



Office of
**INDIAN RIVER COUNTY
ATTORNEY**

Dylan Reingold, County Attorney
William K. DeBaal, Deputy County Attorney
Susan J. Prado, Assistant County Attorney

MEMORANDUM

TO: Board of County Commissioners

FROM: Dylan Reingold, County Attorney

DATE: September 27, 2021

SUBJECT: Deed of Conservation Easement – First Negotiation Rights

BACKGROUND.

In December 2007, the Indian River County Board of County Commissioners (“Board”) acquired conservation easements over two adjacent ranches in western Indian River County under the County's environmental lands program: the Triple S Ranch (±702 acres) and the Padgett Creek Ranch (±885 acres). Since that time, County staff has conducted periodic monitoring visits to both ranches and has confirmed that the ranches are being maintained in accordance with the County's easements. Under the Deed of Conservation Easement from Triple S Land Company (a.k.a. Triple S Ranch), the County has no maintenance or improvements obligations and the owner has the obligation to " ... preserve and protect in perpetuity the conservation values of the property ... "

In 2016, the County was notified by Mr. Varley Grantham, president of the Triple S Land Company, of his intent to sell the Triple S Ranch. The Deed of Conservation Easement states that "if Grantor intends to sell the Property ... Grantor shall deliver to Grantee [County] notice of such intent, and shall, in good faith, afford Grantee an opportunity to negotiate the acquisition of the Property or such portion thereof or interest that Grantor intends to sell (herein ‘Grantee's First Negotiation Rights’)." On October 4, 2016, the Board voted to unanimously not to exercise its first negotiation rights and the property was acquired by Padgett Creek, LLC.

On September 17, 2021, Charles Garris, on behalf of Padgett Creek, LLC, sent a letter to the County Attorney’s Office, notifying the County of the current property owner’s intent to sell the property.

Like in 2016, County staff's position is that the conservation easement is serving the public interest and resulting in the conservation and management of natural resources in a regional corridor warranting protection. Additionally, because the site is remote from the vast majority of County citizens, the public access benefits that could accrue from fee simple acquisition are minimal. Finally, County staff believes that fee simple acquisition of the property would result in acquisition and management costs that are unneeded to meet County objectives that are already being accomplished under the easement.

FUNDING.

No funding is necessary at this time.

RECOMMENDATION.

The County Attorney's Office recommends Indian River County Board of County Commissioners refrain from exercising its first negotiation rights and authorize staff to notify Mr. Garris that the County is not interested in fee simple acquisition of the Triple S Ranch property.

ATTACHMENTS.

Deed of Conservation Easement