

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: July 11, 2017 (X) Consent () Regular
() Ordinance () Public Hearing

Department
Submitted By: Environmental Resources Management
Submitted For: Environmental Resources Management

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: an updated Management Plan (Plan) for Hypoluxo Scrub Natural Area.

Summary: The Plan identifies natural resources present on the site, provides for the preservation, restoration, management and passive recreational uses of those resources, and summarizes significant onsite events that occurred following BCC approval of the initial plan in 2003. The next update to the Plan will be due in 2027. District 7 (AH)

Background and Justification: The Natural Areas Management Advisory Committee reviewed and unanimously recommended the Plan for approval at its May 19, 2017 meeting.

The public use facilities, environmental restoration activities, fencing and signage have been completed. The annual cost to maintain the site’s natural resources is estimated to be \$54,580. This includes costs associated with prescribed burns/mechanical vegetation reduction, and ongoing nonnative/invasive animal and plant control. Funding for natural resources maintenance is expected to come from the Natural Areas Fund, Natural Areas Stewardship Endowment Fund, Ag Reserve Land Management Fund and/or Ad valorem funding. Staff also will pursue grants to offset a portion of land management costs.

Attachments:
1. Hypoluxo Scrub Natural Area Management Plan

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Recommended by:  5/31/17
Department Director Date

Approved by:  6/20/17
Deputy County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2017	2018	2019	2020	2021
Capital Expenditures	\$54,580	\$56,217	\$57,904	\$59,641	\$61,430
Operating Costs					
External Revenues					
Program Income (County)					
In-Kind Match (County)					
NET FISCAL IMPACT	\$54,580	\$56,217	\$57,904	\$59,641	\$61,430
# ADDITIONAL FTE POSITIONS (Cumulative)					

Is Item Included in Current Budget? Yes X No _____
Budget Account No.: Fund 1226 Department 380 Unit 3162 Object Various
Program _____

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

Fiscal year 2017 costs include \$54,580 to maintain the natural resources on the site. Over the past five years, maintenance costs for County owned/managed natural areas have increased an average of 3% per year. Actual costs for FY 2018 and beyond may be higher or lower than projected. Funds for the maintenance of the site's natural resources are expected to come from the Natural Areas Fund (1226), Natural Areas Stewardship Endowment Fund (1220), Ag Reserve Land Management Fund (1222) and/or Ad valorem funding.

C. Department Fiscal Review: S. Henry

III. REVIEW COMMENTS

A. OFMB Fiscal and /or Contract Administrator Comments:

[Signature] 6/15/17
OFMB ET 6/14 EB 6/15

Ann J. Jacobus 6/19/17
Contract Administrator

B. Legal Sufficiency:

Anne Helgert 6-19-17
Assistant County Attorney

C. Other Department Review:

Department Director



MANAGEMENT PLAN FOR

HYPOLUXO SCRUB NATURAL AREA

FCT PROJECT # 01-035-FF1 - HYPOLUXO SCRUB NATURAL AREA

2017

Prepared by:

Palm Beach County
Department of Environmental Resources Management
2300 North Jog Road, 4th Floor
West Palm Beach, Florida 33411-2743

THE PALM BEACH COUNTY NATURAL AREAS SYSTEM MANAGEMENT STATEMENT

The Palm Beach County Natural Areas System is comprised of those environmentally sensitive lands that are owned or leased by the County and managed as natural areas by the County's Department of Environmental Resources Management. These natural areas were selected and acquired to preserve the rare and diverse native ecosystems present on these sites and the endangered, threatened, and rare species of plants and animals that live there.

Purpose and Goals of the Natural Areas System

- *The purpose of the Natural Areas System is to protect, restore and manage remnant native ecosystems, and the plants and animals characteristic of those ecosystems, in perpetuity, throughout Palm Beach County. The management of each natural area shall be coordinated with that of the other natural areas in the system.*
- *Attempts shall be made to maintain physical and/or biological connections with other publicly- or privately-owned natural areas through additional land acquisitions, conservation easements, interlocal agreements, greenway/trail connections and other appropriate actions.*

Management Considerations

- *County natural areas shall be open to the public for non-consumptive/non-destructive, resource-based recreation, environmental education and scientific research. Public use shall not take precedence over ecosystem protection. Public uses shall be limited to those that are compatible with the perpetual preservation and management of the native ecosystems, plants and animals found on the natural area.*
- *All public use facilities shall be chosen, designed and located to have minimal impact on the rare and imperiled plants, animals and natural communities found on the natural area. Facilities, structures or roads (other than management accessways/firebreaks or access roads) that would cause fragmentation of a natural area shall not be permitted.*
- *To the extent practicable, fire-maintained native ecosystems shall be burned at the fire interval necessary to maintain those ecosystems. Burns shall be conducted by trained personnel, using a prescribed burn plan that addresses safety and smoke concerns.*
- *Native ecosystems that have been impacted by invasive/nonnative plant infestations, land-clearing activities, drainage and/or other man-made disturbances shall be restored to their previous condition, if practicable, or to a native ecosystem that is better suited to current environmental conditions.*

- *The special requirements of listed species shall be considered in developing management strategies for each natural area, but an individual species' needs shall not take precedence over management of an entire ecosystem or be allowed to have a detrimental impact on that ecosystem's complement of species.*

Management Plan Development and Revision

- *A management plan shall be written for each natural area that: 1) describes the natural and cultural resources; 2) identifies any constraints associated with managing the natural area in an urbanized environment; and 3) identifies the strategies and techniques that will be used to preserve, restore and manage the native ecosystems, preserve the cultural resources; protect listed species, control invasive/non-native plants and animals, provide for appropriate public access, and prevent unauthorized access and activities.*
- *Each plan shall be reviewed by the Palm Beach County Natural Areas Management Advisory Committee (NAMAC), a citizens' advisory board, and the public shall be invited to comment on the plan at a public hearing held by NAMAC in the community in which the site is located. Following NAMAC's review of any comments received, the plan shall be sent to the Board of County Commissioners for approval.*
- *Each approved plan shall be subsequently reviewed at least every ten years by the County.*

EXECUTIVE SUMMARY

The 99.3-acre Hypoluxo Scrub Natural Area (natural area) is located in the east-central portion of Palm Beach County (County). The County owns the entire natural area, however, management of the site is shared with the Town of Hypoluxo. The Town of Hypoluxo manages a 2.7-acre portion of the site which includes the entrance/exit driveway, parking lot, two wildlife observation towers with a connecting platform (wildlife observation towers/platform), a picnic table, bike rack and surrounding landscape vegetation; the County manages the remaining 96.6 acres. The County purchased 96.7 acres of the site in December 1999. In 2010 a 0.9-acre abandoned, County-owned right-of-way was incorporated into the natural area. A 1.7-acre County-owned Stormwater Retention Tract is managed as part of the natural area pursuant to a 2013 agreement between the County's Department of Environmental Resources Management and Engineering Department. Funding for the 96.7-acre Gran Central Tract came from the Palm Beach County Lands for Conservation Purposes Bond Issue Referendum of March 9, 1999 and matching funds from the Florida Communities Trust.

Open water, scrub and scrubby flatwoods are the only natural communities present on the site. Thus far, 250 species of plants and 182 species of animals have been recorded on the site, including 10 plant and 21 animal species that have been listed as having some degree of endangerment by at least one governmental agency or have been ranked by the Florida Natural Areas Inventory.

The primary purpose for the acquisition of this natural area was to preserve, restore/enhance and manage the site's existing ecological resources, including the existing natural communities, their component plant and animal species, and local groundwater resources. Acquisition and development of the site as a natural area have provided the general public with opportunities for recreational activities, environmental education and scientific research which are consistent with the primary purpose of the site's acquisition. It also has helped the County and the Town of Hypoluxo comply with portions of their respective comprehensive plans.

Public use facilities have been constructed; the site opened to the public in July 2005. An accessible nature trail, hiking trail, wildlife observation towers/platform, shade shelter with benches and kiosks with interpretive displays provide valuable opportunities for the public to observe and learn about the site's distinctive plant communities and associated animals, and to appreciate their biological uniqueness. The main public access, including parking facilities, a bicycle rack and pedestrian entrance, is located just south of Hypoluxo Road. Access is available via a driveway that connects to Hypoluxo Road. Additional pedestrian access to the site is via a pedestrian gate located just east of Overlook Road.

This updated management plan: 1) identifies the existing natural and cultural resources, including rare and imperiled species and vegetation communities; 2) identifies factors that affect the preservation, restoration and long-term management of the existing resources; 3) addresses

the site-specific goals, strategies and techniques that will be used to preserve, restore/enhance, manage and monitor the existing resources; 4) ensures that the natural area is managed in accordance with all applicable grant restrictions; and 5) identifies public recreational uses that may be accommodated without adversely affecting the site's natural and cultural resources. This management plan also includes: information related to the site's connectivity with other conservation areas, estimated capital costs, estimated annual management and maintenance costs, and any other issues identified by staff.

The management plan will be reviewed at least once every ten years by the County and updated as necessary on the basis of new information, improvements in management techniques or other relevant factors.

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1. INTRODUCTION

1.1 LOCATION AND DESCRIPTION

Hypoluxo Scrub Natural Area (natural area) is located in the east-central portion of Palm Beach County (County) (Figure 1). The 99.3-acre natural area is located in the western portion of the Town of Hypoluxo (Town). The natural area is bordered to the north by Hypoluxo Road, and several commercial and/or warehouse properties; to the east by Florida East Coast (FEC) Railway, Dixie Highway, a mixture of medium- and high-density residential developments, several commercial office and institute properties, including the Hypoluxo Town Hall, and a small passive recreational park (Garnett Park); to the south by a commercial/warehouse property and medium-density residential subdivisions; and to west by Overlook Road, medium- and high-density residential developments, and a church.

The nearest federal- or state-owned conservation area is the Lantana Scrub Natural Area which is located approximately 1.4 miles north of the natural area (Figure 1). The Lantana Scrub Natural Area is owned by the State of Florida (State) and managed by the County. The nearest significant waterbodies are the Lake Worth Lagoon/Atlantic Intracoastal Waterway and Atlantic Ocean located approximately 0.25 mile and 0.9 mile east of the natural area, respectively. County-managed/County-owned natural areas within a 3-mile radius include Rosemary Scrub Natural Area, 0.6 mile to the southwest; High Ridge Scrub Natural Area, 0.8 mile to the west; North Ocean Ridge Mangroves, 2.0 miles to the south; and Ocean Ridge Natural Area, 2.6 miles to the south.

The closest regional and district county parks to the natural area are John Prince Memorial Park and Santaluces Athletic Complex, 2.0 and 2.5 miles to the northwest and west-northwest, respectively (Figure 1). In addition, there are a number of smaller county parks in the vicinity of the natural area. There also is one municipal park in the immediate vicinity of the natural area – Garnett Park – which is owned by the Town.

The natural area is composed of a variety of landforms. In general, lands within the site exhibit low to moderate relief. With the exception of the wet retention/created wetland, ground elevations within the natural area generally range from about 8.0 feet to 19.0 feet National Geodetic Vertical Datum (NGVD) (South Florida Water Management District [SFWMD] 2008). Ground elevations are generally higher in the western portion of the site and lower in the eastern portion. All of the natural area is located on the Pamlico Ridge (Iverson and Austin 1998).

Disturbed scrub, disturbed scrubby flatwoods, open water, scrub and scrubby flatwoods are the only natural communities present on the site. Two of the intact natural communities present on the natural area have been ranked by Florida Natural Areas Inventory (FNAI) as imperiled (scrub and scrubby flatwoods) in Florida (FNAI 2017).

The natural area contains important habitat for many rare plant and animal species. Thus far, 250 species of plants and 182 species of animals have been recorded on the site, including 10 plant and 21 animal species that have been listed as having some degree of endangerment by at least one governmental agency or have been ranked by FNAI. A list of plant species recorded at the site is provided in Appendix A and a list of animal species recorded at the site is provided in Appendix B. The listed plant and animal species recorded at the site are indicated in Tables 1 and 2, respectively. Definitions for the listing categories used by the agencies are provided in Appendix C.

1.2 PAST USES

Nearly all of the natural area has been modified by one or more past uses. All of the natural area has been modified by the creation of a regional drainage system. In addition, portions of the natural area have been modified by past agricultural uses, the creation of dirt trails, construction of an adjacent railway and roads, clearing of native vegetation and unauthorized uses including off-highway vehicle (OHV) usage and dumping.

In 1891 the United States government conveyed ownership of the west $\frac{1}{4}$ of Section 10, Township 45 South, Range 43 East, including the present-day natural area, to James W. Porter. In the late 1890s or early 1900s Mr. Porter built a large, two-story house in the northeastern portion of his property, just west of the present-day FEC Railway (Harris 1990). A dirt road/driveway crossed the railroad tracks just east of the house and connected with the future Dixie Highway. Although the house was burned down as part of a fire department training exercise in 1971 (Town of Hypoluxo Undated), an above-ground cement cistern, other artifacts and some ornamental vegetation were left in place. In 2008 a 1.5- to 2.0-acre portion of the natural area was designated as a historical resource (the “Hypoluxo Homestead”) by the Florida Division of Historical resources (Florida Department of State, Division of Historical Resources [FDHR] Florida Master Site File 8PB10943).

In 1895 the FEC Railway (FDHR Florida Master Site File 8PB12102) was constructed along the eastern border of the natural area on lands previously owned by Mr. Porter. A dirt trail was created from Mr. Porter’s home within the present-day natural area, eastward across the railroad tracks, to farmlands owned by Mr. Porter. Although historic aerials show that lands owned by Mr. Porter east of the railroad were farmed, it does not appear that the present-day natural area was used for agricultural purposes (United States Department of Agriculture [USDA] 1940).

A north-south oriented dirt trail was created through the central portion of the natural area, from its southern boundary to a point west of the Porter homestead sometime prior to 1928 (United States Coast and Geodetic Survey [USCGS] 1930). This dirt trail was extended northward to connect to Hypoluxo Road between 1928 and 1940 (USCGS 1930, USDA 1940). Prior to 1945 a north-south telephone line was constructed along the north-south dirt trail; an east-west spur line was constructed at the same time to connect the Porter house to the main telephone line

(United States Geological Survey [USGS] 1945). The telephone line was removed from the middle of the natural area sometime after 1949 (USGS 1949 and 1967).

In 1914 and 1926 most of the present-day natural area was platted as part of two planned residential subdivisions known as Hypoluxo Subdivision and Greynolds Highlands Unit 3, respectively. By 1928 vegetation had been cleared from the platted road rights of way in the western portion of the natural area (USCGS 1930); these cleared rights of way were still visible in 1940 aerial photographs (USDA 1940). Although a portion of the Hypoluxo Subdivision was replatted in 1939, neither subdivision was ever built. Both plats were later vacated, with the exception of four small lots in the eastern portion of the Hypoluxo Subdivision.

The north-south dirt road within the natural area was improved between 1940 and 1958 (USDA 1940, HistoricAerials.com 1958). During this same timeframe a new east-west road was constructed through the central portion of the natural area. The new road started at Dixie Highway, northeast of the present-day Stormwater Retention Tract (HistoricAerials.com 1958). It went westward over the FEC Railroad tracks and continued a short distance into the natural area. The road then turned north for about 780 feet before turning west to connect to Overlook Road.

Most of the central portion of the natural area was cleared prior to 1958; only a few trees in the middle of the site were left standing (HistoricAerials.com 1958). The southern and northern portions of the natural area were cleared between 1958 and 1964 (HistoricAerials.com 1958, USDA 1964). During this latter clearing a few scattered pine trees were left in the southeastern portion of the site. However, all of the native trees in the northern portion of the site were removed. The only trees left in the northern portion of the site were ornamental trees that surrounding the Porter house. Based on historic aerials, it appears that the natural area was then mowed until at least 1968 (Florida Department of Transportation [FDOT] 1968).

The Porter family developed very little of the present-day natural area. Besides the original house, only a few small outbuildings were constructed on the site prior to 1958 (HistoricAerials.com 1958). These structures were located within a few hundred feet of the house. Then between 1958 and 1964 a double-sided billboard sign was installed along the east-central edge of the site (HistoricAerials.com 1958, USDA 1964,). Single-sided billboard signs were placed in the northeastern, east-central and southeastern portions of the site between 1964 and 1968 (FDOT 1968, USDA 1964). A second double-sided billboard sign also was installed about 1,100 feet south of the first double-sided billboard between 1964 and 1968 (FDOT 1968, USDA 1964).

In 1969 and 1970 the Porter family sold its land to the FEC Railway Company. Although the Porter house and outbuildings were removed from the property prior to 1973, all of the billboards were still present (FDOT 1973). By 1991 four of the five billboards had either been removed or fallen down (FDOT 1991). The only billboard that remained within the natural area was the

double-sided billboard located in the east-central portion of the site; this billboard was still present when the County purchased the site in 1999 (HistoricAerials.com 1999).

Based on aerial photographs, it appears that the railway company stopped mowing its holdings in the natural area sometime between 1975 and 1979 (FDOT 1975, HistoricAerials.com 1979). As a result, native and nonnative plants began to recolonize the site. As the vegetation began to grow and the property took on an unmaintained appearance, OHV usage, illegal dumping and encroachments from adjacent developed lots started to become a problem (FDOT 1986 and 1991, HistoricAerials.com 1979). In 1990 a ditch was dug around part of the natural area to help block access by OHV trespassers and illegal dumpers (FDOT 1991).

In 1976 the railroad company conveyed the northern 8.9±acre portion of the natural area to Robert L. Searle, as trustee. The northernmost portion of this property (roughly equal to the present-day Town-managed area) was leased to a bank in the late 1970s. By 1979 construction had begun on a temporary bank building and parking lot (HistoricAerials.com 1979). A concrete slab was poured for a double-wide trailer office, and an asphalt driveway and asphalt parking area were installed in the tract. The temporary office was dismantled and removed in the mid-1980s (FDOT 1986). Only the concrete slab, paved parking area and remnant landscaping were left. The northern 8.9±acre portion of the natural area was conveyed back to the railroad company in 1985. In the mid-1980s the former Porter family holdings were transferred from the FEC Railway Company to a subsidiary known as Commercial Realty and Development Company; the subsidiary changed its name to Gran Central Corporation in 1987.

In 1982 Robert L. Searle granted easements for three water wells to the Town of Manalapan (Manalapan). Two of the wells are water supply wells. The third well is an observation well. One of the water supply wells is located along the northern edge of the northeast portion of the Town-managed area; the other is just west of the southwestern portion of the commercial/industrial outparcel that is northeast of the natural area. The observation well is located just east of the southeast corner of the vacant outparcel that is northwest of the natural area.

In 1988 the Engineering Department acquired the present-day Stormwater Retention Tract (Figure 2) and an associated drainage easement from Gran Central Corporation. Underground drainage pipes installed within the drainage easement allow stormwater runoff to flow southward from Hypoluxo Road along the eastern border of the site and into the Stormwater Retention Tract. Additional underground pipes allow excess water to flow eastward out of the retention area and into the Dixie Highway storm sewer system.

1.3 ADJACENT LAND USES

The natural area, all of the lands east and about half of the lands south of the natural area, and all of the lands north of the natural area and south of Hypoluxo Road are located within the Town's municipal boundaries. The other half of the lands lying south of the natural area and all of the

lands lying west of the natural area are within an unincorporated portion of Palm Beach County. Lands lying north of Hypoluxo Road are within the Town of Lantana's municipal boundaries.

Hypoluxo Scrub Natural Area is currently designated as "Conservation/Open Space/Passive Park" on the Town's Future Land Use Map (Town of Hypoluxo 2009). The site is zoned as "Preservation/Conservation" per Town Ordinance No. 154 (Town of Hypoluxo 2004). The "Conservation" designation is intended to protect important natural environmental features, including endangered and threatened species.

Both large-scale and localized impacts from adjacent roads and railroads, and adjacent and nearby commercial, industrial, residential and vacant properties are to be expected at the natural area. Impacts that have affected and continue to affect all or most of the natural area include invasion of the site by nonnative plant species via seeds produced by nonnative plants growing within adjacent road and railroad rights of ways, and within adjacent and nearby properties; access to the site by OHVs; dumping; and animal mortality from vehicular and train traffic.

In addition to these impacts, localized to large-scale impacts may be caused by domestic cats (*Felis catus*) and/or dogs (*Canis lupus familiaris*) which originate from adjacent and nearby residential properties. Feral/free-roaming cats and stray dogs can cause wildlife mortality. Efforts to mitigate for these impacts include an aggressive nonnative/nuisance animal control program, public outreach, volunteer and interpretive programs, and enforcement of the provisions of the Palm Beach County Natural Areas Ordinance, as amended, (Chapter 11, Article XI of the Palm Beach County Code; <http://discover.pbcgov.org/erm/Publications/PBCNaturalAreasOrdinance.pdf>, Natural Areas Ordinance) regarding the prohibition of domestic animals and pets on the natural area. Domestic animals may be a problem at the natural area due to the large number of residential properties that surround the site.

1.4 USES THAT ARE NOT APPROPRIATE

Public uses on county natural areas such as Hypoluxo Scrub Natural Area are regulated by the Natural Areas Ordinance which has been adopted by the County's Board of County Commissioners (BCC). The Natural Areas Ordinance restricts public uses within a county-managed natural area to those that are compatible with the perpetual preservation and protection of the natural area. This ordinance permits passive recreational activities such as hiking, nature study and photography. Other uses (for example, fishing, canoeing/kayaking, horseback riding and/or bicycling in areas that have been designated for such uses, environmental education and scientific research) are permitted as long as they do not jeopardize the protection of the existing natural and historic resources. The Natural Areas Ordinance prohibits destructive uses such as OHV use and dumping, and requires special permits for camping, horseback riding, scientific research involving collection of plant and animal specimens or the use of watercraft in wetlands, and nighttime use of the natural area. Except for service animals, no dogs, cats, or other domestic animals are permitted on the natural area. The ordinance also prohibits damaging,

taking, molesting, trapping, hunting and/or poaching of plants and animals. Although not prohibited by the Natural Areas Ordinance, logging is not appropriate for this natural area since it does not contain commercially-viable quantities of timber.

There are no plans for any concessions to be located on the site, nor are there plans to provide a camping area or allow horseback riding, fishing or boating on the natural area. There are sufficient retail businesses in the vicinity of the natural area to supply services normally provided by concessionaires. A camping area is not appropriate for the site given the imperiled status of the natural communities and the sensitivity of the rare and endangered plant and animal species - both of which could be negatively impacted if camping was permitted on the site.

Horses are not permitted on the site due to the imperiled status of the natural communities and the sensitivity of the rare and endangered plant and animal species - both of which would be negatively impacted if equestrian use were permitted on the site - and due to the high potential for soil erosion on the site.

Although a wet retention/created wetland was constructed on the natural area, there is not enough suitable habitat to maintain a viable game fish population on the site. Therefore, fishing will not be allowed within the natural area.

There are no navigable waters on the site, so there is no way to accommodate boating uses.

No vehicles (for example, OHVs, bicycles, skateboards, etc.) are permitted beyond the designated parking lot/trailhead, except to perform the monitoring, maintenance and land management activities described in this management plan, and except as authorized by the County's Access Policy for Use of Natural Area Trails and Other Public Use Facilities by Persons with Mobility Disabilities. No drones are permitted within the natural area, except to assist with the management and monitoring activities described in this management plan or as may be permitted for scientific research.

1.5 OUTPARCELS

There are no outparcels adjacent to the natural area that would be suitable for acquisition. All of the lands immediately adjacent to the natural area have already been developed or cleared for industrial, commercial, residential or transportation purposes.

1.6 MANAGEMENT AND USE RESTRICTIONS

Management activities and public uses on the natural area are restricted to those that are consistent with the preservation and protection of the rare and endangered plants, animals and ecosystems found on the site. To ensure that the natural area is preserved and protected in perpetuity, management activities and public uses on the site are regulated by restrictions imposed by the Natural Areas Ordinance (see Section 1.4). In addition, a 96.7-acre portion of

the site is managed under the restrictions imposed by conservation easements granted by the County to SFWMD and The Nature Conservancy (see Section 1.7 and Appendix D).

Management and use of the 1.7-acre Stormwater Retention Tract is limited by the purpose for which it was initially acquired. In 1988 the County's Engineering and Public Works Department (Engineering Department) acquired Stormwater Retention Tract for the purpose of creating a (dry) retention area to accept and pretreat stormwater runoff from Hypoluxo Road, before allowing the excess runoff to discharge into the storm sewer system for Dixie Highway. Although a February 26, 2013 Memorandum of Understanding (Appendix E) between the Engineering Department and the County's Department of Environmental Resources Management (ERM) allowed ERM to convert the dry retention area into a wet retention/created wetland, this area must continue to accept and pretreat stormwater runoff from Hypoluxo Road, before allowing the excess runoff to discharge into the Dixie Highway storm sewer system.

Other significant management and public use restrictions are related to grants which helped the County and Town acquire and develop portions of the site, respectively. Management of the 96.7-acre Gran Central Tract is limited by the conditions imposed in the Florida Communities Trust (FCT) Grant Award Agreement dated January 7, 2003 (see Section 1.7 and Appendix F). The Town's Florida Recreation Development Assistance Program (FRDAP) funding agreement with the Florida Department of Environmental Protection (FDEP) and associated "Notice of Limitation of Use/Site Dedication" (see Section 1.7 and Appendix G) require that the Town-managed area be managed and maintained as a public outdoor recreational area until October 20, 2040 (25 years after its dedication).

Management of the entire natural area also is regulated by the County's Unified Land Development Code, Article 14 Chapter B (Wellfield Protection Ordinance) due to the proximity of four water supply wells owned by Manalapan. This ordinance is highly compatible with, and supportive of, natural areas best management practices which prohibit/limit the production and storage, and restrict the use and handling of the same substances regulated by the Wellfield Protection Ordinance (substances such as solvents, gasoline, motor oil and pesticides).

The size, shape and location of the natural area do not restrict certain management activities such as invasive/nonnative vegetation removal or upland restoration activities. These factors do, however, limit what can be done on the site relative to the reintroduction of fire. The site's proximity to the FEC Railway, I-95, Hypoluxo Road and Dixie Highway, as well as residential, commercial and industrial areas severely limit the options for prescribed burning.

There are no other known legislative or executive constraints that affect the development, use or management of the site. The natural area is not within an aquatic preserve or a designated area of critical state concern, and is not under study for such a designation.

1.7 EASEMENTS, CONCESSIONS, LEASES AND OTHER ENCUMBRANCES

There are five easements, one interlocal agreement, one un-vacated portion of a plat, one grant award restriction and one grant-related land use restriction that restrict use of, or benefit, the natural area. There are no concessions or leases that affect the natural area.

Two recorded utility easements, one drainage easement, and two conservation easements affect the natural area.

In January 1982 two utility easements that still affect the present-day natural area were granted by Robert L. Searle, as trustee (Appendix H). The first of these easements was an east-west, 15-foot-wide utility easement which parallels the southern right-of-way line of Hypoluxo Road. This easement gave the Town of Hypoluxo the exclusive right to install, operate and maintain underground sewer lines within the northern 5 feet of the easement. It also granted Manalapan the exclusive right to install, operate and maintain underground water transmission lines or mains within the southern 5 feet of the easement, and to use the entire easement to access its specific easement. The Towns of Hypoluxo and Manalapan were given joint rights over the remainder of the easement. Notwithstanding these restrictions, the underlying property owner (now the County) retained ingress and egress rights across the surface of the easement provided that any access point across the easement was paved.

The second utility easement, as amended in 1987, gave Manalapan the right to install, operate and maintain two water supply wells, one observation well, and associated utility easements. The first water supply well is in the middle of a 200 by 200-foot easement area that lies approximately 501 feet south of the Hypoluxo Road right of way and just west of the eastern boundary of the site. The second water supply well is located approximately 25 feet south of the Hypoluxo Road right of way, in the northern portion of a second 200 by 200-foot easement area that is located just west of the eastern boundary of the site. The observation well easement area measures 2 by 2 feet. It is located along the western boundary of the natural area, approximately 420 feet south of the Hypoluxo Road right of way. It is not known if a well was ever drilled at this site. The 1987 amendment granted Manalapan the right to relocate the second water supply well to the center of the associated easement area, and added conditional 10-foot-wide utility easement to connect the relocated well to the eastern utility easement.

The second utility easement also granted a 10-foot-wide utility transmission easement along the eastern boundary of the northern portion of the site (with the exception of the northern 15 feet). The purpose of this easement was to allow for the installation, operation and maintenance of underground water transmission lines or mains, and/or any other utility transmission lines or mains, connected to or in support of Manalapan's water supply wells. A 10-foot-wide access, ingress and egress easement area also was granted through the northern portion of the site to allow Manalapan to access each of its three well sites and the eastern utility easement; the landowner retained the right to locate this easement area.

The landowner retained the right to pave any portion of the well and/or utility easements for vehicular parking and/or pedestrian access, provided that the pavement and use of the area did not interfere with the installation, operation or maintenance of the wells. The landowner also retained the right to plant shrubs (no trees) and other landscape vegetation within the easement areas as long as the vegetation did not interfere with the installation, operation or maintenance of the wells or utilities. The landowner retained the right to increase, but not lower, the elevation of the easement areas, provided ample notice was given to Manalapan prior to the alteration. The landowner also reserved the right to install utility and transmission lines within the eastern 10 feet of the northern portion of the site, provided that the lines did not interfere with those installed by Manalapan. And finally, the landowner agreed not to place any buildings or structures (other than those mentioned above) within the easement areas.

A drainage easement granted to the County in 1988 allowed stormwater from Hypoluxo Road to flow southward through underground drainage pipes installed along the eastern boundary of the site to the Stormwater Retention Tract (Figure 2). This drainage easement included three segments: two 20-foot-wide, north-south segments; and one 65-foot-wide, east-west segment. The northern north-south segment, extended from the northeastern corner of the natural area, just west of the FEC Railway right of way, southward to the northern limit of the Former Right of Way Tract (abandoned East Coast Avenue right of way, Figure 2). The southern north-south segment extended from the southern limit of the Former Right of Way Tract to a point just east of the northeast corner of the dry retention area. This portion of the easement connected to the dry retention area via the east-west segment. An underground stormwater drainage pipe was installed within the three easement segments to carry stormwater runoff from Hypoluxo Road to the former dry retention area. A second underground drainage pipe was installed in the east-west segment to allow excess stormwater from the retention area to be discharged into the Dixie Highway stormwater sewer system. Although this easement merged with title to the property when the County acquired the natural area, the underground drainage pipes remain in place; they still carry stormwater runoff from Hypoluxo Road to the Stormwater Retention Tract, and from the Stormwater Retention Tract to the Dixie Highway stormwater sewer system. Four manhole covers provide access to drainage pipes that connect Hypoluxo Road to the Stormwater Retention Tract.

In 2001, the County entered into an Interlocal Agreement with the Town allowing the Town to manage and maintain the northern 2.53 acres of the natural area. Under this agreement, the Town is financially responsible for the provisions of public use facilities, native ecosystem enhancement and restoration, signage and fencing. In 2001, the First Amendment to the Interlocal Agreement extended the term of the agreement from 15 years to 25 years. The Second Amendment to the Interlocal Agreement in 2003 noted the change of the name from Overlook Scrub to Hypoluxo Scrub, extended the term of the Interlocal Agreement from 25 to 30 years, and allowed the Town to qualify for a FRDAP grant.

Part of the northern half of the natural area was platted as part of the Hypoluxo Subdivision in 1914. Although most of this subdivision was later vacated, four small lots were retained in the

southeastern portion of the subdivision. The “paper” existence of these lots has not affected, and will not affect, use of the site as a county-owned and managed natural area.

In 2005 the BCC approved a resolution establishing a standard form conservation easement to be placed over all county-owned natural areas (R2005-1770). This conservation easement provides a level of protection that is not affected by the retirement of county or state conservation bonds. It limits improvements to those that support land management activities and recreational opportunities that have little or no impact on natural resources. It also allows for the removal/eradication of nonnative and nuisance plants and animals, and the implementation of environmental restoration/enhancement projects. The County granted standard form conservation easements over the Gran Central Tract to SFWMD and The Nature Conservancy (TNC) in March 2006 (Appendix D). These easements were formally accepted by the receiving entities in June 2007 and November 2009, respectively. The County will work with the SFWMD and TNC to amend the legal description of the existing conservation easements to include the Former Right of Way Tract (Figure 2). A conservation easement will not be placed over the Stormwater Retention Tract since its primary purpose is to retain and treat stormwater runoff from Hypoluxo Road.

The Gran Central Tract was acquired with matching funds from FCT and therefore is constrained by the conditions imposed in the associated Grant Award Agreement (Appendix F). Under this agreement, the County must provide FCT with at least 60-days prior written notice regarding any proposed lease of any interest in, the operation of any concession on, any sale or option, the granting of any management contracts, and any use of the FCT project site by any person other than in that person’s capacity as a member of the general public; no related documents will be executed without the prior written approval of FCT. All fees collected from a lease, concession contract, management contract, etc. on a FCT project site shall be reported to FCT and placed in a segregated account solely for the upkeep and maintenance of that site.

The Town-managed portion of the site (Figure 2) has been dedicated as an outdoor recreation area for the use and benefit of the general public for a period of 25 years – from 2015 to 2040 (Appendix G). This restriction ensures that the recreational facilities constructed by the Town using FRDAP funds and the lands that those facilities benefit will be available to the general public for recreational uses.

No additional easements, concessions, leases or other encumbrances are anticipated.

1.8 PLAN DEVELOPMENT AND REVIEW

The initial management plan for this site was approved by the BCC on August 19, 2003. Although it is the County’s goal to review each approved management plan at least once every ten years, budget constraints and the resulting loss of staff have delayed the preparation of this update. This updated management plan identifies changes that have occurred at the natural area since the preceding management plan was approved by the BCC.

The main goal of this management plan is to help ensure that the site's natural and cultural resources are protected in perpetuity. Scientific research, environmental education and resource-based recreational uses are permitted as long as they do not jeopardize the protection of these resources. In keeping with these goals, this management plan: 1) identifies the existing natural and cultural resources, including rare and imperiled species and vegetation communities; 2) identifies any changes that occurred to those resources subsequent to approval of the initial management plan; 3) identifies factors that affect the preservation, restoration and long-term management of the existing resources; 4) addresses the site-specific goals, strategies and techniques that will be used to preserve, restore/enhance, manage and monitor the existing resources going forward; 5) ensures that the natural area continues to be managed in accordance with applicable grant restrictions; 6) evaluates the effect, if any, of existing recreational uses on the site's natural and cultural resources; and 7) identifies any recreational uses that could be added or that should be discontinued at the site. This management plan also includes information related to the site's connectivity with other conservation areas, an estimation of annual management and maintenance costs, and any other issues identified by staff.

All draft natural areas management plans prepared by ERM are reviewed by a seven-member, BCC-appointed, advisory committee known as the Natural Areas Management Advisory Committee (NAMAC). The purpose of NAMAC is to review and comment on draft management plans developed for natural areas acquired and/or managed by the County, and to hold public hearings on initial management plans prior to their review and adoption by the BCC. As development of each draft management plan nears completion, NAMAC members are invited to tour the natural area with staff. All comments received from NAMAC members during the site visit are taken into consideration during completion of the draft management plan. The draft management plan is then sent to NAMAC and the Town as management partner of the site for review and comment. The draft management plan also is posted on the ERM website for public review and comment.

Members of the public and Town representatives were invited to comment on this draft management plan at the (month day year) regularly-scheduled meeting of NAMAC when the plan was initially discussed by the committee. Comments also were accepted in the weeks leading up to the plan's final review and approval by NAMAC on (month day year). A summary of the received comments is included as Appendix _____. NAMAC members took those comments into consideration prior to forwarding the draft management plan to the BCC with a recommendation that it be approved. OR No comments were received during the public review process. Members of the public also had the opportunity to comment on the plan on (month day year) when it was considered and approved by the BCC. This updated management plan was reviewed and approved by FCT on (month day year).

1.9 SITE ACQUISITION HISTORY

In 1986 the BCC funded an inventory of the native ecosystems in Palm Beach County by two Florida Atlantic University professors, Dr. Grace Iverson and Dr. Daniel Austin (Iverson and Austin 1988). The study was completed in 1988 with additional work in 1989. The study identified 38 “A” quality sites, 14 of which were identified as “high-priority acquisition sites” by the County’s Environmentally Sensitive Lands Acquisition Advisory Committee. On March 12, 1991 the voters of Palm Beach County approved a \$100 million bond referendum to purchase environmentally sensitive lands with emphasis on the 14 high-priority sites. Hypoluxo Scrub Natural Area (known then as the “Overlook Scrub” ecosite), which was identified in the Iverson and Austin study as a “B” quality site, was not considered for acquisition under the 1991 referendum.

In 1998 ERM and the County’s Environmentally Sensitive Lands Acquisition Selection Committee identified 39 environmentally-sensitive land sites that were to be targeted for acquisition with funds from the proposed \$150 million Land Acquisition for Conservation Purposes Bond Referendum. The “Overlook Scrub” ecosite was one of those sites. The referendum was approved by the voters on March 9, 1999.

In October 2002 NAMAC approved the Town’s and staff’s suggestion to change the name of the natural area from “Overlook Scrub” Natural Area to “Hypoluxo Scrub” Natural Area.

Only one of the three tracts that make up the natural area was purchased by the County for conservation purposes. That tract, the 96.7-acre Gran Central Tract (Figure 2), was purchased by the County in December 1999 from the Gran Central Corporation for \$4,561,677. The Former Right of Way and Stormwater Retention Tracts were acquired by the County for potential roadway and stormwater retention purposes, respectively, but were later incorporated into the natural area. The Former Right of Way Tract was incorporated into the natural area in August 2010 following its abandonment as a County road right of way. The Stormwater Retention Tract was incorporated into the natural area in February 2013 when ERM took over management of the tract from the Engineering Department (see Appendix E).

In June 2000 the County and Town submitted a joint application to FCT’s Preservation 2000 Program for matching funds to help pay for the acquisition of the Gran Central Tract (identified in the application as “Overlook Scrub Natural Area”). Unfortunately, the application did not receive enough points to be funded. In August 2001 the County and Town submitted a revised joint application to FCT’s Florida Forever Program for matching funds to help pay for the acquisition of the Gran Central Tract. This time the acquisition project was selected for funding by FCT; the County received \$1,709,820 in matching funds from FCT in 2003.

Information regarding notable events taking place at the natural area subsequent to 1999 is depicted in the following chapters: “Management and Restoration Activities” (Chapter 4), “Site Development and Improvement” (Chapter 5) and “Chronology of Major Events” (Chapter 8).

2. PURPOSE AND OBJECTIVES

2.1 PURPOSE OF ACQUISITION

The primary purpose of the County's Natural Areas System is to protect native ecosystems and biological diversity throughout Palm Beach County. The primary purposes for the acquisition of this natural area were to preserve, restore/enhance and manage the site's ecological and historical resources, including the existing natural communities, their component plant and animal species, and local groundwater resources. Acquisition and development of the site as a natural area have provided the general public with opportunities for recreational activities, environmental education and scientific research which are consistent with the primary purposes of the site's acquisition.

It also has helped the County and the Town of Hypoluxo comply with portions of their respective comprehensive plans by preserving and restoring/enhancing the natural and historical resources of the natural area, while providing compatible public uses. Objectives outlined in the Town's comprehensive plan which are furthered by the acquisition and management of the site include: conserve soil and native plant communities and remove and inhibit the spread of invasive exotic plant species (Chapter 8 Conservation Element, Objective 1); protect fish and wildlife from unnecessary destruction (Chapter 8 Conservation Element, Objective 2); and utilize both public and private resources to meet the recreation and open space needs of the Town residents (Chapter 9 Recreation and Open Space Element, Objective 1) (Town 2009).

All portions of the natural area are important to preserving ecological and historical resource values of the site. Because every portion of the site provides habitat for at least one rare or endangered plant species, animal species or natural community, there are no portions of the property that can be declared as surplus.

2.2 MANAGEMENT GOALS AND OBJECTIVES

The natural area contains scrub and scrubby flatwoods native vegetation communities (Figure 4). These communities, most of which can be considered as moderate- to high-quality within the context of urbanized southeastern Florida, were in a somewhat degraded condition at the time of site acquisition. Maintaining and improving the ecological quality of these native vegetation communities is one of the primary management goals for this site. Another primary goal is to restore, enhance and/or manage disturbed areas in a manner that will enhance the overall biological diversity of the site and/or meet specific needs of listed species. Habitat for listed species will be managed for the needs of individual species when such management is compatible with the overall management of the ecosystems within the natural area.

The following goals and objectives reflect desired management outcomes that are specific to Hypoluxo Scrub Natural Area. The objectives are actions or measureable outcomes of management targeted to achieve either short-term goals (achievable within 2 years) or long-term

goals (achievable within 10 years). All of the following goals and objectives are subject to and contingent upon annual budgetary funding and appropriations by the BCC.

Habitat Restoration and Improvement

- Goal 1. Maintain and enhance a healthy scrub community (short-term and long-term).
- Objective A. Conduct prescribed burns within Management Units 1 and 3 (Figure 4) at 15- to 20-year intervals to achieve a diversity of scrub successional stages.
 - Objective B. Use mechanical vegetative reduction methods, as needed, to create a mosaic of natural communities and successional stages, and reduce the risk of catastrophic wildfire.
- Goal 2. Maintain and enhance a healthy scrubby flatwoods community (short-term and long-term).
- Objective A. Conduct prescribed burns within Management Units 2 and 4 (Figure 4) at 8- to 15-year intervals to maintain the scrubby flatwoods natural community on the site.
 - Objective B. Use mechanical vegetative reduction methods, as needed, to create a mosaic of natural communities and successional stages, and reduce the risk of catastrophic wildfire.

Imperiled Species Habitat Maintenance, Enhancement, Restoration or Population Restoration

- Goal 1. Protect, restore/enhance and maintain imperiled species habitat (short-term and long-term).
- Objective A. Conduct prescribed burns in accordance with the schedule provided in Table 3 to maintain the diversity and health of the plant communities on the site.
 - Objective B. Monitor the status of imperiled plant populations in accordance with monitoring schedules established by ERM.
 - Objective C. Enforce relevant provisions of the Natural Areas Ordinance, such as those dealing with damage to or removal of plants, molestation or harassment of animals, introduction or release of nonnative plants and animals, and prohibition of domestic animals and pets.

Nonnative, Invasive and Nuisance Species Maintenance and Control

- Goal 1. Control nonnative and invasive plant species, and nonnative and nuisance animal species so that they do not significantly impact native plant communities (short-term and long-term).
- Objective A. Maintain coverage of invasive/nonnative plant species at less than 1 percent of the natural area by conducting annual invasive/nonnative plant treatments.
- Objective B. Monitor the site for domestic and feral cats, stray dogs, coyotes (*Canis latrans*), raccoons (*Procyon lotor*) and other nonnative/nuisance animals during opportunistic observations and scheduled wildlife monitoring surveys, and remove/control populations of nonnative/nuisance animals as necessary and feasible.

Cultural and Historical Resources

- Goal 1. Protect and preserve the “Hypoluxo Homestead” (Florida Master Site File 8PB10943); and allow public interpretive and educational uses of historical resources, provided such use does not adversely affect the resource (short-term and long-term).
- Objective A. Conduct pre-construction cultural and historical resource investigations in areas which have not already been investigated for such resources and which will be disturbed as a result of public use facility construction or environmental restoration activities.
- Objective B. Avoid disturbances to the soils and native vegetation surrounding any known cultural or historical resource. If additional cultural/historical resources are found within the natural area, the procedures used to protect the newly discovered cultural/historical resource(s) will depend on which agency has the ultimate review authority – FDHR or the County pursuant to Article 9 of the County’s Unified Land Development Code.

Sustainable Forest Management

This management objective is not applicable to Hypoluxo Scrub Natural Area. The natural area does not provide commercial forest resources.

Capital Facilities and Infrastructure

- Goal 1. Maintain the existing facilities and infrastructure in safe condition (short-term and long-term).
- Objective A. Monitor the integrity and condition of facilities on a regular basis, including the parking lot, concrete nature trail, hiking trail, kiosks, signs, wildlife observation towers with connecting platform (wildlife observation towers/platform), shade shelter, bike rack, picnic table, benches, signs, fencing and gates.
 - Objective B. Close unsafe areas to the public immediately upon the detection of a problem.
 - Objective C. Replace/repair damaged fencing and signage as soon as possible.
 - Objective D. Replace/repair minor cracked/damaged infrastructure issues within six months of detection, contingent upon receipt of any necessary permits, construction contract requirements, site conditions and/or budgetary funding and appropriations by the BCC.
 - Objective E. Replace/repair major cracked/damaged infrastructure issues within one year of detection, contingent upon receipt of any necessary permits, construction contract requirements, site conditions and/or budgetary funding and appropriations by the BCC.
- Goal 2. Maintain the overall appearance and aesthetics of the natural area (short-term and long-term).
- Objective A. Maintain public use facilities (cleaning of concrete nature trail, etc.) on a biweekly or as-needed basis.
 - Objective B. Mow management accessways and firebreaks on an as-needed basis.
 - Objective C. Paint over or remove graffiti from public use facilities on an as-needed basis.

Public Access and Recreational Opportunities

- Goal 1. Continue to provide non-consumptive/non-destructive, resource-based public access and recreational opportunities within the natural area (short-term and long-term).

Security

- Goal 1. Implement appropriate security and access control measures to prevent unauthorized activities, such as use by OHVs, dumping and off-trail use (short-term and long-term).
- Objective A. Install and maintain a fence and gate system which is designed to restrict public vehicular access to designated parking areas, eliminate dumping on the site.
- Objective B. Install and maintain signage to identify the site as a natural area and inform the public as to the uses and activities that are permitted and not permitted on the site.
- Objective C. Subject to funding appropriations from the BCC, continue to fund the Wildlands Task Force to enforce the Natural Areas Ordinance, as amended.
- Objective D. Subject to funding appropriations from the BCC, provide annual training sessions designed to educate local law enforcement officers about County ordinances related to the protection of natural areas and site-specific security issues.

3. NATURAL AND CULTURAL RESOURCES

Hypoluxo Scrub Natural Area contains a remnant of the native upland communities formerly present in southeastern Florida. Agriculture, urbanization, road and railroad construction, hydrologic modifications, fire suppression and other human-related disturbances have eliminated or severely modified almost all of the native upland and wetland communities near the natural area. The site's natural communities currently represent a mosaic of historical, successional and altered vegetation communities. The natural area is not a designated area of state concern or under study for such designation, and is not within an aquatic preserve.

A thorough inventory and assessment of the existing natural resources had to be conducted before meaningful management goals and objectives could be developed for the natural area. The following sections summarize the site's existing natural resources. Disturbances which have affected, and/or continue to affect, these natural resources also are identified. Restoration, enhancement and management activities designed to mitigate for adverse impacts to the site's natural resources are described in Chapters 4 and 5. A discussion of the archaeological and historical resources is provided in Section 3.5.

Both the scientific and common names of plant and animal species are provided the first time the species is mentioned in this management plan. After the initial reference, only the common name is used. A list of plants and animals recorded at the natural area are provided in Appendixes A and B, respectively.

3.1 HYDROLOGY

There are no natural wetlands on the site, nor does it appear that any wetlands existed on the site prior to regional drainage improvements. In addition, the site does not appear to have been connected to any historic wetland system. The only water control or drainage structures present on the site are the ones that are associated with the containment and pretreatment of stormwater runoff from Hypoluxo Road. Despite a lack of onsite drainage improvements, groundwater elevations have dropped within the natural area over time. This drop is the result of regional surface water and groundwater manipulations.

The first hydrological impact that occurred in the vicinity of the natural area was the creation of an inlet near the present-day Lake Worth Inlet in the early 1860s (Vines 1970). This inlet was prone to migration and closure, and was relocated in 1877 to a new site north of the original cut. Unfortunately, the new inlet also proved to be unstable. In 1917 the Lake Worth Inlet was recreated and stabilized at its original location. The creation of a permanent Lake Worth Inlet lowered surface water levels within the Lake Worth Lagoon from a few feet above sea level before the inlet was created, to sea level following the opening of the inlet. This in turn lowered groundwater elevations in the vicinity of the natural area.

In addition to the impacts of the inlet, groundwater elevations within and adjacent to the natural area have been adversely affected by the operation of several public water supply wells within and in the vicinity of the site. The ongoing use of these wells has reduced groundwater elevations within the entire natural area by 1 or more feet (County Ordinance 2014-039, as approved on November 18, 2014). Based on recent groundwater monitoring data the average groundwater elevation within the natural area is now approximately 4.0 feet NGVD.

With the exception of the retention area, most of the water that enters the site is from rainfall. However, the natural area also may receive some runoff from adjacent roadways and other properties during extreme rainfall events. Any rainfall or stormwater runoff entering the main portion of the natural area quickly percolates into the site's highly permeable soils.

Prior to 2013-2014 the only part of the natural area that occasionally held surface water was the Stormwater Retention Tract (Figure 2). In 1988 the Engineering Department acquired a 1.7-acre parcel within the southeastern portion of the natural area. A 1.5-acre dry retention area was constructed within the parcel to collect and pretreat stormwater runoff from a portion of Hypoluxo Road. The ground elevation within the dry retention area was generally between 5.2 and 5.8 feet NGVD, or at least 1.2 feet above the water table. A piped stormwater sewer system located along the eastern edge of the natural area carried stormwater from the road to an inflow structure in the northeastern portion of the dry retention area. Stormwater was discharged from the retention area through a series of underdrains (control elevation of 4.0 feet NGVD) located in the southeastern portion of the retention area. Additional excess stormwater was discharged from the retention area through a 3.5-foot-wide weir (control elevation of 6.0 feet NGVD) also located in the southeastern portion of the retention area. This water entered the Dixie Highway storm sewer system where it was ultimately discharged into the Lake Worth Lagoon.

Between 2013 and 2014 the County converted the dry retention area into a wet retention/created wetland (see Section 4.4.4.2 and Figure 5). The wet retention/created wetland still collects and pretreats stormwater runoff from Hypoluxo Road, but now it also serves as a year round water source and foraging area for native animals, including several species of wading birds. The series of underdrains have been removed and now all excess stormwater discharges from the site through the remaining 3.5-foot-wide weir (control elevation of 6.0 feet NGVD).

3.2 NATURAL COMMUNITIES

The following discussion provides a general description of each of the "intact" and altered ("disturbed") plant communities present on the natural area – (disturbed scrub, disturbed scrubby flatwoods, open water, scrub and scrubby flatwoods) (Figure 3). Unless otherwise indicated, the descriptions provided for intact communities are based upon the FNAI classification system (FNAI 2010). If a community is so altered that it no longer resembles or functions as an intact plant community, an alternative description has been developed. The phrase "natural community" is used in this plan, even when a plant community has been altered. A list of the typical plant species found in Palm Beach County is provided for each of the intact plant

communities found on the site; these lists are based on information contained in FNAI 2010 and on species ranges provided in Wunderlin and Hansen 2011.

The goal of natural communities' management is to restore and maintain as many of the natural communities that historically occupied the site as possible. Nearly all of the natural communities on the natural area have been enhanced or restored (see Section 4.4). They will be maintained through the implementation of invasive/nonnative plant and nonnative/nuisance animal control programs (see Sections 4.4.2 and 4.4.3), through the closure of all old OHV trails that are not part of the management accessway/firebreak system, and through security measures designed to eliminate OHV use and dumping (see Section 4.5). Fire-maintained communities - scrub and scrubby flatwoods - also will be maintained through the implementation of a prescribed burn program and/or through mechanical vegetation reduction (see Section 4.4.1).

The only area that lacks a natural community is the “developed area” (Figure 3). This 2.7-acre area includes the parking lot, entrance/exit driveway, picnic table and wildlife observation towers/platform that are managed by the Town.

3.2.1 OPEN WATER

The open water community at the natural area was created during a dry to wet retention area conversion project which was completed in 2014. Plant species found within the open water community at the natural area include invasive/nonnatives such as hydrilla (*Hydrilla verticillata*), and planted natives such as gulf coast spikerush (*Eleocharis cellulosa*), broad leaf arrowhead (*Sagittaria latifolia*), pickerelweed (*Pontederia cordata*) and giant bulrush (*Schoenoplectus californicus*). This is a man-made community; it does not have a natural hydroperiod or fire frequency. This community occupies approximately 1.0 acre. Littoral shelves were created along the edges of the open water community to provide a more natural-looking shoreline, enhanced stormwater runoff treatment and additional wildlife habitat.

3.2.2 Scrub

Scrub communities occur on sand ridges along former shorelines and are characterized by very-well-drained soils, a relatively open canopy, a dense-to-open understory layer and a sparse groundcover layer. Scrub communities are composed of evergreen shrubs, with or without a canopy of pines. The signature species – three species of scrub oaks (myrtle oak [*Quercus myrtifolia*], sand live oak [*Quercus geminata*] and Chapman's oak [*Quercus chapmanii*]), sand pine (*Pinus clausa*) and Florida rosemary (*Ceratiola ericoides*) – are found in scrub statewide. Other typical scrub plant species which occur in the County include saw palmetto (*Serenoa repens*), threeawns (*Aristida* spp.), hairsedges (*Bulbostylis* spp.), pinweeds (*Lechea* spp.), jointweeds (*Polygonella* spp.), sandyfield beaksedge (*Rhynchospora megalocarpa*) and ground lichens (*Cladina* spp. and *Cladonia* spp.). Listed animal species found in Palm Beach County that typically are associated with scrub include gopher tortoise (*Gopherus polyphemus*) and

Florida scrub-jay (*Aphelocoma coerulescens*) (Bartlett and Bartlett 2011, FNAI and FDNR 1990, NatureServe 2015).

Scrub is a fire-maintained community. Recommended fire return intervals for scrub habitats range from 3 to 40 years and are dependent on the dominant plant species – oak scrub has a recommended fire return interval of 3 to 20 years, sand pine scrub has a recommended fire return interval of 5 to 40 years and rosemary scrub has a recommended fire return interval of 15 to 30 years. Periodic fire is one of the physical disturbances that help maintain the areas of open sand that characterize typical scrub. Fire is necessary for the growth and proliferation of many of the rare and/or endemic species that are found in scrub communities in Florida.

The density of key species within a scrub canopy often is a reflection of fire frequency. Individual sand pines usually are killed by fire, but replaced through reseedling. It takes nearly 10 years for the replacement stand of sand pines to mature and begin producing new seeds, and sand pines start to die off once they reach 50 years of age (FNAI 2010). Therefore, fires which occur at relatively short intervals (before replacement trees become mature enough to produce seeds) or at relatively long intervals (approaching, or beyond, the normal reproductive life of sand pine) may eliminate sand pines from a scrub community. Similarly, Florida rosemary succumbs to fire and is reestablished from seed. This species requires 10 to 15 years to reach reproductive maturity and becomes senescent around 40 years of age. As a result, Florida rosemary also may be eliminated from scrub due to too frequent or too infrequent fire. Most of the other scrub species resprout readily from root-shoots following fire.

The scrub community at the natural area will be prescribed burned on a 15- to 20-year interval. This burn interval is within the range that is typically desired for scrub communities. The scrub community occupies approximately 50.8 acres and is predominately sand pine scrub.

FNAI (2017) ranked scrub as G2/S2 - imperiled both globally and in Florida because of rarity or vulnerability to extinction.

3.2.3 Disturbed Scrub

Disturbed scrub typically has many of the same plant species as intact scrub, but the plants are smaller and sparser, and there are larger expanses of bare sand. There also is a higher-than-normal percentage of ruderal and invasive/nonnative plants such as rose natalgrass (*Melinis repens*). Pioneer, high-light environment scrub plant species such as skyblue lupine (*Lupinus diffusus*), narrowleaf silkgrass (*Pityopsis graminifolia*), Feay's prairieclover (*Dalea feayi*) and Deckert's pinweed (*Lechea deckertii*) are more common. The higher percentage of herbaceous plants provide an important food source for gopher tortoises. This community generally does not burn because the vegetation is too sparse to carry a fire.

At this site, the disturbed scrub community consists of areas of scrub that were cleared or modified by adjacent property owners. The disturbed scrub community currently occupies 0.4

acres. The transition of the two existing disturbed scrub areas to a more intact scrub community will be through natural recruitment; this transition may be facilitated through the planting of native species, if funding and/or appropriate native plants become available.

Over the past 14 years the amount of disturbed scrub on the site has been reduced from approximately 11.1 acres (as depicted in the initial management plan) to 0.4 acres (a 96.4 percent reduction). The conversion of approximately 10.7 acres of disturbed scrub to intact scrub was accomplished through a series of native restoration plantings conducted just south of the Town-managed portion of the site (see Section 4.4.4 and Figure 5), natural recruitment and the ongoing removal of invasive/nonnative plant species (see Section 4.4.2).

3.2.4 Scrubby Flatwoods

Scrubby flatwoods are characterized as having an open canopy of widely-spaced pine trees and a low, shrubby understory dominated by scrub oaks and saw palmetto, often interspersed with areas of barren white sand. Scrubby flatwoods will not flood, even under extremely wet conditions (Abrahamson and Hartnett 1990). The principal canopy species in South Florida is slash pine. In the County the understory consists of one or more of three scrub oaks - myrtle oak, Chapman's oak and sand live oak - and shrubs typical of mesic flatwoods such as saw palmetto, gallberry (*Ilex glabra*), coastalplain staggerbush (*Lyonia fruticosa*), fetterbush (*Lyonia lucida*) and deerberry (*Vaccinium stamineum*). Grasses and subshrubs include wiregrass (*Aristida stricta* var. *beyrichiana*), broomsedge bluestem (*Andropogon virginicus*), little bluestem (*Schizachyrium scoparium*), dwarf live oak (*Quercus minima*), shiny blueberry (*Vaccinium myrsinites*), dwarf huckleberry (*Gaylussacia dumosa*), gopher apple (*Licania michauxii*), Chapman's goldenrod (*Solidago odora* var. *chapmanii*), running oak (*Quercus pumila*), coastalplain honeycombhead (*Balduina angustifolia*), narrowleaf silkgrass and October flower (*Polygonella polygama*). Listed animal species that are typically associated with scrubby flatwoods in Palm Beach County include gopher tortoise and Florida scrub-jay (Abrahamson and Hartnett 1990, Bartlett and Bartlett 2011, NatureServe 2015).

Due to the relatively sparse ground cover and the presence of open, sandy areas, natural fire frequency in scrubby flatwoods is lower than in other flatwoods communities (Abrahamson and Hartnett 1990). Under natural conditions, this community burns once every 5 to 15 years. Scrubby flatwoods tend to burn in a spotty fashion leaving a mosaic of lightly-burned, intensely-burned and unburned areas.

The scrubby flatwoods community at the natural area will be prescribed burned on an 8- to 15-year interval. This proposed burn interval is within the range that is typically desired for scrubby flatwoods communities. There are 41.0 acres of scrubby flatwoods at the natural area.

FNAI (2017) ranked scrubby flatwoods as G2/S2? - imperiled both globally and in Florida because of rarity or vulnerability to extinction. The question mark indicates that the state status is questionable at present.

3.2.5 Disturbed Scrubby Flatwoods

Disturbed scrubby flatwoods are former scrubby flatwoods communities that have been impacted by prior agricultural activities, illegal dumping, OHV use and/or invasion by invasive/nonnative plant species. Disturbed scrubby flatwoods also may be created when a former mesic flatwoods area becomes over drained. Prior to the site's acquisition by the County, the disturbed scrubby flatwoods plant community included a mixture of scrubby flatwoods, ruderal and invasive/nonnative species. Most of the invasive/nonnative plant species have been removed from this community, but some ruderal species are still present. This community currently occupies 3.4 acres. This area is expected to transition to intact scrubby flatwoods through natural recruitment and/or selective planting of native scrubby flatwoods species. Fire frequency is largely controlled by the fire frequency in the surrounding upland communities. This community will be prescribed burned at the same time and interval as the adjacent scrubby flatwoods community.

Over the past 14 years the amount of disturbed scrubby flatwoods on the site has been reduced from approximately 7.8 acres (as depicted in the initial management plan) to 3.4 acres (a 56.4 percent reduction). The conversion of approximately 4.4 acres of disturbed scrubby flatwoods to intact scrubby flatwoods was accomplished through natural recruitment and the ongoing removal of invasive/nonnative plant species (see Section 4.4.2).

3.3 PLANTS AND ANIMALS - OVERVIEW

A total of 250 species of plants have been recorded at the natural area (Appendix A). Of these, ten have been listed for protection or special management by a government agency or have been ranked by FNAI (Table 1). To date, 103 species of plants recorded at the site are not native to the South Florida mainland. These species are discussed in more detail in Section 4.4.2.

A total of 182 species of animals have been recorded at the natural area - 1 gastropod, 1 malacostracan, 1 diplopod, 5 arachnids, 71 insects, 2 amphibians, 14 reptiles, 80 birds and 7 mammals (Appendix B). Of these, 21 have been listed for protection or special management by a government agency or have been ranked by FNAI (Table 2). To date, 5 species of invertebrates and 14 species of vertebrates recorded at the site are not native to the South Florida mainland. These species are discussed in more detail in Section 4.4.3.

Some native plant and animal species recorded at the natural area are habitat-specific, using only one natural community, while others use a variety of natural communities. Therefore, the preservation, restoration, enhancement and management of all of the natural communities at the natural area are critical to the long-term preservation of plant and animal species indigenous to the site.

3.4 LISTED SPECIES

3.4.1 Plants

Ten plant species recorded at the natural area have been listed for protection or special management by at least one governmental agency or have been ranked by FNAI (Table 1). These species will be protected as components of the natural communities of which they are a part. All listed/ranked plant species recorded at the natural area will be protected by implementing management activities designed to restore, enhance and maintain the natural communities in which they occur; controlling/removing invasive/nonnative vegetation; implementing a prescribed burn program; routing management accessways, trails and other public use facilities away from known populations whenever possible; relocating plants that cannot be avoided during construction and restoration activities; and protecting the site from plant collectors. Species known to be susceptible to fire may be protected during prescribed burn activities by one or more of the following actions: having multiple management units, burning only one unit at a time to maintain a seed source on the unburned parts of the site, maintaining a mosaic of seral stages on the site, creating temporary firebreaks, or relocating individual plants to other locations on the site prior to a prescribed burn. Information regarding the monitoring of listed/ranked plant species is provided in Section 7.2.

This section includes a brief description of each listed/ranked species and any species-specific management/protection strategy that will be used to protect that species. The ranks and designations assigned to the species are provided in Table 1. Listed/ranked plant species recorded at the natural area are discussed in alphabetical order by common name. The typical habitats provided for each species are as described by Wunderlin and Hansen (2011) unless otherwise noted.

Common wild pine (*Tillandsia fasciculata*)

This epiphytic bromeliad was first recorded at the natural area by ERM staff in 2005; it is frequently observed at the natural area. It is typically found in cypress swamps, hammocks and flatwoods. All species of *Tillandsia* may be killed directly by fire, or indirectly as a result of the loss of the protective tree canopy or death of the host tree (Robertson and Platt 1992 and 2001).

Coontie (*Zamia integrifolia*)

This long-lived dioecious cycad was planted at the natural area by ERM staff in 2009 and 2014. In 2015 ten plants were salvaged from another site and planted in a group north of the wet retention/created wetland. This species is frequently observed at the natural area. It is typically found in oak hammocks, pinelands and shell middens. Coontie is fire tolerant. Because it produces both neurotoxins and carcinogens (University of North Florida 2012), care should be taken when handling this plant.

Curtiss' milkweed (*Asclepias curtissii*)

This extremely rare, endemic perennial herb was first recorded at the natural area by ERM staff in 2000; it is frequently observed at the natural area. It is typically found in scrub, usually in close association with woody shrubs that provide shade (Mondo et al. 2010).

Florida royal palm (*Roystonea regia*)

This large palm was recorded at the natural area by ERM staff in 2001; it is no longer present at the natural area. Florida royal palm is typically found in swamps and cypress sloughs.

Giant wild pine (*Tillandsia utriculata*)

This epiphytic bromeliad was first recorded at the natural area by ERM staff in 2001; it is frequently observed at the natural area. Giant wild pine is typically found in hammocks and cypress swamps. All species of *Tillandsia* may be killed directly by fire, or indirectly as a result of the loss of the protective tree canopy or death of the host tree (Robertson and Platt 1992 and 2001).

Inflated & reflexed wild pine (*Tillandsia balbisiana*)

This epiphytic bromeliad was first recorded at the natural area by ERM staff in 2002; it is frequently observed at the natural area. Inflated & reflexed wild pine is typically found in hammocks and scrub. All species of *Tillandsia* may be killed directly by fire, or indirectly as a result of the loss of the protective tree canopy or death of the host tree (Robertson and Platt 1992 and 2001).

Scrub pinweed (*Lechea cernua*)

This endemic forb was recorded at the natural area by ERM staff in 2000; it is frequently observed at the natural area. Scrub pinweed is typically found in scrub. It is adapted to fire.

Shell-mound pricklypear (*Opuntia stricta*)

This perennial forb was first recorded at the natural area by ERM staff in 2000. In 2015 six plants that were salvaged from another site were installed in a disturbed area southwest of the wet retention/wetland area. Staff also transplanted a stressed shell-mound pricklypear from the southern management accessway to an area with an existing large shell mound cactus near the old homestead. This species is frequently observed at the natural area. It is typically found on dunes and shell middens, and in coastal hammocks.

Simpson's stopper (*Myrcianthes fragrans*)

This woody shrub was planted adjacent to the parking lot in 2010 by the Town. This species is typically found in coastal hammocks.

Wild century plant (*Agave weberi*)

This perennial forb was recorded at the natural area by ERM staff in 2001 and 2003; it has not been observed on the site since 2003. Although currently identified as a listed species in the Florida Administrative Code, it has been identified as a nonnative species due to the lack of evidence to support its nativity (Franck 2012).

3.4.2 Animals

Twenty-one animal species recorded at the natural area have been listed for protection or special management by at least one governmental agency or have been ranked by FNAI (Table 2). They include 5 insects, 1 reptile and 15 birds. The natural area is not located within a Strategic Habitat Conservation Area as identified by the Florida Fish and Wildlife Conservation Commission (FWC). One federally-listed species, the Florida scrub-jay, was recorded on the site from 1999 to 2007, but has not been recorded since then. In 2016 the closest site on which a scrub-jay was recorded was the Jupiter Ridge Natural Area in Jupiter, approximately 23 miles north of Hypoluxo Scrub Natural Area. The listed/ranked animal species at the natural area will be managed and protected as components of the natural communities of which they are a part. All listed/ranked animal species will be managed and protected through the implementation of management activities designed to restore, enhance and maintain the natural communities used by these species; by establishing a protective buffer zone around any existing nest or rookery, or any nest or rookery that may be discovered in the future; and by the enforcement of anti-poaching regulations.

This section includes a brief description of each listed/ranked species, including the habitats in which it is typically found and the species' primary diet. The ranks and designations assigned to the species are provided in Table 2. Listed/ranked animal species recorded at the natural area are discussed in alphabetical order by common name.

American redstart (*Setophaga ruticilla*)

This migratory warbler was first recorded at the natural area by ERM staff in 2002; it is occasionally observed at the natural area. American redstarts actively glean foliage for insects and spiders, and hover or take long flights to capture flying insects (Pranty et al. 2006). Fall migrants arrive in Florida between late July and early November, and spring birds pass through between late March and early June (Maehr and Kale 2005). This species does not nest in South Florida (Sherry and Holmes 1997).

Atala (*Eumaeus atala*)

This butterfly was recorded at the natural area by ERM staff in 2007; it has not been recorded at the site since that time. Its larval food plant is coontie (*Zamia pumila*), a native shrub (Minno et al. 2005) that was planted on the natural area. Coontie also may be present in residential landscaping in the surrounding area. Atala typically are found in tropical hardwood hammocks, pine rocklands and gardens.

Bald eagle (*Haliaeetus leucocephalus*)

This very large bird of prey was first recorded at the natural area by ERM staff in 2004; it is rarely observed at the natural area. Bald eagles feed primarily on fish and waterbirds (Pranty et al. 2006). This species inhabits coastal beaches, salt marshes, dry prairies, mixed pine and hardwood forests, wet prairies and marshes, pine flatwoods, sandhills and agricultural areas (Maehr and Kale 2005). In Florida, most bald eagles are year-round residents, but winter migrants do occur. Bald eagles typically nest in pine trees, but also may nest in mangrove trees or cypress; most nests are built more than 50 feet off the ground (Stevenson and Anderson 1994). The bald eagle is not known to have nested on the natural area.

Cassius blue butterfly (*Leptotes cassius theonius*)

This small butterfly was first recorded at the natural area by ERM staff in 1999; it is rarely observed at the natural area. Cassius blue butterflies are locally common along the edges of hammocks, thickets, disturbed areas and gardens (Minno et al. 2005). Its larval food plants include eastern milkpea (*Galactia volubilis*), hairy pod cowpea (*Vigna luteola*), rosary pea (*Abrus precatorius*) and cape leadwort (*Plumbago auriculata*). The first three of these plant species have been found on the natural area.

Ceraunus blue butterfly (*Hemiargus ceraunus antibubastus*)

This butterfly was first recorded at the natural area by ERM staff in 2001; it is occasionally observed at the natural area. The ceraunus blue butterfly inhabits scrubs, sandhills, flatwoods and weedy, disturbed sites (Minno et al. 2005). Its larval food plants include partridge pea (*Chamaecrista fasciculata*), Florida alicia (*Chapmannia floridana*), sensitive pea (*Chamaecrista nictitans*), Carolina indigo (*Indigofera caroliniana*), hairy indigo (*Indigofera hirsuta*) and trailing indigo (*Indigofera spicata*). Of those, only partridge pea and hairy indigo have been found on the natural area.

Florida scrub-jay (*Aphelocoma coerulescens*)

This medium-sized bird was first recorded at the natural area by ERM staff in 1999; it was last recorded at the natural area in 2007 and is no longer present at the natural area. The Jupiter Ridge Natural Area is the southernmost site in Palm Beach County currently occupied by this species.

Florida scrub-jays live in family groups, which vary in size from a simple mated pair up to large, extended-family groups of eight adults and one to four juveniles; the average group size is three (Fitzpatrick et al. 1991). Fitzpatrick et al. (1991) estimated that 750 acres of periodically-burned scrub would be required to support an adequately-protected population. Based upon that estimate, it would be difficult to maintain a viable population of Florida scrub-jays in Palm Beach County. However, efforts will be made to maintain suitable habitat for this species on the site through prescribed burning.

Gopher tortoise (*Gopherus polyphemus*)

This medium-sized terrestrial turtle was first recorded at the natural area by ERM staff in 1999; it is frequently observed at the natural area. Gopher tortoises are plant eaters; they are known to feed on up to 400 species of grass and herbaceous plants (Ashton and Ashton 2008). They can travel up to two miles from their burrows to feed. They also may eat carrion, small animals, insects and other invertebrates. The gopher tortoise typically inhabits sandhill, scrub, scrubby flatwoods, xeric hammock, pine flatwoods, dry prairie, coastal strand, mixed pine-hardwood communities and a variety of disturbed well-drained habitats (FWC 2012). The gopher tortoise is considered to be a keystone species in upland communities because of the important role that this species plays in relation to other plants and animals. At least 411 species of vertebrate and invertebrate animals are known to use gopher tortoise burrows (Mushinsky et al. 2006).

The close proximity of the natural area to numerous smoke-sensitive areas severely limits the use of prescribed fire as a gopher tortoise habitat management tool. Therefore, mechanical vegetation reduction activities were conducted in Management Unit 2 in 2014 and 2015, and in Management Unit 4 in 2011 and 2015 to reduce fuel loads and create open space suitable for gopher tortoises. This management technique will continue to be used during periods when it is not possible to conduct a prescribed burn. A portion of mechanical vegetation reduction costs were paid by a \$5,000 FWC Gopher Tortoise Habitat Management grant.

In January 2014 an unnamed storm dropped 15 to 22 inches of rain, within and surrounding the natural area, in less than 12 hours (National Weather Service 2014). Based on monitoring activities conducted since January 2014, the unnamed storm had a significant negative impact on the gopher tortoise population at this site. After the storm a number of collapsed gopher tortoise burrows were observed on the site. Unfortunately, only a few of the collapsed burrows showed signs that the resident tortoise was able to dig its way out after the storm. Three months after the rainfall/flooding event, a routine monitoring survey revealed a nearly 34 percent decrease in the gopher tortoise population at this natural area. This decrease in population was confirmed by opportunistic observations made by ERM staff between 2014 and 2017, and a gopher tortoise survey conducted in 2016.

Gopher tortoise copris beetle (*Copris gopher*)

This small, shiny, black scarab beetle was recorded at the natural area by ERM in 2004; it has not been recorded at the site since that time. The gopher tortoise copris beetle is endemic to Florida (FWC undated[d]). It is only found associated with gopher tortoise burrows; it feeds on dung left by the tortoises.

Great egret (*Ardea alba*)

This large wading bird was first recorded at the natural area by ERM staff in 2013; it is occasionally observed at the natural area. Great egrets typically feed on small fish and aquatic invertebrates (Pranty et al. 2006). Their habitat includes salt marshes, wet prairies, the edges of freshwater marshes, lakes and ponds, mangroves, hardwood and cypress swamps, flooded agricultural fields and urban areas (Maehr and Kale 2005, Pranty et al. 2006). Nesting occurs between January and June with large numbers of other wading birds in thick swamps dominated by low bushes and large trees, and on mangrove-covered coastal islands (Maehr and Kale 2005). No rookeries for this species are known to be present on the natural area.

Horn's Aethecerinus long-horned beetle (*Aethecerinus hornii*)

This species was recorded at the natural area by ERM staff in 2012; it has not been recorded at the site since that time. This rare woodboring beetle is endemic to xeric habitats in Florida (NatureServe 2015). Adults of this species feed on decaying hardwood trees.

Least tern (*Sternula antillarum*)

This small tern species was first recorded at the natural area by ERM staff in 2004; it is very rarely observed at the natural area. This migratory species is present in Florida from March through September (Maehr and Kale 2005). It feeds on small fish and shrimp (Pranty et al. 2006). Least terns typically inhabit beaches, dunes, soil islands and inland areas near large lakes. Nesting occurs throughout Florida from April through September (Maehr and Kale 2005, Pranty et al. 2006). Least terns are colonial ground nesters. Historically they nested on beaches, dunes, islands and river shores; they now nest on light-colored human-made habitats such as spoil islands, construction sites, phosphate mines and gravel rooftops. Least terns are not known to nest on the site.

Little blue heron (*Egretta caerulea*)

This medium-sized heron was first recorded at the natural area by ERM staff in 1999; it is occasionally observed at the natural area. Little blue herons feed on small fish and amphibians, aquatic crustaceans, insects, worms and snakes (FWC 2013a). This species inhabits coastal beaches, salt marshes, mangroves, hardwood swamps, cypress swamps, wet prairies, freshwater marshes, lakes and ponds, and flooded agricultural areas (Maehr and Kale 2005, Pranty et al.

2006). Nesting occurs between late February and August in single species or multiple species wading bird colonies, mainly at saltwater sites (Maehr and Kale 2005). The little blue heron is not known to nest at this site.

Merlin (*Falco columbarius*)

One individual of this small- to medium-sized falcon was recorded at the natural area by ERM staff in 2011. It has not been recorded since that time. This species preys chiefly on small birds, but may feed on small mammals and insects (Maehr and Kale 2005, Pranty et al. 2006). Merlins can be seen in virtually any open habitat, usually near water (Pranty et al. 2006). These migratory falcons can be locally common along the Atlantic coast of Florida from September to April. This species does not nest in Florida.

Osprey (*Pandion haliaetus*)

This large bird of prey was first recorded at the natural area by ERM staff in 1999; it is regularly observed at the natural area. It feeds almost exclusively on fish (FWC 2013b, Pranty et al. 2006). Ospreys are widely distributed in Florida and may be found near coastal beaches, salt marshes, open saltwater, open freshwater, mangroves, and wet prairies and marshes (Maehr and Kale 2005). In South Florida, nesting occurs from late November to early summer (FWC 2013b). Ospreys use live or dead trees, telephone poles, and human-made structures for nesting; they create large stick nests high above the ground that they use for many years (Pranty et al. 2006). They are not known to nest at the natural area.

Painted bunting (*Passerina ciris*)

This colorful, migratory songbird species was first recorded at the natural area by ERM staff in 2011; it is occasionally observed at the natural area. Painted buntings feed primarily on seeds, but also eat small fruits, insects and spiders (Maehr and Kale 2005, Pranty et al. 2006). They are found in dense vegetation along hammock and woodland edges and in abandoned citrus groves and urban areas. This species frequently overwinters in southern and central Florida, but does not nest south of Brevard County (Pranty et al. 2006).

Peregrine falcon (*Falco peregrinus*)

This large migratory raptor was first recorded at the natural area by ERM staff in 2002; it is rarely observed at the natural area. It feeds on a variety of birds, including ducks, shorebirds and gulls (Pranty et al. 2006). The peregrine falcon inhabits a variety of open, mostly coastal habitats, as well as inland lakes and marshes (Maehr and Kale 2005, Pranty et al. 2006). Florida represents an important wintering area for this species, especially for the Arctic subspecies (Maehr and Kale 2005). This species does not nest in Florida (Pranty et al. 2006).

Royal tern (*Thalasseus maximus*)

This seabird was recorded at the natural area by ERM staff in 2013; it has not been recorded at the site since that time. Royal terns feed on small fish, squid, shrimp and crabs (Pranty et al. 2006). Their habitats include beaches, mudflats, estuaries, mine impoundments and inland lakes. The royal tern is generally restricted to the coastal areas of Florida, but may be found inland in the central portion of the State. This species is a colonial nester; it builds its nest on the ground on sand or shell beaches. The natural area does not contain suitable royal tern nesting habitat.

Snowy egret (*Egretta thula*)

This wading bird was recorded at the natural area by ERM staff in 2014; it is occasionally observed at the natural area. The snowy egret feeds on a variety of fish, aquatic crustaceans, insects, and small amphibians, worms or snakes (FWC 2013a). It is a common and widespread Florida resident that is found in almost any wetland habitat, including coastal beaches, freshwater and salt marshes, mangroves, hardwood swamps, cypress swamps, wet prairies, flooded agricultural areas and urban environments (Maehr and Kale 2005, Pranty et al. 2006). Platform nests are created in shrub-covered wetlands or islands in coastal lakes and lagoons (Maehr and Kale 2005). Snowy egrets nest in colonies with other wading birds; eggs are laid from March through August. This species is not known to nest at the natural area.

Tricolored heron (*Egretta tricolor*)

This long-necked wading bird was recorded at the natural area by ERM staff in 2016; it is occasionally observed at the natural area. It feeds primarily on small fish (Pranty et al. 2006). Tricolored herons are fairly-common permanent residents in Florida, except in the western Panhandle. They primarily live in coastal habitats such as estuaries and mangroves, but also are present in many types of wetlands, including the edges of inland marshes, lakes and ponds, and flooded agricultural fields. Tricolored herons are colonial nesters; they create platform nests in mangroves or other dense aquatic shrubs. Eggs are laid from late February through July (Maehr and Kale 2005). The tricolored heron is not known to nest at the natural area.

White ibis (*Eudocimus albus*)

This wading bird was first recorded at the natural area by ERM staff in 2003; it is occasionally observed at the natural area. White ibises typically feed on small fish, crustaceans, worms, snakes, grasshoppers and aquatic insects (Maehr and Kale 2005, Pranty et al. 2006). They inhabit virtually every wetland habitat in Florida; they even forage in agricultural fields and lawns (Pranty et al. 2006). White ibises nest in large colonies in mangroves, thickets or swamps (Maehr and Kale 2005, Pranty et al. 2006). Eggs are laid in platform nests from March through May. This species is not known to nest at the natural area.

Worm-eating warbler (*Helminthos vermivorum*)

This uncommon migratory warbler was first recorded at the natural area by ERM staff in 2004; it is very rarely observed at the natural area. Its diet consists mostly of caterpillars, other insects and spiders (Pranty et al. 2006, Vitz et al. 2013). Migrating worm-eating warblers are typically found in deciduous hardwood habitats (Maehr and Kale 2005). In Florida, this species is present as a migrant from late March to early May and from late August to early October; a few individuals may overwinter in South Florida. This species does not nest in South Florida (Pranty et al. 2006).

3.5 ARCHAEOLOGICAL AND HISTORICAL RESOURCES

FDHR, which maintains the Florida Master Site File, identifies two resources within and adjacent to the natural area – the “Hypoluxo Homestead” (8PB10943) and Florida East Coast Railway (8PB12102). The Hypoluxo Homestead is located within the northeastern portion of the natural area. This site was the former home of James W. Porter, one of the first settlers of the present-day Town (Harris 1990; Palm Beach County History Online undated). It includes the remnants of an above-ground cistern and other artifacts. In 2016 the cistern was filled with sand to better preserve it and keep members of the public from falling into it. The Hypoluxo Homestead site is owned and managed by the County. The railway property that lies just east of the natural area is owned and managed by FEC Railway. The activities proposed in this management plan will have no effect on these resources.

No other archaeological or historical resources are known to exist within the site (Carr et al. 2003, Mendenhall and Beriault 2008). Any future ground disturbance will be coordinated with FDHR and the Palm Beach County Archaeologist. If any archaeological or historical sites are discovered in the future, FDHR’s and the County’s management procedures will be followed to protect those sites. If human remains are found, the provisions of Section 872.05, Florida Statutes, will be followed. The County will comply with Chapter 267, Florida Statutes, in its management of any archaeological or historic sites discovered on the natural area. If historic resources are found on the natural area, a historic resources protection plan will be developed in consultation with the County’s Historic Preservation Officer. If future resources permit and funding is appropriated, the County will consider conducting an archival and historical study to determine the historical significance of said resource(s).

4. MANAGEMENT AND RESTORATION ACTIVITIES

Baseline environmental assessments of the existing plant communities, and plants and animals were conducted by Dr. Grace Iverson and Dr. Daniel Austin in 1986 (Iverson and Austin 1988) and by ERM staff between 1999 and 2003. This information was used to identify the initial management activities necessary to protect, restore/enhance and maintain the natural resources of the site, and to determine the locations and types of public use facilities that were installed on the site. Additional environmental investigations conducted between 2004 and 2017 were analyzed to identify any changes that should be made to the existing public use facilities, land management practices or monitoring requirements. This information serves as the basis for this updated management plan.

4.1 MANAGEMENT RESPONSIBILITIES

Management activities are primarily the responsibility of the County, with assistance from the Town and volunteers from the local community. These activities are coordinated by ERM. An interlocal agreement, which includes a breakdown of management responsibilities, was approved by the County and Town in October 2001 (see Appendix I). The term of the agreement was extended in November 2001 and August 2003.

4.2 MANAGEMENT UNITS

The County-managed portion of the natural area, exclusive of the developed area, is divided into four management units using management accessways, and natural and man-made features as boundaries and firebreaks (Figure 4). The management units have been designed to maximize the long-term diversity of natural communities, and native plant and animal species on the site. These units range in size from 15.9 to 31.3 acres, and are small enough to allow for safe and practical fire management. A management unit may be subdivided into smaller units in order to facilitate management and/or monitoring activities, or to minimize the effect of smoke on adjacent properties during a prescribed burn.

4.3 MAINTENANCE

4.3.1 Removal of Debris and Litter

All of the debris and litter found on the natural area at the time of its acquisition has been removed. If additional debris is found, it will be removed in a timely manner unless such removal would cause undesirable damage to a rare or imperiled natural community, or listed species. The installation of perimeter fencing and management access gates has and will continue to help prevent the dumping on the site. Periodic site cleanups to remove litter are conducted by county staff with the assistance of volunteers.

4.3.2 Trail Maintenance

Periodic trail maintenance will be performed by county staff and community volunteers. All existing trails not used for site management or as part of a designated hiking trail will be allowed to revegetate with native vegetation.

4.3.3 Facilities Maintenance

County staff is responsible for the maintenance of the concrete nature trail, hiking trails, shade shelter, natural area kiosks, signage, fencing/gates, management accessways/firebreaks and the Stormwater Retention Tract. The Town is responsible for the parking lot and entrance gate, wildlife observation towers/platform, parking lot kiosk and other amenities within the developed area (Figure 3).

4.4 RESTORATION AND ENHANCEMENT ACTIVITIES

The site has been and will continue to be managed in a manner that preserves, restores and enhances the natural resource values. Restoration/enhancement activities conducted to date include the development of a fire management plan (see Section 4.4.1), implementation of invasive/nonnative plant and nonnative/nuisance animal control programs (see Sections 4.4.2 and 4.4.3, respectively), exclusion of unauthorized uses (see Section 4.5) and completion of several environmental restoration/enhancement projects (see Section 4.4.4).

4.4.1 Fire Management

Because of development, natural, lightning-induced fire can no longer fulfill the needs of natural communities in the County which are dependent upon fire for their long-term survival (for example, basin marsh, depression marsh, dome swamp, mesic flatwoods, scrub, scrubby flatwoods, slough marsh, wet flatwoods and wet prairie). Natural fire can no longer spread from adjacent lands onto the natural area because all of the surrounding fire-dependent communities have been lost to development. When natural fire does occur within or adjacent to the natural area it is quickly extinguished due to the threat it poses to adjacent developed areas. Prescribed fire and mechanical fuel reduction activities will be used at this site to help maintain the existing fire-dependent communities and reduce the risk of damage from wildfire on the adjacent developed areas.

ERM has assumed the primary responsibility for prescribed burning at the natural area. Assistance in the form of firefighting staff and equipment will be requested from Palm Beach County Fire Rescue and the Town's Fire-Rescue Department. Additional assistance may be provided by Florida Department of Agriculture and Consumer Services' (FDACS) Florida Forest Service (FFS), Palm Beach County Parks and Recreation Department, FWC, TNC and trained volunteers. Fire-related safety training is required of anyone participating in a prescribed burn.

All prescribed burns will comply with Section 590.125(3), Florida Statutes (Certified Prescribed Burning; Legislative Findings and Purpose).

ERM has written a flexible fire management plan for the natural area (Appendix J). Development of the fire management plan was coordinated with FFS and FWC. The fire management plan takes into consideration surrounding land uses, smoke management concerns, safety issues, and the ecological benefits and consequences of the specific fire management strategies. It contains specific tools and management practices designed to minimize adverse impacts to native vegetation and wildlife, while maximizing the beneficial effects of prescribed burns. A specific burn plan will be prepared for the proposed burn area prior to conducting a prescribed burn.

Development-related smoke management concerns dictate extremely narrow weather conditions in which prescribed burning may take place at the natural area. Mechanical reduction of vegetation may be used as a surrogate for fire if a given area/habitat cannot be burned.

Surveys for fire-intolerant listed plant species will be conducted before each prescribed burn. If deemed appropriate, fire-intolerant plants may be relocated outside the burn area. If relocation is not practical due to the presence of hard-to-relocate species or larger populations of listed plants a temporary firebreak may be created to protect the area that contains the listed species from the planned burn. These relatively small unburned areas will increase the diversity of the site. A permit will be obtained for the relocation of a listed plant species when required.

With the exception of the developed area which is managed by the Town, all of the management units identified for this site will be treated with prescribed fire. Therefore, each management unit also can be considered a “burn unit.” Depending on the specific conditions and objectives of a burn, a burn unit may be subdivided into smaller subunits to reduce smoke concerns or provide specific habitat benefits. Staff also will investigate the use of micro-burns to help restore habitat and increase species diversity.

Each burn unit was designed so that fire would burn through ecotones and move in a natural, spotty fashion across the landscape. The resulting patchwork of burned and unburned areas will produce a mosaic of vegetation at various stages of maturity, thereby maximizing diversity within and among the various plant communities. This will provide habitat for species that typically use, or may even be restricted to, communities in a particular state of maturity.

The burn interval for each burn unit was chosen based on the predominant natural community present in that unit. An interval of 8 to 15 years was selected for Management Units 1 and 3 which are dominated by scrub (See Figures 3 and 4). An interval of 8 to 15 years also was selected for Management Units 2 and 4 which are dominated by scrubby flatwoods.

As of February 2017 no prescribed burns had been completed at the natural area due to the presence of numerous smoke-sensitive areas in the vicinity of the site.

All of the burn units within the natural area are scheduled to be burned within the next twelve years. The proposed burn schedule for this site is as follows: Unit 1 in 2018, Unit 2 in 2019, Unit 3 in 2026 and Unit 4 in 2029 (Table 3). This schedule is conditional upon weather conditions and how many, if any, smoke related issues are experienced during the each of the scheduled burns. The natural area is adjacent to Dixie Highway, FEC Railway and Hypoluxo Road and will be very difficult to burn.

When the use of prescribed fire is not feasible/permitted ERM will strive to create a mosaic of natural communities and successional stages, and reduce the risk of catastrophic wildfire through the use of mechanical vegetation reduction methods, subject to and contingent upon annual budgetary funding and appropriations by the BCC. This methodology uses a machine to reduce (grind or shred) vegetation into mulch-sized chips. The mulch chips are then left in place to allow for the recycling of nutrients.

Management Unit 4 was mechanically reduced in lieu of burning in November 2011 and April 2015. Portions of Management Unit 2 were mechanically reduced in February 2014 and April 2015. A portion of the mechanical vegetation reduction costs were paid by a \$5,000 FWC Gopher Tortoise Habitat Management grant.

There have been four wildfires within the natural area since it was acquired. In September 2001 a wildfire burned a 0.4-acre area southwest of the Stormwater Retention Tract. Prior to 2003 there was a 0.2-acre wildfire in the west-central portion of the site. In July 2005 a wildfire burned a 0.4-acre area between the concrete nature trail and the old Porter homestead. Lastly in July 2010 a wildfire burned a 0.2-acre area southwest of the Stormwater Retention Tract. Each fire burned mainly leaves, debris, herbaceous vegetation and/or saw palmetto. The causes of the wildfires are unknown.

If additional wildfires occur on the site in the future, the appropriate actions will be taken by the authorized fire emergency response agency. Active fire suppression measures will only be used if deemed necessary by that agency since they are extremely destructive to vegetation and other natural features. If such measures are undertaken to control a fire, all plow lines will be backfilled after the fire has been extinguished and disturbed areas will be rehabilitated to the greatest extent possible.

A public education campaign has been developed for this natural area. This campaign includes informing the adjacent residents and business owners of the necessity and benefits of fire, the safety features of prescribed burning versus wildfires, and the strategies that will be developed to minimize the impacts of smoke on the nearby developed areas. The County will coordinate with the appropriate fire emergency response agencies, FDOT and the FEC Railway Company prior to conducting a prescribed burn. If requested, county staff will meet with local community groups such as homeowners' associations to coordinate with residents, provide information on

the necessity of conducting prescribed burns and describe the safety precautions that will be taken to protect adjacent lands.

4.4.2 Invasive/Nonnative Plant Control

Like many fragmented conservation lands in southeastern Florida, the natural area has been invaded by a number of nonnative plant species. To date, 103 nonnative plant species have been recorded at the natural area – 41.2 percent of the plant species recorded on the site (Appendix A). Many of these species were brought to the site by animals (especially birds), planted on the site by previous property owners, and/or spread from adjacent properties or from vegetation piles that were illegally dumped on the site prior to its acquisition. Many species were recorded prior to the implementation of the invasive/nonnative plant control program and may no longer be present. Nonnative plant species are expected to continue to colonize the site from surrounding properties; periodic invasive/nonnative plant control treatments will be required to prevent these species from adversely affecting the natural area.

A number of the nonnative, and some native, plant species recorded at the natural area exhibit invasive tendencies. In this management plan, the phrase “invasive plant species” includes the plants designated as Category I (invasive) and Category II (potentially invasive) by Florida Exotic Pest Plant Council (FLEPPC 2017), those designated as noxious weeds, or Class I or Class II prohibited aquatic plants by FDACS (FDACS 2016a and 2008, respectively), as well as native plant species that are harmful to other native vegetation (such as love vine [*Cassytha filiformis*]) or that are too dense or inappropriate for the targeted vegetation community. Invasive nonnative plant species pose a serious threat to the natural communities and listed species found at the site, and are a major management concern.

Forty-five (43.7 percent) of the nonnative plant species recorded at the natural area are designated as either Category I or Category II species by FLEPPC (2017). A current copy of FLEPPC’s list of invasive exotic plant species can be found at <http://www.fleppc.org/list/list.htm>. Ten (9.8 percent) of the nonnative plant species have been designated as noxious weeds by FDACS (FDACS 2016a) and five (4.9 percent) have been designated as Class I prohibited aquatic plant species (FDACS 2008). All of these species are identified in Appendix A.

The control of nonnative and invasive native plant species is a high priority at this site. A multi-phase invasive/nonnative plant control program began in October 2002 and was completed in 2006. Follow-up invasive/nonnative vegetation treatments have been conducted since 2007. The site is now in maintenance condition. A site is considered to be in “maintenance condition” when the coverage of invasive plant species does not exceed 1 percent of the canopy or understory layers within any given management year. In addition to invasive nonnative plant species, invasive native species also can have an adverse impact on fragmented natural communities. Native plant species that have an adverse effect on other native species at the natural area, or are too dense or inappropriate for the targeted vegetation community, may be targeted for

eradication/control until such time that the invasive native species is no longer having an adverse impact on the site.

Methodologies used to control/eradicate invasive nonnative and invasive native plant species at the natural area have included and/or may include mechanical removal, herbicidal treatment, hand removal and the use of periodic prescribed fire. Biological control methods may be used on a case by case basis. Ruderal species, which are typical of open disturbed sites and do not invade functioning natural communities, are controlled through prescribed burning and avoiding unnecessary disturbances.

Herbicidal treatments are typically used to control/eradicate individual and scattered invasive/nonnative trees, shrubs and palms; inaccessible (by heavy equipment) dense stands of invasive/nonnative trees; and invasive/nonnative vines and groundcover species. Aquatic plant species that become problematic at the site may be controlled using an appropriate aquatic herbicide. Herbicidal application methodologies include hack-and-squirt, cut-stump, basal bark, foliar treatments and broadcast spraying. Hack-and-squirt, cut-stump and basal bark methods are typically used to control/eradicate individual and scattered nonnative trees, shrubs and palms. Foliar treatments are used for invasive/nonnative vines, and for small patches of invasive/nonnative grasses, sedges and forbs. Broadcast spraying is primarily used for larger areas of invasive/nonnative grasses, sedges and forbs. Invasive/nonnative plant species which are resistant to herbicides or which easily resprout from basal mats, roots or vegetative fragments may require repeated herbicide application before the species is eradicated from an area. All herbicide treatments comply with the instructions on the herbicide label, are applied under the supervision of a licensed applicator and employ Best Management Practices for their application.

Hand removal is used to remove seedlings of invasive/nonnative tree and shrub species. Since tree and shrub seedlings are not reproductive, they are typically pulled out of the ground and left to decompose on site after the soil has been shaken from the roots of the plant.

Hand removal also may be used in combination with herbicide treatments to treat invasive/nonnative vines, as well as invasive/nonnative plants that are resistant to herbicides. In the case of invasive/nonnative vines, the targeted vine is cut at an appropriate height. The base is then hand-pulled or treated with a systemic herbicide; vine stems are either removed from the supporting plant or left to decompose in the trees. In the case of plants that are resistant to herbicides, hand removal may be used as the sole plant control method or it may be used as a follow up method to remove plants that are still alive following an herbicidal treatment.

Finally, hand removal may be used to help control plant species that readily reestablish from seed (for example, rose natalgrass and thalia lovegrass [*Eragrostis atrovirens*]) or that resprout from vegetative fragments (for example, air potato [*Dioscorea bulbifera*], American evergreen [*Syngonium podophyllum*], arrowleaf elephant's ear [*Xanthosoma sagittifolium*], golden pothos [*Epipremnum pinnatum*] and nightblooming cactus [*Hylocereus nudatus*]). In these cases, the

seedheads and vegetative parts of the invasive/nonnative plants are bagged and removed from the site.

4.4.3 Nonnative/Nuisance Animal Control

Nonnative and nuisance (feral and certain native species) animals can be a problem on sites like the natural area. The presence and impacts of nonnative/nuisance animals will be monitored as part of the systematic and opportunistic wildlife surveys. Targeted surveys for nonnative/nuisance animals also may be undertaken if additional information is required. Nonnative/nuisance animal control programs will be developed and implemented, as necessary, to control species that adversely affect the natural area.

Thus far, five species of invertebrates and fourteen species of vertebrates recorded at the natural area are not indigenous to the South Florida mainland (see Appendix B). The only native vertebrate species recorded at the natural area that may become a nuisance is the raccoon. A short description of the potentially harmful nonnative invertebrate species and all nonnative/nuisance vertebrate species found on the natural area is provided below. No control methods will be undertaken for species identified below as having no significant impact on the natural area.

None of the nonnative invertebrate species recorded at the natural area appear to be having a negative effect on the natural communities. Therefore, no control methods are proposed for these species at this time.

The brown anole (*Anolis sagrei*) has become the most abundant anole in South Florida (FWC undated[a]). This prolific species is well-adapted to habitats modified by humans and can live in most inland and coastal habitats, including disturbed areas (FWC undated[a]), Meshaka et al. 2004). Although its primary diet is insects, the brown anole also eats hatchling green anoles (*Anolis carolinensis*); this predation appears to have caused a rapid decline in the population of the native green anole in Florida. This species is sometimes observed at the natural area. Potential control efforts for this species will be explored in the future if it is determined that it is having a negative effect on the natural area.

The cane toad (*Rhinella marina*) is a large toad that occupies habitats that are moist, open and human-modified, and avoids wet prairies and dry, sandy areas (Meshaka et al. 2004). It competes with native frogs and toads for food and breeding areas, and their skin-gland secretions are highly toxic to potential predators (FWC undated[b]). Cane toads eat small invertebrates (especially beetles, earwigs and ants), toad eggs, cat and dog food, carrion and an occasional snake (FWC undated [b], Meshaka et al. 2004). This species is very rarely observed at the natural area. Since cane toads typically do not inhabit natural systems (Meshaka et al. 2004) sightings of this species are considered accidental.

The cosmopolitan house gecko (*Hemidactylus mabouia*) is generally found in association with buildings (Meshaka et al. 2004), but they also may utilize tree trunks and debris piles at some distance from inhabited areas (Bartlett and Bartlett 2011). This species is aggressive and will overpower and eat the hatchlings of small anoles and geckos, as well as invertebrates. This species is very rarely observed at the natural area. Potential control efforts will be explored in the future if this species appears to be negatively impacting native species at the natural area.

FWC has estimated that there are approximately 5.3 million cats in Florida that spend some or all of their time outdoors, potentially preying on wildlife, and that approximately 2.8 million of those may be feral (FWC 2003). Cats are an increasing problem in natural areas in South Florida because of their predation on birds and small animals. There also is the potential for rabies to spread to feral and domestic cats from infected wildlife. This species is rarely observed at the natural area, and may enter the natural area from adjacent residences. Control of feral and domestic cats will focus on educating the surrounding community, combined with selective live-trapping, if necessary.

Domestic dogs are occasionally observed at the natural area. Any members of the public observed walking dogs on the site will be informed that pets are not allowed on the site and the owners may be subject to citation under the provisions of the Natural Areas Ordinance. The natural area rules signs posted at each public entrance contain a “no pets” statement.

The Eurasian collard-dove (*Streptopelia decaocto*) is a medium to large-sized, stocky dove. It is most common in coastal, suburban and agricultural areas where food, roosts and nesting sites are abundant (Johnson and Donaldson-Fortier 2012). Eurasian collard-doves are grain eaters and are frequent visitors to bird feeders (Pranty et al. 2006). This species is frequently observed at the natural area. Eurasian collard-doves are not expected to affect the natural area in any significant way.

The European starling (*Sturnus vulgaris*) is associated with disturbed sites and urban environments, as well as open grassy or agricultural areas (FWC undated[c], Johnson and Givens 2012). This medium-sized songbird is omnivorous; it feeds on a wide variety of invertebrates (such as beetles, insects, earthworms and spiders), as well as seeds, plants and fruits. It is a cavity nester, and can aggressively displace native bird species from nest holes in trees, human-made structures and artificial nesting boxes. This species is occasionally observed at the natural area. Due to the limited amount of habitat available for cavity-nesters on the site, this species is not expected to have a significant negative impact on native bird species at the natural area.

The green iguana (*Iguana iguana*) is a popular pet and individuals frequently are released or escape (Bartlett and Bartlett 2011). It is adversely affected by cold temperatures. Green iguanas live in most urban and suburban habitats in South Florida (Bartlett and Bartlett 2011, FWC undated[e]). They prefer dense tree canopies near water, but may be found on canal banks, urban sidewalks and backyards. They also dig burrows that can undermine sidewalks, seawalls and foundations (Kern 2004). Green iguanas are primarily herbivores; they feed primarily on

foliage, flowers and fruit, but also are known to consume insects, lizards, nestling birds and eggs. Domestic dogs are known to kill green iguanas, but no natural predators are known in Florida for this species (Meshaka et al. 2004). This species is very rarely observed at the natural area. Potential control measures will be explored in the future if it is determined that this species is having a negative effect on the natural area.

The knight anole (*Anolis equestris*) is a large, green lizard that typically inhabits the canopies of trees in low-density suburban areas in South Florida (FWC undated[f], Meshaka et al. 2004). Knight anoles feed on large insects and other invertebrates, smaller anoles, frogs, eggs, nestling birds and fruits. This species is rarely observed at the natural area. Potential control measures will be explored in the future if it is determined that this species is having a negative effect on native wildlife species within the natural area.

A common pet, the monk parakeet (*Myiopsitta monachus*) has become the most widespread and abundant parrot in North America (Pranty et al. 2006). Monk parakeets typically build large, communal stick nests in trees, palms or on artificial structures such as radio towers, light poles and electric utility structures (Johnson and Logue 2012, Pranty et al. 2006). This species feeds on a wide variety of flowers, fruits, seeds, berries and other plant material. It is frequently observed at the natural area. This species does not appear to adversely affect native plants or animals (Johnson and Logue 2012).

The Mediterranean gecko (*Hemidactylus turcicus*) is most often seen on the walls or ceilings of buildings at night, often feeding on insects around lights (FWC undated[g]). In South Florida populations of this species are being replaced by more prolific and/or aggressive species of geckos (Bartlett and Bartlett 2011, FWC undated[g]). This species is rarely observed at the natural area. The Mediterranean gecko is not expected to adversely affect the natural area (FWC undated[g]).

The northern curly-tailed lizard (*Leiocephalus carinatus*) is a popular pet; individuals frequently are released or escape (FWC undated[h]). This lizard typically occupies open, sandy or rocky habitats, including disturbed areas; it excavates short burrows under rocks, sidewalks and similar materials to provide shelter from inclement weather and to serve as nighttime retreats (Meshaka et al. 2004). It is found in the coastal portions of Southeast Florida where it inhabits parks, canal banks, seawalls, and urban and agricultural areas. Northern curly-tailed lizards eat invertebrates including beetles, roaches and ants, and may be preyed on by domestic cats and possibly by herons (FWC undated[h], Meshaka et al 2004). This species is occasionally observed at the natural area. This species is not expected to adversely affect the natural area.

The raccoon is common throughout Florida (FWC undated[i]). It feeds on fruits, plant material, eggs, crustaceans, small animals and garbage. Raccoons are found wherever suitable combinations of woods and wetlands provide acceptable food and den sites, from swamps and marshes to mesic woods, cultivated areas and urban situations (Whitaker and Hamilton 1998). This species is considered to be one of the primary carriers of the rabies virus in the United

States (The Humane Society of the United States 1997). This species is frequently observed at the natural area. Wildlife cameras and opportunistic surveys will be used to monitor the raccoon population at the natural area and determine if any actions need to be taken to control this species.

Rock pigeons (*Columba livia*) nest in stick and grass nests built on building roofs and ledges, and under bridges or highway overpasses (Pranty et al. 2006). They eat grain and other seeds, and will occasionally eat insects. This species is a food source for birds of prey (FWC undated[j]). It is rarely observed at the natural area. Rock pigeons are not expected to adversely affect the natural area.

Although nonmigratory breeding white-winged dove (*Zenaida asiatica*) are present year-round in South Florida, FWC classifies this species as a nonnative species (FWC undated[k], Maehr and Kale 2005). Because it is considered a migratory game bird by USFWS and FWC, a Florida hunting license and a Florida migratory bird permit are required to legally hunt this species on lands where hunting is permitted (Giuliano et al. 2013); hunting of white-winged doves and all other wildlife is prohibited on county natural areas. This dove feeds on seeds, grain, insects and some fruit (Pranty et al. 2006). This species is rarely observed at the natural area. It is not expected to adversely affect the natural area.

4.4.4 Restoration and Enhancement Projects

All of the planned restoration and enhancement projects have been completed at the natural area. Activities conducted on the site included the development of a prescribed burn program, and mechanical vegetation reduction activities designed to reduce fuel levels and create a mosaic of natural communities and successional stages within the site (see Section 4.4.1); implementation of invasive/nonnative plant and nonnative/nuisance animal control programs (see Sections 4.4.2 and 4.4.3, respectively); installation of native plantings (see Subsection 4.4.4.1); completion of a wet retention/wetland area enhancement project (see Subsection 4.4.4.2); and removal of trash dumped on the site prior to its acquisition by the County.

Restoration/enhancement activities conducted on the site have already begun to improve the natural communities in terms of biological composition and ecological function. However, it will take several years for planted native vegetation to mature and for additional native plants to recruit into the restored/enhanced areas. Once this has happened, restoration of the site will be considered complete.

4.4.4.1 Native Plantings

Native plantings conducted on the site between 2002 and 2016 included landscape, targeted restoration, opportunistic and vegetation salvage planting projects. Native planting projects conducted on the site are described below.

Two landscape planting projects have been completed within the Town-managed portion of the site. Between 2002 and 2005 the Town planted over 300 native trees and shrubs (live oak [*Quercus virginiana*], cabbage palm [*Sabal palmetto*], strangler fig [*Ficus aurea*], coco plum [*Chrysobalanus icaco*], saw palmetto and shell-mound pricklypear) adjacent to the parking lot and wildlife observation towers/platform. In 2010 the Town planted an additional 84 trees within the Town-managed portion of the site. The planted trees included seagrape (*Coccoloba uvifera*), cabbage palm, gumbo limbo (*Bursera simaruba*), slash pine, Simpson's stopper, live oak and pigeon plum (*Coccoloba diversifolia*). In 2005 the Town used a portion of its \$37,399 town-wide FDACS' Urban and Community Forestry Grant Program hurricane grant to replace vegetation that had been damaged as a result of Hurricanes Francis and Jeanne the year prior.

Three targeted restoration planting projects were completed at the natural area between 2009 and 2016. One targeted, multi-phase, planting project involved the installation of nearly 1,100 native trees, shrubs and herbaceous vegetation in disturbed areas within the northern portion of the site between 2009 and 2016 (Figure 5). Volunteers installed the plants within formerly disturbed portions of the scrub and scrubby flatwoods communities to encourage the restoration of those areas. Species planted in these areas included live oak, Chapman's oak, sand live oak, coontie, gopher apple, wiregrass and sand cordgrass (*Spartina bakeri*). An irrigation well and dripline piping were installed in the northeastern portion of the site to irrigate the restoration plantings.

Two other targeted restoration plantings were associated with the wet retention/created wetland project (see Subsection 4.4.4.2). In early 2015 the County planted approximately 10,000 native transitional and upland plants adjacent to the wet retention/created wetland. Plantings included sand cordgrass, wiregrass, muhly (*Muhlenbergia* sp.) and broomsedge bluestem. Irrigation was installed to aid in the survival of these plantings. During 2015 and 2016 approximately 50 native littoral and emergent plants were installed within the wet retention/created wetland. These plantings included gulf coast spikerush, broadleaf arrowhead, pickerelweed and giant bulrush.

As of February 2017 one opportunistic and one salvage planting project had been completed at the site. In July 2014 six, opportunistically-acquired, shell-mound pricklypear were planted in a disturbed area south of the wet retention/created wetland. In November 2014 ten coontie that were salvaged from an offsite development area were planted on the natural area, just north of the wet retention/created wetland. Additional small-scale plantings may occur on an opportunistic basis if appropriate native plants become available in the future.

4.4.4.2 Wet Retention/Created Wetland Project

Between 2013 and 2014 the County converted the dry retention area into a wet retention/created wetland (Figure 5). To do this, the underdrain and approximately 10,000 cubic yards of fill were removed from the dry retention area. The bottom of the retention area was reduced from an elevation of 5.2 feet NGVD, or greater, to an average of 1.5 feet NGVD (approximately 2.5 feet below the existing water table). The outline and side slopes were re-contoured to give the wet retention/created wetland a more natural appearance. Littoral areas were created along the edges

of the retention area to provide more suitable habitat for native wetland and transitional plant species. The wet retention/created wetland now holds water year round; the only time water flows out of the wet retention/created wetland is when water levels within the area exceed the 6.0 foot NGVD control elevation.

The piped stormwater sewer systems (from Hypoluxo Road to the retention area and from the retention area to the Dixie Highway storm sewer system), and weir were not modified. These structures still function the way they did prior to implementation of the wet retention/created wetland project.

Supplemental native plantings were installed in 2015 and 2016 to increase the native vegetation coverage and provide greater species diversity within and surrounding the wet retention/created wetland (see Subsection 4.4.4.1). The area now serves as a year-round water source and foraging area for native animals, including several species of wading birds. Success of the wet retention/wetland creation project is being determined based on vegetative changes within the project area.

4.5 SECURITY

The Town has the primary responsibility for public safety and law enforcement at Hypoluxo Scrub Natural Area (Appendix I), including routine patrols of the boundaries. Currently, Town police services are provided by the Town of Lantana. The County also has contracted with the Sheriff's Office to have Wildlands Task Force deputies conduct extra patrols of the natural area when needed. The Wildlands Task Force is a specially-trained and specially-equipped unit that was formed to prevent illegal activities on natural areas managed by the County and to enforce the provisions of the Natural Areas Ordinance. There is no on-site manager or security guard and no on-site staff residence. Instead, ERM staff, trained volunteer site stewards and/or neighborhood watch groups (where available) visit the site on a regular basis and report any signs of illegal and prohibited activities to the Wildlands Task Force.

The County's Natural Areas Ordinance regulates public use of the natural area. The ordinance provides for passive recreational activities (for example, hiking, nature study and photography), environmental education and scientific research. It prohibits destructive uses such as OHV use, dumping, and poaching of plants and animals. The ordinance gives law enforcement personnel the authority to fine and/or arrest persons damaging a natural area. Dumping on public lands is prohibited by state law (state statute 403.413).

The natural area is open to the public daily from sunrise to sunset. Access hours are posted at each public entrance. In addition, regulatory signs have been posted at each corner of the natural area and every 500 feet along the perimeter of the natural area. The signs state that the site is a protected natural area and cite the appropriate county ordinance.

The entire perimeter of the site is fenced to help prevent unauthorized access to the natural area (see Section 5.2). Currently, the Town is responsible for opening and closing the gates to the parking lot. Gate responsibility may be delegated to a local steward or stewardship group if approved by the County.

4.6 STAFFING

Because of the following factors, on-site staffing is not proposed for this natural area:

- the low-impact, non-consumptive activities allowed on the site require limited oversight by staff;
- the site is closed from sunset to sunrise;
- sufficient security measures (fencing, regulatory signage, Wildlands Task Force) are in place to protect the site when it is closed to the public;
- ERM staffing levels are insufficient to provide on-site staffing at any of the County's natural areas; and
- the construction and use of a permanent office or residence for on-site staff would adversely affect site's natural and/or cultural resources.

Instead, ERM has created a roving management team that is trained to conduct all levels of management activities, including invasive/nonnative vegetation control, prescribed burning, mechanical vegetation reduction activities and environmental monitoring. ERM also has created a volunteer site steward program. These trained volunteers periodically visit their assigned site and provide feedback to staff regarding the site's condition and any problems noted. Town staff and volunteers from local citizens' organizations, businesses and schools provide additional support where feasible and necessary.

4.7 COORDINATION WITH ADJACENT LAND MANAGERS

There are no conservation lands adjacent to the natural area. The County will review any land use changes or development plans proposed for properties adjacent to the natural area to ensure the protection of biological communities and to avoid or minimize adverse impacts to listed species.

4.8 PUBLIC OUTREACH, ENVIRONMENTAL EDUCATION AND SCIENTIFIC RESEARCH

ERM has a very active public outreach and environmental education program. To help members of the public become invested in the natural area, numerous volunteer opportunities, environmental education events and resource-based recreational activities are provided each year. These events may be led by ERM staff or by volunteer community groups, clubs, businesses and/or knowledgeable individuals.

Interpretative exhibits have been prepared and installed in kiosks located adjacent to the parking lot, at the pedestrian entrance from the parking lot to the natural area and at the pedestrian access gate along Overlook Road. These exhibits help educate the public about the natural and/or cultural resources present on the site, the negative impacts of invasive/nonnative plants and nonnative/nuisance animals, any restoration/enhancement projects that have been undertaken at the site, ongoing management activities such as prescribed fire and/or mechanical vegetation reduction activities, and/or any other relevant topics.

Information related to the site's natural and cultural resources, location, size and any existing public use facilities/recreational amenities, as well as links to the site's trail guide, current management plan, any restoration project summaries and photo album may be found on ERM's Hypoluxo Scrub Natural Area webpage at: <http://discover.pbcgov.org/erm/NaturalAreas/Hypoluxo-Scrub.aspx>. Information on how to obtain a free natural areas map application for mobile devices may be found at: <http://discover.pbcgov.org/erm/Publications/ERMsMobileMaps.pdf>. Printed copies of the site's trail guide are available in a brochure box attached to the kiosk that is adjacent to the concrete nature trail and just south of the Town-managed area. All printed materials indicate that the natural area was acquired using FCT funds.

ERM staff will request that the FWC include Hypoluxo Scrub Natural Area in the South Florida section of the Great Florida Birding and Wildlife Trail when that section of the trail is updated.

No specific research needs have been identified for this site. ERM does not anticipate performing any scientific research other than compiling and interpreting the data from monitoring activities, but will allow researchers affiliated with local institutes of higher learning, botanical gardens and government agencies to conduct scientific research on a permit basis.

4.9 RESPONSE TO SIGNIFICANT EVENTS

The natural area was impacted by two hurricanes in September 2004 (Hurricanes Frances and Jeanne) and one hurricane in October 2005 (Hurricane Wilma). All three of the hurricanes caused minor tree/limb damage and deposited storm debris within the natural area. The 2004 hurricanes also caused several newly-planted cabbage palms to fall onto and damage a portion of the chain-link fence that is just south of the Town's wildlife observation towers/platform; Hurricane Wilma damaged a small section of fencing along the eastern edge of the site. The damaged fences were repaired within a few weeks of the storms.

The natural area also was impacted by an unnamed historic rainfall/flooding event in January 2014. This unnamed storm dropped 15 to 22 inches of rain, within and surrounding the natural area, in less than 12 hours (National Weather Service 2014). Based on subsequent staff observations, it appears that the January 2014 storm caused the loss of approximately 34 percent of the gopher tortoise population. Unfortunately, there are no practical ways for site managers to predict or prevent storm-related deaths of gopher tortoises; the only thing they can do is to try to

provide suitable gopher tortoise habitat for the remaining gopher tortoises. The storm also caused minor erosion of the northwestern management accessway; the damage area was regraded a few weeks after the storm.

If a natural or human-caused event severely damages structures or native vegetation, or alters the natural values of the site in the future, ERM staff will assess the nature of the damage/alteration and take actions necessary to protect the public and minimize/mitigate impacts to the site. The first priority following a significant event will be to secure the site to ensure public safety and prevent dumping, vandalism and unauthorized vehicular use. If hazardous conditions exist, the natural area will be closed to the public until such conditions have been eliminated. The site also may be closed until public use facilities have been repaired. Damaged/altered native plant communities will be managed to encourage natural regeneration following such an event. Management practices will be adjusted, if necessary, to accommodate the new conditions at the site. The County will inform FCT and the Town about any impacts caused by the event, and any actions designed to help restore damaged/altered natural resources and/or public use facilities. If the natural values of the site are severely limited or eliminated, the County, State and Town will discuss future plans for the site. All significant events affecting the natural area will be discussed in the next annual report to FCT and the next Annual Site Evaluation (ASE). The event also will be summarized in the next update to the management plan.

4.10 CLIMATE CHANGE

The natural area will help address climate change in the following ways:

- The preservation and restoration/enhancement of the existing plant communities will help reduce greenhouse gases by converting carbon dioxide to oxygen.
- The restored/enhanced plant communities will serve as a refuge for wildlife affected by climate change-induced habitat losses.
- Conversion of the dry retention area to a wet retention/created wetland has provided a new carbon “sink” where one did not previously exist, thereby increasing carbon stores and reducing local carbon dioxide levels.
- The wet retention/created wetland will hold more water for longer periods of time than the dry retention area, thereby reducing the effect of changes in rainfall patterns on local, water-dependent animal species.

5. SITE DEVELOPMENT AND IMPROVEMENT

All structural improvements and major land alterations were done in compliance with applicable local, state, regional and federal laws and regulations. All required licenses and permits were obtained prior to the commencement of any construction, native vegetation removal or major land alterations on the natural area. All of the existing improvements were constructed in disturbed portions of the site to the greatest extent practicable. A minimum 100-foot buffer was provided between the parking lot and the nearest wetland. The location of each improvement was surveyed for listed species prior to the construction of that facility. If any listed species were found within the construction area, the location of the improvement was adjusted to avoid impacts to the listed species, or the listed species was relocated to a safe location on the natural area.

The County is responsible for maintaining all public use facilities, fencing, gates, signage, management accessways/firebreaks and other structures on the natural area, with the exception of the parking lot, entrance/exit driveway, wildlife observation towers/platform, and parking lot signage and fencing which are maintained by the Town (see Appendix I).

5.1 PUBLIC USE FACILITIES AND ACCESS

The natural area is a publicly-owned preserve and resource-based, outdoor recreational site. It is open to the public during daylight hours, unless a special, after-hours use permit has been issued. The hours of operation are posted at each designated public access point.

All public use facilities (Figure 6) were carefully chosen, designed and located so as to not jeopardize the site's natural or historical resources, including the rare and endangered plants, animals and natural communities found on the natural area. They also have been designed and located to ensure that more than 70 percent of the predominately natural habitat has been left intact and protected from human disturbance. All of the public use facilities have been placed in upland portions of the site to reduce the potential for flooding.

Public uses permitted on this site include nature appreciation and study, hiking, nature photography, and bird/wildlife watching. The relatively small size of the parking lot limits the number of people that are on the site at any given time. With the exception of the use of vehicles for management purposes, all human traffic within the natural area is by foot.

Several of the existing public use facilities are compliant with Americans with Disabilities Act (ADA) requirements. The parking lot includes one designated ADA-compliant parking space. This parking space connects to an ADA-compliant pathway that leads to an interpretive kiosk and an ADA-compliant concrete nature trail. Other ADA-compliant public use facilities constructed on the site include the platform portion of the wildlife observation towers/platform structure and a shade shelter.

The primary public access is via a 10-car, 1-bus parking lot located just south of Hypoluxo Road (Figure 6). A bicycle rack has been installed adjacent to the parking lot to encourage visitors to ride bicycles to the natural area. Unpaved areas within the parking lot have been landscaped with native plants to provide additional wildlife habitat and to enhance the parking lot's appearance. A gate has been installed across the driveway to control entry to the parking lot. Although the Town is responsible for opening and closing the gate to the parking lot (Appendix I), this responsibility has been delegated to the Town of Lantana Police Department.

In addition to a gate that allows pedestrian access from the parking lot to the main portion of the natural area, members of the public can access the natural area through a second pedestrian access gate located along the west-central perimeter of the site.

Approximately 1.4 miles of trail have been created within the natural area (Figure 6). This includes a 2,220-foot-long accessible nature trail and approximately 1.0 mile of natural-surfaced hiking trails. All of the trails can be accessed from the parking lot and/or from the west-central pedestrian access gate.

The concrete nature trail begins at the parking lot. The nature trail is a minimum of 5-feet-wide to accommodate wheelchairs and other non-motorized mobility devices. Trail markers have been placed along the nature trail with station numbers that correspond to information in the printed trail guide.

All of the hiking trails within the natural area have a natural soil base. Access to the hiking trail is from the concrete nature trail or the west-central pedestrian access gate (Figure 6). Portions of the hiking trail are co-located with management accessways/firebreaks; other portions of the management accessways/firebreaks also may be used for foot traffic. The portions of the hiking trail that are not co-located with management accessways/firebreaks will be maintained at a width of three to six feet. The hiking trail will not be improved other than the addition of color-coded blazes on trees and/or posts to help keep hikers on the trail. Public use of secondary trails will be discouraged by signage and vegetative barriers, by not maintaining the trails and by encouraging the regeneration of native vegetation in these trails.

Non-trail amenities provided at the natural area include two wildlife observation towers with a connecting platform, several benches, a picnic table and several trash receptacles on the Town-managed portion of the site, and a shade shelter with benches on the County-managed portion of the site. The wildlife observation towers and connecting platform, parking area benches and picnic table are accessible from the parking lot. The shade shelter and its associated benches are accessible from the concrete nature trail and hiking trail. Drinking water and restrooms are not available at the natural area.

5.2 FENCING AND GATES

The entire perimeter of the site has been fenced to restrict access to and prevent unauthorized use of the site. All unnecessary interior fencing has been removed to reduce impacts to wildlife movements.

The types of fencing that currently exist on the natural area include three-rail, split-rail with wire mesh backing; two-rail, split-rail with wire mesh backing; two-rail, split-rail without mesh backing; and green vinyl-coated chain-link. Three-rail, split-rail fencing with wire mesh backing was installed along the eastern perimeter of the site where it borders the FEC Railway; two-rail, split-rail fencing with wire mesh backing was installed along the western perimeter of the site where it borders Overlook Road; and two-rail, split-rail fencing without a wire mesh backing was installed along the northern perimeter of the parking lot. Six-foot-tall, vinyl-coated chain-link fence was installed in the northeastern, northwestern and southern portions of the site where the natural area borders unfenced residential, industrial and/or commercial properties, and between the Town-managed and County-managed portions of the natural area.

Three management access gates have been installed at the natural area. These gates are located in the southeast corner of the parking lot, south of the pedestrian gate along Overlook Road and at the north end of Loomis Street. All of these gates provide vehicular access for management and monitoring activities, public safety and law enforcement.

Public vehicular access (including bicycle access) to the parking lot is provided through a gate installed near the parking lot entrance. Public pedestrian access from the parking lot to the main portion of the natural area is through a 6-foot-tall, open and close chain-link gate. Pedestrian access from the Overlook Road right of way is through a 3-foot-tall, open and close chain-link/pedestrian maze gate.

5.3 SIGNS

An entrance sign was installed south of Hypoluxo Road, near the entrance to the parking lot. A permanent dedication sign posted within the Town-managed portion of the site states that the natural area is a passive recreational site that has been funded by the County, Town, FCT, FDACS' Urban and Community Forestry Grant Program and FRDAP.

Regulatory signs have been posted at each corner of the natural area and every 500 feet along the perimeter of the natural area. These signs identify Hypoluxo Scrub Natural Area as a protected site and cite the County's Natural Areas Ordinance. Access hours and natural area rules signs have been installed adjacent to the parking lot and at the pedestrian entrance east of Overlook Road. Signs that notify visitors of trail use restrictions, security patrols, the presence of hidden cameras and other site-specific information also have been or may be installed on the site. Signposts/trail markers with station numbers corresponding to descriptive information in the trail

guide have been installed along the nature trail. Trail markers also have been installed at various points along the hiking trail to keep hikers on the designated trail

A “No Trash Area” sign was installed at the pedestrian access gate on Overlook Road. Multiple trash receptacles have been installed in the parking lot by the Town; they are serviced on a regular basis by Town staff.

5.4 MANAGEMENT ACCESSWAYS/FIREBREAKS

A network of management accessways and firebreaks has been established around the perimeter of the natural area and between each of the management units (Figure 4). Management accessways are cleared, drivable trails. They are primarily used for vehicular access related to land management activities and for the containment of wildfires and prescribed burns when they occur. Management accessways also have been used as part of a designated hiking trail.

Management accessways typically have an unimproved sand/dirt surface. At this site, however, a 60-linear-foot portion of the central management accessway was stabilized using GeoWeb in 2007. Between 2010 and 2012 approximately 2,700 linear feet of shellrock was brought in to help stabilize other portions of the management accessways. Then in 2014 shellrock was brought in to stabilize additional portions of the management accessways. The addition of GeoWeb and shellrock to the management accessways was done to improve management and emergency vehicular access to the site.

Firebreaks which are not part of the management accessway system may be established within management units to separate fire-intolerant natural communities from adjacent burn areas and/or to create smaller burn units. These firebreaks, which are cleared on an as-needed-basis, may include areas that have been cleared of vegetation (bare soil), as well as areas where the vegetation has been mowed or cut/chopped. Temporary firebreaks are allowed to revegetate following a prescribed burn.

Management accessways/firebreaks were located on existing trails and within disturbed areas whenever possible; natural firebreaks were used when feasible. The management accessways/firebreaks on this site were designed and located to ensure that more than 70 percent of the predominately natural habitat was left intact and protected from human disturbance. Prior to construction, all management accessway/firebreak locations were surveyed for listed species. If a listed species was likely to be impacted by the proposed construction, the management accessway/firebreak was rerouted or the listed species was relocated elsewhere on the site.

5.5 OTHER STRUCTURES AND IMPROVEMENTS

As of March 2017 the only other structures and improvements present within and immediately adjacent to the natural area were a “Barefoot Mailman” statue, three metal sculptures done by a local artist, time capsule monument, three flagpoles, an irrigation well and pump, temporary

above-ground PVC pipes with associated dripline tubing, two underground drainage pipes, four manhole covers, two water control structures, an underdrain, a wet retention/created wetland, one historic cistern, and two drinking water supply wells, one water quality well and associated underground water supply pipes, and three wooden power poles that are owned by Manalapan.

The “Barefoot Mailman” statue, sculptures, time capsule monument and three flagpoles were installed by the Town in 2005. The flag poles are located just west of the parking lot driveway; the statue, metal sculptures and time capsule monument are located between the parking lot and the wildlife observation towers/platform.

An irrigation system, consisting of an irrigation well and pump, temporary above-ground PVC pipes and dripline tubing, was installed in the northeastern portion of the site by ERM in 2008. The purpose of this irrigation system was to provide supplemental water to native restoration plantings in the northern portion of the site (see Subsection 4.4.4.1). The PVC pipes and dripline tubing were removed in 2016 after the native plantings had become established. The irrigation well was left in place and will be used if additional restoration plantings are installed in the northern portion of the site.

Two underground stormwater drainage pipes, four manhole covers, two water control structures, an underdrain and dry retention area were installed in 1988 in the eastern portion of the site. These structures and improvements are part of the drainage system for Hypoluxo Road (see Sections 1.7 and 3.1). The dry retention area was converted to a wet retention/created wetland between 2013 and 2014 (see Section 4.4.4.2).

A historic above-ground cistern is located within the northeast portion of the natural area (see Section 3.5).

Two drinking water supply wells, one observation well and associated water pipes are located within the northern portion of the natural area (see sections 1.2, 1.7 and 3.1). These wells are owned and managed by Manalapan. Three wooden power poles located within a utility easement along the northeastern edge of the property provide power to the southern water supply well.

5.6 PRIORITY SCHEDULE FOR SITE MANAGEMENT AND RESTORATION ACTIVITIES

Completed and proposed restoration/enhancement activities - fire management, mechanical vegetation removal/thinning, invasive/nonnative plant removal/control, nonnative/nuisance animal control and restoration/enhancement projects - are described in Section 4.4. Completed site improvements are described in Sections 5.1 through 5.5. Public use facilities have been constructed; the natural area officially opened to the public in July 2005. Management of the natural area is now in maintenance mode; invasive/nonnative vegetation and nonnative/nuisance

animal control activities are ongoing, and structures will be replaced when needed due to age or damage.

A priority schedule for ongoing and proposed management activities over the next ten years is provided in Table 3. All of the activities shown in Table 3 are contingent upon annual budgetary funding and appropriations by the BCC.

6. COSTS AND FUNDING SOURCES

The County has primary responsibility for development, restoration/enhancement, management and maintenance of the County-managed portion of the natural area (Figure 2), including the wet retention/created wetland and related overflow structure. These activities are accomplished by existing county personnel, with assistance from county contractors and community volunteers. The Town has primary responsibility for development, restoration/enhancement, management and maintenance of the Town-managed portion of the site, as well as public safety and law enforcement throughout the entire natural area. Pursuant to an existing Interlocal Agreement, the Town has agreed to open and close the parking lot gate, and to assist the County with certain volunteer activities and management activities, subject to the availability of town funds, staff and equipment (Appendix I). The Engineering Department has primary responsibility to maintain the underground pipes and associated discharge structure that connect Hypoluxo Road to the wet retention/created wetland (Appendix E). The Engineering Department also has the primary responsibility to maintain the underground pipes that connect the overflow structure to the Dixie Highway storm sewer system.

6.1 INITIAL CAPITAL COSTS

Initial capital costs related to the wildfire mitigation, environmental restoration/enhancement, site development and security projects/activities described in Sections 4.4 and 5.1 through 5.5, which were paid by the County totaled \$885,887. All of the proposed capital projects and activities have been completed.

6.2 ESTIMATED ANNUAL MANAGEMENT AND MAINTENANCE COSTS

Annual management and maintenance costs for the County-managed portion of the site are expected to average \$173,150 over the next ten years (Table 4). These costs will be minimized by coordinating the management and maintenance of natural areas on a countywide basis. Costs also will be minimized whenever possible through the use of volunteers for non-hazardous/non-technical activities. However, most of the ongoing management and maintenance work, including all hazardous and technical work, will be done by existing county personnel with assistance from county contractors. All future management and maintenance activities (repair/replacement of site improvements, invasive/nonnative vegetation and nonnative/nuisance animal control activities, wildfire mitigation, etc.) are subject to, and contingent upon, annual budgetary funding and appropriations by the BCC. Management and maintenance costs related to the Town-managed portion of the site will be paid by the Town.

6.3 FUNDING SOURCES

Most of the funds used to acquire, secure, develop, restore/enhance, manage and maintain Hypoluxo Scrub Natural Area have and will continue to come from County funding sources, with assistance from the Town. Grants and other outside funding sources have been and will

continue to be used to offset some of these costs as opportunities arise. Approximately \$1,709,820 of the County's acquisition costs were paid by FCT, and \$20,219 of the County's capital restoration costs (invasive/nonnative vegetation removal and mechanical vegetation reduction) were paid using grant funds received from the USDA, Natural Resources Conservation Service, Wildlife Habitat Incentives Program (WHIP) and FWC Gopher Tortoise Habitat Management Program. The Town received two FRDAP grants totaling \$200,000; these grants helped pay for the construction of public use facilities within the Town-managed portion of the site. The Town also used a portion of a town-wide \$37,399 FDACS' Urban and Community Forestry Grant Program hurricane grant to help pay for the replacement of vegetation that was damaged as a result of Hurricanes Frances and Jeanne in 2004.

Most of the County's capital costs, including acquisition costs, were paid using funds from the Palm Beach County Lands for Conservation Purposes Bond Issue Referendum of March 9, 1999. The balance of County's capital costs, as well as all long-term land management/maintenance costs, have and will continue to come from the Palm Beach County Natural Areas Fund, Palm Beach County Natural Areas Stewardship Endowment Fund, Ag Reserve Land Management Fund and/or Palm Beach County General Fund, as may be amended.

The County has established a Natural Areas Stewardship Endowment Fund which includes funds from restricted gifts and other sources. These funds are invested and the interest earned provides operating funds for county natural areas. The County also has established a Natural Areas Fund to help pay for the development, restoration/enhancement and management of county natural areas. Funding sources for the Natural Areas Fund includes cash payments made in lieu of preservation requirements contained in Article 14, Chapter C (Vegetation Preservation and Protection Ordinance) of the Palm Beach County Unified Land Development Code (ULDC), as well as monies received from the sale of development rights removed from natural area lands, leases of county-owned land in the Agricultural Reserve, and the use of county natural areas as offsite mitigation areas. And lastly, the Pollution Control Recovery Trust Fund, which receives fees related to civil violations under Article 14 of the ULDC, may be used to help pay for restoration/enhancement projects on county natural areas. Even with these possible funding sources, the County recognizes the need for additional management funds. ERM will investigate all possible local, state, or federal sources of land management funds, however, the County will not apply for funds from any grant program whose requirements conflict with the terms and conditions of the FCT grant award agreement.

7. MONITORING AND REPORTING

The natural area is managed specifically to preserve, restore/enhance and maintain its natural and historical resource values, and to allow public uses that do not adversely affect the existing resources. Restoration/enhancement and other land management activities are continually monitored and assessed to determine whether the stated objectives for natural vegetation communities and listed species are being achieved, and/or to identify any new species not previously identified on the site. Management practices are adjusted (a process known as “adaptive management”) if an analysis of the monitoring data indicates that management objectives are not being met. Likewise, anthropogenic impacts are monitored to ensure that public uses do not negatively impact the natural area. If an analysis of monitoring data indicates that public uses are having a negative impact on vegetation and/or wildlife populations, a carrying capacity or additional use restrictions may need to be established for the site. Monitoring data also is used to prepare ASEs and FCT reports (see Section 7.6).

The effects of management activities and public uses will be determined through implementation of the monitoring program described in the following sections. Monitoring protocols have been developed to ensure consistency on all natural areas managed by ERM. Copies of these protocols are available upon request. The types of monitoring activities conducted on the natural area are summarized in the following sections. The monitoring requirements and procedures contained in this chapter are based on the monitoring protocols in existence as of March 2017. If any of the monitoring protocols are amended or revised prior to the next update of this management plan, the monitoring requirements contained in this chapter will automatically be revised so that they are in compliance with the newly approved monitoring protocols.

7.1 PHOTOMONITORING

The primary objective of photomonitoring is to obtain a qualitative, long-term visual record of changes in vegetative composition and/or condition over time, including the effects of planned management and restoration activities. Photomonitoring also may be used on a short-term basis to document relatively rapid changes in vegetation coverage which are related to specific restoration or management activities, such as the mechanical removal of invasive/nonnative vegetation, ditch filling/plugging, recontouring of areas which have been mined or filled, and prescribed fire; or to document changes related to natural events, such as wildfires and tropical storms/hurricanes.

Photomonitoring began at the natural area in 2004. Four permanent photomonitoring stations were established in areas where planned management or restoration activities were anticipated to occur and in areas in which natural vegetation succession of management interest was expected to occur. One photomonitoring station has been established in each management unit. Photomonitoring stations were installed in each of the native upland vegetation communities to provide photographic documentation of the effects of management and/or restoration activities on those communities.

7.2 VEGETATION MONITORING

As of March 2017 no vegetation plots had been established at the natural area. However, vegetation plots may be established and an associated monitoring program may be initiated in the future in order to detect changes in vegetative structure and/or composition of natural communities that may be caused by management activities of interest.

In the future if vegetation monitoring is required by the conditions of a permit, grant or any other agreement, or if vegetation transects are needed to monitor the effects of a destructive natural event (such as a hurricane, wildfire, pest, disease or invasive species), a point intercept transect monitoring method will be used (subject to approval by the overseeing agency or organization). Transects will be surveyed twice a year, once in the dry season and once in the wet season. Data will be recorded at predetermined intervals along each transect.

If an analysis of the vegetation plots or transect data indicates that negative natural community changes are occurring, additional plots and/or transects may be established in the affected management unit(s) to determine if the changes are localized or widespread.

Any plant species that has been listed for protection or special management by at least one governmental agency and/or is ranked as a S1-S3 species by FNAI, and that has been observed on the site during a given calendar year, will be recorded in ERM's Environmental Enterprise Database (EEDB). In addition, population information will be collected for certain listed plant species in accordance with established monitoring protocols. Additional surveys may be conducted if it is determined that they are necessary to document the effect(s) of changing site conditions, a significant natural event or land management activity on one or more listed plant species. If the population of a species is too large to practically count all individuals, a representative portion of the population will be surveyed. A species-specific monitoring plan may be developed for endangered listed plant species when more intense monitoring is needed due to regulatory requirements, and/or to help identify or evaluate management activities designed to help protect that particular species.

County staff also records any plant species encountered opportunistically (during a normal site visit) on a natural area that has not previously been recorded for the site. The sighting and any specific information obtained during the opportunistic sighting (for example, the number of individual plants observed, location, whether or not the plant is blooming or fruiting, etc.) are recorded in the EEDB.

7.3 WILDLIFE MONITORING

With one exception, migratory bird surveys have been performed biannually since 2003; non-migratory wildlife surveys were performed annually from 2010 to 2015. Migratory bird surveys are conducted when migratory bird species are expected to be present - September through October and February through May. Optional (as of January 2017) nonmigratory wildlife surveys may be conducted from June through August.

Any animal species observed at the site that has been listed for protection or special management by at least one governmental agency or that has been ranked as a S1-S3 species by FNAI, and that has been observed on the site during a given calendar year, will be recorded in ERM's EEDB. A species-specific monitoring plan may be developed for any listed animal species that is recorded as breeding on the site, if more intense monitoring is needed to help identify or evaluate management activities designed to help protect that particular species.

County staff also records any animal species that is encountered opportunistically (during a regular site visit) and that has not previously been recorded for the site. The sighting and any specific information obtained during the opportunistic sighting (for example, the number of individuals observed, whether they were adult/juvenile, male/female, breeding, feeding, etc.) are recorded in the EEDB.

Regularly-scheduled species-specific monitoring has been conducted at the natural area for one species – the gopher tortoise since 2004.

7.4 HYDROLOGICAL MONITORING

Three hydrological monitoring stations, each consisting of a monitoring well, were installed in the east-central portion of the natural area in 2010. Information collected from these wells helped determine typical groundwater elevations within the eastern portion of the site. The groundwater information was used to design and construct a wet retention/created wetland that holds standing water throughout the year. One hydrological monitoring station, consisting of a staff gauge, was installed in the southeastern portion of the wet retention/created wetland in 2015. Two of the original hydrological monitoring stations were removed during construction of the wet retention/wetland creation project. The third hydrological monitoring station was deactivated in 2016 because the well was constantly dry. Readings from the remaining active hydrological monitoring station located within the wet retention/created wetland is recorded on a monthly basis.

7.5 CLIMATE CHANGE MONITORING

All of the monitoring information gathered on the site will be evaluated for changes that may be the result of climate change. If significant changes in rainfall patterns and/or vegetation communities are noted over time, staff will attempt to mitigate for these changes if possible. If

the changes cannot be mitigated for, county staff will modify its management practices to provide the highest quality vegetation communities practicable under the new climate conditions.

7.6 ANNUAL REPORT

ERM will prepare and submit a stewardship report to FCT each year unless the reporting requirements are modified by FCT. The stewardship report will be designed to meet the reporting requirements for the FCT-funded portion of the natural area. ERM staff also will prepare an ASE report each year. Each ASE will include information related to any structural improvements, natural events, management activities and restoration activities that occurred during the prior year, as well as the degree of success of any management and restoration activities relative to the stated management goals for the site. The ASE will include a description of any changes to the monitoring plan that occurred during the prior year, as well as recommendations for future management actions for the natural area. A general review of management efforts related to natural vegetation communities and the status of listed species also will be completed at the end of each management year and included in the ASE.

The ASE will be the vehicle through which detailed information on the management of the natural area will be shared with other ERM staff. ASEs will provide information that will be used in conjunction with data stored in the NRS portion of ERM's EEDB to allow staff biologists, ecologists and engineers to analyze and evaluate the success of staff management activities on the natural area over a period of years. ASEs will provide the basis for trend analysis of site data that will be performed at least every five years by staff.

Information on all listed plant and animal species recorded at the natural area will be provided to FNAI on an annual basis, using one of the forms that are available at <http://www.fnai.org/fieldreportingforms.cfm>, or as otherwise requested by FNAI.

8. CHRONOLOGY OF MAJOR EVENTS (1999-2017)

Year	Month	Event
1999	December	The Gran Central Tract was purchased by the County for \$4,561,677.
2000		There were no significant events.
2001	September	A wildfire burned 0.4 acres of scrubby flatwoods southwest of the retention pond.
	October	Interlocal Agreement with the Town for management responsibilities related to the natural area executed by BCC. Town was granted primary responsibility for a 2.53-acre area in the northern portion of the site; the area managed by the Town was later field adjusted to include 2.7 acres.
	November	First Amendment to Interlocal Agreement was executed by BCC. The amendment extended the term of the Interlocal Agreement from 15 to 25 years to allow the Town to receive \$150,000 from FRDAP to help pay for the public use facilities constructed within the Town-managed Tract.
2002	July	Town planted a portion of the 2.7-acre managed area as part of a native ecosystem restoration project. Over 300 plants were installed, including live oak, cabbage palm, strangler fig, coco plum and gumbo limbo.
	October	NAMAC voted to change the name of the natural area from Overlook Scrub to Hypoluxo Scrub.
2003	February	Initial draft management plan approved by FCT; state matching funds of \$1,709,820 received from FCT for Gran Central Tract.
	March	Future Land Use for entire site changed to “Conservation/Open Space” (Town 2003).
	May	Public hearing and open house held on initial management plan.
	June	Initial management plan approved by NAMAC.
	August	Initial management plan approved by BCC.
		Second Amendment to Interlocal Agreement executed by BCC to extend the Interlocal Agreement from 25 years to 30 years, along with a 20-year renewal provision, to allow the Town to meet requirements for a grant.

2003	October	An archaeological survey of Palm Beach County, Florida was completed. The survey identified the remnants of the “Hypoluxo Homestead” (8PB10943) in the northeastern portion of the site.
2004		Construction of management accessways/firebreaks completed.
		Town installed additional plantings, including saw palmetto, cabbage palm and shell-mound pricklypear, in the parking area.
	April	Town completed construction of the parking lot, bike rack and wildlife observation towers/platform.
		Three Florida scrub-jays were captured and banded.
	June	Zoning designation changed to “Preservation/Conservation” for the Gran Central Tract.
	September	Hurricanes Frances and Jeanne caused minor impacts to the site. A portion of the chain-link fence was damaged by several newly planted cabbage palms that fell on the fence.
	October	A car used in a robbery was driven through the post-and-rail fence east of Overlook Road and into the natural area. The car was removed by law enforcement staff; the fence was repaired by ERM staff.
	November-December	Seven feral cats were trapped and removed from the site.
	December	Concrete nature trail construction completed.
2005		FCT acknowledgement sign installed by the Town.
		Five feral cats were trapped and removed from the site.
	July	Official grand opening to the public held by the Town.
		A wildfire burned 0.4-acres of mostly gopher apple adjacent to the concrete nature trail in the northeastern portion of the site.
	October	Hurricane Wilma caused minor tree and limb damage within the natural area. One section of fence along the eastern edge of the site was damaged. Building materials and other debris were blown into the site.
2006		The initial nonnative/invasive vegetation treatments were completed and the site was at maintenance level (nonnative species covering less than 1% of site).

2006		Graffiti was found on the northern kiosk and concrete nature trail. It was removed by ERM staff.
	December	A shade shelter and two interpretive kiosks were installed on site.
		A car went through the management access gate east of Overlook Road and into the site; the gate was repaired by ERM staff.
2007		A natural-surfaced hiking trail was constructed.
		Graffiti was found on the concrete nature trail, kiosk and shade shelter; it was removed by ERM staff. Several homeless camps were removed from the site. A letter requesting more frequent law enforcement patrols was sent to the Town.
	June	The SFWMD formally accepted a standard form conservation easement over the Gran Central Tract.
	November	Last time a Florida scrub-jay was recorded on the natural area.
		Approximately 60 feet of GeoWeb was installed to stabilize a portion of the central management accessway.
2008		A pedestrian gate was installed in the perimeter fence east of Overlook Road, and a natural-surfaced hiking/connector trail was created between the new gate and the existing hiking trail.
		Graffiti continued to be an issue on the public use facilities; the Sheriff's Office's "Graffiti Busters" group cleaned up the paint. Several homeless camps were removed from the site.
		An irrigation well was installed in the northeastern portion of the site in preparation for native restoration planting projects.
	March	A WHIP grant was approved for removal of invasive/nonnative vegetation, installation of native plantings and implementation of a prescribed burn program. In 2012 the grant agreement was amended to delete the native planting requirement and allow the use of mechanical vegetation reduction in lieu of prescribed fire.
	April	A Phase I Cultural Resource Survey was completed for the site. It confirmed that remnants of the previously identified "Hypoluxo Homestead" (8PB10943) should be preserved and maintained.
2009		Volunteers planted 202 coontie, gopher apple and live oak seedlings, and 300 wiregrass south of the Town-managed area.
		One of the shade shelter benches was damaged by vandals; it was repaired by ERM staff. Graffiti was painted on the concrete nature trail; it was painted over by the Graffiti Busters. Two homeless camps were found and removed by ERM staff.

2009	January	Town changed the Future Land Use designation for the natural area from “Conservation/Open Space” to “Conservation/Open Space/Passive Park”.
	November	TNC formally accepted a standard form conservation easement over the Gran Central Tract.
2010		Town planted 89 trees and shrubs (including seagrape, cabbage palms, gumbo limbo, slash pine, Simpson’s stopper, live oak and pigeon plum) adjacent to the parking lot. Two benches, a picnic table and a garbage can were added to the Town-managed portion of the site.
		Volunteers planted 114 gopher apple seedlings south of the Town-managed portion of the site.
		Graffiti was found on the natural area’s side of the southeastern storage facility’s wall; it was painted over by the Graffiti Busters. Two homeless camps were found and removed.
	April	Shellrock was brought in to help stabilize approximately 1,800 linear feet of management accessway.
	July	A wildfire burned a 0.2-acre area southwest of the Stormwater Retention Tract.
	August	The Former Right of Way Tract (abandoned East Coast Avenue right of way) was incorporated into the natural area.
2011		Volunteers planted 70 gopher apple seedlings south of the Town-managed portion of the site.
	November	Vegetation within Management Unit 4 was mechanically reduced.
2012		Volunteers planted 62 gopher apple and 144 sand cordgrass seedlings south of the Town-managed Tract.
		An additional 900 linear feet of management accessway were stabilized using shellrock.
2013	February	Memorandum of Understanding was signed with the County’s Engineering Department authorizing ERM to convert the dry stormwater retention area into a wet retention/created wetland.
	March	Underdrain in the dry retention area was plugged to stop drainage.
	November	A FWC Gopher Tortoise Habitat Management Program grant was awarded to the County for mechanical treatment of scrubby flatwoods areas for fuel reduction, wildfire abatement and burn preparation.

2014		Eighty-six truckloads of shellrock were used to stabilize the east and central management accessways.
		Graffiti was found on the natural area's side of the southeastern storage facility's wall; it was painted over by the Graffiti Busters.
	January	An un-named storm that dropped 15 to 22 inches of rain in the vicinity of the natural area (National Weather Service 2014). The storm caused the collapse of numerous gopher tortoise burrows. The excessive rains also caused minor erosion of the northwestern management accessway.
	February	Vegetation within Management Unit 2 was mechanically reduced.
		A small, temporary informational kiosk was installed along the concrete nature trail and adjacent to the area that was mechanically reduced.
	August	Excavation activities within the wet retention/created wetland were completed (approximately 10,000 cubic yards of fill removed).
	November	Ten coontie were salvaged from an offsite development area and relocated to the natural area.
2015		A \$50,000 FRDAP grant was awarded to the Town for improvements to public use facilities on the Town-managed portion of the site.
		Gulf coast spikerush, broadleaf arrowhead, pickerelweed and giant bulrush were planted within the littoral and emergent zones of the wet retention/wetland area enhancement project.
	January	Approximately 10,000 transitional and upland plants (sand cordgrass, wiregrass, muhly and broomsedge bluestem) were installed adjacent to the wet retention/created wetland. Irrigation was installed at the same time.
	April	Vegetation within portions of Management Units 2 and 4 was mechanically reduced.
2016	January	Cistern associated with the old homestead was filled in with sand.
	June	Volunteers planted 101 gopher apple in the northeastern portion of the site.
2017	(month)	Update to management plan approved by NAMAC.
	(month)	Update to management plan approved by BCC.
	(month)	Update to management plan approved by FCT.

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10. FIGURES

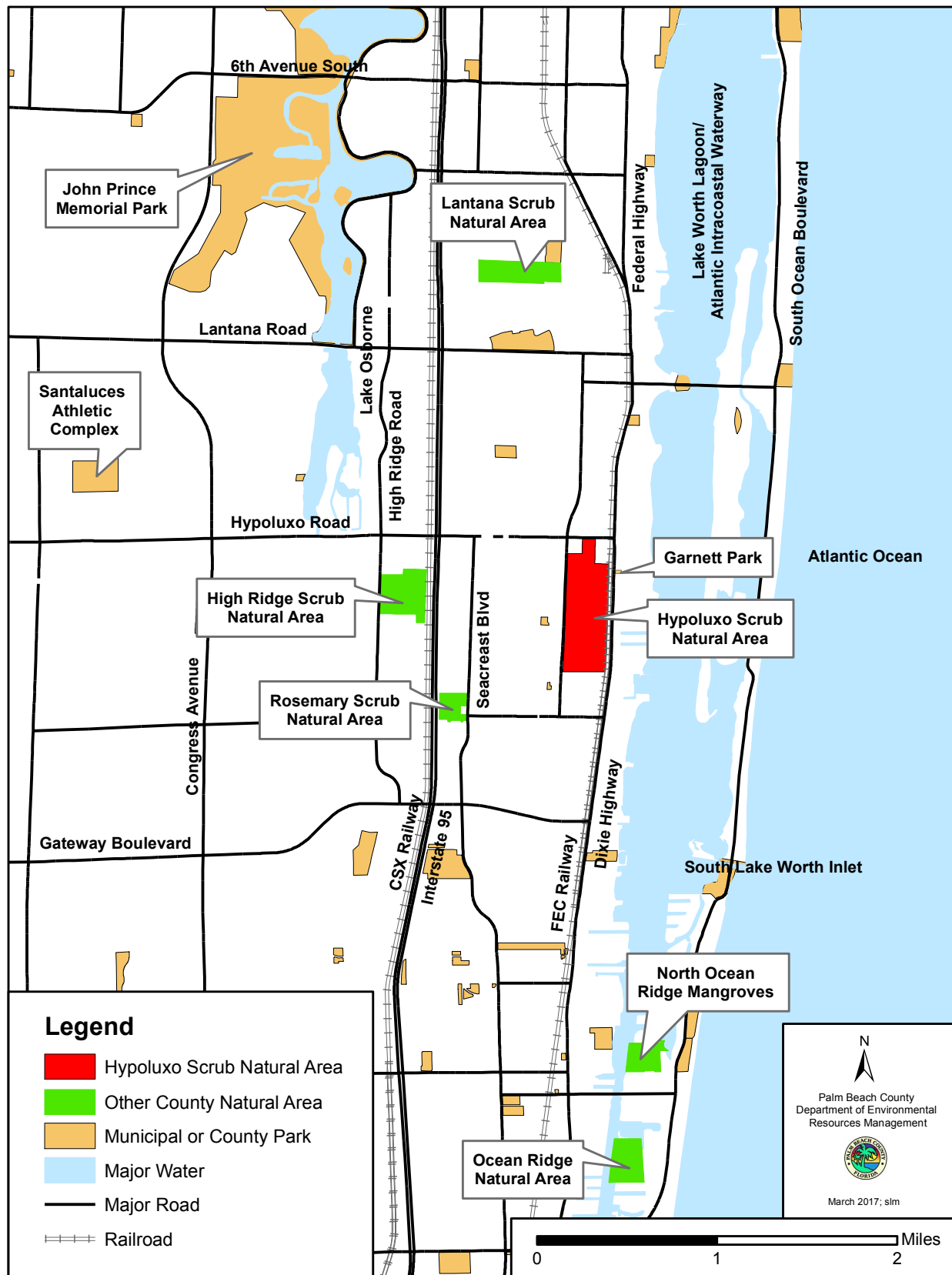


Figure 1. Hypoluxo Scrub Natural Area Location Map

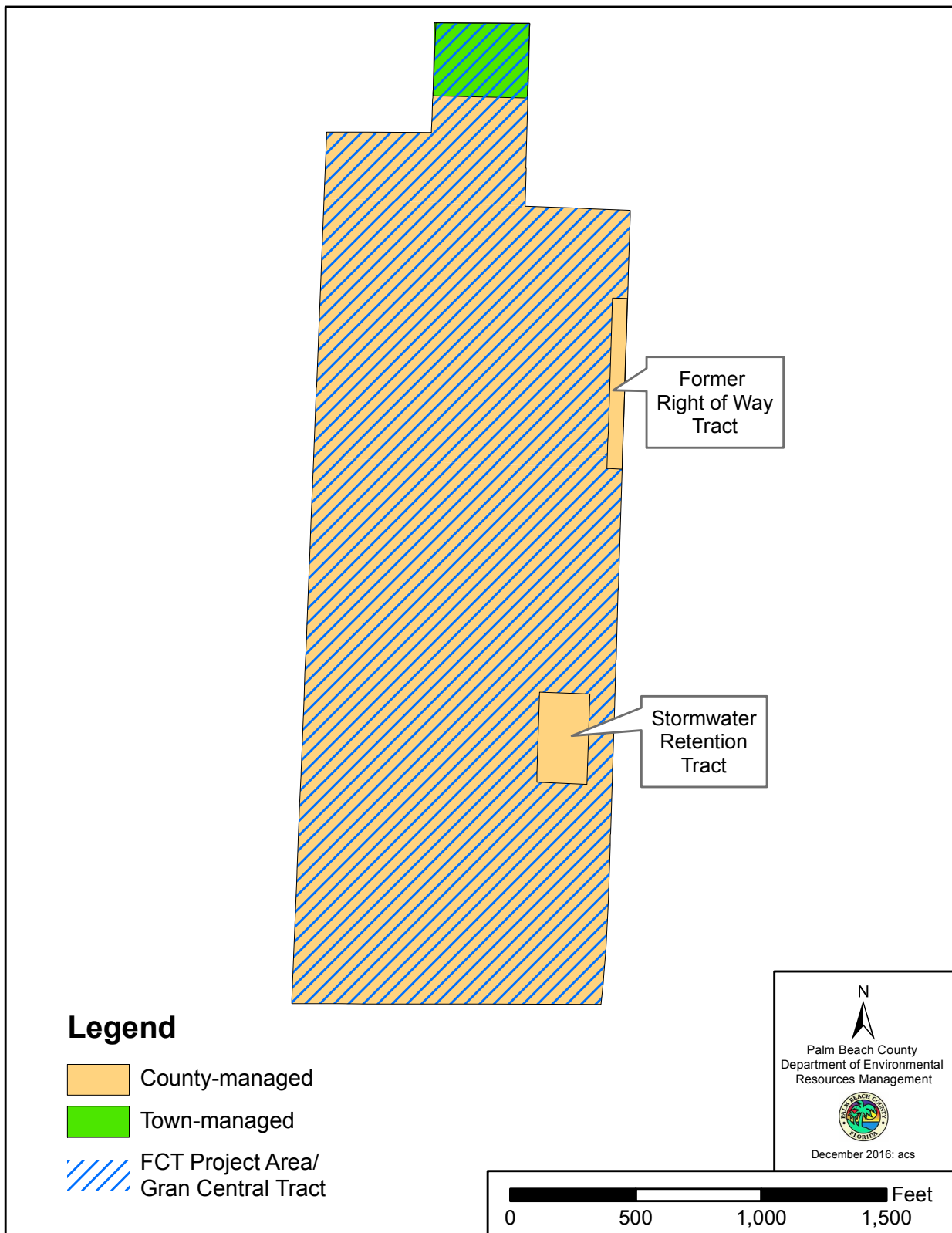


Figure 2. Hypoluxo Scrub Natural Area FCT Project Area / Tract / Managing Entity Map

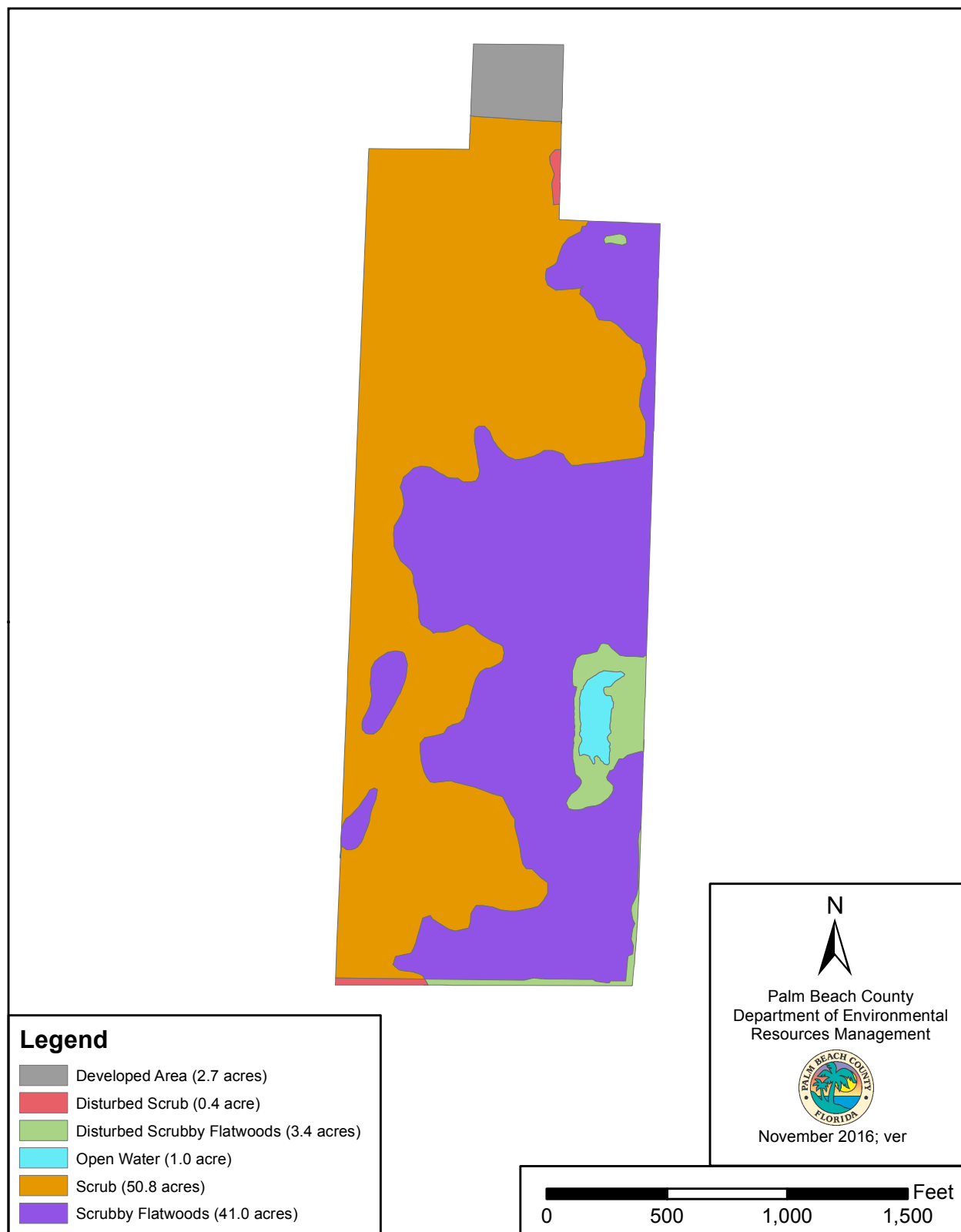


Figure 3. Hypoluxo Scrub Natural Area Vegetation Communities Map

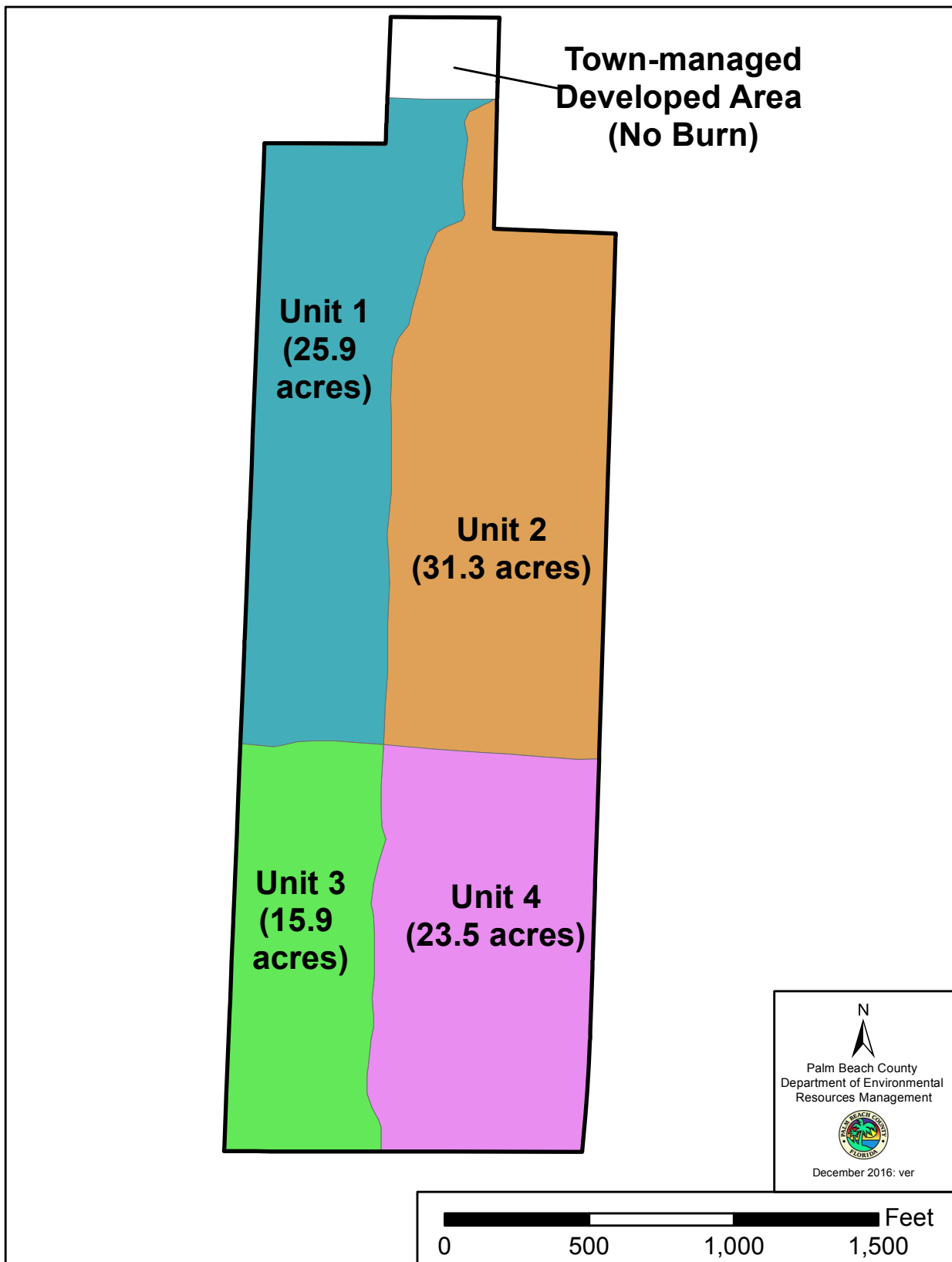


Figure 4. Hypoluxo Scrub Natural Area Management Units Map

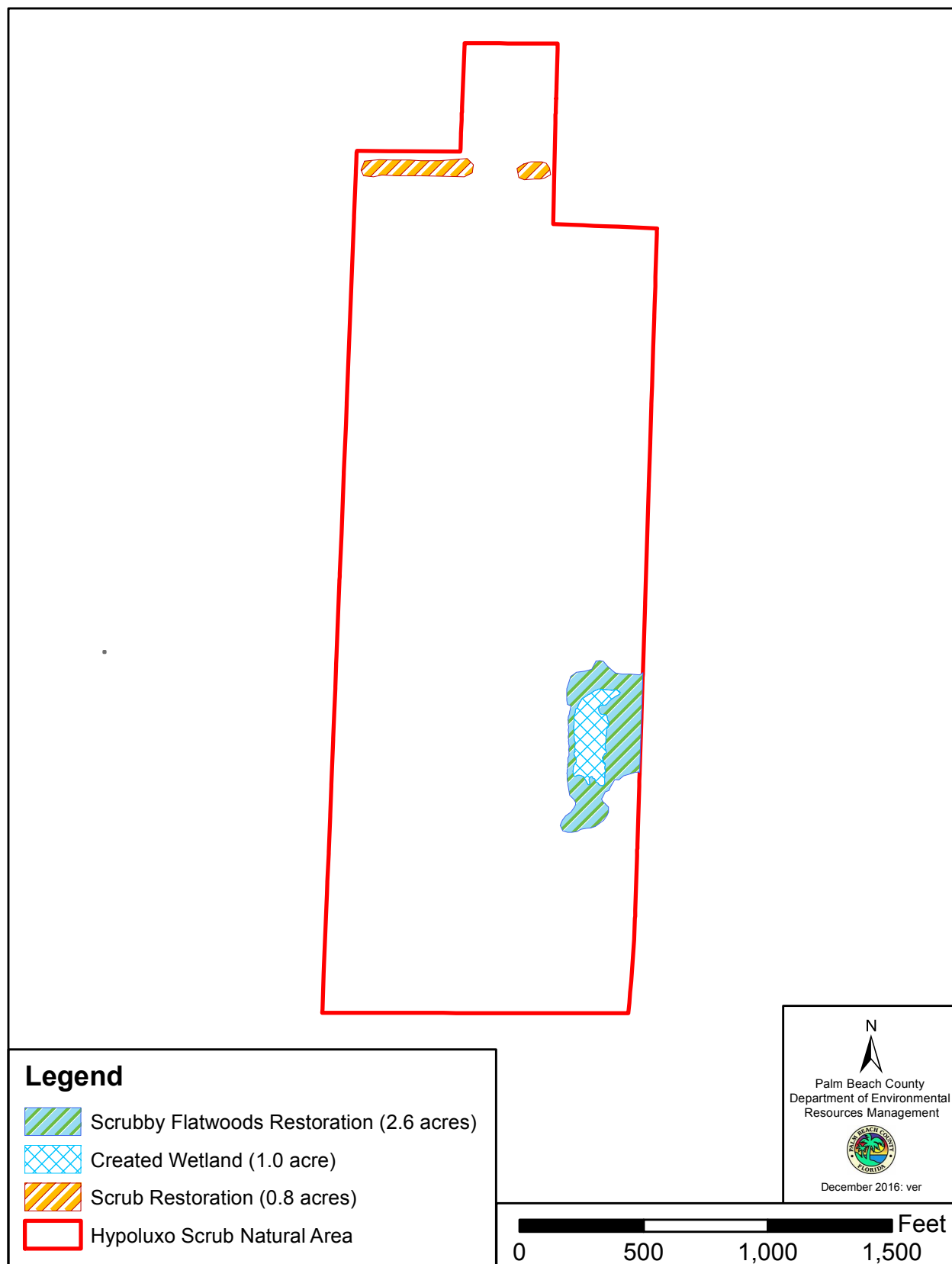


Figure 5. Hypoluxo Scrub Natural Area Restoration Map

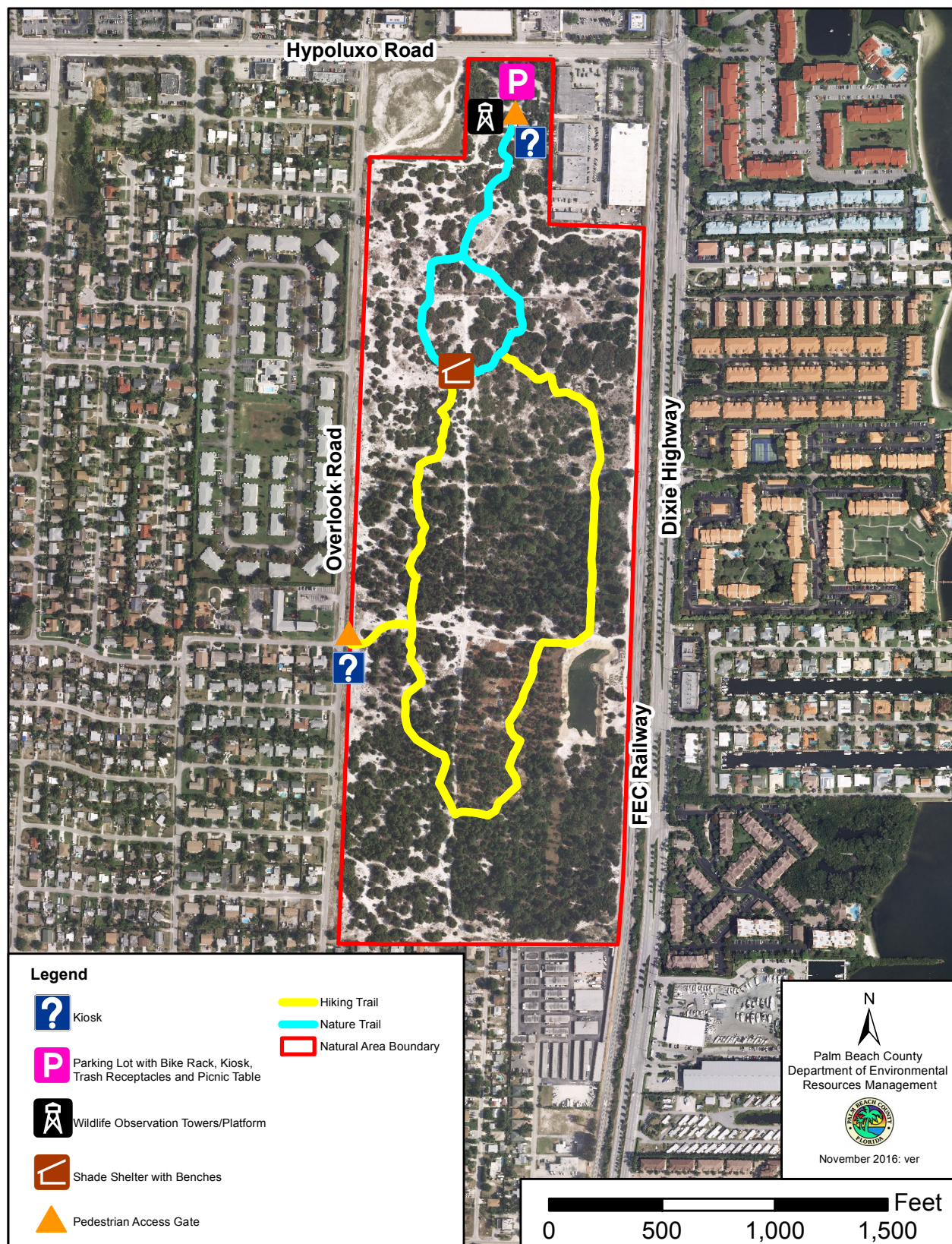


Figure 6. Hypoluxo Scrub Natural Area Public Use Map

11. TABLES

Table 1. Listed Plant Species Recorded at Hypoluxo Scrub Natural Area

SCIENTIFIC NAME	COMMON NAME	STATUS/RANK DESIGNATIONS		
		USFWS	FDACS	FNAI
<i>Agave weberi</i>	Wild century plant	N	E	N
<i>Asclepias curtissii</i>	Curtiss' milkweed	N	E	N
<i>Lechea cernua</i>	Scrub pinweed	N	T	G3/S3
<i>Myrcianthes fragrans</i>	Simpson's stopper	N	T	N
<i>Opuntia stricta</i>	Shell-mound pricklypear	N	T	N
<i>Roystonea regia</i>	Florida royal palm	N	E	G2G3/S2
<i>Tillandsia balbisiana</i>	Inflated & reflexed wild pine	N	T	N
<i>Tillandsia fasciculata</i>	Common wild pine	N	E	N
<i>Tillandsia utriculata</i>	Giant wild pine	N	E	N
<i>Zamia integrifolia</i>	Coontie	N	CE	N

CE = Commercially exploited

E = Endangered

FDACS = Florida Department of Agriculture and Consumer Services

FNAI = Florida Natural Areas Inventory

N = Not listed

T = Threatened

USFWS = United States Fish and Wildlife Service

Species presence determined from field surveys conducted by ERM (1988-2017). Listings by USFWS are from USFWS (undated); listings by FDACS are from FDACS (2016b); and listings by FNAI are from FNAI (2017). Listing categories are defined in Appendix C.

Table 2. Listed Animal Species Recorded at Hypoluxo Scrub Natural Area

SCIENTIFIC NAME	COMMON NAME	STATUS/RANK DESIGNATIONS		
		USFWS	FWC	FNAI
<i>Aethecerinus hornii</i>	Horn's Aethecerinus long-horned beetle	N	N	G2G4/S2S4
<i>Aphelocoma coerulescens</i>	Florida scrub-jay	T	FT	G2/S2
<i>Ardea alba</i>	Great egret	N	N	G5/S4
<i>Copris gopheri</i>	Gopher tortoise copris beetle	N	N	G2/S2
<i>Egretta caerulea</i>	Little blue heron	N	ST	G5/S4
<i>Egretta thula</i>	Snowy egret	N	N	G5/S3
<i>Egretta tricolor</i>	Tricolored heron	N	ST	G5/S4
<i>Eudocimus albus</i>	White ibis	N	N	G5/S4
<i>Eumaeus atala</i>	Atala	N	N	G4/S2
<i>Falco columbarius</i>	Merlin	N	N	G5/S2
<i>Falco peregrinus</i>	Peregrine falcon	N	N	G4/S2
<i>Gopherus polyphemus</i>	Gopher tortoise	C	ST	G3/S3
<i>Haliaeetus leucocephalus</i>	Bald eagle	N	N	G5/S3
<i>Helmitheros vermivorum</i>	Worm-eating warbler	N	N	G5/S1
<i>Hemiargus ceraunus antibubastus</i>	Ceraunus blue butterfly	T(S/A)	FT(S/A)	N
<i>Leptotes cassius theonus</i>	Cassius blue butterfly	T(S/A)	FT(S/A)	N
<i>Pandion haliaetus</i>	Osprey	N	SSC*	G5/S3S4
<i>Passerina ciris</i>	Painted bunting	N	N	G5/S3
<i>Setophaga ruticilla</i>	American redstart	N	N	G5/S2
<i>Sternula antillarum</i>	Least tern	N	ST	G4/S3
<i>Thalasseus maximus</i>	Royal tern	N	N	G5/S3

C = Candidate
 SE = State endangered
 FE = Federally-designated Endangered
 FT = Federally-designated Threatened
 FT(S/A) = Federally-designated Threatened due to Similarity of Appearance
 FWC = Florida Fish and Wildlife Conservation Commission
 FNAI = Florida Natural Areas Inventory
 N = Not listed
 SSC = State Species of Special Concern
 ST = State threatened
 T(S/A) = Threatened due to Similarity of Appearance
 USFWS = United States Fish and Wildlife Service

- * Currently only the Monroe County population of this species is listed as a species of special concern.

Species presence determined from field surveys conducted by ERM (1988-2017). Listings by USFWS are from USFWS (undated); listings by FWC are from FWC (2017); and listings by FNAI are from FNAI (2017). Listing categories are defined in Appendix C.

Table 3. Priority Schedule for Site Management Activities

ACTIVITY	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026
Update management plan	X									X
NAMAC review of updated management plan	X									
BCC approval of updated management plan	X									
Prescribed burn – Unit 1		X								
Prescribed burn – Unit 2			X							
Prescribed burn – Unit 3										X
Prescribed burn – Unit 4 (in 2029)										
Conduct monitoring activities	X	X	X	X	X	X	X	X	X	X
Conduct maintenance invasive/nonnative plant control activities	X	X	X	X	X	X	X	X	X	X
Conduct regular facilities maintenance/mowing	X	X	X	X	X	X	X	X	X	X
Coordinate volunteer work days	X	X	X	X	X	X	X	X	X	X

Table 4. Estimated Annual Management and Maintenance Costs (in 2017 dollars)**Site Management and Maintenance ***

Prescribed habitat burns or mechanical fuel reduction (personnel and equipment - \$27,500 per burn or reduction, 3 burns/reductions in a 10-year period/10 years to next management plan update)	\$8,250**
Mowing and maintenance of management accessways/hiking trails (3 times/year)	\$1,157**
Fence line maintenance (3 times/year)	\$1,157**
Maintenance of public use facilities, including parking lot, nature trail and trail markers/signs (bi-weekly or as needed) and trimming of hiking trail vegetation (2 times/year)	\$7,522**
Site management – monitoring program, annual reports, management plan updates, listed species protection, volunteer coordination and supervision, public outreach, educational materials and intergovernmental coordination	\$65,822**
Nonnative/invasive plant control (99.3 acres)	\$46,330
Repair/replacement due to damage/vandalism (0.005% of structural facilities cost of \$)	\$1,388
<i>Subtotal – present annual cost</i>	\$131,626

Capital Facilities Maintenance and Replacement *

Removal and replacement of facilities with 10-year expected life (trail markers, interpretive markers, rules signs, miscellaneous signs, natural area signs, regulatory signs, post and rail fencing) and facilities with 20-year expected life (kiosk, bollards, shade shelter roof, shade shelter benches, steel maintenance gates, chain-link fencing)	\$248,500
<i>Estimated annual cost over 10 years @ 4% interest rate</i>	\$30,640
Removal and replacement of facilities with 10-year expected life and facilities 30 years after the initial installation	\$147,822
<i>Estimated annual cost over 20 years @ 4% interest rate</i>	\$10,884
<i>Subtotal – estimated annual capital replacement costs</i>	\$41,524

TOTAL ANNUAL COST (in 2017 dollars)**\$173,150**

* All costs included in the tables exclude those associated with the management and maintenance of property and facilities within the Town-managed area. Funding for the activities listed above will come from the Palm Beach County Natural Areas Fund, Palm Beach County Natural Areas Stewardship Endowment Fund, Ag Reserve Land Management Fund and/or Palm Beach County General Fund, as may be amended.

** To be performed by existing Palm Beach County personnel.

NOTE: All facilities and activities listed above are subject to annual budgetary funding and appropriations by the Palm Beach County Board of County Commissioners

APPENDIX A

PLANT SPECIES RECORDED AT HYPOLUXO SCRUB NATURAL AREA

APPENDIX A

PLANT SPECIES RECORDED AT HYPOLUXO SCRUB NATURAL AREA

Updated April 14, 2017

<u>Scientific Name</u>	<u>Common Name</u>
<i>Abrus precatorius</i> * NX (I)	Rosary pea
<i>Acacia auriculiformis</i> * (I)	Earleaf acacia
<i>Aeschynomene americana</i>	Shyleaf
<i>Agave decipiens</i>	False sisal
<i>Agave sisalana</i> * (II)	Sisal hemp
<i>Agave weberi</i> *	Wild century plant
<i>Albizia lebbbeck</i> * (I)	Woman's tongue
<i>Allamanda cathartica</i> *	Brownbud allamanda
<i>Ambrosia artemisiifolia</i>	Common ragweed
<i>Andropogon glomeratus</i>	Bushy bluestem
<i>Andropogon ternarius</i>	Splitbeard bluestem
<i>Andropogon virginicus</i>	Broomsedge bluestem
<i>Annona muricata</i> *	Soursop
<i>Aristida gyrans</i>	Corkscrew threeawn
<i>Aristida purpurascens</i>	Arrowfeather threeawn
<i>Aristida stricta</i> var. <i>beyrichiana</i>	Wiregrass
<i>Asclepias curtissii</i>	Curtiss' milkweed
<i>Asclepias longifolia</i>	Longleaf milkweed
<i>Asimina reticulata</i>	Netted pawpaw
<i>Asparagus aethiopicus</i> * (I)	Sprenger's asparagus-fern
<i>Asystasia gangetica</i> * (II)	Chinese violet
<i>Balduina angustifolia</i>	Coastalplain honeycombhead
<i>Bejaria racemosa</i>	Tarflower
<i>Bidens alba</i>	Beggarticks
<i>Billbergia pyramidalis</i> *	Foolproofplant
<i>Bougainvillea spectabilis</i> *	Great bougainvillea
<i>Buchnera americana</i>	American bluehearts
<i>Bulbostylis ciliatifolia</i>	Capillary hairsedge
<i>Bulbostylis warei</i>	Ware's hairsedge
<i>Bursera simaruba</i>	Gumbo limbo
<i>Caesalpinia bonduc</i>	Gray nicker
<i>Callisia fragrans</i> * (II)	Basketplant
<i>Callisia repens</i> *	Creeping inchplant
<i>Campsis radicans</i>	Trumpet creeper
<i>Cassytha filiformis</i>	Love vine
<i>Casuarina equisetifolia</i> * NX (PAP I) (I)	Australian-pine
<i>Catharanthus roseus</i> *	Madagascar periwinkle

<i>Cenchrus echinatus</i>	Southern sandbur
<i>Cenchrus spinifex</i>	Coastal sandbur
<i>Centrosema virginianum</i>	Spurred butterfly pea
<i>Ceratiola ericoides</i>	Florida rosemary
<i>Cereus repandus</i> *	Peruvian applecactus
<i>Chamaecrista fasciculata</i>	Partridge pea
<i>Chamaecrista pilosa</i> *	Hairy sensitive pea
<i>Chamaesyce bombensis</i>	Dixie sandmat
<i>Chamaesyce hyssopifolia</i>	Hyssopleaf sandmat
<i>Chiococca alba</i>	Snowberry
<i>Chromolaena odorata</i>	Jack-in-the-bush
<i>Chrysobalanus icaco</i>	Coco plum
<i>Citrus sp.</i> *	Citrus
<i>Citrus x aurantium</i> *	Grapefruit, sour orange, sweet orange
<i>Cladina evansii</i>	Powder-puff lichen
<i>Cladonia leporina</i>	Jester lichen
<i>Cladonia prostrata</i>	Resurrection cladonia
<i>Cladonia rappii</i>	Slender ladder lichen
<i>Cnidoscolus stimulosus</i>	Tread-softly
<i>Coccoloba diversifolia</i>	Pigeon plum
<i>Coccoloba uvifera</i>	Seagrape
<i>Commelina diffusa</i> *	Common dayflower
<i>Commelina erecta</i>	Whitemouth dayflower
<i>Conyza canadensis</i>	Canadian horseweed
<i>Costus spicatus</i> *	Spiked spirallflag
<i>Crotalaria pallida</i> var. <i>obovata</i> *	Smooth rattlebox
<i>Crotalaria pumila</i>	Low rattlebox
<i>Crotalaria retusa</i> *	Rattleweed
<i>Crotalaria rotundifolia</i>	Rabbitbells
<i>Crotalaria spectabilis</i> *	Showy rattlebox
<i>Croton glandulosus</i>	Vente conmigo
<i>Cupaniopsis anacardioides</i> * NX (I)	Carrotwood
<i>Cynodon dactylon</i> *	Bermudagrass
<i>Cyperus flavescens</i>	Yellow flatsedge
<i>Cyperus ovatus</i>	Pinebarren flatsedge
<i>Dactyloctenium aegyptium</i> * (II)	Durban crowfootgrass
<i>Delonix regia</i> *	Royal poinciana
<i>Desmodium incanum</i> *	Zarabacoa comun
<i>Desmodium tortuosum</i> *	Dixie ticktrefoil
<i>Dichanthelium portoricense</i>	Hemlock witchgrass
<i>Diodia teres</i>	Poor Joe
<i>Eleocharis cellulosa</i>	Gulf coast spikerush
<i>Emilia fosbergii</i> *	Florida tasselflower
<i>Emilia sonchifolia</i> *	Lilac tasselflower
<i>Eragrostis ciliaris</i> *	Gophertail lovegrass

Eragrostis elliotii
Eragrostis virginica
Eremochloa ophiuroides *
Eugenia uniflora * (I)
Eupatorium capillifolium
Euphorbia tirucalli *
Eustachys petraea
Ficus altissima * (II)
Ficus aurea
Ficus benjamina *
Ficus microcarpa * (I)
Fimbristylis cymosa
Froelichia floridana
Fuirena pumila
Galactia regularis
Galactia volubilis
Galium hispidulum
Gaura angustifolia
Helianthemum corymbosum
Helianthemum nashii
Helianthus debilis
Heteropogon contortus *
Heterotheca subaxillaris
Hydrilla verticillata * (PAP I) (I)
Hydrocotyle bonariensis
Hylocereus undatus *
Hymenocallis latifolia
Ilex glabra
Imperata cylindrical * NX (I)
Indigofera hirsuta *
Iresine diffusa
Ixora coccinea *
Jatropha gossypifolia *
Juncus marginatus
Kalanchoe daigremontiana *
Kalanchoe delagoensis *
Kalanchoe pinnata * (II)
Lactuca graminifolia
Lantana camara * (I)
Lechea cernua
Lechea deckertii
Leucaena leucocephala * NX (II)
Licania michauxii
Linaria floridana
Ludwigia peruviana * (I)

Elliott's lovegrass
 Coastal lovegrass
 Centipedegrass
 Surinam cherry
 Dogfennel
 Pencil tree
 Pinewoods fingergrass
 Council tree
 Strangler fig
 Weeping fig
 Indian laurel
 Hurricanegrass
 Cottonweed
 Dwarf umbrellasedge
 Downy milkpea
 Eastern milkpea
 Coastal bedstraw
 Southern beeblossom
 Pinebarren frostweed
 Florida scrub frostweed
 East coast dune sunflower
 Tanglehead
 Camphorweed
 Hydrilla
 Largeleaf marshpennywort
 Nightblooming cactus
 Perfumed spiderlily
 Gallberry
 Cogongrass
 Hairy indigo
 Juba's bush
 Scarlet jungleflame
 Bellyache bush
 Grassleaf rush
 Devil's backbone
 Chandelier plant
 Life plant
 Grassleaf lettuce
 Shrubverbena
 Scrub pinweed
 Deckert's pinweed
 White leadtree
 Gopher apple
 Apalachicola toadflax
 Peruvian primerosewillow

<i>Lupinus diffusus</i>	Skyblue lupine
<i>Lyonia fruticosa</i>	Coastalplain staggerbush
<i>Lyonia lucida</i>	Fetterbush
<i>Lythrum alatum</i>	Winged loosestrife
<i>Macroptilium lathyroides</i> * (II)	Wild bushbean
<i>Mangifera indica</i> *	Mango
<i>Melaleuca quinquenervia</i> * NX (PAP I) (I)	Melaleuca
<i>Melia azedarach</i> * (II)	Chinaberrytree
<i>Melinis repens</i> * NX (PAP I) (I)	Rose natalgrass
<i>Merremia dissecta</i> *	Noyau vine
<i>Mikania scandens</i>	Climbing hempvine
<i>Momordica charantia</i> * (II)	Balsampear
<i>Muhlenbergia sp.</i>	Muhly
<i>Murraya paniculata</i> * (II)	Orange Jessamine
<i>Myrcianthes fragrens</i>	Simpson's stopper
<i>Myrica cerifera</i>	Wax myrtle
<i>Oeceoclades maculate</i> *	Monk orchid
<i>Opuntia cochenillifera</i> *	Cochineal cactus
<i>Opuntia humifusa</i>	Pricklypear
<i>Opuntia stricta</i>	Shell-mound pricklypear
<i>Palafoxia feayi</i>	Feay's palafox
<i>Panicum maximum</i> * (II)	Guineagrass
<i>Panicum repens</i> * (I)	Torpedograss
<i>Parthenocissus quinquefolia</i>	Virginia creeper
<i>Paspalum conjugatum</i>	Sour paspalum
<i>Paspalum notatum</i> *	Bahia grass
<i>Paspalum setaceum</i>	Thin paspalum
<i>Passiflora suberosa</i>	Corksystem passionflower
<i>Persea Americana</i> *	Avacado
<i>Phlebodium aureum</i>	Golden polypody
<i>Phoenix reclinata</i> * (II)	Senegal date palm
<i>Phyla nodiflora</i>	Turkey tangle fogfruit
<i>Phyllanthus tenellus</i> *	Mascarene Island leafflower
<i>Phyllanthus urinaria</i> *	Chamber bitter
<i>Physalis walteri</i>	Walter's groundcherry
<i>Phytolacca americana</i>	American pokeweed
<i>Pinus clausa</i>	Sand pine
<i>Pinus elliottii</i>	Slash pine
<i>Pityopsis graminifolia</i>	Narrowleaf silkgrass
<i>Plumeria rubra</i> *	Frangipani
<i>Podranea ricasoliana</i> *	Pink trumpet creeper
<i>Poinsettia cyathophora</i>	Paintedleaf
<i>Poinsettia heterophylla</i>	Fiddler's spurge
<i>Polanisia tenuifolia</i>	Slenderleaf clammyweed
<i>Polygala polygama</i>	Racemed milkwort

<i>Polygala violacea</i>	Showy milkwort
<i>Polygonella ciliata</i>	Hairy jointweed
<i>Polygonella gracilis</i>	Tall jointweed
<i>Polygonella polygama</i>	October flower
<i>Polygonella robusta</i>	Largeflower jointweed
<i>Pontederia cordata</i>	Pickerelweed
<i>Pouteria campechiana</i> *	Canistel
<i>Psidium guajava</i> * (I)	Guava
<i>Psilotum nudum</i>	Whisk-fern
<i>Psychotria nervosa</i>	Wild coffee
<i>Pyrostegia venusta</i> *	Flamevine
<i>Quercus chapmanii</i>	Chapman's oak
<i>Quercus geminata</i>	Sand live oak
<i>Quercus myrtifolia</i>	Myrtle oak
<i>Quercus virginiana</i>	Live oak
<i>Rhus copallinum</i>	Winged sumac
<i>Rhynchosia</i> sp.	Snoutbean
<i>Rhynchospora megalocarpa</i>	Sandyfield beaksedge
<i>Richardia brasiliensis</i> *	Tropical Mexican clover
<i>Richardia grandiflora</i> * (II)	Largeflower Mexican clover
<i>Richardia scabra</i> *	Rough Mexican clover
<i>Ricinus communis</i> * (II)	Castorbean
<i>Rottboellia cochinchinensis</i> * NX	Itchgrass
<i>Roystonea regia</i>	Florida royal palm
<i>Sabal etonia</i>	Scrub palmetto
<i>Sabal palmetto</i>	Cabbage palm
<i>Sagittaria latifolia</i>	Broadleaf arrowhead
<i>Sansevieria hyacinthoides</i> * (II)	Bowstring hemp
<i>Schefflera actinophylla</i> * (I)	Australian umbrella tree
<i>Schinus terebinthifolius</i> * NX (PAP I)(I)	Brazilian pepper
<i>Schizachyrium scoparium</i>	Little bluestem
<i>Schoenoplectus californicus</i>	Giant bulrush
<i>Selaginella arenicola</i>	Sand spike-moss
<i>Selenicereus pteranthus</i> *	Princess-of-the-night
<i>Senna occidentalis</i> *	Septicweed
<i>Serenoa repens</i>	Saw palmetto
<i>Setaria parviflora</i>	Knotroot foxtail
<i>Seymeria pectinata</i>	Piedmont blacksenna
<i>Sida cordifolia</i> *	Lima
<i>Sida rhombifolia</i>	Indian hemp
<i>Sisyrinchium xerophyllum</i>	Jeweled blue-eyed grass
<i>Smilax auriculata</i>	Earleaf greenbriar
<i>Solidago stricta</i>	Wand goldenrod
<i>Sorghum bicolor</i> *	Broomcorn
<i>Spartina bakeri</i>	Sand cordgrass

<i>Spermacoce verticillata</i> * (II)	Shrubby false buttonweed
<i>Sphagneticola trilobata</i> * (II)	Creeping oxeye
<i>Sporobolus indicus</i> *	Smutgrass
<i>Stenotaphrum secundatum</i>	St. Augustinegrass
<i>Stipulicida setacea</i>	Pineland scalypink
<i>Stylosanthes hamata</i> *	Cheesytoes
<i>Syagrus romanzoffiana</i> * (II)	Queen palm
<i>Syngonium podophyllum</i> * (I)	American evergreen
<i>Syzygium jambos</i> * (II)	Rose-apple
<i>Tamarindus indica</i> *	Tamarind
<i>Tecoma capensis</i> *	Cape honeysuckle
<i>Terminalia catappa</i> * (II)	West Indian almond
<i>Tillandsia balbisiana</i>	Inflated & reflexed wild pine
<i>Tillandsia fasciculata</i>	Common wild pine
<i>Tillandsia recurvata</i>	Ballmoss
<i>Tillandsia</i> sp.	Airplant
<i>Tillandsia usneoides</i>	Spanish moss
<i>Tillandsia utriculata</i>	Giant wild pine
<i>Tradescantia fluminense</i> * (I)	Small-leaf spiderwort
<i>Tradescantia spathacea</i> * (II)	Oyster-plant
<i>Tribulus cistoides</i> * (II)	Burnnut
<i>Tridax procumbens</i> * NX	Coatbuttons
<i>Triplasis purpurea</i>	Purple sandgrass
<i>Urena lobate</i> * (I)	Caesarweed
<i>Vaccinium myrsinites</i>	Shiny blueberry
<i>Vigna luteola</i>	Hairy pod cowpea
<i>Vitex trifolia</i> * (II)	Simple leaf chaste tree
<i>Vitis rotundifolia</i>	Muscadine
<i>Waltheria indica</i>	Sleepy morning
<i>Ximenia americana</i>	Hog plum
<i>Yucca guatemalensis</i> *	Bluestem yucca
<i>Zamia integrifolia</i>	Coontie

NOTES:

* = Nonnative species

NX = Species is on the state noxious weed list (Rule 5B-57.007, Florida Administrative Code)

PAP I = Species designated as Class I Prohibited Aquatic Plant by FDACS (2008)

(I) = Exotic species designated as Category I by FLEPPC (FLEPPC 2017)

(II) = Exotic species designated as Category II by FLEPPC (FLEPPC 2017)

Scientific and common names of vascular plant species generally follow ITIS (2017); Nature Serve (2016); USDA, NRCS (2016), and Wunderlin et al. (2017). Lichens are from Brodo et al. (2001).

APPENDIX B

ANIMAL SPECIES RECORDED AT HYPOLUXO SCRUB NATURAL AREA

APPENDIX B

ANIMAL SPECIES RECORDED AT HYPOLUXO SCRUB NATURAL AREA

Updated 4/20/2017

SCIENTIFIC NAME

COMMON NAME

MOLLUSCA

Gastropoda

Drymaeus multilineatus

Lined treesnail

ARTHROPODA

Arachnida (Arachnids)

Argiope argentata

Silver garden spider

Centruroides sp.

Bark scorpion

Gasteracantha cancriformis

Spinybacked orbweaver

Nephila clavipes

Golden silk orbweaver

Peucetia viridans

Green lynx spider

Diplopoda

Narceus sp.

Millipede

Malacostraca (Malacostracans)

Macrobrachium rosenbergii *

Giant river prawn

Insecta (Insects)

Coleoptera

Aethecephala hornii

Horn's aethecerinus long-horned
beetle

Copris gopher

Gopher tortoise copris beetle

Strategus antaeus

Ox beetle

Dictyoptera

Eurycotis floridana

Florida woods cockroach

Stagmomantis Carolina

Praying mantis

Diptera

Chrysops sp.

Deer fly

Culex sp.

Mosquito

Eupeodes americanus

American flower fly

Liohippелates pusio
Tabanus sp.

Eye gnat
Horse fly

Hemiptera

Acanthocephala terminalis
Tibicen sp.

Leaf-footed bug
Cicada

Hymenoptera

Apis mellifera *
Bombus pensylvanicus
Dasymutilla occidentalis
Formica exsectoides
Pheidole megacephala *
Pogonomyrmex sp.
Polistes sp.
Solenopsis geminate
Solenopsis invicta *
Solenopsis sp.

Honeybee
American bumble bee
Velvet ant
Allegheny mound ant
Bigheaded ant
Harvester ant
Paper wasp
Fire ant
Red imported fire ant
Fire ant

Lepidoptera

Agraulis vanillae
Anartia jathrophae
Calpododes ethlius
Calycopis cecrops
Copaeodes minima
Danaus gilippus
Danaus plexippus
Dryas iulia
Eumaeus atala
Eurema daira
Eurytides marcellus
Heliconius charitonia tuckeri
Hemiargus ceraunus antibubastus
Hylephila phyleus
Junonia coenia
Leptotes cassius theonus
Limenitis archippus
Marpesia petreus
Panoquina ocola
Papilio cresphontes
Phoebis sennae
Pyrgus oileus

Gulf fritillary
White peacock
Brazilian skipper
Red-banded hairstreak
Southern skipperling
Queen
Monarch
Julia
Atala
Barred yellow
Zebra swallowtail
Zebra longwing
Ceraunus blue
Firey skipper
Common buckeye
Cassius blue butterfly
Viceroy
Ruddy daggerwing
Ocola skipper
Giant swallowtail
Cloudless sulfur
Tropical checkered-skipper

Pyrisitia lisa
Strymon melinus
Urbanus proteus
Utetheisa ornatix
Vanessa atalanta

Little yellow
Gray hairstreak
Long-tailed skipper
Bella moth
Red admiral

Neuroptera

Myrmeleon sp.
Toxomerus marginatus

Antlion
Hoverfly

Odonata

Anax junius
Brachymesia gravida
Celithemis eponina
Crocothemis servilia *
Epithea cynosura
Erythemis plebeja
Erythemis simplicollis
Erythemis vesiculosa
Erythrodiplax umbrata
Libellula auripennis
Libellula vibrans
Orthemis ferruginea
Pachydiplax longipennis
Tramea carolina
Tramea lacerata

Common green darner
Four-spotted pennant
Halloween pennant
Scarlet skimmer
Common baskettail
Pin-tailed pondhawk
Eastern pondhawk
Great pondhawk
Band-winged dragonlet
Golden-winged skimmer
Great blue skimmer
Roseate skimmer
Blue dasher
Carolina saddlebags
Black saddlebags

Orthoptera

Arphia granulata
Chortophaga australior
Romalea microptera
Schistocera americana

Southern yellow-winged grasshopper
Southern green-striped grasshopper
Eastern lubber grasshopper
American grasshopper

Phasmatodea

Anisomorpha buprestoides

Two-striped walking stick

CHORDATA

Amphibia (Amphibians)

Lithobates sphenoccephalus
Rhinella marina *

Southern leopard frog
Cane toad

Reptilia (Reptiles)

Squamata

Anolis carolinensis

Anolis equestris *

Anolis sagrei *

Aspidoscelis sexlineata

Coluber constrictor

Coluber flagellum

Diadophis punctatus

Hemidactylus mabouia *

Hemidactylus turcicus *

Iguana iguana *

Leiocephalus carinatus *

Green anole

Knight anole

Brown anole

Six-lined racerunner

North American racer

Coachwhip

Ring-necked snake

Cosmopolitan house gecko

Mediterranean gecko

Green iguana

Northern curly-tailed lizard

Testudines

Apalone ferox

Gopherus polyphemus

Terrapene carolina

Florida softshell

Gopher tortoise

Eastern box turtle

AVES (Birds)

Accipitriformes

Accipiter cooperii

Accipiter striatus

Buteo lineatus

Cathartes aura

Coragyps atratus

Haliaeetus leucocephalus

Pandion haliaetus

Cooper's hawk

Sharp-shinned hawk

Red-shouldered hawk

Turkey vulture

Black vulture

Bald eagle

Osprey

Anseriformes

Anas discors

Anas fulvigula

Blue-winged teal

Mottled duck

Apodiformes

Chaetura pelagica

Chimney swift

Caprimulgiformes

Chordeiles minor

Common nighthawk

Charadriiformes

Charadrius vociferous
Gallinago delicata
Sternula antillarum
Thalasseus maximus
Tringa solitaria

Killdeer
Wilson's snipe
Least tern
Royal tern
Solitary sandpiper

Columbiformes

Columba liva *
Columba passerina
Streptopelia decaocto *
Zenaida asiatica *
Zenaida macroura

Rock pigeon
Common ground-dove
Eurasian collard-dove
White-winged dove
Mourning dove

Coraciiformes

Megaceryle alcyon

Belted kingfisher

Cuculiformes

Coccyzus americanus

Yellow-billed cuckoo

Gruiformes

Fulica Americana
Gallinula galeata

American coot
Common gallinule

Falconiformes

Falco columbarius
Falco peregrines
Falco sparverius

Merlin
Peregrine falcon
American kestrel

Passeriformes

Aphelocoma coerulescens
Bombycilla cedrorum
Cardinalis cardinalis
Chondestes grammacus
Contopus virens
Corvus brachyrhynchos
Corvus ossifragus
Cyanocitta cristata
Dumetella carolinensis
Geothlypis trichas
Helmitheros vermivorum
Lanius ludovicianus

Florida scrub-jay
Cedar waxwing
Northern cardinal
Lark sparrow
Eastern wood-pewee
American crow
Fish crow
Blue jay
Gray catbird
Common yellowthroat
Worm-eating warbler
Loggerhead shrike

<i>Mimus polyglottos</i>	Northern mockingbird
<i>Mniotilta varia</i>	Black-and-white warbler
<i>Passerina ciris</i>	Painted bunting
<i>Polioptila caerulea</i>	Blue-gray gnatcatcher
<i>Quiscalus major</i>	Boat-tailed grackle
<i>Quiscalus quiscula</i>	Common grackle
<i>Sayornis phoebe</i>	Eastern phoebe
<i>Seiurus aurocapilla</i>	Ovenbird
<i>Setophaga americana</i>	Northern parula
<i>Setophaga caerulescens</i>	Black-throated blue warbler
<i>Setophaga coronata</i>	Yellow-rumped warbler
<i>Setophaga discolor</i>	Prairie warbler
<i>Setophaga fusca</i>	Blackburnian warbler
<i>Setophaga palmarum</i>	Palm warbler
<i>Setophaga pinus</i>	Pine warbler
<i>Setophaga ruticilla</i>	American redstart
<i>Setophaga tigrina</i>	Cape may warbler
<i>Sturnus vulgaris</i> *	European starling
<i>Tachycineta bicolor</i>	Tree swallow
<i>Toxostoma rufum</i>	Brown thrasher
<i>Troglodytes aedon</i>	House wren
<i>Turdus migratorius</i>	American robin
<i>Tyrannus dominicensis</i>	Gray kingbird
<i>Vireo griseus</i>	White-eyed vireo
<i>Vireo solitarius</i>	Blue-headed vireo
<u>Pelecaniformes</u>	
<i>Ardea alba</i>	Great egret
<i>Ardea herodias</i>	Great blue heron
<i>Bubulcus ibis</i>	Cattle egret
<i>Butorides virescens</i>	Green heron
<i>Egretta caerulea</i>	Little blue heron
<i>Egretta thula</i>	Snowy egret
<i>Egretta tricolor</i>	Tricolored heron
<i>Eudocimus albus</i>	White ibis
<u>Piciformes</u>	
<i>Colaptes auratus</i>	Northern flicker
<i>Dryocopus pileatus</i>	Pileated woodpecker
<i>Melanerpes carolinus</i>	Red-bellied woodpecker
<i>Picoides pubescens</i>	Downy woodpecker

Podicipediformes

Podilymbus podiceps

Pied-billed grebe

Psittaciformes

Myiopsitta monachus *

Monk parakeet

Strigiformes

Bubo virginianus

Great horned owl

Suliformes

Phalacrocorax auritus

Double-crested cormorant

Mammalia (Mammals)

Canis lupus *

Domestic dog

Dasypus novemcinctus

Nine-banded armadillo

Didelphis virginiana

Opposum

Felis catus *

Domestic cat

Procyon lotor

Raccoon

Sciurus carolinensis

Gray squirrel

Urocyon cinereoargenteus

Gray fox

* = Nonnative species

NOTE: Scientific and common names of species generally follow FWC (2017), FNAI (2017), NatureServe (2016), ITIS (2017) or Arnett (2000).

APPENDIX C

DEFINITIONS OF DESIGNATIONS AND RANKS FOR LISTED SPECIES AND NATURAL COMMUNITIES

APPENDIX C

DEFINITIONS OF DESIGNATIONS AND RANKS FOR LISTED SPECIES AND NATURAL COMMUNITIES

United States Fish and Wildlife Service (USFWS) - Wildlife and Plants

Species listed in the Code of Federal Regulations (CFR) and protected under the provisions of the Endangered Species Act of 1973 (16 USC 1531-1543, as amended); animals are listed in 50 CFR 17-11 and plants are listed in 50 CFR 17-12.

Endangered (E) Any species which is in danger of extinction through all or a portion of its range other than a species of the Class Insecta determined by the Secretary [of the Interior] to constitute a pest whose protection under the provisions of this chapter would present an overwhelming and overriding risk to man.

Threatened (T) Any species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

Candidate (C) Species identified by the United States Fish and Wildlife Service (USFW) or the National Marine Fisheries Service (NMFS), which are considered to be candidates for listing under the Endangered Species Act as published in the *Federal Register*.

Similarity of Appearance (S/A) If a species closely resembles an endangered or threatened species, such species may be treated as endangered or threatened if the Director of USFWS makes a determination that the species shall appear in the list in 50 CFR 17.11 (wildlife) or the list in 50 CFR 17.12 (plants).

Florida Fish and Wildlife Conservation Commission (FWC) - Animals

Species listed in Chapter 68A-27 of the Florida Administrative Code (F.A.C.) as Florida Endangered and Threatened Species, and protected under that chapter and the Endangered and Threatened Species Act, Section 372.072, Florida Statutes (F.S.).

Federally-designated Endangered and Threatened Species (FE) and (FT) Species of fish or wild animal life, subspecies or isolated populations of species or subspecies, whether vertebrate or invertebrate, that are native to Florida and are classified as Endangered or Threatened under Commission rule by virtue of designation by the United States Departments of Interior or Commerce as endangered or threatened under the Federal Endangered Species Act, 16 U.S.C. § 1531 et seq. and rules.

State-designated Threatened Species (ST)	As designated by the Commission, species of fish or wild animal life, subspecies, or isolated population of a species or subspecies, whether vertebrate or invertebrate, that are native to Florida and are classified as Threatened as determined by paragraph (a), (b), (c), (d), or (e) [in subsequent part of definition] in accordance with Rule 68A-27.0012., F.A.C.
Species of Special Concern (SSC)	Per Rule 68A-27.005, management plans will be developed for the species listed in this rule and the species will be evaluated under the listing criteria in subsection 68A-27.001(3), F.A.C. for listing as a State-designated Threatened species.
Candidate Species	A species of fish or wild animal life, subspecies, or isolated populations of species or subspecies, whether invertebrate or vertebrate, that the Commission has determined warrants listing as a State-designated Threatened Species in accordance with Rule 68A-27.0012, F.A.C., and is awaiting final Commission action to be added to the list of Florida Endangered and Threatened Species in Rule 68A-27.003, F.A.C.

Florida Department of Agriculture and Consumer Affairs (FDACS) - Plants

Species listed in Chapter 5B-40 of the Rules of FDACS, Division of Plant Industry and protected under the Preservation of Native Flora of Florida Act (Section 581.185, F.S.).

Endangered (E)	Species of plants native to the state that are in imminent danger of extinction within the state, the survival of which is unlikely if the causes of a decline in the number of plants continue, and includes all species determined to be endangered species or threatened species pursuant to the federal Endangered Species Act of 1973, as amended.
Threatened (T)	Species native to the state that are in rapid decline in the number of plants within the state, but which have not so decreased in such number as to cause them to be endangered.
Commercially Exploited (CE)	Species native to the state which are being removed in significant numbers from native habitats in the state and sold or transported for sale.

Florida Natural Areas Inventory (FNAI) - Plants, Animals and Natural Communities

FNAI ranks indicate the global (G) or state (S) status of a species or a natural community. Rank definitions are from FNAI (2017).

FNAI Global Rank Definitions

- G1 Critically imperiled globally because of extreme rarity (5 or fewer occurrences or less than 1,000 individuals) or because of extreme vulnerability to extinction due to some natural or man-made factor.
- G2 Imperiled globally because of rarity (6 to 20 occurrences or less than 3,000 individuals) or because of vulnerability to extinction due to some natural or man-made factor.
- G3 Either very rare and local throughout its range (21-100 occurrences or less than 10,000 individuals) or found locally in a restricted range or vulnerable to extinction from other factors.
- G4 Apparently secure globally (may be rare in parts of range).
- G5 Demonstrably secure globally.
- G#? Tentative rank (e.g., G2?).

FNAI State Rank Definitions

- S1 Critically imperiled in Florida because of extreme rarity (5 or fewer occurrences or less than 1,000 individuals) or because of extreme vulnerability to extinction due to some natural or man-made factor.
- S2 Imperiled in Florida because of rarity (6 to 20 occurrences or less than 3,000 individuals) or because of vulnerability to extinction due to some natural or man-made factor.
- S3 Either very rare and local in Florida (21-100 occurrences or less than 10,000 individuals) or found locally in a restricted range or vulnerable to extinction from other factors.
- S4 Apparently secure in Florida (may be rare in parts of range).
- S5 Demonstrably secure in Florida.

APPENDIX D

CONSERVATION EASEMENTS



CFN 20070287008
OR BK 21832 PG 1611
RECORDED 06/13/2007 11:05:08
Palm Beach County, Florida
Sharon R. Bock, CLERK & COMPTROLLER
Pgs 1611 - 1622; (12pgs)

Return to:
South Florida Water Management District
Post Office Box 24680
West Palm Beach, Florida 33416-4680

Prepared by:
Palm Beach County Department of Environmental Resources Management
3323 Belvedere Road, Building 502
West Palm Beach, FL 33406

DEED OF CONSERVATION EASEMENT FOR HYPOLUXO SCRUB NATURAL AREA

THIS DEED OF CONSERVATION EASEMENT is given this 27 day of MARCH, 2006, by Palm Beach County, a political subdivision of the State of Florida, whose business mailing address is 301 N. Olive Avenue, West Palm Beach, Florida 33401 ("Grantor") to the South Florida Water Management District, a public corporation of the State of Florida existing by virtue of Chapter 25270, Laws of Florida, 1949, and operating pursuant to Chapter 373, Florida Statutes (F.S.) and Title 40E, Florida Administrative Code, as a multipurpose water management district with its principal office at 3301 Gun Club Road, West Palm Beach, FL 33406 ("Grantee"). As used herein, the term Grantor shall include any and all successors or assigns of the Grantor, and all subsequent owners of the "Property" (as hereinafter defined) and the term Grantee shall include any successor or assign of Grantee.

WITNESSETH

WHEREAS, Grantor is the owner of that certain real property situated in Palm Beach County, Florida, more specifically described in Exhibit "A" attached hereto and incorporated herein (the "Property"); and

WHEREAS, Grantor desires that the Property be preserved and maintained in perpetuity as part of the County's Natural Areas System; and

WHEREAS, the Grantor is agreeable to granting and securing to the Grantee a perpetual conservation easement as defined in Section 704.06, F.S., over the Property and Grantee is willing to accept such conservation easement; and

WHEREAS, the Florida Communities Trust has awarded the Grantor a grant partially reimbursing the Grantor's costs in acquiring all or a portion of the Property and restricted the use of that portion of the Property to purposes consistent with the Florida Forever grant program through a Grant Award Agreement (R 2003-0061), recorded in Palm Beach County Official Records Book 14795 pages 1849 through 1861, and Amendment I to the Grant Award Agreement (R2005-0256) recorded in Palm Beach County the Official Records Book 18294, pages 1431 through 1436, between the Florida Communities Trust, the Town of Hypoluxo, and the Grantor, and the Grantee is in agreement that the restrictions thus placed on the Property are consistent with the intent to ensure the perpetual maintenance and protection of said Property; and

WHEREAS, the Grantee acknowledges that any change to this conservation easement that affects the Property shall be subject to review and approval by the Florida Communities Trust prior to implementation of that change, for so long as the terms and conditions of the Grant Award Agreement, as may be amended from time to time, are in effect for the Property.

NOW, THEREFORE, in consideration of the above and the mutual covenants, terms, conditions, and restrictions contained herein, and pursuant to the laws of the State of Florida and in particular Section 704.06, F.S., Grantor hereby voluntarily grants, creates, and establishes a conservation easement for and in favor of the Grantee upon the Property of the nature and character and to the extent hereinafter set forth, which shall run with the land and be binding upon the Grantor, and shall remain in full force and effect forever.

1. **Purpose.** It is the purpose of this conservation easement (Easement) to assure that the Property will be retained forever predominantly in its natural condition and that the land and water areas will be retained and managed in a manner that will protect native plant and animal communities. Grantee will hold this Easement exclusively for conservation purposes.
2. **Rights of Grantee.** To accomplish the purpose of this Easement, the following rights are conveyed to Grantee by this Easement:
 - a. To enter upon the Property at reasonable times in order to enforce the rights herein, provided that such entry shall not unreasonably interfere with the use and quiet enjoyment of the Property by the Grantor; and
 - b. To enjoin any activity on or use of the Property that is inconsistent with this Easement and to enforce the restoration of such areas or features of the Property that may be damaged by any inconsistent activity or use.
3. **Reserved Rights.** Grantor reserves to itself and to its successors and assigns all rights accruing from 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 that are not inconsistent with the purpose of this Easement. Without limiting the generality of the foregoing, the following rights are expressly reserved:
 - a. The Grantor may construct, maintain and operate public use facilities for the purpose of educating the public about the natural resources of the Property or for the purpose of providing opportunities for recreational activities which have minimal or no impact on natural resources or ecosystems; and
 - b. The Grantor may place signs or markers as necessary to identify property boundaries, trails, restoration areas or other site features or activities related to management and maintenance or the passive recreational use of the Property; and
 - c. The Grantor may construct and maintain management roads, firebreaks, trails, walkways, docks, and facilities necessary to support the public use and land management activities; and
 - d. The Grantor may remove or kill, by any lawful means, exotic or nuisance vegetation and animal species, conduct prescribed burns, and conduct other management activities necessary to carry out conservation purposes; and
 - e. The Grantor may conduct site restoration or enhancement projects determined by the Grantor not to conflict with the purpose of this Easement.
4. **Prohibited uses and activities.** Subject to the reserved rights stated in Section 3, the following uses and activities are prohibited in or on the Property:
 - a. Construction or placing of buildings, roads, signs, billboards, advertising, utilities, or other structures on or above the ground, other than those roads, structures or signs that may be authorized herein and are consistent with or necessary to accomplish the purpose of this Easement; and
 - b. Dumping or placing of soil or other substance or material as landfill, or dumping or placing of trash, waste or unsightly or offensive materials; and
 - c. Removal or destruction of trees, shrubs, other vegetation, or wildlife; and

- d. Excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other material substance in such manner as to affect the surface; and
- e. Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation including, but not limited to, ditching, diking and interior fencing (perimeter fencing shall not be considered a violation of this subparagraph); and
- f. Acts or uses detrimental to such aforementioned retention of land or water areas; and
- g. Acts or uses which are detrimental to the preservation of any features or aspects of the Property having historical or archaeological significance, except for those lawful acts necessary to achieve natural area restoration.
5. **Access.** No right of access by the general public is conveyed or restricted by this Easement.
6. **Operation and Upkeep.** Grantee shall not be responsible for any costs and liabilities related to the operation, upkeep and maintenance of the Property.
7. **Enforcement.** Enforcement of the terms, provisions and restrictions of this Easement shall be at the reasonable discretion of Grantee, and any forbearance on behalf of Grantee to exercise its rights hereunder in the event of any breach hereof by Grantor shall not be deemed or construed to be a waiver of Grantee's rights hereunder.
8. **Assignment.** Upon prior written approval by Grantor, this Easement may be transferred or assigned by Grantee to another organization qualified to hold such interests under applicable State laws. Transfers or assignments shall be accomplished by written amendment of this Easement.
9. **Severability.** If any provision of this Easement or the application thereof to any person or circumstance is found to be invalid, the remainder of the provisions of this Easement shall not be affected thereby, as long as the purpose of the Easement is protected.
10. **Amendment.** This Easement may be amended, altered, released or revoked only by written agreement between the parties hereto and their assigns or successors, which shall be filed in the public records in Palm Beach County.
11. **Notices.** All notices, consents, approval or other communications hereunder shall be in writing and shall be deemed properly given if sent by United States certified mail, return receipt requested, addressed to the appropriate party or successor.
12. **Entire Agreement.** This Easement, (including the Exhibits hereto and any written amendments thereto, executed by all parties), constitutes the entire Easement, and supersedes all prior agreements and understandings, oral and written, between the parties with respect to the subject matter hereof.

TO HAVE AND TO HOLD unto Grantee forever. The covenants, terms, conditions, restrictions and purpose imposed with this Easement shall be binding upon Grantor, and shall continue as a servitude running in perpetuity with the Property.

Grantor hereby covenants with said Grantee that Grantor has good right and lawful authority to convey this Easement.

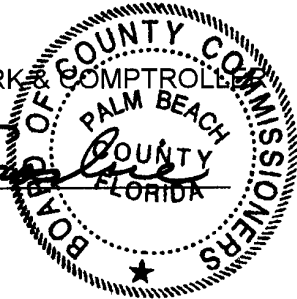
IN WITNESS WHEREOF, the Parties hereto have executed this Conservation Easement this 29 day
of MARCH, 2006.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS

By: Tony Masiotti
Tony Masiotti, Chairman

ATTEST:
SHARON R. BOCK, CLERK & COMPTROLLER

By: Judith C. Bock
Deputy Clerk



APPROVED AS TO FORM AND LEGAL
CONDITIONS

By: Manon T...
Assistant County Attorney

APPROVED AS TO TERMS AND SUFFICIENCY

By: Richard E. Walesky
Richard E. Walesky, Director
Department of Environmental
Resources Management

EXHIBIT A
LEGAL DESCRIPTION OF THE PROPERTY

This is not a certified copy

EXHIBIT "A"

That portion of Section 10, Township 45 South, Range 43 East, Palm Beach County, Florida, more particularly described as follows:

COMMENCE at the Northwest corner of said Section 10; thence S. $02^{\circ}17'56''$ W. (grid bearing basis, State Plane Coordinate System - Transverse Mercator, Florida East Zone), along the West line of said Section 10, a distance of 33.76 feet, thence S. $89^{\circ}39'39''$ E., along the South Right-of-Way line of HYPOLUXO ROAD and its Westerly projection thereof, a distance of 457.02 feet to the POINT of BEGINNING of the hereinafter described Parcel of Land; thence continue S. $89^{\circ}39'39''$ E., along said Right-of-Way Line a distance of 375.59 feet; thence S. $01^{\circ}27'04''$ W., a distance of 263.24 feet; thence N. $89^{\circ}39'39''$ W., a distance of 1.00 feet; thence S. $01^{\circ}27'04''$ W., a distance of 311.74 feet; thence S. $89^{\circ}39'39''$ E., a distance of 1.00 feet; thence S. $01^{\circ}27'04''$ W., a distance of 152.73 feet; thence S. $87^{\circ}42'03''$ E., a distance of 419.28 feet; thence S. $01^{\circ}49'53''$ W., along the West Right-of-Way line of the Florida East Coast Railway Company's 100 foot Right-of-Way, a distance of 349.34 feet; thence N. $87^{\circ}42'03''$ W., a distance of 60.00 feet; thence S. $01^{\circ}49'53''$ W., along the West Right-of-Way line of East Coast Avenue, "HYPOLUXO SUBDIVISION" as recorded in Plat Book 5, Page 32, Public Records of Palm Beach County, Florida, a distance of 680.00 feet; thence S. $87^{\circ}42'03''$ E., along the South line of said "HYPOLUXO SUBDIVISION", a distance of 60.00 feet to the Southeast corner of Lot 12, Block 9 of said "HYPOLUXO SUBDIVISION"; thence S. $01^{\circ}49'53''$ W., along the West Right-of-Way line of the Florida East Coast Railway Company's 100 foot Right-of-Way, a distance of 1717.30 feet to a point of curvature of a circular curve to the right, concave Northwesterly; thence Southerly, along the arc of said curve, along the West Right-of-Way line of the Florida East Coast Railway Company's 100 foot Right-of-Way, having a radius of 5677.65 feet and a central angle of $04^{\circ}14'50''$, for an arc distance of 420.87 feet; thence N. $89^{\circ}50'18''$ W., along the South line of the Northwest One-Quarter (N.W. 1/4) of the Southwest One-Quarter (S.W. 1/4) of said Section 10, a distance of 1233.28 feet; thence N. $02^{\circ}17'56''$ E., along the East Right-of-Way line of OVERLOOK ROAD, a distance of 3476.67 feet; thence S. $89^{\circ}39'39''$ E., a distance of 417.00; thence N. $02^{\circ}17'56''$ E., a distance of 437.00 feet to the POINT of BEGINNING.

LESS AND EXCEPTING THEREFROM, that portion as conveyed to the County of Palm Beach, by that Deed recorded in Official Records Book 5787, page 1793 and as agreed to in that Agreed Order of Taking and Final Compensation recorded in Official Records Book 5762, page 1752, more particularly described as follows:

That portion of Section 10, Township 45 South, Range 43 East, Palm Beach County, Florida, being more particularly described as follows:

COMMENCING at the Southeasterly corner of Lot 12, Block 9, according to the plat of "HYPOLUXO SUBDIVISION", as recorded in Plat Book 5, Page 32, of the Public Records of Palm Beach County, Florida; thence S. $87^{\circ}42'03''$ E. (grid bearing basis, State Plane Coordinate System - Transverse Mercator, Florida East Zone), along the South line of said "HYPOLUXO

SUBDIVISION", a distance of 60.00 feet; thence S. $1^{\circ}49'53''$ W. along the West Right-of-Way line of Florida East Coast Railway Company's 100 foot Right of Way, a distance of 900.66 feet; thence N. $87^{\circ}42'03''$ W. a distance of 100.00 feet to the POINT of BEGINNING of the hereinafter described Parcel of Land; thence continue N. $87^{\circ}42'03''$ W., a distance of 200.00 feet; thence S. $01^{\circ}49'53''$ W., a distance of 360.00 feet; thence S. $87^{\circ}42'03''$ E., a distance of 200.00 feet; thence N. $01^{\circ}49'53''$ E., a distance of 360.00 feet to the POINT of BEGINNING.

LESS AND EXCEPTING THEREFROM, the South 200.00 feet of the East 200.00 feet and the North 200.00 feet of the East 200.00 feet of the following described property:

A parcel of land located in the West Half (W. 1/2), of the Northwest Quarter (N.W. 1/4), of Section 10, Township 45 South, Range 43 East, Palm Beach County, Florida, and is more particularly described as follows:

Commence at the Northwest corner of said Section 10; thence S. $2^{\circ}44'21''$ W. along the west line of said Section 10 a distance of 33.76 feet to a point; thence S. $89^{\circ}13'14''$ E., a distance of 40.02 feet to the Point of Beginning; thence continue on said bearing of S. $89^{\circ}13'14''$ E. and along the South Right-of-Way line of Hypoluxo Road, shown in Plat Book 13, page 34, a distance of 792.09 feet to a point; thence S. $1^{\circ}53'29''$ W. a distance of 727.71 feet to a point; thence N. $87^{\circ}15'39''$ W., a distance of 802.39 feet to the intersection with the East Right-of-Way line of Overlook Road, said Right-of-Way line being 40 feet east of and parallel with the west line of said Section 10; thence N. $2^{\circ}44'21''$ E. along said East Right-of-Way line a distance of 700.54 feet to the Point of Beginning.

MAP OF SURVEY

OVERLOOK ROAD

MATCH LINE - A

MATCH LINE - B

"REPLAT OF PART OF
GREYNOLDS HIGHLANDS &
PART OF HYPOLUXO SUBDIVISION"

VACANT

PARCEL 3

PARCEL 1
"HYPOLUXO SUBDIVISION"

NOTE: The lots in Block 9 of the HYPOLUXO SUBDIVISION, as shown on Plat Book 1, Page 12 of the Public Records of Dade County, Florida, not vacated by resolution, recorded in Book 8-0, Page 10 of the Public Records of Dade County, Florida.

Block 9

N 812931.235
E 965251.957

P.O.C.

P.O.B.

Un-Subdivided

MATCH LINE - C

MATCH LINE - D

EAST COAST AVENUE

FLORIDA EAST COAST R.R. R/W

P.O.B.

N 813608.517
E 965333.686

N 812928.828
E 965311.952



50' 50'

HAGER, WEINBERG & ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS
5850 N.W. 36th Street, Suite 100, Boca Raton, Florida 33431
Phone (561) 396-3000 Fax (561) 396-2237

SCALE 1"=50'

50' 50'

N 812931.235
E 965251.997

P.O.C.
 1001, 67th Ave
 10221 Pacific Ave. NE & NE 147th St 150541
 Seattle, WA 98148-1505

POB

MATCH LINE - D1

Un-Subdivided

HAGER, WEINBERG & ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS
3870 N.W. 56th Street, Suite 3, Boca Raton, Florida 33433
Phone: (561) 386-3600 Fax: (561) 386-2257

scale 1"=50'

This is not a certified copy

MATCH LINE - E

147 M A DEED 517m 968/57 H&P

Section 5
Twp 51N R 10E S 1E
Chas. J. Jones

P.O.B.
C/O Mr. & Mrs.
J. E. Smith
1010 N. 7th St.
St. Paul, Minn.
55106

N B12032 5698
E 9661832A1
**NOT A PART
OF THIS SURVEY**

MATCH LINE - F

FLORIDA EAST COAST R.R. R/W
FEDERAL HIGHWAY (US HIGHWAY No. 1)



MAP OF SURVEY

OVERLOOK ROAD

MATCH LINE - E

N. 02° 44' 21" E. 3476.67'

Wood P.P. & B
BellGuthy Bay

Wood P.P.

Wood P.P.

Lot 1000
Wood P.P.

Exp. South
Highway
Water Meter
Wood P.P. & B
Water Meter

Wood P.P.

Water Meter

Wood P.P.

Wood P.P.

MATCH LINE - G

Un-Subdivided

P.O.B.
NOT A PART
OF THIS SURVEY

N 812040.622
E 964983.392

N 811680.788
E 964971.888

N 812032.598
E 965183.241

N 811672.764
E 965171.735

N 811212.321
E 965257.064

MATCH LINE - F

FLORIDA EAST COAST R.R. R.W.



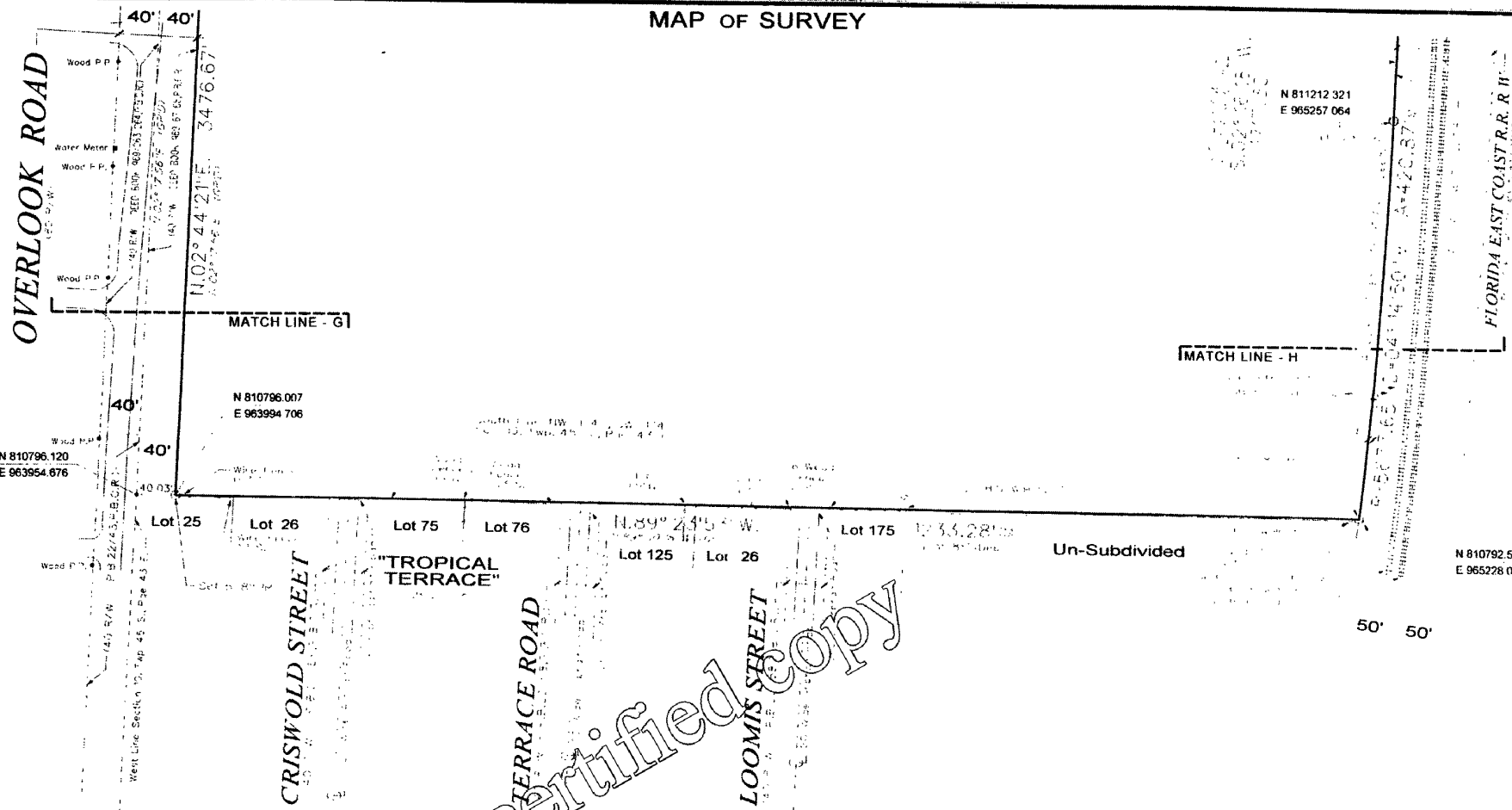
1-56° 17' 55"
E 964° 14' 50"
A=420.87m

MATCH LINE - H

HAGER, WEINBERG & ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS
3880 N.W. 30th Avenue, Suite 200, Fort Lauderdale, Florida 33309
Phone: (954) 388-3000 Fax: (954) 388-2237

SCALE: 1"=50'

MAP OF SURVEY



TIAGER, WEINBERG & ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS
2830 N.W. 80th Street, Suite A, Boca Raton, Florida 33431
Phone: (561) 395-3600 Fax: (561) 395-2237

SCALE 1"=50'



NOT TO SCALE

Prepared by:

**Palm Beach County Department of Environmental Resources Management
3323 Belvedere Road, Building 502
West Palm Beach, FL 33406**



Return to:

**Laura P. Robinson
Senior Attorney-Southern U.S. Region
The Nature Conservancy-Florida Chapter Office
222 S. Westmonte Drive, Suite 300
Altamonte Springs, FL 32714**

**CFN 20100012465
OR BK 23637 PG 1870
RECORDED 01/12/2010 12:07:06
Palm Beach County, Florida
Sharon R. Bock, CLERK & COMPTROLLER
Pgs 1870 - 1880; (11pgs)**

DEED OF CONSERVATION EASEMENT FOR HYPOLUXO SCRUB NATURAL AREA

THIS DEED OF CONSERVATION EASEMENT is given this 29 day of MARCH, 2006, by Palm Beach County, a political subdivision of the State of Florida, whose business mailing address is 301 N. Olive Avenue, West Palm Beach, Florida 33401 ("Grantor") to The Nature Conservancy, a District of Columbia non-profit corporation, with its principal office at 222 S. Westmonte Drive, Suite 300, Altamonte Springs, FL 32714 ("Grantee"). As used herein, the term Grantor shall include any and all successors or assigns of the Grantor, and all subsequent owners of the "Property" (as hereinafter defined) and the term Grantee shall include any successor or assign of Grantee.

WITNESSETH

WHEREAS, Grantor is the owner of that certain real property situated in Palm Beach County, Florida, being 96.71 acres more or less, and more specifically described in Exhibit "A" attached hereto and incorporated herein (the "Property"); and

WHEREAS, Grantor desires that the Property be preserved and maintained in perpetuity as part of the County's Natural Areas System; and

WHEREAS, the Grantor is agreeable to granting and securing to the Grantee a perpetual conservation easement as defined in Section 704.06, F.S., over the Property and Grantee is willing to accept such conservation easement; and

WHEREAS, the Florida Communities Trust has awarded the Grantor a grant partially reimbursing the Grantor's costs in acquiring all or a portion of the Property and restricted the use of that portion of the Property to purposes consistent with the Florida Forever grant program through a Grant Award Agreement (R 2003-0061), recorded in Palm Beach County Official Records Book 14795 pages 1849 through 1861, and Amendment I to the Grant Award

Agreement (R2005-0256) recorded in Palm Beach County the Official Records Book 18294, pages 1431 through 1436, between the Florida Communities Trust, the Town of Hypoluxo, and the Grantor (the "Grant Agreement"), and the Grantee is in agreement that the restrictions thus placed on the Property are consistent with the intent to ensure the perpetual maintenance and protection of said Property; and

WHEREAS, the Grantee acknowledges that any change to this conservation easement that affects the Property shall be subject to review and approval by the Florida Communities Trust prior to implementation of that change, for so long as the terms and conditions of the Grant Award Agreement, as may be amended from time to time, are in effect for the Property.

NOW, THEREFORE, in consideration of the above and the mutual covenants, terms, conditions, and restrictions contained herein, and pursuant to the laws of the State of Florida and in particular Section 704.06, F.S., Grantor hereby voluntarily grants, creates, and establishes a conservation easement for and in favor of the Grantee upon the Property of the nature and character and to the extent hereinafter set forth, which shall run with the land and be binding upon the Grantor, and shall remain in full force and effect forever.

1. **Purpose.** It is the purpose of this conservation easement (Easement) to assure that the Property will be retained forever predominantly in its natural condition and that the land and water areas will be retained and managed in a manner that will protect native plant and animal communities. Grantee will hold this Easement exclusively for conservation purposes.
2. **Rights of Grantee.** To accomplish the purpose of this Easement, the following rights are conveyed to Grantee by this Easement:
 - a. To enter upon the Property at reasonable times in order to enforce the rights herein, provided that such entry shall not unreasonably interfere with the use and quiet enjoyment of the Property by the Grantor; and
 - b. To enjoin any activity on or use of the Property that is inconsistent with this Easement and to enforce the restoration of such areas or features of the Property that may be damaged by any inconsistent activity or use.
3. **Reserved Rights.** Grantor reserves to itself and to its successors and assigns all rights accruing from 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 that are not inconsistent with the purpose of this Easement. Without limiting the generality of the foregoing, the following rights are expressly reserved:
 - a. The Grantor may construct, maintain and operate public use facilities for the purpose of educating the public about the natural resources of the Property or for the purpose of providing opportunities for recreational activities which have minimal or no impact on natural resources or ecosystems; and

- This is a Draft
- b. The Grantor may place signs or markers as necessary to identify property boundaries, trails, restoration areas or other site features or activities related to management and maintenance or the passive recreational use of the Property; and
 - c. The Grantor may construct and maintain management roads, firebreaks, trails, walkways, docks, and facilities necessary to support the public use and land management activities; and
 - d. The Grantor may remove or kill, by any lawful means, exotic or nuisance vegetation and animal species, conduct prescribed burns, and conduct other management activities necessary to carry out conservation purposes; and
 - e. The Grantor may conduct site restoration or enhancement projects determined by the Grantor not to conflict with the purpose of this Easement, and provided such projects are consistent with the management plan approved by the Board of County Commissioners for the Property.
4. **Prohibited uses and activities.** Subject to the reserved rights stated in Section 3, the following uses and activities are prohibited in or on the Property:
- a. Construction or placing of buildings, roads, signs, billboards, advertising, utilities, or other structures on or above the ground, other than those roads, structures or signs that may be authorized herein and are consistent with or necessary to accomplish the purpose of this Easement; and
 - b. Dumping or placing of soil or other substance or material as landfill, or dumping or placing of trash, waste or unsightly or offensive materials; and
 - c. Removal or destruction of trees, shrubs, other vegetation, or wildlife; and
 - d. Excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other material substance in such manner as to affect the surface; and
 - e. Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation including, but not limited to, ditching, diking and interior fencing (perimeter fencing shall not be considered a violation of this subparagraph); and
 - f. Acts or uses detrimental to such aforementioned retention of land or water areas; and
 - g. Acts or uses which are detrimental to the preservation of any features or aspects of the Property having historical or archaeological significance, except for those lawful acts necessary to achieve natural area restoration.
5. **Access.** No right of access by the general public is conveyed or restricted by this Easement.
6. **Operation and Upkeep.** Grantee shall not be responsible for any costs and liabilities related to the operation, upkeep and maintenance of the Property.
7. **Enforcement.** Enforcement of the terms, provisions and restrictions of this Easement shall be at the reasonable discretion of Grantee, and any forbearance on behalf of

Grantee to exercise its rights hereunder in the event of any breach hereof by Grantor shall not be deemed or construed to be a waiver of Grantee's rights hereunder.

8. **Condemnation.** Grantor hereby agrees that at the time of the conveyance of this Conservation Easement to the Grantee, this Conservation Easement gives rise to a real property right, immediately vested in the Grantee, which the parties stipulate to have a fair market value determined by multiplying (1) the fair market value of the Property unencumbered by the Conservation Easement by (2) the ratio of the value of the Conservation Easement at the time of this grant to the value of the Property, without deduction for the value of the Conservation Easement, at the time of this grant. The ratio of the value of the Conservation Easement to the value of the Property unencumbered by the Conservation Easement shall remain constant. If all or any part of the Property is taken by exercise of the power of eminent domain or acquired by purchase in lieu of condemnation, whether by public, corporate, or other authority, so as to terminate this Conservation Easement, in whole or in part, Grantor and Grantee may act jointly to recover the full value of the interests in the Property subject to the taking or in lieu purchase and all direct or incidental damages resulting therefrom. Grantor and Grantee shall each be responsible for its respective expenses incurred in connection with the taking or in lieu purchase. Grantor and Grantee shall use any proceeds received under the circumstances described in this section for on-going management or restoration on other Palm Beach County owned natural areas. Notwithstanding any provision of this Easement to the contrary, the parties agree that, during the term of the Grant Agreement, this Section shall not apply to that portion of the Property encumbered by the Grant Agreement and that the terms of the Grant Agreement shall control.

9. **Assignment.** The Grantor and the Grantee recognize and agree that the benefits and obligations of this Conservation Easement are in gross and assignable only in accordance with the terms of this section.

a. Qualified Assignee. The benefits and obligations of this Conservation Easement shall only be assigned to an organization that is, at the time of the assignment, both (i) a "qualified organization" as that term is defined in Section 170(h) of the Internal Revenue Code and (ii) authorized to acquire and hold conservation easements under Section 704.06 of the Florida Statutes. (or any successor provision then applicable). Grantee may make all such assignments with the prior written consent of Grantor. Grantee shall use good faith efforts to insure that any grantee under such assignment is one of the following entities: Qualified Land Trust or a Governmental Conservation Entity (as defined below) (collectively, the "Permitted Parties").

b. Qualified Land Trust. For purposes of this Conservation Easement, a Qualified Land Trust shall mean a land trust properly organized under applicable laws that: a) has adopted the Land Trust Standards and Practices promulgated by the Land Trust Alliance or a successor organization, b) has been in existence

for a minimum of 5 years and c) has the financial capacity to fully carry out the obligations of the grantee hereunder.

- c. Government Conservation Entity. For purposes of this Conservation Easement, a Governmental Conservation Entity shall mean a unit of federal, state or local government whose purposes include holding conservation easements, protecting relatively natural habitat of fish, wildlife, or plants, or similar ecosystems, or preserving open space (including farmland and forest land).
- d. Notice of Assignment. Grantee agrees to give written notice to Grantor of its intention to assign the benefits and obligations of this Conservation Easement at least thirty days (30) days prior the date of such assignment. Grantor's consent to a proposed assignment to a Permitted Party may not be unreasonably withheld by Grantor. In connection with any assignment under this Conservation Easement to any party other than a Permitted Party, Grantor's consent may be withheld in Grantor's sole discretion. No assignment shall serve to expand the Grantee's or the public's right to access herein or otherwise serve to amend, expand, or restrict the rights and obligations of Grantor or Grantee as set forth herein
- e. Terms of Assignment. The Grantee shall require, as a condition of any assignment of the benefits and obligations of this Conservation Easement, that the assignee organization shall agree to continue to carry out in perpetuity, under substantially the same terms as contained in this Conservation Easement, the Purpose of this Conservation Easement. Transfers or assignments shall be accomplished by written amendment of this Easement.
10. **Severability.** If any provision of this Easement or the application thereof to any person or circumstance is found to be invalid, the remainder of the provisions of this Easement shall not be affected thereby, as long as the purpose of the Easement is protected.
11. **Amendment.** This Easement may be amended, altered, released or revoked only by written agreement between the parties hereto and their assigns or successors, which shall be filed in the public records in Palm Beach County.
12. **Notices.** All notices, consents, approval or other communications hereunder shall be in writing and shall be deemed properly given if sent by United States certified mail, return receipt requested, addressed to the appropriate party or successor.
13. **Subordination.** Notwithstanding any provision of this Easement to the contrary, the parties acknowledge and agree that this Easement is and shall remain subject and subordinate to the Grant Agreement during the term of the Grant Agreement.

TO HAVE AND TO HOLD unto Grantee forever. The covenants, terms, conditions, restrictions and purpose imposed with this Easement shall be binding upon Grantor, and shall continue as a servitude running in perpetuity with the Property.

Grantor hereby covenants with said Grantee that Grantor has good right and lawful authority to convey this Easement.

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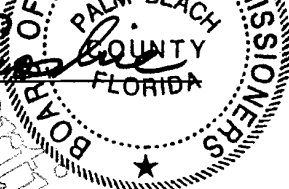
IN WITNESS WHEREOF, the Parties hereto have executed this Conservation Easement this
29 day of MARCH, 2006.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS

By: Tony Masiotti
Tony Masiotti, Chairman

ATTEST:
SHARON R. BOCK, CLERK & COMPTROLLER

By: Judith Casale
Deputy Clerk



APPROVED AS TO FORM AND LEGAL
SUFFICIENCY

By: Monroe Fox
Assistant County Attorney

APPROVED AS TO TERMS AND
CONDITIONS

By: Richard E. Walesky
Richard E. Walesky, Director
Department of Environmental
Resources Management

WITNESSES:

Mark Daniels
Printed Name Mark Daniels

Neal Cheek
Printed Name NEAL CHEEK

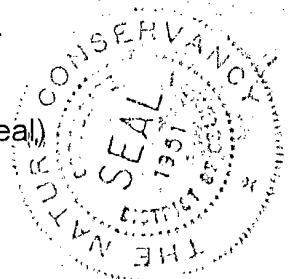
THE NATURE CONSERVANCY, a District
of Columbia Nonprofit corporation, authorized to
transact business in the State of Florida as The
Nature Conservancy, Inc.

By: Katherine D. Skinner
Katherine D. Skinner
Vice President

Date: Nov. 16, 2009

LEGAL REVIEW: JPN 11/12/09

(Corporate Seal)



STATE OF FLORIDA)
)
COUNTY OF PALM BEACH)

The foregoing instrument was acknowledged before me this 29 day of March, 2006, by Tony Masilotti, as Chairman of the Board of County Commissioners of Palm Beach County, a political subdivision of the State of Florida, on behalf of the County, who is personally known to me and who did not take an oath.

(NOTARY PUBLIC)
SEAL

Gloria Madison
Notary Public



Gloria Madison
Commission #DD251037
Expires: Oct 19, 2007
Bonded Thru
Atlantic Bonding Co., Inc.

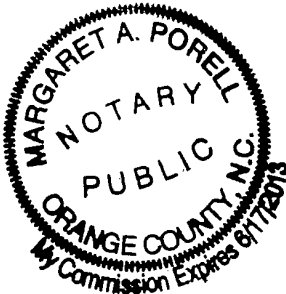
Gloria Madison
(Printed, Typed or Stamped
Name of Notary Public)
Commission No.: _____
My Commission Expires: _____

NORTH CAROLINA
STATE OF ~~FLORIDA~~ /)
)
COUNTY OF Durham)

The foregoing instrument was acknowledged before me this 16 day of November, 2009, by Katherine D. Skinner as Vice Pres. of The Nature Conservancy, a District of Columbia nonprofit corporation authorized to transact business in the State of Florida as The Nature Conservancy, Inc. She is personally known to me.

(NOTARY PUBLIC)

SEAL



Margaret A. Porell
Notary Public

Margaret A. Porell
(Printed, Typed or Stamped
Name of Notary Public)
Commission No. 20073400045
My Commission Expires: 8/17/2013

Page 8 of 9

EXHIBIT "A"
LEGAL DESCRIPTION OF THE PROPERTY

This is not a certified copy

Page 9 of 9

EXHIBIT "A"

That portion of Section 10, Township 45 South, Range 43 East, Palm Beach County, Florida, more particularly described as follows:

COMMENCE at the Northwest corner of said Section 10; thence S. $02^{\circ}17'56''$ W. (grid bearing basis, State Plane Coordinate System - Transverse Mercator, Florida East Zone), along the West line of said Section 10, a distance of 33.76 feet, thence S. $89^{\circ}39'39''$ E., along the South Right-of-Way line of HYPOLUXO ROAD and its Westerly projection thereof, a distance of 457.02 feet to the POINT of BEGINNING of the hereinafter described Parcel of Land; thence continue S. $89^{\circ}39'39''$ E., along said Right-of-Way Line a distance of 375.59 feet; thence S. $01^{\circ}27'04''$ W., a distance of 263.24 feet; thence N. $89^{\circ}39'39''$ W., a distance of 1.00 feet; thence S. $01^{\circ}27'04''$ W., a distance of 311.74 feet; thence S. $89^{\circ}39'39''$ E., a distance of 1.00 feet; thence S. $01^{\circ}27'04''$ W., a distance of 152.73 feet; thence S. $87^{\circ}42'03''$ E., a distance of 419.28 feet; thence S. $01^{\circ}49'53''$ W., along the West Right-of-Way line of the Florida East Coast Railway Company's 100 foot Right-of-Way, a distance of 349.34 feet; thence N. $87^{\circ}42'03''$ W., a distance of 60.00 feet; thence S. $01^{\circ}49'53''$ W., along the West Right-of-Way line of East Coast Avenue, "HYPOLUXO SUBDIVISION" as recorded in Plat Book 5, Page 32, Public Records of Palm Beach County, Florida, a distance of 680.00 feet; thence S. $87^{\circ}42'03''$ E., along the South line of said "HYPOLUXO SUBDIVISION", a distance of 60.00 feet to the Southeast corner of Lot 12, Block 9 of said "HYPOLUXO SUBDIVISION"; thence S. $01^{\circ}49'53''$ W., along the West Right-of-Way line of the Florida East Coast Railway Company's 100 foot Right-of-Way, a distance of 1717.30 feet to a point of curvature of a circular curve to the right, concave Northwesterly; thence Southerly, along the arc of said curve, along the West Right-of-Way line of the Florida East Coast Railway Company's 100 foot Right-of-Way, having a radius of 5677.65 feet and a central angle of $04^{\circ}14'50''$, for an arc distance of 420.87 feet; thence N. $89^{\circ}50'18''$ W., along the South line of the Northwest One-Quarter (N.W. 1/4) of the Southwest One-Quarter (S.W. 1/4) of said Section 10, a distance of 1233.28 feet; thence N. $02^{\circ}17'56''$ E., along the East Right-of-Way line of OVERLOOK ROAD, a distance of 3476.67 feet; thence S. $89^{\circ}39'39''$ E., a distance of 417.00; thence N. $02^{\circ}17'56''$ E., a distance of 437.00 feet to the POINT of BEGINNING.

LESS AND EXCEPTING THEREFROM, that portion as conveyed to the County of Palm Beach, by that Deed recorded in Official Records Book 5787, page 1793 and as agreed to in that Agreed Order of Taking and Final Compensation recorded in Official Records Book 5762, page 1752, more particularly described as follows:

That portion of Section 10, Township 45 South, Range 43 East, Palm Beach County, Florida, being more particularly described as follows:

COMMENCING at the Southeasterly corner of Lot 12, Block 9, according to the plat of "HYPOLUXO SUBDIVISION", as recorded in Plat Book 5, Page 32, of the Public Records of Palm Beach County, Florida; thence S. $87^{\circ}42'03''$ E. (grid bearing basis, State Plane Coordinate System - Transverse Mercator, Florida East Zone), along the South line of said "HYPOLUXO

SUBDIVISION", a distance of 60.00 feet; thence S. $1^{\circ}49'53''$ W. along the West Right-of-Way line of Florida East Coast Railway Company's 100 foot Right of Way, a distance of 900.66 feet; thence N. $87^{\circ}42'03''$ W. a distance of 100.00 feet to the POINT of BEGINNING of the hereinafter described Parcel of Land; thence continue N. $87^{\circ}42'03''$ W., a distance of 200.00 feet; thence S. $01^{\circ}49'53''$ W., a distance of 360.00 feet; thence S. $87^{\circ}42'03''$ E., a distance of 200.00 feet; thence N. $01^{\circ}49'53''$ E., a distance of 360.00 feet to the POINT of BEGINNING.

LESS AND EXCEPTING THEREFROM, the South 200.00 feet of the East 200.00 feet and the North 200.00 feet of the East 200.00 feet of the following described property:

A parcel of land located in the West Half (W. 1/2), of the Northwest Quarter (N.W. 1/4), of Section 10, Township 45 South, Range 43 East, Palm Beach County, Florida, and is more particularly described as follows:

Commence at the Northwest corner of said Section 10; thence S. $2^{\circ}44'21''$ W. along the west line of said Section 10 a distance of 33.76 feet to a point; thence S. $89^{\circ}13'14''$ E., a distance of 40.02 feet to the Point of Beginning; thence continue on said bearing of S. $89^{\circ}13'14''$ E. and along the South Right-of-Way line of Hypoluxo Road, shown in Plat Book 13, page 34, a distance of 792.09 feet to a point; thence S. $1^{\circ}53'29''$ W. a distance of 727.71 feet to a point; thence N. $87^{\circ}15'39''$ W., a distance of 802.39 feet to the intersection with the East Right-of-Way line of Overlook Road, said Right-of-Way line being 40 feet east of and parallel with the west line of said Section 10; thence N. $2^{\circ}44'21''$ E. along said East Right-of-Way line a distance of 700.54 feet to the Point of Beginning.

APPENDIX E


MEMORANDUM OF UNDERSTANDING



INTEROFFICE MEMORANDUM
OF UNDERSTANDING
Palm Beach County
Environmental Resources Management

DATE: February 26, 2013

TO: Omelio Fernandez, P.E. Director
Roadway Production Division

FROM:  Robert Robbins, Director
Environmental Resources Management

SUBJECT: HYPOLUXO SCRUB DETENTION POND

This memorandum is to reiterate and confirm the understanding between the Department of Engineering & Public Works (ENGINEERING) and the Department of Environmental Resources Management (ERM) regarding the excavation and regrading of the Hypoluxo Scrub Detention Pond, located within the Hypoluxo Scrub Natural Area.

- ERM proposes to convert a 1.4-acre dry detention area to a 1.9-acre wet detention area. The work will involve excavation and removal of approximately 12,000 cubic yards of St. Lucie sand (sugar sand) and construction of wet detention features with planted littoral shelves. The project will create wetland habitat and provide a water source for wildlife and promote biological diversity within the Hypoluxo Scrub Natural Area.
- The 1.4-acre dry detention area currently exists along the eastern boundary within the Hypoluxo Scrub Natural Area. Stormwater from Hypoluxo Road is conveyed via a piped storm sewer system southward down the eastern border of the natural area and outfalls to the existing dry detention area. The piped storm sewer system and outfall to the detention area will remain and not be impacted by the proposed wetland restoration.
- The existing dry detention area currently overflows to the Florida Department of Transportation (FDOT) storm sewer system for State Road 5 (U.S. 1). Overflow to the FDOT system will continue to be provided by a 3.5-foot wide weir at elevation 6 feet-NGVD and 90 feet of 18-inch concrete pipe. Overflow to the FDOT system will not be impacted by the proposed wetland restoration.
- ERM will be responsible for maintaining the wet detention pond and maintaining the overflow structure to the FDOT system once the proposed wetland restoration has been completed.
- The existing piped storm sewer system from Hypoluxo Road southward down the eastern border of the natural area and outfall structures and pipe systems of the detention area will continue to be maintained by ENGINEERING.

- A minimum of three feet of cover shall be maintained over existing pipes. Access shall be maintained so that ENGINEERING can access and maintain the two existing pipe systems and outfall structures.
- ENGINEERING understands that ERM staff requests notification before entering the planted areas within the retention pond, except in the case of an emergency because of flooding in the area.
- It is understood by ERM and ENGINEERING that proposed changes to the said dry detention area have been approved by the South Florida Water Management District via a permit modification.
- ERM and ENGINEERING understand that it is mutually beneficial to work cooperatively to implement this memorandum.

Agreed in concept



Tanya N. McConnell, Deputy County Engineer



Robert Robbins, Director, ERM

APPENDIX F

GRANT AWARD AGREEMENT

This document prepared by:
Ann J. Wild
Florida Communities Trust
Department of Community Affairs
2555 Shumard Oak Blvd.
Tallahassee, FL 32399

R2003 0061

JAN 07 2003

FLORIDA COMMUNITIES TRUST
FFI AWARD #01-035-FF1
FCT Contract# _____

GRANT AWARD AGREEMENT

THIS AGREEMENT is entered into this ____ day of _____, 2003, by and between the FLORIDA COMMUNITIES TRUST ("FCT"), a nonregulatory agency within the State of Florida Department of Community Affairs, and PALM BEACH COUNTY and TOWN OF HYPOLUXO, political subdivisions of the State of Florida ("FCT Recipient"), in order to impose terms, conditions, and restrictions on the use of the proceeds of certain bonds, hereinafter described, and the lands acquired with such proceeds and as described in Exhibit "A" attached hereto and made apart hereof ("Project Site"), as shall be necessary to ensure compliance with applicable Florida Law and federal income tax law and to otherwise implement provisions of Chapters 259.105, 259.1051, and 380, Florida Statutes.

WHEREAS, Part III Chapter 380, Florida Statutes, the Florida Communities Trust Act, creates a nonregulatory agency within the Department of Community Affairs, which will assist local governments in bringing into compliance and implementing the conservation, recreation and open space, and coastal elements of their comprehensive plans or in conserving natural resources and resolving land use conflicts by providing financial assistance to local governments and nonprofit environmental organizations to carry out projects and activities authorized by the Florida Communities Trust Act;

WHEREAS, Section 259.105(3)(c), F.S., of the Florida Forever Act provides for the distribution of twenty-two percent (22%) less certain reductions of the net Florida Forever Revenue Bond proceeds to the Department to provide land acquisition grants to local governments and nonprofit environmental organizations through the FCT for acquisition of community-based projects, urban open spaces, natural resource conservation areas, parks, greenways and outdoor recreation areas to implement local comprehensive plans;

WHEREAS, the Bonds were issued as tax-exempt bonds, meaning that the interest on the Bonds is excluded from the gross income of Bondholders for federal income tax purposes;

WHEREAS, Rule Chapter 9K-7, Florida Administrative Code (F.A.C.), authorizes FCT to impose conditions for funding on those FCT applicants whose projects have been selected for funding in accordance with Rule Chapter 9K-7, F.A.C.;

WHEREAS, the FCT has approved the terms under which the Project Site was acquired and this Agreement shall contain such covenants and restrictions as are sufficient to ensure that the use of the Project Site at all times complies with Section 375.051, Florida Statutes and Section 9, Article XII of the State Constitution and shall contain clauses providing for the conveyance of title to the Project Site to the Board of Trustees of the Internal Improvement Trust Fund upon the failure of the FCT Recipient to use the Project Site acquired thereby for such purposes; and

WHEREAS, such covenants and restrictions shall be imposed by this agreement which shall describe with particularity the real property which is subject to the agreement and shall be recorded in the county in which the real property is located; and

WHEREAS, the purpose of this Agreement is to set forth the covenants and restrictions that are imposed on the Project Site subsequent to the Recipient being awarded the grant funds from the Florida Forever Trust Fund award.

NOW THEREFORE, in consideration of the mutual covenants and undertakings set forth herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, FCT and FCT Recipient do hereby contract and agree as follows:

I. GENERAL CONDITIONS.

1. Upon execution and delivery by the parties hereto, the FCT Recipient shall cause this Agreement to be recorded and filed in the official public records of Palm Beach County, Florida, and in such manner and in such other places as FCT may reasonably request, and shall pay all fees and charges incurred in connection therewith.

2. The FCT Recipient and FCT agree that the State of Florida Department of Environmental Protection will forward this Agreement to Department of Environmental Protection Bond Counsel for review. In the event Bond Counsel opines that an amendment is required to this Agreement so that the tax exempt status of the Florida Forever Bonds is not jeopardized, FCT and FCT Recipient shall amend the Agreement accordingly.

3. This Agreement may be amended at any time. Any amendment must be set forth in a written instrument and agreed to by both the FCT Recipient and FCT.

4. This Agreement and the covenants and restrictions contained herein shall run with the Property herein described and shall bind, and the benefits shall inure to, respectively, the FCT and the FCT Recipient and their respective successors and assigns.

5. This Agreement shall be governed by and construed in accordance with the laws of the State of Florida, with respect to both substantive rights and with respect to procedures and remedies.

6. Any notice required to be given hereunder shall be given by personal delivery, by registered mail or by registered expedited service at the addresses specified below or at such other addresses as may be specified in writing by the parties hereto, and any such notice shall be deemed received on the date of delivery if by personal delivery or expedited delivery service, or upon actual receipt if sent by registered mail.

FCT: Florida Communities Trust
Department of Community Affairs
2555 Shumard Oak Blvd.
Tallahassee, FL 32399-2100
ATTN: Executive Director

FCT Recipient: Palm Beach County
Department of Environmental Resources Management
3323 Belvedere Road, Building 502
West Palm Beach, FL 33406-1548
ATTN: Richard E. Walesky, Director

FCT Recipient: Town of Hypoluxo
7580 S. Federal Highway
Hypoluxo, FL 33462-6034
ATTN: Kenneth M. Schultz, Mayor

7. If any provision of the Agreement shall be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired.

II. PROJECT SITE REQUIREMENTS IMPOSED BY CHAPTER 259, CHAPTER 375, AND CHAPTER 380, PART III, FLORIDA STATUTES.

1. If any essential term or condition of this grant agreement is violated by the FCT Recipient or by some third party with the knowledge of the FCT Recipient and the FCT Recipient does not correct the violation within 30 days of notice of the violation, fee simple title to all interest in the Project Site shall be conveyed to the Board of Trustees of the Internal Improvement Trust Fund. The FCT shall treat such property in accordance with Section 380.508(4)(e), Florida Statutes.

2. Any transfer of the Project Site shall be subject to the approval of FCT and FCT shall enter into a new agreement with the transferee, containing such covenants, clauses, or other restrictions as are sufficient to protect the interest of the people of Florida.

3. The interest, if any, acquired by the FCT Recipient in the Project Site will not serve as security for any debt of the FCT Recipient unless FCT approves the transaction.

4. If the existence of the FCT Recipient terminates for any reason, title to all interest in real property it has acquired with the FCT award shall be conveyed to the Board of Trustees of the Internal Improvement Trust Fund, unless FCT negotiates an agreement with another local government or nonprofit organization which agrees to accept title to all interest in and to manage the Project Site.

5. In the event that the Project Site is damaged or destroyed or title to the Project Site, or any part thereof, is taken by any governmental body through the exercise or the threat of the exercise of the power of eminent domain, the FCT Recipient shall deposit with the FCT any insurance proceeds or any condemnation award, and shall promptly commence to rebuild, replace, repair or restore the Project Site in such manner as is consistent with the Agreement. The FCT shall make any such insurance proceeds or condemnation award moneys available to provide funds for such restoration work. In the event that the FCT Recipient fails to commence or to complete the rebuilding, repair, replacement or restoration of the Project Site after notice from the FCT, the FCT shall have the right, in addition to any other remedies at law or in equity, to repair, restore, rebuild or replace the Project Site so as to prevent the occurrence of a default hereunder.

Notwithstanding any of the foregoing, FCT will have the right to seek specific performance of any of the covenants and restrictions of this Agreement concerning the construction and operation of the Project Site.

III. PROJECT SITE OBLIGATIONS IMPOSED BY FCT ON THE FCT RECIPIENT.

1. The Project Site shall be managed only for the conservation, protection and enhancement of natural and historical resources and for passive, natural resource-based public outdoor recreation which is compatible with the conservation, protection and enhancement of the Project Site, along with other related uses necessary for the accomplishment of this purpose. The proposed uses for the Project Site are specifically designated in the Project Plan as approved by FCT.

2. The FCT Recipient shall prepare and submit to FCT an annual stewardship report as required by Rule 9K-7.013, F.A.C.

3. The FCT Recipient shall ensure that the future land use designation assigned to the Project Site is for a category dedicated to open space, conservation, or outdoor recreation uses as appropriate. If an amendment to the FCT Recipient's comprehensive plan is required to comply with

this paragraph, the amendment shall be proposed at the next comprehensive plan amendment cycle available to the FCT Recipient.

4. FCT Recipient shall ensure, and provide evidence thereof to FCT, that all activities under this Agreement comply with all applicable local, state, regional and federal laws and regulations, including zoning ordinances and the adopted and approved comprehensive plan for the jurisdiction as applicable. Evidence shall be provided to FCT that all required licenses and permits have been obtained prior to the commencement of any construction.

5. The FCT Recipient shall, through its agents and employees, prevent the unauthorized use of the Project Site or any use thereof not in conformity with the FCT approved project plan.

6. FCT staff or its duly authorized representatives shall have the right at any time to inspect the Project Site and the operations of the FCT Recipient at the Project Site.

7. All buildings, structures, improvements, and signs shall require the prior written approval of FCT as to purpose. Further, tree removal, other than non-native species, and/or major land alterations shall require the written approval of FCT. The approvals required from FCT shall not be unreasonably withheld by FCT upon sufficient demonstration that the proposed structures, buildings, improvements, signs, vegetation removal or land alterations will not adversely impact the natural resources of the Project Site. The approval by FCT of the FCT Recipient's management plan addressing the items mentioned herein shall be considered written approval from FCT.

8. If archaeological and historic sites are located on the Project Site, the FCT Recipient shall comply with Chapter 267, Florida Statutes. The collection of artifacts from the Project Site or the disturbance of archaeological and historic sites on the Project Site will be prohibited unless prior written authorization has been obtained from the Department of State, Division of Historical Resources.

9. The FCT Recipient shall ensure that the Project Site is identified as being publicly owned and operated as a passive, natural resource-based public outdoor recreational site in all signs, literature and advertising regarding the Project Site. The FCT Recipient shall erect a sign(s) identifying the Project Site as being open to the public and as having been purchased with funds from FCT and the FCT Recipient.

IV. OBLIGATIONS INCURRED BY FCT RECIPIENT AS A RESULT OF BOND PROCEEDS BEING UTILIZED TO PURCHASE THE PROJECT SITE.

1. If the Project Site is to remain subject, after its acquisition by the State and the FCT Recipient, to any of the below listed activities or interests, the FCT Recipient shall provide at least 60 days written notice of any such activity or interest to FCT prior to the activity taking place, and

shall provide to FCT such information with respect thereto as FCT reasonably requests in order to evaluate the legal and tax consequences of such activity or interest:

- a. any lease of any interest in the Project Site to a non-governmental person or organization;
- b. the operation of any concession on the Project Site to a non-governmental person or organization;
- c. any sales contract or option to buy things attached to the Project Site to be severed from the Project Site, with a non-governmental person or organization;
- d. any use of the Project Site by non-governmental persons other than in such person's capacity as a member of the general public;
- e. a management contract of the Project Site with a non-governmental person or organization; and
- f. such other activity or interest as maybe specified from time to time in writing by FCT to the FCT Recipient.

2. FCT Recipient agrees and acknowledges that the following transaction, events, and circumstances may not be permitted on the Project Site as they may have negative legal and tax consequences under Florida law and federal income tax law:

- a. a sale of the Project Site or a lease of the Project Site to a non-governmental person or organization;
- b. the operation of a concession on the Project Site by a non-governmental person or organization;
- c. a sale of things attached to the Project Site to be severed from the Project Site to a non-governmental person or organization;
- d. any change in the character or use of the Project Site from that use expected at the date of the issuance of any series of bonds from which the disbursement is to be made;
- e. any use of the Project Site by non-governmental persons other than in such person's capacity as a member of the general public;
- f. a management contract of the Project Site with a non-governmental person or organization; and

g. such other activity or interest as may be specified from time to time in writing by FCT to the FCT Recipient.

DELEGATIONS AND CONTRACTUAL ARRANGEMENTS BETWEEN THE FCT RECIPIENT AND OTHER GOVERNMENTAL BODIES, NOT FOR PROFIT ENTITIES, OR NON GOVERNMENTAL PERSONS FOR USE OR MANAGEMENT OF THE PROJECT SITE WILL IN NO WAY RELIEVE THE FCT RECIPIENT OF THE RESPONSIBILITY TO ENSURE THAT THE CONDITIONS IMPOSED HEREIN ON THE PROJECT SITE AS A RESULT OF UTILIZING BOND PROCEEDS TO ACQUIRE THE PROJECT SITE ARE FULLY COMPLIED WITH BY THE CONTRACTING PARTY.

V. CONDITIONS THAT ARE PARTICULAR TO THE PROJECT SITE AS A RESULT OF THE FCT APPROVED MANAGEMENT PLAN.

1. Two or more resource-based outdoor recreational facilities including hiking trails and a wildlife observation area shall be provided. The facilities shall be designed and located with minimal impact to natural resources on the Project Site.

2. A permanent recognition sign shall be maintained in the entrance area of the Project Site. The sign shall acknowledge that the Project Site is open to the public and was purchased with funds from the Florida Communities Trust Program and Palm Beach County.

3. Interpretive signage shall be provided to educate visitors about the natural environment of the Project Site.

4. A biological inventory of the natural communities found on the Project Site, including the dominant and listed plant and animal species, shall be conducted prior to any site development. The inventory shall be used to ensure the protection of biological resources and be updated periodically.

5. The scrub, scrubby flatwoods and other natural communities that occur on the Project Site shall be preserved and appropriately managed to ensure the long-term viability of these communities.

6. The Project Site shall be managed in a manner that protects and enhances habitat for listed wildlife species that utilize or could potentially utilize the Project Site, including the Florida scrub jay. The development of the Management Plan shall be coordinated with the Florida Fish and Wildlife Conservation Commission's Office of Environmental Services and U.S. Fish and Wildlife Service to ensure the preservation of the Florida scrub jay and further the purposes of the Strategic Habitat Conservation Area designation. Periodic surveys shall be conducted to ensure that site management is compatible with the listed species using the Project Site.

7. The feasibility of a prescribed burn plan for the scrub community shall be investigated. If feasible the development of a prescribed burn plan shall be coordinated with the Division of Forestry and the Florida Fish and Wildlife Conservation Commission.

8. Approximately 24 acres of degraded scrub and scrubby flatwoods shall be restored in terms of biological composition and ecological function.

9. An ongoing monitoring and control program for invasive vegetation including exotic (non-native) and nuisance native plant species shall be implemented at the Project Site. The objective of the control program shall be the elimination of invasive exotic plant species and the maintenance of a diverse association of native vegetation. The Management Plan shall reference the Exotic Pest Plant Council's List of Florida's Most Invasive Species to assist in identifying invasive exotics on the Project Site.

10. A feral animal removal program shall be developed and implemented for cats and other non-native wildlife that may be found on the Project Site.

11. Prior to the commencement of any proposed development activities, measures shall be taken to determine the presence of any archaeological sites. All planned activities involving known archaeological sites or potential site areas shall be closely coordinated with the Department of State, Division of Historic Resources in order to prevent the disturbance of significant sites.

12. Site improvements shall be located in such a manner that these facilities will have minimal impact on the natural resources on the Project Site.

13. Any proposed stormwater facility for the Project Site shall be designed to provide recreational open space or wildlife habitat.

14. Pedestrian and bicycle access to the Project Site shall be promoted through the provision of pedestrian oriented walkways and bicycle facilities that link the Project Site with adjacent residential neighborhoods. Bike parking stands shall be installed at the Project Site to provide an alternative to automobile transportation to the Project Site.

15. The requirements imposed by other grant program funds that may be sought for activities associated with the Project Site shall not conflict with the terms and conditions of this Agreement.

This Agreement including Exhibit "A" embodies the entire agreement between the parties.

THE FLORIDA COMMUNITIES TRUST'S OBLIGATION TO PROVIDE FUNDS UNDER THIS AGREEMENT IS CONTINGENT UPON AN ANNUAL APPROPRIATION BY THE LEGISLATURE.

IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement.

R2003 0061

Witness:

Glendia Y. Hargy
Witness Name:

Judith Crossline
Witness Name:

PALM BEACH COUNTY

By: [Signature]
Karen T. Marcus, Chair
Board of County Commissioners

JAN 07 2003

Date: _____

Approved as to Terms and Conditions:

By: Richard E. Walesky
Richard E. Walesky, Director
Environmental Resources Management

Date: 12/11/02

Approved as to Form and Legality:

By: Heidi Juhl
Heidi Juhl
Assistant County Attorney

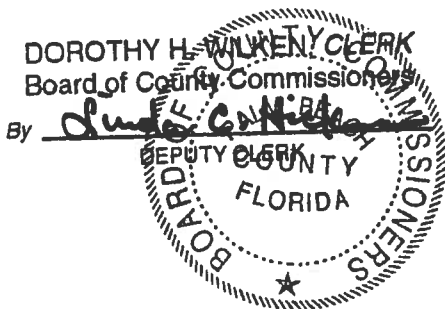
Date: _____

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this _____ day of _____, 2002, by _____, as _____ and who is personally known to me.

N/A
[Signature]

Notary Public
Print Name: _____
Commission No: _____
My Commission Expires: _____



Witness:

[Signature]

Witness Name:

[Signature]

Witness Name:

TOWN OF HYPOLUXO

By: [Signature]
Kenneth M. Schultz, Mayor

Date: 12-10-02

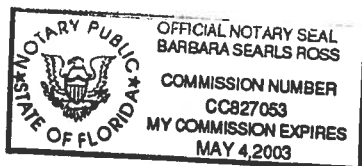
Approved as to Form and Legality:

By: [Signature]
Leonard G. Rubin
Town Attorney

Date: 12/9/02

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 10th day of December, 2002, by Kenneth M. Schultz as Mayor and who is personally known to me.



[Signature]
Notary Public
Print Name: _____
Commission No: _____
My Commission Expires: _____

Witness:

FLORIDA COMMUNITIES TRUST

Witness Name:

By: _____
Janice Browning
Executive Director

Witness Name:

Date: _____

Approved as to Form and Legality:

By: _____
Name:
Title:

Date: _____

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2002, by _____, as _____ and who is personally known to me.

Notary Public
Print Name: _____
Commission No: _____
My Commission Expires: _____

EXHIBIT "A"

That portion of Section 10, Township 45 South, Range 43 East, Palm Beach County, Florida, more particularly described as follows:

COMMENCE at the Northwest corner of said Section 10; thence S. 02°17'56" W. (grid bearing basis, State Plane Coordinate System - Transverse Mercator, Florida East Zone), along the West line of said Section 10, a distance of 33.76 feet, thence S. 89°39'39" E., along the South Right-of-Way line of HYPOLUXO ROAD and its Westerly projection thereof, a distance of 457.02 feet to the POINT of BEGINNING of the hereinafter described Parcel of Land; thence continue S. 89°39'39" E., along said Right-of-Way Line a distance of 375.59 feet; thence S. 01°27'04" W., a distance of 263.24 feet; thence N. 89°39'39" W., a distance of 1.00 feet; thence S. 01°27'04" W., a distance of 311.74 feet; thence S. 89°39'39" E., a distance of 1.00 feet; thence S. 01°27'04" W., a distance of 152.73 feet; thence S. 87°42'03" E., a distance of 419.28 feet; thence S. 01°49'53" W., along the West Right-of-Way line of the Florida East Coast Railway Company's 100 foot Right-of-Way, a distance of 349.34 feet; thence N. 87°42'03" W., a distance of 60.00 feet; thence S. 01°49'53"W., along the West Right-of-Way line of East Coast Avenue, "HYPOLUXO SUBDIVISION" as recorded in Plat Book 5, Page 32, Public Records of Palm Beach County, Florida, a distance of 680.00 feet; thence S. 87°42'03" E., along the South line of said "HYPOLUXO SUBDIVISION", a distance of 60.00 feet to the Southeast corner of Lot 12, Block 9 of said "HYPOLUXO SUBDIVISION"; thence S. 01°49'53"W., along the West Right-of-Way line of the Florida East Coast Railway Company's 100 foot Right-of-Way, a distance of 1717.30 feet to a point of curvature of a circular curve to the right, concave Northwesterly; thence Southerly, along the arc of said curve, along the West Right-of-Way line of the Florida East Coast Railway Company's 100 foot Right-of-Way, having a radius of 5677.65 feet and a central angle of 04°14'50", for an arc distance of 420.87 feet; thence N. 89°50'18" W., along the South line of the Northwest One-Quarter (N.W. 1/4) of the Southwest One-Quarter (S.W. 1/4) of said Section 10, a distance of 1233.28 feet; thence N. 02°17'56" E., along the East Right-of-Way line of OVERLOOK ROAD, a distance of 3476.67 feet; thence S. 89°39'39" E., a distance of 417.00; thence N. 02°17'56" E., a distance of 437.00 feet to the POINT of BEGINNING.

LESS AND EXCEPTING THEREFROM, that portion as conveyed to the County of Palm Beach, by that Deed recorded in Official Records Book 5787, page 1793 and as agreed to in that Agreed Order of Taking and Final Compensation recorded in Official Records Book 5762, page 1752, more particularly described as follows:

That portion of Section 10, Township 45 South, Range 43 East, Palm Beach County, Florida, being more particularly described as follows:

COMMENCING at the Southeasterly corner of Lot 12, Block 9, according to the plat of "HYPOLUXO SUBDIVISION", as recorded in Plat Book 5, Page 32, of the Public Records of Palm Beach County, Florida; thence S. 87°42'03" E. (grid bearing basis, State Plane Coordinate System - Transverse Mercator, Florida East Zone), along the South line of said "HYPOLUXO

line of Florida East Coast Railway Company's 100 foot Right of Way, a distance of 900.66 feet; thence N. 87°42'03" W. a distance of 100.00 feet to the POINT of BEGINNING of the hereinafter described Parcel of Land; thence continue N. 87°42'03" W., a distance of 200.00 feet; thence S. 01°49'53"W., a distance of 360.00 feet; thence S. 87°42'03" E., a distance of 200.00 feet; thence N. 01°49'53" E., a distance of 360.00' feet to the POINT of BEGINNING.

LESS AND EXCEPTING THEREFROM, the South 200.00 feet of the East 200.00 feet and the North 200.00 feet of the East 200.00 feet of the following described property:

A parcel of land located in the West Half (W. 1/2), of the Northwest Quarter (N.W. 1/4), of Section 10, Township 45 South, Range 43 East, Palm Beach County, Florida, and is more particularly described as follows:

Commence at the Northwest corner of said Section 10; thence S. 2°44'21"W. along the west line of said Section 10 a distance of 33.76 feet to a point; thence S. 89°13'14"E., a distance of 40.02 feet to the Point of Beginning; thence continue on said bearing of S.89°13'14"E. and along the South Right-of-Way line of Hypoluxo Road, shown in Plat Book 13, page 34, a distance of 792.09 feet to a point; thence S.1°53'29"W. a distance of 727.71 feet to a point; thence N.87°15'39W., a distance of 802.39 feet to the intersection with the East Right-of-Way line of Overlook Road, said Right-of-Way line being 40 feet east of and parallel with the west line of said Section 10; thence N.2°44'21" E. along said East Right-of-Way line a distance of 700.54 feet to the Point of Beginning,

This instrument prepared by:
Kristen L. Coons, Esq.
Florida Communities Trust
Department of Community Affairs
2555 Shumard Oak Blvd.
Tallahassee, FL 32399-2100

FLORIDA COMMUNITIES TRUST
FF AWARD# 01-035-FF1
FCT Contract#03-CT-~~FF~~H-01-F1-J1-035
HYPLOUXO OVERLOOK

R2005 0256

AMENDMENT I
GRANT AWARD AGREEMENT

THIS AMENDMENT I to the GRANT AWARD AGREEMENT is entered into this 7 day of MARCH, 2005, by and between the FLORIDA COMMUNITIES TRUST ("FCT"), a nonregulatory agency within the State of Florida Department of Community Affairs, and PALM BEACH COUNTY and TOWN OF HYPOLUXO, political subdivisions of the State of Florida ("Recipient"), in order to amend a scrivener's error contained in the legal description of the Grant Award Agreement and to impose terms, conditions, and restrictions on the use of the proceeds of certain bonds, as described in the Grant Award Agreement, and the lands acquired with such proceeds and as described in Exhibit A.1 attached hereto and made apart hereof ("Project Site"), as shall be necessary to ensure compliance with applicable Florida Law and federal income tax law and to otherwise implement provisions of Chapters 259.105, 259.1051 and 380, Florida Statutes.

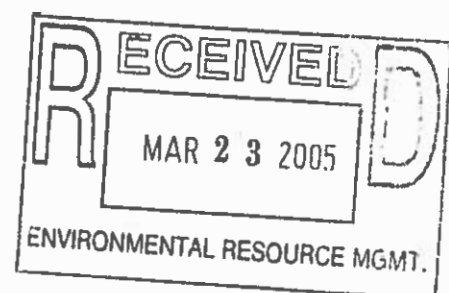
WHEREAS, FCT and Recipient entered into a Grant Award Agreement dated January 31, 2003 and recorded on February 13, 2003, in Official Records Book 14795, page 1849, Public Records of Palm Beach County, Florida;

WHEREAS, the legal description of the property described in Exhibit A to the Grant Award Agreement contains a scrivener's error; and

WHEREAS, all parties to the Grant Award Agreement desire to amend said scrivener's error.

GAA\01-035-FF1
AMENDI/December 2, 2004

1



NOW THEREFORE, in consideration of the mutual covenants and undertakings set forth herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, FCT and Recipient do hereby contract and agree as follows:

To correct the scrivener's error contained in Exhibit A of the Grant Award Agreement dated January 31, 2003, and recorded on February 13, 2003 in Official Records Book 14795, page 1849, Public Records of Palm Beach County, Florida, the legal description described in Exhibit A.1 of this Amendment shall supersede the description attached in Exhibit A of the Grant Award Agreement. All restrictions and covenants contained in the Grant Award Agreement are applicable and extended to include the property as described in Exhibit A.1 attached hereto.

This Amendment I to the Grant Award Agreement, including Exhibit "A.I", and the Grant Award Agreement, embody the entire agreement between the parties.

IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement.

Witness:

Joe Fulcher

Print Name: Joe Fulcher

Sue Ellen Calderon

Print Name: Sue Ellen Calderon

Approved as to Terms and Conditions:

By: Richard E. Walesky
Richard E. Walesky, Director
Environmental Resources Management

Date: 12/16/04

R2005 11258
PALM BEACH COUNTY

By: Tony Maslotti
Tony Maslotti, Chairman

Title: _____

Date: FEB 11 2005

Sharon R. Bock, Clerk & Comptroller
Palm Beach County

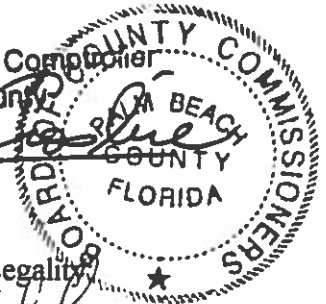
Attest:
Clerk

By: Judith C. Bock
Deputy Clerk

Approved as to Form and Legality:

By: Heidi Juhl
Heidi Juhl
Assistant County Attorney

Date: 12/30/04



[Signature]
Print Name: MARK HULL

[Signature]
Print Name: DEBBIE L. FICK

TOWN OF HYPOLUXO

[Signature]
By: KENNETH M. SCHULTZ
Title: MAYOR

Date: 12.09.04

Accepted as to Legal Form and
Sufficiency:

[Signature]
Print Name & Title: LEONARD RUBIN
Town Attorney
Date: 12/8/04

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 9th day of
December, 2004, by Kenneth M. Schultz as
Mayor of Hypoluxo and who is personally known to me.

[Signature]
Notary Public

Print Name: _____
Commission No. _____
My Commission Expires: _____

Barbara Searle Ross
My Commission DD211523
Expires May 12, 2007

[Signature]
Print Name: BRIAN WEAVER

Paul P. Ford
Paul P. Ford
Print Name:

Accepted as to Legal Form and
Sufficiency:

[Signature]
Kristen L. Coons, Trust Counsel
Date: March 4, 2005

FLORIDA COMMUNITIES TRUST

[Signature]
Janice Browning, Division Director
Housing and Community Development

Date: 3/9/05

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me this 10th day of
March, 2005, by JANICE BROWNING, as Division Director of Housing and
Community Development. She is personally known to me.

Paul P. Ford
Notary Public

Print Name:

Commission NO. PAUL P. FORD

My Commission Expires DD 359808
EXPIRES: October 13, 2008
Bonded Thru Notary Public Underwriters

GAA\01-035-FF1
AMENDI/December 2, 2004

EXHIBIT "A.I"

That portion of Section 10, Township 45 South, Range 43 East, Palm Beach County, Florida, more particularly described as follows:

COMMENCE at the Northwest corner of said Section 10; thence S. $02^{\circ}17'56''$ W. (grid bearing basis, State Plane Coordinate System - Transverse Mercator, Florida East Zone), along the West line of said Section 10, a distance of 33.76 feet, thence S. $89^{\circ}39'39''$ E., along the South Right-of-Way line of HYPOLUXO ROAD and its Westerly projection thereof, a distance of 457.02 feet to the POINT of BEGINNING of the hereinafter described Parcel of Land; thence continue S. $89^{\circ}39'39''$ E., along said Right-of-Way Line a distance of 375.59 feet; thence S. $01^{\circ}27'04''$ W., a distance of 263.24 feet; thence N. $89^{\circ}39'39''$ W., a distance of 1.00 feet; thence S. $01^{\circ}27'04''$ W., a distance of 311.74 feet; thence S. $89^{\circ}39'39''$ E., a distance of 1.00 feet; thence S. $01^{\circ}27'04''$ W., a distance of 152.73 feet; thence S. $87^{\circ}42'03''$ E., a distance of 419.28 feet; thence S. $01^{\circ}49'53''$ W., along the West Right-of-Way line of the Florida East Coast Railway Company's 100 foot Right-of-Way, a distance of 349.34 feet; thence N. $87^{\circ}42'03''$ W., a distance of 60.00 feet; thence S. $01^{\circ}49'53''$ W., along the West Right-of-Way line of East Coast Avenue, "HYPOLUXO SUBDIVISION" as recorded in Plat Book 5, Page 32, Public Records of Palm Beach County, Florida, a distance of 680.00 feet; thence S. $87^{\circ}42'03''$ E., along the South line of said "HYPOLUXO SUBDIVISION", a distance of 60.00 feet to the Southeast corner of Lot 12, Block 9 of said "HYPOLUXO SUBDIVISION"; thence S. $01^{\circ}49'53''$ W., along the West Right-of-Way line of the Florida East Coast Railway Company's 100 foot Right-of-Way, a distance of 1717.30 feet to a point of curvature of a circular curve to the right, concave Northwesterly; thence Southerly, along the arc of said curve, along the West Right-of-Way line of the Florida East Coast Railway Company's 100 foot Right-of-Way, having a radius of 5677.65 feet and a central angle of $04^{\circ}14'50''$, for an arc distance of 420.87 feet; thence N. $89^{\circ}50'18''$ W., along the South line of the Northwest One-Quarter (N.W. 1/4) of the Southwest One-Quarter (S.W. 1/4) of said Section 10, a distance of 1233.28 feet; thence N. $02^{\circ}17'56''$ E., along the East Right-of-Way line of OVERLOOK ROAD, a distance of 3476.67 feet; thence S. $89^{\circ}39'39''$ E., a distance of 417.00; thence N. $02^{\circ}17'56''$ E., a distance of 437.00 feet to the POINT of BEGINNING.

LESS AND EXCEPTING THEREFROM, that portion as conveyed to the County of Palm Beach, by that Deed recorded in Official Records Book 5787, page 1793 and as agreed to in that Agreed Order of Taking and Final Compensation recorded in Official Records Book 5762, page 1752, more particularly described as follows:

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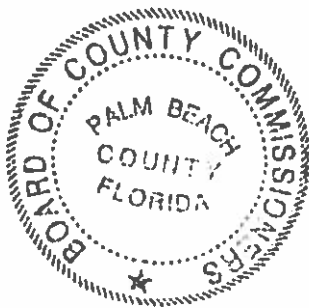
COMMENCING at the Southeasterly corner of Lot 12, Block 9, according to the plat of "HYPOLUXO SUBDIVISION", as recorded in Plat Book 5, Page 32, of the Public Records of Palm Beach County, Florida; thence S. $87^{\circ}42'03''$ E. (grid bearing basis, State Plane Coordinate System - Transverse Mercator, Florida East Zone), along the South line of said "HYPOLUXO

SUBDIVISION", a distance of 60.00 feet; thence S. 1°49'53" W. along the West Right-of-Way line of Florida East Coast Railway Company's 100 foot Right of Way, a distance of 900.66 feet; thence N. 87°42'03" W. a distance of 100.00 feet to the POINT of BEGINNING of the hereinafter described Parcel of Land; thence continue N. 87°42'03" W., a distance of 200.00 feet; thence S. 01°49'53"W., a distance of 360.00 feet; thence S. 87°42'03" E., a distance of 200.00 feet; thence N. 01°49'53" E., a distance of 360.00' feet to the POINT of BEGINNING.

LESS AND EXCEPTING THEREFROM, the South 200.00 feet of the East 200.00 feet and the North 200.00 feet of the East 200.00 feet of the following described property:

A parcel of land located in the West Half (W. 1/2), of the Northwest Quarter (N.W. 1/4), of Section 10, Township 45 South, Range 43 East, Palm Beach County, Florida, and is more particularly described as follows:

Commence at the Northwest corner of said Section 10; thence S. 2°44'21"W. along the west line of said Section 10 a distance of 33.76 feet to a point; thence S. 89°13'14"E., a distance of 40.02 feet to the Point of Beginning; thence continue on said bearing of S.89°13'14"E. and along the South Right-of-Way line of Hypoluxo Road, shown in Plat Book 13, page 34, a distance of 792.09 feet to a point; thence S.1°53'29"W. a distance of 727.71 feet to a point; thence N.87°15'39W., a distance of 802.39 feet to the intersection with the East Right-of-Way line of Overlook Road, said Right-of-Way line being 40 feet east of and parallel with the west line of said Section 10; thence N.2°44'21" E. along said East Right-of-Way line a distance of 700.54 feet to the Point of Beginning,



STATE OF FLORIDA, COUNTY OF PALM BEACH
I, SHARON R. BOCK, Clerk and Comptroller
certify this to be a true and correct copy of the original
filed in my office on February 1, 2005
dated at West Palm Beach, FL on 3-22-05
By: Barbara J. Volkman
Deputy Clerk

APPENDIX G

**NOTICE OF LIMITATION OF USE/
SITE DEDICATION**



CFN 20170050513

OR BK 28886 PG 1495
RECORDED 02/10/2017 10:12:38
Palm Beach County, Florida
Sharon R. Bock, CLERK & COMPTROLLER
Pgs 1495 - 1496; (2pgs)

R201541497

ATTACHMENT 2 OCT 20 2015

NOTICE OF LIMITATION OF USE/
SITE DEDICATION

Overlook Park – FRDAP Project Number # A15180

This Notice of Limitation of Use/Site Dedication gives notice that the Real Property identified in the project boundary map and legal description, attached hereto as Exhibit "A" (the "Property"), has been acquired by or developed with financial assistance provided by the Florida Legislature, through the Department of Environmental Protection, under the grant program called the Florida Recreation Development Assistance Program (FRDAP). In accordance with section 375.075, F.S., and chapter 62D-5, F.A.C., the Property is hereby dedicated to the public as an outdoor recreation area for the use and benefit of the general public for a period of 25 years. The Property is subject to all applicable terms of the statute and rule cited herein.

DEDICATOR:

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

Tim Montiglio
Witness Signature

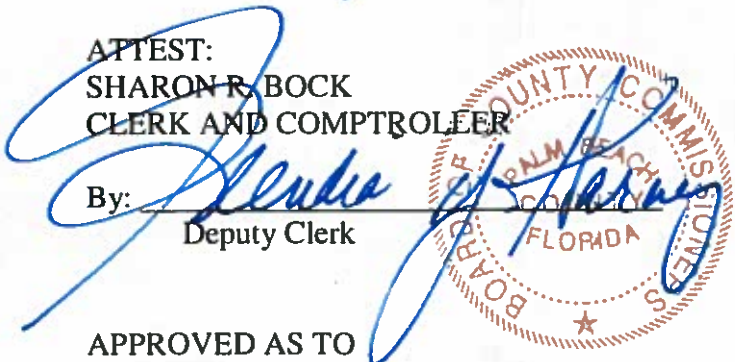
TIM MONTIGLIO
Printed Name

By: Shelley Vana
Shelley Vana, Mayor

Julie Burns
Witness Signature

JULIE BURNS
Printed Name

ATTEST:
SHARON R. BOCK
CLERK AND COMPTROLLER



By: Shelley Vana
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: [Signature]
Assistant County Attorney

APPROVED AS TO
TERMS AND CONDITIONS

By: [Signature]
Robert Robbins
Director, Palm Beach County
Department of Environmental
Resources Management

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me on October 20th, 2015
by Shelley Vana, Mayor, who is personally known to me ~~or who~~
~~produced~~ ~~XX~~ ~~as identification~~ ~~XXXXXX~~

Stamp:



Tracey Powell
Notary Public, State of Florida

Exhibit A
Legal Description

DESCRIPTION

A PARCEL OF LAND SITUATED IN SECTION 10, TOWNSHIP 45 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF PORTER PLACE, ACCORDING TO THE PLAT THEREOF. RECORDED IN PLAT BOOK 107, PAGES 195 AND 196 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID POINT BEING ON THE SOUTH RIGHT-OF-WAY LINE OF HYPOLUXO ROAD; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE, SOUTH 89°13'14" EAST, A DISTANCE OF 375.09 FEET; THENCE DEPARTING SAID SOUTH RIGHT-OF-WAY LINE, SOUTH 01°53'29" WEST, A DISTANCE OF 293.18 FEET; THENCE NORTH 89°00'58" WEST, A DISTANCE OF 379.39 FEET TO A POINT ON THE EAST LINE OF THE AFOREMENTIONED PORTER PLACE; THENCE ALONG SAID EAST LINE, NORTH 02°44'21" EAST, A DISTANCE OF 291.94 FEET TO THE POINT OF BEGINNING.

CONTAINING 2.53 ACRES, MORE OR LESS

APPENDIX H

UTILITY EASEMENTS

GRANT OF EASEMENT

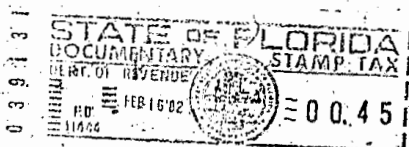
THIS GRANT OF EASEMENT, made and executed this 21
day of January, 1982, by and between ROBERT L. SEARLE,
as Trustee, whose post office address is 113 Almeria Avenue,
Coral Gables, Florida 33134, hereinafter called Grantor, to
the Town of Manalapan, a municipality organized and existing
under the laws of the State of Florida, whose post office
address is Post Office Box 3466, Lantana, Florida 33462 of
the County of Palm Beach, State of Florida, hereinafter
called Grantee Manalapan, and to the Town of Hypoluxo, a
municipality organized and existing under the laws of the
State of Florida, whose post office address is 7010 South U.
S. Highway One, Hypoluxo, Florida 33462 of the County of
Palm Beach, State of Florida, hereinafter called Grantee
Hypoluxo, both Grantee Manalapan and Grantee Hypoluxo being
hereinafter called Grantees.

W I T N E S S E T H:

That the Grantor, for and in consideration of the sum
of TEN DOLLARS (\$10.00) and other good and valuable consider-
ations in hand paid Grantor by Grantees at or before the
ensealing and delivery of these presents, the receipt where-
of is hereby acknowledged, does hereby grant, bargain, sell,
alien, remise, release, convey and confirm unto the Grantees,
their successors, assigns and/or permittees forever, as joint
tenants with rights of survivorship, a permanent, perpetual
and exclusive EASEMENT for utility purposes (water, sewer,
electric and power, gas, telephone, cable television and the
like) running with and in, unto, upon, over, across and
under all that certain following described land situate in
Palm Beach County, Florida, to-wit:

A strip of land Fifteen (15') feet in width between
parallel lines adjoining, but if not adjoining, then
nearest to and south of, the South right-of-way line
of Hypoluxo Road, said strip of land being a portion
of a parcel of land more particularly described as
follows:

Prepared by:
JAMES MCCARTNEY WELSH, ESQ.
325 Third Street
West Palm Beach, Florida 33401



A parcel of land located in the West Half (W.1/2), of the Northwest Quarter (N.W.1/4), of Section 10, Township 45 South, Range 43 East, Palm Beach County, Florida, and is more particularly described as follows:

Commence at the Northwest corner of said Section 10; thence S. 2°44'21"W. along the west line of said Section 10, a distance of 33.76 feet to a point; thence S.89°13'14"E., a distance of 40.02 feet to the Point of Beginning; thence continue on said bearing of S.89°13'14"E. and along the South right-of-way line of Hypoluxo Road, shown in Plat Book 13, page 34, a distance of 792.09 feet to a point; thence S.1°53'29"W. a distance of 727.71 feet to a point; thence N.87°15'39W., a distance of 802.39 feet to the intersection with the East Right-of-way line of Overlook Road, said Right-of-Way line being 40 feet east of and parallel with the west line of said Section 10; thence N.2°44'21"E. along said East Right-of-way line a distance of 700.54 feet to the Point of Beginning,

Containing 13.07 acres more or less,

Less the West 417 feet (as measured along the southerly right of way line of Hypoluxo Road) of the North 437 feet (as measured along the easterly right of way line of Overlook Road) of the above described property,

hereinafter called the Easement.

To have and to hold the above described Easement absolutely and forever, with its use, occupancy and control to be and to be administered by Grantees upon the following terms and conditions of as Grantee Manalapan and Grantee Hypoluxo may additionally or otherwise mutually agree:

1. Grantee Manalapan, its successors, assigns and/or permittees, shall have exclusive use, occupancy and control of the South Five (5') Feet of the Easement (water transmission lines or mains to be located underground within the South Four (4') Feet of the Easement), together with clear, unobstructed and unimpeded access, ingress and egress and rights of way in, into, upon, over, across and through the remainder of the Easement.

2. Grantee Hypoluxo, its successors and/or assigns, shall have exclusive use, occupancy and control of the North Five (5') Feet of the Easement (sewer transmission lines or mains to be located underground within the North One (1') Foot of the Easement), subject to Grantee Manalapan's aforesaid access, ingress, egress and rights of way.

B3674 P1899

3. Grantees, their successors, assigns and/or permittees, shall jointly use, occupy and control the remainder of the Easement as Grantees may mutually agree, subject to Grantee Manalapan's aforesaid access, ingress, egress and rights of way.

4. Grantees acknowledge Grantor has and reserves a right or rights of way for access, ingress and egress across the surface of the Easement at reasonable locations to be approved by Grantees, approval not to be unreasonably withheld, provided, Grantor paves the same for regular or truck traffic.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, including but not by way of limitation, Grantees' rights and privileges and those of its successors, assigns and/or permittees to do all things necessary or appropriate to locate, establish, construct, operate, maintain, replace, repair, alter, improve, protect, enlarge and use utility transmission lines or mains and facilities and appurtenances thereto, and the right and privilege to the use and enjoyment of the Easement for all utility purposes and all purposes connected with or not inconsistent with such use and enjoyment of the Easement.

And the Grantor hereby covenants with said Grantees that it is lawfully seized of said land in fee simple; that it has good and lawful authority to sell and convey said Easement; that it hereby fully warrants the title to said Easement and will defend the same against the lawful claims of all persons claiming by, through or under the said Grantor.

IN WITNESS WHEREOF, the Grantor has caused these presents to be executed in his name the day and year first above written.

Signed, sealed and delivered
in the presence of:

Robert L. Searle Trustee
Robert L. Searle, Trustee

Janis I. Christie
Ellen M. Quintero

B3674 P1900

STATE OF FLORIDA

SS

COUNTY OF Palm Beach

Before me, the undersigned authority, personally appeared ROBERT L. SEARLE, Trustee, to me well known and known to be the person described in and who executed the foregoing instrument and he acknowledged to and before me that he executed the same freely and voluntarily for the uses and purposes therein expressed.

Witness my hand and official seal this 21 day of January, 1987.

William M. Rebel
Notary Public, State of Florida
at Large

My commission expires:

NOTARY PUBLIC, STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES MAY 8, 1984



B3674 P1901

RECORD VERIFIED
PALM BEACH COUNTY, FLA
JOHN B. DUNKLE
CLERK CIRCUIT COURT

EASEMENT INDENTURE

THIS EASEMENT INDENTURE, made this 21st day of January, 1982, between ROBERT L. SEARLE, as Trustee, whose post office address is 113 Almeria Avenue, Coral Gables, Florida 33134, hereinafter called Grantor, Grantor being trustee under Florida Statutes Section 689.071 with full power and authority to protect, or sell or to lease, or to encumber, or otherwise to manage and dispose of the real property described herein, to the TOWN OF MANALAPAN, a municipality organized and existing under the laws of the State of Florida, whose post office address is Post Office Box 3466, Lantana, Florida 33462 of the County of Palm Beach, State of Florida, hereinafter called Grantee,

WITNESSETH:

WHEREAS, Grantor is the fee simple owner and titleholder of the following described land, situate, lying and being in Palm Beach County, Florida, to-wit:

A parcel of land located in the West Half (W.1/2), of the Northwest Quarter (N.W.1/4), of Section 10, Township 45 South, Range 43 East, Palm Beach County, Florida, and is more particularly described as follows:

Commence at the Northwest corner of said Section 10; thence S. 2°44'21"W. along the west line of said Section 10, a distance of 33.76 feet to a point; thence S.89°13'14"E., a distance of 40.02 feet to the Point of Beginning; thence continue on said bearing of S.89°13'14"E. and along the South right-of-way line of Hypoluxo Road, shown in Plat Book 13, page 34, a distance of 792.09 feet to a point; thence S.1°53'29"W. a distance of 727.71 feet to a point; thence N.87°15'39"W., a distance of 802.39 feet to the intersection with the East Right-of-Way line of Overlook Road, said Right-of-Way line being 40 feet east of and parallel with the west line of said Section 10; thence N.2°44'21"E. along said East Right-of-Way line a distance of 700.54 feet to the Point of Beginning,

Containing 13.07 acres more or less.

Less the West 417 feet (as measured along the southerly right of way line of Hypoluxo Road) of the North 437 feet (as measured along the easterly right of way line of Overlook Road) of the above described property,

hereinafter called the Property; and

WHEREAS, the Property is generally depicted on Exhibit A attached hereto and incorporated herein by reference; and

WHEREAS, Grantor desires to grant certain easements to Grantee and Grantee desires to acquire those easements, all for the following described uses and purposes and upon the following terms and conditions;

NOW, THEREFORE, Grantor, as fee simple owner and titleholder of above described Property, for and in consideration of the sum of TEN (\$10.00) DOLLARS and other good and valuable considerations to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold and does hereby grant, bargain, sell and convey to the said Grantee, and Grantee's successors, assigns and permittees forever,

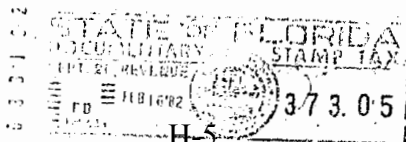
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Prepared by
J. S. McCAULEY, ESQ.
225 N. W. 1st St.
Palm Beach, Florida 33481



the following described permanent, perpetual, exclusive and Grantee controlled rights of way and easements running with and in, unto, upon, over, across and under particular portions of the Property to have to hold the same for the uses and purposes below set forth and upon the following terms and conditions.

1. Water Well Site One. Grantor hereby grants, bargains, sells and conveys to Grantee, and Grantee's successors and assigns forever, such rights of way and an easement running with and in, unto, upon, over, across and under the South two hundred (200') feet of the East two hundred (200') feet of the Property; hereinafter called Well Site One, for Grantee, its successors and assigns, to locate, establish, construct, operate, pump water from, maintain, replace, repair, alter, improve, enlarge and deepen to any depth and use one (1) water well at approximately the center thereof.

2. Water Well Site Two. Grantor hereby grants, bargains, sells and conveys to Grantee, and Grantee's successors and assigns forever, such rights of way and an easement running with and in, into, upon, over, across, and under a two hundred (200') foot by two hundred (200') foot square parcel containing forty thousand (40,000) square feet all within the Property, hereinafter called Well Site Two, for Grantee, its successors and assigns, to locate, establish, construct, operate, pump water from, maintain, replace, repair, alter, improve, enlarge and deepen to any depth and use one (1) water well at approximately the center thereof. The location of Well Site Two shall be selected, designated and its boundaries legally described by Grantor in accordance with the following criteria and in the following manner:

A. The center of Well Site Two shall be no closer than three hundred fifty (350') feet from the water well located on Well Site One.

B. The center of Well Site Two shall be no closer than three hundred fifty (350') feet from the East right-of-way line of Overlook Road existing as of the date of such designation by Grantor Searle and the west boundary of the Property (at the east right-of-way line of Overlook Road).

C. Grantor may designate and locate Well Site Two at any time provided such site meets the well site criteria and use restrictions herein set forth, and further provided, however, within sixty (60) days from the receipt of a request by Grantee, Grantor shall select, designate and legally describe such Well Site Two; if Grantor fails to designate Well Site Two within said sixty (60) days, then Grantee shall serve written notice upon Grantor affording Grantor an additional thirty (30) days to designate Well Site Two, but if the same be not designated within such time periods by written notice delivered to Grantee, then Grantee may designate and locate Well Site Two at any location within the Property meeting the said Well Site Two criteria and use restrictions.

D. Forthwith upon selection and designation of Well Site Two, an appropriate instrument designating and legally describing the same shall be made and executed in recordable form and placed of record, which instrument shall be an amendment to this paragraph of this Easement instrument.

3. Water Well Site Three. Grantor hereby grants, bargains, sells and conveys to Grantee, and Grantee's successors and assigns forever, such rights of way and an easement running with and in, into, upon, over, across, and under a two (2') foot by two (2') foot square parcel containing four (4) square feet all within the

B3674 P1903

Property and on which the Observation Well, generally identified and depicted on Exhibit A, has been located and centered and is in place, hereinafter called Well Site Three, for Grantee, its successors and assigns, to locate, establish, construct, operate, pump water from, maintain, replace, repair, alter, improve, enlarge, and deepen to any depth and use one (1) observation or test water well. If either Grantor or Grantee desire a more particular legal description for Well Site Three, then said party shall have the same surveyed and legally described and such legal description shall be incorporated into an instrument which shall be an amendment to this paragraph of this Easement instrument, which instrument shall be in recordable form, and which instrument Grantor and Grantee hereby agree to execute and record.

4. Use of Well Sites One, Two and Three. Grantor and Grantee hereby expressly agree that Well Sites One, Two and Three and development On, into, upon, over, across, and under Well Sites One, Two and Three shall conform to the following:

A. The three (3) well sites must remain pollution free such that water Grantee removes from them is not and does not become contaminated or unfit for the contemplated use, to-wit: supply water for transmission to Grantee's water plant for treatment for ultimate transmission to Grantee's water customers for human consumption, as the same may be determined by any governmental body or agency having jurisdiction. For example, no septic tank may be located so as to be or protrude within said well sites and no storm or sewer lines or drains shall protrude into or be located or pass over, across or under any of the well sites. Therefore, Grantor shall neither take nor allow any action vis-a-vis any of the well sites which would adversely affect them or any of them being or remaining pollution free.

B. Grantee shall locate its wells on Well Sites One and Two at approximately the center of the respective well site.

C. Grantor may pave the surface of all well sites for vehicular parking and access isles or pedestrian walkways provided the same are established so as not to interfere with the wells located thereon or their operation or with Grantee's use and enjoyment of the easements, rights and privileges herein granted Grantee.

D. Grantor may landscape the surface of all well sites with vegetation only provided such landscaping does not interfere with the wells located thereon or their operation and provided no trees are planted on any well site, but shrubbery may be planted.

E. Within ten (10') feet of the wells located on Well Sites One and Two, and within two (2') feet of the well located on Well Site Three,

(1) The wells and their pumps, equipment and facilities shall be located underground with suitable, sufficient access thereto through covered manhole or the like located at the surface elevation of the surrounding land as existing when construction of the particular well is commenced, or higher as may be required by Grantor and designated to Grantee prior to commencement of construction of any well, but in no event lower than the required flood plane grade, now seven and one-half feet above mean sea level.

(2) Grantor shall not locate either above, on or below the surface, any improvement or landscaping which may or does impede or hinder Grantee's full and free and continuous access to the wells.

B3674 P1904

(3) The noise regularly or consistently emanating from Grantee's pumps, equipment and facilities (excluding construction, repairs or maintenance activities) shall be reasonably minimized so as not to be disruptive to occupants of the Property.

(4) Grantor shall not lower the elevation or grade of the surface from the time and after Grantee commences construction of the well.

(4) Grantor may heighten or increase the elevation or grade of the surrounding surface after notice to Grantee and after Grantee has a sufficient and reasonable opportunity to install a sleeve or make other appropriate modification to the well as may be necessary or appropriate occasioned by the contemplated change in elevation or grade.

F. Grantee may do all things necessary or appropriate to locate, establish, construct, operate, pump water from, maintain, replace, repair, alter, improve, protect, enlarge and deepen to any depth and use the wells and their facilities and equipment, and may do all things necessary or appropriate to obtain and transmit water to Grantee's water plant for treatment for ultimate transmission to Grantee's water customers, including, but not limited to the bringing of electric, power and/or telephone signal or communication to the wells, the laying and maintenance of water transmission lines or mains and the establishment, operation and maintenance of pumps, facilities and equipment related to well operation and water transmission therefrom.

5. Utility Transmission Easements.

A. Grantor hereby grants, bargains, sells and conveys to Grantee, and Grantee's successors, assigns and permittees forever, such rights of way and an easement running with and in, into, upon, over, across and under the East ten (10') feet of the Property, less the North fifteen (15') feet thereof, for Grantee, its successors and assigns to locate, establish, construct, lay, operate, maintain, replace, repair, alter, enlarge, improve and use underground water transmission lines or mains connected to Well Sites One and Two, together with other utility transmission lines or mains necessary or appropriate to locate, establish, construct, operate, pump water through or otherwise use or operate the water wells on Well Sites One and Two, provided, however, no such other utility transmission lines shall lie upon the surface and such other utility transmission lines not placed underground shall be elevated above ground a reasonable height so as not to interfere with or endanger surface vehicular or pedestrian traffic.

B. Grantor hereby grants, bargains, sells and conveys to Grantee, and Grantee's successors, assigns and permittees forever, such rights of way and an easement running with and in, into, upon, over, across and under a rectangular portion of land in the Property ten (10') feet wide extending from the water well located on Well Site Two either directly to the water well on Well Site One or the easements described in subparagraphs A or B above, whichever is more direct, or as Grantor and Grantee may otherwise mutually agree when Well Site Two is established as hereinabove provided, for Grantee, its successors and assigns to locate, establish, construct, lay, operate, maintain, replace, repair, alter, enlarge, improve and use underground water transmission lines or mains connected to Well Sites One and Two, together with other utility transmission lines or mains necessary or appropriate to locate, establish, construct, operate, pump water through or otherwise use or operate the water wells on Well Sites One and Two, provided, however, no such other utility transmission lines shall lie upon the surface and such other utility transmission lines not placed underground shall be elevated above ground a reasonable height so as not to interfere with or endanger surface vehicular or pedestrian traffic.

B3674 P1905

C. The easements granted in above subparagraphs A, B and C of this paragraph 5 are hereinafter called Utility Transmission Easements.

D. Grantor and Grantee hereby expressly agree that Utility Transmission Easements and development in, into, upon, over, across and under the Utility Transmission Easements shall conform to the following except for rights and privileges expressly reserved Grantor as below shall be controlled by Grantee:

(1) Grantor may pave the surface of all Utility Transmission Easements only for vehicular parking and access isles or pedestrian walkways provided the same are established so as not to interfere with the Utility Transmission Easements thereon or their operation or with Grantee's use and enjoyment of the easements, rights and privileges herein granted Grantee; any portion of any Utility Transmission Easement used for vehicular traffic or parking shall first be paved by Grantor.

(2) Grantor may landscape the surface of all Utility Transmission Easements with vegetation only provided such landscaping does not interfere with the Utility Transmission Easements located thereon or their operation and provided no trees are planted.

(3) Grantee shall place its water mains approximately or below three (3') feet below the above elevation or grade of the surface; Grantor shall not lower by more than one (1.0') foot the elevation or grade of the surface from and after Grantee commences construction in the Utility Transmission Easements.

(4) Grantor shall not locate either above, on or below the surface, any improvement or landscaping which does or may impede or hinder Grantee's full, free and continuous access of and access to the Utility Transmission Easements, as provided above.

(5) Grantee may do all things necessary or appropriate to locate, establish, construct, operate, pump water through, maintain, replace, repair, alter, improve, protect, enlarge and use the utility transmission lines or mains and the Utility Transmission Easements and may do all things necessary or appropriate to secure water from the well sites and transmit water to Grantee's water plant for treatment for ultimate transmission to Grantee's water customers.

(6) Within the Utility Transmission Easements and where and when practicable, utility transmission lines or mains shall be centered or closer to the boundary of the Property.

(7) Grantor shall have the right to place utility and transmission lines in the Utility Transmission Easements provided their location, installation and use are coordinated first with Grantee and provided they are so located, installed and used as not to impede or hinder Grantee's full, free and continuous use of and access to the Utility Transmission Easements and Grantee's utilities and transmission lines or mains either then in place or which may thereafter be located in the Utility Transmission Easements.

6. Surface Maintenance. Grantee shall have absolutely no responsibility whatsoever to maintain the surface, including, but not limited to, paving and/or landscaping located on or protruding into any of the Well Sites or other Grantee easement areas, provided, however, outside of the area described in paragraph 4E above, when Grantee disturbs the surface of any easement area, as soon thereafter as practicable and at its expense, Grantee shall restore the surface of the ground or pavement or landscaping, as the case may be to the same grade and/or condition as existed immediately prior to Grantee's disturbance of such surface.

7. Access, Ingress and Egress. For all uses and purposes of, for and in connection with the use and exercise of all of

B3674 P1906

Grantee's rights and privileges provided for in this Easement instrument, Grantor hereby grants, bargains, sells and conveys to Grantee, and Grantee's successors and assigns forever, a right of way and easement in, into, upon, over, across and through the Property by any route Grantor designates, establishes or has which shall be no less than ten (10') feet in width (with turns having a reasonable radius allowing of passage of Grantee's vehicles) for Grantee's unobstructed and unimpeded access, ingress and egress to and from Well Sites One, Two and Three and the Utility Transmission Easements.

8. Other Purposes. Grantor hereby grants, bargains, sells and conveys to Grantee, and Grantee's successors and assigns forever, the right and privilege to the use and enjoyment of the easements herein granted for all purposes connected with or not inconsistent with the purpose, use and enjoyment of the easements, rights and privileges herein granted.

9. Buildings of Structures. Except as herein expressly reserved, Grantor shall not erect or maintain any building(s) or structure(s) in, upon, over or protruding into any of Grantee's easements.

10. Quiet Enjoyment. Grantor hereby promises Grantee quiet enjoyment of Grantee's rights of way and easements.

11. Indemnifications.

A. Grantee agrees to indemnify and hold harmless Grantor by reason of any claim which might arise as a result of Grantee's negligent act(s) or omission(s) or the negligent act(s) or omission(s) of Grantee's invitees, guests, licensees, agents and/or independent contractors in Grantee's use and enjoyment of its rights and privileges granted it by Grantor under this Easement instrument.

B. Grantor agrees to indemnify and hold harmless Grantee by reason of any claim which might arise as a result of Grantor's negligent act(s) or omission(s) or the negligent acts(s) or omission(s) of Grantor's invitees, guests, licensees, agents, independent contractors and/or lessees, in his or their use and enjoyment of the Property.

12. Perpetuity. The within grants of easement shall exist in perpetuity, shall run with the Property and shall be binding on and shall inure to the benefit of the parties hereto, their heirs, successors and assigns.

13. Construction. Paragraph captions are for convenience only. This Easement Indenture shall be construed, interpreted and applied in accordance with the laws of the State of Florida. Venue for any legal proceedings involving this Easement Indenture shall be in the appropriate court having jurisdiction in or over Palm Beach County, Florida.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.

GRANTOR

Witnesses as to Grantor:

Lillian C. Jewell
Robert L. Searle ^{Trustee} (SEAL)
Robert L. Searle, Trustee

B3674 P1907

GRANTEE

TOWN OF MANALAPAN

By: William J. Galione

Its: Mayor

Attest:

Shirley K. Vallan
Shirley K. Vallan, Town
Manager/Town Clerk

STATE OF FLORIDA

SS

COUNTY OF PALM BEACH

Before me, the undersigned authority, personally appeared ROBERT L. SEARLE, to me well known and known to be the person described in and who executed the foregoing instrument and he acknowledged to and before me that he executed the same freely and voluntarily for the uses and purposes therein expressed.

Witness my hand and official seal this 21 day of January, 1982.

William J. Galione
Notary Public, State of Florida
at Large

My commission expires:

STATE OF FLORIDA

SS

COUNTY OF PALM BEACH

Before me, the undersigned authority, personally appeared William J. Galione and Shirley K. Vallan, to me well known and known to be the Mayor and Town Clerk of the Town of Manalapan, a municipality organized and existing under the laws of the State of Florida, the persons described in and who executed the foregoing instrument and they acknowledged before me that they executed the same for the uses and purposes therein expressed on behalf of the Town of Manalapan.

Witness my hand and official seal this 21st day of January, 1982.

Deborah J. Lichner
Notary Public, State of Florida
at Large:

My Commission expires: NOTARY PUBLIC STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES FEB. 11, 1984
BONDED THRU GENERAL INS. UNDERWRITERS

B3674 P1908

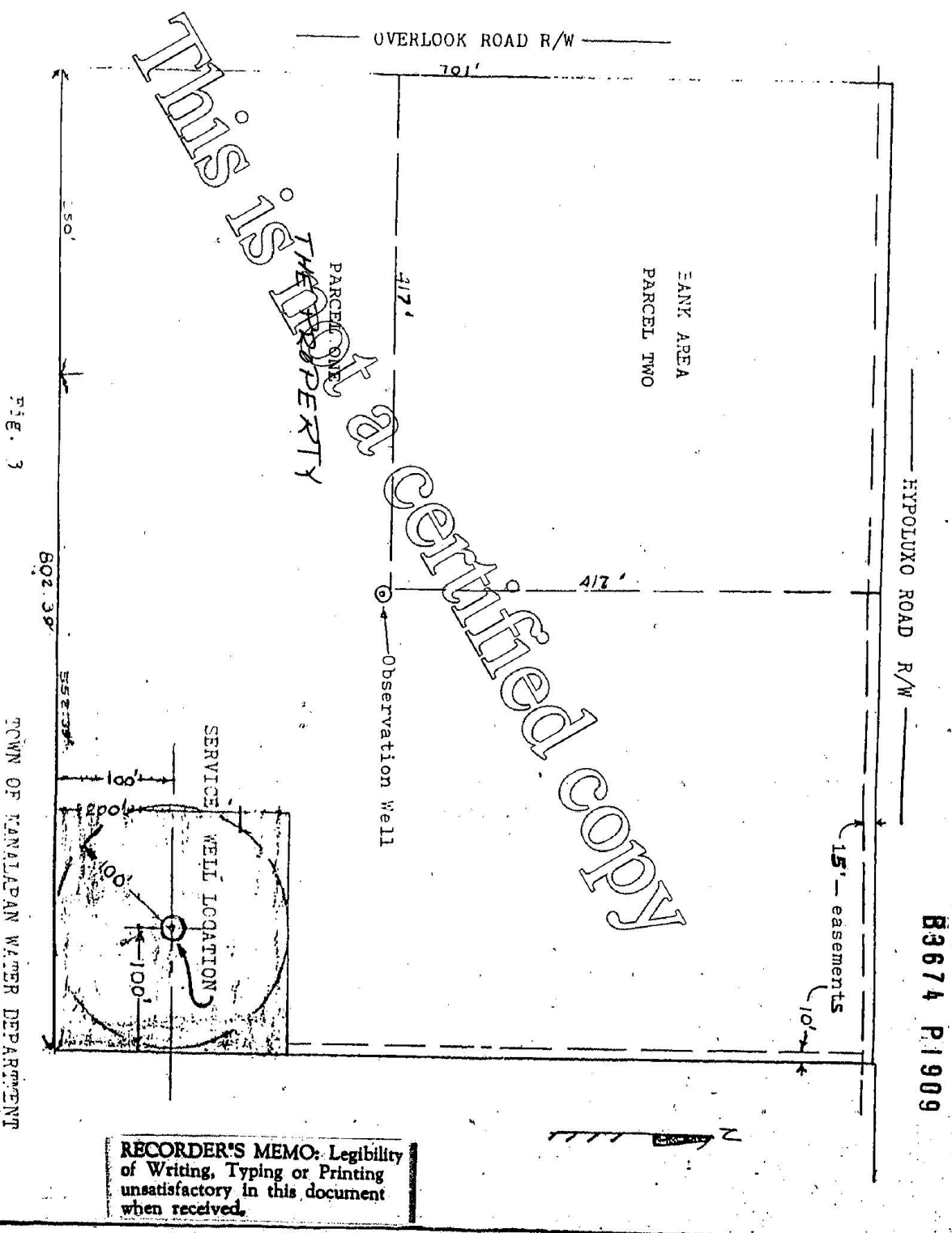


EXHIBIT A
H-12

RECORD VERIFIED
PALM BEACH COUNTY, FLA
JOHN B. DUNKLE
CLERK CIRCUIT COURT

AMENDMENT, ADDENDUM
TC
EASEMENT INDENTURE

THIS AMENDMENT TO EASEMENT INDENTURE made this 4th day of June, 1987, between FLORIDA EAST COAST RAILWAY COMPANY, whose post office address is 1055 East 21st Street, Hialeah, Florida 33013, hereinafter called Grantor, and the TOWN OF MANALAPAN, a municipality organized and existing under the laws of the State of Florida, whose post office address is Post Office Box 3466, Lantana, Florida 33465, hereinafter called Grantee,

W I T N E S S E T H:

WHEREAS, Grantor is the fee simple owner and title holder and successor in interest to Robert L. Searle, as Trustee, of the following described land, situate, lying and being in Palm Beach County, Florida, to-wit:

A parcel of land located in the West Half (W.1/2), of the Northwest Quarter (N.W. 1/4), of Section 10, Township 45 South, Range 43 East, Palm Beach County, Florida, and is more particularly described as follows:

Commence at the Northwest corner of said Section 10, thence S. 2°44'21"W. along the west line of said Section 10, a distance of 33.76 feet to a point; thence S. 89°13'14"E., a distance of 40.02 feet to the Point of Beginning; thence continue on said bearing of S. 89°13'14"E. and along the South Right-of-Way line of Hypoluxo Road, shown in Plat Book 13, page 34, a distance of 792.09 feet to a point; then S. 1°53'29"W. a distance of 727.71 feet to a point; thence N. 87°15'39"W., a distance of 802.39 feet to the intersection with the East Right-of-Way line of Overlook Road, said Right-of-Way line being 40 feet east of and parallel with the west line of said Section 10; thence N. 2°44'21"E. along said East Right-of-Way line a distance of 700.54 feet to the Point of Beginning,

Containing 13.07 acres more or less,

Less the West 417 feet (as measured along the southerly right of way line of Hypoluxo Road) of the North 437 feet (as measured along the easterly right of way line of Overlook Road) of the above described property,

hereinafter called the Property; and

WHEREAS, Robert L. Searle and Grantee entered into that certain Easement Indenture dated January 21, 1982, recorded in Palm Beach County, Florida Official Record Book 3674 at page 1902, hereinafter called the Easement Indenture; and

WHEREAS, the Property is generally depicted on Exhibit A attached to the Easement Indenture, and also depicted on the Site Plan attached hereto, and incorporated herein by reference and marked Exhibit B; and

WHEREAS, Grantor desires to specify the grant of certain easements to Grantee in connection with Water Well Site Two provided for in the Easement Indenture to be implemented by this Amendment Addendum, and Grantee desires to acquire those easements by this Amendment Addendum, all for the uses and purposes and upon terms and conditions as described in the Easement Indenture and herein;

Supplied By a Return to:

James McC. Wearn, Esquire
Wearn and DeHon
1018 Clearwater Place
West Palm Beach, Florida 33401

H-13

85309 P1843

NOW, THEREFORE, in consideration of the premises and for other good and valuable consideration, the receipt whereof is hereby acknowledged, Grantor and Grantee agree as follows:

1. To implement paragraph 1 of the Easement Indenture, the Easement Indenture is hereby amended to have added thereto immediately following paragraph 2, the following:

2A. Grant of Water Well Site Two. Grantor hereby grants, bargains, sells and conveys to Grantee, and Grantee's successors and assigns forever, such rights of way and easements running with and in, into, upon, over, across and under the North two hundred feet (200') of the East two hundred feet (200') of the Property, hereinafter called Well Site Two, for Grantee, its successors and assigns, to locate, establish, construct, operate, pump water from, maintain, replace, repair, alter, improve, enlarge and deepen to any depth and use one (1) water well at approximately the location depicted as the service well for Well Site Two on the attached Site Plan, or alternatively one (1) water well to be located where the service well alternate location is depicted within Water Well Site Two on the attached Site Plan, Exhibit B hereto. At the sole and absolute discretion of Grantee, Grantee may relocate the service well within Well Site Two to be at the "alternate location" at the center of Well Site Two depicted on the Site Plan, Exhibit B hereto, in which event such service well at the alternate location shall have a utility transmission easement running from such alternate service well location to and along the east and north boundary of the Property within Well Site Two as depicted on the attached Site Plan, Exhibit B hereto (such utility transmission easement is provided for in paragraph 5B of the Easement Indenture).

Insofar as the service well depicted within Well Site Two on the attached Site Plan, Exhibit B hereto, varies from the provisions of the Easement Indenture, such provisions are hereby amended to accommodate the siting of such service well according to the attached Site Plan, Exhibit B hereto.

If and when the service well within Well Site Two is relocated to the "service well alternate location" and such alternate service well is put into service, then the initial service well and its location within Well Site Two shall be closed.

2. Insofar as the Easement Indenture and its provisions are implemented, amended, changed or affected by this Amendment Addendum, then this Amendment Addendum shall control. Except as controlled by this Amendment Addendum, the Easement Indenture and all of its provisions are hereby approved, ratified and confirmed to be and remain in full force and effect and to have full application to this Amendment Addendum.


IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.

GRANTOR

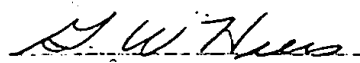
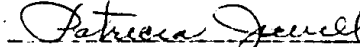
Attest:

FLORIDA EAST COAST RAILWAY COMPANY


Assistant Secretary


its President

Signed, sealed and delivered in the presence of:

RECORDER'S MEMO: Legibility
of Writing, Typing or Printing
unsatisfactory in this document
when received.

GRANTEE

Attest:

TOWN OF MANALAPAN

Shirley K. Vallan
Shirley K. Vallan,
Town Manager/Town Clerk

By: J. Michael Curto
J. Michael Curto, Mayor

Signed, sealed and delivered
in the presence of:

Joselyn Lomuscio
Edna M. Steele

(TOWN SEAL)

STATE OF FLORIDA

SS

COUNTY OF ST. JOHN

I HEREBY CERTIFY that on this day, before me, an officer
duly authorized in the State aforesaid and in the county afore-
said to take acknowledgments, personally appeared R. W. Witzke
and J. N. Smith
the President and Assistant Secretary
respectively, of FLORIDA EAST COAST RAILWAY COMPANY to me well
known to be the persons described in and who executed the
foregoing instrument and they acknowledged to and before me that
they executed the same freely and voluntarily for the purposes
therein expressed.

WITNESS my hand and official seal this 20th day of
May, 1987.

John C. Muller
Notary Public, State of Florida
My Commission expires:

(NOTARIAL SEAL)

NOTARY PUBLIC, STATE OF FLORIDA
My Commission Expires April 30, 1990

STATE OF FLORIDA

SS

COUNTY OF PALM BEACH

I HEREBY CERTIFY that on this day, before me, an officer
duly authorized in the State aforesaid and in the county afore-
said to take acknowledgments, personally appeared J. Michael
Curto, as Mayor and Shirley K. Vallan as Town Manager/Town Clerk,
respectively of TOWN OF MANALAPAN, to me well known to be the
persons described in and who executed the foregoing instrument
and they acknowledged to and before me that they executed the
same freely and voluntarily for the purposes therein expressed on
behalf of Town of Manalapan.

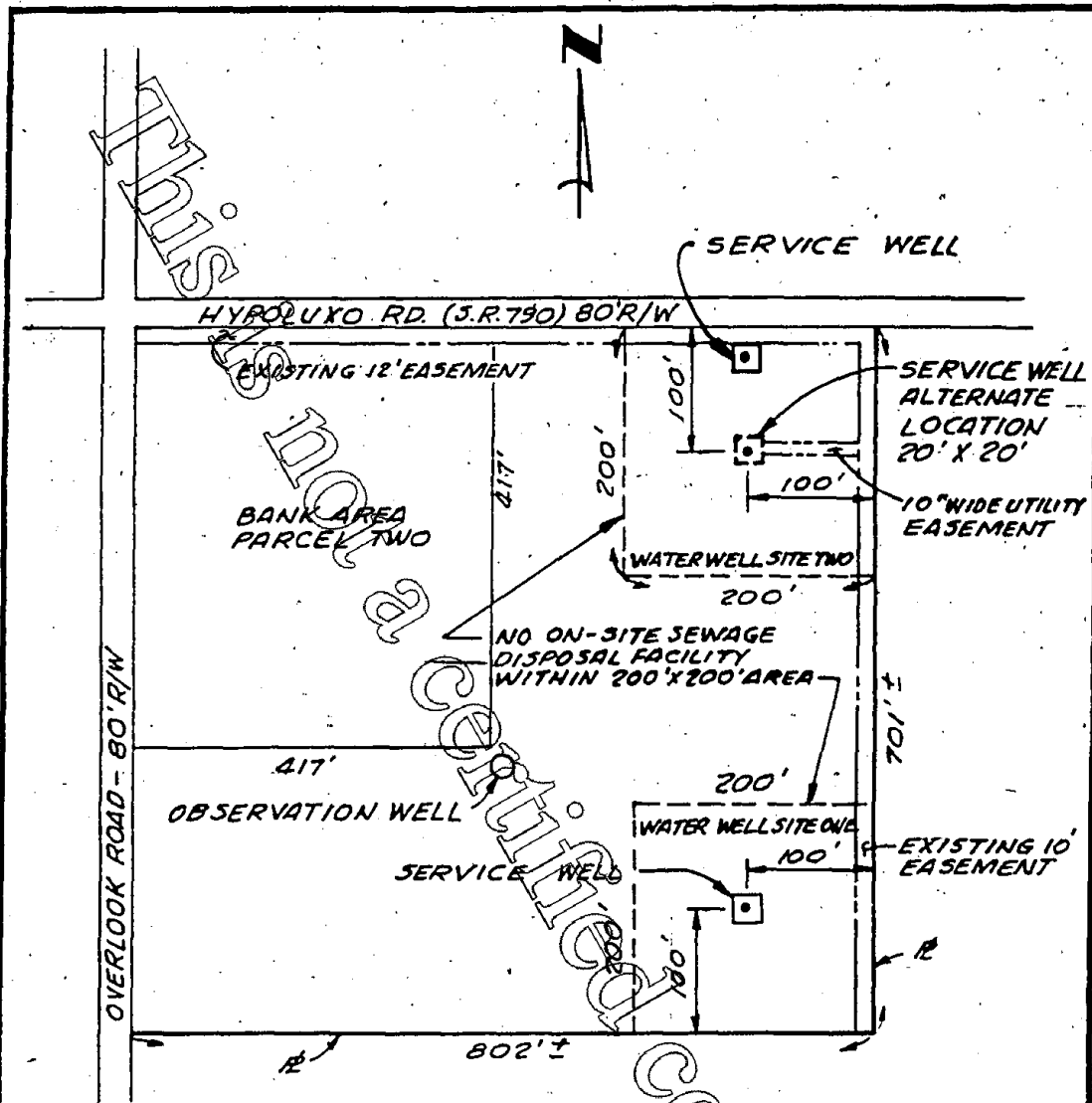
WITNESS my hand and official seal this 4th day of
June, 1987.

Brent H. Irvine
Notary Public, State of Florida
My Commission expires: 10-7-87

(NOTARIAL SEAL)

NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXP. OCT 7, 1987
BONDED THRU GENERAL INS. UND.

-3-



SITE PLAN

NO SCALE



BARKER, OSHA & ANDERSON, INC.
PROFESSIONAL ENGINEERS
NORTH PALM BEACH, FLORIDA

FUTURE WELL SITE

TOWN OF MANALAPAN

DECEMBER 30, 1986

86-1039

FILE NO.

A-5173

85309 P1846

EXHIBIT B
H-16

RECORD VERIFIED
PALM BEACH COUNTY, FLA.
JOHN B. DUNKLE
CLERK CIRCUIT COURT

APPENDIX I

INTERLOCAL AGREEMENT

Return to: (enclose self-addressed stamped envelope)

Name

Address:



12/03/2001 13:56:53 20010531892
OR BK 13143 PG 0312
Palm Beach County, Florida

R200171638

Please return to: ~~Sandra Mann~~
DAVE GILLINGS
Environmental Resources Mgmt.
3323 Belvedere Rd., Bldg. 502
West Palm Beach, FL 33406

INTERLOCAL AGREEMENT

ENVIRONMENTAL RESOURCE MGMT.

THIS AGREEMENT, made and entered into on this OCT 02 2001 day of , 2001, by and between the Town of Hypoluxo, a Florida municipal corporation, (the "Town"), and Palm Beach County, Florida, a political subdivision of the State of Florida, (the "County").

WITNESSETH:

WHEREAS, on December 20, 1999, the County purchased the Overlook Scrub Natural Area with proceeds from the Conservation Lands Bond Fund; and

WHEREAS, the Town and the County wish to establish management responsibilities, in particular for the 2.53 acres located at the northern end of the Overlook Scrub Natural Area property that has frontage on Hypoluxo Road (the "northern 2.53 acres"); and

WHEREAS, the Town and the County consider the northern 2.53 acres to be a contiguous portion of the Overlook Scrub Natural Area in terms of all intended purposes to preserve the biological integrity of the overall natural area; and

WHEREAS, the execution of this agreement is in the best interest of both governmental units and the residents and citizens of same; and

WHEREAS, the Florida Interlocal Cooperation Act of 1969 (Section 163.01, Florida Statutes) allows governmental units to enter into intergovernmental agreements to make the most efficient use of their powers by enabling them to cooperate with each other on a basis of mutual advantage.

NOW, THEREFORE, in consideration of the mutual covenants, agreements and restrictions set forth herein, the parties to this agreement agree as follows:

ARTICLE I - IN GENERAL

1. The County and Town agree that the County has acquired and will manage, in cooperation with the Town, certain real property located within the corporate limits of the Town of Hypoluxo, Florida, known as the "Overlook Scrub Natural Area", which real property is more particularly described in Exhibit A attached hereto and made a part hereof (the "Overlook Scrub") less the northern 2.53 acres. The northern 2.53 acres, purchased by the County, will be managed and maintained by the Town, who shall be financially responsible for the provisions of public use facilities, native ecosystem enhancement and restoration, accessible and hiking trails that will link with the County-managed portion of the site, informational kiosk structures, signage, and fencing.

2. The management of the northern 2.53 acre tract of Overlook Scrub by the Town, with assistance from the County as stated under Articles II-Joint Responsibilities and IV-Responsibilities of the Town, shall preserve the biological communities on Overlook Scrub in their natural states as examples of Florida scrub and scrubby pine flatwoods ecosystems. The Town shall provide

enhancement and restoration of the disturbed areas surrounding the public use facilities in this area consistent with the intent of both parties that the Overlook Scrub shall be managed solely as a nature preserve, to provide certain scientific and educational benefits, and to provide passive recreational opportunities for residents and citizens of the Town and the County. The northern 2.53 acres of Overlook Scrub shall be maintained in its natural state, or enhanced with appropriate native ecosystem plants, such that present and future generations will be able to experience the natural values currently exhibited on the property, acts of God or other events beyond the control of the Town and the County notwithstanding.

3. The northern 2.53 acres of the Overlook Scrub shall be managed by the Town only for the conservation, protection and enhancement of natural and historical resources, and for passive, natural resource-based public outdoor recreation that is compatible with the conservation, protection and enhancement of the tract. The Town may make and maintain physical improvements to the property, such as fencing, a parking area, hiking trails, and enhanced native vegetation only as approved by the County and appropriate for passive resource-based use. The County's approval of the improvements and facilities proposed by the Town shall not be unreasonably withheld. The facilities shall be developed in a manner that allows the general public reasonable access for observation and appreciation of the significant natural resources on Overlook Scrub without causing harm to those resources. The County shall include Overlook Scrub in the regional greenway network.

4. The northern 2.53 acres of the Overlook Scrub shall be open to the public. The locations of public access points and any restrictions to access will be described in the management plan to be prepared by the County after consultation with the Town.

5. The parties shall use their best efforts, through their agents and employees, to prevent the unauthorized use of the northern 2.53 acres of the Overlook Scrub Natural Area, or any use not compatible with the management of the site as a natural area or nature preserve.

6. The title to the northern 2.53 acres of the Overlook Scrub Natural Area shall be held by the County.

7. This Interlocal Agreement shall be recorded in the Public Records of Palm Beach County, Florida, in accordance with applicable law. The parties to this Agreement shall not be deemed to assume any liability for the negligent or wrongful acts or omissions of the other party. Nothing contained herein shall be construed as a waiver, by either party, or the liability limits set forth in section 768.28, Florida Statutes.

8. This Interlocal Agreement shall be binding on both parties for the term of 15 years. This agreement may be renewed under the existing terms and conditions with the consent of both parties. Any modification, amendment or alteration of the terms and conditions of this Agreement must be set forth in a written document executed with the same formality as this Agreement.

9. For the purposes of this Interlocal Agreement, notices to the other party shall be deemed sufficient when addressed to the following address and deposited in the United States Mail:

- a. Town of Hypoluxo
Office of the Mayor
7580 South Federal Highway
Hypoluxo, Florida 33462-6034
- b. Palm Beach County
Department of Environmental Resources Management
3323 Belvedere Road, Bldg. 502
West Palm Beach, Florida 33406-1548

ARTICLE II - JOINT RESPONSIBILITIES

10. The Town, in cooperation with the County, shall manage the northern 2.53 acres of Overlook Scrub consistent with the adjoining natural area land. The Town shall manage the northern 2.53 acres for habitat preservation and passive recreation, keeping the property in its natural state except for restoration and enhancement activities, the maintenance of fences, firebreaks, hiking trails and other management activities appropriate for a nature preserve. Long-term management of this 2.53-acre site will require controlling invasive vegetation, monitoring listed plant and animal species and possibly, prescribed burning. These long term management activities shall be performed by the County with the cooperation and assistance of the Town. The content of the signage in the northern 2.53 acres shall be jointly determined. Subject to annual appropriations by the County's Board of County Commissioners and the Town of Hypoluxo, personnel time and expertise for ongoing, site-specific management of this site will be provided by both parties. The parties shall apply for any funds available from the State for management purposes, and will minimize management costs through the involvement of volunteers for such activities as the removal of vegetation, trash and debris.

11. The Overlook Scrub will be identified as being publicly-owned and operated as a passive, natural resource-based public outdoor recreational site in all signs, literature and advertising.

12. Construction of the paved, accessible hiking trail shall be coordinated between the Town and the County to begin in the northern 2.53 acres near Hypoluxo Road and join with the remainder of the site and be accessible from a potential entrance along Overlook Road.

ARTICLE III - RESPONSIBILITIES OF THE COUNTY

13. The County shall produce two signs identifying the Overlook Scrub site as being open to the public, as having been purchased with funds from the County, and as being managed by the County, with the cooperation of the Town. One of these signs is to be placed on the northern 2.53 acres of the property by the Town.

14. The County shall have no financial responsibility for the maintenance of those improvements located in the northern 2.53 acres (Exhibit B). The County shall be responsible For the contents and maintenance of the informational products displayed in the kiosk constructed on the northern 2.53 acres. All improvements that are the responsibility of the County shall be subject to budget approval by the Board of County Commissioners.

ARTICLE IV - RESPONSIBILITIES OF THE TOWN WITH RESPECT TO THE NORTHERN 2.53 ACRES

15. The Town shall work in conjunction with the County to plan for physical improvements to the site and shall fund design, construction, and maintenance of public-use facilities that are included in the northern 2.53 acres (Exhibit B). These facilities shall be designed by the Town and shall be submitted to the County for approval and inclusion in the overall management plan for the Overlook Scrub Natural Area. These facilities shall include at a minimum, but are not limited to, a parking area to provide spaces for 10 cars and 2 buses, an educational kiosk structure, historical signage, a portion of the hiking and interpretive trails, restorative landscaping, fencing which shall include split-rail fencing to surround the entrance and separate the parking lot from the remaining natural area, and gate. All improvements that are the responsibility of the Town shall be subject to budget approval by the Town Council.

16. The Town shall maintain all of the facilities on the northern 2.53 acres, including material replacement. Maintenance services shall include site security, trash pick-up, opening and closing any gated entrance, maintenance of the entrance road, mowing, and exotic vegetation removal. Material replacement costs shall include replacement of fences and gates; fence repairs; repair or replacement of parking areas, entrance roads, signs, kiosks, and nature trail(s) within the northern 2.53 acres.

17. The Town shall be responsible for the native planting restoration and enhancement site plans, costs, and maintenance of the native landscape vegetation used for the restoration and enhancement surrounding the parking area in the northern 2.53 acres. The restoration plans shall be reviewed and approved by both the Town and the County. The restoration plan for the remainder of Overlook Scrub shall be implemented by the County.

18. The Town shall commence construction of the public use facilities on the northern 2.53 acres within one year following the approval of the Overlook Scrub Natural Area Management Plan by the Board of County Commissioners.

ARTICLE V - RESPONSIBILITIES OF THE TOWN WITH RESPECT TO THE OVERLOOK SCRUB

19. The Town shall review its zoning ordinances and comprehensive plan to take all steps necessary and appropriate to designate the entire Overlook Scrub as a natural conservation area. The Town shall assign a future land use designation of conservation to the property. The Town shall process an amendment to its zoning code and comprehensive plan during the next available amendment cycle. The Town shall submit a copy of all approved amendments affecting the Overlook Scrub within thirty (30) days following approval by the Town Council.

20. The Town shall assume primary responsibility for public safety and law enforcement in the Overlook Scrub, including routine patrol of its boundaries, to help prevent vandalism, vehicular trespass, dumping and damage to property and natural resources.

21. The Town shall review any drafts of the management plan for Overlook Scrub, in addition to any scheduled revisions, and provide comments to the County. The Town will review all development plans submitted for approval by the County in a timely manner. To the extent permitted by law, the Town will waive all municipal fees, assessments and permit fees applicable to Overlook Scrub relating the construction, use or maintenance of public facilities.

[The remainder of this page intentionally left blank]

WHEREFORE, the parties hereto have set their hands and seals on the day set forth next to their signatures.

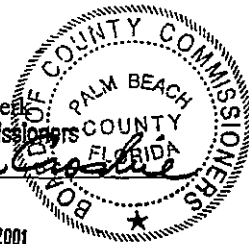
ATTEST:

Dorothy H. Wilken, Clerk

Board of County Commissioners

BY: Judith Cashe
Deputy Clerk

DATE: OCT 02 2001



R2001-1638 OCT 02 2001

PALM BEACH COUNTY, FLORIDA, BY
ITS BOARD OF COUNTY
COMMISSIONERS

BY: W. Newell
Chairman, Warren H. Newell

DATE: OCT 02 2001

(SEAL)

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

BY: Heidi Zell
Assistant County Attorney

DATE: 9/17/01

APPROVED AS TO TERMS AND
CONDITIONS:

BY: J. Hall

DATE: 9/12/01

ATTEST:

BY: Brian Scott Ross
Clerk

DATE: 8/14/01

TOWN OF HYPOLUXO, FLORIDA,
BY ITS COUNCIL

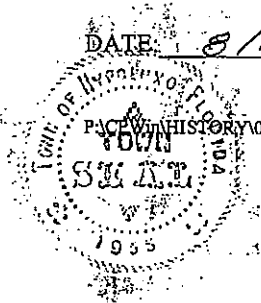
BY: Kenneth M. Schatz
Mayor

DATE: 8/14/01

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

BY: [Signature]
Town Attorney

DATE: 8/13/01



P:\CIVIL\HISTORY\010625A\F20.163(1501.000)\gr-doc355

EXHIBIT A

PARCEL ONE:

Lots 9 and 10, Block 9, HYPOLUXO SUBDIVISION, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida recorded in Plat Book 5, page 32, said lands situate, lying and being in Palm Beach County, Florida.

PARCEL TWO:

A parcel of land located in the West Half (W1/2) of the Northwest Quarter (NW1/4) of Section 10, Township 45 South, Range 43 East, Palm Beach County, Florida, and is more particularly described as follows:

Commence at the Northwest corner of said Section 10; thence South 2 degrees 44 minutes 21 seconds West along the West line of said Section 10, a distance of 33.76 feet to a point; thence South 89 degrees 13 minutes 14 seconds East, a distance of 40.02 feet to the point of beginning; thence continue on said bearing of South 89 degrees 13 minutes 14 seconds East, and along the South right-of-way line of Hypoluxo Road, shown in Plat Book 13, page 34, a distance of 792.09 feet to a point; thence South 1 degree 53 minutes 29 seconds West, a distance of 721.71 feet to a point; thence North 87 degrees 15 minutes 39 seconds West, a distance of 802.39 feet to the intersection with the East right-of-way line of Overlook Road, said right-of-way line being 40 feet East of and parallel with the West line of said Section 10; thence North 2 degrees 44 minutes 21 seconds East, along said East right-of-way line, a distance of 700.54 feet to the Point of Beginning.

LESS the West 417 feet (as measured along the Southerly right-of-way line of Hypoluxo Road) of the North 437 feet (as measured along the Easterly right-of-way line of Overlook Road) of the above described property.

PARCEL THREE:

That part of Section 10, Township 45 South, Range 43 East, Palm Beach County, Florida, described as follows:

Commence at the Northwest corner of said Section 10; thence South 2 degrees 44 minutes 21 seconds West, along the West line of said Section 10, a distance of 33.76 feet to a point; thence South 89 degrees 13 minutes 14 seconds East and along the South right-of-way line of Hypoluxo Road, Plat Book 13, page 34, Public Records of Palm Beach County, Florida, for a distance of 832.11 feet to a point; thence South 1 degree 53 minutes 29 seconds West, a distance of 727.71 feet to point of beginning; thence South 87 degrees 15 minutes 39 seconds East 419.28 feet to a point on the West right-of-way line of existing Florida East Coast Railway Company's 100 foot right-of-way; thence South 2 degrees 16 minutes 18 seconds West along said Florida East Coast Railway Company's West right-of-way line, a distance of 349.34 feet to a point; thence North 87 degrees 15 minutes 39 seconds West, for a distance of 60 feet to a point; thence South 2 degrees 16 minutes 18 seconds West, along the West right-of-way a line of East Coast Avenue, Hypoluxo Subdivision as recorded in Plat Book 5, page 32, Public Records of Palm Beach County, Florida, for a distance of 530 feet to a point; thence North 87 degrees 15 minutes 39 seconds West, along the North right-of-way line of Lot 7, Block 9, of said Hypoluxo Subdivision, for a distance of 141.99 feet to a point; thence South 2 degrees 44 minutes 21 seconds West, along the West right-of-way line of Lots 7, 8, 9, 10, Block 9 of said Hypoluxo Subdivision, for a distance of 100 feet to the Southwest corner of Lot 10, Block 9; thence South 87 degrees 15 minutes 39 seconds East, a distance of 142.80 feet to the Southeast corner

of said Lot 10, Block 9 and the West right-of-way line of said East Coast Avenue; thence South 2 degrees 16 minutes 18 seconds West, a distance of 50.00 feet to the South line of said Hypoluxo Subdivision; thence South 87 degrees 15 minutes 38 seconds East along said South line of said Hypoluxo Subdivision, a distance of 60 feet to a point on the Westerly right-of-way line of the Florida East Coast Railway; thence South 02 degrees 16 minutes 19 seconds West along said Westerly right-of-way line, a distance of 1717.30 feet to the P.C. of a curve to the right, concave to the West having a radius of 5677.65 feet and a central angle of 04 degrees 00 minutes 46 seconds; thence Southwesterly along the arc of said curve, also being the Westerly right-of-way line of said Railway, a distance of 397.64 feet to the South line of the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of said Section 10; thence North 89 degrees 23 minutes 53 seconds West along said South line, a distance of 1235.88 feet to a point on the East line of Overlook Road; thence North 02 degrees 44 minutes 21 seconds East along the East line of Overlook Road, a distance of 3212.31 feet to a point; thence South 87 degrees 15 minutes 39 seconds East, a distance of 802.39 feet to the Point of Beginning.

LESS AND EXCEPTING THEREFROM, that portion as conveyed to the County of Palm Beach by that Deed recorded in Official Records Book 5787, page 1793, and as agreed to in that Agreed Order of Taking and Final Compensation recorded in Official Records Book 5762, page 1752, more particularly described as follows:

That part of Section 10, Township 45 South, Range 43 East, Palm Beach County, Florida, being more particularly described as follows:

Commencing at the Southeasterly corner of Lot 12, Block 9, according to the Plat of Hypoluxo Subdivision, as recorded in Plat Book 5, page 32, Public Records of Palm Beach County; run thence South 87 degrees 15 minutes 39 seconds East along the Easterly prolongation of the Southerly line of said Lot 12, a distance of 60.00 feet to the existing Westerly right-of-way line of the Florida East Coast Railway Company's one hundred foot right-of-way; thence South 2 degrees 16 minutes 19 seconds West along said right-of-way line, a distance of 900.66 feet; thence North 87 degrees 15 minutes 39 seconds West along a line parallel with the said Southerly line of Lot 12, a distance of 100.00 feet to the point of beginning; thence continue North 87 degrees 15 minutes 39 seconds West along said parallel line, a distance of 200.00 feet; thence South 2 degrees 16 minutes 19 seconds West along a line parallel with the said Westerly right-of-way line, a distance of 360.00 feet; thence South 87 degrees 15 minutes 39 seconds East along a line parallel with the said Southerly line of Lot 12, a distance of 200.00 feet; thence North 2 degrees 16 minutes 19 seconds East along a line parallel with the said Westerly right-of-way line, a distance of 360.00 feet to the Point of Beginning.

PARCEL FOUR:

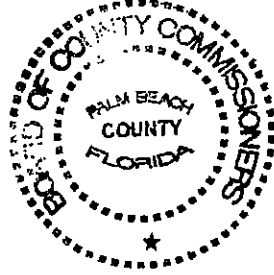
Lots 7 and 8, Block 9, Hypoluxo Subdivision, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida recorded in Plat Book 5, page 32, said lands situate, lying and being in Palm Beach County, Florida.

END OF LEGAL DESCRIPTION

Return to: (enclose self-addressed stamped envelope)

Name

Address:



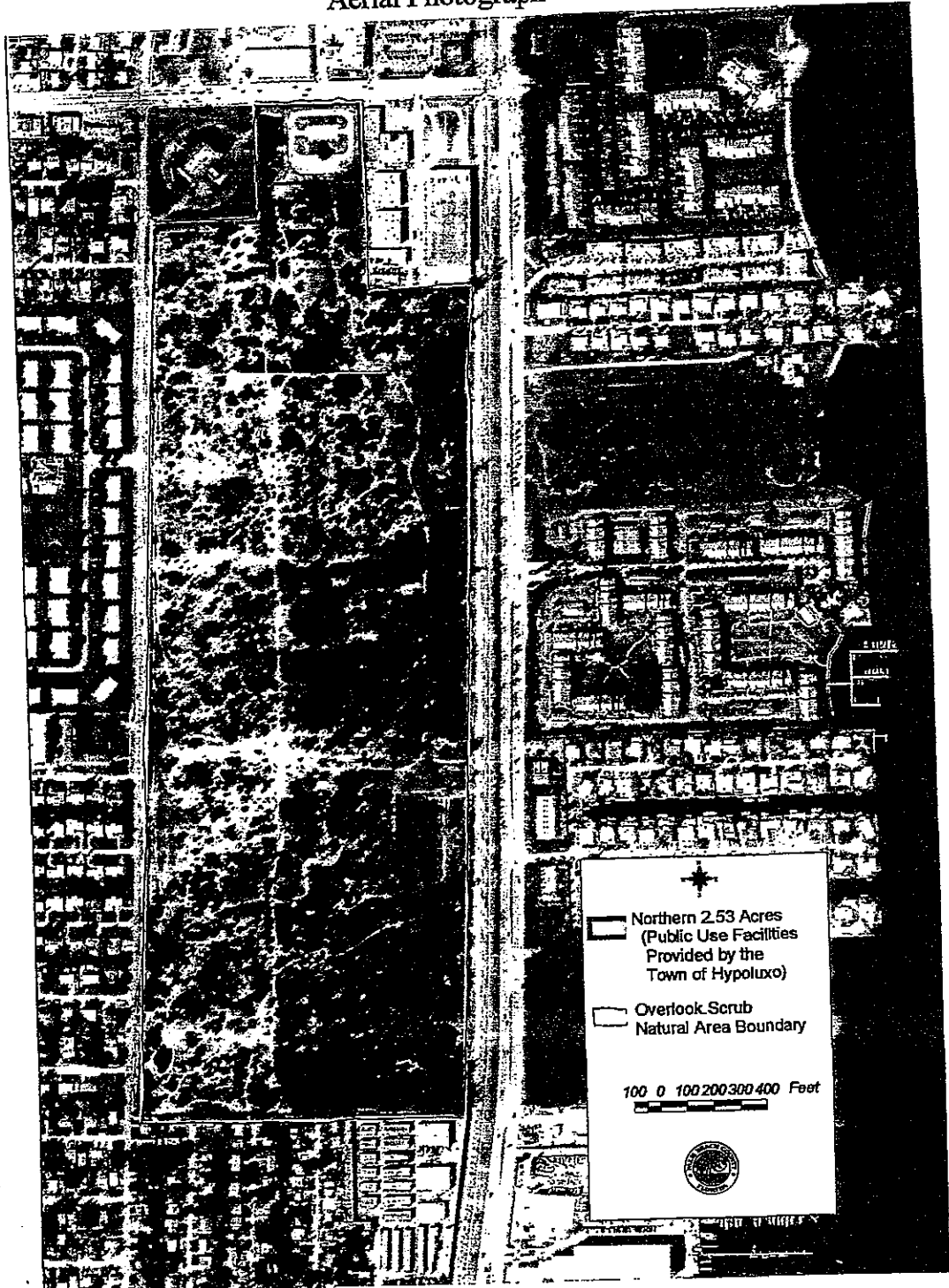
BOOK 13143 PAGE 0320
Dorothy H. Wilken, Clerk

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on October 2, 2001

DATED at West Palm Beach, FL on 2-25-01
DOROTHY H. WILKEN, Clerk
By Stephanie Canella D.C.

Overlook Scrub Natural Area
Aerial Photograph

Exhibit B



Sum to: (enclose self-addressed stamped envelope)

Address:



12/03/2001 13:56:53 20010531893
OR BK 13143 P6 0321
Palm Beach County, Florida

Please return to: ~~Sandra Mann~~
Environmental Resources Mgmt.
3323 Belvedere Rd., Bldg. 502
West Palm Beach, FL 33406

R2001 1950

FIRST AMENDMENT TO INTERLOCAL AGREEMENT

NOV 06 2001

This First Amendment to Interlocal Agreement is made and entered on this ____ day of _____, 2001 by and between the Town of Hypoluxo, a Florida municipal corporation (the "Town"), and Palm Beach County, Florida, a political subdivision of the State of Florida (the "County").

WHEREAS, On October 2, 2001, Palm Beach County and the Town of Hypoluxo entered into an Interlocal Agreement for the management of the Overlook Scrub Natural Area; and

WHEREAS, the Town of Hypoluxo has arranged for grant funding to pay for the improvements on the northern 2.53 acres of the Overlook Scrub Natural Area that is conditioned upon a long-term management arrangement (i.e., minimum of 25 years); and

WHEREAS, the Town of Hypoluxo has requested a modification in the term of the Interlocal Agreement from 15 years to 25 years in order to obtain the grant funding; and

WHEREAS, the County desires to cooperate with our municipal partner in the management of the natural area and a time extension to the Interlocal Agreement promotes that cooperation while not adversely affecting the County's management position.

NOW, therefore, in consideration of the mutual covenants, agreements and restrictions set forth herein, the parties agree as follows:

1. The first sentence of paragraph number 8 is hereby deleted in its entirety and replaced with "This Interlocal Agreement shall be binding on both parties for the term of 25 years."
2. Except as expressly revised by this First amendment, all other terms and conditions of the Interlocal Agreement remain in full force and effect.

(The remainder of this page intentionally left blank)

WHEREFORE, the parties hereto have set their hands and seals on the day set forth next to their signatures.

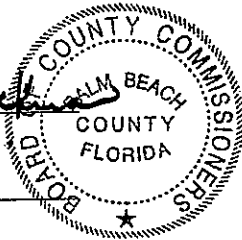
ATTEST:

PALM BEACH COUNTY, FLORIDA, BY
ITS BOARD OF COUNTY
COMMISSIONERS

Dorothy H. Wilken, Clerk

BY: Linda C. Hickman
Deputy Clerk

DATE: NOV 06 2001



BY: Warren H. Newell
Warren H. Newell, Chairman

DATE: NOV 06 2001

(SEAL)

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

BY: David J. [Signature]
Assistant County Attorney

DATE: 10/29/01

APPROVED AS TO TERMS AND
CONDITIONS:

BY: John F. R. Walsky
Department Director

DATE: 10/25/01

ATTEST:

TOWN OF HYPOLUXO, FLORIDA,
BY ITS COUNCIL

BY: Brian [Signature]
Clerk

BY: Kevin [Signature]
Mayor

DATE: 10-18-01

DATE: 10-18-01

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

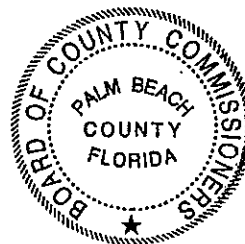
BY: [Signature]
Town Attorney

DATE: 10-22-01



R2001 1950

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on November 6, 2001
DATED at West Palm Beach, FL on 11-8-2001
DOROTHY H. WILKEN, Clerk
By: Linda C. Hickman D.C.



Attachment 1

SECOND AMENDMENT TO INTERLOCAL AGREEMENT

This Second Amendment to Interlocal Agreement is made and entered on this AUG 19 2003 day of _____, 2003 by and between the Town of Hypoluxo, a Florida municipal corporation (the "Town"), and Palm Beach County, Florida, a political subdivision of the State of Florida (the "County").

WHEREAS, On October 2, 2001, Palm Beach County and the Town of Hypoluxo entered into an Interlocal Agreement for the management of the Overlook Scrub Natural Area; and

WHEREAS, On November 6, 2001, the term of the Agreement was amended from 15 years to 25 years at the request of the Town for grant-related purposes; and

WHEREAS, On October 18, 2002, the name of the site was changed to Hypoluxo Scrub Natural Area by the County's Natural Areas Management Advisory Committee in recognition of the support of the Town in the preparation and management of the site and to assist the public in determining the location of the site; and

WHEREAS, the Town has requested that a Second Amendment be made to extend the term of the Interlocal Agreement from 25 years to 26 years to allow the Town to meet requirements for additional grant funds for which the Town currently is applying to comply with its responsibilities under the Agreement, and

WHEREAS, the County is willing to extend the term of the Agreement to 30 years to allow the Town sufficient time to apply for additional grant funds and desires to further amend the Agreement to restrict the term of any renewal of the Agreement to 20 years, so that the total term of the Agreement does not exceed 50 years, and the Town is in agreement with these proposed changes.

NOW, therefore, in consideration of the mutual covenants, agreements and restrictions set forth herein, the parties agree as follows:

1. The first two sentences of paragraph number 8 are hereby deleted in their entirety and replaced with "This Interlocal Agreement shall be binding on both parties for the term of 30 years. This agreement may be renewed for a term not to exceed 20 years under the existing terms and conditions with the consent of both parties."

2. Except as expressly revised by this Second Amendment, all other terms and conditions of the Interlocal Agreement remain in full force and effect.

WHEREFORE, the parties hereto have set their hands and seals on the day set forth next to their signatures.

ATTEST:

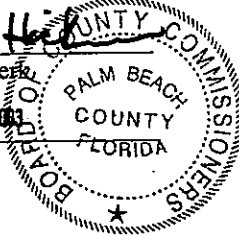
PALM BEACH COUNTY, FLORIDA, BY
ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, Clerk

BY: Linda C. Hickman
Deputy Clerk

DATE: AUG 19 2003

(SEAL)



BY: Karen T. Marcus
Karen T. Marcus, Chair

DATE: AUG 19 2003

R2003.1224

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

BY: Michael J. Hall
Assistant County Attorney

DATE: 8/8/03

APPROVED AS TO TERMS AND
CONDITIONS:

Richard E. Walesky
Richard E. Walesky, Director
Palm Beach County Dept. of
Environmental Resources Management

ATTEST:

TOWN OF HYPOLUXO, FLORIDA, BY
ITS COUNCIL

BY: Bartlett Scott Ross
Clerk

DATE: 7-16-03

TOWN

SEAL

(SEAL)

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

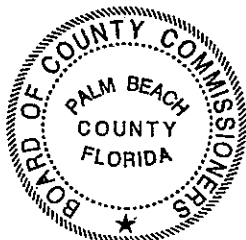
BY: [Signature]
Town Attorney

DATE: 7/16/03

BY: Kenneth M. Schultz
Kenneth M. Schultz, Mayor

DATE: 7-16-03

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on August 19, 2003
DATED at West Palm Beach, FL on 9.10.2003
DOROTHY H. WILKEN, Clerk,
By: Linda C. Hickman D.C.



APPENDIX J

FIRE MANAGEMENT PLAN FOR HYPOLUXO SCRUB NATURAL AREA

APPENDIX J

FIRE MANAGEMENT PLAN FOR HYPOLUXO SCRUB NATURAL AREA

This plan contains generalized procedures that apply to all burns conducted on Hypoluxo Scrub Natural Area (natural area) (also see Section 4.4.1 of the natural area management plan). Prescribed burn units (burn units) are typically equivalent to the site's management units (see Figure 4 of the natural area management plan). A prescribed burn plan shall be prepared for each burn unit during the burn planning process.

1. GOALS

The primary goal of the prescribed burn program is to reintroduce fire to the scrub and scrubby flatwoods natural communities at a frequency and intensity that will maintain these communities in various stages of maturity within the natural area. Ideally, the prescribed fire will be allowed to burn in a "patchy" fashion to mimic natural fire patterns. The resulting patchwork of burned and unburned areas within a burn unit will produce a mosaic of vegetation, thereby maximizing diversity within and among communities. This will provide habitat for species which typically use, or may even be restricted to, communities in a particular state of maturity. Additional goals related to the reintroduction of fire include: 1) improving habitat for plant and animal species, including listed species that depend upon fire-maintained communities; 2) helping to control invasive/non-native vegetation; and 3) reducing fuel loads to prevent catastrophic wildfires. Unit-specific goals will be established as part of each burn prescription including a desired percent consumption of ground cover and understory, and acceptable percent crown scorch and consumption.

2. GENERAL PROCEDURES

The Incident Command System is used on all prescribed burns. This system uses a pre-established chain-of-command to ensure that all communications and activities related to the prescribed burn are conducted in an organized manner. Since the Incident Command System is used by Palm Beach County Fire-Rescue and the Florida Department of Agriculture and Consumer Services' Florida Forest Service (FFS), staff from these agencies can easily assist during a prescribed burn if additional personnel are needed.

2.1 Personnel

The Palm Beach County Department of Environmental Resources Management (ERM) will provide the personnel necessary to conduct prescribed burns. Additional personnel may be requested from Palm Beach County Fire-Rescue, Palm Beach County Parks and Recreation Department, FFS, the Florida Park Service, the Florida Fish and Wildlife Conservation Commission, and trained volunteers.

Each burn team will be headed by an Incident Commander (IC) who will supervise the prescribed burn. The IC will receive authorization from FFS for any prescribed burn, oversee the burn, and make final decisions and adjustments during the burn. The IC, who may be assisted by staff, will prepare the prescribed burn plan, conduct pre-burn coordination with other agencies and homeowners' groups, make crew assignments and coordinate communications.

2.2 Equipment

ERM will provide the equipment necessary to conduct prescribed burns. All burn crew shall wear Nomex fire-resistant outer clothing, leather lace-up boots with non-slip soles, leather gloves, a plastic firefighter's helmet and eye protection, and shall carry an emergency fire shelter and personal drinking water. All crew members have been issued radios for communication during burns. A first-aid kit shall be kept in each truck.

ERM also will supply 4-wheel-drive pickup trucks (equipped with water tanks, pumps, and hoses), all-terrain vehicles, round-point shovels, fire rakes, fire flaps, and drip torches for crew use during the prescribed fire. Other fire-suppression equipment such as tractor-mounted plow units, pumper trucks, and fire engines may be supplied by assisting agencies.

2.3 Pre-burn Activities:

- Prepare specific burn prescription plan for each burn unit
- Complete pre-burn notifications
- Establish perimeter firebreaks
- Inspect burn unit to identify potentially hazardous areas or species protection needs
- Assemble and inspect necessary equipment
- Make burn crew assignments
- Prepare maps and materials for pre-burn briefing
- Notify local agencies, officials, adjacent residents and businesses
- Arrange for law enforcement and backup assistance, if necessary
- Monitor weather forecasts as the proposed burn day approaches

2.4 Burn Day Activities:

- Obtain burn authorization from FFS
- Mobilize burn crew and equipment
- Notify adjacent residents and others who have requested prior notification of the burn
- Post burn notices on site and on adjacent highways and other roads, as needed
- Obtain weather forecast for burn unit and other information necessary to determine that burn parameters will comply with prescription
- Coordinate with Palm Beach County Sheriff's Office to have deputies notify visitors to the natural area of the need to leave the site because of the pending burn
- Conduct pre-burn safety and ignition plan briefing for burn team

- Monitor weather forecasts and record on-site weather data
- Conduct test fire; conduct main burn if test fire is successful
- Mop-up and extinguish hot spots

2.5 Post-burn Activities:

- Monitor burn for rekindling of fire
- Remove burn notice signs
- Conduct post-burn review and briefing
- Evaluate burn for success in meeting environmental objectives; conduct post-burn monitoring at regular intervals
- Evaluate burn plan and burn crew for areas of improvement

3. FIRE MANAGEMENT PRESCRIPTION PREPARATION

A burn prescription will be developed for each burn unit prior to conducting a prescribed burn within that unit. The burn prescription is a carefully prepared legal document that provides strategies for reintroducing fire to the natural area in the safest manner possible. Preparation of the fire prescription involves the consideration of several factors, including, but not limited to:

- Size, location and boundaries of the burn unit
- Topography and soils of the burn unit
- Habitat type, density and crown height
- Fuel load
- Proximity of smoke-sensitive areas and any precautions taken to avoid impacts to adjacent communities, businesses and public infrastructure
- Weather-related conditions, including Dispersion Index, Drought Index, temperature, wind speed and relative humidity
- Fire behavior, including fire methods, desired behavior and outcome
- Post burn evaluations
- Fine fuel moisture
- Staffing and equipment availability
- Time needed to complete the burn
- Specific goals and objectives