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J. B. Dennis

G
Another
Speaker







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 9K-4.010(2)(f), 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-4, F.A.C.;

WHEREAS, the FCT has approved the terms under which the Project Site is acquired and the deed whereby the FCT Recipient acquires title to the Project Site 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 an 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 its acquisition with the FCT Preservation 2000 Bond 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 Brevard County, Florida, as referenced in the warranty deed(s) vesting fee simple title to the Project Site in the FCT Recipient, 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 Preservation 2000 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: City of Satellite Beach
565 Cassia Boulevard
Satellite Beach, FL 32937
ATTN: William A. Ryan

Finance Director

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 report as required by Rule 9K-4.013, 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 with-held 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 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 may be 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. Outdoor recreational facilities including a boardwalk, observation platforms and interpretive displays shall be provided. The facilities shall be developed in a manner that allows the general public reasonable access for observation and appreciation of the natural resources on the Project Site without causing harm to those resources.

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 Preservation 2000 Program and the Recipient. Such recognition shall also be included in all printed literature and advertising associated with the Project Site.

3. Regularly scheduled and ongoing educational programs that promote the protection of natural resources shall be provided at the Project Site. The programs shall include guided walks and programs for school groups. ~~The existing structure on the Project Site shall be used as an environmental education center.~~ *MC*

4. A survey of vegetative communities and plant species shall be conducted on the Project Site. The FCT Recipient shall detail how the survey shall be used during development of the site to ensure the protection, restoration, and preservation of the natural resources on the Project Site.

5. The beach dune, coastal strand and coastal scrub communities that occur on the Project Site shall be preserved and appropriately managed to ensure the long-term viability of these vegetative 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 marine sea turtles and shore birds. The FCT Recipient shall coordinate with the Department of Environmental Protection's Office of Protected Species Management on the management of the Project Site for the protection of listed species and listed species habitat. The FCT Recipient shall also conduct periodic surveys of listed species using the Project Site and develop informational signs relating to the protection of listed animal species and their habitat.



7. Adjacent development activities shall be monitored through the development review and approval process to ensure that such activities do not negatively effect the resources on the Project Site. Vegetated buffers and height limitations shall be implemented as necessary to ensure that resources and planned outdoor recreation activities on the project site are sufficiently protected from the adverse impacts of adjacent land uses.

8. An ongoing monitoring and control program for invasive exotic vegetation shall be implemented at the Project Site. The Exotic Pest Plant Council's List of Florida's Most Invasive Species shall be used to identify invasive exotic vegetation on the Project Site.

9. A vegetation analysis of the Project Site shall be performed to determine which areas of the site need prescribed burning or mechanical clearing to maintain natural fire-dependent vegetative communities. The development of a prescribed burn plan shall be coordinated with the Division of Forestry and Game and Fresh Water Fish Commission. A fire line shall be developed between any adjacent development and the Project Site.

10. The management of the Project Site shall be coordinated with the adjacent County Park and with the land managers of other conservation and preservation lands in the project area.

11. Prior to the commencement of any proposed development activities, measures will 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. Pedestrian and bicycle access to the Project Site shall be promoted as an alternative to automobile transportation by providing pedestrian walkways and/or bicycle parking stands.

13. The Project Site shall be incorporated into an overall management program for the protection and enhancement of natural and recreational resources along the SR A-1-A Bike Trail.

14. The requirements imposed by other grant program funds that may be sought by the FCT Recipient for activities associated with the Project Site shall not conflict with the terms and conditions of the FCT award.



THIS GRANT AWARD AGREEMENT embodies the entire Agreement between the parties.

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

Witness:

[Signature]
Witness Name: [Signature]
[Signature]
Witness Name: [Signature]

CITY OF SATELLITE BEACH

BY: Michael Crotty
Its: 9/13/99
Date: 9/13/99

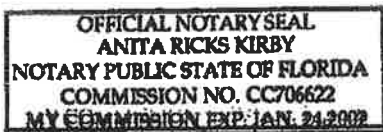
Attest: Barbara Boyens
Deputy Clerk

Accepted as to Legal Form and
Sufficiency:
Barbara Boyens
Date: 9/13/99



STATE OF FLORIDA
COUNTY OF Brevard

The foregoing instrument was acknowledged before me this
13 day of September, 1999, by Michael Crotty,
as City manager. He is personally known to
me.



Anita R. Kirby
Notary Public
Print Name: _____
Commission No. _____
My Commission Expires: _____



CFN:99214822
OR Book/Page: 4086 / 2010

FLORIDA COMMUNITIES TRUST

Janice D. Rubino
Witness Name:

Samela J. Luff
Witness Name

James Robinson, Asst. Sec.
Steven M. Seibert, Chair

Date: 9/22/99

Accepted as to Legal Form and
Sufficiency:

Ann J. Wild
Ann J. Wild, Trust Counsel

Date: 9-20-99

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me this 22nd
day of September, 1999 by Steven M. Seibert, as Chair of the
Florida Communities Trust. He is personally known to me.



Janice D. Rubino
MY COMMISSION # CC795620 EXPIRES
December 10, 2000
BONDED THRU TROY FAIN INSURANCE, INC.

Janice D. Rubino
Notary Public
Print Name: _____
Commission No. _____
My Commission Expires: _____



CFN:99214822

OR Book/Page: 4086 / 2011

EXHIBIT "A"



CFN:99214822

OR Book/Page: **4086 / 2012**

Parcel 10:

The South Half of Government Lot 1, Fractional Section 26, Township 26 South, Range 37 East, Tallahassee Meridian, lying East of State Road A-1-A, less and except parcels described in Official Records Book 301, Page 481, Official Records Book 3278, Page 1126, Official Records Book 3309, Page 2920, and Parcel No. 11, described in Official Records Book 3208, Page 0708, all of the Public Records of Brevard County, Florida.

Parcel 750:

A parcel of land lying in Fractional Section 26, Township 26 South, Range 37 East, Brevard County, Florida, described as follows: That part of Government Lot 2, Fractional Section 26, Township 26 South, Range 37 East, Tallahassee Meridian, lying East of State Road A-1-A, South of the property described in Official Records Book 301, page 481, and North of the property described as Parcel No. 10 in Official Records Book 3208, page 708, all of the Public Records of Brevard County, Florida.

Management Plan

FLORIDA COMMUNITIES TRUST PRESERVATION PROGRAM

Project Number 98-044-P8A

Oceanfront Wildlife and Habitat Preservation
(Phase 1)

Project Number 98-044-P9A

Oceanfront Preservation
(Phase 2)



June 30, 2004

Edited February 26, 2015

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1) Introduction:

Project name

This management plan is intended to provide guidance concerning future use and management of the Oceanfront Preserve ("preserve") as a natural area in the City of Satellite Beach ("City"), Brevard County, Florida. The Preserve was acquired through two successive Preservation 2000 grants, Project Number 98-044-P8A (Oceanfront Wildlife and Habitat Preservation) and Project Number 99-044-P9A (Oceanfront Preservation), designated Phase 1 and Phase 2, respectively.

Project location.

The Preserve site stretches along two segments of the City's 2.8 mile Atlantic Ocean beachfront between State Road A1A and the Atlantic Ocean (**Exhibit 1**).

Phase 1: Two parcels, totaling 15.32 acres and 2,300+ feet of ocean frontage, were acquired through Project Number 98-044-P8A. The two parcels are separated by Brevard County's 1.6-acre Hightower Beach Park with 285 feet of ocean frontage, and bracketed by two State-owned parcels totaling 1.55 acres with 225 feet of ocean frontage. These parcels combined total 18.4 acres and 2,810 feet (0.53 mile) of oceanfront in public ownership and management. This is the longest contiguous stretch of natural beachfront habitat between the Federal space complex on Cape Canaveral 14.8 miles to the north and a 0.7-mile portion of the Archie Carr National Wildlife Refuge 12.6 miles to the south.

Phase 2: There is one tract (2 parcels with one owner) included in Project Number 99-044-P9A which the City acquired in 2001. It contains 1.66 acres of undeveloped beachfront with 275 feet of oceanfront lying 9,200 feet south of the already-acquired parcels. This tract abuts the southern border of Pelican Beach Park, owned by Brevard County and managed by the City of Satellite Beach. The park encompasses 8.7 acres with 1,300 feet of ocean frontage. The park, combined with the P-2000 acreage, total 10.36 acres with 1,575 feet of ocean frontage.

The two phases of this project, combined, placed 16.98 acres of oceanfront land fronting 3,600 feet of Atlantic Ocean beach into public ownership and management for conservation purposes. These acquisitions, combined with other publicly-owned land, resulted in 33.8% of the uplands between the beach and SR A1A, representing 35.5% of the City's 2.8 miles of oceanfront, being permanently preserved for public use and conservation.

The project site was acquired using grant funding from the Florida Communities Trust (FCT), and this Management Plan was developed to ensure the Project Site will be developed in accordance with the Grant Award Agreement and in furtherance of the purpose of the grant application.

Project History

The project site contains the last remaining imperiled natural Coastal Strand and Coastal Grassland, as well as much of the remaining imperiled natural Beach Dune, in the City. The project site is documented to contain biologically viable populations of three listed plant species (one endangered and two threatened) and to provide the highest nesting density in Brevard County for two endangered sea turtle species outside the Archie Carr National Wildlife Refuge 12 miles to the south. This acquisition represents the culmination of recurring efforts by the City over a period of two decades to place into public ownership remaining undeveloped oceanfront in the City. A successful City referendum in 1981 to finance the acquisition was never implemented because of legal difficulties with respect to State statutes.

Project Future

About half of the 10,200+ residents of the City of Satellite Beach make regular use of the City's ocean beach. Approximately 20 percent visit the beach daily. An additional 27 percent visit the beach on a weekly basis. Because the City is 99+ percent built-out, the number of City residents who visit the beach is not expected to change substantially. However, individuals from mainland Brevard County and inland Central Florida use the beach. As development continues within Central Florida, the number of visitors to the City's beach from outside the City will increase. One estimate of build-out for Brevard County, reported by the East Central Florida Planning Council in the mid-1990s, was 850,000. This is approximately double the County's current population. Only two of the City's 14 beach access dune crossovers are adjacent to substantial parking. Although neither location currently experiences saturation of parking, and there is substantial rarely-used parking at one of these locations (Pelican Beach Park), the presence of parking at two locations tends to concentrate out-of-town beach use to these two locations. Expansion of very limited parking now provided by the County at Hightower Beach Park (surrounded by the two parcels comprising Phase 1 of Project Number 98-044-P8A) has increased by half the locations along the beach which those arriving by automobile tend to use. This distributes recreational use of the beach more evenly along its length. Provision of adequate beach access and parking, also, has facilitated successful closure of unauthorized foot traffic across the dune now occurring on the northernmost portion of the project site (the northern parcel in Phase 1 of Project Number 98-044-P8A).

2) Purpose:

The **purposes** of this project are wildlife and habitat preservation, open space and beach access for the public, and environmental education, with the **objective** of preserving in its native state the remaining undeveloped oceanfront land in the City, including the largest remaining expanse of contiguous undeveloped oceanfront within

the 27 miles between Federal lands on Cape Canaveral and the Archie Carr National Wildlife Refuge.

Specific reasons for acquiring the Project Site include the following:

[1] It places into public ownership for preservation an expanse of 2,300 feet of dark, undisturbed beach especially important for green sea-turtle nesting.

[2] It creates the only public ownership of reasonably-intact Coastal Strand habitat between Cape Canaveral Air Station (18 miles to the north) and Spessard Holland Park in Melbourne Beach (9 miles to the south).

[3] It adds to the 1.55 acres of State-owned and 1.60 acres of County-owned land already being preserved for conservation within the project boundaries.

[4] It prevents the last expansive oceanfront vista from being lost to burgeoning highrise construction occurring along the eight miles of coastline between the Pineda and Melbourne Causeways.

[5] It helps stem the rise in population density for the City of Satellite Beach, which currently has a higher population density than 85% of Florida's 404 municipalities. It reduces the City's anticipated population increase by 28%, and thereby reduces its projected final built-out population by 2.6%.

[6] The site has exceptional environmental value:

- In annual surveys since 1989, University of Central Florida biologist Llewellyn Ehrhart, Ph.D., has documented that Phase 1 of Project Number 98-044-P8A is a sea-turtle nesting area for the Federal- and State-endangered Atlantic green turtle (*Chelonia mydas mydas*), with the highest nest density north of the Archie Carr National Wildlife Refuge, and the Federal- and State-threatened Atlantic loggerhead (*Caretta caretta*).
- Ecologist Linda A. Olson, M.S., has documented that it supports three State-listed plant species, two endangered and one threatened, found on 20± acres of Beach Dune, Coastal Grassland, and Coastal Strand designated by the State as "imperiled".

[7] It permits expansion of two urban core parks adjacent to the ocean.

[8] It provides an outdoor classroom/laboratory for local schools and other groups, to include college-level research on coastal dynamics and related topics.

The project site will be used for **wildlife and habitat preservation, open space and beach access** for the public, and **environmental and history education**.

Activities Intended on Site include City-sponsored **environmental education** programs and **ocean beach-going** for the public. The parcels will be maintained in their native state. **Human activity will be limited** in order to preserve the natural habitats and enable viable populations of native plants and animals to be established.

Management Objectives

The highest priority management objective for the project site is to **preserve open space** along the City's oceanfront for public use. This will be accomplished by preserving the site in its natural state under public ownership and management.

The second priority management objective is to **preserve wildlife, wildlife habitat, and natural vegetative communities** on the project site. This objective will require a variety of actions.

- Removal of exotic vegetation which is replacing beneficial native plants. This will be a long-term effort requiring several years to cut and treat stumps so that the exotic plants do not become reestablished from still-living root systems. Preservation of the natural communities will then require recurring visits to identify and remove exotic vegetation as seeds transported by wind or wildlife sprout.
- Control of unauthorized human foot traffic across the foredune and natural areas between SR A1A and the beach. This will be accomplished with signs and planting of native vegetation which impedes foot traffic at vulnerable points along the dune line.
- Application of best management practices to control succession within the natural communities on the site to preserve conditions which are characteristic of these naturally pyrogenic regimes. This will involve removal of biomass on a recurring basis by fire or mechanical means, with fire the preferred method where conditions permit on a long-term (10-plus year) schedule.

The third priority objective for the project site is to **provide and promote environmental education**. This will be accomplished by developing programs within the City's Recreation Department (such as "ecocamps") which make productive use of the special characteristics of the project site.

The fourth objective is to **improve public access to the beach**. These efforts will be accomplished as resources permit over a period of 10 or more years. They will include:

- Removal of minor structures existing in the natural areas,
- Installation of benches, modest picnic facilities, and restrooms on Phase 1 of the project site,
- Construction of a boardwalk from which to view the natural areas on the southern parcel of Phase 1 of the project site,
- Planting of native plant species to increase biological diversity within the natural areas, and
- Replacement of the current dune crossover with a handicapped-accessible crossover meeting the standards of the Americans with Disabilities Act (ADA) on

Phase 1.

- Connecting to Brevard County's Multi-Use Trail along SR A1A that will eventually span 40 miles of Brevard County's coast from its southern boundary at Sebastian Inlet to Port Canaveral.

Comprehensive Plan Directives Furthered by the Project

Since initial adoption in 1988, the City's Comprehensive Plan has reflected a strong sense of responsibility for preserving and enhancing the natural resources available to its residents; and these commitments were strengthened in the 1998 revision, adopted by City Ordinances 716 and 735 and Resolution 681 and accepted by Florida Department of Community Affairs in 1998. In 1999 the City Council approved Ordinance 748 and Resolution 706 amending the Plan to further strengthen its environmental features. Four elements of the Plan relate directly to this project.

Recreation and Open Space Element.

As it relates to **open space and beach access** for the public, the project helps the City implement this element of its Comprehensive Plan, which requires the City to expand open spaces, particularly along its waterfront; improve public access to passive recreation areas and oceanfront beaches; and combine public use of open space with preservation of natural habitat.

[1] This element's single **goal** is sufficient parks, recreation facilities, and open space areas to provide the citizens of Satellite Beach with a wide variety of leisure activities to make the City an attractive community in which to live.

[2] **Objective 1.1** directs the City to provide its residents recreation and open space facilities which meet or exceed Level-of-Service standards.

[3] **Policy 1.1.6** requires City acquisition of recreation/open space facilities to be prioritized in accordance with expressed desires of the community and availability of grant funds and other incentive programs.

[4] **Objective 1.3** directs the City to pursue affordable, environmentally sound, and convenient means of access to open space, parks, and passive recreation areas within the City, to the extent financially feasible.

[5] **Policy 1.3.2** directs the City to maintain existing Atlantic Ocean and Banana River accesses and improve access facilities to the extent financially and environmentally feasible.

[6] **Policy 1.3.3** directs the City to develop an oceanfront greenway to improve public access to, and views of, the beaches and ocean to the extent financially feasible with private, County, State, and Federal partners.

Coastal Management/Conservation Element.

Because the City of Satellite Beach lies entirely within the Coastal High Hazard Area, its Comprehensive Plan has combined the Coastal Management and Conservation elements, since the requirements of each are nearly identical. As it relates to **open space, beach access, and habitat preservation**, the project helps the City implement this combined element of the Plan, which contains the following requirements.

[1] This element's single **goal** requires the City to protect natural resources while safeguarding human life, property, and public funds from the effects of nature in the Coastal High Hazard Area.

[2] **Objective 1.1** calls for the City to limit man-induced dune and beach damage, expand dune restoration efforts, and improve public beach access.

[3] **Policy 1.1.3** requires the City to maintain and enforce current codes, especially the Dune Regulation Ordinance which established the Ocean Bluff Protection Area, to effectively prohibit construction and related building activity in the Protection Area.

[4] **Policy 1.3.1** prohibits public buildings or infrastructure east of the Coastal Construction Control Line, except for minor structures supporting recreation and open space activities, dune-protective pedestrian access facilities, and existing road and infrastructure within developed public rights-of-way.

[5] **Objective 1.6** directs the City to establish and preserve areas for fisheries, wildlife, and wildlife and marine habitat on public property within the City, and to encourage private landowners to do likewise.

[6] **Policy 1.6.3** requires areas deemed appropriate for preserving the natural functions of existing soils, wildlife habitats, rivers, floodplains, wetlands, beaches, shores, fisheries, and marine habitats to be re-evaluated and identified in the Comprehensive Plan and Land Development Regulations or by ordinance. This will be done to protect those areas from development or inappropriate alteration.

[7] **Policy 1.6.6**, in an effort to protect wildlife habitat on private property, requires an assessment of threatened, endangered, and special-concern species on all proposed development in areas which may possess critical habitats for these species.

[8] **Objective 1.7**, in an effort to protect the natural functioning of surface-water bodies in the City, directs the City to develop a Shoreline Protection Ordinance, giving priority to water-dependent shoreline land uses and improvements which avoid adverse environmental impacts, meet Comprehensive Plan standards for public access, avoid shoreline hardening structures, and enhance water quality in the Indian River Lagoon.

Future Land Use Element.

As it relates to **habitat preservation**, the project helps the City implement this element of its Comprehensive Plan, which requires the City to preserve and enhance the limited natural habitat remaining in the City. Additionally, it helps Plan implementation by meeting this element's requirement of providing a means by which to improve security

from storms, continuing beach erosion, and the rising sea level.

[1] This element's single **goal** requires the City to promote a pattern of land use that will foster a healthy and attractive environment, avoid blighting influences, preserve and enhance natural resources, and provide reasonable public safety and security from hazardous conditions.

[2] **Policy 1.1.2** requires the City to monitor zoning for land east of the Coastal Construction Control Line and adopt codes which balance economic feasibility, environmental considerations, and limits on development in the Coastal High Hazard Area.

Capital Improvements Element.

As it relates to **habitat preservation and beach access**, the project helps the City implement this element of its Comprehensive Plan, which requires the City to protect its ocean shoreline. **Policy 1.3.1** directs the City to protect and renourish dunes and beach areas, maintain public facilities, and improve recreation opportunities east of the Coastal Construction Control Line without additional development.

Elements in Conflict with Project.

None of the elements in the City's Comprehensive Plan entail land uses or other considerations which may **negatively impact the project site**. The City's Plan is fully consistent with the purposes and objectives of this project.

As the culmination of an extended effort by the City to acquire undeveloped oceanfront land for public use, the Project Site will be managed only for the conservation, protection, and enhancement of natural resources, and for public outdoor recreation that is compatible with the conservation, protection, and enhancement of natural resources on the site. The site will be used for the specific purposes described at the beginning of this Management Plan. Consistent with this purpose, the Project Site will be identified in all signs, literature, and advertising as being publicly owned and operated as a natural conservation and outdoor recreation area.

Amending the Comprehensive Plan Land Use Designation for the Project Site

Amending the City's land use designations to properly reflect use of the Project Site as public open space was completed in November 2003. City Council enacted Ordinance 825 on 6 March 2003 changing the future land use designation for Phase 1 to Conservation Use. Ordinance 826, enacted the same date, rezoned Phase 1 to Institutional Use. On 19 November 2003 enacted Ordinance 812 changing the land use designation for Phase 2 to Conservation Use. Its zoning is soon to be changed to

Institutional Use in conjunction with similar action for another portion of adjoining Pelican Beach Park.

3) Site Development, Improvement, and Access:

Physical Improvements

Existing and proposed physical improvements on the Project Site are shown on the attached Master Site Plan (**Exhibit 2**).

Improvements Intended on Site include the following:

[1] Habitat improvements will involve removing exotic plants and replacing them with appropriate native plants. Blocking foot traffic and restoring native vegetation are appropriate in six areas where unauthorized foot traffic has damaged the dune bluff on the northern parcel of Phase 1.

[2] Beach access improvements on Phase 1 will involve replacing an existing dune crossover with one meeting ADA standards, expansion of 16 existing paved parking spaces to about 30 spaces, and construction of new shower and restroom facilities

[3] Environmental education improvements on the southern parcel of Phase 1 will involve construction of a raised boardwalk up to 8 feet wide and 1,200 feet long (0.25 acres) into the large expanse of Beach Dune, Coastal Grassland, and Coastal Strand habitats.

[4] Greenway improvements will be met by construction of the restroom facility on Phase 1, which will be in close proximity to Brevard County's Coastal Corridor Multi-Use Trail along SR A1A. This, coupled with new picnic facilities and benches, will create a small "rest stop" on the trail

[5] All improvements will be located and designed to minimize or eliminate the long-term risk of storm or flood damage in consultation with appropriate hazard mitigation agencies or experts.

[6] No improvements are anticipated on Phase 2. This tract is to be used for habitat. The upland portion will be accessed by visitors across the uplands from Pelican Beach Park to the immediate north, and the beach portion will continue to be accessed from immediately adjacent public beach. It is anticipated that there will continue to be few visitors to this tract other than those with an interest in the native plants and animals to be found on the uplands. There has not been a history of damage to this property due to unauthorized foot traffic._

Facilities Intended on Site.

With the exception of the raised boardwalk, expanded parking, and new restrooms on Phase 1 the only facilities intended are **those already existing** on the project site. The City will coordinate with Brevard County to integrate improvements on Phase 1, particularly parking, with the County's Hightower Beach Park. Hightower park has very limited parking, which occupies approximately one third of the County-owned land available for the park. The goal of coordination would be to make efficient use of available land to provide parking and other amenities appropriate for both Hightower Beach Park and the adjoining project site. This will likely involve a common access point and parking for both facilities – with up to approximately 50 parking spaces (1± acre) for the joint park facilities. Parking areas will be paved with pervious material to the extent feasible.

The City will place on each of the tracts acquired an entrance sign identifying the ~~Project Site as being open to the public and having been purchased with funds from Florida Communities Trust and the City for conservation purposes.~~

Brevard County is scheduled to complete construction of its Coastal Corridor Multi-Use Trail through the City in 2004; it has already been completed along 2.0 of the 2.8 miles of SR A1A in the City. This will add to the 8 miles of existing trail which now extends 6+ miles along SR A1A south of the City. The path will pass immediately adjacent to both tracts in the Project Site along SR A1A. The pending extension will complete the path through the City and 0.7 miles beyond it to the Pineda Causeway (SR 404) to the north. Completion of the path and its intersection within the City with five traffic signals, four featuring paved bicycle/pedestrian paths westward into residential areas, provides ready access to the project site by foot and bicycle without encountering free-flowing traffic along SR A1A. The County, in constructing the path so far, has made use of those features which were available or readily implemented to promote safety. Within the City this includes locating the path off the A1A right-of-way in those few places where alternatives are available. The City renovated and made accessible installed bicycle racks in the parking area of the commercial parcel on Phase 1 to facilitate bicycles as an alternative to automobiles as a mode of transportation to the Project Site. Sidewalks and a traffic signal at Phase 1 already facilitate pedestrian traffic to the Project Site. Finally, the City will incorporate a picnic table and benches into the boardwalk, and restroom facilities, on Phase 1 accessible to those traveling along the bicycle/pedestrian path.

Proposed Alterations of Natural Areas

There are two proposed minor alterations of natural areas on the Project Site. First, removal of exotic vegetation will enhance the natural nature of the Project Site.

Second, installation of signs identifying the site as purchased using Florida Communities Trust funds, prohibiting unauthorized foot traffic across the natural areas, and relating to protection of listed animal species and their habitat will result in minimal alteration of the site totaling approximately 100 square feet.

There are two proposed substantial alterations of natural areas on Phase 1. Recurring removal of biomass by fire or mechanical means will be necessary to properly manage pyrogenic vegetative communities present in natural areas on the Project Site. This will be accomplished using best management practices over a period spanning 5 to 10 years or more per cycle. Construction as resources permit of a boardwalk and observation platforms from which visitors can view the natural areas will permit public access to these areas while protecting their flora and fauna from disturbance due to human intrusion. The boardwalk is anticipated to be up to 1,200 feet long. At a nominal 8 feet wide, the total land area covered would be approximately 0.25 acre. Restrooms and associated paved access to them from the boardwalk and parking area will occupy approximately 1,000 square feet. Parking expansion for up to 30 automobiles, configured to allow parking for up to three school busses, is planned on the Hightower Beach Park parcels owned by Brevard County within Phase 1. As the conceptual site plan indicates, development of the FCT and Brevard portions of this park will be seamlessly integrated. The location of the parking expansion was chosen to use the area which has already been impacted the most heavily by human activities, and to avoid unnecessary impacts to high-quality conservation land on the FCT parcel.

There is an additional potential alteration to the natural areas on Phase 1. There are no available relocation recipient sites for gopher tortoises on the barrier island. The result is potential eventual extirpation of this species from the developed portion of the barrier island upon buildout. The City has used its 52-acre Samsons Island passive recreation and wildlife refuge as a recipient site in cooperation with local developers and the Florida Fish and Wildlife Conservation Commission. If, at some time in the future, the City and a developer desire to use the project site as a relocation recipient site, the Florida Communities Trust agrees, and City is successful in negotiating an agreement with the Florida Fish and Wildlife Conservation Commission to use a portion of the Project Site as a gopher tortoise relocation recipient site, it is likely that a low (2-foot±) fence (most likely chain link) or wall will be required along SR A1A and the boundaries of Hightower Beach Park to prevent tortoises from wandering onto the roadway. If feasible and approved, such a fence or wall would total approximately 4,000 feet in length. The environmental assessment of the site noted that much of Phase 1 matches or can be managed to match ideal conditions for gopher tortoise habitat, and there currently are no gopher tortoise relocation recipient sites on the barrier island in Brevard County. Prior to the City entering into any agreement or commencing construction of a fence or wall, the City will submit to the Florida Communities Trust the agreement and

construction plans for review and approval.

Proposed Alterations of Disturbed Areas

There are no disturbed areas on the project site.

Coordination of Alterations with Protection of Listed Plant and Animal Species

Construction on the Project Site will be undertaken in a manner to best protect the listed plant and animal species present. Construction will, first, endeavor to not disturb listed plant species. If listed plants must be disturbed, the extent of disturbance will be kept to the minimum practicable and the listed plants will be relocated to a suitable area on the project site. In no case will the only specimen(s) of listed plants known to be on the Project Site be disturbed. Construction along the beach will be timed to not disturb sea turtle nesting and nests. This effectively limits construction on the beach to the period of November through April.

The City may require permits from the Florida Department of Environmental Protection (FDEP), the Florida Fish and Wildlife Conservation Commission (FFWCC), the Florida Department of Forestry (FDOF), Florida Division of Historic Resources (FDHR), and the U.S. Fish and Wildlife Service (USFWS) for anticipated activities on the Project Site. Such activities include construction, management of vegetation through mechanical means and/or controlled burns, and - potentially - use of the Project Site as a gopher tortoise relocation recipient site.

The City will provide the FCT prior to commencing construction on the Project Site copies of required licenses and permits from State and Federal agencies. In those instances where appropriate agencies do not require a permit (normally because of the urban nature of the City) the City will provide a letter from the agency stating that no permit is required. Neither City nor County permits will be required for construction on the Project Site.

Upon determination that the City desires to undertake site alterations or physical improvements not addressed in this Management Plan, the City will notify the Florida Communities Trust in writing of that intention, including a description of the anticipated action and the area expected to be impacted. The City will not commence actions until obtaining written approval by the FCT. In the event action is of an emergency nature (e.g., to repair a dune bluff breached by storm surf or a washed out dune crossover) the City will inform the FCT by the most expeditious means, followed up by written notification, of the nature and extent of the alteration. Pending formal approval of the action by the FCT, the City will limit its actions to those considered reasonable and prudent in the given circumstances.

Access

The entire Project Site lies between the Atlantic Ocean coast and SR A1A. As such, public access is available from both the eastern and western boundaries of the site.

Existing parking for 16 automobiles and an adjacent dune crossover on Brevard County's Hightower Beach Park bracketed by Phase 1 provides automobile and pedestrian access to the site and across the site between the public right-of-way along SR A1A and the beach. Expansion of the parking area and replacement of the existing dune crossover with one meeting ADA standards will improve public access along the northern portion of City's beach beyond that now provided. Addition of restroom facilities will facilitate those with children, seniors, and those with disabilities to enjoy the park, since the closest restrooms available are at fast food restaurants half a mile away. The restrooms will also improve the experience for the several hundred school students who visit the site annually.

Extension of Brevard County's Coastal Corridor Multi-Use Trail along SR A1A adjacent to the Project Site is enhancing public access to the Project Site by pedestrians and those on bicycles. A bicycle rack is provided by the City at the authorized entry point to Phase 1.

Future construction of a boardwalk with observation platforms affording the public an opportunity to view natural areas on Phase 1 with minimal disturbance to the site will further enhance public access. The exact location of the boardwalk will be determined based on the distribution of natural features of interest, ease of public access, and protection of natural features on the site. When the location and size of the boardwalk are available, they will be provided to the Florida Communities Trust for review and approval prior to construction.

The replacement boardwalk on Phase 1 will be constructed to ADA standards. This will improve handicapped access to this portion of the City's beach.

Easements, Concessions, and Leases

Brevard County owns a small tract (410 +/- square feet) along the Project Site frontage on A1A. The County tract contains a sanitary sewerage lift station that serves the city. A portion of the lift station encroaches onto the Project Site. The County is replacing the existing lift station. The new lift station requires an additional 524 square feet of property from the Project Site for the replacement of the lift station and to eliminate the encroachment. The city agrees with the granting of an easement for the 524 square feet. Brevard County will reimburse the city for the easement based on an appraisal

conducted in accordance with Florida Administrative Code. The city will reimburse Florida Communities Trust for their portion of the funding of the Project Site purchase.

There are no existing concessions or leases on the Project Site. There is an unused 30-foot wide FDOT stormwater easement running east-west across the northern parcel of Phase 1 between SR A1A and the Atlantic Ocean beach (See Master Site Plan at **Exhibit 2**). The City is working with FDOT to redesign stormwater management on the SR A1A right-of-way so that there will be no future need for outfalls onto the beach, which EPA has banned.

The City, at such time as the condition of natural areas, available resources, and development conditions on the barrier island permit, may desire to enter into an agreement with the Florida Fish and Wildlife Conservation Commission and a commercial developer to develop a portion of the natural area of Phase 1 as a gopher tortoise recipient site. The FGFWFC, among other conditions, requires that the recipient site be designated a conservation easement. This is a condition consistent with the purposes of the Florida Communities Trust. The City has established such an agreement for its 52-acre spoil island passive recreation park and nature preserve for relocation of 40 gopher tortoises onto the island. Developers pay on the order of \$250 to \$300 per tortoise to the owner of a recipient site. The City is using this income to improve gopher tortoise habitat on the recipient site. The expectation is that the City might be able to establish a population of 30-plus gopher tortoises on the Project Site. As with the current relocation, any income realized would be used to improve habitat on the Project Site.

The City will provide the Florida Communities Trust written notice and information at least 60 days prior to commencement of any proposed lease of interest, operation of any concession, sale or option, granting of any management contracts, and use by any person other than in such person's capacity as a member of the general public. No such arrangement will be formally entered into by the City prior to receiving written approval by the Florida Communities Trust. The City will also place all fees and revenues generated on the project site into a special account to be used for management of the project site.

4) Key Management Activities

This Management Plan addresses conditions which both apply to all sites acquired with FCT funds and are particular to the Project Site. The latter conditions, identified in Section VIII of the Conceptual Approval Agreement, are identified in **Exhibit 3**

Maintenance

The Project Site contains facilities and natural features which require periodic, recurring, or occasional maintenance. Trash containers on the site will need to be serviced on a regular basis. The existing parking lot will need to be relined and resurfaced periodically. The existing dune crossover and the proposed new boardwalk and restrooms will need to be repaired, and eventually replaced, as the structures age. Signs on the project site will need to be repaired and replaced as they age. Exotic vegetation which is present or becomes established within the natural vegetative communities on the Project Site will need to be removed. Natural vegetation on the project site will need to be reduced on a recurring basis (over periods of 5 to 10 or more years) by fire or mechanical means to preserve the natural functioning of these pyrogenic regimes.

The City's Public Works Department will be responsible for all aspects of property maintenance for the Project Site. This will entail Public Works employees accomplishing the tasks themselves, using the services of county prisoners or commercial contractors, or coordinating volunteer efforts. All these means of accomplishing necessary maintenance are routinely used for the City's other parks.

Security

The City's Police Department will be responsible for security at the Project Site, as they are for all other public sites within the City. The same means for providing security will be employed at all sites. These include regular patrols by uniformed officers and by Citizens On Patrol (a volunteer organization operated by the Police Department). As the need arises, volunteer Park Rangers (used at the City's other parks) will assist with security at the Project Site. Patrols will be augmented as needed by other available and necessary means, including surveillance and video recording, used at the City's other public facilities.

Staffing

The City will need no new permanent staff to operate the site. The City's Public Works Department will provide maintenance for the Project Site using existing staff. The City's Police Department will provide security with existing staff. The City's Recreation Department will coordinate educational programs with existing staff. Over time it is anticipated the City will augment its existing volunteer cadre to improve maintenance, security, and public education. If and when this occurs will depend on the degree of citizen interest in specific activities associated with the Project Site. The City has had such a volunteer program for a 52-acre island passive recreation park and nature

preserve since 1990. The existing park volunteer program is managed by the City's Recreation Department, and they will manage any new one for the Project Site.

Natural resource protection

The Project Site contains three Imperiled vegetative communities (Beach Dune, Coastal Grassland, and Coastal Strand). Within these communities there are documented biologically viable populations of two Endangered plant species (beach star and beach verbena) and one Threatened plant species (Indian mound prickly pear). In addition, two Endangered species of sea turtles use the upper beach on the property for nesting. A biological survey/ecological assessment of the property conducted in 1998 determined that significant portions of habitat on Phase 1 are appropriate for the Florida scrub jay (a Threatened species), the southeastern beach mouse (an Endangered species), and the gopher tortoise (a Florida Species of Special Concern), although no evidence of habitation by any of these three species was found.

The largely undisturbed natural areas comprising the Project Site make limitation of human impacts a high priority management issue. The four primary tasks are preventing unauthorized foot traffic, removing exotic vegetation, posting signs relating to protection of listed species and their habitat, and undertaking a long-term series of controlled burns or mechanical thinning of brush to simulate normal conditions within the pyrogenic communities. Biomass reduction is necessary to prevent natural progression of Coastal Grassland to Coastal Strand and Maritime Hammock. Biomass reduction is also needed to maintain open areas characteristic of appropriate habitat for scrub jays, beach mice, and gopher tortoises.

Foot traffic will be controlled by posting with signs and planting native species which obstruct foot traffic (such as cacti). Exotic vegetation will be removed using hand tools, chain saws, and a backhoe. Cut exotic trunks will be treated with a herbicide to kill them and prevent their sprouting with new growth. These two tasks were initiated as soon as the property was accessible and the modest resources needed could be mustered.

Periodic reduction of biomass through controlled burns or mechanical thinning entails assembly of substantial resources and their application in accordance with well-established best management practices. The first step was to develop a draft burn/biomass management plan for natural areas on the Project Site. This plan establishes the appropriate interval, season, and conditions for controlled burns. If fire is not a viable option, then mechanical thinning will need to be substituted for fire. The City has obtained assistance in developing such a plan from the Division of Forestry, Brevard County, and other organizations (such as the water management district) which must manage large tracts of natural lands requiring controlled burning.

Nesting by listed sea turtle species on the upper beach of the project site makes protection of the upper beach and dune bluff important. The best protection to be afforded these features is to preserve naturally-occurring native vegetation which protects the dune bluff and extreme upper beach from erosion by surf and wind. Blocking human foot traffic across the dune will accomplish this task. To protect nesting turtles from harassment, the City will post signs at the entrances to the beach, as it does at other beach access points, citing the need to not disturb turtles on the beach and to refrain from using light sources on the beach during egg laying season. The City will also coordinate with the Florida Fish and Wildlife Conservation Commission's Bureau of Protected Species Management to investigate other potential means to protect nesting sea turtles.

Survey of the natural resources on the Project Site

The City commissioned Biological Survey/Ecological Assessments of the Project Site which were completed on 21 April 1998 and during May 1999 (**Exhibit 4**) as an aid in preparing the Florida Communities Trust applications for this site. Those Surveys include lists of and describes vegetative communities, plant species, and animal species found on the Project Site. The Surveys also identify listed plant and animal species and Imperiled communities on the Project Site and areas covered by each vegetative community.

The 1998 Biological Survey identified the potential for the endangered southeastern beach mouse to occur on Phase 1, although none were observed. The small size of the mice, the habitat in which they are found, and their foraging habits make it unlikely that they would be observed during a visit of several hours during midday hours. The City completed a survey for Southeastern beach mice on Phase 1 and adjacent County and State parcels during December 2000 which found no evidence for Southeastern beach mice on this 18 acres of oceanfront habitat (**Exhibit 5**).

Actions to be taken to protect natural resources on the Project Site

Vegetative communities and listed plant and animal species will be protected by limiting human incursions into natural areas of the Project Site to those necessary to maintain the habitat. Periodic reduction of biomass will preserve the imperiled vegetative communities and appropriate habitat for upland listed animal species. If a portion of the Project Site is approved as a gopher tortoise relocation recipient site, the City will likely need to construct a low (2-foot±) fence or wall along SR A1A and the boundaries with Hightower Beach Park. The fence/wall will prevent tortoises from wandering onto SR A1A.

Upon identification of a potential newly identified listed species on the Project Site, the City will enlist the aid of a knowledgeable individual to confirm the identification as a listed species. Upon confirmation, the City will complete the Florida Natural Areas Inventory form (**Exhibit 6**) to report to that agency the occurrence of the species on the property.

The City conducts a scheduled biological monitoring visit of the natural areas of the Project Site twice annually, once during the growing spring and summer seasons and once during the dormant autumn and winter seasons. The visit entails a walk throughout the area looking for the presence of listed plant and animal species, invasive exotic plant species, feral animals, and evidence of inappropriate human activities. The visit also considers the general condition of the natural areas, including the amount, type, and distribution of vegetative cover. The City will also have available reporting sheets on which City employees and others working on the Project Site can report the presence and activities of animals, plants, and people which may be of interest.

~~The City will coordinate with the Florida Fish and Wildlife Conservation Commission~~ prior to undertaking new activities on the Project Site to determine whether any permits are required and to obtain such permits if necessary.

Resource Enhancement

Natural resources on the Project Site in need of enhancement totaled approximately 2.7 acres on Phase 1 where exotic vegetation needed to be removed. These were treated in 2002, and regrowth of exotic plants is being controlled. The exotic vegetation included species identified in the Exotic Pest Plant Council's list of *Florida's Most Invasive Species*, as well as other, less invasive non-native species. The intention is to return the natural areas of the Project Site to as near an undisturbed condition as is feasible with available resources. Restoration involved removal of the exotic vegetation by a contractor under a State contract.

The City has found that native species colonize areas of less than 3 contiguous acres within approximately one year of exotic vegetation being removed. The new growth proceeds from dormant seeds already in the soil, seeds imported by wind and wildlife, and sprouting of rhizomes and roots lying under the now-sunlit surface. The City allows natural colonization for cleared areas of less than 1 acre. Areas between 1 and 3 acres are allowed to develop naturally or are planted depending on conditions and available resources. At no time has erosion in the excessively drained soils characteristic of the Project Site been a problem. Experience since the exotic vegetation was removed from the project site are consistent with what the City has seen elsewhere; native vegetation has naturally re-established itself in those areas where exotics were cleared.

As discussed previously, the City will include exotic vegetation in the items searched for

during its semiannual scheduled biological monitoring visit of the natural areas of the Project Site to prevent reinfestation. The City will also take action to remove exotic species which are discovered during unscheduled visits to the Project Site.

Draft burn/biomass management plan

As discussed at the beginning of the Natural Resources section of this Plan, the City anticipates continued use of controlled burns or mechanical thinning to preserve pyrogenic vegetative communities on the project site. A plan for biomass management was prepared for Phase 1 in a manner similar to those prepared for the City's two other parks exceeding 20 acres in size, by volunteers assisted by County and State natural resource management professionals. The City incorporated into development and implementation of the burn/biomass management plan lessons-learned by other local municipalities and during the 1998 wildfires throughout the State. The City includes in implementation neighborhood outreach such as fliers mailed to adjoining landowners prior to clearing of a major portion of the City's 52-acre passive park and nature preserve. Development of the burn plan was coordinated with the Division of Forestry. It will be five or more years before a biomass management plan is necessary for Phase 2, given the lack of fuel load or developing maritime hammock community. This plan will be developed in a manner similar to that employed for the plan for Phase 1.

Removal of feral animals

Feral animals found on the Project Site during scheduled monitoring visits, incidental to other visits, or due to reports to the City will be removed as quickly as resources can be assembled to do so. The Biological Surveys conducted to assist in completing the Florida Communities Trust grant application found no evidence of feral animals on the Project Site. A subsequent survey in 2003 found and live-trapped and relocated five feral cats living on Tract 1.

Archeological and historical resource protection

There are no known archeological or historic sites on the Project Site, as confirmed by the Florida Department of State, Division of Historical Resources (See letter at **Exhibit 7.**) In the event that any such sites are identified in the future, the City will notify the Division of Historical Resources by letter and prohibit collection of artifacts or disturbance of the site without prior authorization from the Division of Historical Resources. Management of archaeological and historic resources will comply with the provisions of Chapter 267, Florida Statutes specifically Sections 267.061 (2)(a) and (b). Prior to any construction on the undeveloped portions of the Project Site the City will take measures to determine the presence of any archaeological sites. Typical measures will be to invite staff of regional universities and members of chartered

archaeological organizations to survey the area to be disturbed for evidence of archaeological artifacts. Regardless of the time frame for construction on the project site, the City will endeavor to obtain an archaeological survey of the project site within two years of obtaining title to the property.

Education Program

The City will provide environmental educational programs using the Project Site through the City's Recreation Department. The City anticipates the Sea Turtle Preservation Society continuing to provide nesting tours in-season on the beach on Tract 2.

The Sea Turtle Preservation Society will continue to provide regularly scheduled night beach walks during June and July for local residents and tourists of all ages to observe and teach about nesting sea turtles as it has for 12 years. Held approximately 45 times each nesting season, the walks are enjoyed by about 1,250 people annually.

The City's Recreation Department has sponsored well-subscribed "eco-camps" conducted by biological professionals on its 52-acre passive park and nature preserve on the Indian River Lagoon for children of grade school age. The camps have been held an average of 3 times per year with 15 to 20 children attending each session. The Recreation Department has revised its eco-camp program to incorporate the oceanfront Project Site into their curricula. The City is seeing participation in the oceanfront camps, over a period of years, grow to match that experienced in its lagoon-focused camps. We have also provided environmental education for more than 400 local public, private, and home-school students.

The City has entered into an agreement with Rollins College in which students in environmental studies can acquire real-world experience in management of natural resources as interns working for the City. The initial effort with two students produced a vegetative management plan and a fire management plan for the 18 contiguous acres of publicly-owned land including the 15 acres in City ownership on Phase 1. One of those students, after graduation, assisted with conducting a controlled burn in accordance with the plan. Another student obtained the State grant by which the exotic vegetation was removed from Phase 1 of the project site. It is anticipated that students will continue to assist, under professional guidance, in developing and implementing management plans for the project site.

Educational programs sponsored by the Sea Turtle Preservation Society and the City's Recreation Department began during summer sea turtle nesting season and school recess following implementation of this Management Plan in December 2000.

Coordinated management

A Division of Forestry ranger visited Phase 1 during September 2000 and provided advise on how to develop a burn/biomass management plan for the site. Brevard County's lead fire boss also was instrumental in devising, reviewing, and implementing that plan.

The City will request that the Florida Fish and Wildlife Conservation Commission and the Department of Environmental Protection Agency's Bureau of Protected Species Management comment on this management plan as it relates to protection of listed species, development of the project site, and development of strategies to protect listed species and their habitat. The City expects, over time, to develop a good working relationship with these agencies, Brevard County Natural Resources Management Office, and similar organizations to assist in managing the growing inventory of natural lands within the City.

The City will coordinate with Brevard County staff on major alterations to and activities on the large portions of the Project Site which abut the County's Hightower Beach Park. Such alterations include construction of the boardwalk and observation platforms and expansion of the existing parking area. Activities include mechanical thinning of large areas of native vegetation or controlled burns. The City has implemented an agreement with Brevard County on joint-use of the County's Hightower Beach Park and the two State-owned parcels abutting Phase 1. The County already has a lease on the two State parcels for conservation use. The agreement permits the City to develop and manage the combined 18 acres of State, County, and City lands as a unit for conservation purposes.

Greenway management

Brevard County's Coastal Corridor Multi-Use Trail being constructed by Brevard County along the Florida Department of Transportation's SR A1A right-of-way along the South Brevard Atlantic Coast, provides the means to walk or ride a bicycle for over 8 miles as close as one can to the beach while remaining on the public right-of-way. This path connects a series of existing public parks which provide convenient resting spots and access to the beach. Extension of the path north to the Pineda Causeway and eventual closure of a 4-mile gap between bicycle paths north of Patrick Air Force Base will connect this path with a similar path running through Cocoa Beach and Cape Canaveral to the north, resulting in a nearly 20 -mile corridor of paths and parks available for the casual and the experienced walker and cyclist (See map of Coastal Corridor Multi-Use Trail at **Exhibit 8**.) The Cities and the County are coordinating construction of the path through the Brevard County Municipal Planning Organization. The purpose of the path is, for the first time, to permit unimpeded travel of cyclists off the highway along the

County's barrier island, within and between the communities and recreational/open space destinations on the island.

The City's Bicycle/Pedestrian Ad-hoc Committee included in its recommendations to the City improvements which will enhance the utility and durability of the SR A1A bicycle/pedestrian path. The City will continue to work and coordinate closely with Brevard County in developing and managing bicycle and pedestrian paths within and through the City. The City will also coordinate with Brevard County, the Department of Transportation, the Florida Fish and Wildlife Conservation Commission, and other public and private landowners to develop and implement a resource protection and management strategy for greenway sites and linkages within the City.

5) Cost Estimate and Funding Source:

Estimated costs associated with implementing this Management are as follow:

Fiscal Category	Expense Item	Amount	Source
Capital Investment¹			
	Expansion of parking	110,000	Grant
	Replacement of dune crossover to ADA standards	50,000	Grant
	Construction of natural areas boardwalk	70,000	Grant
	Construction of restroom facilities	100,000	Grant
	Construction of picnic facilities	10,000	Donation/grant
Expenses			
	Project Identification Signs ^{1,2}	1,000	General fund
	Signs prohibiting unauthorized access ¹	600	General fund
	Bicycle rack ¹	100	General fund
	Picnic tables ¹	1,000	General fund
	Restroom cleaning and supplies	2,000	General fund
Wages and Benefits^{1,2}			
	Clearing exotic vegetation	1,500/yr	General fund
Contract Support			
	Archaeological survey ¹	1,000	General fund
	Eco-camp (education) instructor(s) and aide(s) ¹	1,500/yr	User fees
	Monitoring visits ^{1,2}	1,000/yr	General fund

¹ Phase 1

² Phase 2

Funding for development, maintenance, and operation of the Project Site will include an estimated \$340,000 for one-time capital improvements and \$7,000 annually for recurring expenses. Capital improvements are being funded through a combination of the City's General Fund, donations, and grants. Recurring expenses are being funded predominately through the General Fund, with user fees partially offsetting the costs of programs conducted on the Project Site. Grants obtained for capital improvements on the Project Site will not conflict with the terms and conditions of the FCT award. The type grants to be sought include the: Florida Coastal Management Program, Florida Recreation Development Assistance Program, Urban and Community Forestry Program, Land and Water Conservation Fund, and Florida Forever.

6) Priority Schedule:

<u>Activity</u>	<u>Start</u>	<u>End</u>
Install Site signs (accomplished)	Nov 99	Oct 00
Begin planting native species to increase diversity (Accomplished)	Nov 99	-
Install signs prohibiting foot traffic (Accomplished)	Nov 99	Sep 00
Develop burn/biomass management plan (Accomplished Phase 1	Nov 99	Sep 01
Plant native species to block foot traffic (Accomplished)	Nov 99	Oct 01
Clear exotic vegetation (Accomplished)	Nov 99	Jan 02
Renovate bicycle rack at Hightower Beach Park (accomplished)	Jan 01	Aug 01
Initiate controlled burn program (accomplished)	Jan 02	-
Expand Hightower parking* (engineering plans completed)	Jul 02	Sep 05
Construct boardwalk* (submitted 2004 FRDAP application)	Oct 03	Sep 05
Construct restroom facilities	Oct 05	Dec 05

* Implementation of these projects will depend on availability of resources. The City is pursuing donations and grants as means to speed their completion.

7) Monitoring and Reporting:

The City will continue to prepare and forward to the Florida Communities Trust prior to the anniversary date of Project Plan approval an Annual Report evaluating implementation of the Management Plan. The Report will include an evaluation of the

degree of success in implementing the Management Plan. The Priority Schedule will form the basic criterion for evaluating the degree of success in implementing the Management Plan. In the event that the City determines that it is necessary to update the Management Plan, they will notify the Florida Communities Trust in writing of the proposed changes. Changes will be implemented only with the prior written approval of the Florida Communities Trust.

8) Supporting Documents:

Supporting documents for this Management Plan include:

- Project Site Location Map (**Exhibit 1**)
- Master Site Plan (**Exhibit 2**)
- Special Management Conditions of the Conceptual Approval Agreement (Section VIII) (**Exhibit 3**)
- Biological Survey/Ecological Assessments (21 April 1998) (**Exhibit 4**)
- Southeaster Beach Mouse Trapping Report (6 December 2000) (**Exhibit 5**)
- ~~Florida Natural Inventory listed plant and animal reporting forms (**Exhibit 6**)~~
- Letter from the Division of Historical Resources (16 July 1999) (**Exhibit 7**)
- Map of Brevard County's Coastal Corridor Multi-Use Trail (**Exhibit 8**)
- Grant Award Agreements and recorded deeds (**Exhibit 9**)

BREVARD COUNTY

BOARD OF COUNTY COMMISSIONERS

FLORIDA'S SPACE COAST



(407) 633-2001

OFFICE OF THE COUNTY MANAGER
Brevard County Government Center, 2725 Judge Fran Janssen Way, Bldg. C, Viera, FL 32940

July 19, 1999

To Whom It May Concern:

The approximate 7.02 acre parcel identified as Parcel 10, lying immediately north of Hightower Beach along A1A is located in unincorporated Brevard County.

On April 14, 1998, the Brevard County Board of County Commissioners authorized a letter of intent to the City of Satellite Beach agreeing to cooperate with the City if the City is awarded a grant to purchase 7 acres of land located immediately north of Hightower Beach Park off A1A.

The purchase of Parcel 10 through the City of Satellite Beach's Preservation 2000 Grant application for the specific intent of preserving this property in its natural state is consistent with the Brevard County Comprehensive Plan.

The following objective and policy from Brevard County's Comprehensive Plan supports the preservation of this undeveloped oceanfront property as follows:

1. Coastal Access Objective 11 requires the County to provide public access to beach shorelines consistent with public needs and shoreline natural-resource requirements.
2. Coastal Access Policy 11.2 requires the County to continue the Beach and Riverfront Acquisition Program, consistent with available funding and needs identified by the County Commission.

Very truly yours,

Tom N. Jenkins
TOM N. JENKINS
County Manager

TN]:cc

STAFF REPORT

On July 25, 2001, the Satellite Beach City Council voted to transmit a comprehensive plan amendment to the Department of Community Affairs (DCA). This plan amendment (DCA #01-1) results in an additional 366 housing units at the Patrick Air Force Base South Housing Area. The City is stating that the proposed increase will be offset by reductions in their Density Map elsewhere within its boundaries. Specifically, the City is proposing an overall reduction of 425 units from their Density Map, coupled with a 366 unit increase for the South Housing Area, which results in a net reduction of 59 units. However, this reduction in density involves properties that are already developed rather than vacant sites.

The City has submitted information which indicates that additional units have been reduced through the purchases of open space. Satellite Beach has bought 8.7 acres of oceanfront property within the City's boundaries. The purchase of this land for open space has resulted in a reduction of 250 potential residential units. The City has also purchased 8 acres of oceanfront property within the unincorporated County. This land is located adjacent to the northern boundary of the City and is proposed for annexation in January 2002. The purchase of this unincorporated area has resulted in the reduction of an additional 120 residential units. The total reduction in density that has resulted from the City's purchase of the above open space areas is potentially 370 residences.

An essential discussion point arises based upon the above stated methodologies. This point pertains to the appropriateness of counting units removed from lands purchased for public purposes. One point of view is to conclude that the purchase of land for open space reduces overall densities and therefore can offset the potential increase in units at the South Housing Area. The second point of view is to conclude that the reduction in density from lands purchased for public open space should not be utilized as a justification for density increases elsewhere.

The County has shown a commitment to cap or even reduce densities on the barrier island. This process began in the South Beaches area with the adoption of the 1992 South Beaches Small Area Plan and has continued to the present day. As recently as the 2000B Plan Amendment Cycle, the County adopted comprehensive plan amendments that capped the residential densities for the unincorporated areas on the northern and central barrier island at existing levels.

As part of the 1999B Plan Amendment Cycle (adopted May 16, 2000) the Board of County Commissioners voted to approve an amendment (99B.6) that capped the number of homes at the South Housing Area at 999 units. This amendment, which was found in compliance by the DCA, was specially drafted to cap the proposed densities for the south Patrick Housing area at existing residential density levels. This capping of densities was proposed even though the County had submitted plan amendments (Future Land Use Element and Future Land Use Map updates) that resulted in a net decrease of approximately 168,932 dwelling units. Additionally, in the updated FLUE, the Department of Community Affairs insisted that all references to density bonuses be deleted when such properties were located in the CHHA.

The staff report that was submitted to the Department of Community Affairs for Plan Amendment 99B.6 included an analysis of the project's consistency with the County's Comprehensive Plan. Specifically, this report referenced, among various other goals, objectives and policies, Objective 7 of the Coastal Management Element. This objective states that the County will limit densities within the coastal high hazard zone and will direct development outside of this area. In addition, Coastal Management Element Policy 8.10 was referenced within the staff report. This policy states that Brevard County shall issue development orders for projects conditioned on the hurricane evacuation time meeting the acceptable standard.

Based upon the average household size in the County, the additional 366 residential units proposed for the South Patrick Housing Area translates into a population increase of approximately 860 persons. Additionally, the 366 units represent an increase of approximately 3,495 average daily automobile trips as well.

If the residential units from the lands purchased for open space are included in the overall density reduction figure then the City's comprehensive plan amendment does not result in an increase in homes on the barrier island. If the units removed from the open space areas are not included into the overall density reduction figure, then the increase in residences at the South Housing Area appears to result in a net increase in residences (since the methodology utilized by the City reduces density on properties that are already developed) on the barrier island.



Beachcaster

Your Official City Newsletter

October 1999

Annexation Special Edition

PAFB South Housing Area To Be Privately Owned

Referendum for City Voters on November 2

Over the past year, your City Council and staff have been engaged in an ongoing dialogue with United States Air Force (USAF), Patrick Air Force Base (PAFB), State of Florida, and Brevard County officials concerning USAF's decision to privatize (i.e., sell to private owners) the PAFB South Housing Area. With this large area adjoining our City's northern boundary, such a change can greatly impact our City and our quality of life. Because of this, we have considered it crucial that we participate as fully as possible in shaping plans for the future of this neighboring area.

Plans for privatization are moving steadily forward. In past editions of the *Beachcaster*, we have tried to keep our residents informed about this project, and future editions will continue to provide updates. However, to determine more clearly what our future involvement in this process should be, we now need our residents to tell us whether we should pursue annexing the South Housing Area into our City if the opportunity arises. ***This is the question we will be asking voters in a referendum on November 2.*** To facilitate your informed decision, this special edition will explain the privatization effort and the impact annexation can be expected to have on our City.

The Decision To Go Private

The concept of privatization was approved by Congress as a method to supplement traditional ways of building military housing. Its main objective is making housing available more quickly and effectively than is possible through the cumbersome federal appropriations process. Its main results are new military housing built to market standards and significant stretching of limited Defense Department funds.

In 1997, the Secretary of Defense directed all military services to "revitalize, divest through privatization, or demolish all substandard housing by the year 2010." PAFB's South Housing was selected for privatization for two reasons: [1] built in the 1950s, it is in poor condition and considered substandard; [2] it is geographically separated from the main base. USAF states categorically that

privatizing South Housing does not stem from any planned base closure or reduction in force for PAFB.

In addition, this project meets the Defense Department's financial criteria for converting federal land to private use. Over a 50-year period, for every \$1 a developer spends to redevelop South Housing, it would cost USAF \$9.30. This is because USAF must pay salaries, material, and relocation of AF personnel while homes are fixed up, as well as benefits and other expenses.

PAFB has 1,549 existing housing units—300 in North Housing (built in 1995), 250 in Central Housing (built in 1997), and 999 substandard units in South Housing. Consistent with the Secretary's directive, privatization financial criteria, and PAFB's current and projected need for only 1,102 units, USAF has decided to privatize South Housing in order to acquire as quickly and economically as possible the 552 new units it needs in that area.

The Privatization Plan

Situated on 310 acres of land, the South Housing area also contains the following community facilities: chapel, youth center, athletic fields, emergency response facility, and shopette. * USAF will sell a total of 274 acres of this land and all of the housing units to a developer, making the property private and taxable.

Current redevelopment plans for South Housing envision the following four components:

➤ **Residential for USAF Personnel.** The developer will renovate or build 552 rental military-housing units (covering 90 acres) and operate, maintain, and manage them for PAFB-referred personnel for a period of 50 years.

• The developer cannot sell individual units to investors, because USAF is looking for a long-term ownership and management arrangement. Those referred by PAFB will be military members and their families in grades E-5 through O-7, who will have the right of refusal (PAFB will not guarantee occupancy). Rent will be paid directly by the military member by allotment, with rent and utilities not exceeding the member's housing allowance.

• If referrals are insufficient for full occupancy, vacant units may be rented to other tenants, based on active, retired, reserve or federal-employment status. If vacancies exist after these categories, units may be rented to the general public. All of these rentals will be at market value.

➤ ***USAF Community Facilities.** USAF will retain ownership of the 36 acres containing the above-mentioned community facilities, which it will keep for the exclusive use of its personnel.

➤ **Residential for Public at Large.** 159 acres will be redeveloped in a manner compatible with the military housing area, with a maximum of 447 private housing units to be built and sold to the public.

➤ **Commercial Center.** A total of 25 acres will be allocated to a neighborhood commercial center for retail, office, child-care, and other compatible uses. It will be pedestrian/bicycle-oriented and accessible by sidewalks, bike paths, and greenways from the surrounding residential areas.

The developer will be selected on a "Best Value" basis, not low bidder. "Best Value" is defined as "the proposal offering military families affordable housing with outstanding quality designs, construction, and real estate management services, in a secure and well-planned community and yielding the highest return on the Government's investment."

The New Community

* Recognizing the unique qualities of the site and the barrier-island environment, the overall community plan will provide for the following:

- A design which enhances the character, appearance, and livability of the community; provides compatibility with existing and planned land uses in the surrounding areas; and presents an appearance as pleasing and interesting as other quality residential developments in the area.
- An optimum balance of structures, and avoidance of excessive uniformity among smaller units.
- Underground utilities.
- Efficient vehicular and pedestrian traffic patterns, designed to encourage pedestrian use.
- Recreation areas.
- Common green spaces with native landscaping and ornamental highlights.
- Street lighting designed to protect sea turtles during nesting season.

* All construction will conform to local and State building codes and industry standards and practices, and the project will comply with applicable local and State planning, environmental, and zoning requirements, as well as the applicable City or County Comprehensive Plan.

* The military housing will contain a mixture of two, three, and four-bedroom single-family and multi-family (duplex and townhouse) units, with aesthetically pleasing elevations and a focus on energy efficiencies. There will be no stacked units (no dwelling unit above another).

* The total number of units will not exceed the existing number of 999, and average density for the area will not exceed 3.43 units per acre. Density in the military housing will not exceed 6 to 8 units per acre, and private housing densities will be 2 to 5 units per acre.

Initial Timetable for Privatization

- | | | | |
|---|---|-----------------------------------|--------|
| ➤ | 1 | USAF issues RFP | Aug 99 |
| ➤ | 2 | Developers submit qualifications | Oct 99 |
| ➤ | 3 | Developers submit proposals | Jan 00 |
| ➤ | 4 | USAF evaluates proposals | May 00 |
| ➤ | 5 | USAF awards project/closing | Jul 00 |
| ➤ | 6 | Developer begins construction | Nov 00 |
| ➤ | 7 | Complete construction (estimated) | May 04 |

Annexation—Preparations and Impacts

Because privatization contemplates redevelopment of almost the entire South Housing Area, it will inevitably impact our City in substantive ways, whether the area becomes part of our City through annexation or it simply remains our neighbor—as private property located within unincorporated Brevard County, instead of federal property associated with PAFB. (Because the area is situated outside the boundaries of any municipality, upon transfer from federal to private ownership, it automatically becomes part of unincorporated Brevard County, unless it is annexed into our City.) Clearly, annexation would bring the most significant impacts, including delivery of our high-quality services to a broader area, greater housing selections (including new homes) for our residents, the ability to ensure that development and residential density in this nearby area meet our standards, and a tax-base increase of more than 25% with which to fund City services in the future.

To stay ahead of impending changes, City Council, staff, and volunteers have been working diligently over the past year to identify and plan for the impacts we can expect. The following summarizes their activities to prepare for annexation if it becomes feasible.

- **City Council.** Over the past year, City Council has:

- [1] Participated in several meetings with USAF, State, and County officials to develop a mutual understanding of privatization and annexation issues and objectives.
- [2] Directed that a referendum be held to determine the will of our residents regarding annexation.
- [3] Directed City staff to fully prepare for the possibility of annexation.

- **City Staff.** All Department Heads were directed to evaluate the impact annexation would have on their departments and the services they provide. The bottom line of their analysis is that revenues from the increased tax base would significantly exceed the cost of additional services required. (*See table on page 4 for summary of financial impacts.*)

- **Comprehensive Planning Advisory Board (CPAB).** As federal land, the South Housing Area has never been included in any local (City or County) Comprehensive Plan. Regardless of whether it becomes part of our City or defaults into unincorporated Brevard County, the applicable Comprehensive Plan must be amended to provide for redevelopment of this area. Our citizen CPAB has taken the following initial steps to position us for annexation:

- [1] Began informal interaction with applicable USAF and State agencies to prepare for the formal Comprehensive Plan amendment process.
- [2] Approved the concept of Planned Unit Development (PUD) zoning for the South Housing Area, which would allow mixed residential/commercial development and prevent the number of residential units from exceeding the current number (999) in the PUD area.
- [3] Unanimously recommended annexation of the South Housing Area to City Council.

The Annexation Process

This *Beachcaster* has described the preparations our City is making for annexation *if it becomes feasible*. Feasibility can occur, and City Council can be ready to act, when the following conditions have been fulfilled:

- ① The proposed development concept must be consistent with our City's Comprehensive Plan.

- ② Under State law, annexation can occur only if the area to be annexed is contiguous to the annexing municipality (*it is—see map insert*), and both sides agree to annexation. As owner of the land, USAF could request annexation before the area is sold, but federal officials have opted not to do this. Consequently, the earliest that annexation could be requested is after the developer acquires the land (and the issue could be deferred indefinitely if the developer chooses to pass this decision to the residents of the new community).

- ③ For our part, our City Charter provides that annexation approval must be obtained by referendum—and that brings us to November 2nd.

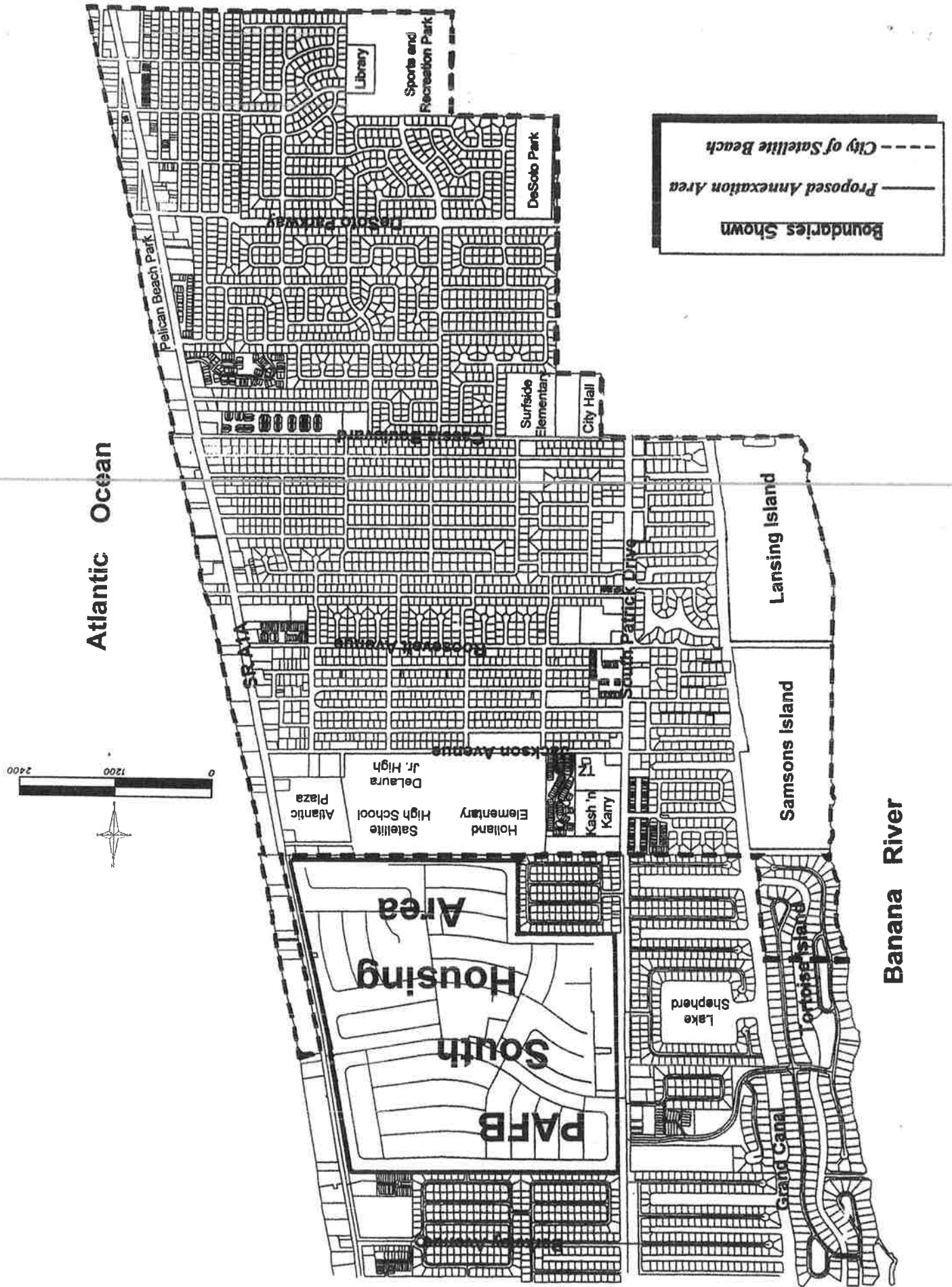
The Referendum

Next month on **Tuesday, November 2**, Satellite Beach residents will be asked to give our City Council the authority to pursue annexation when feasible, by answering the following question:

Shall the City Council of the City of Satellite Beach have the authority to favorably consider the annexation of the Patrick Air Force Base South Housing Area into the City of Satellite Beach pursuant to the requirements of law, if requested by (a) the United States or any of its agencies and/or (b) the successful bidder for redevelopment of the Patrick Air Force Base South Housing Area?

VOTE ON TUESDAY, NOVEMBER 2ND

City of Satellite Beach & Proposed Annexation Area (PAFB South Housing)



The financial impacts our City could realistically expect from annexing the South Housing Area are both short-term (occurring during development) and long-term (recurring annually after the new community is built-out). Both of these are discussed in the City Manager's 8/24/99 report to City Council, which is available for review at both City Hall and the Reference Section of the Satellite Beach Public Library. The following table presents a bottom-line summary of the recurring annual impacts discussed in that report.

Summary of Financial Impacts of Annexation on Satellite Beach		
	<i>SOURCE</i>	<i>ANNUAL INCREASE</i>
<i>Revenues</i>	Property Taxes	559,308
	State Shared Revenues	173,500
	Stormwater Utility Tax	40,000
	Franchise Fees	106,000
	Utility Taxes	78,800
	<i>Total Recurring Revenues</i>	<i>\$ 957,608</i>
<i>Expenses</i>	Administration/Finance	11,000
	Police Department	275,760
	Fire Department	19,546
	Building and Zoning	25,000
	Public Works	122,500
	25% Contingency	113,452
	<i>Total Recurring Expenses</i>	<i>\$ 567,258</i>
	<i>Revenues Exceeding Expenses</i>	<i>\$ 390,350</i>

NOTE: The Recreation Department is not included in this table because annexation will cause no changes in our recreation services. This is because ❶ our recreation services will be available to the new community's residents regardless of whether they reside in the County (paying non-resident fees) or in our City; ❷ a major expansion of our recreation facilities is already in progress (at the Teen Zone property and the Sports and Recreation Park); and ❸ even without annexation, the developer must still provide five acres of recreation/green space (per Brevard County's Comprehensive Plan).

Referendum → November 2nd → VOTE!

This special edition of the *Beachcaster* was prepared by Lorraine Gott, based on information obtained from USAF, Brevard County, and City of Satellite Beach public documents.

CITY OF SATELLITE BEACH

PETITION FOR ANNEXATION

1. APPLICANT NAME: Patrick Family Housing, LLC
CONTACT PERSON (if corporation): Kathryn G. Thompson
Address: 10455 N. Central Expressway Suite 109-332
City: Dallas State: Texas Zip: 75231
Telephone: 214-662-9012 FAX: 972-272-3677 E-Mail: KGT.DAL@VERIZON.NET
972-272-3676
2. OWNER OF PROPERTY: U.S.A.F.
Address: _____
City: _____ State: _____ Zip: _____
Telephone: _____ FAX: _____ E-Mail: _____
3. If applicant or owner cannot attend the Planning and Zoning Board and/or City Council Meetings, please list the name of a representative who will make the presentation, answer questions or make decisions for the applicant or owner.
REPRESENTATIVE NAME: Kathryn G. Thompson
Address: 10455 N. Central Expy #109-332
City: Dallas State: Texas Zip: 75231
Telephone: 214-662-9012 FAX: 972-272-3677 E-Mail: KGT.DAL@VERIZON.NET
972-272-3676
4. Attach a metes and bounds legal description of the specific property covered by this petition unless it is a platted lot or lots. ☒
5. Size of specific area covered by application (acreage must agree w/legal and survey): Approx 2.50 acres
6. Existing County Future Land Use: None Existing County Zoning: None
7. Proposed Future Land Use: Residential Proposed Zoning: Residential
RLA "PHD South Housing"
5 units per acre

8. Type of existing development: Residential
Type of proposed development: Residential
Number of structures: Approx 1300 Density: 5 units per acre

9. List any lien holders for the property and provide letters of consent from all lien holders: _____

10. THE FOLLOWING ITEMS ARE NEEDED TO COMPLETE THIS APPLICATION FOR REVIEW:
- a. Two certified surveys of the property.
 - b. Written legal description of specific area with exact acreage.
 - c. Affidavit of ownership, if applicable.
 - d. Certificate of title from an attorney or title insurance company.
 - e. Letter of consent from lien holders, if applicable.
 - f. ☒ Comprehensive Plan Amendment Application.

____ I AM THE OWNER ☒ I AM THE LEGAL REPRESENTATIVE OF THE OWNER

Attach affidavit of ownership of the property described which is the subject matter of this application. Under penalties of perjury, I declare that I have read the foregoing application and that all the answers to the questions in said application and all sketches and data and matter attached to and made a part of this document, I am giving the City or agent thereof the authority to duplicate, disseminate, and reproduce any and all items submitted as part of this request, whether copyrighted or not.

June 11, 2003 date
[Signature] signature of applicant
SWORN TO AND SUBSCRIBED BEFORE ME this 11th day of June, 2003
By Kathryn Thompson who is personally known to me or produced
Texas D.L. I.D. and did take an oath.

[Signature]
NOTARY PUBLIC, State of Florida at Large
SUZANNE M. MCLENDON
MY COMMISSION # CC 969329
EXPIRES September 20, 2004
Bonded This Notary Public Underwritten
(seal)

ORDINANCE NO. 858

3
6-18-03

AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE ANNEXATION OF 310+ ACRES, LOCATED CONTIGUOUS TO A PORTION OF THE NORTHERN CORPORATE LIMITS OF THE CITY OF SATELLITE BEACH, WEST OF HIGHWAY A1A, AND EAST OF SOUTH PATRICK DRIVE, IN TOWNSHIP 26 SOUTH, RANGE 37 EAST, SECTION 26; PROVIDING FOR THE EXTENSION OF THE CORPORATE LIMITS AND BOUNDARIES THEREOF; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HERewith; PROVIDING AN EFFECTIVE DATE (FIRST READING)

BE IT ENACTED BY THE CITY OF SATELLITE BEACH, FLORIDA:

SECTION 1. In accordance with the provisions of law, the following described parcel of property being situated in Brevard County, contiguous to the existing corporate limits and boundaries of the City of Satellite Beach, and being reasonably compact, is hereby annexed, established, organized into, and made a part of the City of Satellite Beach:

All that certain parcel of land being a portion of section 26, Township 26 South Range 37 East, Brevard County, Florida; being more particularly described as follows:

Commencing at a P*K nail and washer stamped MOTT 3608 marking the Southwest corner of said Section 26 lying in Township 26 South, Range 37 East, Brevard County, Florida and bearing coordinates North 1,400,864.68 feet and East 783,018.08 feet based on State Plane Coordinate Systems, Florida East, NAD 83; thence

North 89 degrees, 16 minutes, 21 seconds East along the South line of said Section 26 for a distance of 1317.82 feet to a recovered 4x4 inch concrete monument being designated as the POINT OF BEGINNING for the herein described parcel of land; thence

From the POINT OF BEGINNING run North 00 degrees, 53 minutes, 24 seconds West along the East line of South Patrick Park first addition according to the plat thereof recorded in Plat Book 17, Page 116 of the public records of Brevard County, Florida, for a distance of 1,000.55 feet to an Iron pipe; thence

South 89 degrees, 16 minutes, 43 seconds West for a distance of 1,218.85 feet to a 4x4 inch concrete right-of-way marker for South Patrick Drive; thence

North 00 degrees, 55 minutes, 02 seconds West for a distance of 3,001.31 feet to a recovered 4x4 inch concrete right-of-way marker; thence

North 89 degrees, 14 minutes, 27 seconds East for a distance of 3,333.18 feet to a recovered 1 foot concrete monument being a right-of-way marker for State Highway A1A; thence

South 09 degrees, 58 minutes, 53 seconds East for a distance of 1,700.45 feet to a P.K. nail set in top of concrete wall; thence

South 12 degrees, 03 minutes, 50 seconds East for a distance of 2,371.13 feet to a recovered 6x6 inch concrete monument marking the right-of-way of State Highway A1A; thence

South 89 degrees, 15 minutes, 35 seconds West for a distance of 1,000.00 feet to a set aluminum monument having the designation of SECOR-1; thence

South 89 degrees, 15 minutes, 28 seconds West for a distance of 1,000.04 feet to a set aluminum monument having the designation of SECOR-2; thence

South 89 degrees, 15 minutes, 46 seconds West for a distance of 841.06 feet to the POINT OF BEGINNING. Said tract contains 309.99 acres, more or less.

Also generally known as Patrick Air Force Base South Housing Area.

A map showing the general location of the above-described property is attached to this ordinance as Exhibit A.

SECTION 2. The corporate limits and boundary lines of the City of Satellite

Beach shall be redefined to include the above parcel.

SECTION 3. This ordinance shall be published once a week for two consecutive

weeks in a newspaper of general circulation in the City of Satellite Beach.

SECTION 4. Should any section or provision of this ordinance, or any portion

thereof, be declared by a court of competent jurisdiction to be invalid or unconstitutional,

such decision shall not affect the validity of the remainder of this ordinance, and the

remainder shall continue in full force and effect.

ORDINANCE NO. 858

SECTION 5. This ordinance shall become effective upon conveyance of the property described in Section 1 from the United States Government acting on behalf of and through the Secretary of the Air Force to Patrick Family Housing LLC or any approved assignee or third party.

SECTION 6. This ordinance was passed on the first reading at a regular meeting of the City Council on the _____ day of _____, 2003 and adopted on second and final reading at a regular meeting of the City Council on the _____ day of _____, 2003.

BY: _____
Bob Bolin, Mayor

ATTEST:

Barbara Boyens, CMC, City Clerk



DEPARTMENT OF THE AIR FORCE

AIR FORCE CENTER FOR ENVIRONMENTAL EXCELLENCE

9 June 2003

HAND DELIVERY

City of Satellite Beach, Florida

RE: Patrick Family Housing, LLC
Application for annexation and other land use issues

Gentlemen:

The United States Air Force has today announced that Patrick Family Housing, LLC is the apparent successful offeror to develop privatized military housing on real property located in an area immediately north of, and adjacent to, the City of Satellite Beach, the area commonly known as the "Patrick Air Force Base South Housing Area." The conveyance of this property by the United States Air Force to Patrick Family Housing, LLC is presently scheduled to occur before 1 July 2003. The United States Air Force will be a minority investment member of Patrick Family Housing, LLC. Others members of this limited liability company will include CEI Investment Corporation or its representatives.

To enable a representative of Patrick Family Housing, LLC to begin to engage with you and your staff in connection with the potential annexation of the Patrick Air Force Base South Housing Area and other land use issues associated with this development before the closing of this transaction, this is to authorize Kathryn G. Thompson of CEI Investment Corp. to meet with you and to undertake such actions as may be necessary related to the potential annexation of this housing area and other land use issues, including, but not limited to meetings and negotiations with representatives of the City, the development of drafts of annexation applications and supplements as may be required, appear before public hearings as the representative of the imminent owner of the property and such other actions as are reasonably associated with such annexation petitions and land use actions.

If at any time you have any questions concerning the scope of this designation please feel free to contact the undersigned at (210) 536-8174.

GORDON O. TANNER
Chief Counsel, Legal Division

Exhibit A
Hightower Park

Township 26, Range 37, Section 26, Sub.00, Parcels 26.0 and 751.0

Parcel 26.0 :

The Southern 100 feet of the following described property:

The south one-half of Government Lot 1, lying east of State Road A1A and a portion of Government Lot 2, lying north of Official Records Book 301, page 481, and east of State Road A1A, Section 26, Township 26 South, Range 37 East, Brevard County, Florida, said parcel lying north of and adjacent to Hightower Beach Park, Brevard County, Florida.

Parcel 751.0:

All that certain tract or parcel of land situated in Government Lot 2, Section 26, Township 26 South, Range 37 East, Brevard County, Florida, and more particularly described as follows:

Beginning at the point of intersection of the eastern prolongation of the centerline of Patrick Drive in the Capehart Housing Project and the eastern right-of-way boundary of Highway A1A, go thence along said eastern right-of-way boundary North 12° West, 50.0 feet to a point; thence leaving said right-of-way boundary North 78° East, approximately 250 feet to the mean high water mark of the Atlantic Ocean; thence along said mean high water mark South 12° East, 100.0 feet to a point; thence leaving said mean high water mark South 78° West, approximately 250 feet to a point on the eastern right-of-way boundary of Highway A1A; thence along said eastern right-of-way boundary North 12° West, 50.0 feet to the point of beginning and containing 0.57 acres more or less.

COUNTY DEED

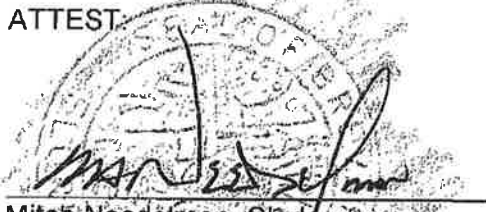
THIS DEED, made this 20 day of March, 2012 by the BREVARD COUNTY, a political subdivision of the State of Florida, whose address is 2725 Judge Fran Jamieson Way, Viera, Florida, 32940, party of the first part, and the CITY OF SATELLITE BEACH, a Florida municipal corporation, whose address is 565 Cassia Boulevard, Satellite Beach, Florida 32937-3116, party of the second part.

WITNESSETH that the said party of the first part, for and in consideration of the sum of \$10.00 to it in hand paid by the party to the second part, receipt whereof is hereby acknowledged, has granted, bargained and sold to the party of the second part, its successors and assigns forever, the land described in Exhibit "A", attached hereto and made a part of this Deed, said land lying and being in Brevard County, Florida, and commonly referred to as land within Hightower Beach Park.

The property described in Exhibit "A" (the "Property") is to be used solely as a public beach park and for purposes providing public recreational use and related activities. Any user fees required by the City must be applied uniformly with no differential in amount charged to the public. A minimum of 33 parking spaces shall be available to the public. In the event this Property is not used or ceases to be used for the stated purpose and under the stated conditions, then all right, title and interest in the Property shall revert to the party of the first part which shall thereafter have the right to reenter and repossess the Property conveyed herein. The foregoing shall be deemed to be a restrictive covenant which shall be deemed to be a covenant running with the land.

IN WITNESS WHEREOF, the said Grantor has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairman of said Board, the day and year aforesaid.

ATTEST


Mitch Needelman, Clerk

(SEAL)

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

By: 

Chuck Nelson, Chairman

As approved by the Board 3/20/12

From Preserve Doss

Why PAFB
had a lot of
natural percolation
of rain in Pelican
Coast. Design.

Appendix B

Letter from Matthew Soyka, P.E.



OUTLAW, RICE, SOYKA & SWEENEY, INC.

Consulting Engineers • Planners • Land Surveyors

DEVILLES, OUTLAW, P.E., R.L.S.
JOHN B. RICE, P.E.
MATTHEW A. SOYKA, P.E.
MICHAEL J. SWEENEY, R.L.S.

1222 North Harbor City Boulevard • Melbourne, Florida 32935
Mailing Address: P.O. Drawer 1299 • Melbourne, Florida 32902
(407) 254-9721 • FAX (407) 242-7854

April 16, 1998
E 100

MEMO

TO: Michael P. Crotty, City Manager
FROM: Matthew Soyka, P.E. *MS*
RE: Recharge Potential for Natural Areas
within Satellite Beach, East of A1A

This is in reference to the City's question as to whether the natural areas east of A1A, within the City of Satellite Beach, are high aquifer recharge areas for the surficial aquifer.

The primary usage of the surficial aquifer, within Satellite Beach, is lawn irrigation and A/C heat exchange.

Based on ORSS's involvement with subsurface drainage in the City, it appears that the surficial aquifer reaches its highest point somewhere around the geographic centerline of the City. The elevation of the surficial aquifer decreases to the east and west of this high point.

The primary means of recharging the City's surficial aquifer, at this point in time, is through percolation of rainfall. Considering that the City is substantially built out and covered with a significant amount of impervious area, most of the rain that falls on the City is runoff. The runoff flows into the City's storm sewers and is conveyed to the Indian River Lagoon. Consequently, the amount of rainfall which is available to recharge the surficial aquifer is essentially limited to that rain which can be percolated through the limited green areas in the City.

As previously mentioned, the elevation of the surficial aquifer decreases to the east. The A1A area is the lowest elevation for the surficial aquifer.

The less rainfall that is allowed to percolate in the A1A area, the more likely it is that the elevation of the eastern portion of the surficial aquifer will decrease in elevation. That decrease in elevation

at the easterly terminus of the surficial aquifer would also most likely decrease the overall elevation of the surficial aquifer throughout the City.

Therefore, it is my opinion that the natural areas east of A1A are very important in maintaining the surficial aquifer at its present levels. Should these areas be developed, it is possible that there could be a lowering of the surficial aquifer in the City.



September 12, 2001

MEMORANDUM

TO: Mel Scott, Planning and Zoning Director

RE: Staff Report and Letter of Objection to Proposed Plan Amendment Submitted by City of Satellite Beach

The Board of County Commissioners, in regular session on September 11, 2001, authorized the Chairman to sign a letter of objection to the Department of Community Affairs concerning the proposed Comprehensive Plan Amendment submitted by the City of Satellite Beach for an increase of 366 residential units on the barrier island.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

A handwritten signature in dark ink, appearing to read "Bernadette Talbert", is written over a horizontal line.

Bernadette Talbert, Deputy Clerk

/sl

SEP 17 2001



September 11, 2001

Mr. James Stansbury
Community Program Administrator
Department of Community Affairs
Division of Resource Planning and Management
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

Re: City of Satellite Beach Comprehensive Plan Amendment (DCA #01-1)

Dear Mr. Stansbury:

Brevard County would like to submit the following comments regarding the above referenced Comprehensive Plan Amendment:

• The City's Comprehensive Plan Amendment results in an increase of 366 residential units at the Patrick Air Force Base South Housing area. This increase in units is not offset by an appropriate decrease in residential densities. The City calculates that an overall reduction of 425 units from their Density Map, coupled with a 366 unit increase at the South Housing area, will result in a net reduction of 59 units. However, this reduction in density involves properties that are already developed rather than vacant sites. The end result of this amendment, therefore, appears to increase densities in the Coastal High Hazard Area (CHHA).

• As part of the 1999B Plan Amendment Cycle (adopted May 16, 2000) the Board of County Commissioners voted to approve an amendment (99B.6) that capped the number of homes at the South Housing Area at the existing density (999 units). The County also adopted its updated Future Land Use Element (FLUE) during this amendment cycle. In the updated FLUE, the Department insisted that all references to density bonuses be deleted when such properties were located in the CHHA. The proposed amendment by the City of Satellite Beach appears to result in a density bonus incentive for the South Housing area (which is located in the CHHA).

• Without a true reduction in residential density, the addition of 366 residential units on the barrier island represents additional people that will need to be evacuated in the event of a hurricane. Based upon the average household size in the County, the additional residential units translate into a population increase of approximately 860 persons. Moreover, the additional 366 units will also mean an increase of approximately 3,495 average daily automobile trips as well.

Page 2
James Stansbury

- The County has shown a commitment to cap or even reduce densities on the barrier island. This process began in the South Beaches area with the adoption of the 1992 South Beaches Small Area Plan and has continued to the present day. As recently as the 2000B Plan Amendment Cycle, the County adopted comprehensive plan amendments that capped the residential densities for the unincorporated areas on the northern and central barrier island at existing levels.

The County hopes that you will consider the above remarks during your review of the City's Comprehensive Plan Amendment. The Board of County Commissioners would like to thank you for giving the County the opportunity to comment on this amendment. If you have any questions or need additional information, please contact either Mel Scott or Todd Corwin at (321) 633-2069.

Sincerely,



Susan Carlson, Chairman
Brevard County Board of County Commissioners

encl.

cc: Board of County Commissioners
Tom Jenkins, County Manager
Scott Knox, County Attorney
Peggy Busacca, Assistant County Manager
Mel Scott, Director, Planning and Zoning Office
Mike Crotty, City Manager, City of Satellite Beach

Exhibit 1

Exhibit 2

MASTER SITE PLAN
OCEANFRONT WILDLIFE AND HABITAT PRESERVATION
City of Shallice Beach, Brevard County, Florida
PCT Project Number 98-044-PSA

SHEET 1 of 3

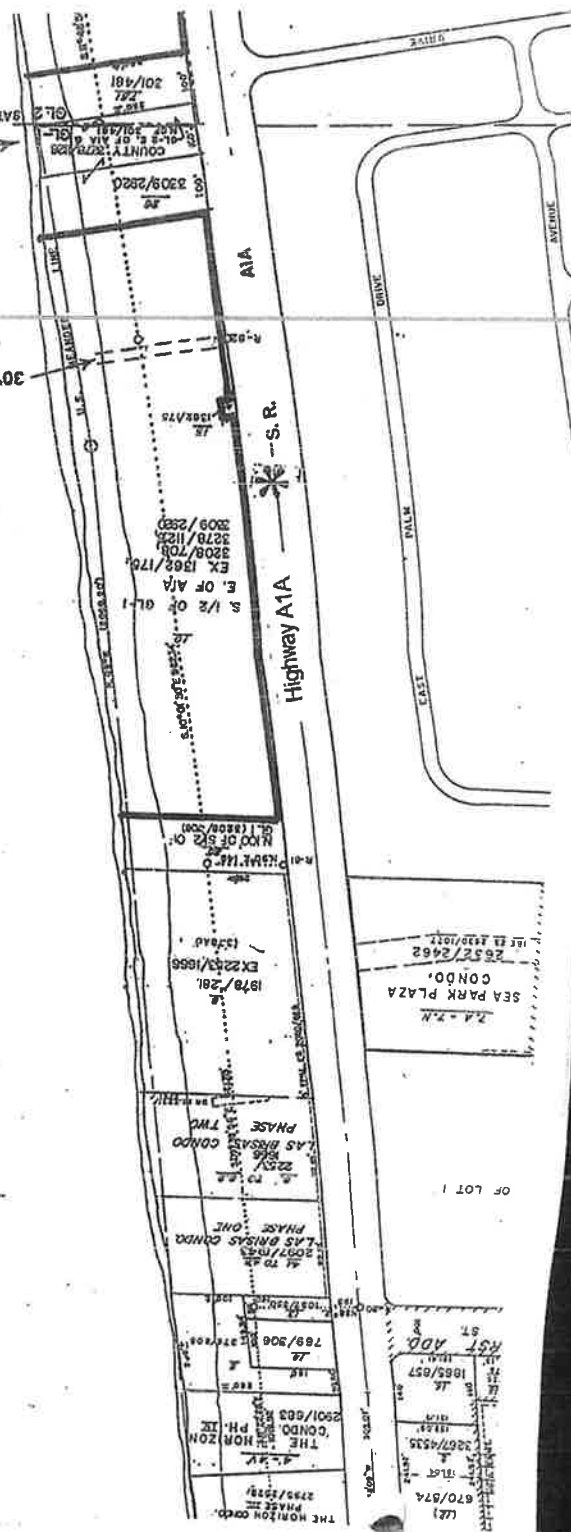
Project Site
Tract 2 of 4
Brevard County
Hightower Beach Park
SATELLITE BEACH

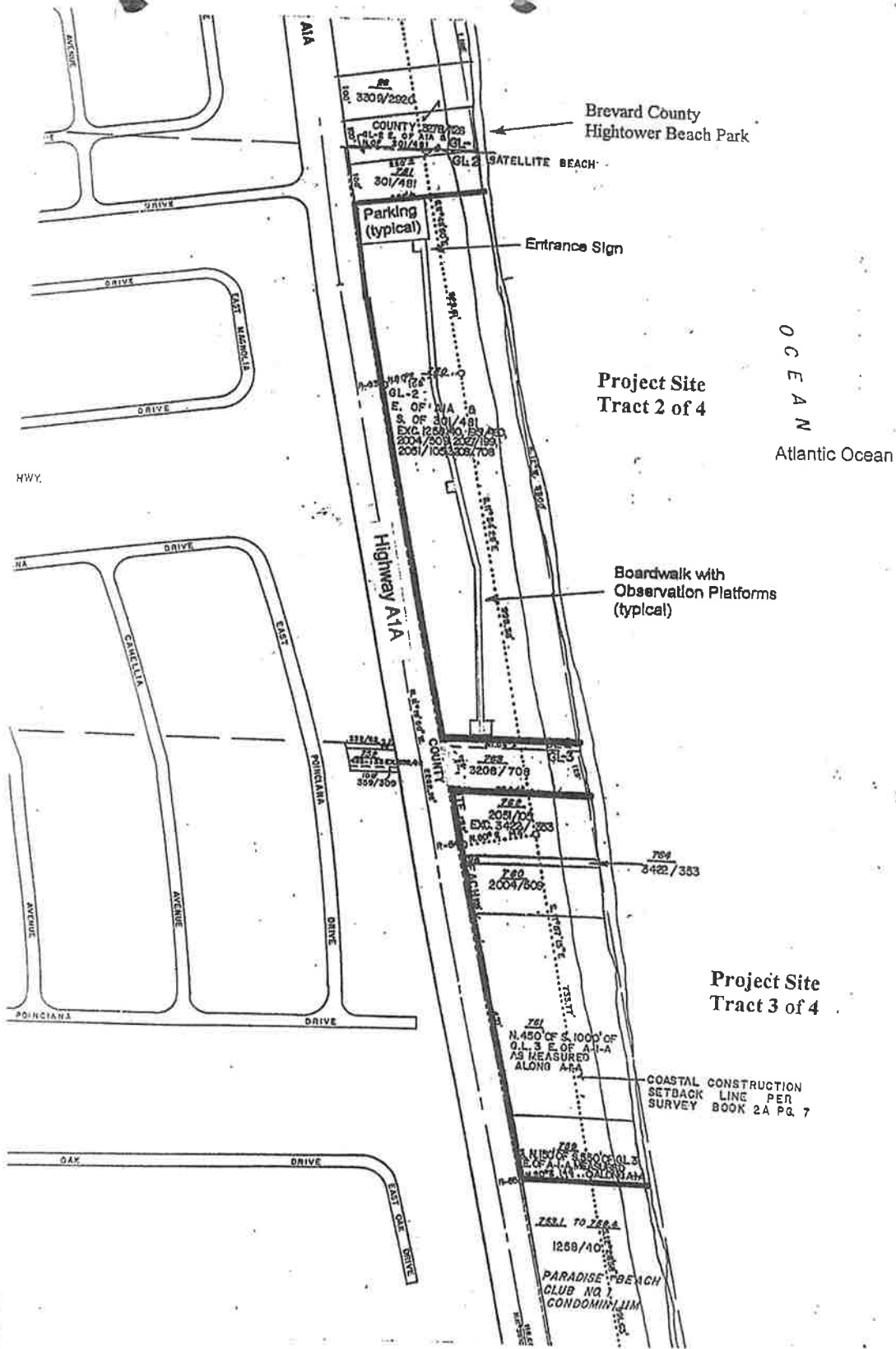
30' wide drainage easement

Project Site
Tract 1 of 4

ATLANTIC

Atlantic Ocean





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OF
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BREVARD

MASTER SITE PLAN
OCEANFRONT WILDLIFE AND HABITAT PRESERVATION
 City of Satellite Beach, Brevard County, Florida
 FCT Project Number 98-044-P8A

MASTER SITE PLAN OCEANFRONT WILDLIFE AND HABITAT PRESERVATION City of Satellite Beach, Brevard County, Florida FCT Project Number 98-044-P8A SHEET 3 of 3

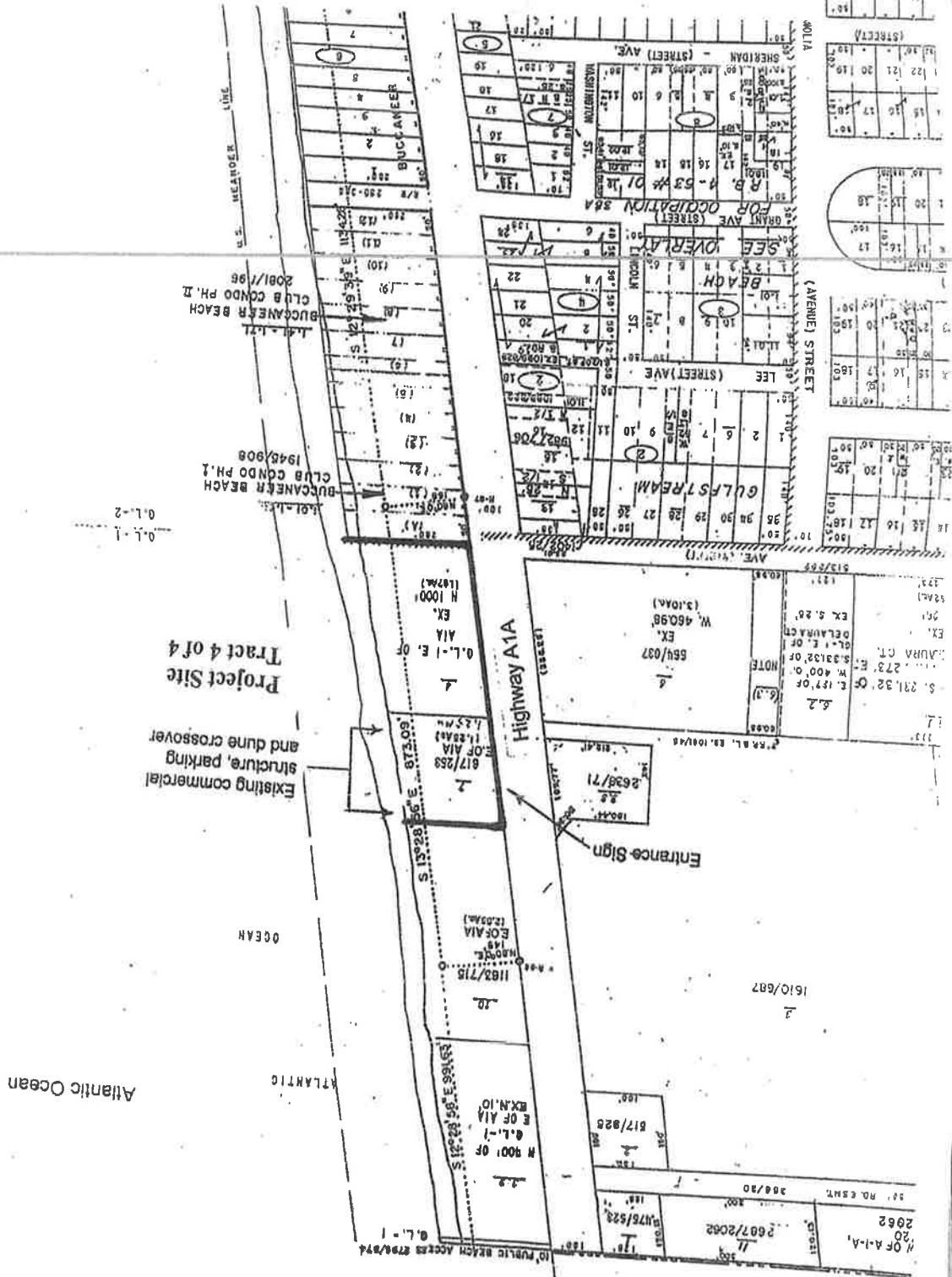


Exhibit 4

VIII. CONDITIONS PARTICULAR TO THE PROJECT SITE THAT MUST BE ADDRESSED IN THE MANAGEMENT PLAN

The management plan for the Project Site is mentioned throughout this Agreement, and is particularly described in Paragraph 1.b. of Section III above. In addition to the various conditions already described in this Agreement, which apply to all sites acquired with FCT funds, the management plan shall address the following conditions that are particular to the Project Site and result from either representations made in the application that received scoring points or observations made by the FCT staff during the site visit described in Rule 9K-4.010(2)(f), F.A.C.:

1. Outdoor recreational facilities including a boardwalk, observation platforms and interpretive displays shall be provided. The facilities shall be developed in a manner that allows the general public reasonable access for observation and appreciation of the natural resources on the Project Site without causing harm to those resources.

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 Preservation 2000 Program and the Recipient. Such recognition shall also be included in all printed literature and advertising associated with the Project Site.

3. Regularly scheduled and ongoing educational programs that promote the protection of natural resources shall be provided at the Project Site. The programs shall include guided walks and programs for school groups. The existing structure on the Project Site shall be used as an environmental education center.

4. A survey of vegetative communities and plant species shall be conducted on the Project Site. The FCT Recipient shall detail how the survey shall be used during development of the site to ensure the protection, restoration, and preservation of the natural resources on the Project Site.

5. The beach dune, coastal scrub communities that occur on the Project Site shall be preserved and appropriately managed to ensure the long-term viability of these vegetative 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 marine sea turtles and shore birds. The FCT Recipient shall coordinate with the Department of Environmental Protection's Office of Protected Species Management on the management of the Project Site for the protection of listed species and listed species habitat. The FCT Recipient shall also conduct periodic surveys of listed species using the Project Site and develop informational signs relating to the protection of listed animal species and their habitat.

7. Adjacent development activities shall be monitored through the development review and approval process to ensure that such activities do not negatively effect the resources on the Project Site. Vegetated buffers and height limitations shall be implemented as necessary to ensure that resources and planned outdoor recreation activities on the project site are sufficiently protected from the adverse impacts of adjacent land uses.
8. An ongoing monitoring and control program for invasive exotic vegetation shall be implemented at the Project Site. The Exotic Pest Plant Council's List of Florida's Most Invasive Species shall be used to identify invasive exotic vegetation on the Project Site.
9. A vegetation analysis of the Project Site shall be performed to determine which areas of the site need prescribed burning or mechanical clearing to maintain natural fire-dependent vegetative communities. The development of a prescribed burn plan shall be coordinated with the Division of Forestry and Game and Fresh Water Fish Commission. A fire line shall be developed between any adjacent development and the Project Site.
10. The management of the Project Site shall be coordinated with the adjacent County Park and with the land managers of other conservation and preservation lands in the project area.
11. Prior to the commencement of any proposed development activities, measures will 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. Pedestrian and bicycle access to the Project Site shall be promoted as an alternative to automobile transportation by providing pedestrian walkways and/or bicycle parking stands.
13. The Project Site shall be incorporated into an overall management program for the protection and enhancement of natural and recreational resources along the SR A-1-A Bike Trail.
14. The requirements imposed by other grant program funds that may be sought by the FCT Recipient for activities associated with the Project Site shall not conflict with the terms and conditions of the FCT award.

This Agreement including Exhibits "A", "B" and "C" embodies the entire agreement between the parties.



SAMPLE TABLE OF CONTENTS

PROJECT PLAN
TABLE OF CONTENTS
FOR JOINT ACQUISITION

- I. Transmittal Letter of Project Plan
 - A. Statement that Project Plan is Consistent with the {Name of Recipient} Comprehensive Plan
 - B. Statement that conditions imposed as part of Conceptual Approval Agreement are satisfied
 - C. Statement of No Violations
- II. Statement of Amount of Award Being Requested
- III. Breakdown of Total Project Cost
- IV. Executed Option Agreement(s) for Acquisition
- V. Management Plan with FCT approval letter
- VI. Map Showing Project Site and Parcels with Subject Parcels Listed

PROJECT PLAN PREPARATION

The attached is a guide for municipalities in the preparation of the PROJECT PLAN for its presentation to the Florida Communities Trust (FCT) governing board for approval. The lists of items are a guide to assist you in the preparation of the Project Plan. The sample table of contents, statement of award request, total project costs and conditions met example pages, can be utilized as a format in your preparation of the Project Plan. The dollar amounts for items in the Total Project Costs page will be supplied by FCT, unless the municipality has contracted for the services. The approved Management Plan will be included in the Project Plan.

YOU WILL NEED TO SUPPLY EIGHT (8) COPIES OF THE PROJECT PLAN TO FCT

If you have any questions on the preparation of the Project Plan, please give me a call and I will be glad to assist you.

I will need to receive the completed project plan ASAP, to place it on the August 26, 1999 FCT governing board agenda.

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TOTAL PROJECT COSTS

**FCT Project Number
98-044-P8A**

Land Purchase Price

Purchase Price \$3,800,00.00

Total Land Purchase Price **\$3,800,00.00**

Estimated Acquisition Expenses

Title Report 3,150.00
Appraisals 9,150.00
Appraisal Review 1,396.80

Total Acquisition Expenses **\$13,696.80**

Total Project Costs \$3,813,696.80

#18

19-99

over
-19
and
for

**Amount of Award Being Requested from
The Florida Communities Trust**

The total amount of the award requested from the Florida Communities Trust by the City of Satellite Beach is \$3,806,069.40 or 99.80% of Total Project Costs for FCT Project Number 98-044-P8A.

GRANT AWARD AMOUNT	\$5,000,000.00
PERCENTAGE OF GRANT AWARD	99.80%
AMOUNT OF THIS REQUEST	\$3,806,069.40
REMAINING GRANT AWARD AMOUNT	\$1,193,930.60

Preserv:

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\$10,000

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#20 fraser

PLAIN ENGLISH WRITING SERVICES
Request for Grant Authorization

#18
5-19-99

Grant Program Information

Name/Agency: Preservation 2000 (Department of Community Affairs)

Purpose: "to acquire land and the associated cost of acquisition, such as surveys and appraisals."

Total Grant Funds Available: \$22 million

Maximum Grant-Funded Amount: \$2.2/4.4 million* **Required Match:** 100% match
* \$2.2 million for a single applicant; \$4.4 million for a partnership

Funding Cycle: September 1999+

Application Deadline: 5 pm, 2 June 1999 in Tallahassee

City's Proposed Grant Project

Title/ Oceanfront Open Space.

Description: to purchase all available land east of SR A1A in the City to purchase a vacant bank building west of A1A for the Sea Turtle Preservation society if the Cornerstone building is not available includes partnership with Brevard County

Justification: follow-on to successful 1998 application to complete acquisition of available undeveloped land east of SR A1A

Total Project Cost:

Total Grant Amount:

From Grant Funds:

From Matching Funds: \$10,000

Key Staff Person: Michael Crotty, City Manager

upto \$ 11,000 approved

Recommendation to City Council

Authorize PLAIN ENGLISH to submit a grant application in the amount of \$3.6+ million for purchase of up to seven undeveloped tracts in the City east of SR A1A and a vacant commercial property immediately west of SR A1A for use as open space and educational programs, including support of the Sea Turtle Preservation Society (if necessary).

with a maximum total project cost of \$ 3.7 million and maximum City match of \$11,000.

CITY OF SATELLITE BEACH, FLORIDA

565 CASSIA BOULEVARD 32937-3197
(407) 773-4407
FAX (407) 779-1388



INCORPORATED 1957

October 19, 1999

Chris DeLorey, Education Curator
The Brevard Zoo
8225 N. Wickham Road
Melbourne, FL 32940-7924

Re: Satellite Beach Preservation 2000 Oceanfront Land Acquisition

Dear Mr. DeLorey:

Thanks in significant part to your involvement in the City's application, the City was successful in its efforts to obtain, for the second time, State Preservation 2000 grant funds with which to purchase undeveloped oceanfront land in the City. We have recently received official confirmation from the Florida Communities Trust that we are to proceed with the initial stages of the acquisition process. This is a particularly exciting time in that the Florida Communities Trust is scheduled to close within several weeks on 15 acres included in our initial 1998 application, so we are embarking on additional attempts to preserve oceanfront open space as we complete the first portion of our initial effort.

Experience with our 1998 project indicates it may be a year or more until any of this year's project lands, including those specifically identified for use as an outdoor classroom, are actually under public ownership. We first must obtain willing seller statements from the property owners and appraisals before any offers can be made and agreements of sale negotiated. The process is substantially more complicated than that involved with purchase of a home, or even a modest commercial property.

We look forward to being able to make available the parcel identified for use as an outdoor classroom. In the meantime the City's Recreation Department and local schools will work together to develop a process and parameters whereby a limited number of classes can visit the 15 acres now close to closing. Since the proposal under which this property is being acquired did not specify its use as an outdoor classroom, we will need to take special care to ensure such use does not cause harm to the property.

Again, thank you for your participation in this important project for the City.

Sincerely,

Michael P. Crotty
City Manager

MPC/rks

CITY OF SATELLITE BEACH, FLORIDA

565 CASSIA BOULEVARD 32937-3197
(407) 773-4407
FAX (407) 779-1388



INCORPORATED 1957

October 19, 1999

David E. Sawyer, Superintendent
School Board of Brevard County
2700 Judge Fran Jamieson Way
Viera, FL 32940-6699

Re: Satellite Beach Preservation 2000 Oceanfront Land Acquisition

Dear Doctor Sawyer:

Thanks in significant part to your involvement in the City's application, the City was successful in its efforts to obtain, for the second time, State Preservation 2000 grant funds with which to purchase undeveloped oceanfront land in the City. We have recently received official confirmation from the Florida Communities Trust that we are to proceed with the initial stages of the acquisition process. This is a particularly exciting time in that the Florida Communities Trust is scheduled to close within several weeks on 15 acres included in our initial 1998 application, so we are embarking on additional attempts to preserve oceanfront open space as we complete the first portion of our initial effort.

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Again, thank you for your participation in this important project for the City.

Sincerely,

Michael P. Crotty
City Manager

MPC/rks

CITY OF SATELLITE BEACH, FLORIDA

565 CASSIA BOULEVARD 32937-3197
(407) 773-4407
FAX (407) 779-1388



INCORPORATED 1957

October 19, 1999

Eric Thosteson, Assistant Professor, Ocean Engineering
College of Engineering
Florida Institute of Technology
150 W. University Boulevard
Melbourne, FL 32901-6975

Re: Satellite Beach Preservation 2000 Oceanfront Land Acquisition

Dear Mr. Thosteson:

Thanks in significant part to your involvement in the City's application, the City was successful in its efforts to obtain, for the second time, State Preservation 2000 grant funds with which to purchase undeveloped oceanfront land in the City. We have recently received official confirmation from the Florida Communities Trust that we are to proceed with the initial stages of the acquisition process. This is a particularly exciting time in that the Florida Communities Trust is scheduled to close within several weeks on 15 acres included in our initial 1998 application, so we are embarking on additional attempts to preserve oceanfront open space as we complete the first portion of our initial effort.

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Again, thank you for your participation in this important project for the City.

Sincerely,

Michael P. Crotty
City Manager

MPC/rks

CITY OF SATELLITE BEACH, FLORIDA

565 CASSIA BOULEVARD 32937-3197
(407) 773-4407
FAX (407) 779-1388



INCORPORATED 1957

October 19, 1999

Douglas Layne, Principal
DeLaura Middle School
300 Jackson Avenue
Satellite Beach, FL 32937

Re: Satellite Beach Preservation 2000 Oceanfront Land Acquisition

Dear Mr. Layne:

Thanks in significant part to the involvement of you, Don Cahall and Sue Boris, the City was successful in its efforts to obtain, for the second time, State Preservation 2000 grant funds with which to purchase undeveloped oceanfront land in the City. We have recently received official confirmation from the Florida Communities Trust that we are to proceed with the initial stages of the acquisition process. This is a particularly exciting time in that the Florida Communities Trust is scheduled to close within several weeks on 15 acres included in our initial 1998 application, so we are embarking on additional attempts to preserve oceanfront open space as we complete the first portion of our initial effort.

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We have obligations to the Florida Communities Trust which we must meet shortly after closing on the 15 acres being acquired through our first application. When those have been met, we want to work with the local schools to make it possible for your classes to begin to reap the benefits of public stewardship of this property. Our management agreement with the Florida Communities Trust for this property does not incorporate the level of educational use proposed for the land included in this year's application, but we believe it is important for students to be able to use this unique resource as part of their educational experience in this oceanfront community. I invite you and your staff to work with our Recreation Director Kerry Stoms (773-6458) and City Volunteer John Fergus (773-7075) to establish a process and parameters to enable classes to use the 15 acres.

Again, thank you for your participation in this important project for the City.

Sincerely,

Michael P. Crotty
City Manager

cc: Don Cahall
Sue Boris
John Fergus
Kerry Stoms

ON LOCAL GOVERNMENT LETTERHEAD

Ms. Anne Peery
Executive Director
Florida Communities Trust
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

RE: FCT Project Name:
FCT Project Number:
FCT Recipient Name:

Dear Ms. Peery:

The [FCT Recipient Name] has reviewed the proposed [project name] Project Plan and finds the project consistent Comprehensive Plan of [each local government in whose jurisdiction the project site is located must make statement]

After conducting a diligent search and to the best of my knowledge, there are no existing or pending violations of any local, state, regional and federal laws and regulations on the Project Site.

The conditions imposed as part of the Conceptual Approval Agreement have been satisfied.

Sincerely,

Name
Title

**Management Plan
for
FLORIDA COMMUNITIES TRUST
PRESERVATION 2000 PROGRAM
Project Number 98-044-P8A
Oceanfront Wildlife and Habitat Preservation**

Submitted by

**City of Satellite Beach
565 Cassia Boulevard
Satellite Beach, FL 32937
(407) 773-4407**

on

28 July 1999

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Project name
Project location
Project History

2) Purpose:

Management Objectives
Comprehensive Plan Directives Furthered by the Project
Recreation and Open Space Element.
Coastal Management/Conservation Element.
Future Land Use Element.
Capital Improvements Element.
Elements in Conflict with Project.
Amending the Comprehensive Plan Land Use Designation for the Project Site

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Improvements Intended on Site
Facilities Intended on Site
Proposed Alterations of Natural Areas
Proposed Alterations of Disturbed Areas
Coordination of Alterations with Protection of Listed Plant and Animal Species
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Easements, Concessions, and Leases

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Actions to be taken to protect natural resources on the Project Site
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Greenway management

Satellite Beach, 1999

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EXHIBIT

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1) Introduction:

Project name

This management plan is intended to provide guidance concerning future use and management of the Oceanfront Wildlife and Habitat Preserve ("preserve") as a natural area in the City of Satellite Beach ("City"), Brevard County, Florida.

Project location.

The Preserve site straddles the northern border of the City between State Road A1A and the Atlantic Ocean (Exhibit 1). It consists of a series of 9 parcels in 4 tracts, totaling 23.83 acres and 3,669 feet of ocean frontage, along a total of 5,100 feet of oceanfront. The tracts are separated by: a 300-foot wide, 1.55 acre county park (Hightower Beach Park), a 125-foot wide parcel owned by the State, and a condominium and motel occupying 1,000 feet of oceanfront.

Project History

The project site contains the last remaining imperiled natural Coastal Strand, as well as much of the remaining imperiled natural Beach Dune and Coastal Grassland, in the City. The project site is documented to contain biologically viable populations of three listed plant species (one endangered and two threatened) and to provide the highest nesting density for two endangered sea turtle species outside the Archie Carr National Wildlife Refuge 12 miles to the south. This acquisition represents the culmination of recurring efforts by the City over a period of two decades to place into public ownership remaining undeveloped oceanfront in the City. A successful City referendum in the early 1980s to finance the acquisition was never implemented because of legal difficulties with respect to State statutes.

2) Purpose:

The purposes of this project are wildlife and habitat preservation, open space and beach access for the public, and environmental education, with the objective of preserving in its native state the largest remaining expanse of contiguous undeveloped oceanfront within the 30+ miles between Federal lands on Cape Canaveral and the Archie Carr National Wildlife Refuge.

Specific reasons for acquiring the Project Site include the following:

- [1] It will place into public ownership for preservation an expanse of 3,669 feet of dark, undisturbed beach especially important for green sea-turtle nesting.
- [2] It will create the only public ownership of reasonably-intact Coastal Strand habitat between Cape Canaveral Air Station (18 miles to the north) and Spessard Holland Park in Melbourne Beach (9 miles to the south).
- [3] It will add to the 1.55 acres of State-owned and 1.60 acres of County-owned land already being preserved within the project boundaries.

[4] It will prevent the last expansive oceanfront vista from soon being lost to burgeoning highrise construction occurring along the eight miles of coastline between the Pineda and Melbourne Causeways.

[5] It will stem the rise in population density for the City of Satellite Beach, which currently has a higher population density than 88% of Florida's 396 municipalities. It will reduce the City's anticipated population increase by 37%, and thereby reduce its projected final built-out population by 3.4%.

[6] It will provide a permanent base of operations for the Sea Turtle Preservation Society (the local 501(c)(3) organization chartered to educate the public about marine turtles).

[7] The site has exceptional environmental value:

- In annual surveys since 1989, University of Central Florida biologist Llewellyn Ehrhart, Ph.D., has documented that the site is a sea-turtle nesting area for the Federal- and State-endangered Atlantic green turtle (*Chelonia mydas mydas*), with the highest nest density north of the Archie Car National Wildlife Refuge, and the Federal- and State-threatened Atlantic loggerhead (*Caretta caretta*).
- It also may contain a remnant population of the Federal- and State-threatened southeastern beach mouse (*Peromyscus polionotus niveiventris*).
- Ecologist Linda A. Olson, M.S., has documented that it supports three State-listed plant species, two endangered and one threatened, found on 20± acres of Beach Dune, Coastal Grassland, and Coastal Strand designated by the State as "imperiled".

The project site will be used for **wildlife and habitat preservation, open space and beach access** for the public, **environmental education**, and headquarters for the **Sea Turtle Preservation Society**.

Activities Intended on Site include a **marine wildlife education and rescue center** operated by the Sea Turtle Preservation Society, City-sponsored **environmental education** programs, and **ocean beach-going** for the public. The undeveloped parcels will be maintained in their native state. **Human activity will be limited** in order to preserve the natural habitats and enable viable populations of native plants and animals to be established.

Management Objectives

The highest priority management objective for the project site is to prepare an existing commercial structure for occupancy by the Sea Turtle Preservation Society.

A second high-priority management objective is to remove exotic vegetation which is replacing beneficial native plants. This will be a long-term effort requiring several years to cut and treat stumps so that the exotic plants do not become reestablished from still-living root systems. Preservation of the natural communities will then require recurring

visits to identify and remove exotic vegetation as seeds transported by wind or wildlife sprout.

A third high-priority management objective is to control unauthorized human foot traffic across the foredune and natural areas between SR A1A and the beach. This will be accomplished with signs and planting of native vegetation which impedes foot traffic at vulnerable points along the dune line.

A high-priority mid-term (2 to 5 year) objective is to replace the current dune crossover with a handicapped-accessible crossover meeting the standards of the Americans with Disabilities Act (ADA).

A high-priority long-term (10-plus year) objective is to apply best management practices to control succession within the natural communities on the site to preserve conditions which are characteristic of these naturally pyrogenic regimes. This will involve removal of biomass on a recurring basis by fire or mechanical means, with fire the preferred method where conditions permit.

Lower-priority long-term management objectives for the project site include: removal of minor structures existing in the natural areas, installation of benches and a picnic table on the commercial tract, construction of a boardwalk from which to view the natural areas, and planting of native plant species to increase biological diversity within the natural areas. These efforts will be accomplished as resources permit over a period of 10 or more years.

Comprehensive Plan Directives Furthered by the Project

Since initial adoption in 1988, the City's Comprehensive Plan has reflected a strong sense of responsibility for preserving and enhancing the natural resources available to its residents; and these commitments were strengthened in the 1998 revision, adopted by City Ordinances 716 and 735 and Resolution 681 and accepted by Florida Department of Community Affairs in 1998. In 1999 the City Council has approved Ordinance 748 and Resolution 706 amending the Plan to further strengthen its environmental features. Four elements of the Plan relate directly to this project.

Recreation and Open Space Element.

As it relates to open space and beach access for the public, the project helps the City implement this element of its Comprehensive Plan, which requires the City to expand open spaces, particularly along its waterfront; improve public access to passive recreation areas and oceanfront beaches; and combine public use of open space with preservation of natural habitat.

[1] This element's single goal is sufficient parks, recreation facilities, and open space areas to provide the citizens of Satellite Beach with a wide variety of leisure activities to make the City an attractive community in which to live.

[2] Objective 1.1 directs the City to provide its residents recreation and open

space facilities which meet or exceed Level-of-Service standards.

[3] **Policy 1.1.6** requires City acquisition of recreation/open space facilities to be prioritized in accordance with expressed desires of the community and availability of grant funds and other incentive programs.

[4] **Objective 1.3** directs the City to pursue affordable, environmentally sound, and convenient means of access to open space, parks, and passive recreation areas within the City, to the extent financially feasible.

[5] **Policy 1.3.2** directs the City to maintain existing Atlantic Ocean and Banana River accesses and improve access facilities to the extent financially and environmentally feasible.

[6] **Policy 1.3.3** directs the City to develop an oceanfront greenway to improve public access to, and views of, the beaches and ocean to the extent financially feasible with private, County, State, and Federal partners.

Coastal Management/Conservation Element.

Because the City of Satellite Beach lies entirely within the Coastal High Hazard Area, its Comprehensive Plan has combined the Coastal Management and Conservation elements, since the requirements of each are nearly identical. As it relates to **open space, beach access, and habitat preservation**, the project helps the City implement this combined element of the Plan, which contains the following requirements.

[1] This element's single **goal** requires the City to protect natural resources while safeguarding human life, property, and public funds from the effects of nature in the Coastal High Hazard Area.

[2] **Objective 1.1** calls for the City to limit man-induced dune and beach damage, expand dune restoration efforts, and improve public beach access.

[3] **Policy 1.1.3** requires the City to maintain and enforce current codes, especially the Dune Regulation Ordinance which established the Ocean Bluff Protection Area, to effectively prohibit construction and related building activity in the Protection Area.

[4] **Policy 1.3.1** prohibits public buildings or infrastructure east of the Coastal Construction Control Line, except for minor structures supporting recreation and open space activities, dune-protective pedestrian access facilities, and existing road and infrastructure within developed public rights-of-way.

[5] **Objective 1.6** directs the City to establish and preserve areas for fisheries, wildlife, and wildlife and marine habitat on public property within the City, and to encourage private landowners to do likewise.

[6] **Policy 1.6.3** requires areas deemed appropriate for preserving the natural functions of existing soils, wildlife habitats, rivers, floodplains, wetlands, beaches, shores, fisheries, and marine habitats to be re-evaluated and identified in the Comprehensive Plan and Land Development Regulations or by ordinance. This will be done to protect those areas from development or inappropriate alteration.

[7] **Policy 1.6.6**, in an effort to protect wildlife habitat on private property,

requires an assessment of threatened, endangered, and special-concern species on all proposed development in areas which may possess critical habitats for these species. [8] **Objective 1.7**, in an effort to protect the natural functioning of surface-water bodies in the City, directs the City to develop a Shoreline Protection Ordinance, giving priority to water-dependent shoreline land uses and improvements which avoid adverse environmental impacts, meet Comprehensive Plan standards for public access, avoid shoreline hardening structures, and enhance water quality in the Indian River Lagoon.

Future Land Use Element.

As it relates to **habitat preservation**, the project helps the City implement this element of its Comprehensive Plan, which requires the City to preserve and enhance the limited natural habitat remaining in the City. Additionally, it helps Plan implementation by meeting this element's requirement of providing a means by which to improve security from storms, continuing beach erosion, and the rising sea level. [1] This element's single goal requires the City to promote a pattern of land use that will foster a healthy and attractive environment, avoid blighting influences, preserve and enhance natural resources, and provide reasonable public safety and security from hazardous conditions. [2] **Policy 1.1.2** requires the City to monitor zoning for land east of the Coastal Construction Control Line and adopt codes which balance economic feasibility, environmental considerations, and limits on development in the Coastal High Hazard Area.

Capital Improvements Element.

As it relates to **habitat preservation and beach access**, the project helps the City implement this element of its Comprehensive Plan, which requires the City to protect its ocean shoreline. **Policy 1.3.1** directs the City to protect and renourish dunes and beach areas, maintain public facilities, and improve recreation opportunities east of the Coastal Construction Control Line without additional development.

Elements in Conflict with Project.

None of the elements in the City's Comprehensive Plan entail land uses or other considerations which may **negatively impact the project site**. The City's Plan is fully consistent with the purposes and objectives of this project.

As the culmination of an extended effort by the City to acquire undeveloped oceanfront land for public use, the Project Site will be managed only for the conservation, protection and enhancement of natural resources, and for public outdoor recreation that is compatible with the conservation, protection and enhancement of natural resources on the site. The site will be used for the specific purposes described at the beginning of

this Management Plan. Consistent with this purpose, the Project Site will be identified in all signs, literature, and advertising as being publicly owned and operated as a natural conservation and outdoor recreation area.

Amending the Comprehensive Plan Land Use Designation for the Project Site

Amending the City's land use designations to properly reflect use of the Project Site as public open space is complicated by the need to acquire nine parcels from eight owners. As such, it is unlikely that all acquisitions will be completed within a short period of each other. The result is that amending the Current and Future Land Use Maps parcel-by-parcel could be expected to result in a series of Comprehensive Plan amendments over a period spanning months. Such multiple amendments over a short period is inconsistent with Department of Community Affairs' limitations on amendments to two per year. Upon notification by Florida Communities Trust that all properties have been acquired, or that a substantial delay (3 or more months) is expected before additional acquisitions, the City's Comprehensive Planning Advisory Board (CPAB) (the Local Planning Authority) will place on the agenda for its next regularly scheduled meeting revision of the City's Current and Future Land Use Maps to reflect conversion of the acquired properties to public ownership for conservation, open space, and outdoor recreation use. The CPAB will provide the City Council with a recommendation for an appropriate amendment to the City's Comprehensive Plan. City Council can be expected to accept the recommendation and to approve an amendment to be forwarded to DCA for review and approval. If additional parcels are acquired after the amendment is enacted, the process will repeat until all parcels are acquired or FCT and the City agree that no more will be acquired.

3) Site Development, Improvement, and Access:

Physical Improvements

Existing and proposed physical improvements on the Project Site are shown on the attached Master Site Plan (**Exhibit 2**).

Improvements Intended on Site include the following:

[1] Habitat improvements will involve removing exotic plants and replacing them with appropriate native plants. Blocking foot traffic and restoring native vegetation are appropriate in six areas where unauthorized foot traffic has damaged the dune bluff.

[2] Beach access improvements will not involve any construction if the commercial property on TRACT 4 is acquired, but will be accomplished by placing into public ownership the existing boardwalk, dune crossover, and paved parking spaces on TRACT 4. If the commercial property is not acquired, providing public beach access will require construction of parking and a dune crossover on the undeveloped portion of the parcel.

[3] Environmental education improvements will involve construction of a raised boardwalk into the large expanse of Beach Dune, Coastal Grassland, and Coastal Strand habitats on TRACTS 2 and/or 3 and limited parking (approximately 1/4 acre) to provide ready public access to the boardwalk by car.

Facilities Intended on Site

With the exception of the raised boardwalk and associated parking on Tracts 2 and/or 3, the only facilities intended are those already existing on the sole developed parcel in the project (Tract 4). These include 16 paved parking spaces, a boardwalk and dune crossover for public access to the beach, and a 2,600± square foot commercial building ideally suited for environmental education activities and operational space for the non-profit Sea Turtle Preservation Society. If the commercial property on TRACT 4 is not acquired, parking and a dune crossover will need to be constructed to provide public access to the beach in this part of the City.

The City will place in the vicinity of the existing commercial building on Tract 4 an entrance sign identifying the Project Site as being open to the public and having been purchased with funds from Florida Communities Trust and the City. Three additional signs of modest size will be placed adjacent to SR A1A on the three large expanses of natural land on Tracts 1, 2, and 3 identifying them as having been purchased with funds from Florida Communities Trust and the City for conservation purposes.

Brevard County is scheduled to begin construction of a bicycle/pedestrian path through the City in 1999. This will add to an existing bicycle/pedestrian path which now extends 6+ miles along SR A1A to the southern border of the City. The path will pass immediately adjacent to the Project Site along SR A1A. The 1999 extension will complete the path past the entire project site and 0.7 miles beyond it to the north. The City will install bicycle racks in the parking area of the commercial parcel on Tract 4 to facilitate bicycles as an alternative to automobiles as a mode of transportation to the Project Site. Sidewalks and a traffic signal at the southwestern corner of Tract 4 already facilitate pedestrian traffic to the Project Site.

Proposed Alterations of Natural Areas

There are two proposed minor alterations of natural areas on the Project Site. First, removal of existing minor improvements and exotic vegetation will enhance the natural nature of the Project Site. Second, installation of signs identifying the site as purchased using Florida Communities Trust funds, prohibiting unauthorized foot traffic across the natural areas, and relating to protection of listed animal species and their habitat will result in minimal alteration of the site totaling approximately 100 square feet. There are two proposed substantial alterations of natural areas on the Project Site. Recurring removal of biomass by fire or mechanical means will be necessary to

properly manage pyrogenic vegetative communities present in natural areas on the Project Site. This will be accomplished using best management practices over a period spanning 5 to 10 years or more per cycle. Construction as resources permit of a boardwalk and observation platforms from which visitors can view the natural areas will permit public access to these areas while protecting their flora and fauna from disturbance due to human intrusion. The boardwalk is anticipated to be up to 2,000 feet long, in one or two segments. At a nominal 8 feet wide, the total land area covered would be approximately 16,000 square feet, approximately 3/8 acre.

There is an additional potential alteration to the natural areas on the Project Site. If the Florida Communities Trust agrees and City is successful in negotiating an agreement with the Florida Game and Fresh Water Fish Commission to use a portion of the Project Site as a gopher tortoise relocation recipient site, it is likely that a low (2-foot±) fence (most likely chain link) or wall will be required along SR A1A and the boundaries of Hightower Beach Park to prevent tortoises from wandering onto the roadway. If feasible and approved, such a fence or wall would total approximately 4,000 feet in length. The environmental assessment of the site noted that much of Tracts 1, 2, and 3 matches or can be managed to match ideal conditions for gopher tortoise habitat, and there currently are no gopher tortoise relocation recipient sites on the barrier island in Brevard County.

Proposed Alterations of Disturbed Areas

The only disturbed area at the site is the commercial property on Tract 4. The only proposed alterations of this area are installation of a bicycle rack in the existing parking area and placement of a picnic table (perhaps with covering roof) adjacent to the parking area. The picnic area would cover approximately 100 square feet. At some time in the future, when the existing dune crossover needs replacement or otherwise conditions are appropriate, the crossover will be replaced with one meeting the standards of the Americans with Disabilities Act for wheelchair access. Such a crossover would be approximately 6 feet wide (instead of the present 4 feet) and substantially longer to meet minimum slope requirements. Total additional land coverage is estimated at a nominal 500 square feet.

Coordination of Alterations with Protection of Listed Plant and Animal Species

Construction on the Project Site will be undertaken in a manner to best protect the listed plant and animal species present. Construction will, first, endeavor to not disturb listed plant species. If listed plants must be disturbed, the extent of disturbance will be kept to the minimum practicable. In no case will the only specimen(s) of listed plants known to be on the Project Site be disturbed. Construction along the beach will be timed to not disturb sea turtle nesting and nests. This effectively limits construction on the beach to the period of November through April.

The City will provide the FCT prior to commencing construction on the Project Site. Copies of required licenses and permits from State and Federal agencies, in those instances where appropriate agencies do not require a permit (normally because of the urban nature of the City) the City will provide a letter from the agency stating that no permit is required. Neither City nor County permits will be required for construction on the Project Site.

The entire Project Site lies between the Atlantic Ocean coast and SR A1A. As such, public access is available from both the eastern and western boundaries of the site. Existing parking for 16 automobiles and an adjacent 100 by 4 foot dune crossover on the commercial property on Tract 4 provide access to the site and across the site between the public right-of-way along SR A1A and the beach. Construction of a bicycle/pedestrian path along SR A1A adjacent to the Project Site in 1999 will enhance public access to the Project Site. Future construction of a boardwalk (perhaps in two separate sections) with observation platforms affording the public an opportunity to view natural areas on the Project Site with minimal disturbance to the site will further enhance public access. The exact location of the boardwalk(s) will be determined based on the distribution of natural features of interest, ease of public access, and protection of natural features on the site. A bicycle rack will be provided by the City at each authorized entry point to the Project Site (i.e., the commercial building and entry(ies) to the boardwalk(s)). The boardwalk will be constructed to ADA standards, and the existing dune crossover will be replaced with one meeting ADA standards when it has reached the end of its useful life or conditions permit, if earlier.

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Easements, Concessions, and Leases

There are no existing concessions or leases on the Project Site. There is a single 30-foot wide stormwater easement running east-west across Tract 1 between SR A1A and the Atlantic Ocean beach (See Master Site Plan at **Exhibit 2**).

The City proposes a long-term lease of a substantial portion of the commercial building on the Project Site to the Sea Turtle Preservation Society, a non-profit 501(c)(3) corporation (to be included as **Exhibit 3** when available). The Society will use the building as an operations center and to provide educational services to the public. The Sea Turtle Preservation Society will operate a sales area with educational displays in a portion of the building easily accessible to the public. The Society and the City will share use of a large meeting room in the building. The City anticipates charging the Sea Turtle Preservation Society a nominal rent sufficient to cover utility costs for the building. The City also anticipates charging rental fees for private and commercial use of the public meeting facilities in the building consistent with fees charged for use of similar City facilities by individuals or organizations. Finally, the City will charge fees for "eco-camps" and similar environmental education programs in the identical manner it charges for similar activities to cover costs incurred for these programs conducted by professionals who are not permanent City employees.

The City, at such time as the condition of natural areas, available resources, and development conditions on the barrier island permit, may desire to enter into an agreement with the Florida Game and Fresh Water Fish Commission and a commercial developer to develop a portion of the natural area of the Project Site as a gopher tortoise recipient site. The FGFWFC, among other conditions, requires that the recipient site be designated a conservation easement. This is a condition consistent with the purposes of the Florida Communities Trust. The City has established such an agreement for its 52-acre spoil island passive recreation park and nature preserve for relocation of 40 gopher tortoises onto the island. Developers pay on the order of \$250 to \$300 per tortoise to the owner of a recipient site. The City is using this income to improve gopher tortoise habitat on the recipient site. The expectation is that the City might be able to establish a population of 30-plus gopher tortoises on the Project Site. As with the current relocation, any income realized would be used to improve habitat on the Project Site.

The City will provide the Florida Communities Trust written notice and information at least 60 days prior to commencement of any proposed lease of interest, operation of any concession, sale or option, granting of any management contracts, and use by any person other than in such person's capacity as a member of the general public. No such arrangement will be formally entered into by the City prior to receiving written approval by the Florida Communities Trust.

4) Key Management Activities

This Management Plan addresses conditions which both apply to all sites acquired with FCT Funds and are particular to the Project Site. The latter conditions, identified in Section VIII of the Conceptual Approval Agreement, are identified in Exhibit 4.

Maintenance

The Project Site contains facilities and natural features which require periodic, recurring, or occasional maintenance. Trash containers on the site will need to be serviced on a regular basis. The existing commercial building will need periodic painting. It will also need servicing for air conditioning, plumbing, electrical, and structural components to prevent deterioration or to correct defects which develop over time. The existing parking lot will need to be relined and resurfaced periodically. The existing dune crossover and the proposed new boardwalk will need to be repaired, and eventually replaced, as the structures age. Signs on the project site will need to be repaired and replaced as they age. The landscaping on the commercial tract will need to be mowed and trimmed on a periodic basis. Exotic vegetation which is present or becomes established within the natural vegetative communities on the Project Site will need to be removed. Natural vegetation on the site will need to be reduced on a recurring basis (over periods of 5 to 10 or more years) by fire or mechanical means to preserve the natural functioning of these pyrogenic regimes.

The City's Public Works Department will be responsible for all aspects of property maintenance for the Project Site. This will entail Public Works employees accomplishing the tasks themselves, using the services of county prisoners or commercial contractors, or coordinating volunteer efforts. All these means of accomplishing necessary maintenance are routinely used for the City's other parks.

Security

The City's Police Department will be responsible for security at the Project Site, as they are for all other public sites within the City. The same means for providing security will be employed at all sites. These include regular patrols by uniformed officers and by Citizens On Patrol (a volunteer organization operated by the Police Department). As the need arises, volunteer Park Rangers (used at the City's other parks) will assist with security at the Project Site. Patrols will be augmented as needed by other available and necessary means, including surveillance and video recording, used at the City's other public facilities.

Staffing

The City will need no new permanent staff to operate the site. The City's Public Works Department will provide maintenance for the Project Site using existing staff. The City's Police Department will provide security with existing staff. The members of the Sea Turtle Preservation Society will serve in their traditional capacity to provide the public with educational programs. The City's Recreation Department will coordinate educational programs beyond those provided by the Sea Turtle Preservation Society with existing staff. Over time it is anticipated the City will augment its existing volunteer cadre to improve maintenance, security, and public education. If and when this occurs will depend on the degree of citizen interest in specific activities associated with the Project Site. The City has had such a volunteer program for a 52-acre island passive recreation park and nature preserve since 1990. The existing park volunteer program is managed by the City's Recreation Department, and they will manage any new one for the Project Site.

Natural resource protection

The Project Site contains three Imperiled vegetative communities (Beach Dune, Coastal Grassland, and Coastal Strand). Within these communities there are documented biologically viable populations of two Endangered plant species (beach star and beach verbenas) and one Threatened plant species (Indian Mound Prickly Pear). In addition, two Endangered species of sea turtles use the upper beach on the property for nesting. A biological survey/ecological assessment of the property conducted in 1998

determined that significant portions of habitat are appropriate for the Florida scrub jay (a Threatened species), the southeastern beach mouse (an Endangered species), and the gopher tortoise (a Florida Species of Special Concern), although no evidence of habitation by any of these three species was found.

The largely undisturbed natural areas on the Project Site make limitation of human impacts a high priority management issue. The four primary tasks are preventing unauthorized foot traffic, removing exotic vegetation, posting signs relating to protection of listed species and their habitat, and undertaking a long-term series of controlled burns or mechanical thinning of brush to simulate normal conditions within the pyrogenic communities. Biomass reduction is necessary to prevent natural progression of Coastal Grassland to Coastal Strand and Maritime Hammock. Biomass reduction is also needed to maintain open areas characteristic of appropriate habitat for scrub jays, beach mice, and gopher tortoises.

Foot traffic will be controlled by posting with signs and planting native species which obstruct foot traffic (such as cacti). Exotic vegetation will be removed using hand tools, chain saws, and a backhoe. Cut exotic trunks will be treated with a herbicide to kill them and prevent their sprouting with new growth. These two tasks can be initiated as soon as the property is accessible and the modest resources needed can be mustered.

Periodic reduction of biomass through controlled burns or mechanical thinning will entail assembly of substantial resources and their application in accordance with well-established best management practices. The first step will be to develop a draft burn/biomass management plan for natural areas on the Project Site. This plan will establish the appropriate interval, season, and conditions for controlled burns. If fire is not a viable option, then mechanical thinning will need to be substituted for fire. The City expects to obtain assistance in developing such a plan from the Division of Forestry, Brevard County, and other organizations (such as the water management district) which must manage large tracts of natural lands requiring controlled burning.

Survey of the natural resources on the Project Site

The City commissioned a Biological Survey/Ecological Assessment of the Project Site which was completed on 21 April 1998 (Exhibit 5) as an aid in preparing the Florida Communities Trust application for this site. That Survey includes lists of and describes vegetative communities, plant species, and animal species found on the Project Site. The Survey also identifies listed plant and animal species and imperiled communities on the Project Site and areas covered by each vegetative community.

The Biological Survey identified the potential for the endangered southeastern beach mouse to occur on the Project Site, although none were observed. The small size of the mice, the habitat in which they are found, and their foraging habits make it unlikely that they would be observed during a visit of several hours during midday hours. The City will endeavor to work with the University of Central Florida Biology Department to obtain a systematic investigation of whether beach mice are present on the Project Site. The timing of such a survey will depend on the availability of qualified personnel and equipment.

Actions to be taken to protect natural resources on the Project Site

Vegetative communities and listed plant and animal species will be protected by limiting human incursions into natural areas of the Project Site to those necessary to maintain the habitat. Periodic reduction of biomass will preserve the imperiled vegetative communities and appropriate habitat for upland listed animal species. If a portion of the Project Site is approved as a gopher tortoise relocation recipient site, the City will likely need to construct a low (2-foot±) fence or wall along SR A1A and the boundaries with Hightower Beach Park. The fence/wall will prevent tortoises from wandering onto SR A1A.

Upon identification of a potential newly identified listed species on the Project Site, the City will enlist the aid of a knowledgeable individual to confirm the identification as a listed species. Upon confirmation, the City will complete the Florida Natural Areas Inventory form (Exhibit 6) to report to that agency the occurrence of the species on the property.

The City will conduct a scheduled biological monitoring visit of the natural areas of the Project Site twice annually, once during the growing spring and summer seasons and once during the dormant autumn and winter seasons. The visit will entail a walk throughout the area looking for the presence of listed plant and animal species, invasive exotic plant species, feral animals, and evidence of inappropriate human activities. The visit will also consider the general condition of the natural areas, including the amount, type, and distribution of vegetative cover. The City will also have available reporting sheets on which City employees and others working on the Project Site can report the presence and activities of animals, plants, and people which may be of interest.

The City will coordinate with the Florida Game and Fresh Water Fish Commission for appropriate guidance and recommendations for management of the Project Site to avoid adverse impacts on listed species. The City will also coordinate with the FGFWFC prior to undertaking new activities on the Project Site to determine whether any permits are required and to obtain such permits if necessary. The City will request that the FGFWFC comment on this management plan upon FCT staff indicating that the plan is adequate based upon courtesy review.

Resource Enhancement

The only natural resources on the Project Site in need of enhancement are approximately 1 acre of exotic vegetation in natural areas. These are shown in the attached Biological Survey. The exotic vegetation includes species identified in the Exotic Pest Plant Council's list of Florida's Most Invasive Species, as well as other, less invasive non-native species. The intention is to return the natural areas of the Project Site to as near an undisturbed condition as is feasible with available resources. Restoration will involve removal of the exotic vegetation using a combination of Public Works employees, County prisoners, and volunteers. Initial efforts will begin within one year of implementation of this Management Plan. Experience with removal of exotic vegetation under similar circumstances in other City parks indicates that approximately 1/4 to 2 acres of exotic vegetation can be removed each year.

The City has found that native species colonize areas of less than 3 contiguous acres within approximately one year of exotic vegetation being removed. The new growth proceeds from dormant seeds already in the soil, seeds imported by wind and wildlife, and sprouting of rhizomes and roots lying under the now-sunlit surface. The City allows natural colonization for cleared areas of less than 1 acre. Areas between 1 and 3 acres are allowed to develop naturally or are planted depending on conditions and available resources. At no time has erosion in the excessively drained soils characteristic of the Project Site been a problem.

As discussed previously, the City will include exotic vegetation in the items searched for during its semiannual scheduled biological monitoring visit of the natural areas of the Project Site to prevent reinfestation. The City will also take action to remove exotic species which are discovered during unscheduled visits to the Project Site.

Draft burn/biomass management plan

As discussed at the beginning of the Natural Resources section of this Plan, the City anticipates use of controlled burns or mechanical thinning to preserve pyrogenic vegetative communities on the Project Site. The plan for biomass management will be prepared in a manner similar to those prepared for the City's two other parks exceeding 20 acres in size, by volunteers assisted by County and State natural resource management professionals. The City intends to incorporate into development and implementation of the burn/biomass management plan lessons-learned by other local municipalities and during the 1998 wildfires throughout the State. The City will include in implementation neighborhood outreach such as fliers mailed to adjoining landowners prior to clearing of a major portion of the City's 52-acre passive park and nature preserve. Experience suggests development of a viable plan will take as long as two years based on availability of volunteers and consulting professionals.

Removal of feral animals

Feral animals found on the Project Site during scheduled monitoring visits, incidental to other visits, or due to reports to the City will be removed as quickly as resources can be assembled to do so. The Biological Survey conducted to assist in completing the Florida Communities Trust grant application found no evidence of feral animals on the Project Site. The Site's location bracketed between condominiums adjacent to a military housing complex, with its strict enforcement against loose animals, lends credence to the lack of reported feral animals in the Biological Survey.

Archaeological and historical resource protection

There are no known archaeological or historic sites on the Project Site, as confirmed by the Florida Department of State, Division of Historical Resources (See letter at Exhibit 7.) In the event that any such sites are identified in the future, the City will notify the Division of Historical Resources by letter and prohibit collection of artifacts or disturbance of the site without prior authorization from the Division of Historical Resources. Management of archaeological and historic resources will comply with the provisions of Chapter 267, Florida Statutes specifically Sections 267.061 (2)(a) and (b). Prior to any construction on the undeveloped portions of the Project Site the City will take measures to determine the presence of any archaeological sites. Typical measures will be to invite staff of regional universities and members of chartered archaeological organizations to survey the area to be disturbed for evidence of archaeological artifacts.

Education Program

The City will provide environmental educational programs using the Project Site through both the Sea Turtle Preservation Society and the City's Recreation Department. The City anticipates the Society concentrating on sea turtle nesting and preservation, while City-sponsored programs are expected to have a more broad focus on ocean and barrier island natural history.

The Sea Turtle Preservation Society will continue to provide regularly scheduled night beach walks for local residents and tourists of all ages to observe and teach about nesting sea turtles as it has for 12 years. Held approximately 45 times each nesting season, the walks are enjoyed by about 1,250 people annually. Its new quarters on the beach will permit the Society to increase the number of night beach walks to the degree volunteer availability and public demand permit.

With its operational headquarters located in the commercial building on the Project Site, the Society can be expected to expand its educational program to include interpretive displays and group visits by school classes and similar groups. The Society currently hosts approximately 20 class visits annually. Almost all are of grade school age. With expanded facilities within walking distance of three schools (k-12) serving over 3,000 students, the number of class visits to the Sea Turtle Society can be expected to increase significantly. The emphasis will still be on grade school classes, but junior high participation is expected to increase with ease of access to this resource.

The City's Recreation Department has sponsored well-subscribed "eco-camps" conducted by biological professionals on its 52-acre passive park and nature preserve on the Indian River Lagoon for children of grade school age. The camps have been held an average of 3 times per year with 12 to 15 children attending each session. The Recreation Department will enlist the aid of those offering these camps and others to offer similar "eco-camps" on the oceanfront Project Site. The City expects participation in the oceanfront camps, over a period of years, to grow to match that experienced in its lagoon-focused camps.

Educational programs sponsored by the Sea Turtle Preservation Society and the City's Recreation Department are expected to begin during summer sea turtle nesting season and school recess following implementation of this Management Plan, provided there are available at least the 6 months lead time necessary to organize, advertise, and staff such programs.

Coordinated management

The City, upon developing a burn/biomass management plan for the Project Site, will coordinate the plan with the Division of Forestry. The City anticipates it will take approximately two years to fully assess conditions on the Project Site, select appropriate management practices for long-

term maintenance of vegetative communities, and develop a plan. As with the City's two other management plans for pyrogenic open areas, the plan will be developed with the assistance of County staff and other knowledgeable individuals. Once a burn plan is developed, it will be presented to the Department of Forestry for comment prior to implementation.

The City will request that the FGFWFC comment on this management plan upon FCT staff indicating that the plan is adequate based upon courtesy review.

The City will coordinate with Brevard County staff on major alterations to and activities on the large portions of the Project Site which about the County's Hightower Beach Park. Such alterations include construction of the boardwalk and observation platforms. Activities include mechanical thinning of large areas of native vegetation or controlled burns. The City will also endeavor to establish contact and coordinate in a similar manner alterations and activities with those responsible for managing the two State-owned parcels within the Project boundaries.

Greenway management

The bicycle/pedestrian path being constructed by Brevard County along the Florida Department of Transportation's SR A1A right-of-way along the South Brevard Atlantic Coast, upon completion of the phase now approaching construction, will provide the means to walk or ride a bicycle for over 8 miles as close as one can to the beach while remaining on the public right-of-way. This path connects a series of existing public parks which provide convenient resting spots and access to the beach. Eventual closure of a 4-mile gap between bicycle paths north of Patrick Air Force Base would connect this path with a similar path running through Cocoa Beach and Cape Canaveral to the north, resulting in a nearly 20-mile corridor of paths and parks available for the casual and the experienced walker and cyclist. The Cities and the County are coordinating construction of the path through the Brevard County Municipal Planning Organization. The purpose of the path is, for the first time, to permit unimpeded travel of cyclists off the highway along the County's barrier island, within and between the communities and recreational/open space destinations on the island.

The City's Bicycle/Pedestrian Ad-hoc Committee will include in its recommendations to the City improvements which will enhance the utility and durability of the SR A1A bicycle/pedestrian path. Such improvements are included in a follow-on application to the Florida Communities Trust for the remaining undeveloped land east of SR A1A within the City. They include benches and picnic tables adjacent to the path in small neighborhood park settings.

5) Cost Estimate and Funding Source:

Estimated costs associated with implementing this Management are as follow:

Fiscal Category	Expense Item	Amount	Source
Capital Investment	Renovation of commercial building	5,000	General fund
	Construction of dune crossover to ADA standards	10,000	Grant
	Construction of natural areas boardwalk	30,000	Grant
	Construction of picnic shelter	2,000	Donation
Expenses			
	Project Identification Signs	1,000	General fund
	Signs prohibiting unauthorized access	600	General fund
	Bicycle racks	300	General fund
	Picnic table	500	General fund
	Utilities and services for commercial building	6,000/yr	User fees
Wages and Benefits			
	Clearing exotic vegetation	1, 500/yr	General fund
Contract Support			
	Eco-camp instructor(s) and aide(s)	1,500/yr	User fees
	Monitoring visits	1,000/yr	General fund

Funding for development, maintenance, and operation of the Project Site will include an estimated \$50,000 for one-time capital improvements and \$10,000 annually for recurring expenses. Capital improvements will be funded through a combination of the City's General Fund, donations, and grants. Recurring expenses will be funded predominately through the General Fund, with user fees partially offsetting the costs of programs conducted on the Project Site. Grants obtained for capital improvements on the Project Site will not conflict with the terms and conditions of the FCT award. The type grants to be sought include the: Florida Coastal Management Program, Florida Recreation Development Assistance Program, and Urban and Community Forestry Program.

6) Priority Schedule:

<u>Activity</u>	<u>Start</u>	<u>End</u>
Install Site signs	Nov 99	Dec 99
Renovate commercial building	Jan 00	May 00
Clear exotic vegetation	Oct 99	Sep 01
Install signs prohibiting foot traffic	Nov 99	Dec 99
Plant native species to block foot traffic	Oct 99	Aug 00
Install bicycle racks and picnic area	Jan 00	Aug 00
Remove minor structures	Jan 00	Aug 00

Construct handicapped-accessible dune crossover*
 Develop burn/biomass management plan
 Initiate controlled burn/mechanical thinning program
 Construct boardwalk*
 Begin planting native species to increase diversity

Jan 06	Jan 05
Sep 01	Oct 99
Sep 05	Jan 02
	Oct 03
	May 00

* Implementation of these projects will depend on availability of resources. The City will pursue donations and grants as means to speed their completion.

7) Monitoring and Reporting:

The City will prepare and forward to the Florida Communities Trust prior to the anniversary date of Project Plan approval an Annual Report evaluating implementation of the Management Plan. The Report will include an evaluation of the degree of success in implementing the Management Plan. The Priority Schedule will form the basic criterion for evaluating the degree of success in implementing the Management Plan. In the event that the City determines that it is necessary to update the Management Plan, they will notify the Florida Communities Trust in writing of the proposed changes. Changes will be implemented only with the prior written approval of the Florida Communities Trust.

8) Supporting Documents:

Supporting documents for this Management Plan include:

- Project Site Location Map (Exhibit 1)
- Master Site Plan (Exhibit 2)
- Lease Agreement between the City and the Sea Turtle Preservation Society (when available) (Exhibit 3)
- Special Management Conditions of the Conceptual Approval Agreement (Section VIII) (Exhibit 4)
- Biological Survey/Ecological Assessment (21 April 1998) (Exhibit 5)
- Florida Natural Inventory listed plant and animal reporting forms (Exhibit 6)
- Letter from the Division of Historical Resources (16 July 1999) (Exhibit 7)
- Grant Award Agreement and recorded deed (when available) (Exhibit 8)

Eastern Indigo Snake (*Drymarchon corais couperi*)

Eastern indigo snakes are a transient species with large home ranges which occur in virtually all habitats in Florida. Where habitat use coincides, they may use gopher tortoise burrows for shelter during the hottest and coldest weather conditions. No indigo snakes were observed during site surveys, and - given the apparent absence of gopher tortoise burrows - it is unlikely but possible that this species occurs on the project site.

Florida Gopher Frog (*Rana areolata*)

Gopher frogs are known to occur in xeric upland habitats, but only in areas which support gopher tortoises, where the frogs use tortoise burrows as shelter. Preferred breeding habitats include seasonally flooded, grassy ponds and cypress heads that lack fish populations which are within a mile of the xeric uplands.

No gopher frogs were observed during the field review. Given the absence of a resident gopher tortoise population and lack of available fresh water nearby it is unlikely that gopher frogs occur on the study site.

Southeastern Beach Mouse (*Peromyscus polionotus niveiventris*)

The southeastern beach mouse has been documented along the Atlantic coast of Florida from Ponce Inlet (in Volusia County) in the north to, perhaps, as far south as Miami. The type specimens were collected in northern Brevard county. Populations are confined to the sea oats zone and associated dune system. An exception is the unusually broad expanse of coastal strand and coastal scrub on the Canaveral Peninsula. No evidence of this species was observed during the site investigation, although there is an unconfirmed report of a sighting in 1994 by Richard Owen, a well-trained, knowledgeable vertebrate zoologist recently employed by the Florida Museum of Natural History. No live trapping has been attempted to confirm or refute the sighting. The Beach Dune vegetative community appears to provide appropriate habitat for beach mice, but its isolation from other suitable habitat and proximity to human habitation and associated feral cats and cotton mice would make it "quite an extraordinary circumstance" if a biologically viable population of beach mice exists on the study site (10 April 1998 letter from Dr. Llewellyn M. Ehrhart (Appendix C)).

Florida Scrub Jay (*Aphelocoma coerulescens*)

Generally, scrub-jays prefer a habitat which consists of scrub oaks between three (3) and 10 feet tall covering 50-75 percent of the area. Also critical to Florida scrub-jays, the oak cover must be interspersed with bare ground or vegetation less than six inches tall covering 10-30 percent of the area, with no more than 20 percent canopy cover (Status and Distribution of the Florida Scrub Jay, Florida Ornithological Society Special Publication No. 3, 1987).

Scrub-jay habitat suitability is typically broken down into three (3) levels: TYPE I HABITAT - an upland plant community, assessed in one-acre plots, with greater than or equal to 15 percent cover of scrub oak species; TYPE II HABITAT - an upland plant community, assessed in one-acre plots, with percent cover of scrub oak species greater than zero but less than 15 percent; and TYPE III HABITAT - native or improved uplands and seasonally dry wetlands within 0.25 mile of Type I or Type II habitat. Of the communities on the study site described in the vegetation section of this report, the Coastal Strand community is consistent with suboptimal but potentially suitable TYPE II scrub-jay habitat. This community contains some scrub oak species of adequate size and distribution, interspersed with areas of open ground and low vegetation, and scattered taller trees which could provide lookout perches.

No scrub jays were observed on the study site, and there are no reports in County records of scrub jays being observed on the site. The nearest reported population is approximately 1.5 miles to the south in oceanfront habitat.

Piping Plover (*Charadrius melodus*)

The piping plover is an uncommon shorebird which feeds on sandy beaches, dunes, and lake shores. They range from southern Canada to the southern United States, with a winter range extending from Texas to Florida to the Carolinas. The beach along the eastern side of the study site is a feeding ground for the more common piping plovers and may provide transient foraging opportunities for piping plovers during their migration. However, no piping plovers were observed on the study site.

Southeastern American Kestrel (*Falco sparverius paulus*)

Kestrels are found in both open country and urban areas throughout the Americas to the polar tree lines. The southeastern subspecies has a range limited to South Carolina,

Georgia, Florida, and Alabama. They feed on insects, small reptiles and mammals, and small birds, hovering over prey before plunging to capture it. Their preferred habitat is open forest or clearings where dead trees provide exposed perches. They also are found along rivers, in coastal regions, and suburban and urban areas. The open vegetated areas on the study site and isolated palms and stunted trees provide forage opportunities, although less-than-optimum, for kestrels which inhabit the surrounding urban setting. No kestrels were observed on the study site.

Least Tern (*Sterna antillarum*)

Least terns have a worldwide distribution. In the Americas they range from the latitude of Brazil and Peru to the northern United States. Least terns' natural habitat is broad open coastal beaches with coarse sand or shell where they wade to forage for small bait fish. Although least terns normally nest seaward of vegetation, they are opportunistic in using any gravelly or sandy area devoid of vegetation - even when it is close to human activity (such as highways). No least terns were observed on the study site. However, they may occasionally forage along the beaches. It does not appear that suitable nesting habitat occurs on Tracts A, B, or C.

American Oystercatcher (*Haematopus palliatus*)

Oystercatchers frequent the coastal strand, sand and mud flats, and coastal marshes, where they feed in small flocks on mollusks. Their nesting is now very local in distribution, in colonies on beaches and sandbars. In a 1975 census, there were an estimated 10 to 12 nesting pairs in Brevard and Indian River Counties on spoil islands along the Indian River Lagoon. No American oystercatchers were observed on the study site, and it is unlikely they would occur.

Eastern Brown Pelican (*Pelicanus occidentalis carolinensis*)

Brown pelicans breed from North Carolina to the Gulf states, Mexico, and South America. They forage primarily in shallow estuarine waters, but go up to 20 to 40 miles from shore. They plunge dive exclusively for fish in salt water habitats. These highly gregarious birds nest primarily in mangrove trees from 2 to 35 feet above high water. Pelicans are almost daily observed flying along the beach, and at times foraging, in the vicinity of the study site.

Black Skimmer (*Rhynchosops nigra*)

Black skimmers range from Massachusetts to the Yucatan on the eastern seaboard of the Americas, as well as along much of the western shores of the Americas. The eastern population winters on the northern shores of the Gulf of Mexico and eastern Florida. These pronouncedly gregarious and locally common birds roost in compact flocks on sand bars, beaches, spoil banks, and causeways in coastal bays and estuaries, from which they feed on small fish and, incidentally, shrimp by wading in coastal shallows. No skimmers were observed on the study site, but they may forage opportunistically along the beaches.

HABITAT FOR LISTED FAUNAL SPECIES

Habitats present within the project corridor were evaluated for their potential to support the previously discussed faunal endangered, threatened, or species of special concern. This identification was completed for the site by Linda Olson, a professional biologist/wildlife ecologist with extensive education and experience in this task in Florida. Parameters assessed to determine suitability included quality and availability of necessary habitat components for burrowing/nesting, foraging and cover, including vegetation density and distribution and notation of presence and extent of disturbance to the habitat. It was determined that within the study site, all of the on-site communities provide potential habitat for threatened and/or endangered plant and animal species.

Habitat suitable for listed animal species is found on all three tracts comprising the study site. However, Tract A has the most extensive and least degraded upland habitat suitable for species known or having the potential to occur in the area.

The quality of the 43,600+ feet of beach in Tract A (43.0 acres above the high water line) (Appendix A, Sheet 3) as sea turtle nesting habitat is attested to by the density of nests reported along its shoreline. Annual turtle nest counts by the University of Central Florida since 1989 under the direction of Dr. Llewellyn M. Ehrhard document use of this beach by green turtles (*Chelonia mydas*) and loggerhead sea turtles (*Caretta caretta*) (10 April 1998 letter from Dr. Llewellyn M. Ehrhard (Appendix C)). Desiccated sea turtle egg shells present at the base of the dune bluff (Appendix A, Sheet 11) are evidence of last season's nesting activity. The long expanse of moderately-used beach and presence of a mixture of sandy beach and near-shore hard bottom in the intertidal zone (45 acres) provide excellent forage

opportunities for a variety of shore- and open water-feeding birds, including the piping plover (*Charadrius melodus*), least tern (*Sterna antillarum*), and eastern brown pelican (*Pelicanus occidentalis carolinensis*). A lack of abundant mollusks and open sea environment make this a less-than-ideal, but possible, habitat for the American oystercatcher (*Haematopus palliatus*) and black skimmer (*Rhyncops niger*).

The open expanses of the Coastal Grassland (± 2.9 acres) and openings in the Coastal Strand habitat (± 4 acres) on Tract A, although limited, appear adequate to provide cover, forage, burrowing, and breeding for gopher tortoises (*Gopherus polyphemus*) and southeastern beach mice (*Peromyscus polionotus niveiventris*). The site has sufficiently large areas appropriate for gopher tortoise habitat that a biologically viable population might be established. The most obvious detriment is the proximity of the site to heavily traveled SR A1A and its associated risk to roaming tortoises. The site's isolation from other known beach mouse populations (on Federal lands on Merritt Island to the north and in that portion of Sebastian Inlet State Park lying in Indian River County) and the proximity of human habitation (in Patrick Air Force Base military housing) with associated house mice and feral cats render the potential of maintaining a biologically viable population questionable.

The open areas clearly support a significant population of rabbits (evidenced by scat) and assorted small burrowing animals (crabs and/or mice, etc.). These ground-dwellers and a population of birds on the tract (including a nesting ground dove (*Columbina passerina*) encountered during the site survey) provide significant feeding opportunities for the American kestrel (*Falco sparverius paulus*). The limited distribution of open areas and the density of the palmetto in the Coastal Strand make this habitat marginal for use by scrub jays (*Aphelocoma coerulescens*).

Tract B and the northern half of Tract C have Marine Unconsolidated Sediments similar to that found in Tract A (± 0.3 and ± 1.1 acres respectively). Tract B, also, has near-shore hard bottom (Appendix A, Sheet 2). As such, these beaches provide forage opportunities for birds similar to that along Tract A, although perhaps somewhat degraded due to human use and proximity. However, the presence of condominiums and a hotel immediately adjacent to these two tracts result in the presence of lights which have been demonstrated to discourage sea turtle nesting. In addition, the shoreline of the southern half of Tract C is comprised of a vertical bulkhead. This reduces the amount of beach available for nesting and contributes to erosion

of nests by waves. Therefore, although documented to be used for nesting by sea turtles, these beaches are less well suited than the beach along Tract A.

The upland natural portions of both Tracts B (42.3 acres) and C (4.6 acres) (Appendix A, sheets 6, 7, and 8) is more heavily vegetated than ideal gopher tortoise habitat, although it is better than some habitat known to contain tortoise populations elsewhere in Brevard County. It is unlikely that either tract does, or would, support a biologically viable population of gopher tortoises or beach mice. The upland vegetation is sufficiently dense that it is questionable whether American kestrels would use them for hunting.

The beach along the study site can best be protected for use by sea turtles for nesting and shore birds for foraging by preserving it in as natural a state as feasible. Such preservation includes protecting the naturally vegetated dune bluff, continuing moderate use by visitors to the beach, and preventing development of adjoining uplands. The uplands can be protected for use by wildlife only by prevention of their development. This requires that it be brought into public ownership.

Listed animals using the study site for nesting and foraging are protected by Federal and State statutes. However, disorientation of hatching sea turtles by lights on structures near the beach results in significant mortality among them. Delayed entry into the surf as the hatchlings move toward these "artificial moons" results in death from desiccation or predation by foraging wildlife.

The best protection to be afforded hatching sea turtles is to preserve uplands immediately adjacent to nesting beaches free of development. This is the premise under which the Archie Carr National Wildlife Refuge is being developed in partial support of the Recovery Plan for the U.S. Population of Atlantic Green ~~Turtle Chelonia mydas~~ and the Recovery Plan for the U.S. Population of Loggerhead Turtle ~~Caretta caretta~~ and in accordance with the Archie Carr National Wildlife Refuge (proposed) Florida Final Environmental Assessment and Land Protection Plan. The plans were all developed by the U.S. Fish and Wildlife Service. According to both recovery plans, "Development and public use threaten the habitat and nesting activities. The FWS [U.S. Fish and Wildlife Service] should acquire a buffer strip in fee title that at least extends from mean high water west to highway A1A to ensure long-term protection of this nesting habitat" for "key nesting

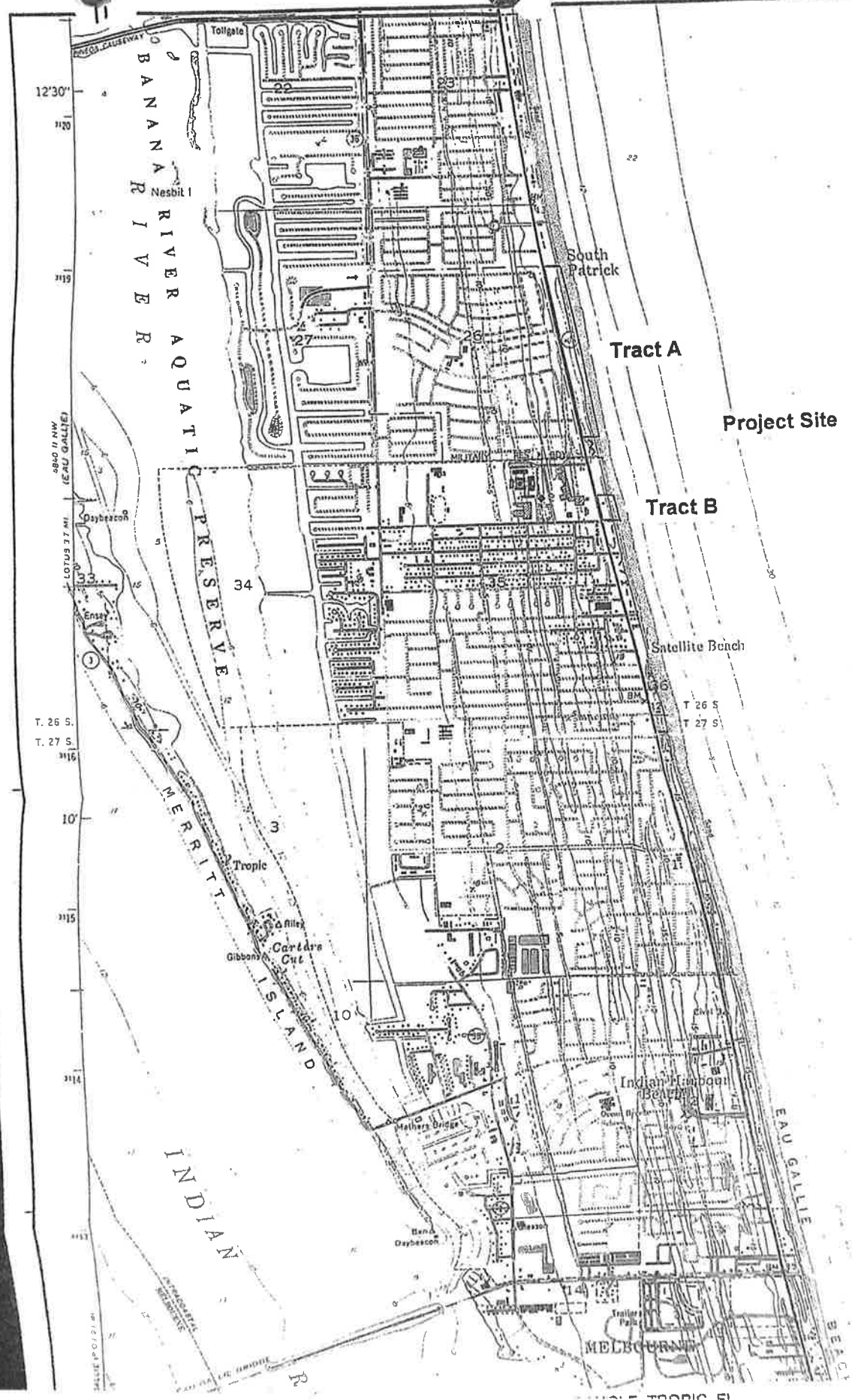
Planning stages of developing a 35 acre tract made available by Brevard County for use as a regional park. This sports and indoor recreational facilities. It will also preserve the last 7 acres of oak scrub remaining within the city.

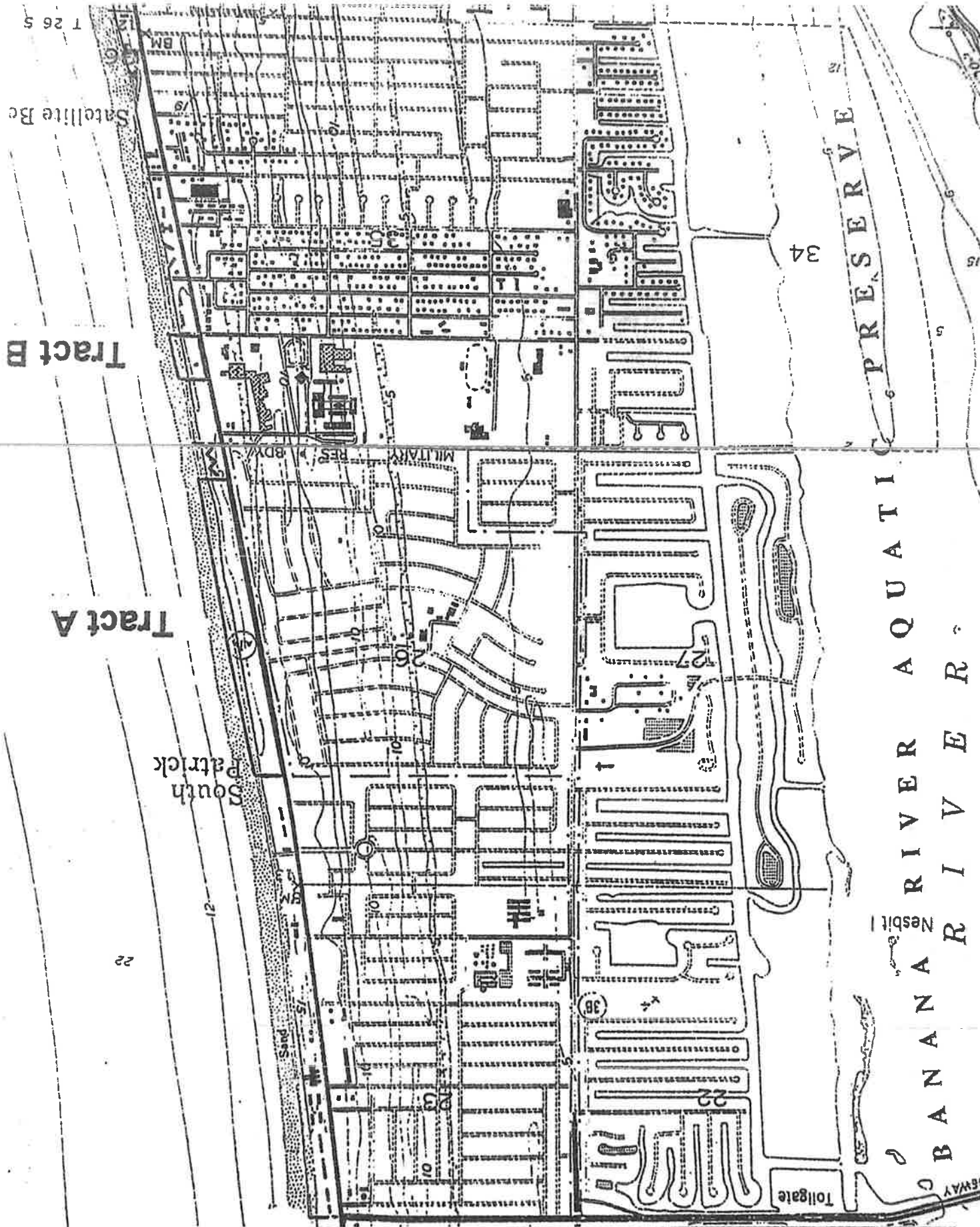
SUMMARY AND RECOMMENDATIONS

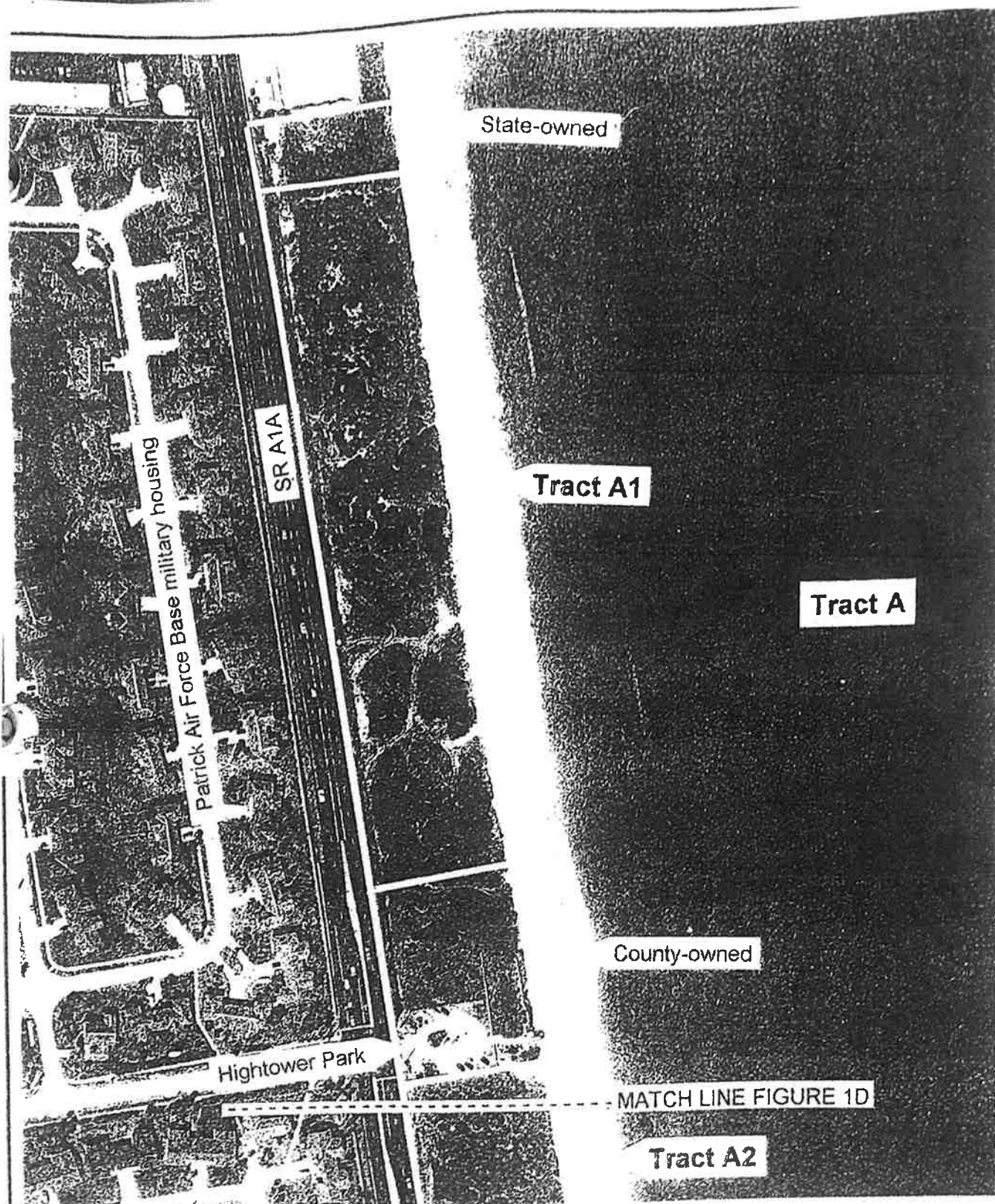
Results of surveys indicate that the study site contains 431.3 acres of natural habitat. Of this, 44.4 acres are in Marine Unconsolidated Sediment, 43.4 acres are in Beach Dune, 49.2 in Coastal Grassland, and 414.3 acres are in Coastal Strand. There, also, is patchy hard bottom within 100 feet of the site in the intertidal zone. The beach habitat is documented to support significant densities of endangered sea turtle nests, and is appropriate for forage by a variety of bird species. The upland habitat on Tract A appears appropriate for gopher tortoises and southeastern beach mice, although none were observed to occupy the site. Three species of endangered or threatened plants were confirmed to be established on the study site. All three are present on Tract A, and the single threatened species is also present on Tracts B and C.

Removal of exotic vegetation comprising less than five (5) percent of total vegetative cover and revegetation of unauthorized footpaths across the dune bluff would restore Tract A to close to a "pristine" natural state. Creation of open spaces scattered through the dense herbal vegetation on all tracts would improve the ecological functioning of these long-neglected habitats.

In general, Tract A of the study site represents some of the best remaining oceanfront habitat in Brevard County, perhaps the best remaining between Federal Lands on Cape Canaveral and the Archie Carr National Wildlife Refuge. BKI recommends that the City endeavor to preserve this unique biological resource.







SOURCE: 1996 AERIAL PHOTOGRAPH, BREVARD COUNTY S26, T26S, R37E

BKI, Inc.

CONSULTING ECOLOGISTS
325 Fifth Avenue, Suite 208
Indianapolis, Florida 32903

Title: LOCATION OF TRACT "A1"

Project: SATELLITE BEACH GRANT

Project No.: 9825

Checked By:

Scale: 1"=200'

Notes:

Figure
No.

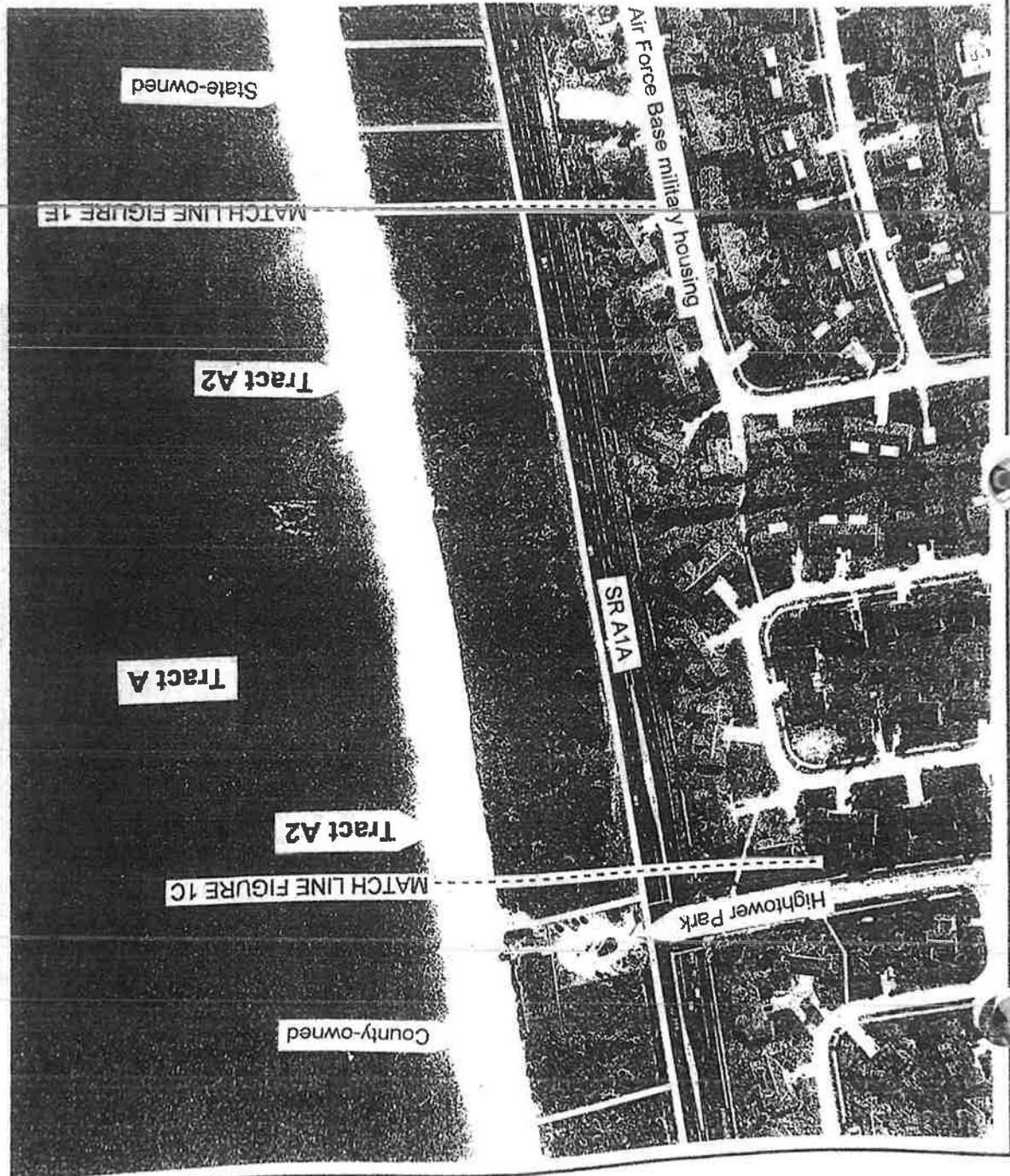
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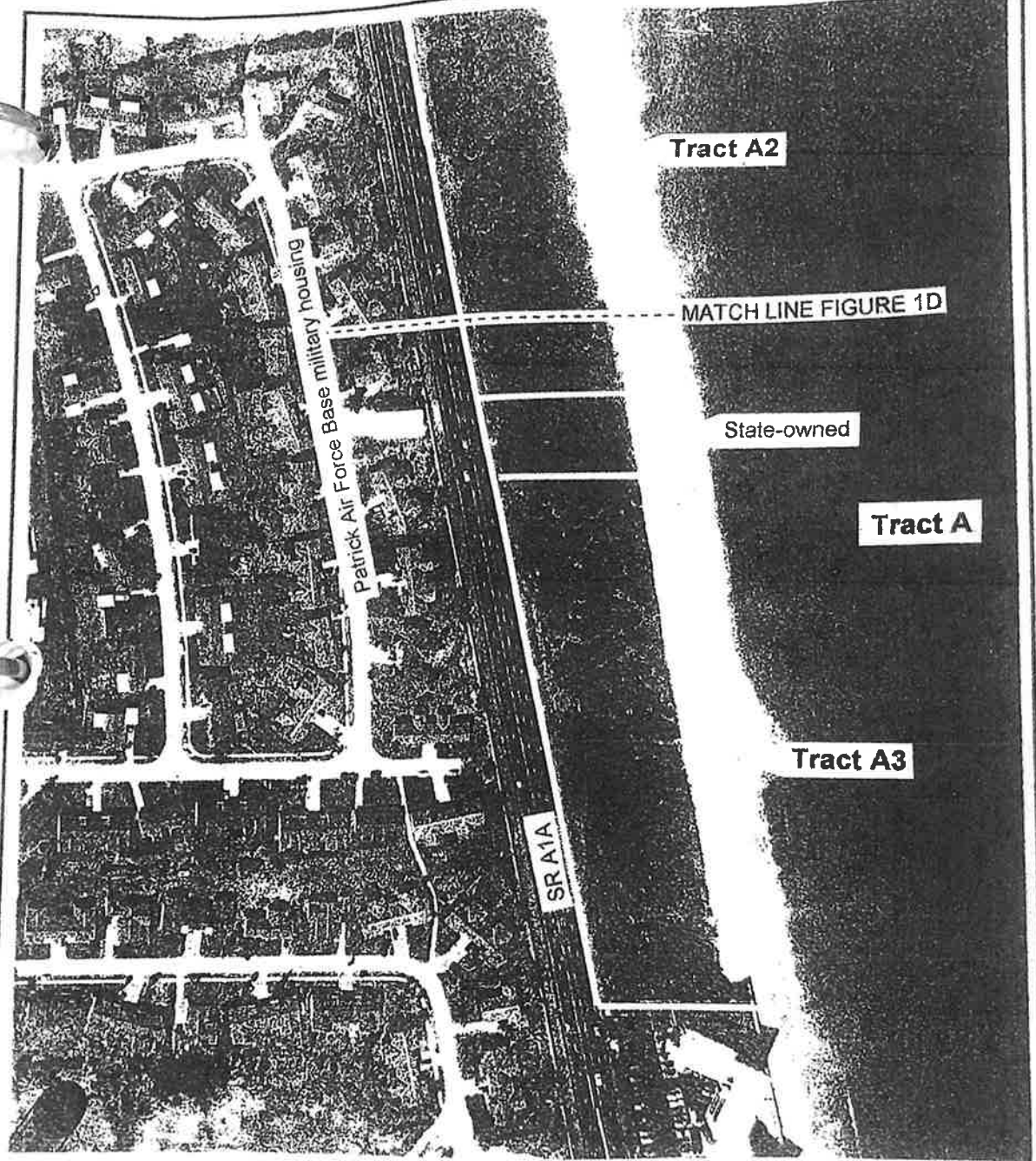
BKI, Inc.
CONSULTING ECOLOGISTS
325 Fifth Avenue, Suite 208
Indianapolis, Florida 32903

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Project: SATELLITE BEACH GRANT	
Project No.: 9825	Checked By:
Scale: 1"=200'	
Notes:	

Figure
No.
1D

SOURCE: 1996 AERIAL PHOTOGRAPH, BREVARD COUNTY S26, T26S, R37E





SOURCE: 1996 AERIAL PHOTOGRAPH, BREVARD COUNTY S36, T26S, R37E

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Indianapolis, Florida 32903

Title: LOCATION OF TRACT "A3"

Project: SATELLITE BEACH GRANT

Project No.: 9825

Checked By:

Scale: 1"=200'

Notes:

Figure
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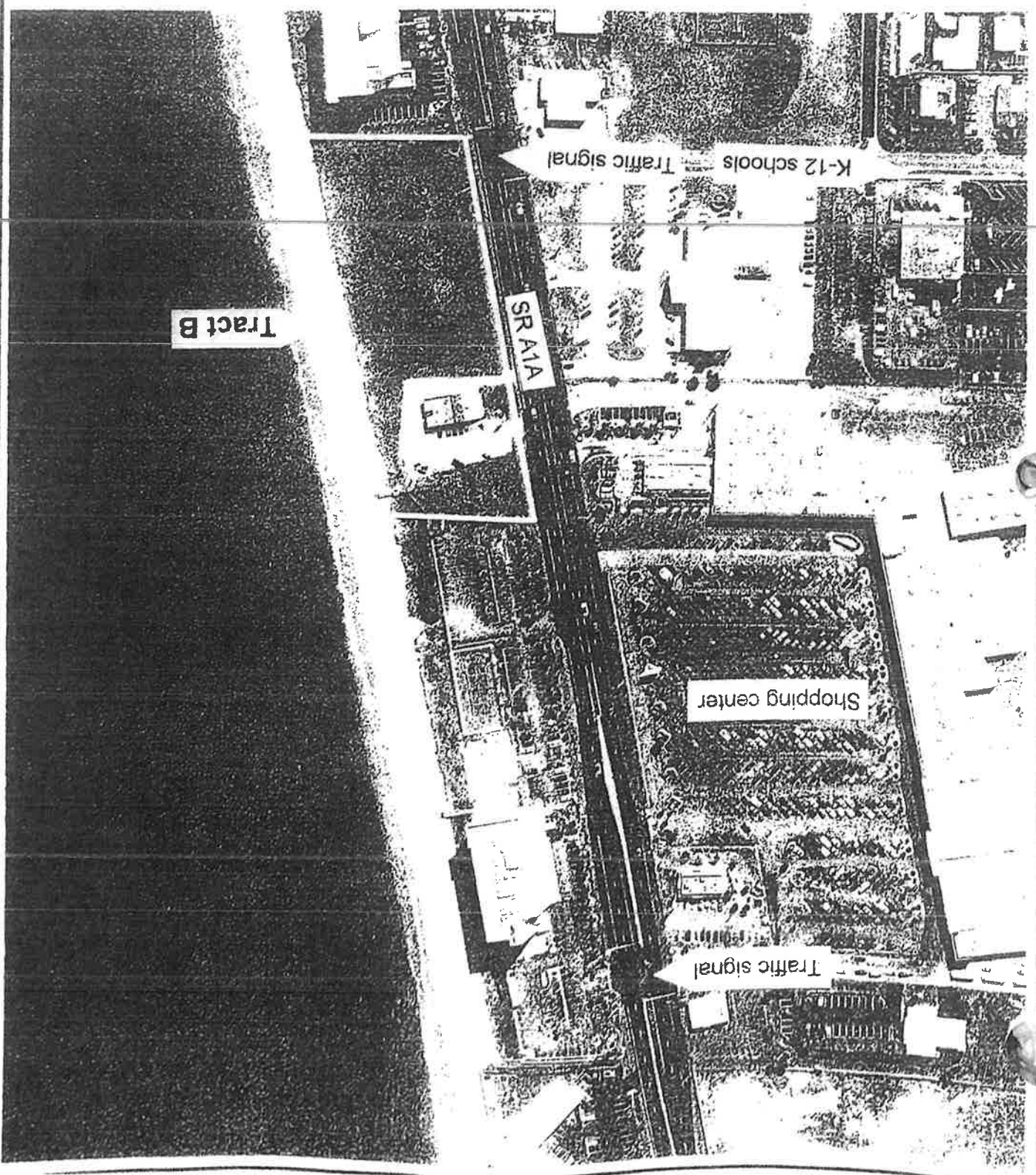
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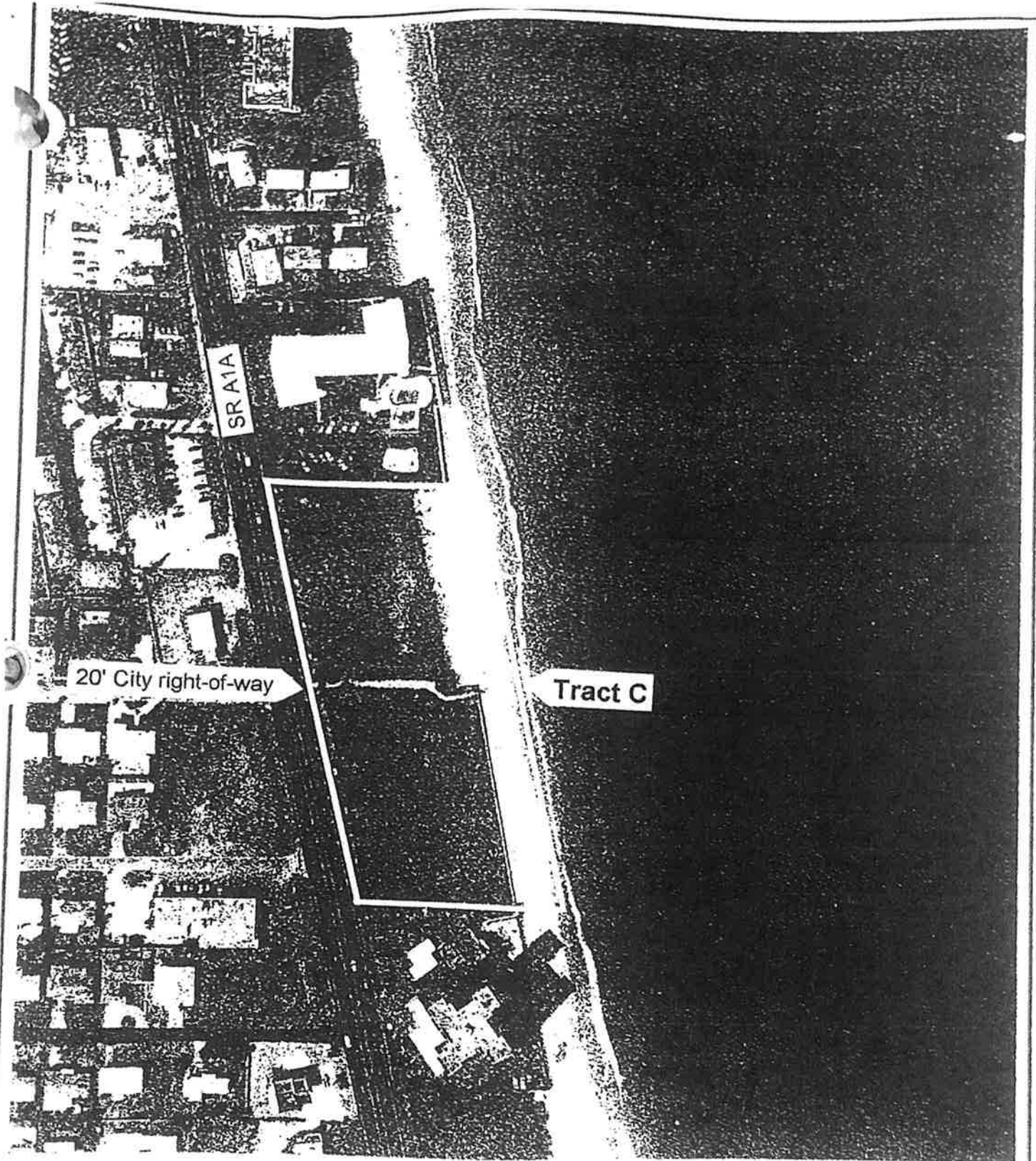
BKI, Inc.
CONSULTING ECOLOGISTS
325 Fifth Avenue, Suite 208
Indianapolis, Florida 32903

Title: LOCATION OF TRACT "B"	
Project: SATELLITE BEACH GRANT	
Project No.: 9825	Checked By:
Scale: 1"=200'	
Notes:	

Figure
No.
1F

SOURCE: 1996 AERIAL PHOTOGRAPH, BREVARD COUNTY S35, T26S, R37E





SOURCE: 1996 AERIAL PHOTOGRAPH, BREVARD COUNTY S36, T26S, R37E

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Indianapolis, Florida 32903

Title: LOCATION OF TRACT "C"

Project: SATELLITE BEACH GRANT

Project No.: 9825

Checked By:

Scale: 1"=200'

Notes:

Figure
No.

1G

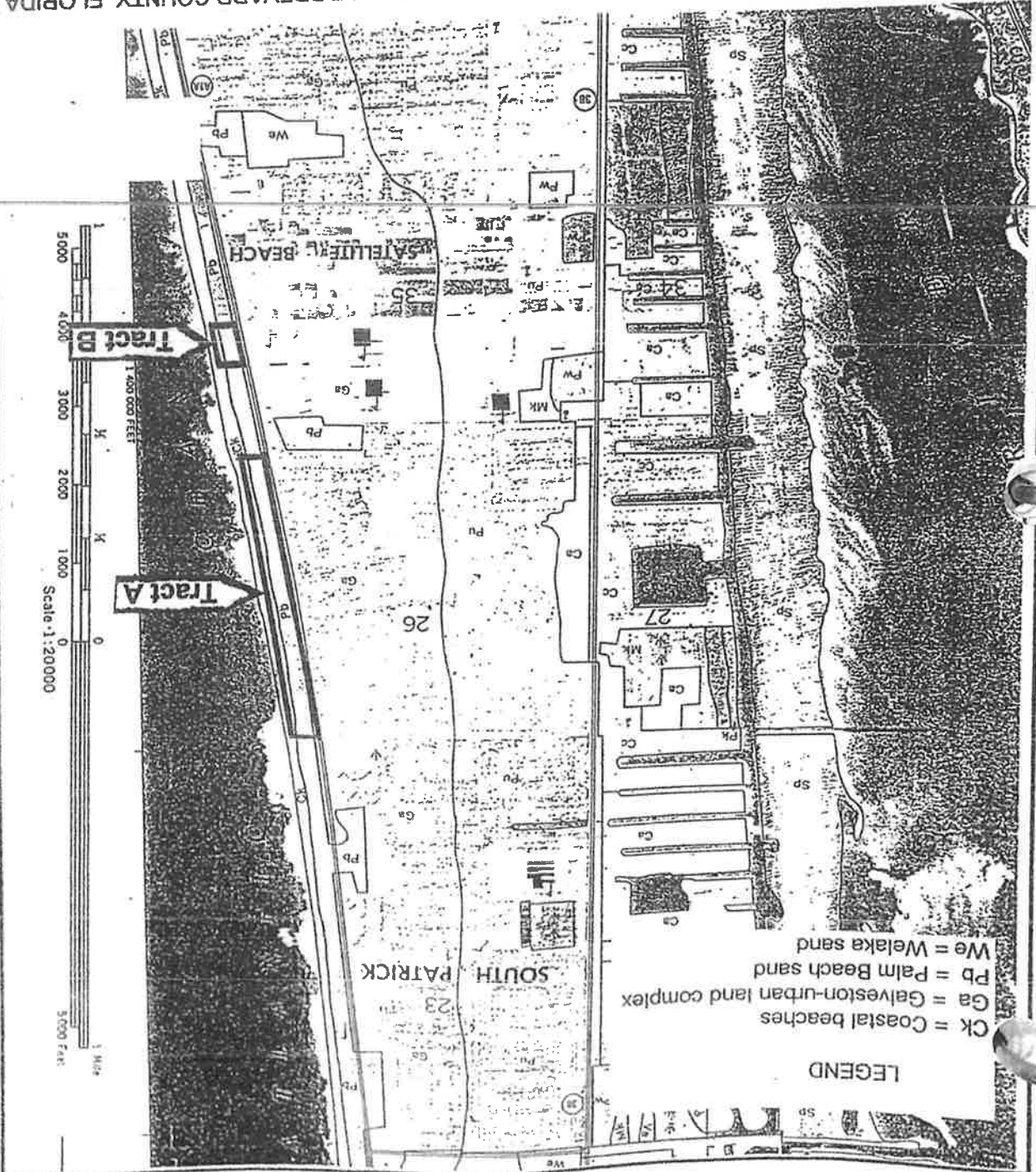
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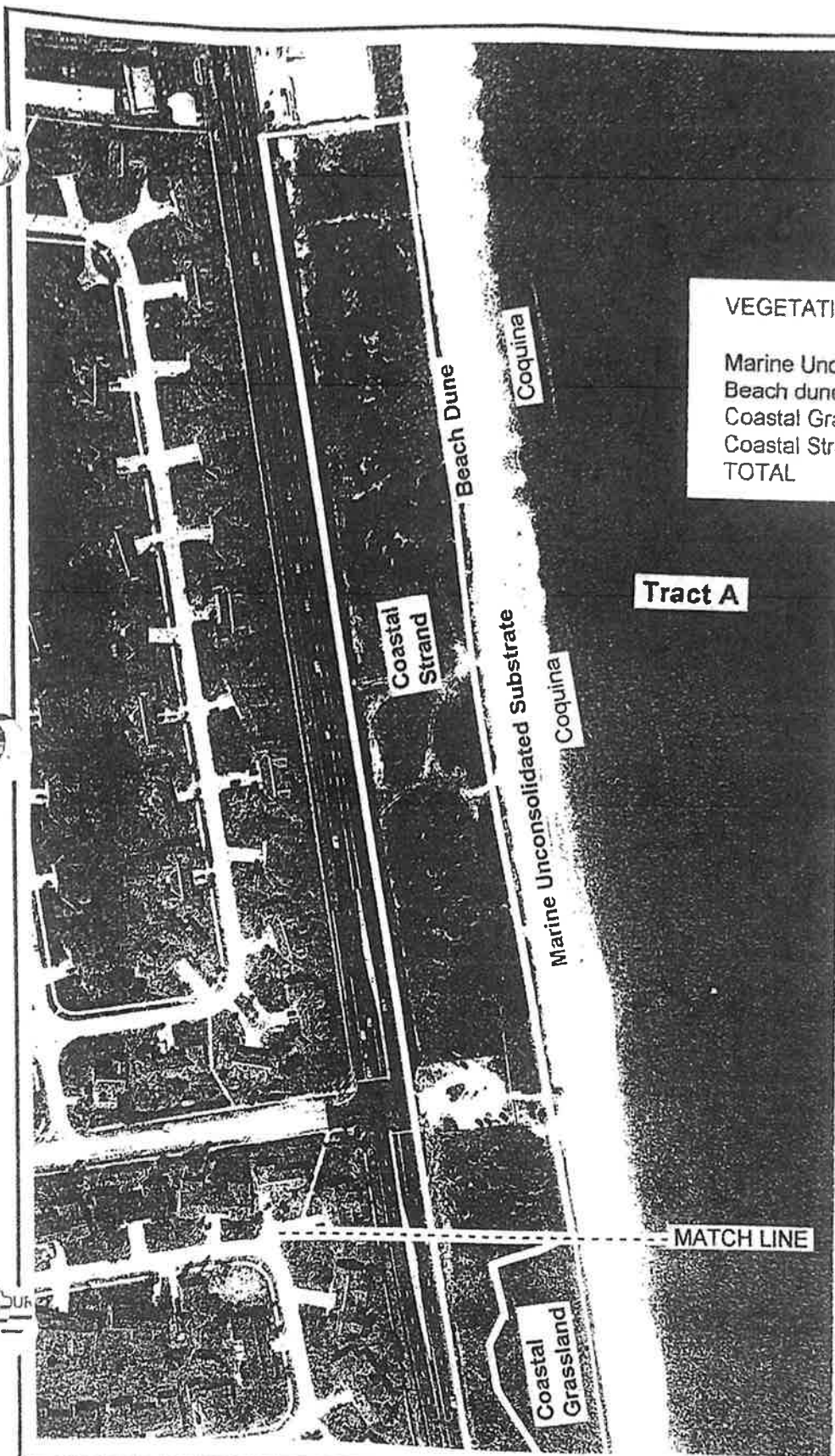
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Project: SATELLITE BEACH GRANT
Project No.: 9825
Scale: 1:30000
Checked By: _____
Notes: _____

Figure No. 2

SOURCE: SHEET 65

US SOIL CONSERVATION SERVICE, 1974 SOIL SURVEY OF BREVARD COUNTY, FLORIDA





VEGETATIVE COMMUNITY

Marine Unconsolidated Sediment
Beach dune
Coastal Grassland
Coastal Strand
TOTAL

Tract A

MATCH LINE

Coquina

Beach Dune

Coastal Strand

Marine Unconsolidated Substrate

Coquina

Coastal Grassland

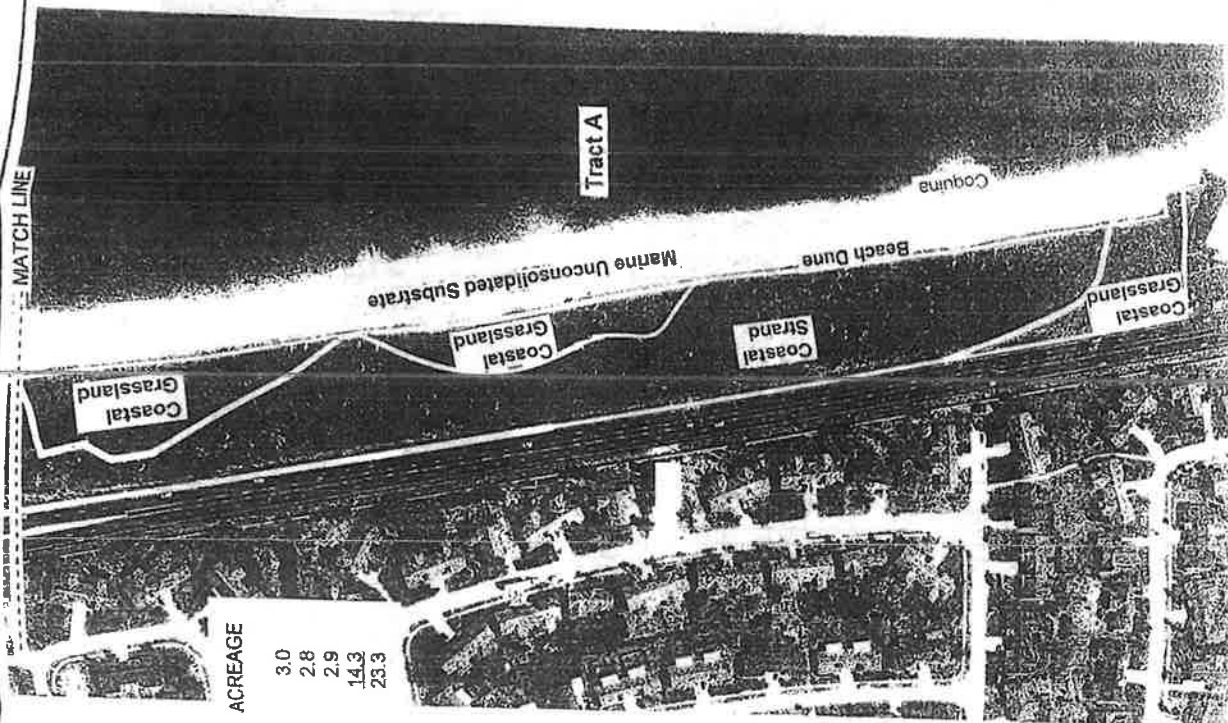
5A

Figure No.

Title: ENVIRONMENTAL SURVEY MAP	
Project: SATELLITE BEACH GRANT	
Designed By:	Project No.: 9825
Drawn By:	Scale: 1"=200'
Checked By:	Notes:

BKI, Inc.
CONSULTING ECOLOGISTS
325 Fifth Avenue, Suite 208
Indianapolis, Florida 32803

Source: 1996 AERIAL PHOTOGRAPH, BREVARD COUNTY S26, T26S, R37E

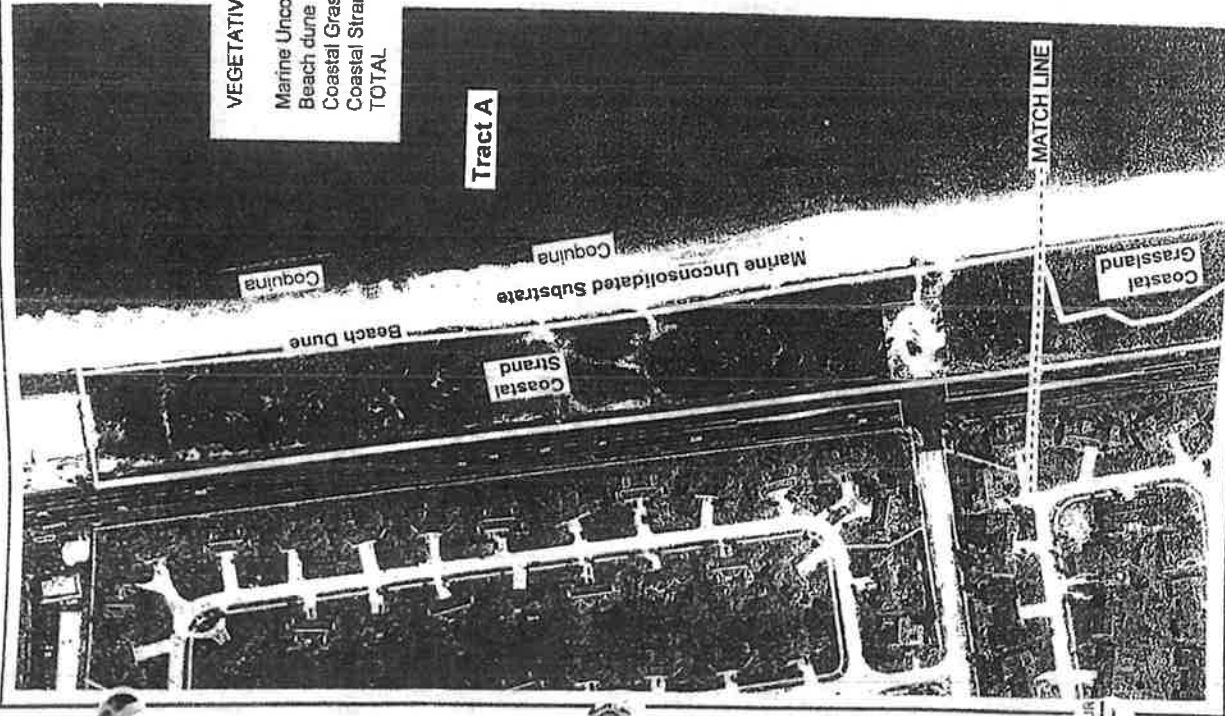


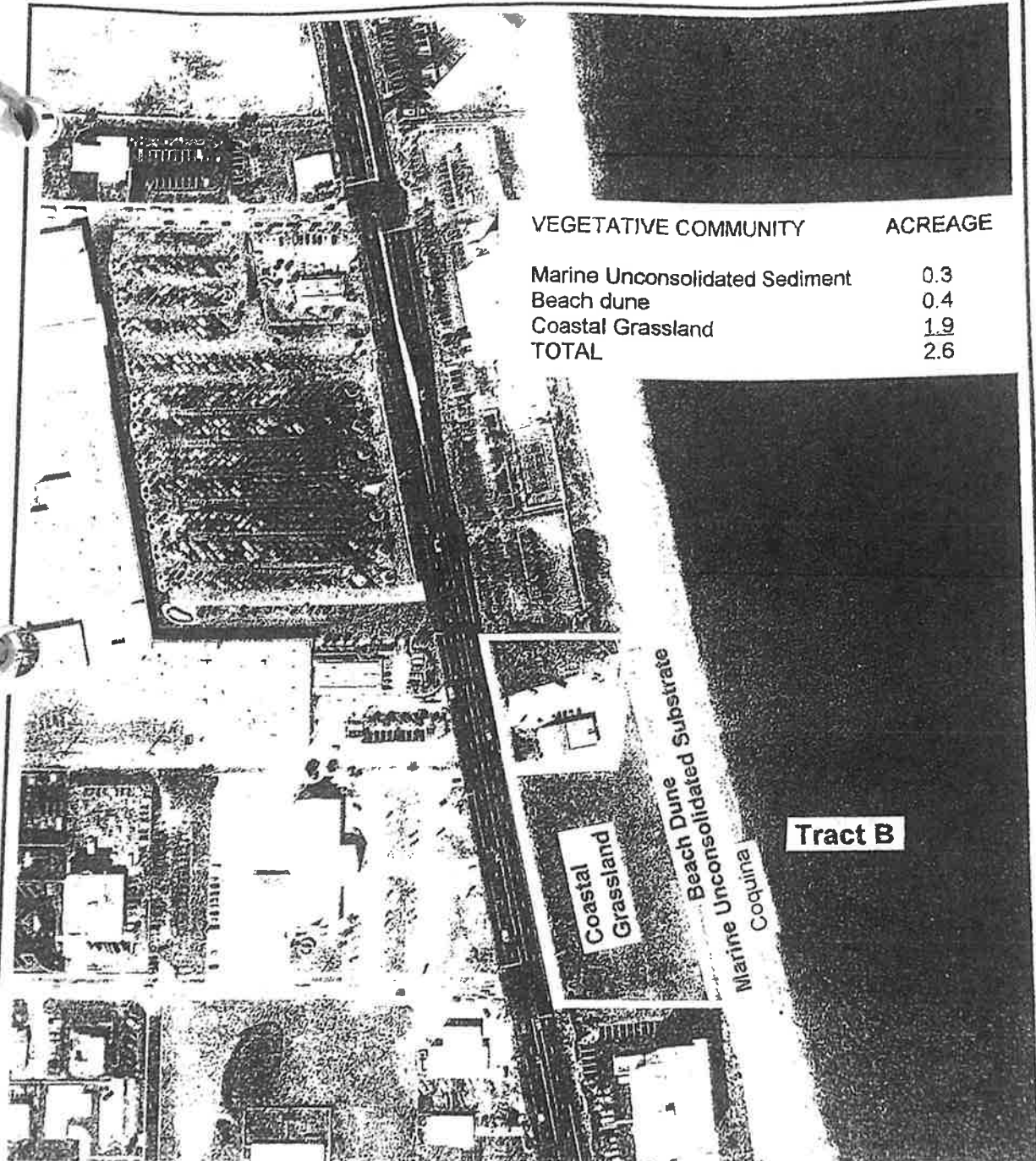
ACREAGE

3.0
2.8
2.9
14.3
23.3

VEGETATIVE COMMUNITY

Marine Unconsolidated Sediment
Beach dune
Coastal Grassland
Coastal Strand
TOTAL





VEGETATIVE COMMUNITY	ACREAGE
Marine Unconsolidated Sediment	0.3
Beach dune	0.4
Coastal Grassland	<u>1.9</u>
TOTAL	2.6

SOURCE: 1996 AERIAL PHOTOGRAPH, BREVARD COUNTY S35, T26S, R37E

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CONSULTING ECOLOGISTS
325 Fifth Avenue, Suite 208
Indianapolis, Florida 32903

Title: ENVIRONMENTAL SURVEY MAP

Project: SATELLITE BEACH GRANT

Project No.: 9825

Checked By:

Scale: 1"=200'

Notes:

Figure
No.

5B

BKI, Inc.
CONSULTING ECOLOGISTS
325 Fifth Avenue, Suite 208
Indianapolis, Florida 32903

Title: ENVIRONMENTAL SURVEY MAP

Project: SATELLITE BEACH GRANT

Project No.: 9825

Checked By:

Scale: 1"=200'

Notes:

SOURCE: 1996 AERIAL PHOTOGRAPH, BREVARD COUNTY S36, T26S, R37E

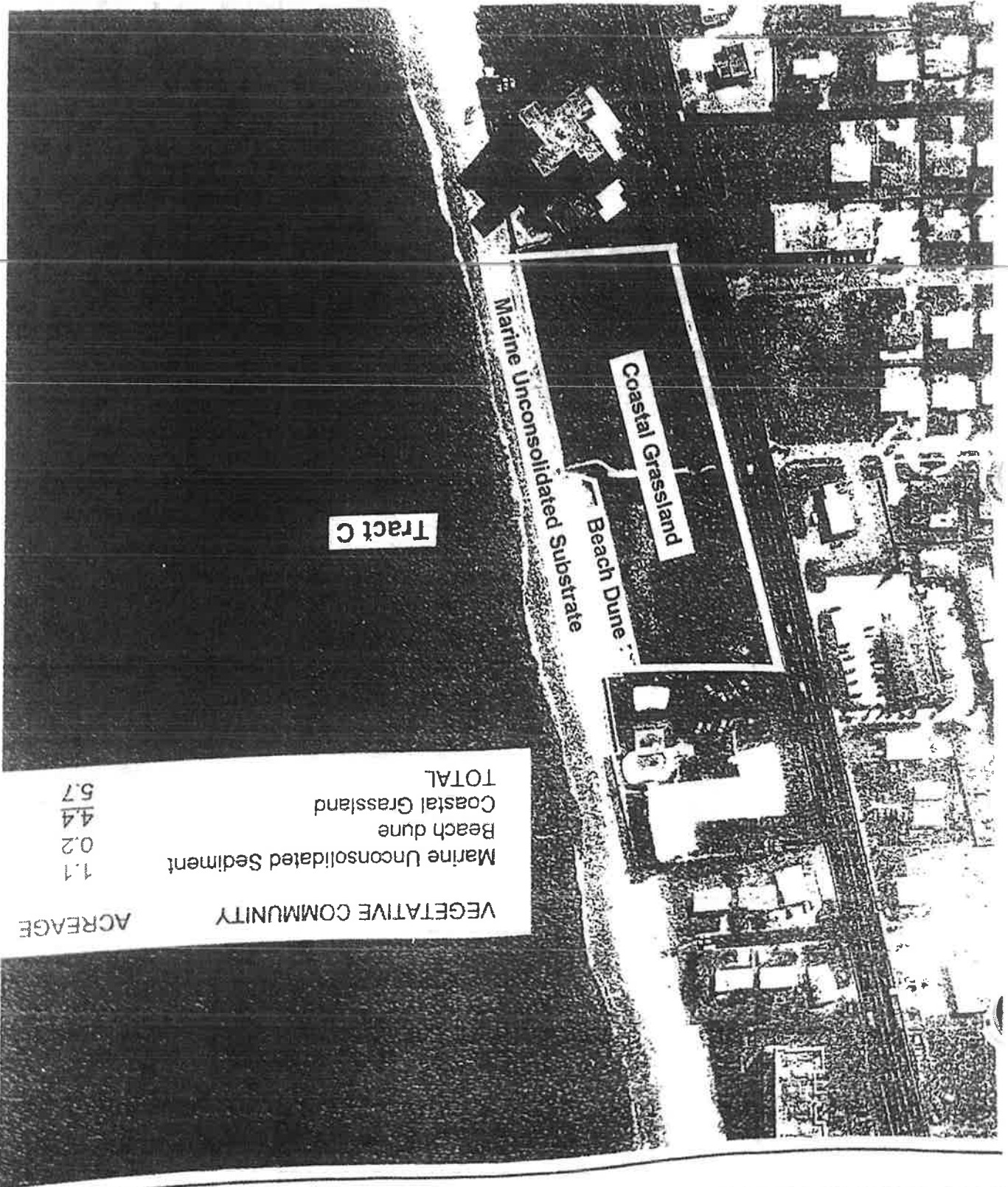
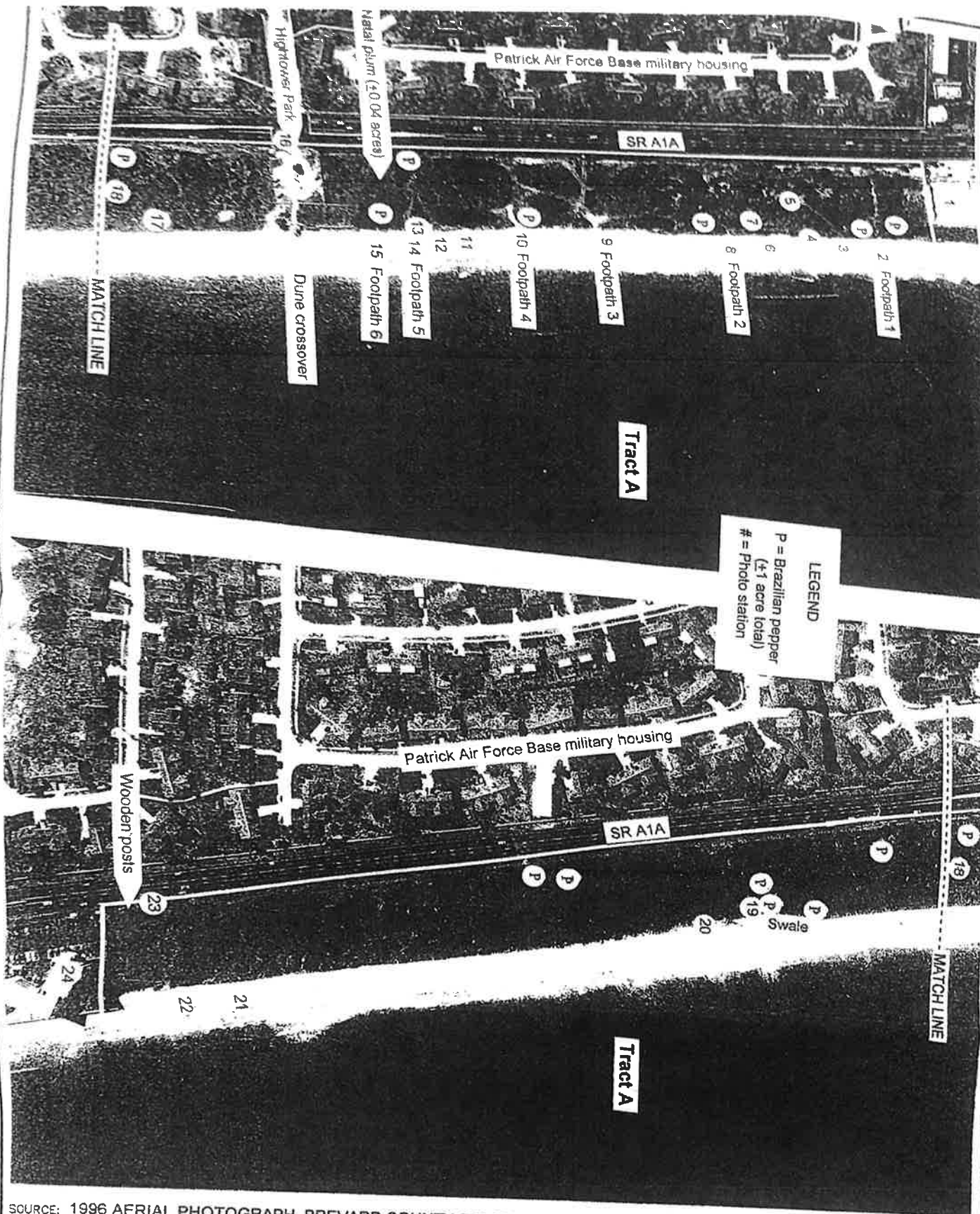


Figure No.
5C



SOURCE: 1996 AERIAL PHOTOGRAPH, BREVARD COUNTY S26, T26S, R37E

BKI, Inc.

CONSULTING ECOLOGISTS
325 Fifth Avenue, Suite 208
Indiantown, Florida 32903

Title: PHYSICAL IMPROVEMENTS, ALTERATIONS, DISTURBANCES and PHOTO STATIONS
Project: SATELLITE BEACH GRANT

Project No.: 9825

Designed By:

Drawn By:

Scale: 1"=200'

Checked By:

Notes:

Figure
No.

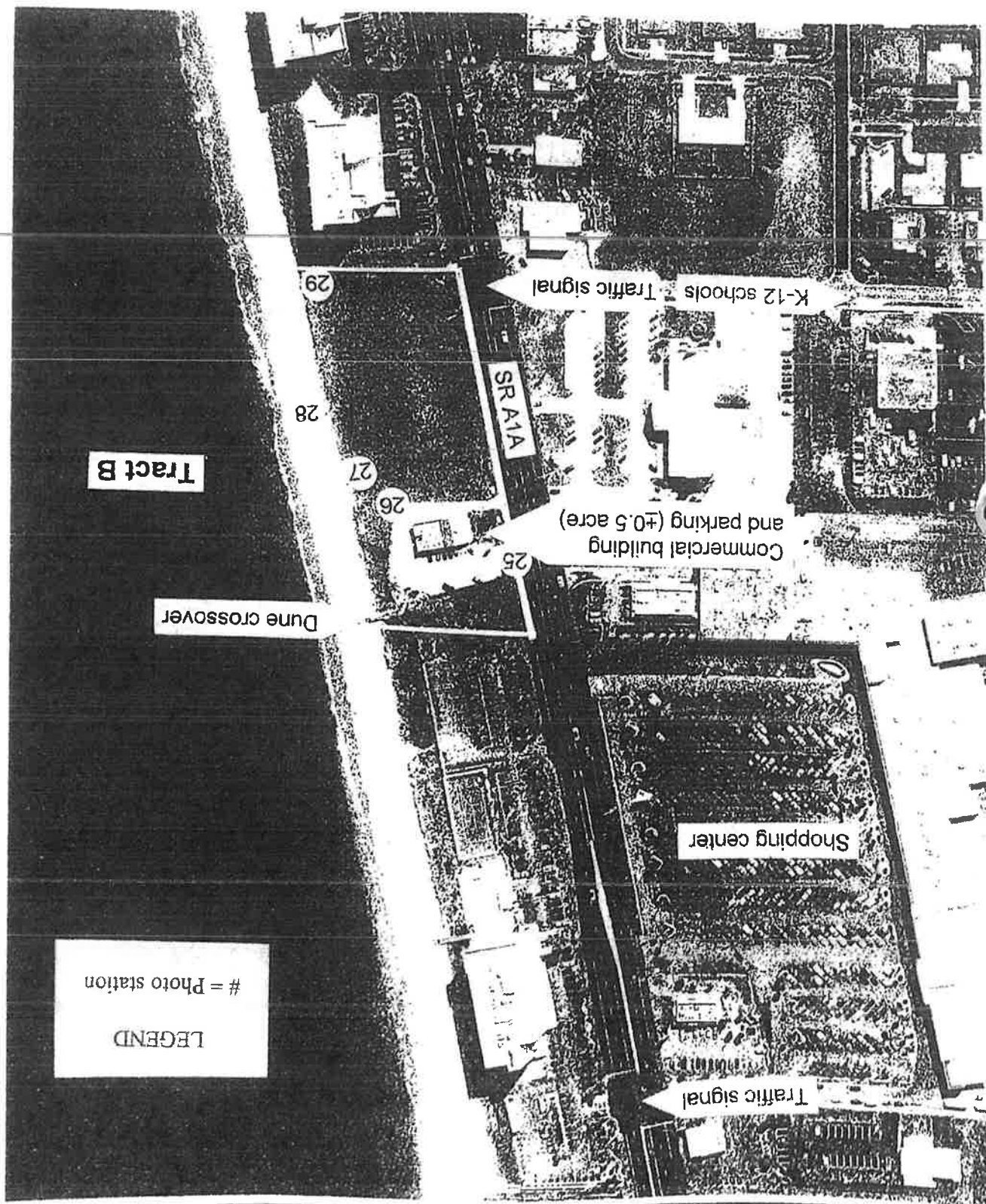
6A

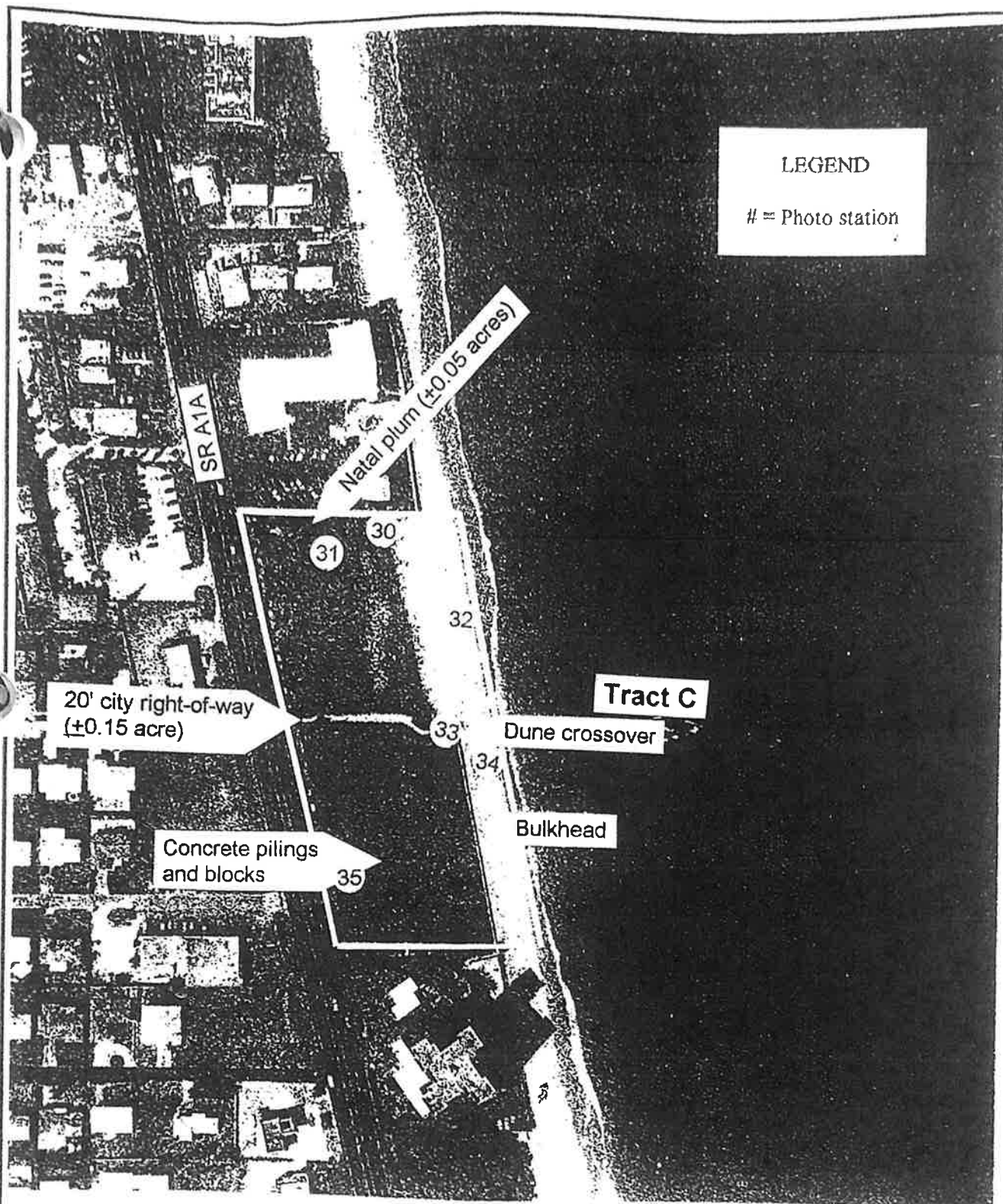
BKI, Inc.
 CONSULTING ECOLOGISTS
 325 Fifth Avenue, Suite 208
 Indianatic, Florida 32903

Title: PHYSICAL IMPROVEMENTS, ALTERATIONS,
 and DISTURBANCES
 Project: SATELLITE BEACH GRANT
 Project No.: 9825
 Scale: 1"=200'
 Notes: PHOTO STATIONS

6B
 Figure No.

SOURCE: 1996 AERIAL PHOTOGRAPH, BREVARD COUNTY S35, T26S, R37E





SOURCE: 1996 AERIAL PHOTOGRAPH, BREVARD COUNTY S36, T26S, R37E

BKI, Inc.

CONSULTING ECOLOGISTS
325 Fifth Avenue, Suite 208
Indiantonic, Florida 32903

Title: PHYSICAL IMPROVEMENTS. ALTERATIONS.

Project: SATELLITE BEACH GRANT DISTURBANCES

Project No.: 9825

and

Scale: 1"=200'

PHOTO STATIONS

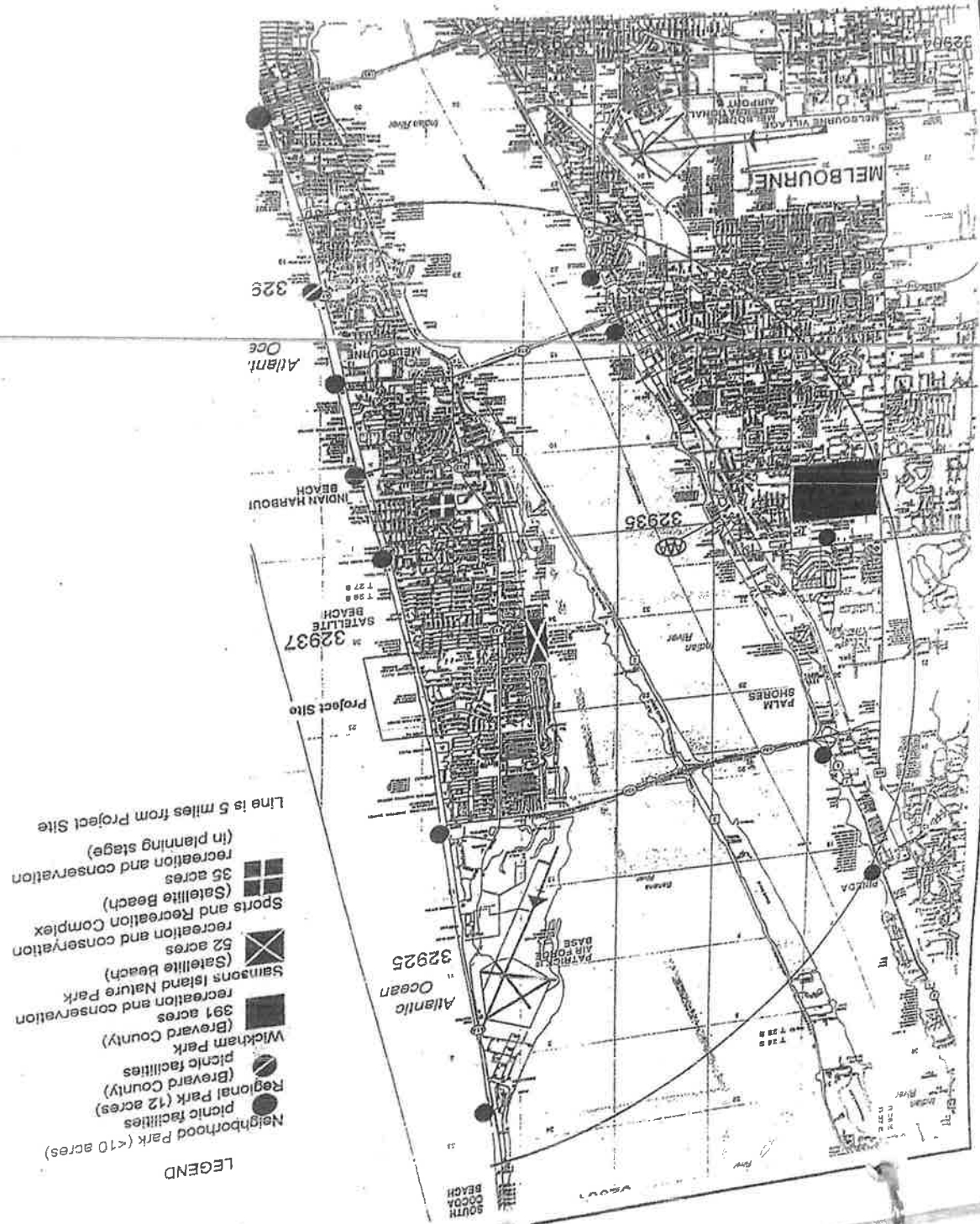
Notes:

Figure
No.

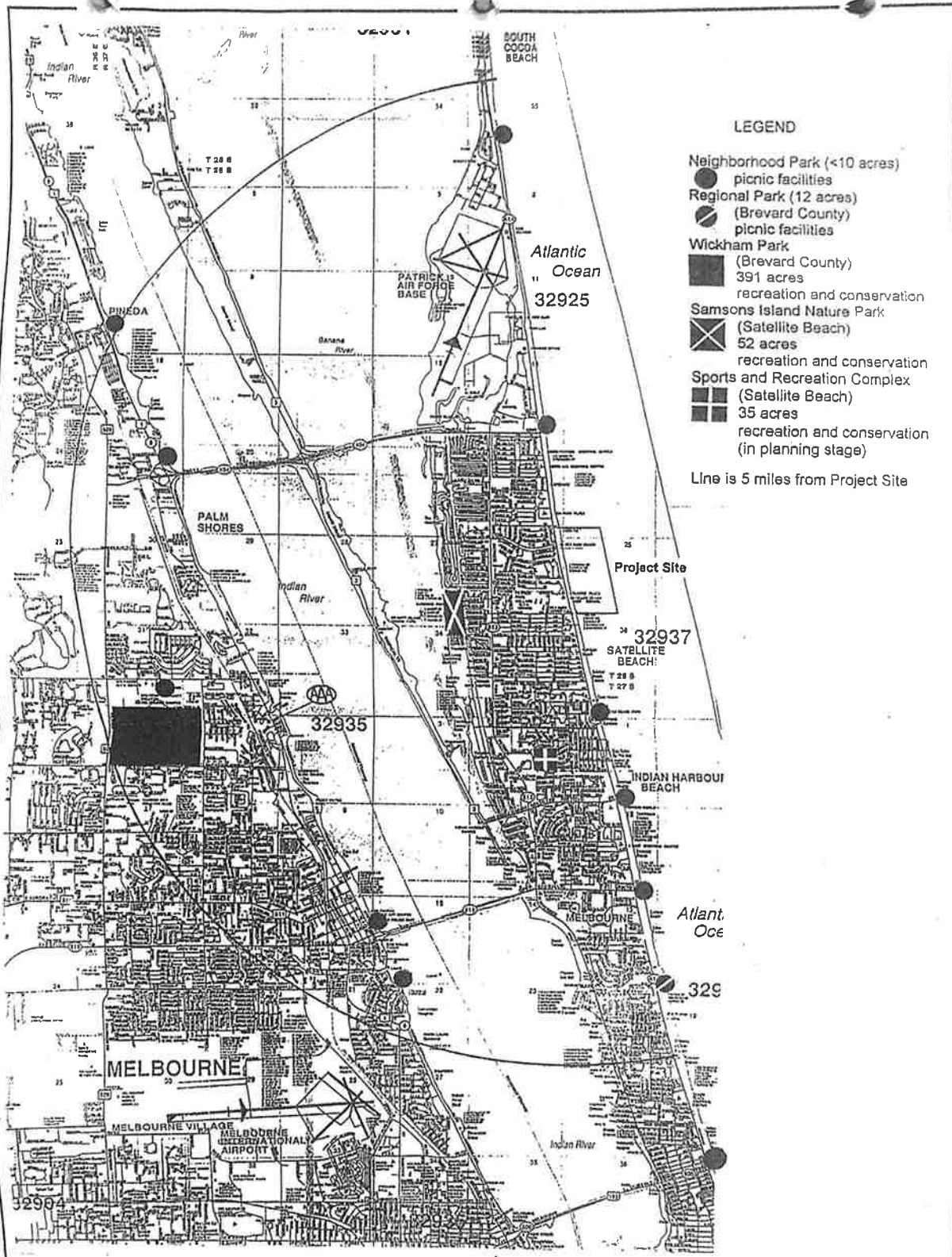
6C

Title: LANDS USED FOR NATURAL RESOURCES CONSERVATION AND OUTDOOR RECREATION Project: SATELLITE BEACH GRANT Project No: 6925 Designed By: _____ Drawn By: _____ Checked By: _____ Notes: _____		B.K.I., Inc. 325 First Avenue, Suite 208 Melbourne, Florida 32903
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SOURCE: 1995-96 UNIVERSAL MAP, BREVARD COUNTY, FLORIDA



- LEGEND**
- Neighbourhood Park (<10 acres)
picnic facilities
 - Regional Park (12 acres)
picnic facilities (Brevard County)
 - Wickham Park
picnic facilities (Brevard County)
 - 391 acres
recreation and conservation (Brevard County)
 - 52 acres
recreation and conservation (Satellite Beach)
 - 35 acres
Sports and Recreation Complex (Satellite Beach)
 - 35 acres
recreation and conservation (in planning stage)
- Line is 5 miles from Project Site (in planning stage)



SOURCE: 1995-96 UNIVERSAL MAP, BREVARD COUNTY, FLORIDA

BKI, Inc. CONSULTING ECOLOGISTS 325 Fifth Avenue, Suite 206 Indian Rocks, Florida 32903			Title: LANDS USED FOR NATURAL RESOURCES CONSERVATION AND OUTDOOR Project: SATELLITE BEACH GRANT Project No.: 9925 Scale: 1"=1 MILE Notes:		Designed By: Drawn By: Checked By:		RECREATION Figure No. 7	
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FCT Contract #99-CT-8C-98-8A-A1-044

FLORIDA COMMUNITIES TRUST
P8A AWARD #98-044-P8A
OCEANFRONT WILDLIFE AND HABITAT PRESERVATION

CONCEPTUAL APPROVAL AGREEMENT

THIS AGREEMENT is entered into on DECEMBER 11, 1998, the date the last party executes this Agreement, by and between the FLORIDA COMMUNITIES TRUST (FCT), a nonregulatory agency within the State of Florida Department of Community Affairs, and CITY OF SATELLITE BEACH (FCT Recipient), a local government of the State of Florida. The intent of this Agreement is to impose terms and conditions on the use of the proceeds of certain bonds, hereinafter described, and the lands acquired with such proceeds (Project Site), that are necessary to ensure compliance with applicable Florida Law and federal income tax law and to otherwise implement provisions of Sections 259.101, 375.045, and Chapter 380, Part III, Florida Statutes (F.S.).

* * * * *

WHEREAS, Chapter 380, Part III, F.S., the Florida Communities Trust Act, creates a nonregulatory agency within the Department of Community Affairs (Department) that will assist local governments in bringing local comprehensive plans into compliance and implementing the goals, objectives, and policies of the conservation, recreation and open space, and coastal management elements of local comprehensive plans, or in conserving natural resources and resolving land use conflicts by providing financial assistance to local governments to carry out projects and activities authorized by the Florida Communities Trust Act;

WHEREAS, Section 259.101(3)(c) of the Florida Preservation 2000 Act provides for the distribution of ten percent (10%) less certain reductions of the net Preservation 2000 Revenue Bond proceeds to the Department of Community Affairs to provide land acquisition grants and loans to local governments through the FCT;

WHEREAS, the Governor and Cabinet have annually authorized the sale and issuance of State of Florida Department of Environmental Protection Preservation 2000 Revenue Bonds (Bonds); and Bonds have been annually sold, thereby producing revenues for distribution according to Section 259.101(3)(c), F.S.;

WHEREAS, the Bonds are 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-4, Florida Administrative Code (F.A.C.), describes the

Funded/Joint Acquisition/98-044-P8A
11/6/98
FINAL

procedures for evaluation and selection of lands proposed for acquisition using funds allocated to the FCT through the Department of Community Affairs from the Preservation 2000 Trust Fund;

WHEREAS, the FCT Governing Body met on August 27-28, 1998, to score, rank and select projects that were to receive Conceptual Approval for funding;

WHEREAS, the FCT Recipient's project, described in an application submitted for evaluation, was selected for funding and in accordance with Rule Chapter 9K-4, F.A.C., and more particularly described within this Agreement;

WHEREAS, Rule 9K-4.010(2)(f), F.A.C., authorizes FCT to impose conditions for funding on those FCT applicants whose projects have been selected for funding; and

WHEREAS, the purpose of this Agreement is to set forth the conditions of Conceptual Approval that must be satisfied by FCT Recipient prior to the disbursement of any FCT Preservation 2000 funds awarded, as well as the restrictions that are imposed on the Project Site subsequent to its acquisition with the FCT Preservation 2000 Series Bond Proceeds.

NOW THEREFORE, FCT and FCT Recipient mutually agree as follows:

I. GENERAL CONDITIONS

1. At least two original copies of this Agreement shall be executed by FCT Recipient and returned to the FCT office at 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100 as soon as possible and before December 15, 1998. Upon receipt of the signed Agreements by FCT, FCT will execute the Agreements, retain one original copy and return all other copies that have been executed to FCT Recipient. If the FCT Recipient requires more than one original document, the FCT Recipient should photocopy the number of additional copies needed, and then execute each as an original document.

2. The name *Conceptual Approval Agreement* is used to indicate that the project has been approved as a concept that was described in FCT Application #98-044-P8A. Since the entire Project Site has not yet been negotiated for acquisition, some elements of the project are not yet known, such as the purchase price, other project costs, and the terms upon which an owner will voluntarily convey the property. The Conceptual Approval Agreement is in every respect a grant contract between the parties. The Agreement describes activities that will be conducted both prior and subsequent to acquisition of the Project Site, described in the application that was submitted and selected for funding by the FCT.

3. Conceptual Approval for funding shall be until July 27, 1999. In the event the project has not been completed in full by July 27, 1999, the Conceptual Approval Agreement must be extended in order that the grant will remain in effect. In advance of the July 27, 1999, date and in sufficient time before a meeting of the FCT governing board that would allow

approval of an extension to this Agreement before its expiration, the FCT Recipient must request a written extension to the Conceptual Approval Agreement for project continuation in compliance with Rule 9K-4.010(2)(j), F.A.C. If the FCT Recipient does not request an extension, or if an extension is not granted to the FCT Recipient by the FCT Governing Body, the Preservation 2000 award granted to the FCT Recipient by the Governing Body shall terminate and all obligations hereunder shall cease.

Based upon the Florida Legislature's ongoing oversight of the rate of expenditure of funds, and the impact on future funding if expenditures do not timely occur, the FCT requires that the project be completed as soon as possible after project selection.

4. Extensions to this Agreement, described in Paragraph 3 above, shall not exceed 24 months from the date the Agreement was approved by the FCT, except as described in this paragraph. In compliance with Section 380.510(f), F.S., if the project is not concluded by **October 27, 2000**, the project shall only be extended if the FCT Governing Body determines that a request for additional time to complete the project is warranted based upon FCT Recipient's demonstration that significant progress is being made toward closing the project or that extenuating circumstances warrant an extension of time.

5. This Agreement may be terminated before its expiration at the written request of the FCT Recipient. Such a request shall fully describe the circumstances that compel the FCT Recipient to terminate the project. A request for termination should be mailed to the offices of the FCT at the address given in paragraph 1 above. The request for termination will be placed on the agenda of the next regularly scheduled meeting of the FCT Governing Body for concurrence by the FCT. The termination shall be acknowledged by the FCT in a letter to the FCT Recipient.

Circumstances may arise that, in the analysis of the FCT, warrant termination of the project before its completion. In such an event, the FCT will advise the FCT Recipient of its analysis and will confer with the FCT Recipient on continuation of the project. If the FCT Recipient concurs, a request for termination will be considered at the next regularly scheduled meeting of the FCT Governing Body.

6. FCT Recipient agrees to make diligent efforts to submit the documentation to FCT that is required in this Agreement as soon as is reasonably possible so that the Project Site may be acquired in an expeditious manner. Deadlines stated in this Agreement, as well as deadlines associated with any FCT activity relating to the project, are strictly enforced. Failure to adhere to deadlines, whether stated in this Agreement or associated with meetings of the FCT Governing Body, may result in delays in the project, may result in allocation of time or resources to other recipients that responded timely, and may result in this Agreement being voidable. It is the responsibility of the FCT Recipient to know all project deadlines, to devise a method of monitoring the project, and to adhere to all deadlines.

7. The FCT Preservation 2000 award granted to the FCT Recipient will in no event

exceed the lesser of Ninety-Nine And Eight Tenths Percent (99.80%) of the final Total Project Costs, as defined in Rule 9K-4.002(30), F.A.C., or Five Million Dollars And No Cents (\$5,000,000.00), unless the FCT Governing Body approves a different amount, which shall be reflected in an addendum to this Agreement.

8. The grant amount stated in paragraph 7 above is based on the FCT Recipient's estimate of Total Project Costs in application #98-044-P8A, as well as limits on awards in the Notice of Application Period announcing the application cycle. When disbursing funds for the project, the FCT will recognize the actual Total Project Costs, defined in Rule 9K-4.002(30), F.A.C., for acquisition of the Project Site. The Total Project Costs will be reflected on a grant reconciliation statement prepared pursuant to paragraph 10 below. The FCT will participate in the land cost at either the actual purchase price, or the Maximum Approved Purchase Price based on appraisal reports that comply with requirements set forth in Rule 9K-6.007, F.A.C., whichever is less, and multiplied by the percent stated in paragraph 7 above.

9. The FCT Governing Body has given Conceptual Approval for funding to acquire the entire Project Site identified in the FCT Recipient's application #98-044-P8A. The FCT Governing Body reserves the right to withdraw the FCT award if the acreage that comprises the Project Site is reduced so that the objectives of the acquisition cannot be achieved. Request for modification of the boundary of the Project Site identified in the FCT Recipient's application #98-044-P8A may be considered by the FCT Governing Body following the procedures for submission and review of boundary modification requests set forth in Rule 9K-4.0105, F.A.C. If the Project Site is comprised of multiple parcels, an Acquisition Plan was required in the application. The FCT Governing Body reserves the right to withdraw the FCT award if the priority parcel(s), identified in the Acquisition Plan prepared pursuant to Rule 9K-4.004(5)(g), F.A.C., included in application #98-044-P8A, incorporated by reference herein and attached as Exhibit "A," cannot be acquired. Approval of the Conceptual Approval Agreement shall constitute approval of the Acquisition Plan by FCT.

10. The FCT funds shall be delivered either in the form of eligible Project Costs prepaid by FCT to vendors or in the form of a State of Florida warrant at the closing of the Project Site, payable to the Seller or the Seller's designated agent authorized by law to receive such payment, provided the Comptroller determines that such disbursement is consistent with good business practices and can be completed in a manner minimizing costs and risks to the State of Florida. If the Project Site is comprised of multiple parcels, FCT shall deliver at the closing of each parcel only the share of the FCT award that corresponds to the parcel being closed. FCT will prepare a grant reconciliation statement prior to the closing of the Project Site parcel that will evidence the amount of local match, if any is required, provided by the FCT Recipient and the portion of the FCT award that corresponds to the parcel being closed. Cash expended by the FCT for eligible Project Costs incurred by the FCT will be recognized as part of the FCT grant award amount on the grant reconciliation statement.

11. The FCT Recipient's local match, if any is required, shall be delivered either in the form of eligible Project Costs prepaid to vendors by the FCT Recipient; cash; eligible documented donation by Seller of land value; or FCT Recipient's warrant at the closing of the Project Site. If the Project Site is comprised of multiple parcels, the FCT Recipient shall deliver at the closing of each parcel the share of the local match, if any is required, that corresponds to the parcel being closed. The cash expended by the FCT Recipient for eligible Project Costs incurred by the FCT Recipient conducting acquisition activities will be recognized as part of the local match, if any is required, on the reconciliation statement prepared pursuant to paragraph 10 above. In the event FCT Recipient's application #98-044-P8A represents that land value is the source of local match, if any is required, the value attributed to the land local match, if any is required, shall be determined after an appraisal report that complies with the procedures and requirements set forth in Rule 9K-6.007, F.A.C. Such appraisal report shall be subject to review and approval by FCT prior to FCT funds being delivered for the project.

12. The FCT Governing Body adopted the Preservation 2000 Program Approved List of Complete Applications for Series P8A Funding Cycle on May 18, 1998, at which time the Project Site became part of a list of lands that were approved for consideration for land acquisition. If action initiated by the FCT Recipient that is the local government having jurisdiction over the Project Site, subsequent to May 18, 1998, results in a governmentally-derived higher value due to an enhanced highest and best use, the FCT acquisition activities will be terminated unless the seller agrees that the appraisal will be done at the highest and best use of the Project Site on or before May 18, 1998.

13. **FCT Recipient hereby notifies the FCT that the following local government employee or official is the authorized key contact, or project manager, on behalf of the FCT Recipient for purposes of coordinating project activities for the duration of the project:**

Name: William A. Ryan
Title: Finance Director
Address: 565 Cassia Boulevard, Satellite Beach, FL 32937
Phone: (407) 773-4407 Fax: (407) 779-1388

The FCT Recipient must notify the FCT as to any change in the authorization of the key contact on behalf of the FCT Recipient named above. This notification must be made in writing to the Executive Director and signed by the appropriate local government employee, official or authorized representative named in paragraph II.6.d. below.

14. This Agreement may be amended at any time prior to FCT giving Project Plan approval to the FCT Recipient. Any amendment must be set forth in a written instrument and agreed to by both the FCT Recipient and FCT. Such amendments shall become a part of this Agreement.

II. REQUIREMENTS THAT MUST BE MET PRIOR TO INITIATION OF PROJECT SITE NEGOTIATION

1. The FCT Recipient hereby notifies the FCT that FCT
[note: elect either FCT, FCT Recipient or FCT Recipient Agent] will be the party responsible for all negotiation and acquisition activities.

2. The FCT Recipient hereby notifies the FCT that the FCT Recipient(s)' Federal Employer Identification Number(s) is 59-0949593.

3. No later than December 15, 1998, the FCT Recipient must deliver to FCT a written statement from the Project Site property owner(s) evidencing that the owner(s) is willing to entertain an offer from the FCT Recipient and FCT.

4. No later than December 15, 1998, the FCT Recipient shall execute a Confidentiality Agreement pursuant to Rule 9K-6.010(5), F.A.C. A sample of a Confidentiality Agreement is attached as Exhibit "B"; an Agreement specific to this project will be prepared by FCT for execution by the FCT Recipient. This Confidentiality Agreement is not a part of this Agreement and may be amended without amending this Agreement, if needed.

5. By execution of this Agreement, the FCT Recipient affirms that:

2. the FCT Recipient is ready, willing and able to provide the local match, if any is required;

- b. the FCT Recipient reaffirms the representations made in FCT Application #98-044-P8A;

- c. the FCT Recipient shall, on the anniversary date of the approval of the Project Plan by the FCT Governing Body, prepare and submit to FCT an annual report as required by Rule 9K-4.013, F.A.C.;

- d. the FCT Recipient authorizes the local government employee, official or authorized representative named in this paragraph to execute all documents in connection with this project on behalf of the FCT Recipient, including but not limited to the Conceptual Approval Agreement or any addenda thereto, purchase agreement for the property, grant reconciliation statement, closing documents, statements submitted as a part of the Project Plan, and Grant Award Agreement pursuant to Rule 9K-6.014(6), F.A.C.;

Name: Michael P. Crotty

Title: City Manager

Address: 565 Cassia Blvd., Satellite Beach, FL 32937

Phone: (407) 773-4407

Fax: (407) 779-1388

The FCT Recipient must notify the FCT as to any change in the authorization of the local government employee, official or representative named in this paragraph to execute all documents on behalf of the FCT Recipient. This notification must be made in writing to the Executive Director and signed by the appropriate local government employee, official or authorized representative.

III. PROJECT PLAN APPROVAL

1. Prior to closing of the real estate transaction and final disbursement of award funds by FCT, the FCT Recipient must prepare a Project Plan that complies with Rule 9K-4.011, F.A.C. This Project Plan is a compilation of the following items listed below, which must be reviewed and approved by FCT in a meeting of the FCT Governing Body. In the event that the FCT Recipient is a partnership, the FCT Recipient must also provide FCT with the interlocal agreement that sets forth the relationship among the partners and the fiscal and management responsibilities and obligations incurred by each partner for the Project Site as a part of its Project Plan.

The Project Plan shall include, and shall not be considered by FCT unless it includes all of the following documents, to be reviewed and approved by FCT to ensure that the interest of the State of Florida will be protected:

a. A purchase agreement for acquisition of the Project Site, in a form approved by the FCT staff prior to being executed by the Seller, such agreement fully executed by both the Seller and the FCT Recipient, that is based on an appraisal or appraisals prepared consistent with the requirements of Rule Chapter 9K-6, F.A.C., and otherwise consistent with the provisions of that rule chapter and in a form and with terms that are acceptable to FCT. (See Paragraph 1 of Section IV below.)

b. A management plan that complies with the following: written according to Exhibit "C" (*FCT Technical Assistance Bulletin #2--Writing a Management Plan*), which is attached hereto and incorporated herein by reference; acceptable to FCT; addresses the criteria and conditions set forth in Section IV, V, VI, VII and VIII hereinbelow; and, at a minimum, sets forth how the site will be managed to further the purpose of the project, contains a description of all planned improvements to the Project Site, identifies the costs of management and site improvement and funding sources, and identifies the management entity and its funding source.

If the FCT Recipient is not the proposed managing entity, the Project Plan must also include a signed agreement between the FCT Recipient and the managing entity stating the managing

entity's willingness to manage the site, the manner in which the site will be managed to further the purpose(s) of the project, and identification of the source of funding for management.

c. A statement of the Total Project Cost, including all non-recurring costs of project development.

d. A statement of the amount of the award being requested from the FCT.

e. A statement from each local government in whose jurisdiction the Project Site is located that the Project Plan is consistent with the local comprehensive plan.

f. Evidence that the conditions imposed as part of the Conceptual Approval Agreement have been satisfied.

g. An affidavit from the FCT Recipient evidencing that after conducting a diligent search, the FCT Recipient, to the best of its knowledge, represents that there are no existing or pending violations of any local, state, regional and federal laws and regulations on the Project Site.

2. The FCT strongly encourages the FCT Recipient to request a courtesy review of its entire Project Plan, but especially its management plan, well in advance of the meeting of the FCT Governing Body where the Project Plan will be considered for approval and funds will be authorized for disbursement. As a part of its duties to the FCT Governing Body, FCT Staff will make a recommendation of approval of complete and accurate Project Plans or disapproval of incomplete or insufficient Project Plans. FCT Recipient is strongly urged to coordinate with the FCT staff in order that the FCT review of the management plan coincides with both the anticipated FCT Governing Body approval and the closing date of the real estate transaction(s) associated with the project.

3. Pursuant to 9K-4.011(2)(f), F.A.C., FCT shall withhold Project Plan approval if the local comprehensive plan(s) of the FCT Recipient or the FCT Recipient's partner is, for any reason, found not in compliance by the Department after conceptual approval has been granted by FCT, unless the FCT Recipient has executed a Compliance Agreement (formerly called a stipulated settlement agreement) with the Department to resolve all of the issues raised by the Department in a statement of intent to find a plan not in compliance issued pursuant to Section 163.3184(8), F.S.

4. Pursuant to Rule 9K-4.011(3), F.A.C., the FCT shall publish a Notice of Approval for Preservation 2000 Funds in the *Florida Administrative Weekly* that shall list each Project Plan that has received approval for funding and the amount of funding approved. Any person with a substantial interest that is or may be determined by the decision of the FCT to reject or approve the Project Plan may request an administrative proceeding pursuant to Section 120.57, F.S. within 21 days from publication of the Notice of Approval for Preservation 2000 Funds. Real

estate closings associated with the project may close only after expiration of the 21-day notice period, so long as no requests for an administrative proceeding have been filed.

IV. PROJECT SITE ACQUISITION REQUIREMENTS IMPOSED BY CHAPTER 259, CHAPTER 375, AND CHAPTER 380, PART III, F.S.

FCT RECIPIENT AGREES AS FOLLOWS:

1. FCT shall approve the terms under which the interest in land is acquired, pursuant to Section 380.510(3), F.S. Such approval is deemed given when the FCT governing body approves and executes the purchase agreement for acquisition of the Project Site, further described in Section III.1.a. above, to which FCT is a party.

2. Title to the Project Site shall be titled in the FCT Recipient, unless the FCT Recipient specifically requests that title shall permanently vest in the Board of Trustees of the Internal Improvement Trust Fund (Trustees). Such request shall be subject to the approval of FCT and the Trustees. **The FCT Recipient hereby elects that title to the Project Site shall be vested in FCT Recipient [Note—insert either the name of FCT Recipient or Board of Trustees of Internal Improvement Trust Fund].** If the FCT Recipient elects that title shall vest in the Trustees, then all acquisition activities shall be administered by the Division of State Lands as specified in Section 253.025, F.S., and Rule 18-1, F.A.C.

3. The transfer of title to the FCT Recipient for the Project Site shall not occur until the requirements for the acquisition of lands, as specified in Section 380.507(11), F.S., and Rule Chapter 9K-6, F.A.C., have been fully complied with by the FCT Recipient and FCT.

4. Any deed whereby the FCT Recipient acquires title to the Project Site shall contain or be subject to such covenants and restrictions as are, at a minimum, sufficient to ensure that the use of the Project Site at all times complies with Section 375.045 and 375.051, F.S.; Section 9, Article XII of the State Constitution; the applicable bond indenture under which the Bonds were issued; and any provision of the Internal Revenue Code or the regulations promulgated thereunder that pertain to tax exempt bonds and shall contain clauses providing for the conveyance of title to the Project Site in the Board of Trustees of the Internal Improvement Trust Fund upon failure to use the Project Site conveyed thereby for such purposes. Such covenants and restrictions as are described in this paragraph shall be in the form of a Grant Award Agreement, prepared by FCT, executed by the parties to the Conceptual Approval Agreement and recorded at the time of closing of the Project Site. The recordable Grant Award Agreement shall restate the conditions that were placed on the Project Site at the time of project selection and initial grant approval. All statements contained in the recordable Grant Award Agreement are contained in this Conceptual Approval Agreement, with the exception of statements that do not survive the real estate closing of the Project Site.

5. The Grant Award Agreement containing such covenants and restrictions as

referenced in paragraph 4 above and describing the real property subject to the Agreement shall be executed by the FCT and FCT Recipient at the time of the conveyance of the Project Site and shall be recorded in the county in which the Project Site is located.

6. If any essential term or condition of the Grant Award Agreement is violated, and the FCT Recipient does not correct the violation within 30 days of written notice of violation, title to all interest in the Project Site shall be conveyed to the Board of Trustees of the Internal Improvement Trust Fund. The deed transferring title to the Project Site to the FCT Recipient shall set forth the executory interest of the Board of Trustees of the Internal Improvement Trust Fund.

7. The interest acquired by the FCT Recipient in the Project Site shall not serve as security for any debt of the FCT Recipient.

8. 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 or revert 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.

9. The Project Site shall be managed only for the conservation, protection and enhancement of natural resources and for public outdoor recreation that 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 must be specifically designated in the management plan approved by the FCT as a part of the Project Plan.

V. OBLIGATIONS OF THE FCT RECIPIENT AS A CONDITION OF PROJECT FUNDING

1. Following the acquisition of the Project Site, 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, the amendment shall be proposed at the next comprehensive plan amendment cycle available to the FCT Recipient subsequent to the Project Site's acquisition.

2. 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 applicable adopted and approved comprehensive plan. Evidence shall be provided to FCT that all required licenses and permits have been obtained prior to the commencement of any construction.

3. 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 management plan approved by the FCT as a part of the Project Plan.

4. 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.

5. 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 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.

VI. OBLIGATIONS OF THE FCT RECIPIENT RELATING TO THE USE OF BOND PROCEEDS

1. FCT is authorized by Sections 375.045(4) and 380.510(7)(a) and (b), F.S., to impose conditions for funding on FCT Recipient in order to ensure that the project complies with the requirements for the use of Preservation 2000 Bond proceeds including without limitation the provisions of the Internal Revenue Code and the regulations promulgated thereunder as the same pertain to tax exempt bonds.

2. If the Project Site is to remain subject, after its acquisition by the FCT Recipient and/or the Trustees, to any of the below listed transactions, events, and circumstances, the FCT Recipient shall provide at least 60 days advance written notice of any such transactions, events, and circumstances to FCT, 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. FCT Recipient agrees and acknowledges that the following transactions, events, and circumstances may be disallowed on the Project Site as they may have negative legal and tax consequences under Florida law and federal income tax law. The FCT Recipient further agrees and acknowledges that the following transactions, events, and circumstances may be allowed up to a certain extent based on guidelines or tests outlined in the Federal Private Activity regulations of the Internal Revenue Service:

- a. any sale or lease of any interest in the Project Site to any person or organization;
- b. the operation of any concession on the Project Site by any 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 any person or organization;
 - d. any use of the Project Site by any person other than in such person's capacity as a member of the general public;
 - e. 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;
 - f. a management contract of the Project Site with any person or organization;
 - g. such other activity or interest as may be specified from time to time in writing by FCT to the FCT Recipient.
- The foregoing are collectively referred to as the "Disallowable Activities."

VII. DISALLOWABLE ACTIVITIES/REMEDIES

In the event that FCT determines at any time or from time to time that the FCT Recipient is engaging or allowing others to engage in Disallowable Activities on the Project Site, the FCT Recipient agrees to immediately cease or cause the cessation of the Disallowable Activity upon receipt of written notice from the FCT. To the extent allowed by law, FCT Recipient hereby indemnifies and agrees to hold FCT harmless from all claims, causes of action or damages of any nature whatsoever arising from or with respect to Disallowable Activities on the Project Site. Nothing herein shall be deemed a waiver of the FCT Recipient's sovereign immunity. In addition to all other rights and remedies at law or in equity, FCT shall have the right to temporary and permanent injunctions against FCT Recipient for any Disallowable Activity on the Project Site.

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.

VIII. CONDITIONS PARTICULAR TO THE PROJECT SITE THAT MUST BE ADDRESSED IN THE MANAGEMENT PLAN

The management plan for the Project Site is mentioned throughout this Agreement, and is particularly described in Paragraph 1.b. of Section III above. In addition to the various conditions already described in this Agreement, which apply to all sites acquired with FCT funds, the management plan shall address the following conditions that are particular to the Project Site and result from either representations made in the application that received scoring points or observations made by the FCT staff during the site visit described in Rule 9K-4.010(2)(f), F.A.C.:

1. Outdoor recreational facilities including a boardwalk, observation platforms and interpretive displays shall be provided. The facilities shall be developed in a manner that allows the general public reasonable access for observation and appreciation of the natural resources on the Project Site without causing harm to those resources.
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 Preservation 2000 Program and the Recipient. Such recognition shall also be included in all printed literature and advertising associated with the Project Site.
3. Regularly scheduled and ongoing educational programs that promote the protection of natural resources shall be provided at the Project Site. The programs shall include guided walks and programs for school groups. The existing structure on the Project Site shall be used as an environmental education center.
4. A survey of vegetative communities and plant species shall be conducted on the Project Site. The FCT Recipient shall detail how the survey shall be used during development of the site to ensure the protection, restoration, and preservation of the natural resources on the Project Site.
5. The beach dune, coastal strand and coastal scrub communities that occur on the Project Site shall be preserved and appropriately managed to ensure the long-term viability of these vegetative 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 marine sea turtles and shore birds. The FCT Recipient shall coordinate with the Department of Environmental Protection's Office of Protected Species Management on the management of the Project Site for the protection of listed species and listed species habitat. The FCT Recipient shall also conduct periodic surveys of listed species using the Project Site and develop informational signs relating to the protection of listed animal species and their habitat.

7. Adjacent development activities shall be monitored through the development review and approval process to ensure that such activities do not negatively effect the resources on the Project Site. Vegetated buffers and height limitations shall be implemented as necessary to ensure that resources and planned outdoor recreation activities on the project site are sufficiently protected from the adverse impacts of adjacent land uses.

8. An ongoing monitoring and control program for invasive exotic vegetation shall be implemented at the Project Site. The Exotic Pest Plant Council's List of Florida's Most Invasive Species shall be used to identify invasive exotic vegetation on the Project Site.

9. A vegetation analysis of the Project Site shall be performed to determine which areas of the site need prescribed burning or mechanical clearing to maintain natural fire-dependent vegetative communities. The development of a prescribed burn plan shall be coordinated with the Division of Forestry and Game and Fresh Water Fish Commission. A fire line shall be developed between any adjacent development and the Project Site.

10. The management of the Project Site shall be coordinated with the adjacent County Park and with the land managers of other conservation and preservation lands in the project area.

11. Prior to the commencement of any proposed development activities, measures will 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. Pedestrian and bicycle access to the Project Site shall be promoted as an alternative to automobile transportation by providing pedestrian walkways and/or bicycle parking stands.

13. The Project Site shall be incorporated into an overall management program for the protection and enhancement of natural and recreational resources along the SR A-1-A Bike Trail.

14. The requirements imposed by other grant program funds that may be sought by the FCT Recipient for activities associated with the Project Site shall not conflict with the terms and conditions of the FCT award.

This Agreement including Exhibits "A", "B" and "C" embodies the entire agreement between the parties.

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

CITY OF SATELLITE BEACH

By: Michael P. Crotty
Print Name: Michael P. Crotty

Its: City Manager

Date: 11-23-98

FLORIDA COMMUNITIES TRUST

By: James F. Murley
James F. Murley, Chair

Date: 12/11/98

Approved as to Form and Legality:

By: James P. Beadle
Print Name: James P. Beadle, Esquire

Approved as to Form and Legality:

By: Ann J. Wild
Ann J. Wild, Trust Counsel

Writing a Management Plan

FLORIDA COMMUNITIES TRUST

Preservation 2000 Program

Technical Assistance Bulletin: 02 -- Revised 10/98

This bulletin provides guidance for preparing the management plan required in Rule 9K-4.011 (1)(b), *Florida Administrative Code*, and Section III b. of the Conceptual Approval Agreement (CAA). Rule 9K-4.011 (1)(b) states that a management plan must set forth the following: 1) how the site will be managed to further the purpose of the project; 2) a description of planned improvements to the Project Site; 3) the costs and funding sources; and 4) the management entity and its funding source. The CAA contains conditions related to management under various sections of the agreement. All of the conditions in Section VIII are site specific and relate directly to management and must be incorporated into the Management Plan. Review the entire CAA for requirements contained in the CAA that have relevance to site management.

The conceptual management plan that was submitted as part of the Florida Communities Trust (FCT) grant application provides a foundation for writing the management plan. Other materials and information gathered for the application can and should be reflected in the plan where appropriate. Comments made in the application and reinforced by conditions of the grant funding must be reflected in the management plan.

Use the best available information about the site's natural features and proposed future uses. Like all future-oriented planning efforts, the level of detail of the management plan may be impacted by difficulties associated with obtaining sufficient information on which to base management decisions. If sufficient information is not available, the management plan should identify how and when necessary information will be obtained.

FORMAT

Follow the recommended outline described below in formatting the management plan. Include a title page that contains the project name, FCT project number and date of preparation of the management plan. Include a table of contents and numbered pages. Label and properly reference all exhibits, attachments and appendices in the plan.

I. INTRODUCTION

Provides a good summary of the project and management objectives to a first-time reader. Provide the project name and location of the project site. Discuss any historical information relevant to site management. Provide a brief summary of the contents of the management plan.

Provide a statement acknowledging that grant funding from FCT was used to acquire the Project Site and the management plan was developed to ensure that the Project Site will be developed in accordance with the Grant Award Agreement and in furtherance of the purpose of the grant application.

II. PURPOSE OF THE PROJECT

Discuss the purpose(s) for acquiring the project site and proposed future uses consistent with statements made in the application or proposal. Include a provision that the project site will be managed only for conservation, protection and enhancement of natural resources and for public outdoor recreation that is compatible with the conservation, protection and enhancement of the project site.

Include a prioritized list of key management objectives for the site.

Summarize the key comprehensive plan directives that will be furthered by acquisition and management of the site, as proposed in the original FCT application. Provide a numeric citation for each comprehensive plan directive cited.

Include a provision to amend the land use designation of the site to conservation, outdoor recreation, open space, or other similar category within one year after acquisition. Include a commitment to amend the zoning map to be consistent with the amended future land use designation for the project site.

Include a provision that ensures that the Project Site is identified in all signs, literature, and advertising as being publicly owned and operated as a natural conservation area, outdoor recreation area or other appropriate descriptive language and that the project site was acquired with funds from the Florida Communities Trust Preservation 2000 Program.

III. SITE DEVELOPMENT

Physical Improvements: List and describe all existing and proposed site improvements.

Include the placement of an entrance sign identifying the project site as being open to the public and purchased with funds from the Florida Communities Trust Preservation 2000 Program, the Recipient, if the Recipient provided a match, and other contributors, if any.

Consider providing bike paths to the site and bike racks at the site to provide an alternative to automobile transportation to the project site.

Provide a time frame for implementing and completing all proposed improvements.

Include a commitment that access to project sites will be compatible with all applicable state and federal construction standards, including the Americans with Disabilities Act.

Describe proposed alterations of natural and disturbed areas at the site that would be required for

each of the proposed improvements. Provide an estimate on the total extent of this work in quantifiable terms (square feet or acres).

Briefly summarize how proposed alterations of land or vegetation at the project site will be coordinated with the protection of listed plant and animal species with more specific details to be provided under the Natural Resource Protection section.

Master Site Plan: The master site plan is a conceptual plan showing all existing and proposed physical improvements and activity areas. The master site plan provides a visual depiction of the overall development plan for the site.

Incorporate a provision for requesting written approval from the FCT before undertaking any site alterations or physical improvements that are not addressed in the FCT-approved management plan and shown on the master site plan.

Permits: Identify all required permits or approvals for the proposed development or restoration work on the site. Include a statement that FCT will be notified that all required licenses and permits have been obtained prior to the initiation of any construction on the site.

Easements, concessions, or leases: Identify existing and proposed easements, concessions, or leases. If easements, concessions, or leases are anticipated to be granted on the project site, such proposed arrangements need to be identified in the management plan. Easements, concessions or leases may be restricted under the Internal Revenue Code. Include a statement of caution in the management plan to future site managers regarding easements, concessions or leases.

Include a provision that the Recipient will provide 60 days prior written notice and information to FCT regarding any sale or lease of any interest, the operation of any concession, any sale or option to buy things attached to the site, the granting of any management contracts, and any use by any person other than in such person's capacity as a member of the general public.

IV. KEY MANAGEMENT ACTIVITIES

Natural resource protection: Identify the natural resources at the project site, including the type of vegetative communities on the site, and significant natural resources, i.e., waterbodies or other public lands, adjacent to the site. Describe the general quality, size, and composition of any vegetative communities located on the site. Describe any degraded areas on the project site, such as fire dependent communities that have not been burned recently or areas that have been cleared, invaded by exotic pest plants, ditched and drained, filled, etc.

Identify management techniques to protect and enhance the resources on the project site. Management techniques such as the following may be applicable to the project site:

baseline survey of plant and animal species;

protection plan for listed plant and animal species;

protection and enhancement plan for native vegetative communities;

protection plan for surface water and groundwater quality;

provisions to periodically monitor the site to insure the continued viability of vegetative communities, plant species and animal species found on the site and to control invasive exotic vegetation;

procedure for forwarding survey information on the occurrence of listed plant and animal species to the Florida Natural Areas Inventory;

specific details on how proposed alterations and development activities on the project site will be coordinated with the protection of vegetative communities and listed plant and animal species;

coordinating the drafting of a prescribed Burn Plan with the Division of Forestry and developing an outreach program to inform residents of the area of the benefits of prescribed burns.

Provide time frames for initiating and completing the various surveys and protection and enhancement plans a month and year format.

Resource restoration and enhancement: Identify the primary components of the project site enhancement and restoration effort, if any. Discuss the restoration and enhancement techniques to be used on the project site. Locate on the Master Site Plan or another map all areas of the site to be restored or enhanced and the approximate acreage figure for each area.

Provide a detailed discussion on the restoration of the various wetland and upland communities in terms of biological composition and ecological function, if appropriate.

Discuss the removal of invasive exotic vegetation on the site, if appropriate. Include a program to monitor the site to prevent reinfestation by exotic vegetation.

Discuss actions needed to restore the natural hydrology of the project site or mitigate the impacts of stormwater runoff from the site, if appropriate.

Include a provision to control feral animals (hogs, dogs, cats, etc.) on the site, if appropriate.

Include monitoring programs to insure success of the resource and enhancement activities.

Provide a time frame for initiating and completing the various restoration and enhancement activities in a month and year format.

Archaeological and historical resource protection: Identify any archaeological or historical sites on the project site and the primary components of managing the archeological or historical sites, if applicable.

Include procedures to protect archeological or historical sites that may be identified in the future by including a provision that if any archeological and historic resources are discovered at the project site, the Recipient shall immediately contact and coordinate with the Division of Historical Resources, Florida Department of State, to assess the archaeological and historic resources of the find.

Environmental Education Program: Describe the regularly scheduled and ongoing environmental education programs to be offered at the project site, if applicable. Discuss the types of programs offered, the frequency of programs (after school, monthly, summer, etc.), the target groups, and the group responsible for developing and leading the program. Provide a time frame for developing and initiating the programs in a month and year format.

Greenway Management: If the project is part of a greenway network, discuss how the project site will further the local greenway network and how management of the site will be integrated into the overall management of the greenway network. Describe the coordination efforts among other local, regional and state agencies to protect natural resources and manage the greenway network. Provide a map showing the relationship of the project site and other parcels that comprise the greenway network.

Coordination: Explain how the management of the site will be coordinated with adjacent land owners and other resource protection agencies.

Include provisions to coordinate with other agencies for appropriate guidance, recommendations, and necessary permits that may be related to the project site, such as the following:

Florida Game and Fresh Water Fish Commission to avoid impacts to listed species;

Water Management District and Department of Environmental Protection to ensure that development of the project site is done in a manner to protect or improve water quality;

Division of Forestry and the Game and Fresh Water Fish Commission on the implementation of a prescribed burn program.

Coordination strategies should include requesting cooperating agencies to review the management plan, comment on the proposed development plan for the site, and assist in the development of strategies to protect the resources on the project site.

Maintenance: Identify required maintenance activities, including but not limited to, trash removal, site cleanup, and facilities upkeep. Identify the local government employees or service contractors responsible for all aspects of property maintenance.

Security: Identify the parties responsible for security at the project site. Identify the measures and design features to be employed to protect the site and the public from vandalism, theft or assault, such as fencing, locked gate, park rangers, police patrols, etc. Consider including a security/emergency plan of action that identifies key individuals.

Staffing: Identify the expected staffing requirements for management of the project site, including both permanent and volunteer staff.

V. COST ESTIMATE AND FUNDING SOURCE

Estimate the costs associated with implementation of the management plan, including all proposed improvements (trails, boardwalks, parking, restrooms, etc.), resource restoration and enhancement activities, and other key management activities (required surveys, education programs, etc.).

Identify all funding sources associated with the implementation of the management plan.

VI. PRIORITY SCHEDULE

Discuss the proposed time lines for implementing the development and management activities of the management plan based on established priorities and the availability of funds. Provide a graphic display of the implementation time lines. Use calendar dates (month and year) in defining the implementation time line.

VII. MONITORING

Identify procedures for assessing progress in achieving goals in the management plan, such as the percentage of property restored, inventory of species using the project site, etc. Identify procedures for periodic amendment of the management plan by the Recipient, with provision for approval by the FCT, when appropriate. Include a provision acknowledging responsibility for preparing an annual stewardship report to the FCT, due on the anniversary date on which the Project Plan was approved by FCT.

EXHIBITS:

The exhibits to the management plan should be appropriately located in the management plan in the place that contributes to the best understanding the management plan. Exhibits may include a location map, boundary map, vegetative maps and surveys, master site plan, estimated development cost table, and implementation time line graph, and any other exhibit that supports the plan.

APPENDIX:

The appendix should be placed at the very end of the management plan document. The appendix should contain a copy of the Conceptual Approval Agreement, the FNAI notification form, the Exotic Pest Plant Council's List of Florida's Most Invasive Species. The recorded deed and Grant Award Agreement should be included when they become available.

The Florida Communities Trust
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