

RESOLUTION NO. 2011- 47

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE CHAIRMAN TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN ST. JOHNS COUNTY AND THE ST. JOHNS SOIL AND WATER CONSERVATION DISTRICT FOR THE RESTORATION OF COASTAL DUNE HABITAT AT FRANK BUTLER BEACH PARK**

**RECITALS**

**WHEREAS**, St. Johns County (the County) and St. Johns Soil and Water Conservation District (SJSWCD) wish to collaborate as partners in the restoration of coastal dune habitat located at Frank Butler Beach Park (PINs 179410-0000, 179350-0000 and 182848-0000); and

**WHEREAS**, SJSWCD will provide the County with a donation of \$1,450 for the purpose of removing invasive non-native plants and installing native plants and signage at Frank Butler Beach Park; and

**WHEREAS**, County staff and volunteers will install and maintain the plantings and install educational signage recognizing the SJSWCD for their support of the project; and

**WHEREAS**, to the extent that there are typographical, scrivener or administrative errors that do not change the tone, tenor or concept of this Resolution, then this Resolution may be revised without subsequent approval by the Board of County Commissioners.

**NOW THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of St. Johns County, Florida, as follows:

**Section 1.** The above Recitals are incorporated by reference into the body of this Resolution and such Recitals are adopted as findings of fact.

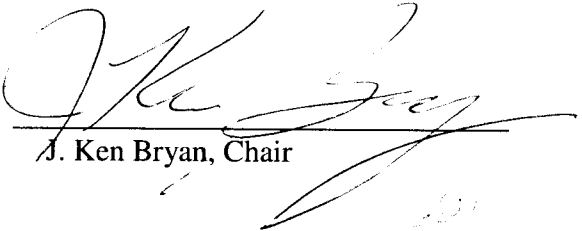
**Section 2.** The Board of County Commissioners hereby approves the terms, provisions, conditions and requirements of the attached Memorandum of Understanding (MOU) and authorizes the County Administrator, or designee, to execute said MOU.

**Section 3.** The Clerk is instructed to record the original MOU in Official Records of St. Johns County, Florida.

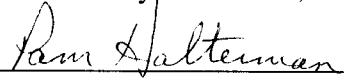
**Section 4.** To the extent that there are typographical or administrative errors or omissions that do not change the tone, tenor, or context of this Resolution, then this Resolution may be revised without subsequent approval of the Board of County Commissioners.

**PASSED AND ADOPTED** by the Board of County Commissioners of St. Johns County, Florida, this 1<sup>st</sup> day of March 2011.

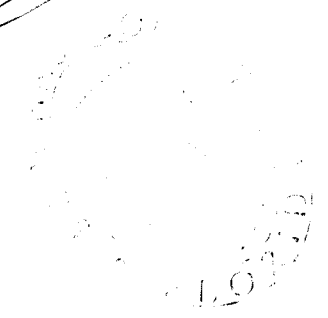
BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By:   
J. Ken Bryan, Chair

ATTEST: Cheryl Strickland, Clerk

By:   
Deputy Clerk

RENDITION DATE 3/4/11



## MEMORANDUM OF UNDERSTANDING

**THIS MEMORANDUM OF UNDERSTANDING** (“MOU”), is entered into this \_\_\_\_ day of \_\_\_\_\_, 2011, between **ST. JOHNS COUNTY, FLORIDA**, a political subdivision of the State of Florida, whose address is 500 San Sebastian View, St. Augustine, Florida 32084 (“**COUNTY**”), and the **ST. JOHNS SOIL AND WATER CONSERVATION DISTRICT** (“**SJSWCD**”), a Florida independent special district, whose address is 111 Yelvington Road, Suite 4, East Palatka, Florida 32131.

### **RECITALS:**

**WHEREAS**, the County and the SJSWCD wish to collaborate as partners in the restoration of coastal dune habitat located at Frank Butler Beach Park (PINs 179410-0000, 179350-0000 and 182848-0000); and

**WHEREAS**, SJSWCD will provide the County with a donation of \$1,450 for the purpose of removing invasive plant species and installing native plants and signage at Frank Butler Beach Park; and

**WHEREAS**, County staff and volunteers will install and maintain the plantings and install educational signage recognizing the SJSWCD for its support of the project.

**NOW, THEREFORE**, in consideration of the terms contained herein the County and the SJSWCD agree as follows:

1. The above Recitals are hereby incorporated into the body of this MOU and adopted as findings of fact.
2. The SJSWCD will donate \$1,450 towards the invasive removal and replanting of the coastal dune habitat at Frank Butler Beach Park.
3. The County will conduct habitat restoration by planting native plants within and along the edge of dune/parking lot to prevent erosion and foot traffic among the dunes. The County will remove invasive non-native plants at Frank Butler Beach Park, in particular Brazilian pepper (*Schinus terebinthifolius*) and asparagus fern (*Asparagus densiflorus*) as well as supplement removal areas with various native plants, see Exhibit “A”. The County will provide educational signage explaining the benefits of native plants as well as recognizing the SJSWCD for its contribution. The timeframe for completion will be twelve (12) months from execution of the MOU unless an extension is mutually agreed upon by both parties.
4. Any written notice or request by either party to the other shall be sent by First Class Mail or hand delivered to the parties at the following addresses:

To County at: St. Johns County  
500 San Sebastian View  
St. Augustine, FL 32084  
Attn: County Administrator

To SJSWCD at: St. Johns Soil and Water Conservation District  
111 Yelvington Road Suite 4  
East Palatka, FL 32131  
Attn: Chairperson

5. Performance of this MOU is subject to approval by the St. Johns County Board of County Commissioners and approval by the Board of the St. Johns Soil and Water Conservation District authorizing the County Administrator or designee, and the District Chairperson or designee, to accept the terms herein and execute this MOU.

6. The effective date of this MOU shall be the first date upon which this MOU or its valid counterparties are executed by all named parties.

7. The termination date of this MOU shall be twelve (12) months from the execution of the MOU. The County will repay/return funds to the SJSWCD if the work is not completed with the twelve (12) month timeframe.

8. If any word, phrase, sentence, part, section or other portion of this MOU, or any application thereof, to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, or the prescribed application thereof, shall be severable, and remaining portions of the MOU, and all applications thereof, not having been declared void, unconstitutional, or invalid shall remain in full force and effect.

9. This MOU shall be construed according to the laws of the State of Florida.

10. The access to, disclosure, nondisclosure or exemption of public records associated with this MOU shall be subject to the applicable provisions of the Florida Public Records Law (Chapter 119, F.S.) as well as any other applicable State of Federal law.

*[Remainder of Page Intentionally Left Blank]*

**IN WITNESS WHEREOF**, the County and SJSWCD have caused this MOU to be executed by their undersigned officials as duly authorized for the uses expressed herein the day and year first written above.

**ST. JOHNS SOIL AND WATER  
CONSERVATION DISTRICT**

**ST. JOHNS COUNTY, FLORIDA**

\_\_\_\_\_  
by Craig Hartwig  
Chairperson

\_\_\_\_\_  
by Michael D. Wanchick  
County Administrator

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**Witnesses to SJSWCD:**

**Legal Review:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

**ATTEST: Cheryl Strickland**

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature- **Deputy Clerk**

\_\_\_\_\_  
Printed Name- **Deputy Clerk**

## Exhibit "A"

### **Frank Butler Park Project**

This project will focus on the beautification and restoration of the habitat at Frank Butler Park located along the scenic and historic A1A Byway in southeastern St. Johns County. The park has several planned activities such as invasive species removal, a butterfly garden, supplemental plantings among the dunes and a Florida-friendly yard display. It will also be used to provide educational opportunities for residents and guests on how this landscaping can be applied to their residence. The park currently has two Category I invasive plant species, Brazilian pepper (*Schinus terebinthifolius*) and asparagus fern (*Asparagus densiflorus*), which will be treated, removed and monitored. Besides being disturbed by the growth of invasive plants, the dunes continue to be impacted by human traffic even though a boardwalk was constructed to offer beach access.

To minimize foot traffic and keep erosion to a minimum, approximately 300-500 native plants such as wax myrtle (*Myrica serifera*) and saw palmetto (*Serenoa repens*) will be planted at the interface of the dune and parking lot (exact number and type of plants acquired will be dependent on availability and price at time of purchase). This will deter people from walking through the dunes and opting for the boardwalk instead. A sign will be purchased explaining the project and naming the St. Johns County Soil and Water Conservation District as the benefactor.

It is expected in conjunction with the St. Johns County Parks and Recreation Department to begin this project during the late winter/early spring of 2011. The project will be completed within 12 months after receiving the money from the St. Johns County Soil and Water Conservation District.