

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: August 16, 2011

(X) Consent

() Regular

() Workshop

() Public Hearing

Department

Submitted By: Environmental Resources Management

Submitted For: Environmental Resources Management

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to:

- A) **Approve** a 20-year term Florida Greenways and Trails Designation Agreement (Designation Agreement) with the Florida Department of Environmental Protection for the County's Pine Glades Natural Area; and
- B) **Authorize** the County Administrator, or his designee, to sign a Resource Certification once every five years from the date of this Designation Agreement.

Summary: On February 15, 2011, the Board ratified an Application for Designation of the Pine Glades Natural Area as part of the Florida Greenways and Trails System. The application was subsequently approved by the Greenways and Trails Council on February 22, 2011. Pursuant to the Designation Agreement, the County will be required to provide annual reports showing that the natural, recreational, cultural and/or historic resources identified in the designation agreement are being managed/maintained in accordance with the Board-approved management plan for the natural area (May 8, 2008, item 6D-1). It is expected that annual site evaluation reports currently prepared by the County's Department of Environmental Resources Management will meet this requirement. Therefore, approval of the Designation Agreement is not expected to have any fiscal impact. District 1 (SF)

Background and Justification: The Florida Greenways and Trails designation program was established to further the purposes, goals, and objectives of the Florida Greenways and Trails System; ensure an inclusive and interconnected system of greenways and trails; encourage voluntary partnerships in conservation, development and management of system components; provide recognition for individual components of the system and those partners involved; and raise public awareness of the conservation and recreation benefits of the system components. In order to become a designated Florida Greenway and/or Trail, the designated land or waterway must protect and/or enhance natural, recreational, cultural or historic resources; and provide linear open space, a hub or a site; or promote connectivity between or among conservation lands, communities, parks, other recreational facilities, cultural sites, or historic sites. As specified in the existing Board-approved management plan, the purpose of the Pine Glades Natural Area is to protect, restore and maintain existing natural and historic resources, and to provide passive recreational opportunities.

(continued on page 3)

Attachments:

- 1. Pine Glades Natural Area Location Map
- 2. Designation Agreement

Recommended by: Richard E. Walch 7/13/11
Department Director Date

Approved by: [Signature] 7/29/11
County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2011	2010	2013	2014	2015
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

* Approval of the Recreational Greenways and Trails Designation Agreement will not result in any fiscal impacts to the County. Ongoing maintenance and restoration of the natural area are included in the Board-approved management plan. Costs related to these activities are already budgeted on an annual basis or as specific management/restoration contracts are approved. Similarly, costs associated with the proposed public use facilities will be budgeted when contracts to build the facilities are let. Approval of the Designation Agreement may ultimately help the County obtain grant funds from the Recreational Trails Program to help pay for public use facilities contemplated in the Pine Glades Natural Area management plan. JP

C. Department Fiscal Review:

III. REVIEW COMMENTS

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

OFMB

Contract Development and Control

B. Legal Sufficiency:

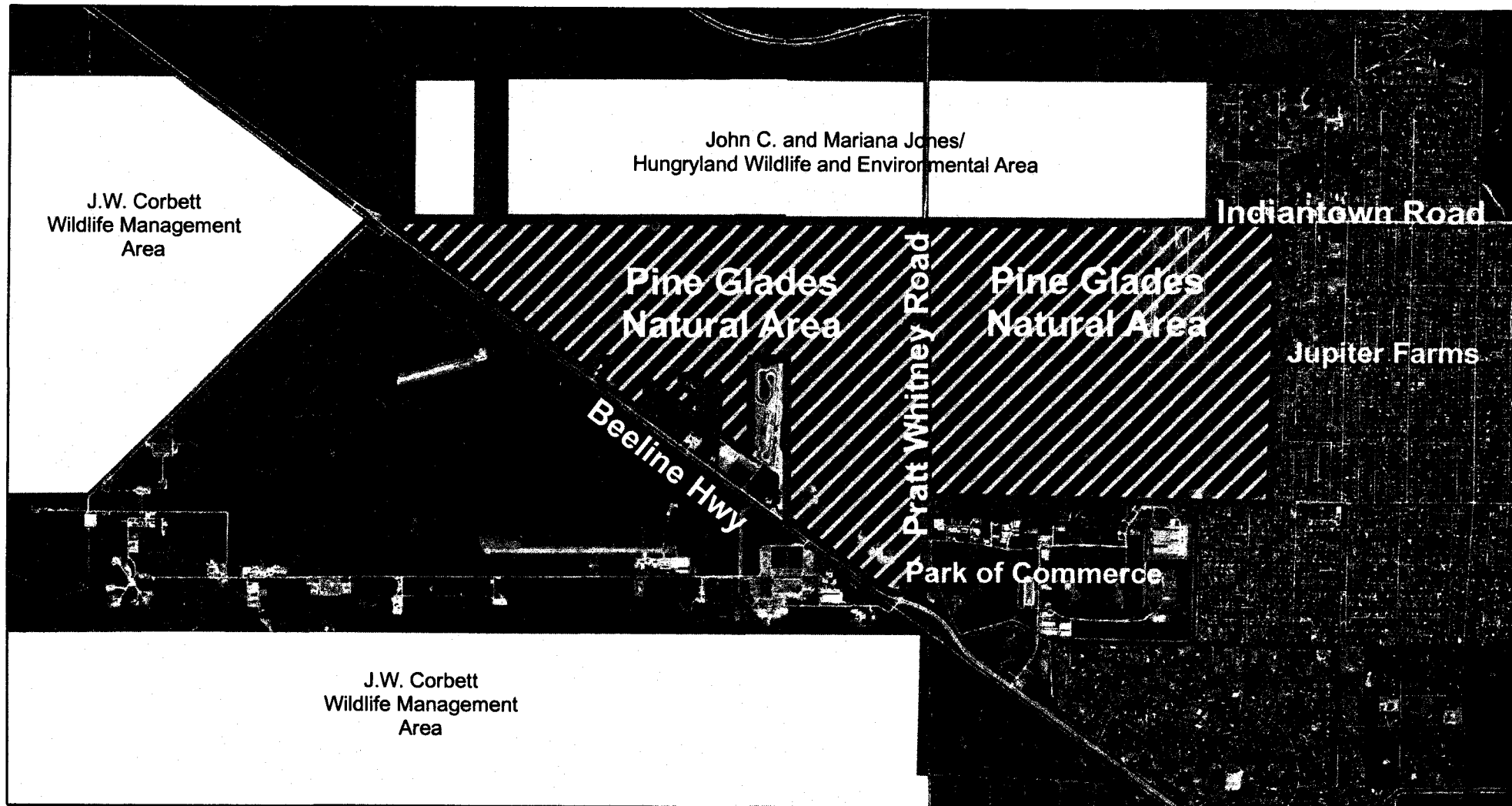
Assistant County Attorney

C. Other Department Review:

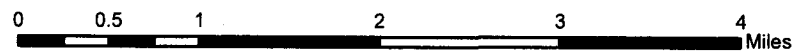
Department Director

(Continued from page 1):

Staff expects to apply for a grant to help fund trail and public use facilities within the Pine Glades Natural Area through the federal Recreational Trails Program (RTP) administered by Florida's Office of Greenways and Trails (OGT) early next calendar year. Approval of this Designation Agreement will allow the County to earn 3 additional points and improve the County's chance of receiving RTP funds. Approval of the Designation Agreement will also result in greater exposure for the natural area via inclusion of the Pine Glades Natural Area on the state's Greenways and Trail web site.



Pine Glades Natural Area Location Map



N
Palm Beach County
Department of Environmental
Resources Management



July 8, 2011:slm

Designation Number

**STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
FLORIDA GREENWAYS AND TRAILS PROGRAM****DESIGNATION AGREEMENT**

This Designation Agreement, entered into on this _____ day of _____, 2011, by and between STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, DIVISION OF RECREATION AND PARKS, OFFICE OF GREENWAYS AND TRAILS (hereinafter referred to as "Department") and PALM BEACH COUNTY, FLORIDA (hereinafter referred to as "Landowner" or "Manager"), by and through the undersigned, formally designates the public lands depicted in Exhibit A attached hereto and incorporated herein by reference (hereinafter referred to as "designated lands") as part of the Florida Greenways and Trails System, as defined in Section 260.014, Florida Statutes.

WITNESSETH:

WHEREAS, the Department is given authority in Section 260.016, Florida Statutes, to develop and implement a voluntary process for designation of lands or waterways as a part of the statewide system of greenways and trails.

NOW THEREFORE, in consideration of the mutual benefits to be derived herefrom, the parties do hereby agree to the following:

1. The Manager:

- a. Shall be responsible for the management, operation and maintenance of the designated lands, in accordance with Exhibit B attached hereto and by this reference made a part hereof.
- b. Shall be responsible for notifying the Department of any change in the following: property ownership (if known) or management; the condition or extent of natural, recreational, cultural or historic resources described in the designation application or its attachments; or the expansion or improvement of the project or its amenities and facilities.
- c. Shall submit a Resource Certification, a copy of which is attached hereto as Exhibit C and incorporated herein by reference, at the request of the Department, every five years from the date of this Designation Agreement, which states that the natural, recreational, cultural or historical resources identified on the designated lands are being maintained.

2. The Department:

- a. Shall provide signs, if requested by the Manager, indicating the property is designated as part of the Florida Greenways and Trails System.

- b. Shall provide technical and financial assistance, if available, or identify other sources of funding available for management and restoration needs.
- c. Agrees that this Designation Agreement shall have no effect upon the disposition of improvements made to the public lands by the Landowner, the Department, or others, whether existing at the time of designation or to be constructed or erected later, unless otherwise agreed herein.

3. The Landowner and Department agree to the following:

- a. That sufficient information exists and/or field verification has occurred to assure that the characteristics of the public lands meet the criteria contained in Rule 62S-1.400, Florida Administrative Code.
- b. That this Designation Agreement will be subordinate to the interests stated in any existing leases, subleases, management plans, licenses, easements or other agreements or encumbrances previously executed and currently in effect for any portion of the designated public lands.

4. Term, Modification and Termination of this Designation Agreement:

- a. The term of this Designation Agreement shall be 20 years.
- b. This Designation Agreement may be modified to encompass additional adjacent public lands owned by the Landowner. Any such modification to this Designation Agreement shall not be valid unless it complies with the requirements set forth in paragraph 5. below.
- c. The Department may withdraw from this Designation Agreement at anytime or remove the said designated lands from the Florida Greenways and Trails System by action of the Secretary if:
 - (1) the component fails to accomplish or becomes unsuitable for the purposes for which it was designated; or
 - (2) there is no longer an ability to manage the designated lands as intended in this Designation Agreement and no replacement manager can be identified.
- d. In the event that the ownership of the designated lands changes, this Designation Agreement will be null and void.
- e. The Landowner has the statutory right to remove the public lands from designation at any time by providing the Department with a written request that references this Designation Agreement.

5. This Designation Agreement represents the entire agreement of the parties. Any alterations, variations, changes, or modifications of this Designation Agreement shall only be valid when they have been reduced to writing, duly signed by each party hereto and attached to this Designation Agreement.

This Designation Agreement is executed by a duly authorized representative of each party on the day and year first above written.

ATTEST:
SHARON R. BOCK
Clerk & Comptroller

COUNTY:
PALM BEACH COUNTY, a political
subdivision of the State of Florida
By its Board of County Commissioners

By: _____
Deputy Clerk

By: _____
Karen T. Marcus, Chair

Date: _____

Date: _____

(OFFICIAL SEAL)

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

APPROVED AS TO TERMS
AND CONDITIONS:

By: _____
Assistant County Attorney

By: Richard E. Walczyk
Department Director

Date: _____

Date: 7/13/11

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL
PROTECTION, DIVISION OF RECREATION AND PARKS,
OFFICE OF GREENWAYS AND TRAILS

By: _____
Jim M. Wood, Program Administrator

Approved as to Form and Legality

By: _____
DEP Attorney

Exhibit A

Pine Glades Natural Area, Palm Beach County

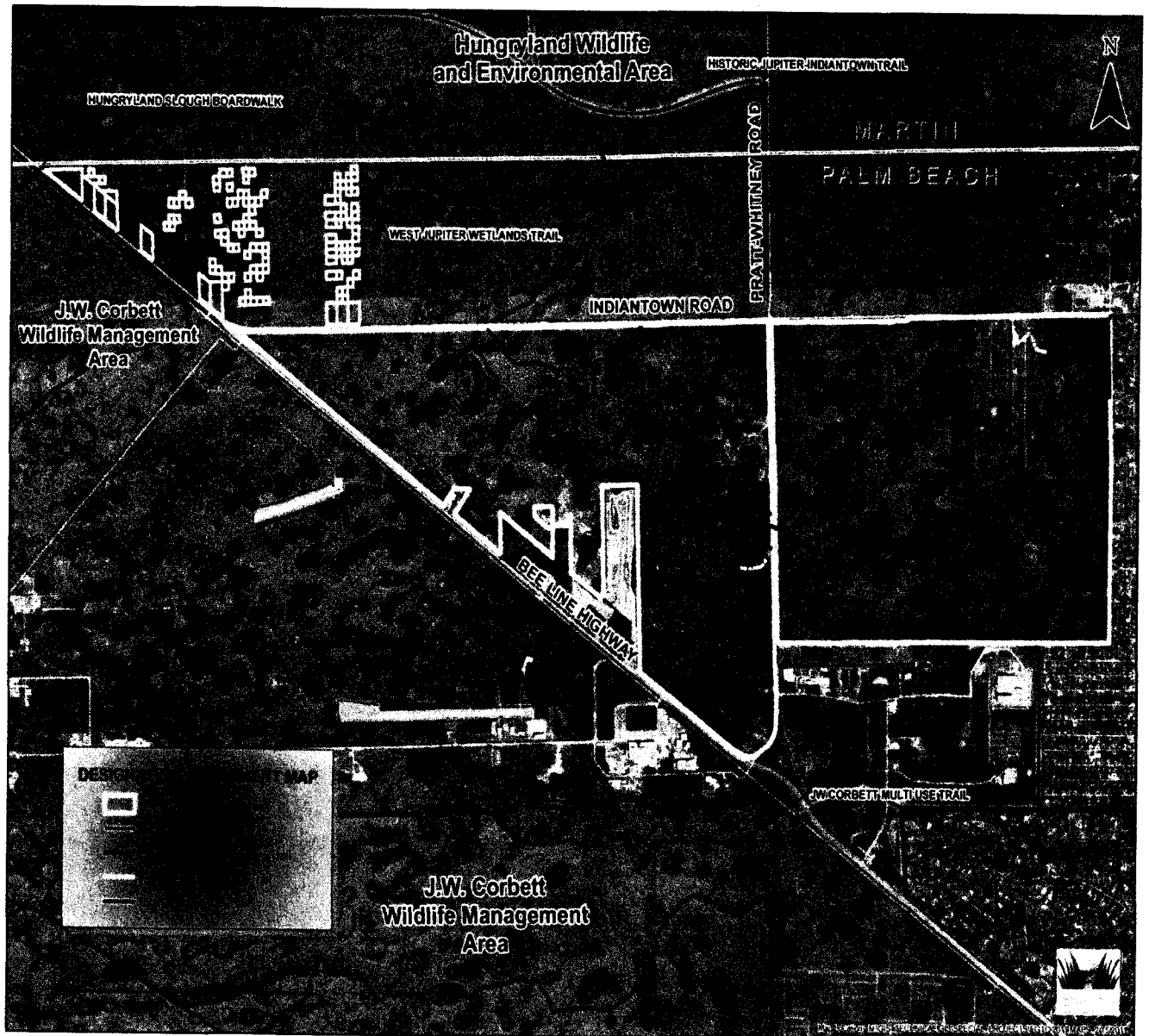


Exhibit B

Pine Glades Natural Area, Palm Beach County Land Management Plan and Operational Report

May 6, 2008

NOTE: Exhibit B is the Board-
approved management plan for Pine
Glades Natural Area
(May 8, 2008, item 6D-1) which was
provided to the state on disk



PUBLIC LANDS OR WATERWAYS DESIGNATION RESOURCE CERTIFICATION

By signing this document, the Manager does hereby certify that the natural, recreational, cultural or historic resources identified on the public lands or waterways designated as part of the Florida Greenways and Trails System in Designation Agreement Number OGT-DA0056, are being maintained in a manner consistent with the terms of the agreement.

PALM BEACH COUNTY

By: _____

Print/Type Name

Title