

SARASOTA COUNTY GOVERNMENT

Parks, Recreation and Natural Resources

TO: Sarasota County Commission
THROUGH: Jonathan R. Lewis, County Administrator
FROM: Carolyn Brown, Director, Parks, Recreation and Natural Resources
DATE: March 14, 2018
SUBJECT: Referendum for North Extension of the Legacy Trail and Connections

RECOMMENDED MOTION(S) OR ACTION(S):

To adopt a resolution providing for a Referendum on November 6, 2018, regarding the North Extension of the Legacy Trail and connections.

BACKGROUND:

In December 2004, Sarasota County acquired its first rails-to-trails corridor commencing at Culverhouse Nature Park in Sarasota and extending south to Center Road in Venice for a total of 10.6 miles. The purchase price for this corridor was \$11,750,000. The trail was constructed in 2007 and named The Legacy Trail. It has proven to be a vital community asset attracting over 200,000 users annually.

In the summer of 2013, the Friends of The Legacy Trail submitted a request to the Board of County Commissioners (Board) to extend the trail an additional nine miles (which includes spurs) north to Payne Park in downtown Sarasota from its current terminus at Culverhouse Nature Park (North Extension).

The County retained the services of Cardno, Inc. in 2014 to prepare a feasibility study for the North Extension. The report was completed in March 2015 and included recommendations for design alternatives and estimated construction costs.

The Trust for Public Land (TPL) is a nonprofit organization that facilitates the protection of lands and creation of parks. TPL handled the negotiations with CSX Transportation, Inc. (CSX) and Seminole Gulf Railway L.P. (SGR) during the first rail corridor purchase in December 2004. In February of 2017, the Board directed the County Administrator to negotiate with TPL for the acquisition of the North Extension and to pursue funding options, including a public referendum for acquisition and improvements.

Staff negotiated contracts with TPL and below is a summary of the Terms and Conditions:

The North Extension has been split into two phases:

1. Phase 1 commences at Culverhouse Nature Park and extends north to the intersection of Ashton Road for an approximate length of 1.7 miles (“Main Line Parcel”) and includes a spur of .9 miles (“Spur Parcel”). The purchase of this railroad corridor phase was in the amount of \$7,900,000, and funding came from Impact Fees and the Neighborhood Parkland Program. Closing on the purchase of the land took place on December 20, 2017. The Main Line Parcel deed contains restrictive covenants stating the corridor may not be used for any other purpose other than a recreational trail or rail service.

2. Phase 2 commences at the intersection of Ashton Road and extends north to Fruitville Road for an approximate length of 6 miles and includes a spur of .5 miles. The purchase price for this phase is \$30,100,000, and the closing is scheduled for May 30, 2019. This purchase is contingent upon passage of a November 6, 2018, referendum which will seek voter approval of the issuance of general obligation bonds for acquiring real property interests over the rail corridor property together with the costs of converting both railroad corridor Phases 1 and 2 to recreational trail use as well as connections in Venice and North Port and at other locations along the trail.

RELEVANT PRIOR BOARD ACTION:

1. August 28, 2013 – The Board authorized the allocation of up to \$75,000.00 from the Trails Master Plan Capital Improvement Fund for a feasibility study regarding a proposed extension of the Legacy Trail with the private sector providing financial assistance if the cost exceeds \$75,000.00 and with future exploration of funding sources (5-0 vote).
2. May 20, 2014 – The Board adopted a resolution and budget amendment to appropriate a contribution from the Friends of the Legacy Trail for the Legacy Trail Extension feasibility study, in the amount of \$14,824.00 (5-0 vote).
3. April 1, 2015 – The Board considered the acceptance of the final Legacy Trail Extension Feasibility Study, and directed the County Administrator to obtain real estate appraisals for the Legacy Trail Extension (5-0 vote).
4. February 15, 2017 – The Board authorized the County Administrator to negotiate with the Trust for Public Land for the acquisition of the necessary rail corridor for the Legacy Trail north extension and to pursue funding options, including a public referendum (5-0 vote).
5. March 29, 2017 – The Board approved the removal of the Myakka Big Waters/Myakka River Oyster Bar (MROB) and Vamo Drive Site Project from the list of the Neighborhood Parkland Acquisition Program and to allow the funding to be dedicated to the Legacy Trail Extension. (4-1 vote; Moran voted "No")
6. August 29, 2017 – The Board adopted a resolution and authorized the execution of a Contract for Sale and Purchase with The Trust for Public Land for the purchase of the railroad corridor from its current terminus at Culverhouse Park, north to the intersection of Ashton Road, Sarasota, in the amount of \$7,900,000.00 (5-0 vote).
7. August 29, 2017 – The Board adopted a resolution and authorized execution of a Contract for Sale and Purchase with The Trust for Public Land for the purchase of the railroad corridor from the intersection of Ashton Road to Fruitville Road, in the amount of \$30,100,000.00, subject to the availability of lawfully appropriated funds and passage of the bond referendum (5-0 vote).
8. September 26, 2017 – The Board adopted Resolution 2017-129, relating to the FY 2018-2022 CIP (5-0 vote). The approved FY 2018-2022 CIP includes \$8,000,000 for the purchase of Phase 1 railroad corridor for the North Extension of the Legacy Trail.

OUTREACH:

Public outreach for the North Extension of The Legacy Trail has been extensive. The Friends of the Legacy Trail began formal efforts in 2013. The trail extension is identified in the 2013 Sarasota/Manatee Metropolitan Planning Organization Bicycle, Pedestrian and Trails Master Plan. The need to extend the trail was highlighted multiple times during the development of the Sarasota County Parks, Preserves and Recreation Strategic Master Plan. The Parks Advisory and Recreation Council

(PARC) discussed and approved The Legacy Trail extension work plan at their November 3, 2016 meeting.

Public surveys conducted in 2017 as part of the Trails Master plan update identifies the extension of The Legacy Trail as a top priority from survey respondents. Public outreach of the 2013 Bicycle and Pedestrian plan identifies Greenways and Trails as the #1 priority ranking for locations of future connections.

In 2016, Sarasota County in partnership with the Tampa Bay Regional Transportation Authority (TBARTA) received 69 letters of support in an effort for the Southwest Regional Trail Corridor to be named as the next statewide priority area for Phase 1 SUN Trail funding. Letters of support to connect the statewide trail system from Hillsborough County to Lee County, which includes the extension of The Legacy Trail were submitted from a variety of individuals and groups which includes non-governmental organizations, advocacy groups, tourism agencies, chambers of commerce and local government agencies.

Should the Board approve the Resolution providing for a Referendum on November 6, 2018, regarding the North Extension of the Legacy Trail (Attachment 1), additional public outreach will take place based on an extensive communications/community engagement plan to ensure the public and stakeholders are aware of the project. This plan consists of distribution of printed materials such as postcards, brochures and fact sheets. Short videos will be produced along with plans for social media, scgov.net, paid advertising, press releases, speaker's bureau, booths at upcoming special events and other outreach opportunities.

PROCUREMENT ACTION:

N/A

ANALYSIS/NEXT STEPS:

With passage of the referendum, debt service on the bonds would be paid from an increased debt millage on taxpayers' property tax bills. Based upon the current contract purchase price for the railroad corridor in Phase 2, and the expected costs to issue the bonds and develop the trail, connections and amenities in both Phases 1 and 2, the bond issue is estimated to be up to \$65,000,000. The bond issue may be in two separate 20-year issues (or series), one issue for land acquisition of Phase 2, Phase 1 and 2 design costs and initial improvements to connections in North Port to Venice, and a later issue for construction of Phase 1 and 2. It is estimated that construction will begin first on Phase 2, in anticipation of funding for the construction of Phase 1 coming from SUN Trail grant funds.

Tentative funding for construction of Phase 1 has been identified in the Florida Department of Transportation (FDOT) District 1 Draft Tentative Work Program for FY2019-2023. The draft workplan identifies \$7.5 million of SUN Trail dollars in FY22/23. Final approval of the \$7.5 million allocation is scheduled for consideration/approval in June 2018. If approved this funding will be used to reduce the ultimate bond issues.

The annual debt service on \$65,000,000 is estimated to be \$4,860,000, which would result in a millage increase of approximately 0.08 or \$16.00 on \$200,000 of taxable value, but is contingent upon ultimate costs and grants received. The debt service may vary depending upon when the series of bonds are issued and will likely be less in the initial year of issuance and final year of repayment.

It is anticipated that annual operating expenses related to the North Extension of the Legacy Trail will initially be approximately \$130,000 per year from the General Fund starting at the completion of construction.

Bond Referendum

The passage of a bond referendum is required prior to the issuance of these general obligation bonds. See Article VII, Section 12, Florida Constitution; Section 125.013, Florida Statutes; Chapter 100, Florida Statutes; and Section 5.2D of the Sarasota County Charter.

If holding a special referendum is approved, the following language would appear on the ballot on November 6, 2018:

SARASOTA COUNTY LEGACY TRAIL EXTENSION WITH
ENHANCED SAFETY AND CONNECTIONS GENERAL OBLIGATION
BONDS

To acquire and improve the Legacy Trail Extension railroad corridor as a safe trail for walking, running, and cycling with enhanced connectivity from North Port through Venice to downtown Sarasota, with additional improvements including safe crossings, overpasses, amenities, and increased accessibility, shall Sarasota County issue General Obligation bonds, not exceeding the maximum lawful interest rates, maturing within 20 years from each issuance, not exceeding \$65 million payable from ad valorem taxes restricted to these purposes?

Railroad Corridor Purchase (Phase 2)

A due diligence period would commence after the passage of the bond referendum and run through April 30, 2019. The due diligence includes boundary survey, environmental assessment, title, and a second appraisal. TPL and the County will evenly divide the cost of the boundary survey and environmental assessments.

The Premises are subject to certain leases, licenses, easements and encroachments. The County will have the right during due diligence to cancel the contract in the event these are not acceptable.

The deed will contain restrictive covenants stating the corridor may not be used for any other purpose other than a recreational trail or rail service. CSX and SGR will file a petition to the Surface Transportation Board (STB) requesting issuance of notice of interim trail use/rail banking under the National Trails System Act, and the County would affirm to the STB that the premises remain subject to the jurisdiction of the STB for purposes of reactivating rail service.

A project plan will be developed and upon passage of the referendum, staff will return to the Board for approval of the plan. Initial analysis of the project anticipates a phased approach to the design and construction with a possible completion of December 30, 2024; however, this date will likely change.

FUNDING:

There is currently no funding or project for the purchase of Phase 2 or the cost of converting Phase 1 and 2 to recreational trail use. A description of the funding plan for Phase 1 and 2 is included under Analysis/Next Steps on the previous page.

STAFF RECOMMENDATION(S):

Staff recommends that the Board adopt the attached proposed Resolution providing for a Referendum on November 6, 2018, regarding the North Extension of the Legacy Trail and connections.

ATTACHMENTS:

1. Proposed Resolution
2. Location Map

RESOLUTION NO. 2018-046

A RESOLUTION OF THE COUNTY OF SARASOTA, FLORIDA, CALLING FOR A BOND REFERENDUM ELECTION RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT-TO-EXCEED \$65,000,000, PAYABLE FROM AD VALOREM TAX REVENUES TO FINANCE THE ACQUISITION AND IMPROVEMENT OF THE LEGACY TRAIL EXTENSION AND ADDITIONAL IMPROVEMENTS, INCLUDING SAFE CROSSINGS, OVERPASSES, AMENITIES, AND INCREASED ACCESSIBILITY WITH ENHANCED CONNECTIVITY FROM NORTH PORT; PROVIDING FOR FINDINGS; PROVIDING FOR AUTHORITY; PROVIDING FOR BOND REFERENDUM; CALLING FOR A BOND REFERENDUM ELECTION; PROVIDING FOR POLLING PLACES; PROVIDING FOR ELECTION OFFICIALS; PROVIDING FOR DATES AND HOURS FOR VOTING; PROVIDING FOR THE BALLOT QUESTION; PROVIDING FOR NOTICE OF ELECTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR NOTIFICATION BY CLERK; PROVIDING FOR AN EFFECTIVE DATE.

BOARD RECORDS
FILED FOR THE RECORD
2018 MAR 1 PM 4:06
KAREN J. ANDRUS
CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FL

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA:

SECTION 1. FINDINGS.

- A. Sarasota County purchased approximately 10.6 miles of railroad corridor in 2004. The railroad corridor has been converted to recreational use serving nearly 200,000 users on an annual basis. The recreation trail is known as the Legacy Trail.
- B. Sarasota County desires to extend the Legacy Trail northward. Sarasota County entered into two contracts with the Trust for Public Land for the acquisition of additional railroad corridor. One contract concerned the purchase of approximately 2.6 miles of railroad corridor and spur lying north of the existing Legacy Trail. The other contract concerns the purchase of 6 miles of railroad corridor and spurs lying from just north of Clark Road to downtown Sarasota.
- C. Sarasota County desires to convert the additional railroad corridor to a safe trail for walking, running, and cycling with additional improvements, including safe crossings, overpasses, amenities, and increased accessibility with enhanced connectivity from North Port through Venice to downtown Sarasota.
- D. The Board of County Commissioners desires to submit to a voter referendum the question of whether to authorize the issuance of General Obligation bonds in an amount not to exceed

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\$65 million at rates not exceeding the maximum lawful rate, maturing within 20 years, payable from ad valorem taxes on taxable property located within Sarasota County, Florida.

- E. Proceeds of the issuance of one or more series of General Obligation bonds will be used to acquire the segment of railroad lying from Ashton Road to Fruitville Road of approximately 6 miles in length and to pay the costs of converting the Legacy Trail Extension to the recreational use described in paragraph C. above.
- F. Proceeds of the issuance of one or more series of General Obligation bonds may also be issued to pay costs of safe crossings, overpasses, amenities and increased accessibility providing enhanced connectivity from North Port through Venice to downtown Sarasota.

SECTION 2. AUTHORITY. This Resolution is enacted pursuant to the Sarasota County Charter; Article VII, Section 12 of the Florida Constitution; Section 125.013, Florida Statutes; Chapter 100, Florida Statutes; and other applicable provisions of law.

SECTION 3. BOND REFERENDUM. A bond referendum election of the qualified electors residing in Sarasota County is hereby called to be held on November 6, 2018, to determine whether Sarasota County shall be authorized to issue General Obligation bonds in an aggregate principal amount of not exceeding Sixty-Five Million Dollars (\$65,000,000), in one or more series, each such series to have a maximum maturity of 20 years from the date of issuance payable from the levy of ad valorem taxes imposed to pay the debt service on any such general obligation bonds for the purpose of acquiring and improving the Legacy Trail Extension with additional improvements including safe crossings, overpasses, amenities, and increased accessibility providing enhanced connectivity from North Port through Venice to downtown Sarasota.

SECTION 4. BOND REFERENDUM ELECTION CALLED. A bond referendum election is called to be held on November 6, 2018, for the purpose of submitting to the qualified electors of Sarasota County the question of whether General Obligation bonds may be issued to finance the cost of the acquisition and improvement of the Legacy Trail Extension and additional improvements described in Section 3 hereof.

SECTION 5. POLLING PLACES. The election shall be held at the polling places designated by the Sarasota County Supervisor of Elections (the "Supervisor of Elections").

SECTION 6. ELECTION OFFICIALS. The election officials to conduct the election shall be appointed and certified by the Supervisor of Elections pursuant to applicable general law.

SECTION 7. DATES AND HOURS FOR VOTING. All qualified electors residing within Sarasota County may vote in the bond referendum election. Absentee voting shall be permitted upon compliance with applicable provisions of general law.

- A. Early Voting: Designated early voting sites shall be open in accordance with Section 101.657, Florida Statutes.

B. Election Day (November 6, 2018): The polls shall be open on the date of the bond referendum election from 7:00 a.m. to 7:00 p.m.

SECTION 8. BALLOT QUESTION. The ballot question to be voted upon in the election shall be in substantially the following form:

SARASOTA COUNTY GENERAL OBLIGATION BONDS FOR LEGACY TRAIL EXTENSION WITH ENHANCED SAFETY AND CONNECTIONS

To acquire and improve the Legacy Trail Extension railroad corridor as a safe trail for walking, running, and cycling with enhanced connectivity from North Port through Venice to downtown Sarasota, with additional improvements including safe crossings, overpasses, amenities, and increased accessibility, shall Sarasota County issue General Obligation bonds, not exceeding the maximum lawful interest rates, maturing within 20 years from each issuance, not exceeding \$65 million payable from ad valorem taxes restricted to these purposes?

_____ YES, FOR BONDS

_____ NO, AGAINST BONDS

SECTION 9. NOTICE OF ELECTION. The Clerk to the Board of County Commissioners shall publish a notice of the referendum election in the *Sarasota Herald-Tribune*, a newspaper of general circulation published in Sarasota County, Florida, said notice shall be published once in the fifth week prior to the week of the election and once in the third week prior to the week of the election with the first publication to be at least thirty (30) days before the date of the election. The notice shall be in substantially the following form:

NOTICE OF REFERENDUM ELECTION

SARASOTA COUNTY GENERAL OBLIGATION BONDS FOR LEGACY TRAIL EXTENSION WITH ENHANCED SAFETY AND CONNECTIONS

To acquire and improve the Legacy Trail Extension railroad corridor as a safe trail for walking, running, and cycling with enhanced connectivity from North Port through Venice to downtown Sarasota, with additional improvements including safe crossings, overpasses, amenities, and increased accessibility, shall Sarasota County issue General Obligation bonds, not exceeding the maximum lawful interest rates, maturing within 20 years from each issuance, not exceeding \$65 million payable from ad valorem taxes restricted to these purposes?

_____ YES, FOR BONDS

_____ NO, AGAINST BONDS

The polls will be open at the voting places on the date of such election from 7:00 a.m. to 7:00 p.m. All qualified voters residing within Sarasota County may vote in the election. Early voting and vote-by-mail voting will be permitted upon compliance with the applicable provisions of general law.

Karen E. Rushing, Clerk of
the Circuit Court and the
Ex-Officio Clerk to the
Board of County Commissioners
of Sarasota County, Florida.

SECTION 10. SEVERABILITY. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Resolution which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are declared severable.

SECTION 11. NOTIFICATION BY CLERK. The Clerk to the Board of County Commissioners shall immediately notify the Supervisor of Elections of the adoption of this Resolution and transmit a certified copy of this Resolution to the Supervisor of Elections.

SECTION 12. EFFECTIVE DATE. This Resolution shall become effective upon its adoption.

PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, this 14th day of March, 2018.

ATTEST:

KAREN E. RUSHING, Clerk of Circuit
Court and Ex-Officio Clerk of the Board of
County Commissioners of Sarasota County,
Florida

By: 
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA

By: 
Chair

