

Agenda Item #: 5A-2

AGENDA ITEM SUMMARY

Recommended By: Sharon G. By 12-14-2010
Department Director Date

Approved By: Sharon G. By 12-14-2010
County Administration Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years:	2011	2012	2013	2014	2015
Capital Expenditures	\$737,654				
Operating Costs					
External Revenues					
Program Income (County)					
In-Kind Match (County)					
NET FISCAL IMPACT	\$737,654				

ADDITIONAL FTE POSITIONS (Cumulative) 0

Is Item Included In Current Budget? Yes No X

Budget Account No.: Fund _____ Department _____ Unit _____
Object _____ Reporting Category _____

B. Recommended Sources of Funds/Summary of Fiscal Impact:

C. Departmental Fiscal Review:

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

N. Diaz 12/16/2010
OFMB
S. J. Joubert 12/16/10
Contract Dev. and Control

B. Legal Sufficiency:

5/10
12/17/10
Assistant County Attorney

C. Other Department Review:

Department Director

**REVISED 9/03
ADM FORM 01**

(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.)

Prepared by and
Return recorded original to:
Howard J. Falcon, III
Palm Beach County Attorney's Office
301 N Olive Ave
West Palm Beach, FL 33401

CONSERVATION EASEMENT

THIS CONSERVATION EASEMENT is made _____
by Palm Beach County, a political subdivision of the State of Florida, having an address
at 301 N Olive Ave, West Palm Beach, FL 33411 ("Grantor"), in favor of the CITY OF
PALM BEACH GARDENS, FLORIDA, a Florida Municipal Corporation ("Grantee").

WITNESSETH:

WHEREAS, Grantor owns in fee simple certain real property in Palm Beach
County, Florida, as more particularly described in Exhibit "A", attached hereto and
incorporated by this reference (the "Property"), and desires to grant this Conservation
Easement in favor of the City of Palm Beach Gardens, Florida; and

WHEREAS, Grantee has determined that this Conservation Easement is in the
best interest of the health, safety, and welfare of the citizens of Palm Beach County,
Florida.

NOW, THEREFORE, in consideration of the above and the mutual covenants,
terms and conditions, and restrictions contained herein, Grantor hereby voluntarily
grants and conveys to Grantee a Conservation Easement in perpetuity over the
Property of the nature and character and to the extent hereinafter set forth (the

"Conservation Easement"), and such easement shall run with the land and shall be binding upon all successors and assigns.

1. Purpose. The purpose of this Conservation Easement is to provide that the Property will be retained in a natural condition and to prevent the development of the Property in perpetuity.
2. Prohibited Uses. Any activity on or use of the Property inconsistent with the purpose of this Conservation Easement is prohibited. Without limiting the generality of the foregoing, the following activities and uses are expressly prohibited, unless otherwise approved by the City of Palm Beach Gardens:
 - a. Construction or placing buildings, roads, signs, billboards or other advertising, utilities, or other structures on or above the ground;
 - b. Dumping or placing soil or other substance or material as landfill, or dumping or placing of trash, waste, or unsightly or offensive materials;
 - c. Removing, destroying, or trimming trees, shrubs, or other vegetation, except as otherwise provided herein or in the Management Plan for the Property dated June 2010 and prepared by EW Consulting, approved by and filed with the City of Palm Beach Gardens, as may be updated from time to time (the "Management Plan");
 - d. Excavating, dredging, or removing loam, peat, gravel, soil, rock, or other material substances in such a manner as to affect the surface; and
 - e. The granting of drainage or other surface water management easements.

3. Reserved Rights. Grantor reserves unto itself and its successors and assigns all rights accruing from its ownership of the Property, including the right to engage in or permit or invite others to engage in all uses of the Property that are not expressly prohibited herein and are not inconsistent with the purpose of this Conservation Easement, including, without limitation, the right to trim, maintain, and alter the upland habitat on the Property in accordance with the Management Plan. Nothing contained herein shall prevent Grantor from utilizing the Property for passive park purposes, which may include, without limitation, nature trails, fencing, and firebreaks.
4. Rights of Grantee. To accomplish the purposes stated herein, Grantor conveys the following rights to Grantee:
 - a. To enter upon and inspect the Property in a reasonable manner and at reasonable times to determine if Grantor or its successors and assigns are complying with the covenants and prohibitions contained in this Conservation Easement and the Management Plan; and
 - b. To proceed at law or in equity to enforce the provisions of this Conservation Easement.
5. Grantee's Discretion. Grantee may enforce the terms of this Conservation Easement at its discretion, but if Grantor breaches any term of this Conservation Easement and Grantee does not exercise its rights under this Conservation Easement, Grantee's forbearance shall not be construed to be a waiver of Grantee's rights. Grantee shall not be obligated to Grantor, or to any other person or entity, to enforce the provisions of this Conservation Easement.

6. Acts beyond Grantor's Control. Nothing contained in this Conservation Easement shall be construed to entitle Grantee to bring any action against Grantor for any injury to or change in the Property resulting from natural causes beyond Grantor's control, including, without limitation, fire, flood, storm, and earth movement, or from any necessary action taken by Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Property or to persons resulting from such causes.
7. Recordation. Grantor shall record this Conservation Easement in the Official Records of Palm Beach County, Florida at its expense.
8. Successors. The covenants, terms, conditions, and restrictions of this Conservation Easement shall be binding upon and inure to the benefit of the parties hereto and their respective personal representatives, heirs, successors, and assigns and shall continue as a servitude running in perpetuity with the Property, and shall not be released, vacated, or amended without the express written consent of Grantee.

THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, Grantor has executed this Conservation Easement on the day and year first above written.

ATTEST:
SHARON R. BOCK, Clerk & Comptroller

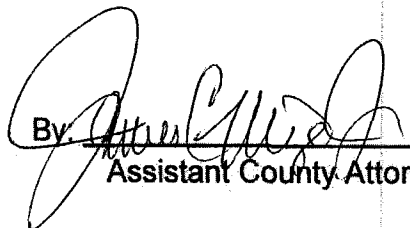
PALM BEACH COUNTY, a
Political subdivision of the State of Florida

By its BOARD OF COUNTY COMMISSIONERS

Deputy Clerk

By: _____
Burt Aaronson, Chair
Karen T. Marcus, Chair

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

By: 
Assistant County Attorney

APPROVED AS TO TERMS AND CONDITIONS:

By: 
Department Director

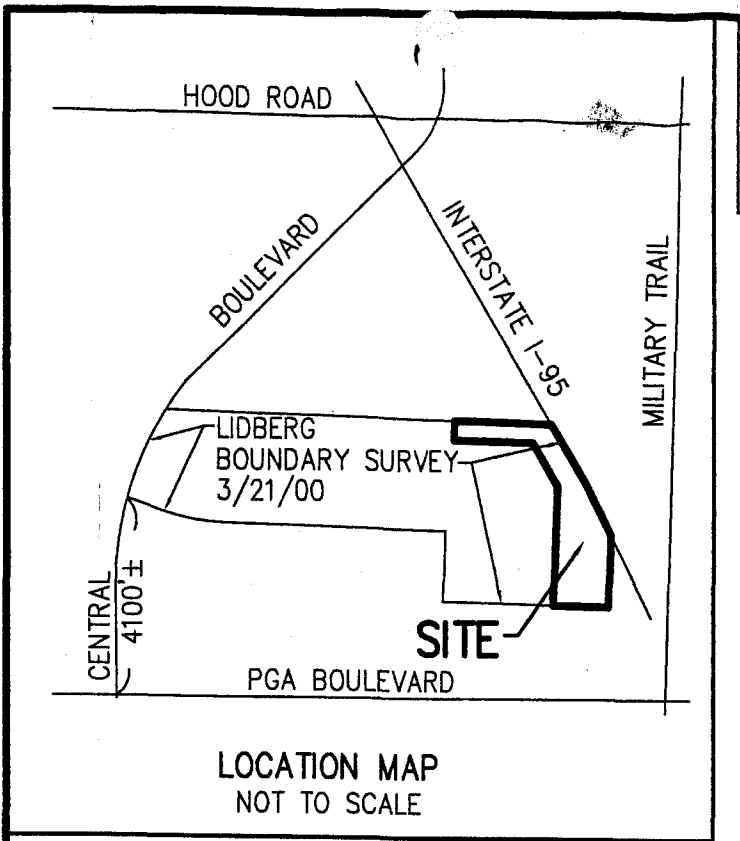


Exhibit A

LEGAL DESCRIPTION

A PARCEL OF LAND SITUATE IN SECTION 01, TOWNSHIP 42 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SECTION 01, TOWNSHIP 42 SOUTH, RANGE 42 EAST; THENCE ALONG THE WEST LINE OF SAID SECTION 01 NORTH 01°52'51" EAST A DISTANCE OF 732.77 FEET; THENCE DEPARTING SAID WEST LINE SOUTH 88°07'09" EAST A DISTANCE OF 30.00 FEET; THENCE SOUTH 88°31'01" EAST A DISTANCE OF 857.99 FEET TO THE POINT OF BEGINNING; THENCE NORTH 01°55'08" EAST A DISTANCE OF 914.16 FEET; THENCE NORTH 30°31'49" WEST A DISTANCE OF 379.85 FEET; THENCE NORTH 88°21'18" WEST A DISTANCE OF 614.99 FEET TO A POINT ON A LINE 70 FEET EAST OF, AND PARALLEL WITH THE WEST LINE OF SAID SECTION 01; THENCE ALONG SAID PARALLEL LINE NORTH 01°52'51" EAST A DISTANCE OF 150.00 FEET TO A POINT ON THE SOUTH LINE OF THE PLAT OF OLD PALM EAST, AS RECORDED IN PLAT BOOK 101, PAGES 114 THROUGH 118 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY FLORIDA; THENCE DEPARTING SAID PARALLEL LINE AND ALONG SAID SOUTH PLAT LINE SOUTH 88°21'18" EAST A DISTANCE OF 756.29 FEET TO A POINT ON THE WEST RIGHT-OF-WAY OF INTERSTATE I-95 PER THE

(CONTINUED ON SHEET 2 OF 3)

SHEET 1 OF 3
SEC. 01, TWP. 42 S., RGE. 42 E.

REV: -	FL. E.B. NO. 48	FL. L.B. NO. 48	UPLAND PRESERVATION TRACT	SCALE: N/A
FIELD: -	 5720 Corporate Way, West Palm Beach, Florida 33407 (561) 683-3113, fax 478-7248		SEC 01-T42S-R42E	DATE: 11-20-09
DRAWN: MAG			PALM BEACH GARDENS, FL	P.A.NO. A7054.00
APPR: MHC				DR. NO. A-4531

DWG: S:\aest\brig\dwg\brigak01.dwg
PLOT DATE: Dec 01, 2009 -- 10:13am
XREFS: brigmo01.dwg
IMAGES:

LEGAL DESCRIPTION

(CONTINUED FROM SHEET 1 OF 3)

FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 93220-2474; THENCE ALONG SAID WEST RIGHT-OF-WAY SOUTH 30°31'49" EAST A DISTANCE OF 529.73 FEET; THENCE CONTINUE ALONG SAID WEST RIGHT-OF-WAY SOUTH 26°31'49" EAST A DISTANCE OF 443.18 FEET; THENCE SOUTH 01°48'15" WEST A DISTANCE OF 554.22 FEET; THENCE DEPARTING SAID WEST RIGHT-OF-WAY NORTH 88°31'01" WEST A DISTANCE OF 429.10 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 553,029.00 SQUARE FEET, OR 12.70 ACRES, MORE OR LESS.


NOT VALID WITHOUT
ACCOMPANYING SKETCH
SHEET 3 OF 3

NOTES:

- 1. INFORMATION SHOWN HEREON DOES NOT CONSTITUTE, NOR DOES IT REPRESENT, A SURVEY OF THE SUBJECT PREMISES.
- 2. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- 3. MOCK, ROOS AND ASSOCIATES, INC., LICENSED AUTHORIZATION NO. LB-048.
- 4. BEARINGS SHOWN HEREON ARE BASED ON THE WEST LINE OF SECTION 01, TOWNSHIP 42 SOUTH, RANGE 42 EAST, AS SHOWN ON THE BOUNDARY SURVEY BY LIDBERG LAND SURVEYING, INC. TITLED "A PORTION OF PARCELS 31.09 AND 31.12" DATED 03/21/00. SAID LINE BEARS NORTH 01°52'52" EAST.

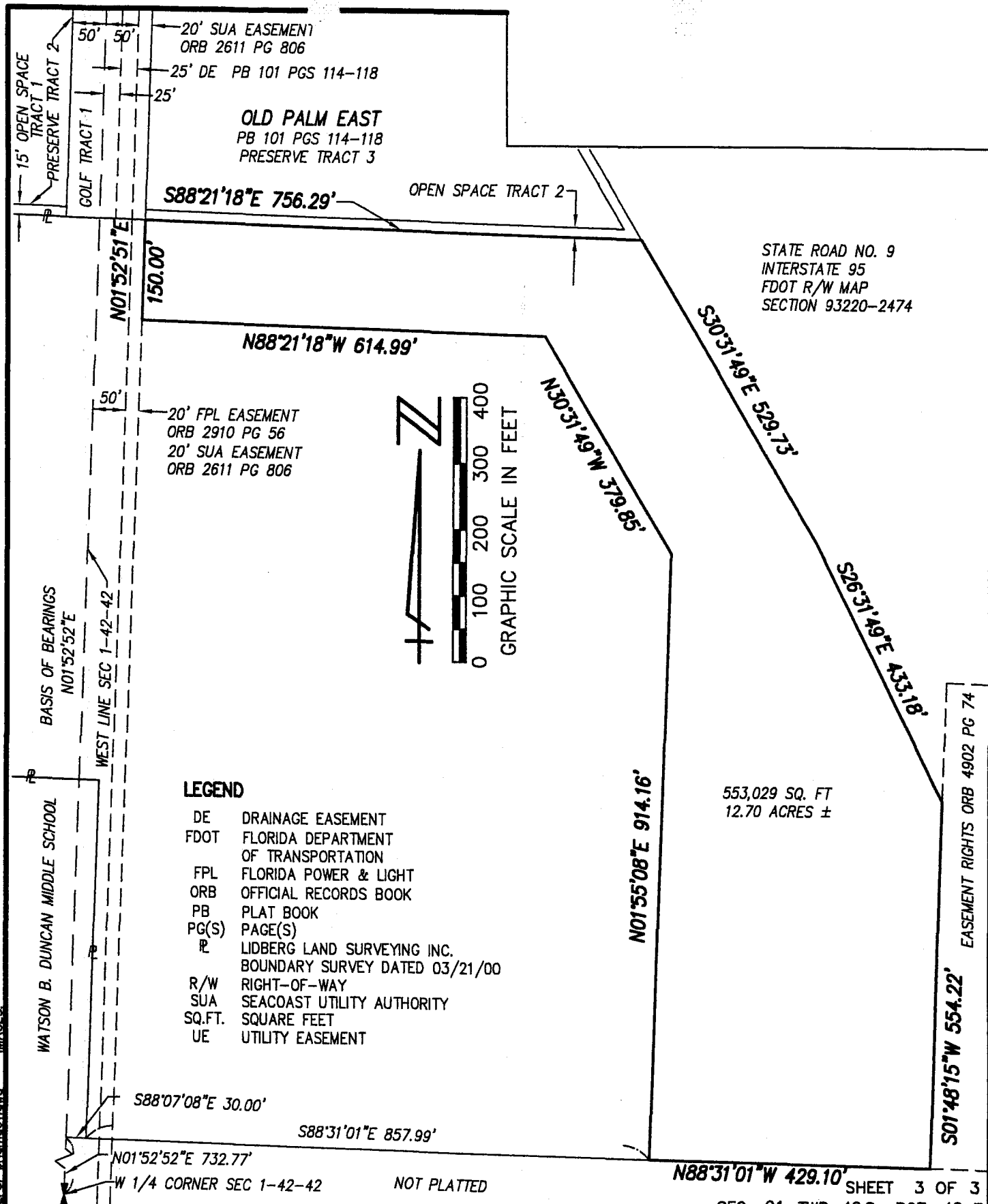
MANUEL A. GUTIERREZ
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATE NO. 4102

SHEET 2 OF 3
SEC. 01, TWP. 42 S., RGE. 42 E.

REV: -	FL. E.B. NO. 48	FL. L.B. NO. 48	UPLAND PRESERVATION TRACT	SCALE: NTS
FIELD: N/A	 MOCK • ROOS ENGINEERS • SURVEYORS • PLANNERS		SEC 01-T42S-R42E	DATE: 11-20-09
DRAWN: MAG			PALM BEACH GARDENS, FL	P.A.NO. A7054.00
APPR: MHC			5720 Corporate Way, West Palm Beach, Florida 33407 (561) 683-3113, fax 478-7248	DR. NO. A-4531

PLOT DATE: Dec 01, 2009 - 10:14am

DWG: S:\east\eastbrg\dwg\brgsk01.dwg
XREFS: brgsk01.dwg
IMAGES:



LEGEND

- DE DRAINAGE EASEMENT
FDOT FLORIDA DEPARTMENT
OF TRANSPORTATION
FPL FLORIDA POWER & LIGHT
ORB OFFICIAL RECORDS BOOK
PB PLAT BOOK
PG(S) PAGE(S)
L LIDBERG LAND SURVEYING INC.
BOUNDARY SURVEY DATED 03/21/00
R/W RIGHT-OF-WAY
SUA SEACOAST UTILITY AUTHORITY
SQ.FT. SQUARE FEET
UE UTILITY EASEMENT

REV: -	FL. E.B. NO. 48	FL. L.B. NO. 48	UPLAND PRESERVATION TRACT	SCALE: 1"=200'
FIELD: N/A	MOCK • ROOS ENGINEERS • SURVEYORS • PLANNERS		SEC 01-T42S-R42E	DATE: 11-20-09
DRAWN: MAG	5720 Corporate Way, West Palm Beach, Florida 33407 (561) 683-3113, fax 478-7248		PALM BEACH GARDENS, FL	P.A.NO. A7054.00
APPR: MHC				DR. NO. A-4531



CITY OF PALM BEACH GARDENS
10500 N. MILITARY TRAIL PALM BEACH GARDENS, FLORIDA 33410-4698

June 29, 2010

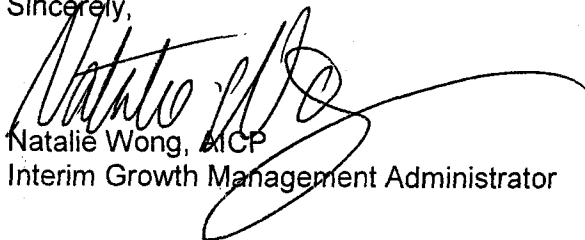
Ms. Lindsay Murphy
Urban Design Kilday Studios
477 S. Rosemary Avenue
Suite 225 – The Lofts at City Place
West Palm Beach, FL 33401

RE: Scripps Florida Phase II/Briger Tract DRI/PCD – Preserve Area Management Plan for Off-Site Mitigation

Dear Ms. Murphy:

Attached for your file is the final approved copy of the Preserve Area Management Plan (PAMP) for the 12.7 acre proposed upland preservation tract located north and east of 117th Court N in the City of Palm Beach Gardens. All outstanding issues have been addressed. The PAMP dated June 2010, will stand as the official document associated with the future Conservation Easement for said property. If you have questions, please feel free to contact myself or City Forester Mark Hendrickson.

Sincerely,


Natalie Wong, MCP
Interim Growth Management Administrator

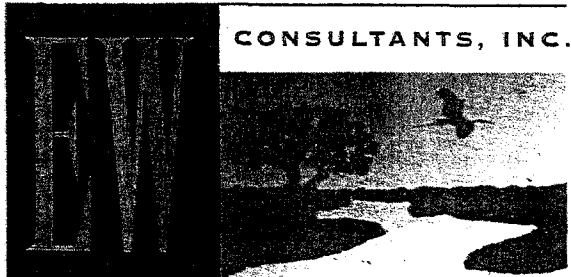
c: Shannon LaRocque, Assistant County Administrator
Ed Weinberg, EW Consultants, Inc.
Kristine Stewart, Keith & Schnars, P.A.
Mark Hendrickson, City Forester

Attachment: PAMP for 12.7 Acre Preservation Tract

RECEIVED JUL - 6 2010

EW Consultants, Inc.

Natural Resource Management, Wetland, and Environmental Permitting Services



CONSULTANTS, INC.

Final Approval

City of Palm Beach Gardens

Project Name: Scripps Florida Phase II /
Briger Tract DRI/PCD

Petition #: ENRV-08-07-000002

Development Order: RESOLUTION 80, 2009
RESOLUTION 1, 2010

Date: 6/29/10

Project Manager: Mark Hendrickson

PRESERVE AREA MANAGEMENT PLAN

12.7 +/- ACRE PROPOSED UPLAND PRESERVATION TRACT

Prepared for:

Scripps Florida Phase II/Briger Tract DRI/PCD

Prepared by:

EW Consultants, Inc.

December 2009
Revised March 2010
Revised May 2010
Revised June 2010



EW Consultants, Inc.

Natural Resource Management, Wetland, and Environmental Permitting Services

INTRODUCTION AND PURPOSE-

This Preserve Area Management Plan has been prepared to provide a program and direction for restoration and management of native habitat conditions on a 12.7 +/- acre parcel that occurs within an 81 +/- acre Palm Beach County Parks and Recreation property in the City of Palm Beach Gardens. This management plan is guided by the practices of Palm Beach County Parks and Recreation Department (P&RD) in their "Natural Areas Management Plan" and follows the general approach provided for under Article V, Division 5., Sec. 78-251 of the City of Palm Beach Gardens Land Development Code.

The subject 12.7 +/- acre property is located north and east of 117th Court N in the City of Palm Beach Gardens. It falls within Twp 42S, Rng 42E, Sec 1 and is depicted on the Location Map (Figure 1) provided in the Appendix. An aerial photo depicting the subject site boundary and the immediately surrounding area is provided as Figure 2 in the Appendix.

The purpose of this management plan is to restore and protect the native ecosystem and biological diversity components of the subject 12.7 +/- acre off site preserve area. The subject property is generally comprised of a mesic pine flatwoods ecosystem with several of its typically associated components. The parcel will be dedicated as off site upland preserve in support of the Scripps Phase II/Briger DRI project development. The subject preserve area will be restored as closely as possible to its natural state as a mesic pine flatwoods ecosystem and subsequently managed to preserve, in perpetuity, this ecosystem character. To the degree possible, the management of this preserve area will be consistent with that of the other natural areas in the Palm Beach County Parks system to support wildlife and native plant populations and to reflect the subtropical biological diversity and wilderness values characteristic of Palm Beach County.

The subject property is not currently intended to be used for public access purposes, and thus the typical public access components of P&RD's Master Plan have not been included in this plan. This is in no way intended to preclude future planning and implementation of public access and park use components (passive recreation) consistent with the goals of this management plan, especially given the location of this property within a Palm Beach County park site.

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EXISTING HABITAT AND VEGETATIVE COVER –

The previous assessment of the overall park parcel of 81 +/- acres summarized the land use/ land cover characteristics of the property using the Florida Land Use, Cover, and Forms Classification System (FLUCFCS). The land use/land cover categories provided in that report for the subject 12.7 +/- acre portion of the site remain appropriate for the property in its current conditions. As such, a separate FLUCFCS map has not been prepared as part of this management plan. Rather, field reconnaissance on the subject property, aided by hand held GPS was conducted in order to inventory current site characteristics and develop an ecological categorization of the vegetative cover present on the site. These characteristics as described below provide more of a habitat management focused inventory rather than the somewhat more general FLUCFCS categories.

In general, the property can be characterized as a mesic pine flatwoods community in various stages of succession, and reflecting isolated occurrences of human disturbance which have resulted in varying levels of habitat alteration. The pine flatwoods ecological community is considered the most extensive and abundant habitat type in peninsular Florida. It is characterized by low flat topography, typically sandy soils, and in its natural state experiences frequent fire, which maintains the flatwoods as a sub-climax forest. The tree density in pine flatwoods communities can vary considerably ranging from nearly closed canopy cover to widely spaced trees and a "savanna-like" appearance.

On the subject 12.7 +/- acre property, the dominant canopy cover is south Florida slash pine with occasional occurrences of cabbage palms as well as patchy occurrence of non-native species such as ear leaf acacia. The understory vegetation is dominated by saw palmetto with a significant component that includes gallberry, fetterbush, and tarflower. The ground cover is discontinuous, primarily due shading by the extensive dense cover of understory species. In areas of open sub-canopy, however, wire grass and broom grass are the most common ground cover species.

Within the generalized pine flatwoods ecotype on the site, there are patchy occurrences (sometime exceeding 50 percent cover) of nuisance and invasive non-native species which will require restoration and management activity in order to maintain the native habitat characteristics and values of the subject property. A map depicting the generalized vegetative cover areas within the 12.7 +/- acre area is provided in the Appendix as Figure 3. In accordance with City Code requirements, a Soils Map is provided as Figure 4 in the Appendix. Each of the different land cover/vegetation cover types is described in detail below. A detailed vegetation species list is included in the Appendix.

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Pine Flatwoods (10.5 +/- Acres) - This vegetation association is predominant throughout the tract and is varied in canopy coverage as well as occurrence of nuisance and non-native invasive species. There are varying year classes of slash pine from as much as 50 years old through newly recruited seedlings. The understory of saw palmetto and associated species is generally more dense than might be found in an area that experienced a natural fire regime. In the northern portion of the tract and other small isolated patches there is considerable coverage (in places 50% or more) of nuisance vegetation in the form of muscadine grapevine, a native species that tends to create monotypic vegetative cover in areas of previous disturbance, greatly reducing otherwise natural plant diversity. There are also occasional occurrences of invasive non-native species such as Brazilian pepper, earleaf acacia, and melaleuca. Areas where nuisance and invasive non-native species occur display most or all of the vegetative species typical of the pine flatwoods ecotype, however, with reduced abundance and diversity due to "choking out" by the invasive species.

Palmetto Prairie (1.8 +/- Acres) - This native habitat type occurs in the southern and eastern portion of the subject property, and is characterized by sparse or nearly absent occurrence of slash pines and dominant cover of saw palmetto along with gallberry and fetterbush. There are isolated occurrences of the invasive exotic shrub downy rose myrtle primarily in the fringe area adjacent to the developed property south of the parcel.

Melaleuca Wetland (0.4 +/- Acres) - This small wetland area occurs in the northwestern portion of the subject parcel and is an extension of a larger wetland area that occurs south and west of the subject parcel. Melaleuca is the predominant canopy species with a ground cover that includes wetland species such as maidencane, blue maidencane, and spike rush. There were field indicators of regular inundation including adventitious rooting and dried algal mat fragments.

WILDLIFE RESOURCES -

The limited time frame for completion of this management plan did not allow for evaluation of wildlife activity on the subject property on diurnal or seasonal time scales. As such, the direct observations made during the field reconnaissance on September 15, 2009 likely significantly underreport actual wildlife utilization of the subject property. In addition, although the evaluation covered only the subject 12.7 +/- acre area, the tract does not "exist on an island" and a variety of wildlife species with larger home ranges likely include the subject property as part of a larger habitat area.

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Wildlife observations during field reconnaissance included only a few live sightings of native wildlife. These included the green anole observed in several locations typically associated with saw palmettos and several observations of nuthatches (likely brown headed nuthatch). A variety of field indicators of the presence of wildlife species were observed, including an active fox den in the central portion of the site and numerous indicators of activity by non-native nuisance species including armadillos and feral hogs. Abandoned gopher tortoise burrows were observed in several locations, and although no indicators of active habitation were observed, it is likely that this state listed threatened species is present on the site.

The following table provides a summary of potential occurrence of listed species on the subject property based on the habitat conditions and surrounding area. The likelihood of occurrence of these species is also provided in the table.

Potentially Occurring Listed Faunal Species

Common Name	Scientific Name	Preferred Habitat	Sampling Method	Occurrence*	Listed Status**
					State/Federal
American alligator	<i>Alligator mississippiensis</i>	Wetland and aquatic habitat	Pedestrian and vehicular transects	M ³	SSC/T/SA
Audubon's Crested Caracara	<i>Caracara cheriway</i>	Open prairies and rangeland	Pedestrian and vehicular transects	L	T/T
Bald Eagle	<i>Haliaeetus leucocephalus</i>	Nest in tall trees (usually pine) near coasts, rivers, lakes and wetlands	Pedestrian and vehicular transects	M ³	T/T
Burrowing Owl	<i>Athene cunicularia</i>	Sandhills, ruderal communities, dry prairies	Pedestrian and vehicular transects	L	SSC/-
Eastern indigo snake	<i>Drymarchon corais couperi</i>	A diversity of upland/low land habitat	Pedestrian and vehicular transects	H	T/T
Florida black bear	<i>Ursus americanus floridanus</i>	Forested wetlands and uplands	Pedestrian and vehicular transects	L	T/-
Florida Grasshopper Sparrow	<i>Ammodramus savannarum floridanus</i>	Open prairies and rangeland	Pedestrian transects and playback tapes	L	E/E

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					Listed Status**
Florida panther	<i>Felis concolor coryi</i>	Large wilderness areas	Pedestrian and vehicular transects	L	E/E
Florida Sandhill Crane	<i>Grus canadensis pratensis</i>	Breed in emergent palustrine wetlands;	Pedestrian and vehicular transects; aerial nest survey	L ³	T/-
Everglades Snail Kite	<i>Rostrhamus sociabilis plumbeus</i>	Long hydroperiod wetlands/aquatic systems with Pomacea snails	Pedestrian and vehicular transects	L	E/E
Gopher frog	<i>Rana capito</i>	Xeric oak scrub, sand pine scrub, pine scrub, breed in shallow grassy ponds or ditches, use tortoise burrows	Pedestrian transects; transects; inspection of burrow entrances	M	SSC/-
Gopher tortoise	<i>Gopherus polyphemus</i>	Sandhills, xeric oak scrub, sand pine scrub, scrubby flatwoods; agricultural lands	Burrow survey ≥ 15% of suitable habitat	H ⁴	T/-
Limpkin	<i>Aramus guarauna</i>	Nest in a variety of ground and tree locations, uses streams, swamps, and marshes with apple snails	Pedestrian and vehicular transects	L	SSC/-
Little Blue Heron	<i>Egretta caerulea</i>	Breeding: marshes, swamps, ponds, estuaries, rivers; nest in shrubs and small trees	Pedestrian and vehicular transects	M ³	SSC/-
Red-cockaded Woodpecker	<i>Picoides borealis</i>	Mature pine woodlands	Pedestrian and vehicular transects	L	T/T

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					Listed Status**
Roseate Spoonbill	<i>Ajaia ajaja</i>	Breeding: marshes, swamps, ponds, estuaries, rivers; nest in shrubs and small trees	Pedestrian and vehicular transects	L	SSC/-
Snowy egret	<i>Egretta thula</i>	Breeding: marshes, swamps, ponds, estuaries, rivers; nest in shrubs and small trees	Pedestrian and vehicular transects	M ³	SSC/-
Southeastern American Kestrel	<i>Falco sparverius paulus</i>	Sandhill and open rangeland nest in cavities of dead trees and abandoned woodpecker nests	Pedestrian and vehicular transects	L	T/-
Tricolored Heron	<i>Egretta tricolor</i>	Breeding: marshes, swamps, ponds, estuaries, rivers; nest in shrubs and small trees	Pedestrian and vehicular transects	M ³	SSC/-
White Ibis	<i>Eduocimus albus</i>	Breeding: marshes, swamps, ponds, estuaries, rivers; nest in shrubs and small trees	Pedestrian and vehicular transects	M ³	SSC/-

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					Listed Status**
Whooping Crane	<i>Grus americana</i>	Breed in emergent palustrine wetlands; forage in pastures	Pedestrian and vehicular transects	L	"Experimental population"
Wood Stork	<i>Mycteria americana</i>	Estuarine or freshwater wetlands; nest in tops of trees in cypress or mangrove swamps	Pedestrian and vehicular transects	L ³	E/E

¹ Observed transient

² Observed nesting and/or resident

³ Transient occurrence

⁴ Resident occurrence

*O= Observed; H= High probability; M= Medium; L= Low; **USFWS; 50 CFR 17.11-12; FFWCC: Chapter 68A-27.002-004 F.A.C.; E = Endangered; T = Threatened; T/SA = Threatened due to similarity of appearance; SSC = Species of Special Concern

Although no direct or indirect observations of the following non-listed wildlife species were made during the field reconnaissance effort, the habitat type and landscape setting of the subject parcel are such that these species would typically occur on the site or include the site as part of larger transient foraging home ranges. This is not an exhaustive list of potential wildlife species that may occupy and/or forage on the site, but rather, is intended to provide a general cross section of the types of reptiles, birds, and mammals that would likely occur given the current overall habitat characteristics and conditions on the property and in the surrounding area.

Florida Pine Snake

Black racer

Red tailed hawk

Mockingbird

Raccoon

White Tailed Deer

Feral hog

Wild turkey

Pituophis melanoleucus mugitus

Coluber constrictor

Buteo jamaicensis

Mimus polyglottos

Procyon lotor

Odocoileus virginianus

Sus scrofa

Meleagris gallopavo

MANAGEMENT PLAN OBJECTIVES

The 12.7 acre preserve area management is the responsibility of Palm Beach County Parks and Recreation Department. As such, the management objectives provided below have been developed in accordance with the P&RD Natural Areas Plan and the City of Palm Beach Gardens Land Development Code requirements.

- 1) Maintain ecological integrity of native upland and wetland systems by providing for protection of listed plant and animal species present and which may inhabit the preserve area in the future.
- 2) Provide for ongoing removal and disposal of litter and debris from the preserve area.
- 3) Ongoing eradication and physical removal of non-native and pest plant species followed with periodic maintenance control as necessary throughout the subject property.
- 4) Implement access control measures to prevent unauthorized activities including off road vehicle (ORV) use, illegal dumping, and harassment of wildlife.
- 5) Maintain existing site hydrology.

The subject 12.7 +/- acre property comprises sufficient acreage to function as a stand-alone functional preserve area for mesic pine flatwoods habitat. Of the typical species that occupy this ecotype, the gopher tortoise is often considered a "cornerstone" species because of its provision of habitat for a variety of faunal commensals and its indicator status of a functional and diverse vegetative assemblage. Although no gopher tortoises were specifically observed during limited field reconnaissance, previous studies have documented their occurrence on the site, and secondary field indicators (abandoned burrows) indicate that the site is likely to support this species.

In addition to the capacity to support a "cornerstone" species such as the gopher tortoise, the subject property provides sufficient native habitat area to provide part or all of the typical home range for a variety of wildlife species that typically occur in the pine flatwoods habitat. For instance, female indigo snakes have a typical home range of between 45 and 120 acres, thus this property could provide between 10 and 25 percent of the necessary home range for this protected species. Given the capacity of the flatwoods habitat to support small mammals and other prey species for raptors such as the red tailed hawk, this preserve area can and will provide an important forage function for a variety of transient and far ranging birds of prey.

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Under its current conditions, the occurrence of nuisance and non-native invasive vegetation as well as fire suppression have resulted in sub-optimal habitat quality. The nuisance and non-native invasive species cause depression in the otherwise natural levels of plant species diversity by creating monotypic stands of species with little or no habitat value to native wildlife. For instance, Brazilian pepper creates monoculture stands of vegetation wherein all or nearly all native species of vegetation are shaded out or precluded from growth. The Brazilian pepper provides little if any functional forage for native wildlife thus creating an "ecological desert" within an otherwise vegetated area.

MANAGEMENT ACTIVITIES

Application of appropriate land management techniques to the property will help maintain the vegetative diversity and thus the wildlife carrying capacity and diversity. The following management activities are to be implemented in order to achieve the appropriate restoration and ongoing maintenance that will result in a diverse and stable pine flatwoods ecosystem on the subject property.

Perimeter Control --

In order to control vehicular access to the park site and preserve/management area signage will be provided indicating the area is a native preserve. The north boundary is currently marked by an existing fence on adjacent property, and the boundary adjacent to I-95 is also fenced. The remaining unfenced park boundary along 117th Court North to the City's park will be marked by signs indicating the area is a native habitat preserve and prohibiting vehicular entry or dumping of any kind.

Management Units -

Although the site is relatively small, it is appropriate to establish several management units within the property to provide for systematic implementation of management activities and maintain interim habitat diversity and refugia for species which may be temporarily affected by the management activities.

There are a total of five management units established for the property (please refer to Figure 5 in the Appendix) based on the varying management needs within the site. Management Unit 1 is comprised of the northern reach of the preserve area which is characterized by overgrowth of muscadine grape vine. Management Unit 2 occurs along the northeast portion of the property and includes the heaviest infestation of mature woody exotics including Brazilian pepper, earleaf acacia, and melaleuca.

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Management Unit 3 is the area of wetland that occurs within the property, and is characterized by moderate to heavy cover of melaleuca. Management Unit 4 is comprised of a high canopy closure (> 65%) of slash pine and depleted understory and ground cover as a result of shading effects. Finally, Management Unit 5 is relatively open canopy with a heavy understory accumulation of saw palmetto, gallberry, and fetterbush. There are isolated and sometimes heavy patches of the invasive downy rose myrtle in the southern portion of Management Unit 5.

Control of Nuisance and Exotic Invasive Vegetation -

The first phase of the restoration program will entail cutting and manual removal of woody exotic species such as Brazilian pepper, melaleuca, and earleaf acacia. This vegetative material will be removed and disposed of off site in order to reduce the overall biomass as well as shading effects of these invasive species. This treatment will entail cutting and removal of woody trunks and direct application of herbicide to the stumps to prevent re-growth. In cases where the cutting and removal of woody species would cause significant impact or damage to existing native vegetation, basal bark application and/or "hack and squirt" application of appropriate herbicides will be employed to achieve kill in place treatment of woody species and minimize non-target mortality. An initial treatment will be completed within the first three months of plan implementation.

The second phase of the herbicide treatment program will include conducting foliar application of appropriate herbicides to broadleaf target species including old world climbing fern, muscadine grape vine where non-target affects can be minimized, and invasive turf grasses. This initial treatment throughout all of the management units will be completed within six months after plan implementation begins.

The downy rose myrtle that occurs on the site presents a difficult management issue as this species is difficult to eradicate with typical herbicides and is highly fire tolerant. Manual removal is likely the most successful option. In this case, the occurrence of this species is primarily located in a single area in the southern portion of the property, and thus manual pulling of trunk and roots followed by disposal of vegetative material off site will be implemented. This effort will be conducted concurrently with the cutting and manual removal program.

Once the initial herbicide and manual removal eradication has been completed, a maintenance control program will be implemented immediately on a semi-annual basis. Full sweeps of the entire property applying spot treatments of appropriate herbicides to occurrences of nuisance and exotic species resulting from re-growth of treated areas as well as germination of new plants will be conducted until monitoring indicates diminishing requirements over time as these species come under control.

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In the event that exotic and nuisance vegetation control leads to conditions that would warrant re-vegetation, such as un-vegetated areas that do not fill in by natural recruitment, re-planting with native species will be implemented. Minimum conditions that will warrant re-planting and/or reforestation would include any contiguous area greater than 1,000 square feet that has been rendered devoid of vegetation as a result of exotic or nuisance vegetation eradication. Re-planting/reforestation will be conducted with those components of canopy, understory, and ground cover that match the immediately surrounding area in native condition. For instance, areas that do not currently exhibit canopy species will be planted with understory and ground cover species only. Should re-planting be necessary, species from the following list, consistent with the general vegetative characteristics of the surrounding area will be installed in order to restore the goal habitat and vegetation coverage mix.

South Florida slash pine	(<i>Pinus elliottii</i> var. <i>densa</i>)
Cabbage palm	(<i>Sabal palmetto</i>)
Saw palmetto	(<i>Serenoa repens</i>)
Gallberry	(<i>Ilex glabra</i>)
Fetterbush	(<i>Lyonia lucida</i>)
Wire grass	(<i>Aristida</i> spp.)
Broom grass	(<i>Andropogon</i> spp.)
Gopher apple	(<i>Licania michauxii</i>)
Running oak	(<i>Quercus pumilia</i>)
American beautyberry	(<i>Callicarpa americana</i>)
Beakrush	(<i>Rhynchospora</i> spp.)

A Typical Revegetation/Reforestation Plan is provided as Figure 6 in the Appendix. Other native species, as appropriate to the habitat type may also be included in any necessary re-vegetation efforts.

Fuel Load Reduction and Prescribed Fire Management -

The current conditions on the site are such that the understory along with vines such as muscadine grape vine are occasionally dense to the degree that they cause shading and elimination of other native plant species. Herbicide treatments and manual removal of dead vegetative material will help to reduce the height and density of fuel load in the understory and minimize the potential for crown fire. The proximity of the subject site to I-95 and public schools makes it highly unlikely that a prescribed fire program could be successfully implemented. As such, a prescribed fire program is not recommended as part of this management plan.

Absent prescribed fire management, alternative techniques for fuel load reduction will be necessary. The primary approach proposed in this plan will be manual removal of all woody exotic and nuisance species to allow for opening of canopy in areas currently shaded out by these species.

MONITORING

A monitoring program will be conducted as part of the management plan in order to track progress toward achievement of management objectives and provide needed information for adaptation of management techniques as the program proceeds. The monitoring approach will document and measure the success of exotic vegetation eradication, control, and fuel load management, and will be used to guide maintenance, control, and habitat enhancement techniques as necessary to achieve the management plan objectives.

The Monitoring Plan Map provided as Figure 7 in the Appendix depicts the monitoring transect as well as sample points located within each of the habitat management units. The entire transect will be traversed during each monitoring event with notations of areas where exotic and nuisance vegetation are observed, wildlife utilization and indicators are present, and the general habitat type description. In addition, six sample points will be established as shown, using hand held GPS. Sample points will be marked with PVC pipe to facilitate repetition of data collection during each monitoring visit.

At each sample point, vegetative coverage will be documented with photographs and detailed vegetation coverage data collection. The vegetative coverage will be measured as absolute coverage within an area of approximately 2,500 square feet at each monitoring station. The vegetation will be measured in percent coverage of the canopy/understory layer and ground cover. The total percent cover will not exceed 100 percent, and each species documented will be reported in both common and Latin names. The coverage will be measured by visual observation in each of four quadrants from the fixed sample point. Observations will extend approximately 25 feet from the observer in each direction thus covering approximately 2,500 square feet at each station. The data from each quadrant observation will be combined to calculate the vegetative coverage for the sample point. Station locations will be permanently marked with PVC pipe to ensure consistency in data collection. Photos will be collected from each of the established sample points to provide documentation of vegetative coverage. In addition to vegetative coverage, any observed wildlife utilization or indicators of wildlife (i.e. tracks, scat, etc.) will be documented.

An initial five year monitoring period will be established in order to measure the success and progression of the management activities. Monitoring will be conducted annually for the first five year period. After five years, monitoring may be conducted on a less frequent basis based on the success of the management activities.

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Success criteria will be based on coverage of exotic and nuisance vegetation as well as progression toward the desired habitat type. With regard to exotic and nuisance vegetation control, overall coverage will be at or below five percent at all sample points as well as observations made during traverse of the monitoring transect. Maintenance activities will be directed to any and all areas that have five percent or more total vegetative coverage by nuisance or exotic vegetation at any time during the monitoring period.

Progression toward desired habitat type will be measured as achieving 80 percent coverage of the desired native vegetation type(s) within two years of initiating management activities. The success criterion for the preserve area includes 80 percent coverage of desirable vegetation by the end of the second year through the fifth year, and areal coverage of exotic vegetation at zero percent and nuisance vegetation limited to five percent or less at the end of five years. Subsequent monitoring will be conducted at least biannually to document site conditions and continued success of the management activities.

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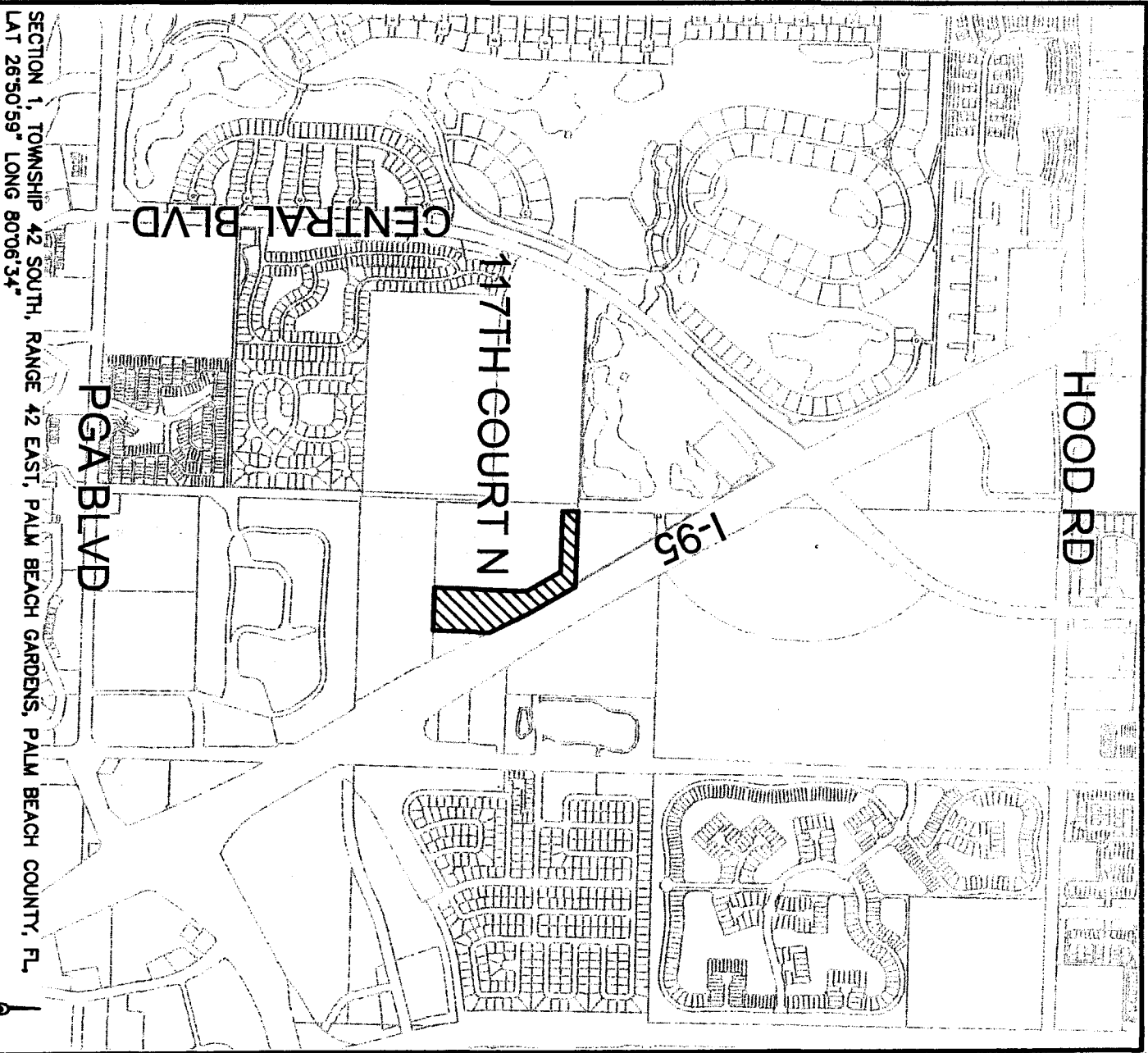
VEGETATION LIST

South Florida slash pine	(<i>Pinus elliottii</i> var. <i>densa</i>)
Cabbage palms	(<i>Sabal palmetto</i>)
Ear leaf acacia	(<i>Acacia auriculiformis</i>)*
Saw palmetto	(<i>Serenoa repens</i>)
Gallberry	(<i>Ilex glabra</i>)
Fetterbush	(<i>Lyonia lucida</i>)
Tarflower	(<i>Befaria racemosa</i>)
Wire grass	(<i>Aristida</i> spp.)
Broom grass	(<i>Andropogon</i> spp.)
Melaleuca	(<i>Melaleuca quinquinervia</i>)*
Muscadine grapevine	(<i>Vitis rotundifolia</i>)
Brazilian pepper	(<i>Schinus terebinthifolius</i>)*
Downy rose myrtle	(<i>Rhodomyrtus tomentosa</i>)*
Maidencane	(<i>Panicum hemitomon</i>)
Blue maidencane	(<i>Amphicarpum muhlenbergianum</i>)
Spikerush	(<i>Eleocharis</i> spp.)
Love grass	(<i>Eragrostis</i> spp.)
Rusty lyonia	(<i>Lyonia ferruginea</i>)
Dwarf blueberry	(<i>Vaccinium myrsinites</i>)
Switch grass	(<i>Panicum virgatum</i>)
Slender bluestem	(<i>Schizachyrium tenerum</i>)
Gopher apple	(<i>Licania michauxii</i>)
Running oak	(<i>Quercus pumilia</i>)
Dwarf live oak	(<i>Quercus minima</i>)
Myrtle oak	(<i>Quercus myrtifolia</i>)
Blazing star	(<i>Liatris chapmanii</i>)
American beautyberry	(<i>Callicarpa Americana</i>)
Beakrush	(<i>Rhynchospora</i> spp.)
Chaffhead	(<i>Carphephorus corymbosus</i>)
Blue maidencane	(<i>Amphicarpum muhlenbergianum</i>)
Dwarf huckleberry	(<i>Gaylussacia dumosa</i>)
Pigeon Plum	(<i>Coccoloba diversifolia</i>)
Rattlesnake master	(<i>Eryngium yuccifolium</i>)
Bristlegrass	(<i>Setaria parviflora</i>)
Orange Milkwort	(<i>Polygala lutea</i>)
Candyroot	(<i>Polygala nana</i>)
Caric sedge	(<i>Carex albolutescens</i>)
Sand cordgrass	(<i>Spartina bakeri</i>)
Winged sumac	(<i>Rhus copallinum</i>)

* Non-native

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APPENDIX



12.7 ± ACRE UPLAND PRESERVATION TRACT

LOCATION MAP



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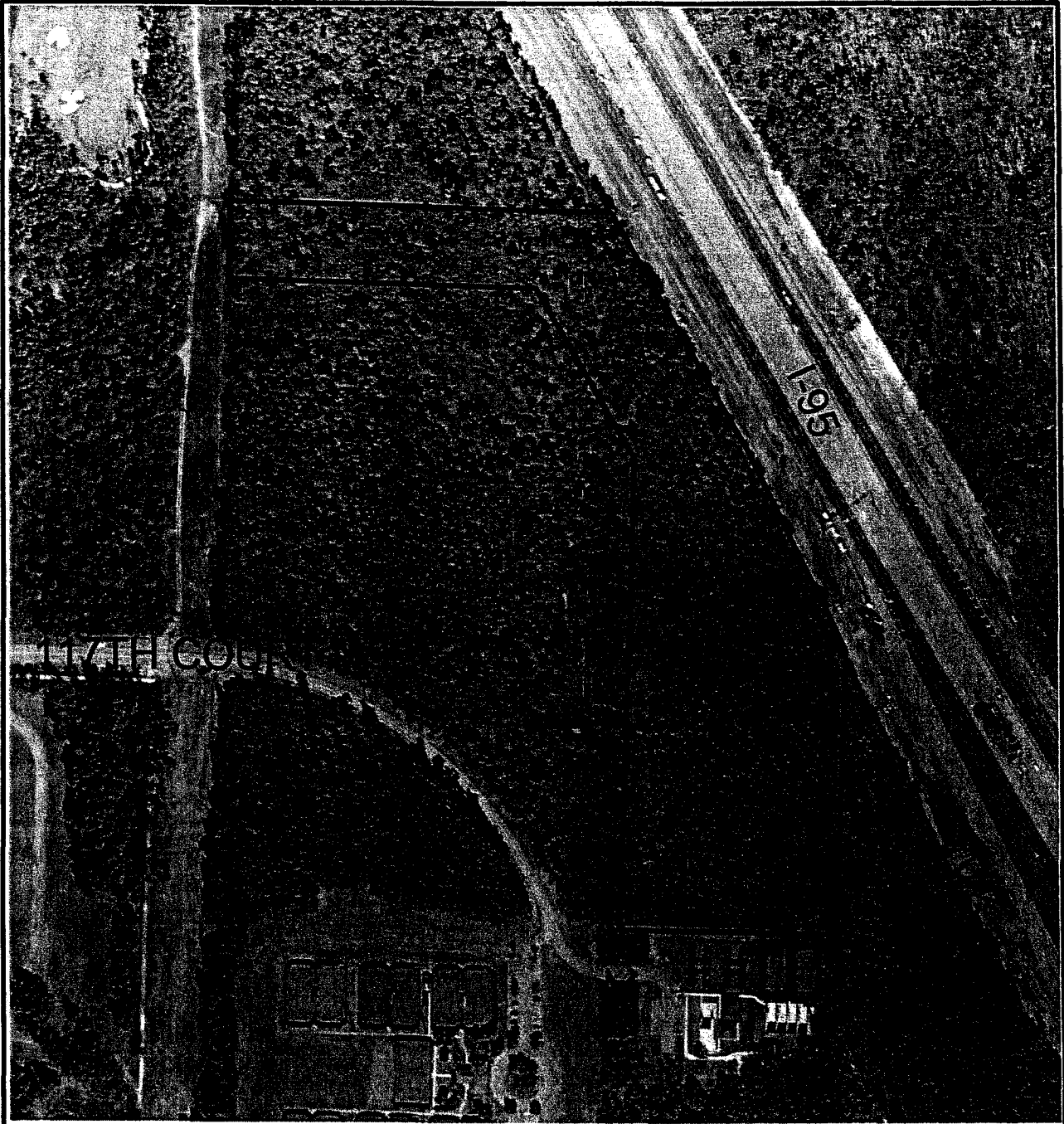
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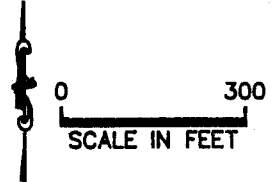
JUNE 2010

FIGURE

1



PALM BEACH COUNTY AERIALS DATED 2009



12.7 ± ACRE UPLAND PRESERVATION TRACT

AERIAL PHOTO



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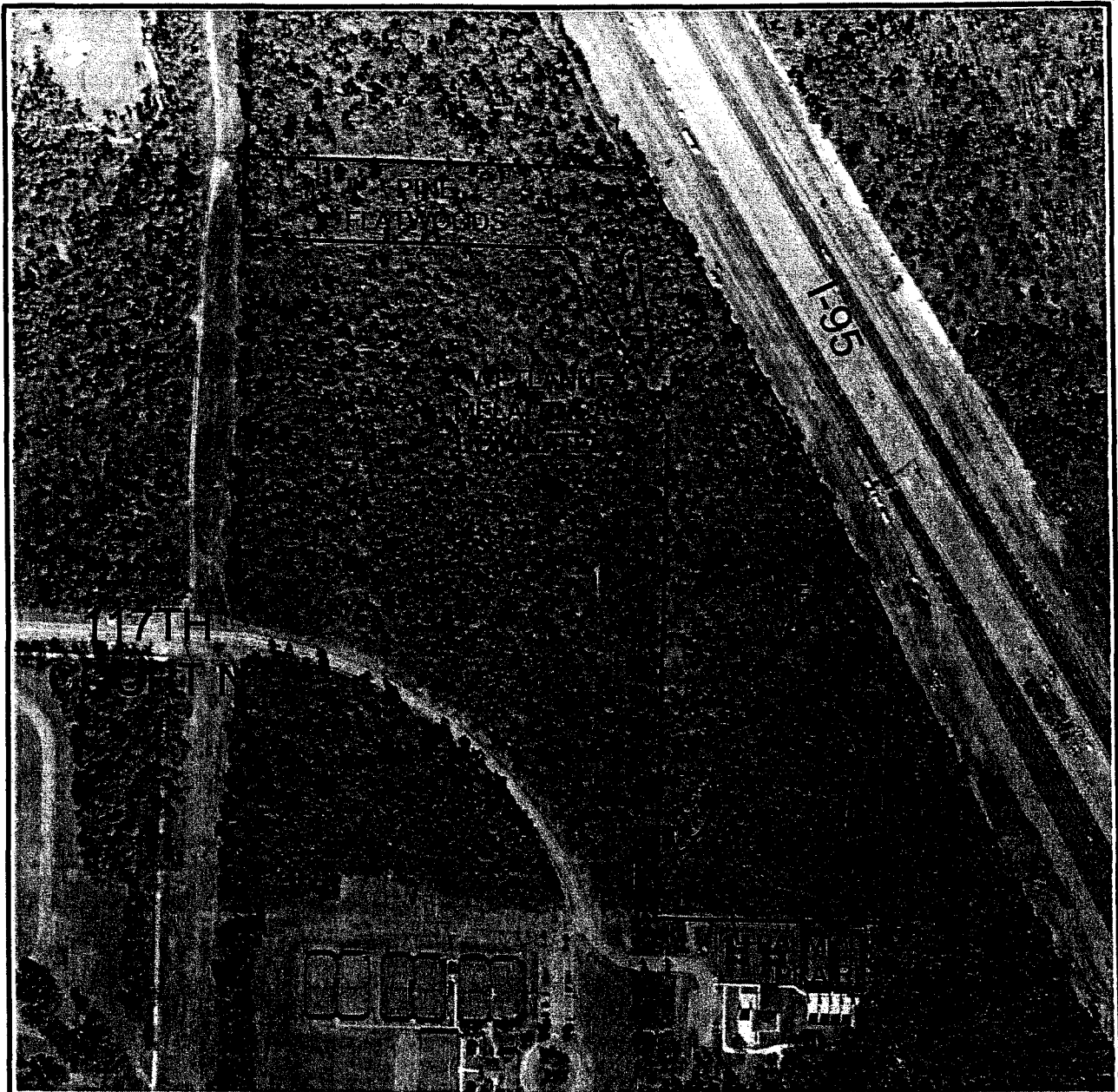
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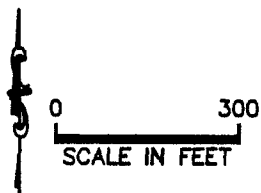
JUNE 2010

FIGURE

2



PALM BEACH COUNTY AERIALS DATED 2009



LEGEND

- PALMETTO PRAIRIE (1.8 AC)
- MELALEUCA WETLAND (0.4 AC)
- PINE FLATWOODS (10.5 AC)

12.7 ± ACRE UPLAND PRESERVATION TRACT EXISTING VEGETATION MAP

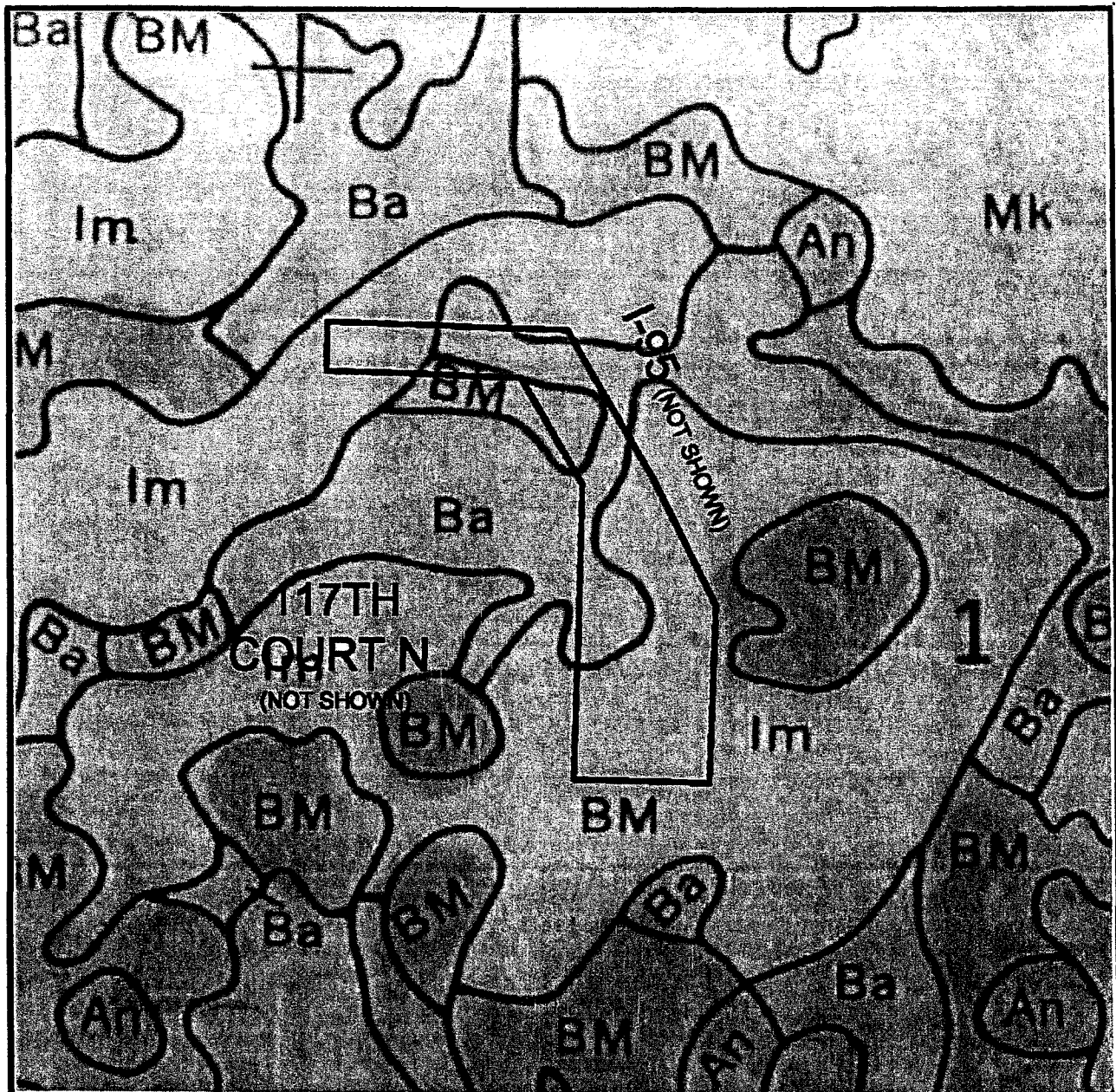


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FIGURE

3



USDA SOILS SURVEY "PALM BEACH AREA" BASED ON AERIAL PHOTOGRAPHY DATED 1970



0 500
SCALE IN FEET

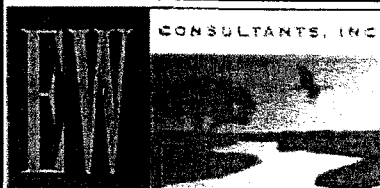
LEGEND

Ba - BASINGER FINE SAND

BM - BASINGER AND MYAKKA SANDS

Im - IMMOKALEE FINE SAND

12.7 ± ACRE UPLAND PRESERVATION TRACT SOILS MAP



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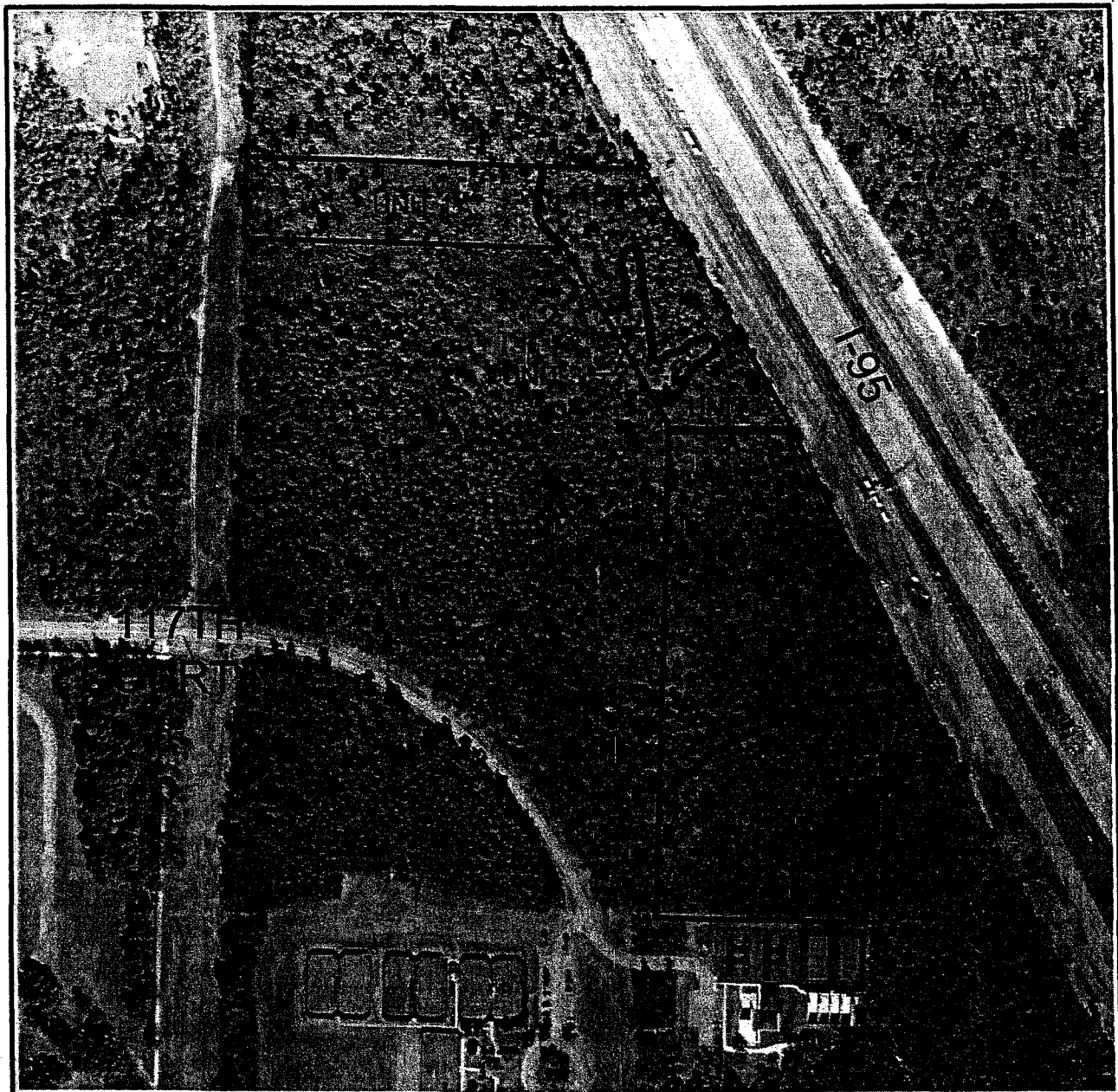
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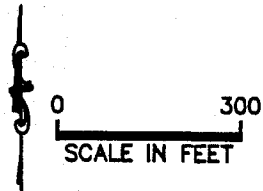
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FIGURE

4



PALM BEACH COUNTY
AERIALS DATED 2009



LEGEND

- UNIT 1 (2.0 AC±)
- UNIT 2 (2.2 AC±)
- UNIT 3 (0.4 AC±)
- UNIT 4 (4.6 AC±)
- UNIT 5 (3.5 AC±)

12.7 ± ACRE UPLAND PRESERVATION TRACT HABITAT MANAGEMENT UNITS

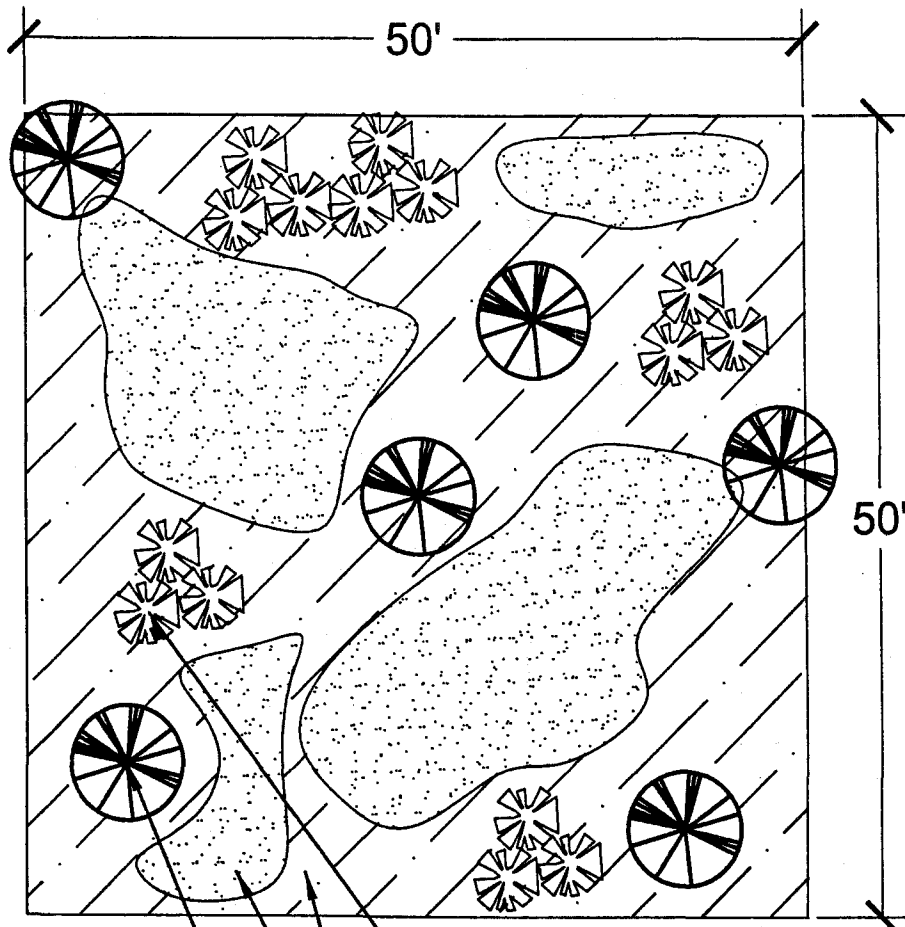


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FIGURE

5



Understory

Saw palmetto (*Serenoa repens*) 15
 Gallberry (*Ilex glabra*) 10
 Fetterbush (*Lyonia lucida*) 10
 American beautyberry (*Callicarpa americana*) 10

Ground Cover

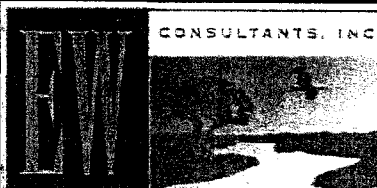
Wire grass (*Aristida* spp.) 75
 Broom grass (*Andropogon* spp.) 75
 Gopher apple (*Licania michauxii*) 25
 Running oak (*Quercus pumilia*) 25
 Beakrush (*Rhynchospora* spp.) 50

Canopy

South Florida slash pine (*Pinus elliottii* var. *densa*) 4
 Cabbage palm (*Sabal palmetto*) 2

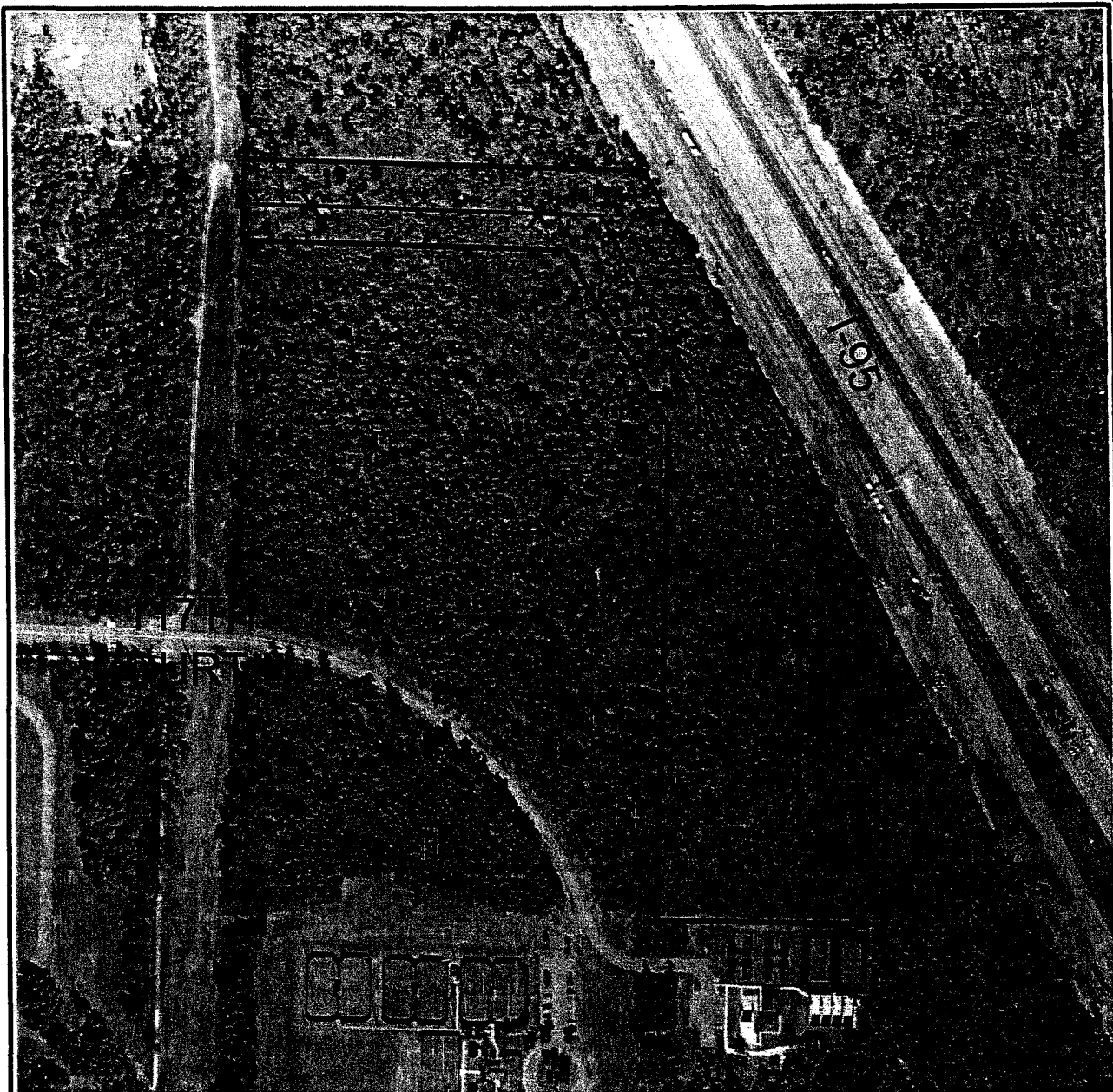
12.7 ± ACRE UPLAND PRESERVATION TRACT TYPICAL REVEGETATION/ REFORESTATION PLAN

PLANTING PLAN.dwg TYPICAL REVEG

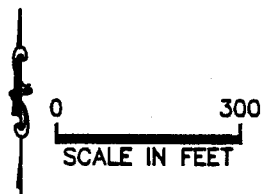


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FIGURE
6



PALM BEACH COUNTY AERIALS DATED 2009



LEGEND

- - MONITORING TRANSECT
- X - SAMPLE POINTS (6)

12.7 ± ACRE UPLAND PRESERVATION TRACT MONITORING PLAN MAP



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FIGURE

7

2011 - 0221

BOARD OF COUNTY COMMISSIONERS
PALM BEACH COUNTY, FLORIDA

Page 1 of 1

BUDGET TRANSFER
FUND 3052 98.0M NAV 07C CTF, Scripps/Briger Bond Fund

BGEX 121410*600

ACCOUNT NAME AND NUMBER	ORIGINAL BUDGET	CURRENT BUDGET	INCREASE	DECREASE	ADJUSTED BUDGET	EXPENDED/ ENCUMBERED AS OF 12/14/2010	REMAINING BALANCE
<u>EXPENDITURES</u>							
<u>Transfers-Fund 3052</u>							
3052-821-9129-9139 Tr To 25M GO Rec/Cul 99 CTF Fund 3000	0	0	737,654	0	737,654	0	737,654
<u>Scripps-Briger Infrastructure</u>							
3052-429-B349-6505 Design/Eng.Mgmt -Cip Admin	3,993,913	3,986,595	0	737,654	3,248,941	35,299	3,213,642
TOTALS			737,654	737,654			

Signatures & Dates

BY BOARD OF COUNTY COMMISSIONERS
AT MEETING OF 12/21/2010

Administration

INITIATING DEPARTMENT/DIVISION
Administration/Budget Department Approval
OFMB Department - Posted

Sharon R. By
12/16/2010
4D12/15/10
SP 12/15/10
SW 12/14/10

Deputy Clerk to the
Board of County Commissioners

2011 - 0222

BOARD OF COUNTY COMMISSIONERS
PALM BEACH COUNTY, FLORIDA

BUDGET AMENDMENT
Fund 3000- 25.0M GO 99A, Recreation & Cultural Bond Fund

Page 1 of 1

BGRV 121410*152
BGEX 121410*599

ACCOUNT NAME AND NUMBER	ORIGINAL BUDGET	CURRENT BUDGET	INCREASE	DECREASE	ADJUSTED BUDGET	EXPENDED/ ENCUMBERED AS OF 12/21/10	REMAINING BALANCE
<u>Revenues</u>							
3000-800-9100-8320 Transfer from 98M Nav 07 CTF Fund 3052	0	0	737,654	0	737,654	0	737,654
TOTAL FUND REVENUES	325,819	326,993	737,654	0	1,064,647		
<u>Expenditures</u>							
3000-581-9900-9908 Reserve- New Projects	0	0	687,654	0	687,654	0	687,654
3000-581-P370-6509 Mitigation	5,293	5,293	50,000	0	55,293	0	55,293
TOTAL FUND EXPENDITURES	325,819	326,993	737,654	0	1,064,647		

Administration

Signatures & Dates

BY BOARD OF COUNTY COMMISSIONERS

AT MEETING OF 12/21/2010

INITIATING DEPARTMENT/DIVISION
Administration/Budget Department Approval
OFMB Department - Posted

Sharon LaRocca
NDK 12/16/2010
12/15/10
12/15/10
12/16/10

Deputy Clerk to the
Board of County Commissioners