

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

Meeting Date: April 16, 2013

(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, tri-party Florida Greenways and Trails Designation Agreement (Designation Agreement) with the Florida Department of Environmental Protection and the Town of Jupiter for the County's North Jupiter Flatwoods 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 April 23, 2012, staff submitted an Application for Designation of the North Jupiter Flatwoods Natural Area to become part of the Florida Greenways and Trails System. The application included 144.8 acres of land owned and managed by the County, as well as a 9.3-acre cypress dome that is owned by the Town of Jupiter (Town) and managed by the County as provided for in an Interlocal Agreement dated August 20, 2002 (R2002-1435). Authorization for inclusion of the Town-owned property was provided via a signed "Owner Consent" form. The application was subsequently approved by the Florida Greenways and Trails Council on December 12, 2012. To maintain the designation, the County is required to submit a "Resource Certification" once every 5 years from the effective date of this Designation Agreement. The Resource Certification states that the natural, recreational, cultural or historic resources identified in the Designation Agreement are being maintained. Since the natural area is already being maintained in accordance with the Board-approved management plan (September 13, 2005; item 5F-1) and an Interlocal Agreement with the Town of Jupiter (R2002-1435), 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.

(Continued on page 3)

Attachments:

1. North Jupiter Flatwoods Natural Area Location Map
2. Owner Consent form signed by the Town of Jupiter
3. Designation Agreement

Recommended by: _____

Department Director

3/20/13

Date

Approved by: _____

County Administrator

4/1/13

Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

| Fiscal Years | 2013 | 2014 | 2015 | 2016 | 2017 |
|--|-------|-------|-------|-------|-------|
| 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. The construction of public use facilities, and 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 construction/management/restoration contracts are approved. Approval of the Designation Agreement may ultimately help the County obtain grant funds to help pay for public use facilities contemplated in the North Jupiter Flatwoods Natural Area land use plan.

C. Department Fiscal Review:

[Signature]

III. REVIEW COMMENTS

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

[Signature] 3/28/13
OFMB *[Signature]* 4/12/13
Contract Development and Control
4-1-13 *[Signature]*

B. Legal Sufficiency:

[Signature]
Assistant County Attorney

C. Other Department Review:

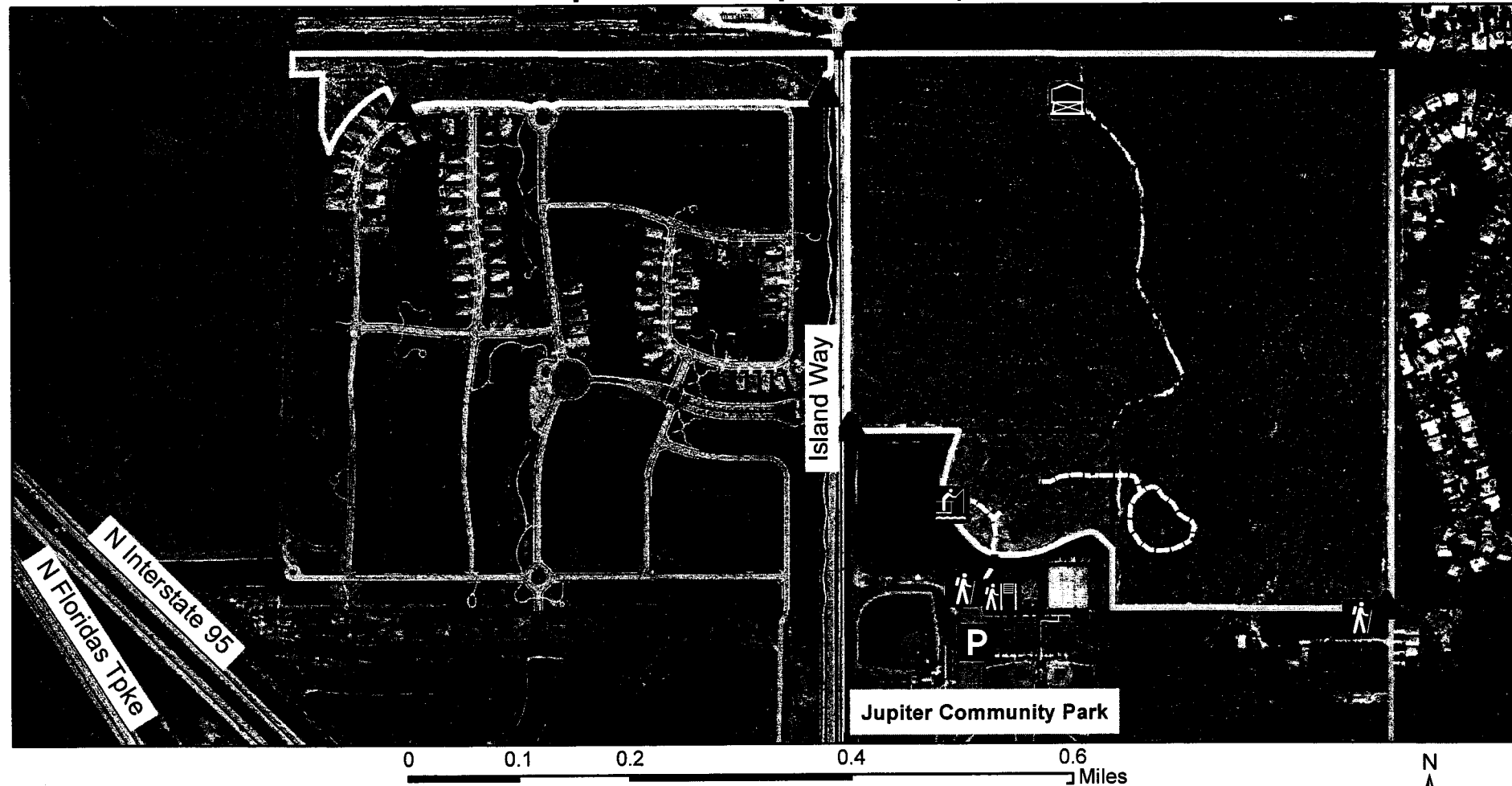
Department Director

(Continued from page 1):

Staff may apply for a grant to help fund trail and public use facilities within the North Jupiter Flatwoods Natural Area. Approval of this Designation Agreement will improve the County's chance of receiving such funds in the future. Approval of the Designation Agreement will also result in greater exposure for the natural area via inclusion of the North Jupiter Flatwoods Natural Area on the state's Greenways and Trail website.

Attachment 1

North Jupiter Flatwoods Natural Area Location Map and Conceptual Plan (154.1 Acres)



Legend

- County-owned Portion (144.8 Acres)
- Town-owned Portion (9.3 Acres)
- North Jupiter Flatwoods Natural Area
- Jupiter Community Park
- Jonathan Dickinson State Park
- Palm Beach/Martin County Line
- Fishing Platform
- Informational Kiosk
- Observation Platform
- Parking Lot
- Pedestrian Access
- Management Access Gate
- Concrete Trail
- Boardwalk
- Hiking Trail



Palm Beach County
Department of Environmental
Resources Management
April 11, 2012:slm

Attachment 2

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF GREENWAYS AND TRAILS**

OWNER CONSENT

TO DESIGNATION OF LANDS OR WATERWAYS AS PART OF THE
FLORIDA GREENWAYS AND TRAILS SYSTEM

TO: Office of Greenways and Trails
Department of Environmental Protection
3900 Commonwealth Blvd., Mail Station 795
Tallahassee, FL 32399-3000

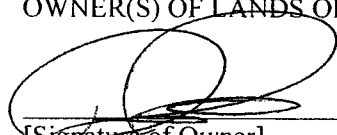
RE: North Jupiter Flatwoods Natural Area - Town-owned Portion
Name of Project
NE corner of Palm Beach County, north of Jupiter Community Park, east of Island Way
Address or Location of Project

FROM: Town of Jupiter
Name of Owner(s)
210 Military Trail Jupiter, FL 33458
Address, City, State and Zip Code of Owner(s)
(561) 746-5134 (561) 575-7785
Telephone No. Facsimile No.

The undersigned Owners(s) of fee simple title in and to the lands and/or waterways described on the attached Exhibit "A," all of which lie within the project boundary of the above-named greenways and trails project, hereby consents to designation of said lands and/or waterways as part of the Florida Greenways and Trails System. By execution of this consent, the undersigned confirms said Owner(s)' willingness to negotiate with representatives of the Department of Environmental Protection to formulate a mutually satisfactory designation agreement to govern participation of the Owner(s)' lands and/or waterways in the Florida Greenways and Trails System.

DATE: 2-17-2012
Russell Ruskay,
Director of Business Development
[Printed Name of Owner]

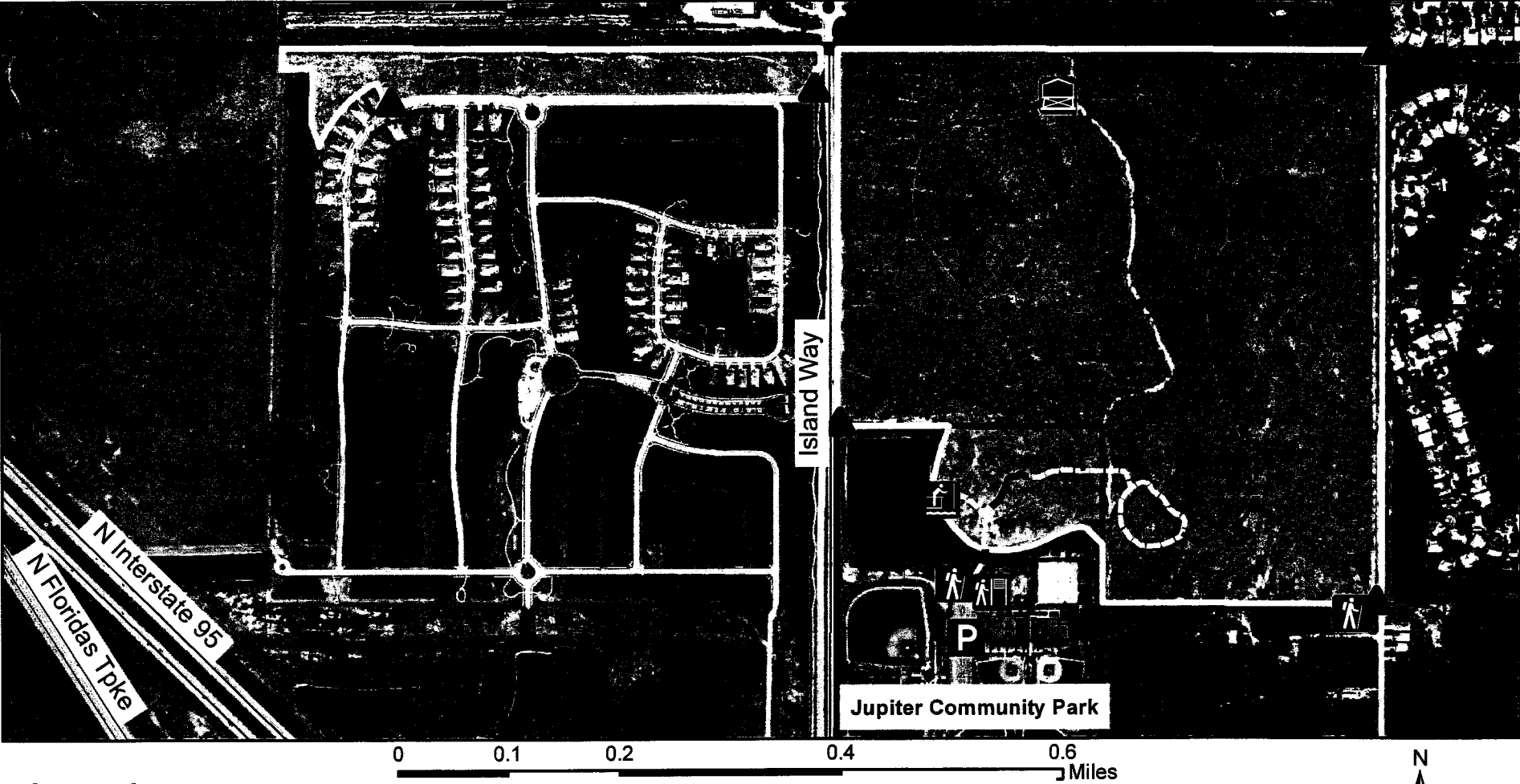
OWNER(S) OF LANDS OR WATERWAYS:


[Signature of Owner]

[Printed Name of Owner]

[Signature of Owner]

Figure 1
North Jupiter Flatwoods Natural Area
Location Map and Conceptual Plan (154.1 Acres)



Legend

- | | |
|--------------------------------------|------------------------|
| County-owned Portion (144.8 Acres) | Fishing Platform |
| Town-owned Portion (9.3 Acres) | Informational Kiosk |
| North Jupiter Flatwoods Natural Area | Observation Platform |
| Jupiter Community Park | Parking Lot |
| Jonathan Dickinson State Park | Pedestrian Access |
| Palm Beach/Martin County Line | Management Access Gate |

- | |
|----------------|
| Concrete Trail |
| Boardwalk |
| Hiking Trail |

N



Palm Beach County
Department of Environmental
Resources Management
April 11, 2012:slm

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

**DESIGNATION AGREEMENT
NORTH JUPITER FLATWOODS NATURAL AREA**

This Designation Agreement, entered into on this _____ day of _____, 2013, 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"), PALM BEACH COUNTY, FLORIDA (hereinafter referred to as "Landowner/Manager"), and the TOWN OF JUPITER (hereinafter referred to as "Landowner") 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 technical and financial assistance, if available, or identify other sources of funding available for management and restoration needs.
- b. Agrees that this Designation Agreement shall have no effect upon the disposition of improvements made to the public lands by the Landowner, the Manager, 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, Manager 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: _____
Steven L. Abrams, Mayor

Date: _____

Date: _____

(OFFICIAL SEAL)

"LANDOWNER/MANAGER"

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

APPROVED AS TO TERMS
AND CONDITIONS:

By: 
Assistant County Attorney

By: 
Department Director

Date: 4/5/13

Date: 3/20/13

TOWN OF JUPITER

By: 
Russell Ruskay, Business Development Director

Date: 3-19-13

"LANDOWNER"

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

By: _____
Donald Forgione, Director

Date: _____

"DEPARTMENT"

Approved as to Form and Legality

By: _____
FDEP Attorney

EXHIBIT A

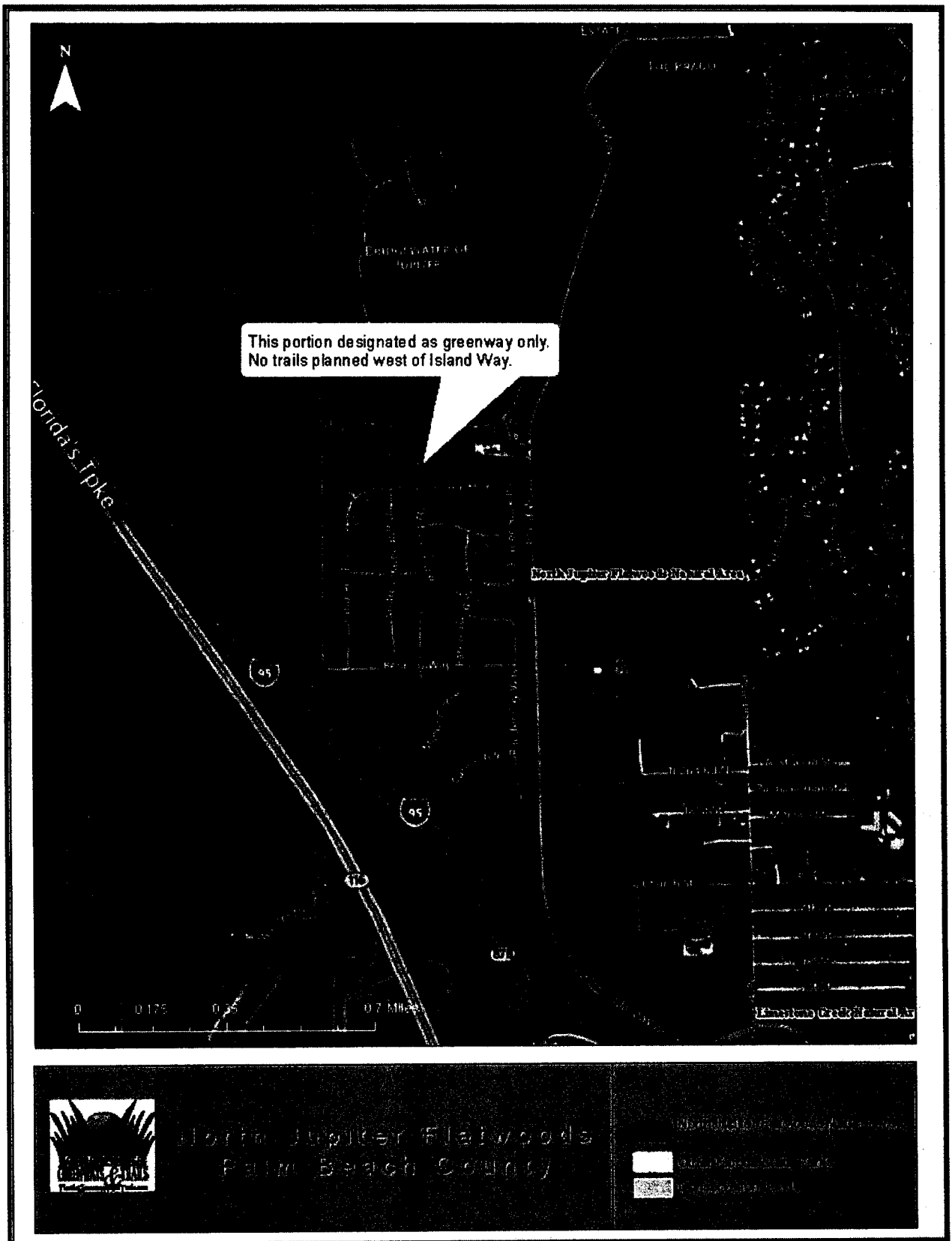


EXHIBIT B – USE PLAN
North Jupiter Flatwoods Natural Area

The 154.1-acre North Jupiter Flatwoods Natural Area (natural area) is located within the municipal boundaries of the Town of Jupiter in northeastern Palm Beach County. Most of the natural area is located north of Jupiter Community Park and east of Island Way (see Figure 1). The natural area also includes a 13.9-acre, 0.5-mile long, planted wildlife corridor that lies west of Island Way. The wildlife corridor was designed to connect the environmentally-sensitive portion of the natural area with Jonathan Dickinson State Park via a “critter underpass” that lies under Island Way, and does not include plans for recreational trails. Palm Beach County (County) owns 144.8 acres of land within the natural area, including 130.9 acres of environmentally-sensitive lands and the 13.9-acre wildlife corridor. An additional undeveloped 9.3-acre cypress dome area is owned by the Town of Jupiter (Town), but is managed by the County as part of the natural area. The entire natural area is managed by the County’s Department of Environmental Resources Management (ERM) and is part of a system of linked conservation lands within Palm Beach County.

The primary purpose for the acquisition of the County-owned portion of the natural area was to preserve four high quality Florida native ecosystems - depression marsh, mesic flatwoods, dome swamp, and wet flatwoods vegetation communities – and their associated wildlife populations. The secondary purpose of the County’s acquisition was to provide for passive, resource-based recreation, environmental education, and scientific research. Designation of the natural area as part of the Florida Greenways and Trails System will help accomplish both the County’s and Town’s preservation and passive recreational goals for this site.

Primary public access to the natural area will be provided via an existing parking area in Jupiter Community Park (Figure 1). The adjacent park provides active recreational opportunities and restroom facilities that will compliment the passive recreational opportunities afforded by the natural area. Access from the existing parking area will be provided via a pedestrian bridge/boardwalk that will be constructed across a narrow portion of a manmade lake at the northern end of the park. The bridge will connect to an accessible nature trail and natural-surfaced hiking trails on the natural area. A kiosk containing information about the natural area has been constructed on Jupiter Community Park property between the parking lot and the proposed bridge/boardwalk crossing location. A bike rack will be installed on park property near the kiosk to encourage the use of alternative methods of transportation to get to the natural area. Public access to the natural area will also be provided via a pedestrian maze gate which will be installed at the southeast corner of the natural area. This gate will provide access from the adjacent Limestone Creek neighborhood.

Access to the natural area from the Jupiter Community Park parking lot will be via a 159-foot long accessible concrete trail and a 69-foot long wooden boardwalk/bridge (Figure 1). These two trail segments are within the park and are not part of this Application for Designation. The remaining facilities described in this document will be located within the natural area and are part of this application.

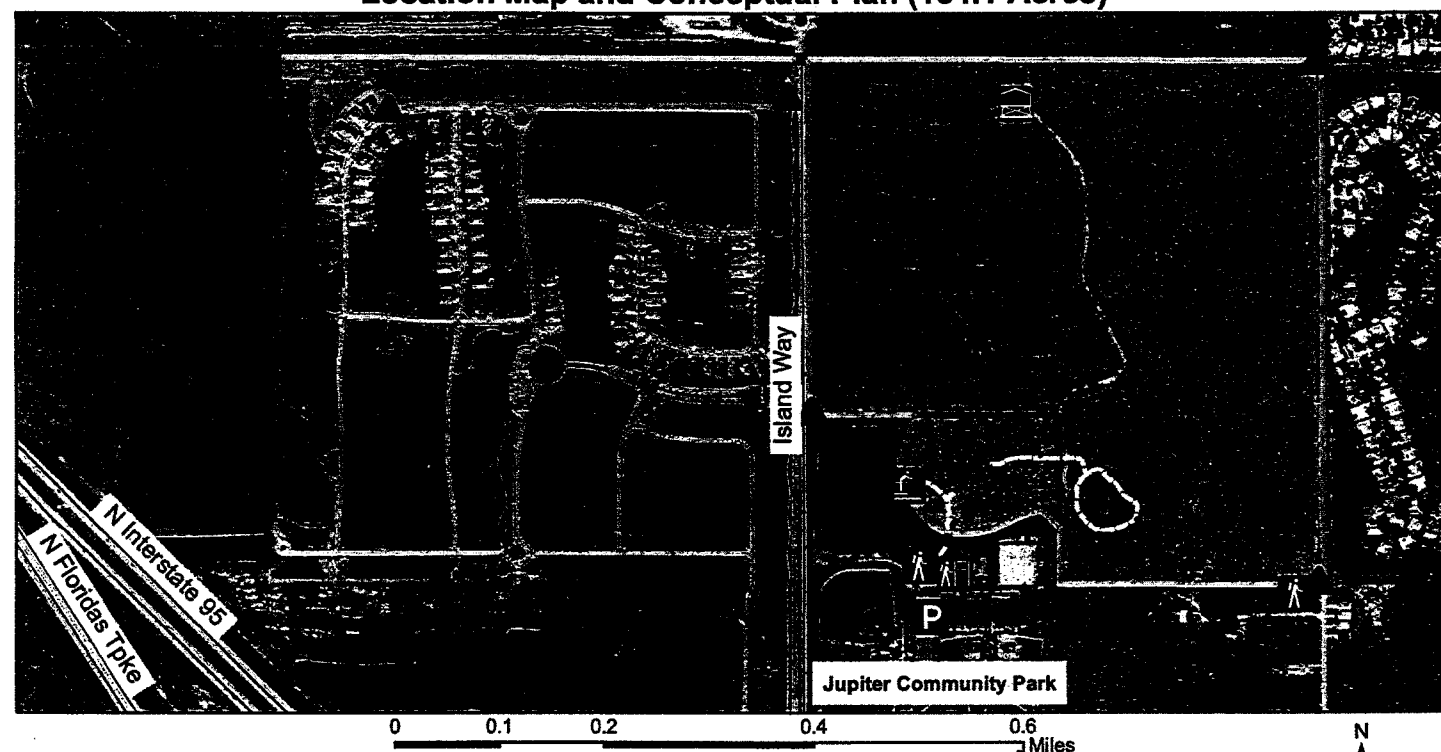
Public use facilities planned on the Town-owned portion of the natural area (Figure 1) include a fishing platform with a shade shelter and benches along the northeastern portion of the manmade lake; a 1,123-foot segment of a planned 2,278-foot long (total length within the natural area), fully-accessible, 5-foot wide concrete/wooden boardwalk nature trail; and a 243-foot segment of a planned 5,578-foot (total length) natural-surfaced/wooden boardwalk hiking trail.

Public use facilities planned for the County-owned part of the natural area (Figure 1) include a 1,155-foot segment of the planned 2,278-foot long (total length within the natural area), fully-accessible, 5-foot wide concrete/wooden boardwalk nature trail; 5,335 feet of the 5,578-foot (total length) natural-surfaced/wooden boardwalk hiking trail; and all of the 11,733-foot long management accessway system. The management accessway system will serve several purposes: it will provide the County and its contractors with access to various portions of the site, it will act as a firebreak during prescribed burns, and it will serve as an additional natural-surfaced hiking area for pedestrians. An observation platform with a shade shelter also will be constructed in the northern part of the natural area where the hiking trail crosses the wet flatwoods community.

Construction of all public use facilities is expected to be completed within the next 3 years.

A copy of the full management plan is on file, and can also be found at <http://www.co.palm-beach.fl.us/erm/natural/natural-areas/management-plans.htm#codeword12>.

Figure 1
North Jupiter Flatwoods Natural Area
Location Map and Conceptual Plan (154.1 Acres)



Legend

- | | | |
|--------------------------------------|------------------------|----------------|
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| Palm Beach/Martin County Line | Management Access Gate | |



Palm Beach County
Department of Environmental
Resources Management
April 11, 2012:slm



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-DA0062, are being maintained in a manner consistent with the terms of the agreement.

PALM BEACH COUNTY DEPARTMENT OF
ENVIRONMENTAL RESOURCES MANAGEMENT

By: _____

Print/Type Name

Title