

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: September 14, 2010 [] Consent [] Regular
[] Ordinance [X] Public Hearing

Department

Submitted By: Environmental Resources Management

Submitted For: Environmental Resources Management

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to adopt: a Resolution authorizing the land management responsibility exchange of 1.90 acres of land within the Winding Waters Natural Area, managed by the Department of Environmental Resources Management (ERM), in exchange for approximately 2.18 acres of land managed by the County's Parks and Recreation Department (Parks) as part of Bert Winters Park pursuant to the Conservation Lands Protection Ordinance (No. 2003-052).

Summary: The Conservation Lands Protection Ordinance requires that a request to use or convey an interest in conservation lands for purposes other than originally intended be offset by an offer that provides "an exceptional benefit" to the Conservation Lands Program. The removal of 1.90 acres of land from the southern end of what is known as the "pigtail" of the Winding Waters Natural Area will provide land that Parks needs for a small neighborhood park serving Gramercy Park and Caribbean Village. This "pigtail" is separated from the main portion of the Winding Waters Natural Area by the EPB-10 Canal; is highly impacted with exotic vegetation and is difficult to manage with the Winding Waters Natural Area. In exchange for this land, Parks would transfer control of 2.18 acres of quality scrub land in Bert Winters Park to ERM to be managed as part of the Juno Dunes Natural Area. This land exchange among County departments allows both departments to fulfill their missions at minimal costs to the taxpayer and is wise and prudent public policy. The exchange is an exceptional benefit to the Conservation Lands Program. Pursuant to the Conservation Lands Protection Ordinance, a Public Hearing must be held for consideration of a resolution by the Board to approve the using of Conservation Lands for purposes other than originally intended or conveying interests in Conservation Lands to another entity.

(Continued on Page 3)

Attachments:

1. Resolution
2. Application for Land Exchange under Conservation Lands Protection Ordinance
3. Excerpt of Minutes of NAMAC Meeting Recommending the Easement Exchange

Recommended by:


Department Director

8/12/2010
Date

Approved by:


County Administrator

8/26/2010
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2010	2011	2012	2013	2014
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	_____	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget? Yes _____ No _____
Budget Account No.: Fund _____ Department _____ Unit _____ Object _____
Program _____

B. Recommended Sources of Funds/Summary of Fiscal Impact


There is no fiscal impact associated with this item.

C. Department Fiscal Review:

SP

III. REVIEW COMMENTS

A. OFMB Fiscal and /or Contract Administrator Comments:

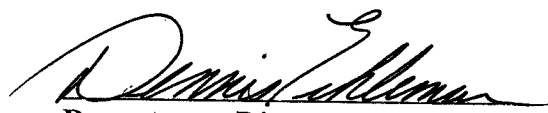

OFMB *JB*
8/23/10


Contract Administrator 8/24/10

B. Legal Sufficiency:


Assistant County Attorney

C. Other Department Review: Parks and Recreation Department


Department Director

(Summary continued from Page 1)

Pursuant to Section 3.03 of the Ordinance, the Natural Areas Management Advisory Committee (NAMAC) has reviewed and recommended this easement exchange. The City of West Palm Beach has also reviewed the exchange application and has not offered any objection to the exchange. **In order to approve the Resolution, the Board must have an affirmative vote of five (5) members of the Board.** District 7 (SF)

Background and Policy Issues: The Conservation Lands Protection Ordinance (No. 2003-052) requires a public hearing where the Board considers the approval of conveying an interest in Conservation Lands to another entity or authorizing the use of Conservation Lands for a purpose other than originally intended. The public hearing today satisfies that requirement. Pursuant to Ordinance No. 2003-052, NAMAC has recommended approval of this land exchange. The City of West Palm Beach has also received and considered the land exchange and has not offered any objections to it. Staff supports the proposed land exchange as it meets the intent of Ordinance No. 2003-052, by providing an exceptional benefit to the Conservation Lands Program. Approval of this Resolution will not authorize the actual transfer by deed, easement or other applicable instrument of an Interest in Conservation Lands. Since both lands are County-owned, the actual land transfer will be accomplished by reassignment of responsibility for these lands within the County's Property and Real Estate Management (PREM) database. It is anticipated that this exchange will be finalized by notification to PREM of approval of this Resolution.

RESOLUTION NO. 2010 - _____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, APPROVING THE LAND MANAGEMENT RESPONSIBILITY EXCHANGE OF 1.90 ACRES OF COUNTY-OWNED LAND WITHIN THE WINDING WATERS NATURAL AREA, FOR 2.18 ACRES OF COUNTY-OWNED LAND WITHIN BERT WINTERS PARK PURSUANT TO THE CONSERVATION LANDS PROTECTION ORDINANCE (ORDINANCE 2003-052).

WHEREAS, on October 21, 2003, The Board of County Commissioners adopted Ordinance No. 2003-052, the Conservation Lands Protection Ordinance, to provide a public hearing process for consideration of potential uses of conservation lands or portions thereof that were not originally contemplated for those lands; and

WHEREAS, the County Parks and Recreation Department has received direction to develop a neighborhood park in the vicinity of 45th Street and Haverhill Road to benefit the residents of the Gramercy Park and Caribbean Village area; and

WHEREAS, the southernmost 6.01 acres of the Winding Waters Natural Area (known as the "pigtail") is disjunct and separated from the main portion of the natural area by the EPB-10 drainage canal; is highly impacted by exotic vegetation and municipal drinking water wells; no longer serves its intended purpose as a greenway connector to what were natural lands to the south; and is difficult to manage because of its linear nature and difficult access; and

WHEREAS, the County Parks and Recreation Department wishes to use the southernmost 1.9 acres of this "pigtail" to develop the neighborhood park; and

WHEREAS, this 1.9 acres of "pigtail" provides the space and property configuration needed for the neighborhood park and would result in the remaining 4.11 acres of the "pigtail" acting as a buffer to the natural area for noise and potential nighttime lights from the park; and

WHEREAS, there is no known listed species within the "pigtail" property; and

WHEREAS, the main portion of the public natural area adjoining the "pigtail" to the north should continue to support listed species typically found in the vicinity of the Winding Waters Natural Area; and

WHEREAS, the Parks and Recreation Department is offering to exchange 2.18 acres of high quality and very rare scrub habitat in its Bert Winters Park to the County's Natural Areas Program to be added to the Juno Dunes Natural Area; and

WHEREAS, the 2.18 acres of scrub is disjunct from the remainder of the Bert Winters Park property because of Ellison Wilson Road; would be difficult to develop as park land because of its narrow triangular shape; and is bordered on two sides by the Juno Dunes Natural Area; and

1 **WHEREAS**, the exchange of the 2.18 acres of scrub at Bert Winters Park for
2 1.9 acres of the "pigtail" at Winding Waters Natural Area results in additional higher
3 quality environmental land being added to the Conservation Lands Program; and

4 **WHEREAS**, the Board of County Commissioners has reviewed
5 recommendations and comments made by the Natural Areas Management Advisory
6 Committee pursuant to the Conservation Lands Protection Ordinance; and

7 **WHEREAS**, the City of West Palm Beach did not offer any comments or
8 objections to the land exchange; and

9 **WHEREAS**, approval of this Resolution shall not authorize the actual transfer
10 by deed, easement or other applicable instrument of an Interest in Conservation
11 Lands, but shall authorize the exchange of land management responsibilities
12 between the two County departments; and

13 **WHEREAS**, the Board of County Commissioners has determined that
14 the exchange of the 2.18 acres of scrub park property for the 1.9 acres of highly
15 impacted natural area land is sufficient compensation to provide an exceptional
16 benefit to the Conservation Lands Program pursuant to Sections 4.01 and 2.03 of
17 the Conservation Lands Protection Ordinance and Sections 5.02 and 5.03B and C
18 of Resolution No. 99-1073.

19
20 **NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF**
21 **COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

- 22 1. The above Whereas clauses are hereby incorporated as findings of fact
23 upon which this Resolution is based.
- 24 2. The Board of County Commissioners approves the land management
25 responsibility exchange between its Department of Environmental
26 Resources Management (ERM) and its Parks and Recreation Department
27 (PARKS) whereby ERM will manage the 2.18 acres of scrub habitat from
28 Bert Winters Park as part of the Juno Dunes Natural Area and PARKS
29 will manage 1.9 acres of disturbed land from Winding Waters Natural
30 Area as a new neighborhood park. This resolution shall become effective
31 immediately upon adoption.

32
33 (REMAINDER OF PAGE INTENTIONALLY LEFT BLANK)
34

1 The foregoing resolution was offered by Commissioner _____, who moved
2 its adoption. The motion was seconded by Commissioner _____, and upon
3 being put to a vote, the vote was as follows:

4
5 COMM. BURT AARONSON, Chair _____
6 COMM. KAREN T. MARCUS, Vice Chair _____
7 DISTRICT 2 _____
8 COMM. SHELLEY VANA _____
9 COMM. STEVEN L. ABRAMS _____
10 COMM. JESS R. SANTAMARIA _____
11 COMM. PRISCILLA A. TAYLOR _____

12
13 The Chair thereupon declared the resolution duly passed and adopted this _____
14 day of _____, 2010.

15
16
17
18 APPROVED AS TO FORM AND
19 LEGAL SUFFICIENCY

20 PALM BEACH COUNTY, FLORIDA
21 BY ITS BOARD OF COUNTY
22 COMMISSIONERS
23 SHARON R. BOCK, CLERK AND
24 COMPTROLLER

25
26 By: _____
27 Assistant County Attorney

By: _____
Deputy Clerk

Application for Interest in Conservation Lands

Winding Waters Natural Area

Applicant: Palm Beach County Parks and Recreation Department and Palm Beach County
Department of Environmental Resources Management (ERM)
Contact: David Gillings, ERM
Phone: 561 233-2477

Statement of Public Purpose (Section 3.02a and 3.02d): The County, through the Palm Beach County Parks and Recreation Department (Parks Department) is looking for an area to construct a small neighborhood park for the residents in the Gramercy Park and Caribbean Village area located south of the Winding Waters Natural Area. The Palm Beach County Department of Environmental Resources Management (ERM) has control of an approximate 6.01 acre piece of property located south of the EPB-10 Canal that forms the southern boundary of the Winding Waters Natural Area (see attached Map 1). This property is known as the Winding Waters "pigtail" and is heavily dominated by exotic vegetation species and has three (3) Riviera Beach well heads within the "pigtail". The Parks Department is offering a land exchange for a 1.9 acre portion of the "pigtail" property, so that the Parks Department may build the desired neighborhood park on the southern portions of the "pigtail" (see attached Map 2). The land that the Parks Department is offering is an approximate 2.18-acre parcel along Ellison Wilson Road that is immediately adjacent to the southwestern border of the Juno Dunes Natural Area (see attached Map 3). This parcel primarily consists of good to high-quality scrub habitat. This Application for Interest in Conservation Land proposal is for the exchange of these lands among County government departments. The exceptional public benefit to the Conservation Lands Program will be the addition of 2.18 acres of high quality, and very rare, scrub habitat to the Natural Area system and the elimination of management problems for the natural areas program inherent with the exotic vegetation infested "pigtail" at the Winding Waters Natural Area.

Alternatives Considered (Section 3.02b): The County has few options for acquiring land needed for the neighborhood park in this area of the County. A portion of the Winding Waters "pigtail" provides the needed land. The "pigtail" poses several management issues for staff managing the Winding Waters Natural Area. It is dominated by large Australian pines, Brazilian pepper, and earleaf acacia with some scattered melaleuca. Groundwater for the site is negatively impacted by the drawdown of the three on-site Riviera Beach well heads. It is also physically separated from the remainder of the Winding Waters Natural Area by the EPB-10 Canal, making access from the remainder of the natural area difficult. The "pigtail" was identified for acquisition under the Land Acquisition for Conservation Purposes bond referendum as a wildlife connector piece to undeveloped lands south of 45th Street as part of the site identified as the SWA Buffer. Those lands south of 45th Street were never acquired and are being used for stormwater storage for improvements to 45th Street and Haverhill Road. Therefore, the "pigtail" piece no longer fulfills the originally intended function as a wildlife connector.

Demonstration of Minimal Impact (Section 3.02c): The exchange of these lands will reduce potential management costs to the natural areas program while providing the small area needed for the neighborhood park that the Parks Department has been directed to construct. Construction of the park at the southern "pigtail" location would preclude any potential for locating the park within the higher environmental quality natural area north of the EPB-10 Canal, thereby minimizing impacts to the environmentally sensitive portions of the natural area. The location of the neighborhood park at the southern end of the "pigtail" also allows the northern portion of the "pigtail" to act as a buffer to the

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Application for Interest in Conservation Lands
Winding Waters Natural Area
Page 2

natural area, thereby minimizing noise and potential lighting impacts from the neighborhood park to the natural area.

Impacts to the Continued Survival of Listed Species (Section 3.02e): The land of the "pigtail" area proposed to be transferred to the Parks Department is currently used as a buffer area around one of three water well- heads for the City of Riviera Beach that are heavily covered with typical edge effect exotic vegetation species. There are no listed species known to inhabit the "pigtail" parcel of land, and it currently doesn't contain suitable habitat to support listed species. In contrast, the parcel offered by the Parks Department in exchange for the "pigtail" does contain viable scrub habitat, which is very rare in the County. The habitat found on the Parks Department parcel is highly suitable for listed species that utilize scrub habitat. The land also is immediately adjacent to other high quality scrub habitat in the Juno Dunes Natural Area, which will enhance the probability of listed species surviving on the Parks Department parcel.

Demonstration of Substantial Public Need and Compensation which provides an Exceptional Benefit to the Conservation Lands Program (Section 3.02d, f): The inclusion of approximately 2.18 acres of good quality scrub habitat that will be more easily managed in the Juno Dunes Natural Area in exchange for approximately 1.9 acres of disjunct, difficult to manage and highly impacted land in the Winding Waters Natural Area is an exceptional benefit to the Natural Areas Program. The exchange of these lands also allows two county departments to fulfill their missions at minimal costs to taxpayers and is wise and prudent public policy. The exchange of these lands meets the criteria of Section 4.01 of the Conservation Lands Protection Ordinance by meeting the definition of Exceptional Benefit to the Conservation Lands Program in Section 2.03, because of the following language in that Section: "If the affected Conservation Lands are not Environmentally Sensitive Lands, as defined in Subsection 5.01 of Resolution 99-1073, the land offered for compensation pursuant to Section 4 shall satisfy or exceed the purposes served by the affected Conservation Lands according to the acquisition criteria in Subsections 5.02 and 5.03 B and C of Resolution 99-1073." Acquiring the Parks Department parcel fulfills the requirements of Resolution No. 99-1073, Section 5.02, Subpart 1, which states that lands will be recommended to the Board for acquisition of part of a wildlife corridor when "the real property exhibits one or more of the following geographical characteristics: 1. Supports, at a minimum, remnant native ecosystems and is immediately adjacent to an existing county-managed natural area or an existing preserve or conservation area; or...". In conclusion, ERM believes this proposed land exchange provides exceptional benefit to the Conservation Lands Program and is mutually beneficial to the needs of the County's Parks Department.

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MAP 1



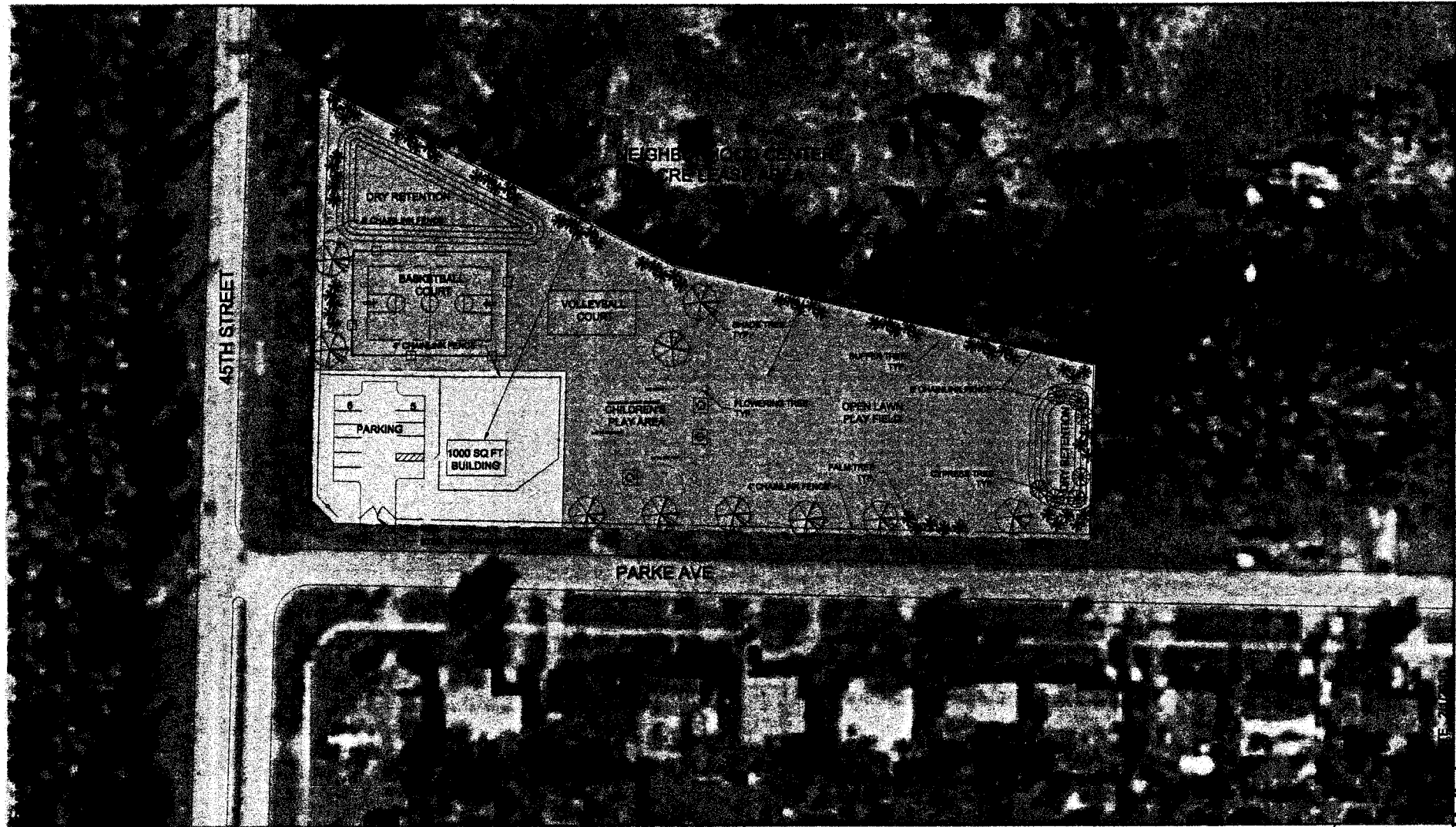
WINDING WATERS NATURAL AREA

SOUTHERN PARCEL

DEPARTMENT OF ENVIRONMENTAL
RESOURCES MANAGEMENT

DRAWN BY: B. PALMER
DATE: MAY 4 2010





MAP 2



PALM BEACH COUNTY
PARKS & RECREATION DEPARTMENT
PLANNING & DESIGN DIVISION

GRAMERCY PARK CCRT AREA
PARK & NEIGHBORHOOD CENTER



0 50 60

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MAP 3



JUNO DUNES NATURAL AREA

DEPARTMENT OF ENVIRONMENTAL
RESOURCES MANAGEMENT

DRAWN BY: B. PALMER
DATE: MAR 17 2010



NAMAC
Page 1
May 21, 2010

VII. CONSERVATION LANDS PROTECTION ORDINANCE APPLICATION FROM
PBC PARKS & RECREATION DEPARTMENT FOR WINDING WATERS
NATURAL AREA - DAVE GILLINGS

Parks was given direction by the BCC to create a small neighborhood park for residents in the Gramercy Park and Caribbean Village communities, which are located south of the Winding Waters Natural Area. ERM manages a piece of property (approximately 6.01 acres) located south of the EPB-10 Canal that forms the southern boundary of the natural area. This tract contains mostly exotic vegetation, as well as three Riviera Beach wellheads. Parks has offered ERM approximately 2.18 acres of property on the east side of Ellison Wilson Road, immediately adjacent to the southwestern border of the Juno Dunes Natural Area, in exchange for a 1.9-acre portion of the 6.01-acre property. This parcel Parks proposes to swap consists of good- to high-quality scrub habitat and is contiguous on two sides to the natural area. This Application for Interest in Conservation Land proposal is for the exchange of these lands between the two County government departments. The exceptional public benefits to the Conservation Lands Program will be 1) the addition of 2.18 acres of high quality, and very rare, scrub habitat to the PBC Natural Areas System and 2) the elimination of an exotic vegetation control management problem for the Natural Areas Program at the Winding Waters Natural Area.

Dave reviewed the plans for the neighborhood park that Parks would like to build. He said that ERM believes that the proposed land exchange is mutually beneficial; it provides an exceptional benefit to the Natural Areas Program and meets a need of the Parks Department. Staff recommends that the Committee approve the application. Dave said that the application will need to be sent to the City of West Palm Beach for review and comment once it is approved by NAMAC. Staff will then be able to take the application to the BCC for approval.

Evelyn made a motion to approve the application. Steve seconded the motion, which was passed unanimously.