

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2014	2015	2016	2017	2018
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 management, maintenance and restoration of the natural area are already budgeted on an annual basis or as specific 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 Cypress Creek Natural Area management plan.

C. Department Fiscal Review: *JP*

III. REVIEW COMMENTS

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

<i>LSusan Theary 10/16/13</i>	<i>Jim J. Jacobson 10/22/13</i>
OFMB <i>KW</i> <i>10/16</i> <i>10/16/13</i>	Contract Development and Control

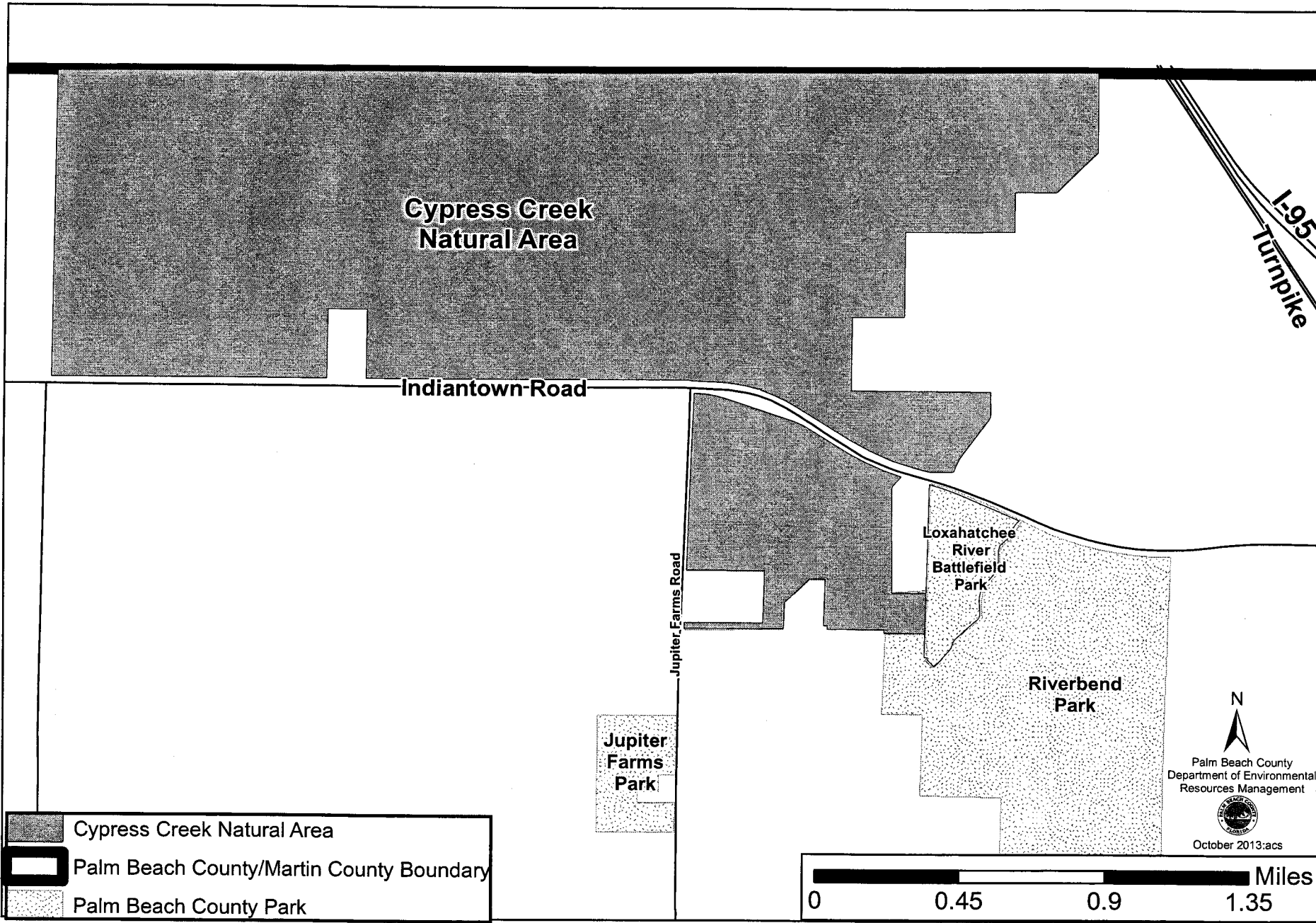
B. Legal Sufficiency:

[Signature]

 Assistant County Attorney

C. Other Department Review:

 Department Director



Attachment 1

Cypress Creek Natural Area Location Map

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

**DESIGNATION AGREEMENT
CYPRESS CREEK 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") 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 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 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: _____
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: 10/23/13

Date: 10/16/13

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

By: _____
Samantha Browne, Bureau Chief

Date: _____

"DEPARTMENT"

Approved as to Form and Legality

By: _____
FDEP Attorney

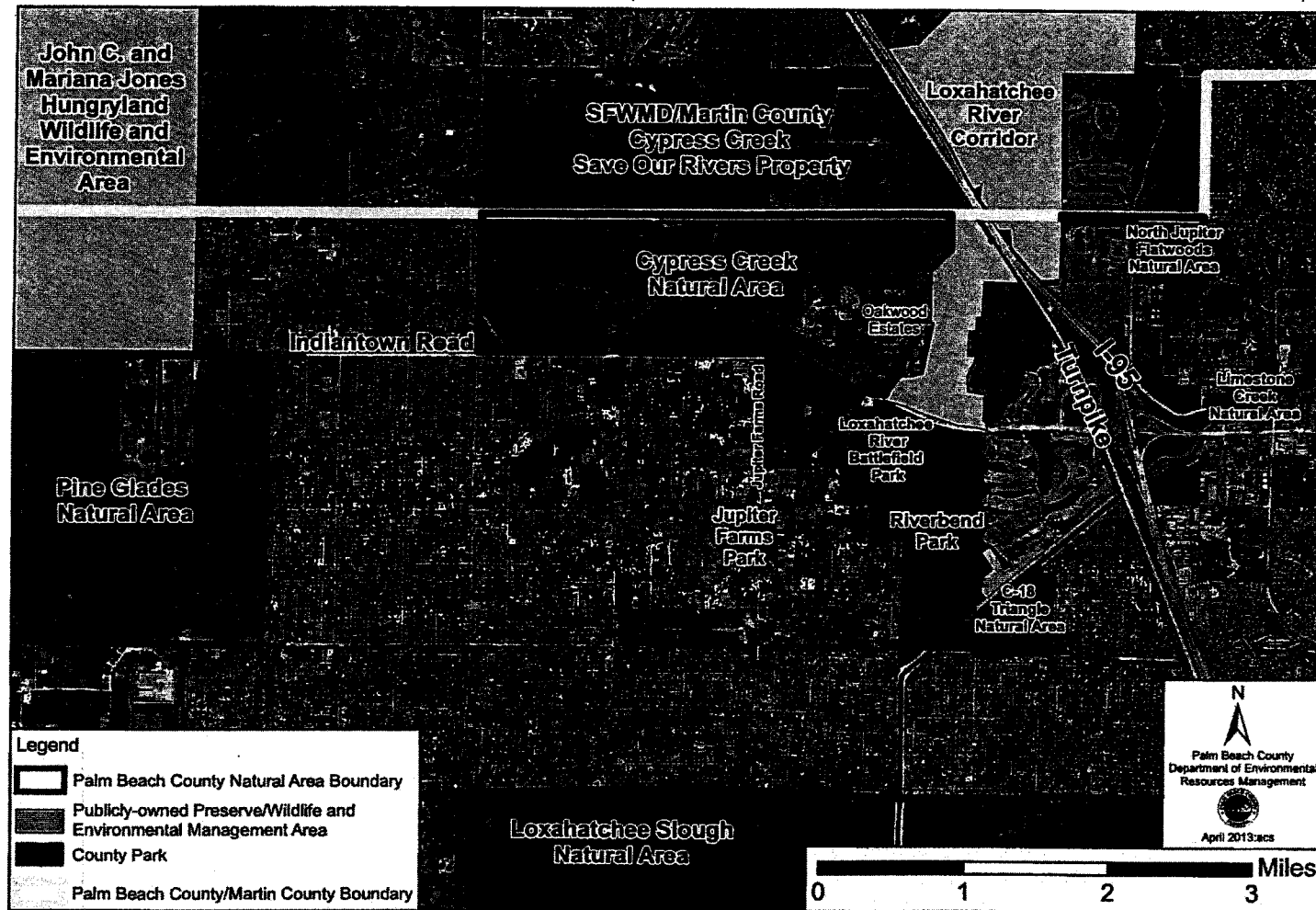


Figure 1. Cypress Creek Natural Area Location Map

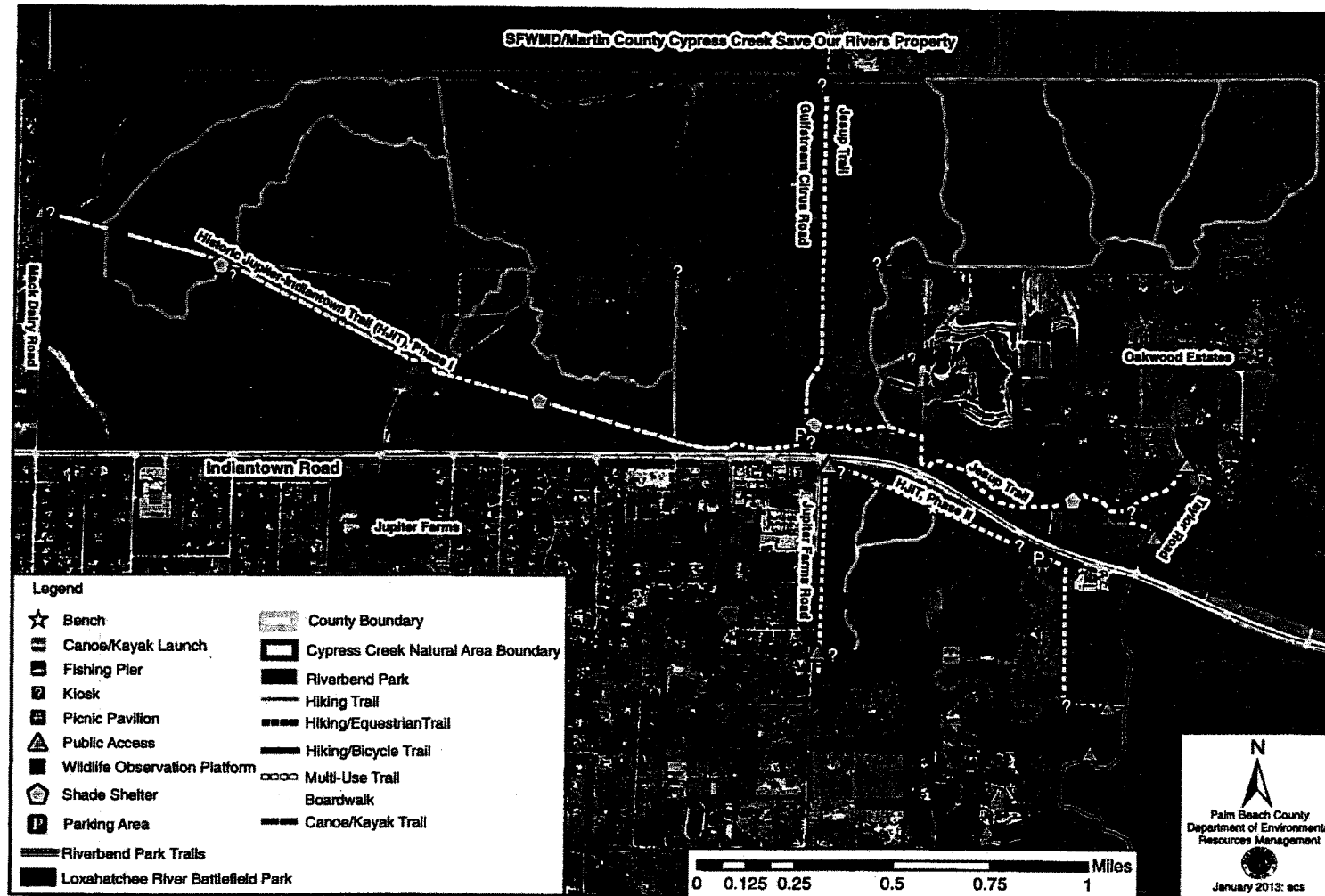


Figure 2. Cypress Creek Natural Area Public Use Facilities Map

EXHIBIT B
Cypress Creek Natural Area
General Description

The 2,083.1-acre Cypress Creek Natural Area (natural area) is located in northeastern Palm Beach County (Figure 1), just west of the Town of Jupiter. The entire natural area is within an unincorporated portion of Palm Beach County (County). The part of the natural area that lies north of Indiantown Road is bordered to the north by the Martin County portion of the "Cypress Creek Save Our Rivers" project; to the east by the state- and federally-designated Loxahatchee Wild and Scenic River corridor; to the south by Indiantown Road (State Road 706) and a 17.9-acre outparcel; and to the west by Mack Dairy Road. The southern portion of the natural area is bound by Indiantown Road to the north; the Loxahatchee River District property and the County's Loxahatchee River Battlefield Park to the east; the County's Riverbend Park and a portion of the Jupiter Farms residential subdivision to the south; and Jupiter Farms Road to the west.

The primary objectives for the acquisition and management of the Cypress Creek Natural Area are to help protect the Wild and Scenic Loxahatchee River, and high-quality examples of basin marsh, blackwater stream, depression marsh, dome swamp, floodplain swamp, hydric hammock, mesic flatwoods, mesic hammock, scrubby flatwoods, strand swamp and wet flatwoods. Historical resources, including a portion of the Loxahatchee River Battlefield, remnants of the Rood Settlement, Native American middens, and a segment of the historic Jupiter-Indiantown Road also will be preserved. The secondary objectives are to provide the general public with opportunities for recreational activities, environmental education, and scientific research which are consistent with the primary objectives.

The main public access point to the northern portion of the natural area is via an existing parking lot just north of the Indiantown Road/Gulfstream Citrus Road intersection (Figure 2). This parking lot consists of a compressed, recycled-asphalt parking area that can accommodate eight cars (including one dedicated handicap parking space), and three buses or horse trailers. This parking lot includes a bike rack, a large, chickee-hut shade shelter with interpretive kiosk, and a non-potable water pump.

A second parking lot will be constructed south of Indiantown Road. This parking lot will initially include ten car spaces (one of which will be a designated handicap parking space) and two bus/trailer spaces. The southern parking lot will be designed and constructed in a manner that will allow it to be expanded to provide space for twenty cars and four buses/trailers, if it is determined that additional parking is needed at the natural area. A bicycle rack will be provided at the southern parking lot to encourage the use of alternative transportation to the natural area. This parking lot will also include an interpretive kiosk and picnic shelter. Additional access to the natural area is and will be provided by a series of public access gates both north and south of Indiantown Road.

If additional parking for cars is needed after the southern parking area has been constructed, the County will investigate the feasibility of constructing one or two small primitive parking facilities north of Indiantown Road. One area that will be investigated is near the southern pedestrian/equestrian/bicycle entrance to the natural area just west of Taylor Road. Another area that will be investigated is along the western border of the natural area near the intersection of Mack Dairy Road and Phase I of the Historic Jupiter-Indiantown Trail (a 2.1-mile-long, 10-foot-wide shell-rock multi-use trail). Each location will be evaluated to determine if a small parking lot (two to four cars) could be constructed without significantly impacting intact native vegetation communities and if conditions on the adjacent road would allow for safe entry and exit to/from the parking lot if one was constructed at either of these locations.

Proposed and existing recreational facilities and interpretive features include a series of hiking and multi-use trails, a canoe/kayak launch and trail, a fishing pier and other public use facilities. The total length of all existing and proposed trails on the natural area is 19.7 miles. This includes 10.3 miles of hiking trails, 7.8 miles of multi-use trails (approximately 6.0 miles of trail designated for use by pedestrians, equestrians and bicyclists, a 1.0-mile trail designated for use by pedestrians and equestrians, and a 0.8-mile trail designated for use by pedestrians and bicyclists), and 1.6 miles of canoe/kayak trails. Other public use facilities constructed north of Indiantown Road include four wildlife observation platforms, four shade shelters and eight interpretive/informative kiosks. An uncovered wildlife observation platform, a shade shelter/picnic pavilion with two picnic tables, fishing pier, canoe/kayak launch, four interpretive kiosks and two benches will be constructed south of Indiantown Road in conjunction with an environmental restoration project within the next 2-3 years.

Local schools and environmental groups are invited to use the natural area for nature study, environmental education and community service projects. The volunteer program of the Palm Beach County Department of Environmental Resources Management provides opportunities for people from schools and businesses, and members of the general public to learn about the natural area and environmental conservation through the firsthand experience of removing nonnative plants and trash from the nature area, and by participating in site restoration activities such as planting projects. Scientific research permitted on the site may include monitoring of populations of rare and/or endemic species, and evaluation of restoration and management techniques.

For additional information, see online management plan at: http://www.co.palm-beach.fl.us/erm/natural/natural-areas/pdf/cypress-creek_management_plan.pdf

EXHIBIT C



**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-DA0064, 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