15.02.1

Board of County Commissioners
Leon County, Florida

Policy No. 03-10

Title:	Flooded Property Acquisition Program
Date Adopted:	February 24, 2004
Effective Date:	February 24, 2004
Reference:	Board Policy No. 03-01, Approval Authority for the Acquisition, Disposition, and Leasing of Real Property
Policy Superseded:	Amending Policy No. 03-10, "Flooded Property Acquisition Program," adopted June 10, 2003; superseding Policy No. 02-11, "Flooded Property Acquisition Program", adopted January 28, 2002, revised February 25, 2003

Policy 03-10, Flooded Property Acquisition Program, adopted by the Leon County Board of County Commissioners on June 10, 2003, is hereby amended to read as follows:

It shall be policy of the Board of County Commissioners of Leon County, Florida (the "Board") that the policy entitled "Flooded Property Acquisition Program" (the Policy), which was adopted by the Board on June 10, 2003, is hereby amended, to wit:

Acquisition of structures located in flood hazard areas will be considered, along with other alternatives, for the purpose of determining if such acquisition can be an effective and more economical method of providing flood relief on a project specific basis.

However, this policy is not intended to alter the County's position in that the County has sovereign immunity against any claims in tort for negligence and trespass, and that as a policy making function, we also have no liability for the permitting of development nor for the placement of structures which might result in stormwater runoff.

1. Limitations

   Structure acquisition will not be considered outside of a larger project analysis. The County will not acquire structures, or conduct acquisition evaluation studies, in response to individual complaints or requests from the owner of flood prone properties. The priority or ranking of projects and associated studies will determine which projects are evaluated and structure acquisition will only be one aspect of the County Master Plan or Basin Plans and the alternative that is chosen by the County. However, if evidence indicates that the structure was built below the flood elevation despite knowledge of the flood potential then the County will not accept responsibility for purchasing the structure.

2. Decision Criteria

2.1 When evaluating projects the County will attempt to provide flood control for 25-year storms along the primary drainage conveyances. When such a level of service is not economically or otherwise reasonable, lower levels of service will be considered by exception. Lower levels of service are not to be expected in localized areas off the primary conveyances.

2.2 Structure acquisition will only be used to implement a level of service (with respect to flood relief) which is consistent with current stormwater regulations. Current stormwater regulations allow construction in flood prone areas so long as the finished floor is above the 100 year flood elevation. As a result, structures will not be considered for acquisition for flood relief purposes, unless the finished floor is at risk of being inundated during a 25-year or smaller storm. Yard flooding, or water underneath a structure, is not a criterion for acquiring a structure unless other demonstrated public health and safety considerations such as continuous septic failure make the unit continually uninhabitable. Alternative access construction or property acquisition may be pursued for properties where the habitable structure cannot be accessed due to flowing or standing water for greater than 24 hours. The decision to acquire will be made by Leon County.

2.3 The determination of whether a structure is at risk of having its finished floor inundated during the 25-year or smaller storm will be made based upon actual prior occurrence or by hydrologic and hydraulic simulation. When the determination is to be made by simulation, depending on the flood stage sensitivity to characteristics specific to the basin and to the model, some structures which are not actually being inundated, may be recommended for acquisition based on engineering judgement of the risk and the modeled results. Hydrologic and hydraulic model results indicating finished floor depths on inundation for multiple structures will be used to rank the structures for acquisition beginning with the structure having the greatest depth of finished floor flooding. Properties affected by isolation flooding will be ranked based upon criteria provided in Table 1, below.

Table 1: Prioritization Criteria

STRUCTURAL CONDITION	PRIORITY POINTS
Flood water inside structure-	10
Repeat flooding of developed site -	5
Lot fully flooded -	4
Vacant property -	-1
Access blocked by flood waters for greater than 24 hours -	3
Structural damage caused by water standing against it -	3
Structure does not meet current building code -	2
Located in the 10-year flood-plain -	5
Located in the 25-year flood-plain -	3
Located in the 100-year flood-plain -	1
Septic tank inundated for greater than 24 hours -	1
Well contaminated for greater than 24 hours -	1
Permanent well contamination -	1
HOUSEHOLD COMPOSITION	
Elderly resident -	2
Resident with severe medical problems -	3
Handicapped/disabled -	5

Note: Points assigned based on household composition are totals, and are not multiplied by the number of residents in household meeting the criteria.

3. Implementation of Acquisitions

3.1 All acquisition efforts will be performed in a manner consistent with the Board of County Commissioners Policy No. 03-01, Approval Authority for the Acquisition, Disposition, and Leasing of Real Property, and any other Board policies as applicable.

3.2 Determination of Acquisition Offers

3.2.1 The fair market value of each property to be acquired shall be determined by a retrospective appraisal with the effective date of value being the day immediately before the most recent flood event affecting the real property being appraised. For purposes of the retrospective appraisal, the fair market value shall reflect any facts about the physical, legal, or economic characteristics of the real property known as of the effective date of value.

3.2.2 The owner of each property to be acquired shall provide to the County any and all information necessary to determine if the acquisition will result in any duplication of benefits. As used in this Section, "duplication of benefits" shall mean the total amount of any disaster-related repair assistance paid to the property owner reduced by any amounts documented by receipts showing that the repair assistance funds were used for their intended purposes. The types of disaster-related repair assistance which would be considered in determining whether there is a duplication of benefits include, but are not limited to, private flood insurance proceeds, federally assisted grants and loans, and any state assisted grants and loans.

3.2.3 The amount of the first written acquisition offer to the owner of the property to be acquired shall be equal to the fair market value of the property reduced by any duplication of benefits.

3.3 When proposed acquisitions are undertaken as part of a funded project, a definite period shall be clearly established for completion of the overall negotiation and acquisition effort. The length of this acquisition window shall be established by the Public Works Department in accordance with the size and complexity of the acquisition task. When the acquisition window expires, no additional properties shall be acquired other than those awaiting contract closure or resolution of some other legal process which was commenced prior to expiration of the acquisition window. The County will not offer flood relief to those owners not electing to take advantage of the opportunity to sell their flood prone property, and owner will forego additional flood relief.

3.4 Properties acquired through this program will be managed or disposed of consistent with the Board of County Commissioners policies. Generally the structures on acquired properties will be demolished and the sites restored to undeveloped conditions. Dependent upon the sale negotiated, the seller may move the structure from the site.

4. Floodproofing

4.1 If during the negotiations, an owner indicates an interest in flood proofing a structure, or if in the opinion of the Public Works Department it appears that flood proofing is a viable, cost effective, permanent and practically implementable solution, then such an alternative may be explored and offered to the owner in lieu of acquisition and removal of the structure.

4.2 When flood proofing is pursued the following guidelines will apply:

4.2.1 The owner of the property and County would agree to the cost of floodproofing the structure, and owner would be solely responsible for the results achieved.

4.2.2 The owner agrees to have the work performed within a specified time period, and payment will not be made until the work progressed. If the owner does not floodproof the property, the County will make no payments.

4.2.3 The owner grants to the county a flood easement around the structure.

4.2.4 The owner records a notice of the flood hazard in the title to the property to provide disclosure to subsequent buyers.

4.2.5 The County would have no further involvement with flood relief on the property.