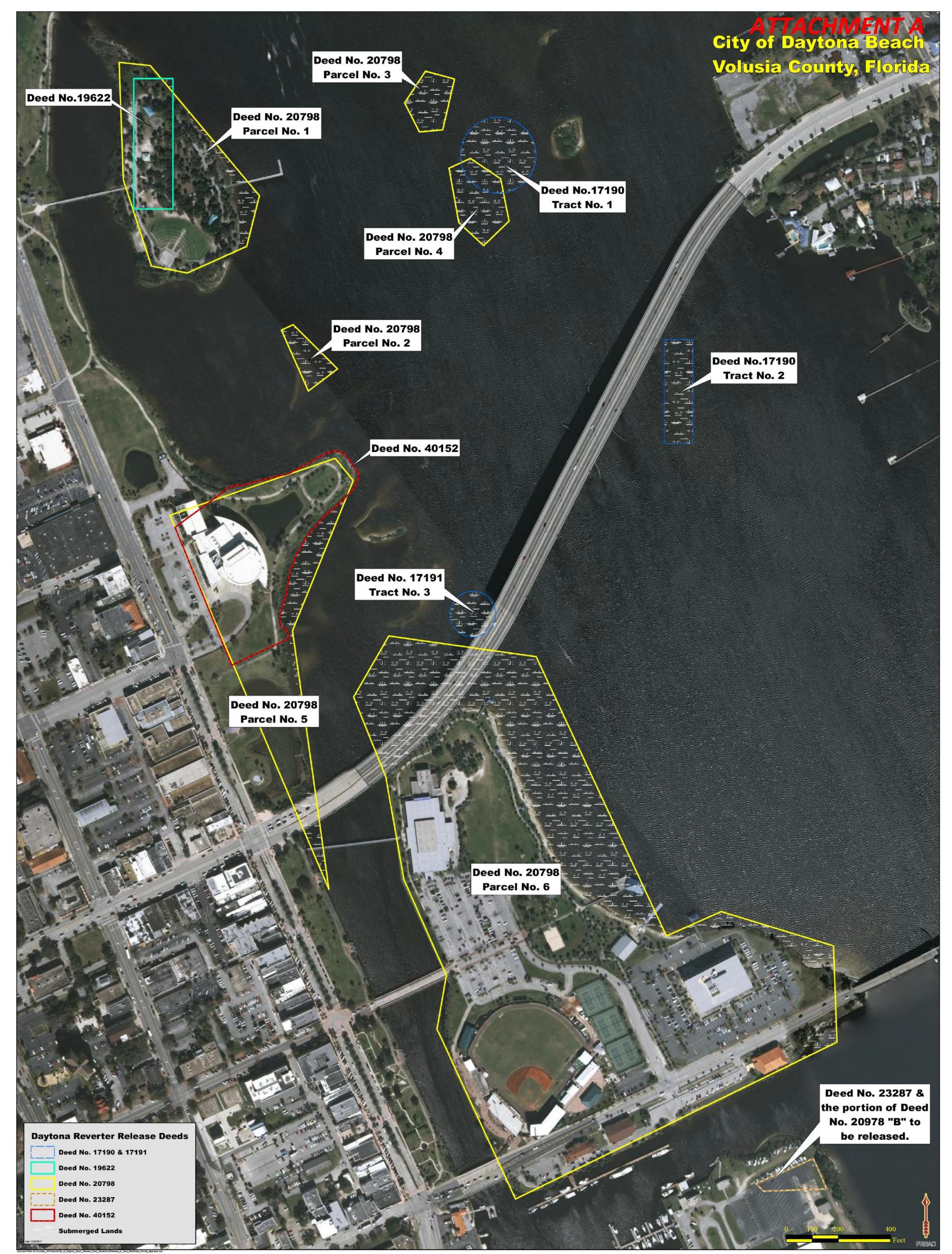
POST OFFICE BOX 2451 DAYTONA BEACH, FLORIDA 32115-2451 PHONE (386) 671-8180 Fax (386) 671-8187

### MEMORANDUM

DATE:	April 27, 2018
TO:	Alfred "Chip" Hamilton, MAI, SRA, Hamilton Appraisal Services LLC
FROM:	Reed Berger, Redevelopment Director
SUBJECT:	Riverfront Park Master Plan Land Use Determination

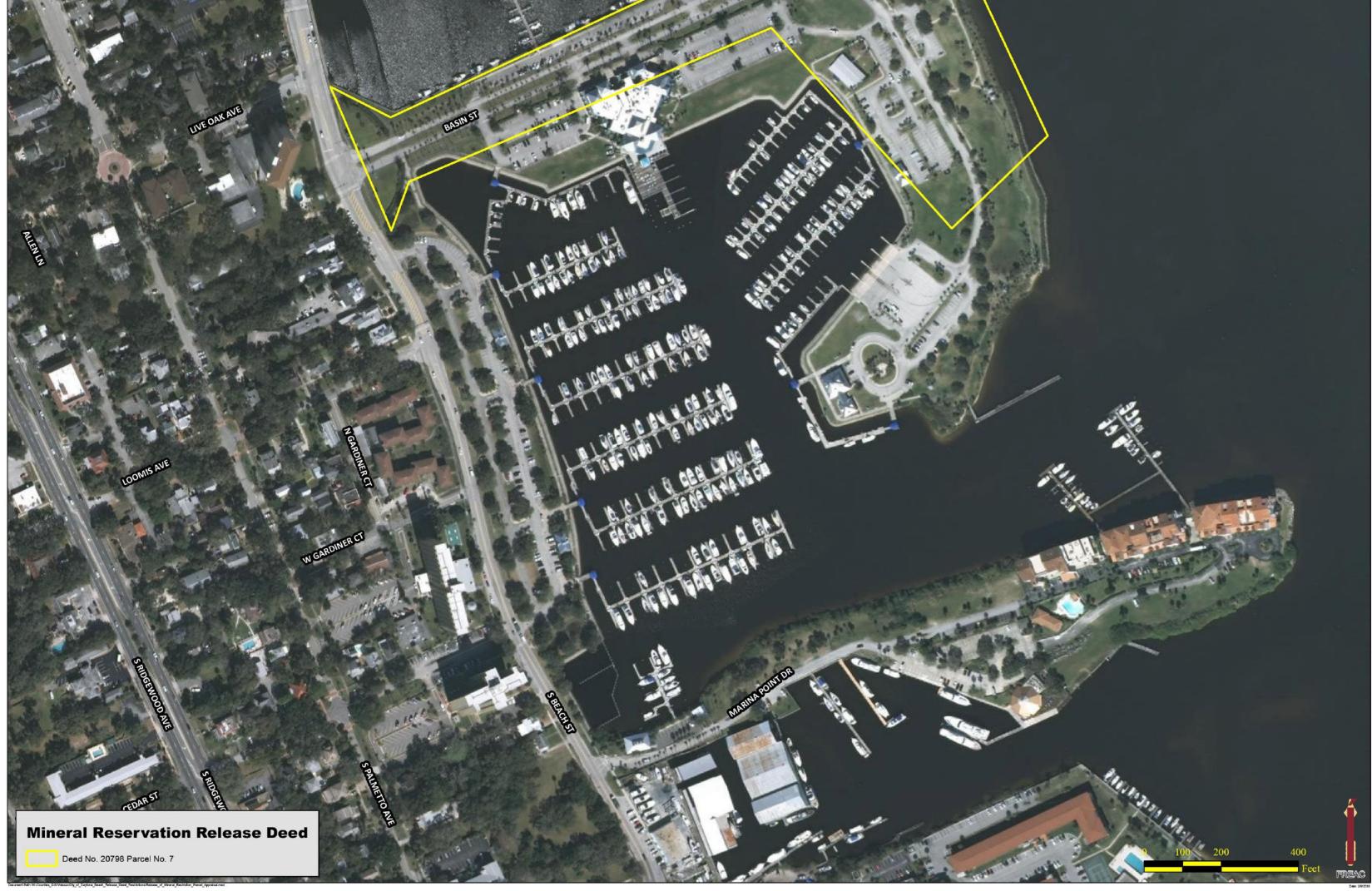
To assist in the valuation of the TIITF lands associated with the Riverfront Park Master Plan area, I have selected the following Future Land Use (FLU) categories from the Redevelopment Element (Section 8) of the City's Comprehensive Plan applicable to the Downtown and Ballough Road Areas. The provided FLU categories are intended to accommodate the intended highest and best uses provided in the Riverfront Master Plan for each parcel referenced in the attached appraisal map.

Parcel No. 1:	Manatee Island - Public Use Parks & Recreation FLU: an area set aside for park and recreational activities or having potential for the location of such uses.
Parcel No.'s 2-4:	The submerged lands will not be assigned a Future Land Use (FLU).
Parcel No. 5:	Riverfront Park - Government/Institution FLU: an area generally containing public and quasi-public office type support facilities. Development in this area shall not exceed a floor area ratio (FAR) of 2.
Parcel No. 6:	City Island - Medium Intensity Mixed Use FLU: an area generally containing a mixture of medium intensity land uses consisting of residential, commercial, government/institutional, and parks and recreation uses, and excluding industrial uses. Development in this area shall not exceed a floor area ratio (FAR) of 6.
Parcel No. 7:	Marina Parcel - Commercial Mixed-Use FLU: An area generally containing a mixture of land uses with commercial being the principal land use. Development in this area shall not exceed a floor area ratio of 3 or a residential density of 40 dwelling units per acre.





Mineral Reservation Release Parcel No. 7 in Deed No. 20978 21 Acres per Deed



ENTERINATION SPERMARENO

CITY ISLAND PKY

## Florida Department of Environmental Protection

### Memorandum

TO:	Carson Mitchell Division of State Lands
THROUGH:	Jon Arthur, Ph.D., P.G. Director and State Geologist DEP/Florida Geological Survey
FROM:	James Cichon, P.G. (k DEP/Florida Geological Survey
RE:	TIITF Deeds City of Daytona Reverter Oil, Gas, and Minerals Assessment
DATE:	October 23, 2017

This memorandum provides a generalized discussion of the mineral resource potential of the subject property. This assessment should not be misinterpreted as a site specific economic mineral resource/reserve evaluation.

The nine subject properties are located in Volusia County and are shown on the attached map (page 3). The attached map was created utilizing information provided by Division of State Lands and readily available GIS data layers. The information used to compile this report was taken from local and regional geologic maps, nearby lithologic well reports, the oil and gas permitting database, mines database, and other geologic data maintained by the DEP-Florida Geological Survey (FGS).

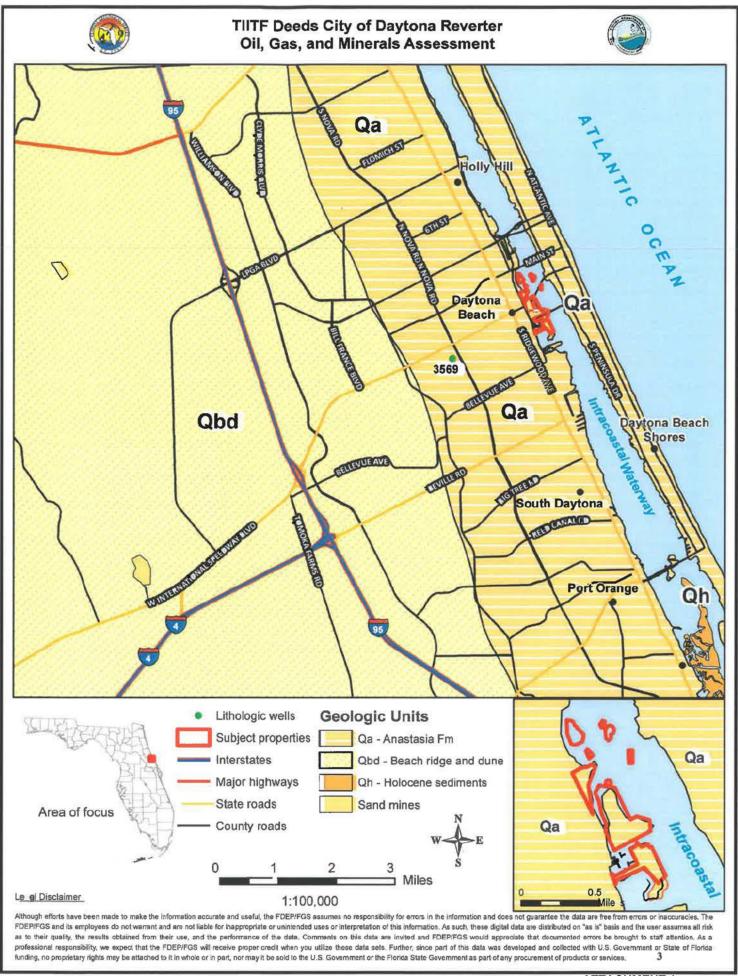
The 2001 State Geologic Map shows the subject properties reside on Anastasia Formation underlain by Penney Farms Formation of the Hawthorn Group. The Anastasia Formation is composed of interbedded sands and coquinoid limestone (shells). The Penney Farms Formation is composed of sand, clay and carbonate beds of various thicknesses. The closest lithologic boring to the subject properties with a description is boring W-3569 (page 4). This boring is located west of the subject properties. In this boring, Anastasia Formation is encountered at ground surface and is 85 feet thick. Beneath the Anastasia Formation is the Penney Farms Formation which extends to a depth of 97 feet. The Ocala Limestone lies beneath the Penney Farms Formation and extends to a depth of 185 feet.

Carson Mitchell Memorandum October 23, 2017

Test wells for oil and gas have been drilled for multiple decades in Florida with limited success. To date, the only oil and gas producing areas are in northwest Florida near Jay in Santa Rosa County, the most successful field, and along the Sunniland Trend in Lee and Collier counties. These areas are approximately 370 miles to the northwest and 175 miles to the southwest, respectively, of the subject properties under review.

Of the five permitted oil and gas test wells within 20 miles of the subject properties, two were dry holes and three were never drilled. This existing information suggests that the potential for recovery of economically viable quantities of hydrocarbons from conventional reservoirs beneath the subject properties is low.

A search for nearby mines shows three sand mines within 10 miles of the subject properties. The Mine Safety and Health Administration website indicates all are inactive or abandoned. These abandoned mines are located west of the subject properties on thick sand units shown on the map as the Beach ridge and dune geologic unit. The subject properties may contain limited sand resources, however, when compared with areas further west where mining has occurred, the potential for finding economically mineable sand resources on the subject properties is low. The subject properties lie on the Anastasia Formation (coquina) which can be used as a building material if consolidated or as a shell resource if unconsolidated. However, due to the subject properties location along and in the intracoastal waterway it is possible that much of the Anastasia Formation has eroded away. Therefore, the potential for economically mineable coquina resources on the subject properties is considered low to Only a site specific valuation will be able to reveal the true medium. potential of the site's mineral resources.



#### Well Number: W-3569 (Daytona Beach - Well #1)

Other Logs: Owner/Driller: Described by: Comments:	n Date: 5/24/19 City of Daytona I WILL L. EVANS in Penny Farms bas Beach area, henc	Beach 2012 sed on indurated do	et County: Volusia Location: T.15S R.33E S.39 Lat/Long: 29° 11' 58.93" N; 81° 2' 24.2" W USGS Quad: DAYTONA BEACH Entered By C.W. Boyd blostone w/qtz and PO4 in matrix, B.59 shows no Th in Daytona logical choice due to erosion of upper Th units.
	0 - 85 ft	ANSS	Anastasia Formation
	85 - 97 ft	PNFM	Penney Farms Formation
	97 - 185 ft	OCAL	Ocala Limestone
	185 - TD	AVPK	Avon Park Formation
0-25 ft	Sand; Light	Gray (N7); Grain Si	ze Range: Fine to Medium; sand and shell, some cementation
25 - 50 ft	As Above;	cemented quartz sa	and and shell coquina
50 - 75 ft	As Above;		
75 - 85 ft	As Above;		
85 - 95 ft			: Phosphatic Sand-<1%; with yellow gray dolomitic wackestone with sand in matrix with very re recrystallized microcrystalline fragments
95 - 100 ft	As Above;	with sucrosic micro	crystalline packstone
100 - 105 ft	Packstone;	; Pinkish Gray (5YR 8	8/1) to Yellowish Gray (5Y 8/1); General Fossils: Miliolids, Benthic Foraminifera;
	Index Fossi	ils: Nummulites spp	n, Sphaerogypsina globulus
105 - 110 ft	As Above;	Good Induration;	
110 - 120 ft	As Above;		
130 - 140 ft			al Fossils: Benthic Foraminifera; carbonate "sand", texture change
			n, Sphaerogypsina globulus
140 - 150 ft		W	8/1); Grain Size: Microcrystalline; Moderate Induration; Other Features: Weathered; General with Oligopygus phelani
150 - 160 ft	Phys. 62 (1946)	General Fossils: Ber	
100 170 4			., Sphaerogypsina globulus
160 - 170 ft		Oligopygus parts	
170 - 180 ft	As Above;	V. II	
180 - 190 ft			Y 8/1); Grain Size: Microcrystalline; Other Features: Sucrosic; General Fossils: Cones;
190 - 200 ft Total Depth (TD)	As Above;	smaller cones	

ATTACHMENT 1 PAGE 16

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## Florida Department of Environmental Protection

Marjory Stoneman Douglas Building 3900 Commonwealth Boulevard, MS-110 Tallahassee, Florida 32399-3000 Rick Scott Governor

Carlos Lopez-Cantera Lt. Governor

> Noah Valenstein Secretary

MEMORANDUM TO: Cheryl McCall, Chief, Bureau of Land Administration FROM: Wayne Griffin, Senior Appraiser, Bureau of Appraisal APPROVED BY: Douglas Dane, MAI, Chief, Bureau of Appraisal SUBJECT: Appraisal Approval Memorandum DATE: July 9, 2018

Project Name: Daytona Beach (Release of Reverter) B/A File Number: 17-7772 Fee Appraiser: Alfred "Chip" Hamilton, MAI Review Appraiser: William H. Benson, MAI, CCIM Total Cost of all Appraisal Services: \$9,280

County: Volusia Date of Value: May 1, 2018 Date of Review: July 9, 2018

Parcel	Owner	Land Size (Acres)	Appraised Value	Maximum Value	
1*	City of Daytona Beach	45.70 Acres	\$8,650,000	\$8,650,000	
1**	City of Daytona Beach	45.70 Acres	\$4,600	\$4,600	

\* This value represents the value of the Reverter that is to be released from this 45.70 acres.
\*\* This value represents the value of the Oil, Gas and Mineral Rights that is to be released from the 45.70 acres.

#### SUMMARY OF COMMENTS:

An administrative review of the appraisal and the attached appraisal review memorandum performed for the above referenced property has been conducted.

The contract review appraiser conducted a "technical review" which is a detailed review of the appraisal of the above referenced property. In the technical review, the review appraiser provides a certification indicating that the appraisal report and the appraisal review were performed in accordance with the Uniform Standards of Professional Appraisal Practice as well as with the Supplemental Appraisal Standards for the Board of Trustees.

The review appraiser's memorandum and comments as to the content and appropriateness of the methods, techniques and data are accepted. The review appraiser states that the appraisal report complies with the required standards and is approved as reviewed.



## Florida Department of Environmental Protection

Marjory Stoneman Douglas Building 3900 Commonwealth Boulevard, MS-110 Tallahassee, Florida 32399-3000 Rick Scott Governor

Carlos Lopez-Cantera Lt. Governor

> Noah Valenstein Secretary

MEMORANDU		
	Call, Chief, Bureau of Land Administration Hriffin, Senior Appraiser, Bureau of Appraisal	
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DATE: July 9, 20	**	
Decise of Norman	Desteurs Basch (Balance of Bayartar)	
Project Name:	Daytona Beach (Release of Reverter)	

Project Name:Daytona Beach (Release of Reverter)B/A File Number:17-7772County:Appraiser:Alfred "Chip" Hamilton, MAIDate of Value:May 1, 2018

Yes	No	N/A	If no, explain whether acceptable or not above signature on next page.		
$\boxtimes$			The correct owner names are appraised.		
$\boxtimes$			The correct parcel numbers are appraised.		
$\boxtimes$			The client is correctly identified.		
$\boxtimes$			The date of value is correct and consistent with the reconciliation section.		
$\boxtimes$			Special assumptions are acceptable.		
$\boxtimes$			Special assumptions are stated, or referenced, in the letter of transmittal, summary of salient facts and with the reconciliation.		
$\boxtimes$			Value conclusions of each approach are consistent with those in the reconciliation and the executive summary.		
$\boxtimes$			The letter of transmittal and the certification(s) have been signed by the appropriate persons.		
$\boxtimes$			The personal inspection statement is accurate.		
$\boxtimes$			Definition of market value is appropriate.		
$\boxtimes$			Statement included that appraisal conforms to USPAP.		
$\boxtimes$			Statement included that appraisal conforms to the Supplemental Appraisal Standards for the Board of Trustees.		
$\boxtimes$			Appraisal checklist included.		
$\boxtimes$			Owner or representative contact stated in report.		
$\boxtimes$			Report type consistent with task assignment.		
$\boxtimes$			Parcels are appraised with or without access, as applicable.		
$\boxtimes$			Parcels are appraised recognizing outstanding oil, gas and mineral interests.		
$\boxtimes$			Compliance with all requirements of task assignment.		

Total Cost of Appraisal Services: \$6,400.00

Appraisal Approval Memorandum Daytona Beach (Release of Reverter) July 9, 2018 Page: 2

Parcel Number	Owner	Land Size	Appraised Value	Approved Value
2	City of Daytona Beach	1.52	\$200, OGM	\$200
3	City of Daytona Beach	1.01	\$100, OGM	\$100
4	City of Daytona Beach	0.55	\$100, OGM	\$100
5	City of Daytona Beach	1.72	\$200, OGM	\$200
6	City of Daytona Beach	6.21	\$700, OGM	\$700
7	City of Daytona Beach	0.53	\$100, OGM	\$100
8	City of Daytona Beach	0.68	\$100, OGM	\$100
9	9 City of Daytona Beach		\$200, OGM	\$200
10	City of Daytona Beach	9.72	\$1,000, OGM	\$1,000
11	City of Daytona Beach	6.33	\$700, OGM	\$700
12	City of Daytona Beach	0.41	\$110,000, Reverter \$100, OGM	\$110,000 \$100
13	City of Daytona Beach	21.70	\$2,200, OGM	\$2,200

I recommend approval of the appraisal report and the Appraised value.

18 Signature (Staff Appraiser)<sup>1</sup> Date

The report and value are approved.

Signature (Chief Appraiser)1

7/11/2018 Date

07\_Appraisal\_Approval\_w\_InternalReview Revised: 4/16/2018

Appraisal Approval Memorandum Daytona Beach (Release of Reverter) July 9, 2018 Page: 3

<sup>1</sup>The signing of this form is not to be construed as a USPAP Standard 3 review of the appraisal(s).

cc: Review file—blue or red or electronic folder Contract file—manila or electronic folder