



Gainesville-Alachua County Association of Realtors

CITY OF GAINESVILLE
CITY COMMISSION
Gainesville-Alachua County
Association of REALTORS[®], Inc.

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March 28, 2011

Dear Mayor Lowe and the Board of City Commissioners,

Thank you very much for contacting the Gainesville/Alachua County Association of Realtors[®] (GACAR) and myself regarding the Cabot-Koppers Superfund site. It was mentioned that GACAR was contacted by the County Commission in June of 2010 regarding the issue. Attached is the response letter that was sent to the County Commission on July 16th, 2010 written by our Association attorney, Chic Holden. Please review this letter as everything contained in it is still current and we have taken a multi-faceted approach to accurately convey the situation to all Realtors[®].

I want to make you aware that not all people practicing real estate are a member of our Association or a Realtor[®]. There are Realtors[®] that are members of our Association and abide by a Code of Ethics set forth by the National Association of Realtors[®]. There are also licensees that may practice real estate, but are not members of our Association, Florida Realtors[®] or the National Association of Realtors[®], and as such are not required to abide by the same Code of Ethics. Therefore, our members are well aware of the situation. However, this does not mean that all people involved in real estate transactions are of the Cabot-Koppers site.

As Realtors[®] and involved members of our community, the well being, quality of life, and property values in Gainesville are vitally important to our profession and the local economy as a whole. If the City receives any additional information regarding the Cabot-Koppers Superfund site, or any other issue relevant for Realtors[®] to disseminate, please let us know. We look forward to working as a team to address issues facing the City of Gainesville, and Alachua County in the future.

Sincerely,

Gia Arvin
2011 President Gainesville/Alachua County Association of Realtors[®]

cc: COM
CMFR

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July 16, 2010

Cynthia Moore Chestnut, Chair
Alachua County Commission
P.O. Box 2877
Gainesville, FL 32602

Via E-mail - bocc@alachuacounty.us

Re: Cabot-Koppers Superfund Site

Dear Madam Chair:

As I believe you are aware, I represent the Gainesville-Alachua County Association of Realtors®. I have been given a copy of your June 29, 2010 letter which was directed to Joyce Dorval the President of the Association. Your letter dealt with a concern of the County Commissioners related to whether members of the Gainesville-Alachua County Association of Realtors® were informing their clients and customers of the existence of the Cabot-Koppers Superfund Site in Northwest Gainesville.

Realtors® working with members of the public, both Sellers and Purchasers, are clothed with the responsibility of informing their clients and customers of any matters that they are aware of that might materially effect or impact the value of the property that is being either sold or purchased. To the extent that a Realtor® has such knowledge of peculiar facts that would impact value, they have a duty of disclosure. The members of the Gainesville-Alachua County Association of Realtors® have been kept fully informed of their responsibilities of disclosure for many years, including their responsibility to disclose matters such as the Cabot-Koppers Superfund Site and the impact it might have on property value. Educational courses are held several times a year that deal with such issues as disclosure and the Koppers Site has been used as an example of one of those disclosure matters that Realtors® must address. Furthermore, periodic memorandums are sent out to all of the membership to reinforce their responsibilities with regard to such disclosures.

I am enclosing for your information two standard forms that are used by our Association and its members that deal specifically with disclosure related matters. The first of these forms is titled "Seller's Real Property Disclosure" and is a form that Sellers fill out at the time a contract for the sale of their property is being negotiated. The purpose of the form is to generally disclose any and


all matters which the Seller might know about his/her property that could effect its value. Specifically with regard to environmental issues, Paragraph 6 of this Seller's disclosure form calls attention to those areas that a Seller must address when filling out the form and would include such things as the impact of the Superfund Site. The second form which is titled "Comprehensive Addendum" is an addendum that is attached to most Purchase and Sale Agreements entered into by Sellers and Purchasers. I would again call your attention specifically to Paragraph 6 "General Information" of this form. In addition to other general information contained in that paragraph there is specific reference to the fact that there is an existing Superfund Site in Gainesville, Alachua County. It further points out certain websites that can be referred to by the Buyer in connection with the Superfund Site. This information is provided so that a Buyer is in the position to do whatever investigation he/she might feel necessary with regard to the property the Buyer is considering purchasing.

Unfortunately, although the Koppers Sites have been delineated on a map, this delineation in and of itself does not reflect the extent to which surrounding properties may or may not be effected. It is important that the Commission understand that a Realtor® is placed in a very awkward position of having to determine when disclosure is required in this type of situation. For example, do they disclose the existence of the Superfund Site to a property that is within 500 hundred feet of the site? Of course that would be a prudent thing to do. What about a property that is a mile from the site or five miles from the site or ten miles from the site. My advice to the members of the Association is that whenever in doubt disclose, disclose, disclose. The sensitive nature of some disclosures is that they can impact a property's value or the ability of a Seller to sell that property even when no real issue may exist. Therefore, the prudent Realtor has to give a general type disclosure that puts a prospective Purchaser on notice of a possible problem and shifts the burden to the Purchaser to then satisfy himself as to whether or not a problem truly exists.

As an Association, the Gainesville-Alachua County Association of Realtors® will continue to keep its members informed of issues related to the Koppers sites as well as any other environmentally problematic sites in Gainesville and Alachua County. There will be continued education and continued encouragement to stay informed and to disclose to the members of the public when it appears appropriate. We believe that that has been the position of the Association over the past many years and continues to be the position of the Association and its members today.

I hope that this letter has been responsive to the concerns expressed in your June 29, 2010 letter. If there is any way that we can further assist the County or the City of Gainesville in being sure that proper disclosures are being made, please do not hesitate to discuss any suggestions you might have with us.

Sincerely,



Charles I. Holden, Jr.

CIH/rw

cc: Joyce Dorval, President, Gainesville-Alachua County Association of Realtors (via e-mail)
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