

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: October 8, 2024 (X) Consent () Regular
() Workshop () Public Hearing

Department: Environmental Resources Management

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to receive and file:a 20-year term State of Florida Department of Environmental Protection (FDEP) Florida Greenways and Trails System (FGTS) Designation Agreement (Agreement) for a 54.6-acre portion of Lake Park Scrub Natural Area (Natural Area).

Summary: On May 7, 2024, the Board of County Commissioners (BCC) approved a FDEP Office of Greenways and Trails Application for Designation of Public Lands or Waterways as part of the FGTS (Application, R2024-0466) for a 54.6-acre portion (Designation Area) of the 54.78-acre Natural Area; the remaining 0.18 acres of the Natural Area contains multiple encroachments and was excluded from the Application. The BCC concurrently authorized the County Administrator, or designee, to execute the Agreement for the Designation Area on behalf of the County if the County's Application was approved by the State's Greenways and Trails Council, and to sign a Resource Certification (Certification) required under the Agreement every five (5) years during the term of the Agreement. The County's Application was approved by the State's Greenways and Trails Council on June 25, 2024. The Agreement was executed on behalf of the County by the Director of the Department of Environmental Resources Management on July 31, 2024. **The Agreement will not have a fiscal impact.** District 7 (SS)

Background and Justification: The FGTS Designation Program was established to: 1) further the purposes, goals, and objectives of the program; 2) ensure an inclusive and interconnected system of greenways and trails; 3) encourage voluntary partnerships in conservation, development, and management and coordination of the system's many pieces; 4) provide recognition for individual pieces of the system and those partners involved; and 5) raise public awareness of the conservation and recreation benefits of the system. The Natural Area is the ninth such designated County-owned/managed natural area in the County. The County has more FGTS designated sites than any other local government in the State of Florida.

- Attachments:**
1. FGTS Agreement
2. Delegation of signature authority

Recommended by: Deborah Druy 8-22-24 SAS 8/7/24
Department Director Date

Approved by: Paul 9/19/24
Deputy County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2025	2026	2027	2028	2029
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	<u>0</u> _____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>0</u> _____	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____
Is Item Included in Current Budget?			Yes _____	No <u>X</u>	
Does this item include the use of federal funds?			Yes _____	No <u>X</u>	
Does this item include the use of state funds?			Yes _____	No <u>X</u>	
Budget Account No.:					
Fund _____	Department _____	Unit _____	Object _____	Program _____	

B. Recommended Sources of Funds/Summary of Fiscal Impact:
The Agreement will not have a fiscal impact.

C. Department Fiscal Review:

Shing

III. REVIEW COMMENTS

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

<u>Debra Cole</u> 9/5/24	<u>Branda Pracht</u> 9/13/24
OFMB 9/15	Contract Development and Control
039/5	MWMS 9/13/24

B. Legal Sufficiency:

[Signature] 9/17/24
Assistant County Attorney

C. Other Department Review:

Department Director

ATTACHMENT 1

OGT-DA0113
Designation Number

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

DESIGNATION AGREEMENT
Lake Park Scrub Natural Area

This Designation Agreement, entered into on this 31st day of July, 2024, by and between the STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, DIVISION OF RECREATION AND PARKS, OFFICE OF GREENWAYS AND TRAILS (hereinafter referred to as "Department") and PALM BEACH COUNTY (hereinafter referred to collectively as "Landowner" or "Manager"), by and through the undersigned, formally designates the lands depicted in Exhibit A attached hereto and incorporated herein by reference (hereinafter referred to as "designated lands") as part of the Florida Greenways and Trails System, as defined in Section 260.014, Florida Statutes.

WITNESSETH:

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

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

1. The Manager:

- a. Shall be responsible for the management, operation and maintenance of the designated lands, in accordance with Exhibit B attached hereto and by this reference made a part hereof.
- b. Shall be responsible for notifying the Department of any change in the following: property ownership or management; the condition or extent of natural, recreational, cultural or historic resources described in the designation application or its attachments; or the expansion or improvement of the project or its amenities and facilities.

- c. Shall submit a Resource Certification, a copy of which is attached hereto as Exhibit C and incorporated herein by reference, at the request of the Department, every five years from the date of this Designation Agreement, which states that the natural, recreational, cultural or historical resources identified on the designated lands are being maintained.
- d. Shall erect a permanent sign(s), when available, on public lands depicted in Exhibit A reflecting designation into the Florida Greenways and Trails System in accordance with guidelines provided by the Department.

2. The Department:

- a. Shall provide signs, when available, indicating the property is designated as part of the Florida Greenways and Trails System.
- b. Agrees that this Designation Agreement shall have no effect upon the disposition of improvements made to the public lands by the Landowner, the Department, or others, whether existing at the time of designation or to be constructed or erected later, unless otherwise agreed herein.

3. The Landowner and Department:

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

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

- a. The term of this Designation Agreement shall be 20 years.
- b. This Designation Agreement may be modified to encompass additional adjacent public lands owned by the Landowner. Any such modification to this Designation Agreement shall not be valid unless it complies with the requirements set forth in paragraph 5. below.


- c. The Department may withdraw from this Designation Agreement at any time or remove the said designated lands from the Florida Greenways and Trails System by action of the Secretary of the State of Florida Department of Environmental Protection if:
- (1) the component fails to accomplish or becomes unsuitable for the purposes for which it was designated; or
 - (2) there is no longer an ability to manage the designated lands as intended in this Designation Agreement and no replacement manager can be identified.
- d. In the event that the ownership of the designated lands changes, this Designation Agreement will be null and void.
- e. The Landowner has the statutory right to remove the public lands from designation at any time by providing the Department with a written request that references this Designation Agreement.

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

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

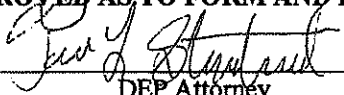
This Agreement, including the exhibits referenced herein, may be executed in one or more counterparts, through electronic or manual means, all of which shall constitute collectively but one and the same instrument.

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


By: 
Samantha Browne, Program Administrator/Chief

"DEPARTMENT"

APPROVED AS TO FORM AND LEGALITY

By: 
DEP Attorney

**PALM BEACH COUNTY, a political subdivision of
the State of Florida, by and through its Board of
County Commissioners**

By: 
**Deborah Drum, Department Director
Environmental Resources Management**

Date: 7-31-2024

"LANDOWNER/MANAGER"

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

By: /s/ Scott A. Stone
Assistant County Attorney

Date: 7/29/24

EXHIBIT A DESIGNATION AREA MAP

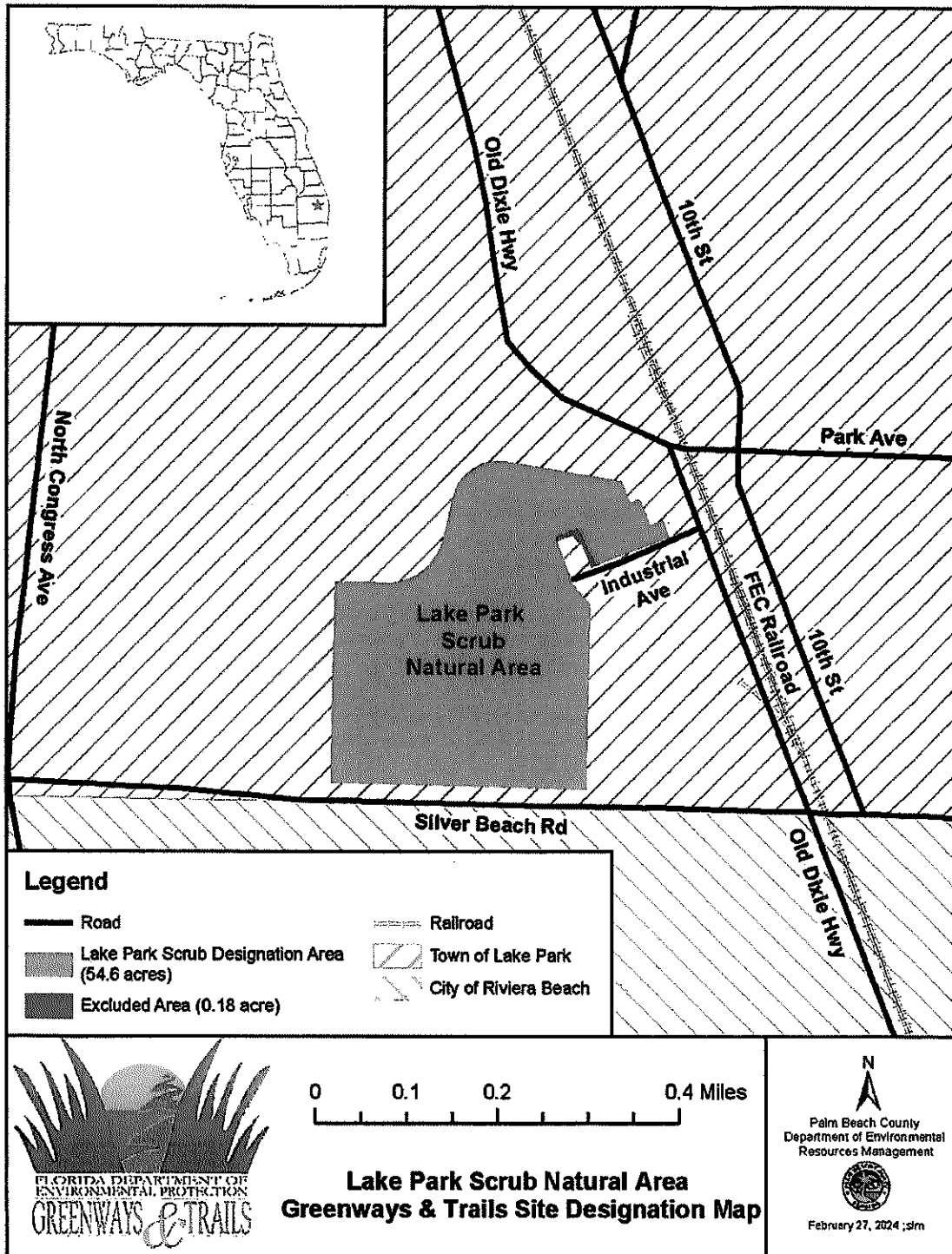
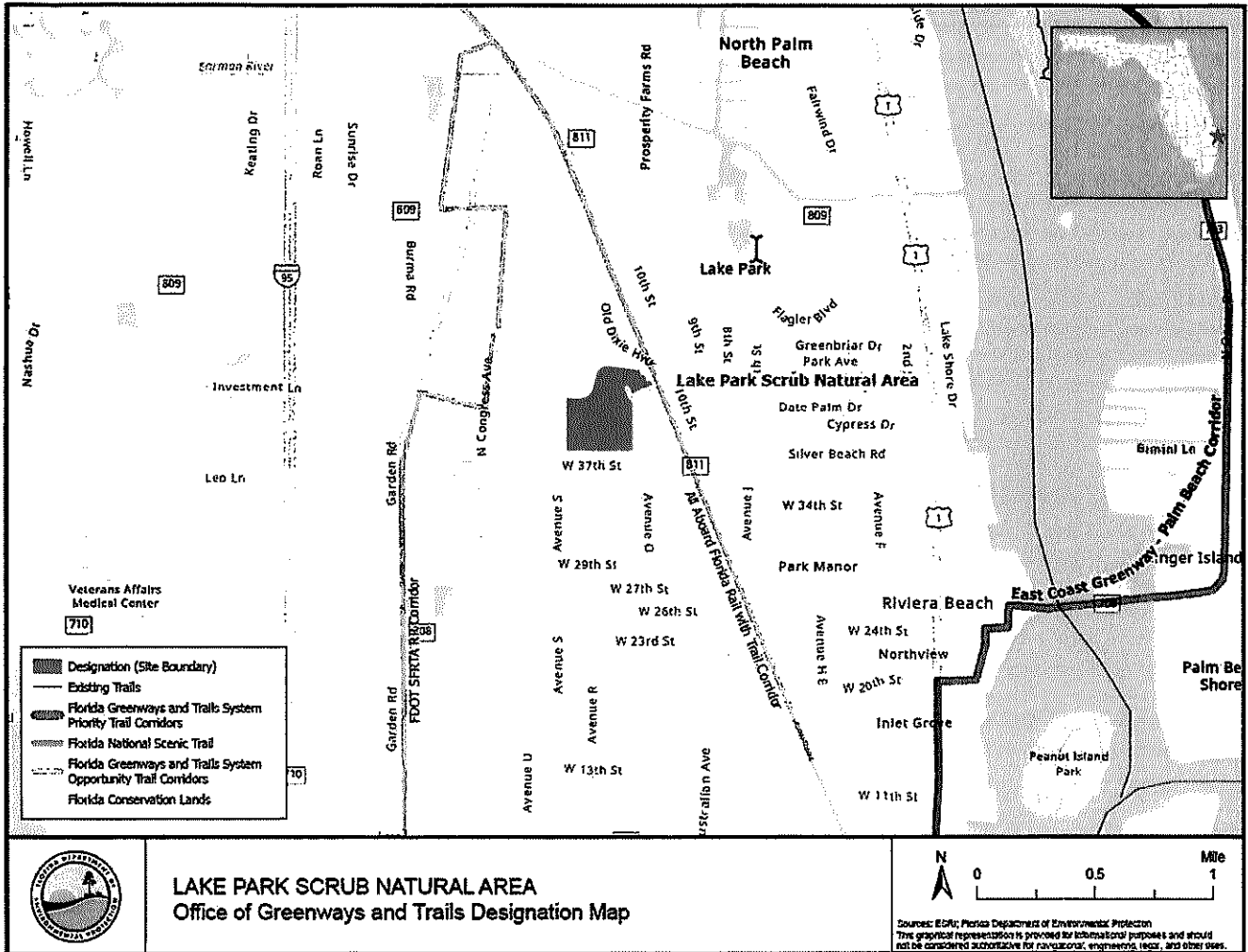


EXHIBIT A DESIGNATION AREA MAP



LAKE PARK SCRUB NATURAL AREA
Office of Greenways and Trails Designation Map

Sources: EPR, Florida Department of Environmental Protection
This graphical representation is provided for informational purposes and should not be considered authoritative for regulatory, engineering, legal, and other uses.

EXHIBIT B LAND USE PLAN

An approximate 54.6-acre portion of Lake Park Scrub Natural Area (Designation Area, Exhibit A) is the subject of this Designation Agreement. A 0.18-acre area that contains multiple encroachments is excluded from this application. The Designation Area is owned and managed by Palm Beach County. It is located within the municipal boundaries of the Town of Lake Park.

The Designation Area opened for public pedestrian access in March 2012. Existing public use facilities within the Designation Area include a pedestrian access gate, small interpretative kiosk and dedication sign just north of Silver Beach Road (Exhibit B, Figure 1). The pedestrian access gate connects to approximately 10,545 linear feet of existing natural-surfaced management accessways. Although most of the management accessways are open to pedestrians, they are not currently designated as hiking trails. Additional amenities that will be added to the Designation Area include a 5-car, 1-bus paved parking lot with bike rack off of Silver Beach Road; a shade shelter/observation platform with benches; a 5-foot-wide, approximately 1,737-foot-long, ADA-compliant, concrete nature trail; approximately 3,989 feet of designated natural-surfaced hiking trails; two informational/educational kiosks; entrance and dedication signs near the entrance to the parking lot; and Autism-friendly and wayfinding signage (Exhibit B, Figure 1). The parking lot will serve as a trailhead for the proposed natural-surfaced hiking trail and concrete nature trail. The primary purposes of the Designation Area are to preserve and protect: 1) important remnants of Florida's native vegetation communities (Exhibit B, Figure 2), their associated plant and wildlife populations, and local groundwater resources; and 2) two archaeological resources (see "Archaeological and Historical Resources" section below). The Designation Area's secondary purpose is to provide for passive, resource-based recreation, environmental education and scientific research. The Designation Area is currently open seven days a week, from sunrise to sunset; it will be temporarily closed to the public during construction of the proposed public use facilities (estimated commencement in 2025 or 2026).

Access/Directions: Public pedestrian access is currently via a maze gate just north of Silver Beach Road approximately 0.5 mile east of Congress Avenue (Exhibit B, Figure 1). Public vehicular access will be constructed from Silver Beach Road via a paved access driveway and 5-car, 1-bus parking lot just east of the existing pedestrian maze gate.

Management: Palm Beach County (County) owns the 54.6-acre Designation Area. The County's Department of Environmental Resources Management is responsible for managing and maintaining the Designation Area, with assistance from County-hired invasive/nonnative vegetation removal contractors.

Signage with the name of the natural area, access hours and natural areas rules have been installed adjacent to the existing pedestrian access gate. These signs will be relocated/replaced when the proposed public use facilities are constructed. A trail map and general information about the site will be provided in a kiosk located near the proposed parking lot; a second kiosk will describe the historic features of the site; safety fencing will be added around the parking lot and historic foundation; and wayfinding and Autism-friendly signage will be added. Regulatory signs will be maintained along the site's boundaries at intervals of no greater than 500 feet.

Security: The Palm Beach County Sheriff's Office (PBSO) has the primary responsibility for public safety and law enforcement at the Designation Area. The County also has contracted with PBSO to have

Wildlands Task Force deputies conduct extra patrols of the Designation Area when needed. The Wildlands Task Force is a specially-trained and specially-equipped unit that was formed to prevent illegal activities, such as dumping, on natural areas owned/managed by the County and to enforce the provisions of the County's Natural Areas Ordinance.

Archaeological and Historical Resources: The Florida Department of State, Division of Historical Resources (DHR), which maintains the Florida Master Site File, identifies two circa 1920s structures that once were located within the northeastern portion of the Designation Area – the former Drake Lumber Company Railroad (8PB13367) and Clay Products Company tile plant (8PB13368). Both structures were presumably destroyed by the September 1928 hurricane.

The railroad bed was heavily impacted by off-road vehicle use and recruiting vegetation prior to the site's acquisition by the County. As a result, it no longer has any historical integrity. Its inclusion in the Florida Master Site File is solely to document its historical presence within the Designation Area.

Although the superstructure of the Clay Products Company tile plant has been razed, portions of the tile manufacturing plant's foundation remain today in the form of a few concrete slabs and underground/partially aboveground cinder block/brick vaults. The state considers the former Clay Products Company tile plant a valid archaeological site. In order to avoid disturbing the archaeological resources associated with the Clay Products Company tile plant foundation, no machinery will be used to remove the invasive/nonnative plants growing in and around the remaining resources. Hand tools and herbicides will be used to treat and remove invasive/nonnative plants in the vicinity of the foundation. Due to safety concerns associated with the unstable underground vaults, signage and safely fencing will be used to exclude members of the public from the former Clay Products Company property; interpretative information regarding the former railroad and tile plant will be provided in a kiosk within the Designation Area. The proposed public use facilities will not adversely affect these resources.

No other archaeological or historical resources are known to exist within the site (Longo and Moser 2005). Any ground disturbance within previously undisturbed portions of the Designation Area will be coordinated with DHR and Palm Beach County archaeologist. If any archeological or historical sites are discovered in the future, DHR 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 to protect those remains. The County will comply with Chapter 267, Florida Statutes, specifically Sections 267.061(2)(a) and (b), in its management of any archaeological or historic site discovered on the site. If additional historic resources are found within the Designation Area, a historic resources protection plan will be developed in consultation with the County's Historic Preservation Officer.

References:

Longo, V. and J. Moser. 2005. A phase one archaeological survey of Lake Park Scrub ESL parcel, Palm Beach County, Florida. Prepared for Palm Beach County, Fla.

EXHIBIT B
FIGURE 1

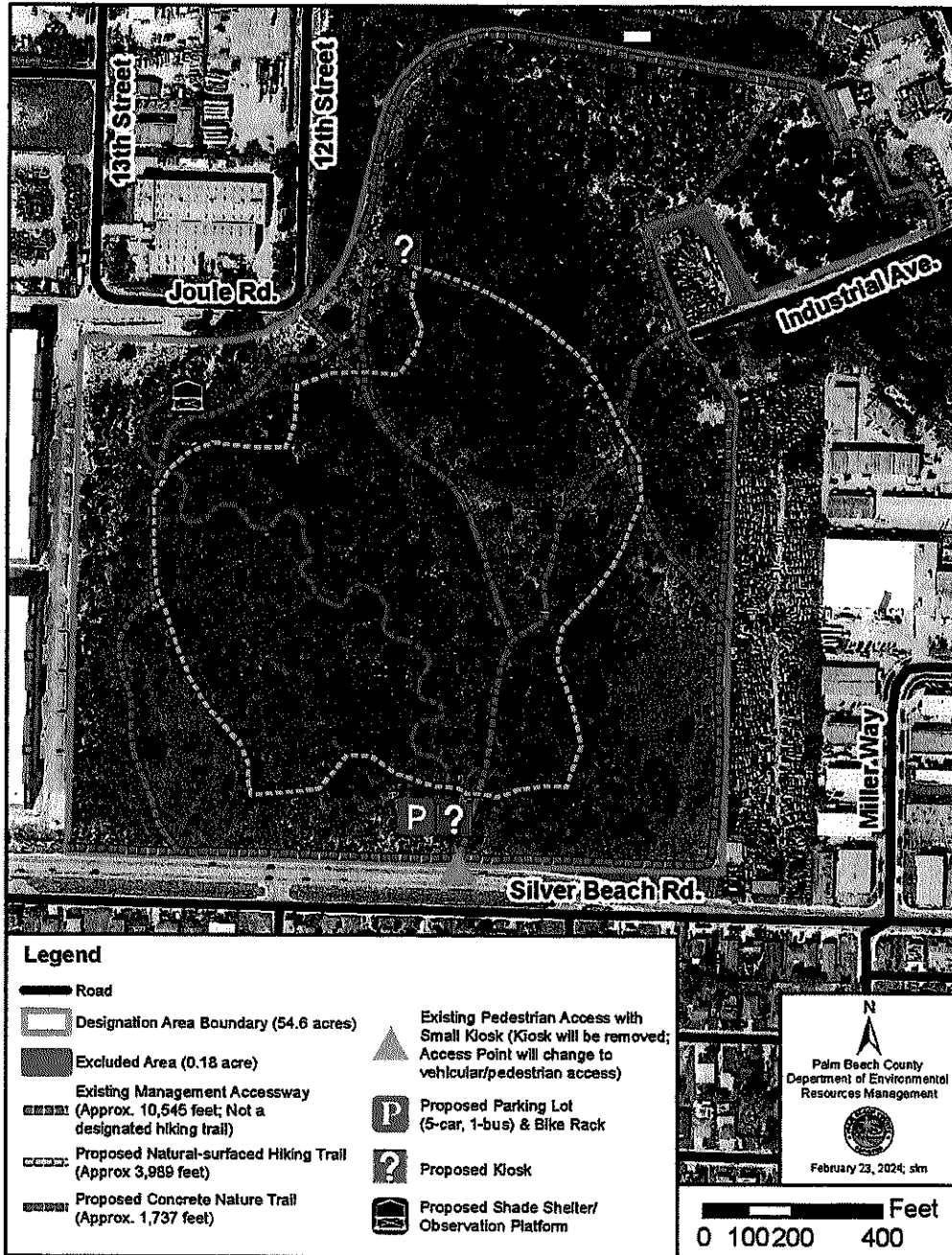


Figure 1.
Lake Park Scrub Natural Area Public Use Facilities Map

EXHIBIT B
FIGURE 2

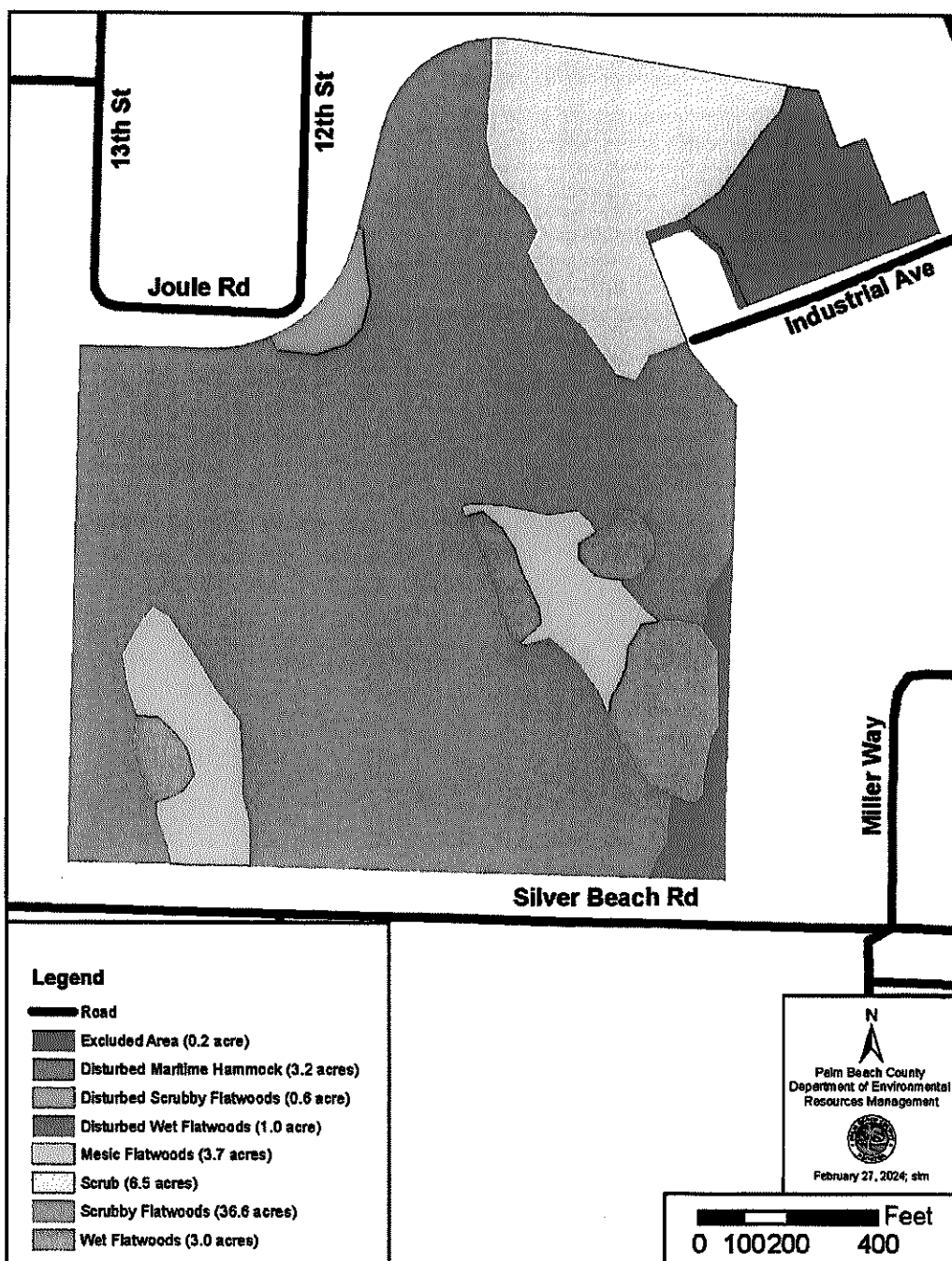
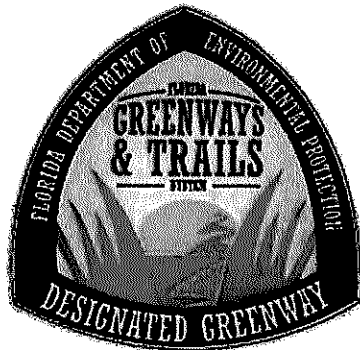


Figure 2.
Lake Park Scrub Natural Area Vegetation Communities Map

EXHIBIT C



PUBLIC LANDS OR WATERWAYS DESIGNATION RESOURCE CERTIFICATION

By signing this document, the Manager does hereby certify that the natural, recreational, cultural or historic resources identified on the public lands or waterways designated as part of the Florida Greenways and Trails System in Designation Agreement Number OGT-DA0113, are being maintained in a manner consistent with the terms of the agreement.

PALM BEACH COUNTY

By: _____

Print/Type Name

ATTACHMENT 2



INTEROFFICE MEMORANDUM
Palm Beach County
Environmental Resources Management

DATE: July 23, 2024
TO: Verdenia C. Baker
County Administrator
THROUGH: Patrick Rutter *PR*
Assistant County Administrator
FROM: Deborah Drum, Director
Environmental Resources Management Deborah Drum

Digitally signed by Deborah Drum
DN: cn=Deborah Drum, o=Palm Beach County, ou=Environmental Resources Management, email=Deborah.Drum@pbcgov.org
Date: 2024.07.24 08:13:56-0400
Full PDF Editor Version: 12.1.0

SUBJECT: REQUEST FOR DELEGATION OF APPROVAL AUTHORITY:
A State of Florida Department of Environmental Protection
Office of Greenways and Trails Program Designation
Agreement (Agreement) for Designation of Public Lands or
Waterways as part of the Florida Greenways and Trails System
(FGTS) for a 54.6-acre portion (Designation Area) of Lake Park
Scrubs Natural Area, and sign a Resource Certification
required under the Agreement every five years for a term of 20
years.

On May 7, 2024, agenda item 3L-4 (R2024-0466), the Board of County Commissioners approved the County Administrator, or designee, to sign all future time extensions, task assignments, resource certifications, and other forms associated with the Agreement, and any necessary minor amendments that do not substantially change the scope of work or terms and conditions of the Agreement.

This memorandum is my request for delegation of signatory authority for the Director or Deputy Director of Environmental Resources Management, to sign all future time extensions, task assignments, resource certifications, and other forms associated with this Agreement, and any necessary minor amendments that do not substantially change the scope of work or terms and conditions of the Agreement. If you agree, please sign below and return this memorandum. I am available to answer any questions you may have concerning this request. Thank you in advance for your consideration.

APPROVED: *V C Baker* DATE: 7/26/24
Verdenia C. Baker, County Administrator

DD:kf
Attachment