

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

**DESIGNATION AGREEMENT
WINSTON PARK NATURE CENTER AND HILTON ROAD GREENWAY TRAIL**

This Designation Agreement, entered into on this _____ day of _____, 2016, by and between the STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, DIVISION OF RECREATION AND PARKS, OFFICE OF GREENWAYS AND TRAILS (hereinafter referred to as "Department") and the CITY OF COCONUT CREEK (hereinafter referred to collectively as "Landowner" or "Manager"), by and through the undersigned, formally designates the lands depicted in Exhibit A attached hereto and incorporated herein by reference (hereinafter referred to as "designated lands") as part of the Florida Greenways and Trails System, as defined in Section 260.014, Florida Statutes.

WITNESSETH:

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

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

1. The Manager:

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

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

2. The Department:

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

3. The Landowner and Department:

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

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

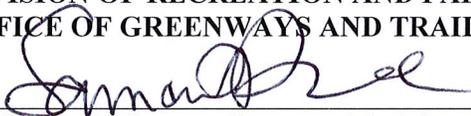
- a. The term of this Designation Agreement shall be 20 years.
- b. This Designation Agreement may be modified to encompass additional adjacent public lands owned by the Landowner. Any such modification to this Designation Agreement shall not be valid unless it complies with the requirements set forth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

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

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

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

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

By: 
Samantha Browne, Program Administrator/Chief

“DEPARTMENT”

APPROVED AS TO FORM AND LEGALITY

By: 
DEP Attorney

CITY OF COCONUT CREEK

By: _____
Mikkie Belvedere, Mayor
CITY OF COCONUT CREEK, FLORIDA

“LANDOWNER & MANAGER”

Attest:

Leslie Wallace May, City Clerk

Approved as to form and legal sufficiency:

Terrill C. Pyburn, City Attorney

EXHIBIT A



EXHIBIT B

Use Plan

Hilton Road Greenway opened in 2012. The greenway is a 12 ft. wide path that extends almost .5 miles. It provides central city residents with access to our prominent commercial plaza and high school. Trail uses include walking, hiking, jogging, in-line skating, bicycling, on-leash dog walking, bird watching, wildlife viewing and picnicking. The trail also connects to our cities friendly trails and parks. The Hilton Road Greenway was recently extended to include the section of roadway to Alexandra Boulevard. Winston Park Nature Center is one of the city's most prominent wildlife viewing areas. The city is in the process of planning a trail connection through the nature center. The park and trail are open 7 days a week from sunrise to sunset.

Access/Directions:

The trail and park are accessible by sidewalk or paths at different access points. Winston Park nature is located at 5201 NW 49 Avenue. Hilton Road Greenway is located at 5100 Hilton Road.

Public parking is offered at both locations.

The trail is an integral part of the Coconut Creek Master Greenway Plan. It improves the connectivity for the adjacent high school, premier shopping plaza, the predominantly residential neighborhoods and the surrounding park.

Management:

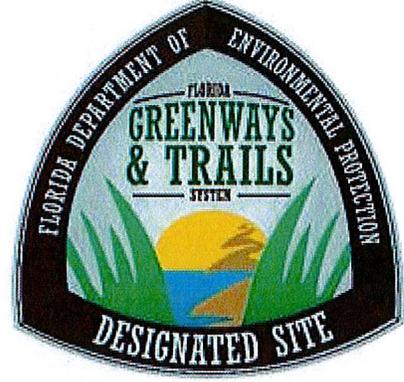
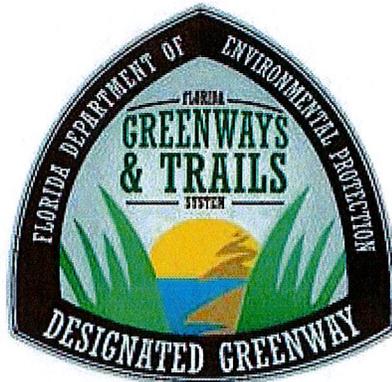
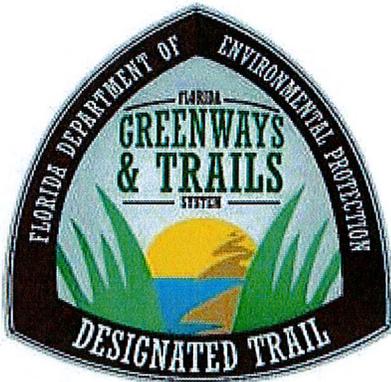
The trail and park are owned by the City of Coconut Creek. The Coconut Creek Department of Parks and Recreation is responsible for the management and operation and maintaining the property. The City of Coconut Creek Department of Public Works is responsible for maintaining the property.

Signage with the park name, park map, hours of operation are posted at the entranceway of the trail at NW 49 Ave.

Security:

The City of Coconut Creek Parks and Recreation Department has park rangers that patrol the Hilton Road Greenway and Winston Park Nature Center. Park rangers are tasked with enforcing park rules and regulations. Rangers patrol on foot. The rangers help ensure the safety of park for all residents and visitors.

EXHIBIT C



PUBLIC LANDS OR WATERWAYS DESIGNATION RESOURCE CERTIFICATION

By signing this document, the Manager does hereby certify that the natural, recreational, cultural or historic resources identified on the public lands or waterways designated as part of the Florida Greenways and Trails System in Designation Agreement Number OGT-DA0091, are being maintained in a manner consistent with the terms of the agreement.

CITY OF COCONUT CREEK

By: _____

Mikkie Belvedere, Mayor

Print/Type Name

Attest:

Leslie Wallace May, City Clerk

Approved as to form and legal sufficiency:

Terrill C. Pyburn, City Attorney