



Interoffice Memorandum

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
JUL 15 2014 *KHBS*

REAL ESTATE MANAGEMENT ITEM 1

DATE: July 2, 2014

TO: Mayor Teresa Jacobs
and the
Board of County Commissioners

THROUGH: Ann Caswell, Acting Manager *AC*
Real Estate Management Division

FROM: Dana Chapman, Acquisition Agent *DC*
Real Estate Management Division

CONTACT PERSON: Virginia André, Acquisition Supervisor

DIVISION: Real Estate Management
Phone: 836-7072

ACTION REQUESTED: APPROVAL AND EXECUTION OF FIRST AMENDMENT TO ENTRY AND ACCESS LICENSE AGREEMENT BETWEEN THE NATURE CONSERVANCY (LICENSOR) AND ORANGE COUNTY, POLK COUNTY, CITY OF ST. CLOUD, TOHOPEKALIGA WATER AUTHORITY AND REEDY CREEK IMPROVEMENT DISTRICT (LICENSEES)

PROJECT: Water Supply Monitoring Program (STOPR Sites)
(Osceola County and Polk County)

PURPOSE: To provide for access, installation, operation, and maintenance of water monitoring facilities.

ITEM: First Amendment to Entry and Access License Agreement
Cost: None
Term: Expires February 24, 2019

APPROVALS: Real Estate Management Division
County Attorney's Office
Utilities Department
Risk Management Division
Polk County
City of St. Cloud
Tohopekaliga Water Authority
Reedy Creek Improvement District

REMARKS: Orange County entered into an Entry and Access License Agreement (Agreement) approved by the Board of County Commissioners on February 24, 2009. The parties to the Agreement consist of the City of St. Cloud, Tohopekaliga Water Authority, Orange County, Polk County and Reedy Creek Improvement District (STOPR) Group. The Agreement grants the STOPR Group permission to enter property known as the Disney Wilderness Preserve in Osceola and Polk Counties for the purpose of water level monitoring within wetland areas.

This amendment sets forth a one (1) business day notice requirement for entrance to the property; addresses that the Licensee will comply with the Visitor Site Access Procedures for the Disney Wilderness Preserve; clarifies a personnel change in the Notices section; and extends the term of the Agreement to February 24, 2019.

All other terms and conditions of the Agreement will remain in full force and effect.

A file labeled "BCC Agenda Backup" containing a copy of this agenda item and all supporting documentation is in the top drawer of the BCC file cabinet in the supply room adjacent to Commissioner Thompson's office.

JUL 15 2014 KH/les

FIRST AMENDMENT TO ENTRY AND ACCESS LICENSE AGREEMENT

THIS FIRST AMENDMENT TO ENTRY AND ACCESS LICENSE AGREEMENT is made and entered into by and between THE NATURE CONSERVANCY, a District of Columbia nonprofit corporation (“Licensor”), and ORANGE COUNTY, a charter county and political subdivision of the State of Florida, POLK COUNTY, a charter county and political subdivision of the State of Florida, CITY OF ST. CLOUD, a municipal corporation, TOHOPEKALIGA WATER AUTHORITY, an independent special district organized under the laws of the State of Florida, and the REEDY CREEK IMPROVEMENT DISTRICT, an independent special district created under the laws of the State of Florida (“Licensees”).

WITNESSETH THAT

WHEREAS, Licensor and Licensees entered into an Entry and Access License Agreement dated February 24, 2009 (the “Agreement”) in which Licensor granted to Licensees and their Designated Agents (as defined in the Agreement), and Licensees accepted, permission to enter real property owned by Licensor, generally known as The Disney Wilderness Preserve, and more fully described in the Agreement (the “Property”) for the limited purposes of the Monitoring Activity (as defined in the Agreement); and

WHEREAS, Licensor and Licensees have agreed to amend certain provisions of the Agreement.

NOW, THEREFORE, in consideration of the sum of ONE DOLLAR (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Licensor and Licensees desire to amend the Agreement, as provided below:

1. Paragraph 3.a. of the Agreement is hereby amended to read as follows:

“a. Give Licensor at least one (1) business day prior notice of the date that the agent or Licensee desires to enter the Property (notice for the purposes of this paragraph 3.a. may be given to Zack Prusak at the address, and in the manner provided in paragraph 8 below with a copy to Licensor’s legal counsel). Licensees acknowledge that all daily entry and conduct of Monitoring Activity on the Property shall be

initiated and concluded between the hours of 9 a.m. and 5 p.m. Standard Eastern time Monday through Friday (excluding holidays), and that Licensor may require Licensee or agent to reschedule entry onto the Property if, in the reasonable judgment of Licensor, (i) such entry would interfere with activities being conducted on the Property or (ii) conditions exist on the Property that might pose a hazard to the Licensee or agent. In the event that Licensor requires such rescheduling, Licensor shall notify the Licensee or agent requesting entry upon the cessation of Licensor's activities or the hazardous Property condition, and shall cooperate with the Licensee or agent requesting entry to reschedule the requested entry."

2. The Exhibit C attached to this First Amendment is added to the Agreement.

3. The following paragraph "c" is added to paragraph 3 of the Agreement:

"c. The Licensee will fully comply with the visitor site access procedures attached hereto as Exhibit C and by this reference made a part hereof (the "**Visitor Site Access Procedures for the Disney Wilderness Preserve**")."

4. The term of the Agreement is extended until February 24, 2019.

5. All references in the Agreement to Robert Nelson and/or Tricia Martin are hereinafter changed to Zack Prusak, having an email at zprusak@tnc.org.

All other terms of the Agreement remain unchanged and in full force and effect and are hereby ratified and confirmed as of this Amendment date.

This First Amendment may be executed in counterparts by the parties hereto and each shall be considered an original, but all such counterparts shall be construed together and constitute one First Amendment.

Water Supply Monitoring Program
(STOPR Sites)

IN WITNESS WHEREOF, Licensor and Licensees have each caused this First Amendment to be executed as of the dates set forth below, the last of which shall be the effective date of this First Amendment.

THE NATURE CONSERVANCY
Licensor

By: 
Kathy Yost, Director of Operations

Date: 6/3/14

TNC Legal Approval: GR – 01/24/2014

Water Supply Monitoring Program
(STOPR Sites)

ORANGE COUNTY
Licensee

By: Board of County Commissioners

Attest: _____
County Comptroller

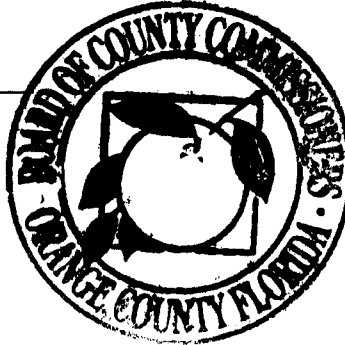
By: *Teresa Jacobs*
Teresa Jacobs, Mayor
TJ

As Clerk of the Board of County
Commissioners
By: *Kate Sweet*
Deputy Clerk

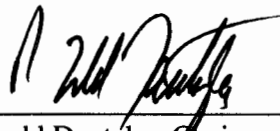
Date: 7.15.14

Approved as to form by:

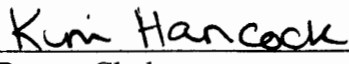
Assistant County Attorney



**POLK COUNTY, By its Board of County
Commissioners**
Licensee

By: 
R. Todd Dantzler, Chairman

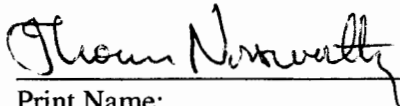
As Clerk of the Board of County
Commissioners

By: 
Deputy Clerk

Date: 4-1-14



Approved as to form by:



Print Name:

Asst. County Attorney

Water Supply Monitoring Program
(STOPR Sites)

CITY OF ST. CLOUD
Licensee

By: Rebecca Borders
Rebecca Borders, Mayor

Date: March 13, 2014

Attest:

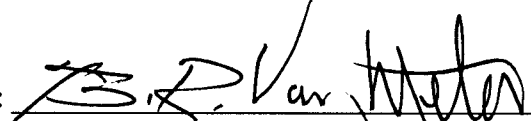
Janita P. Johnson
City Clerk


Approved as to form by:

[Signature]

Print Name: DANIEL F. MANIZOS
City Attorney

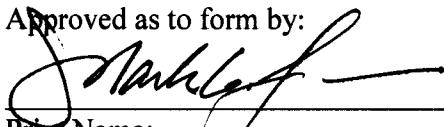
TOHOPEKALIGA WATER AUTHORITY
Licensee

By: 
Bruce R. Van Meter, Chairperson

Attest: 

Tom White, Secretary

Date: February 12, 2014

Approved as to form by:


Print Name:
Board Attorney

Water Supply Monitoring Program
(STOPR Sites)

REEDY CREEK IMPROVEMENT DISTRICT
Licensee

By: Bill Warren
Bill Warren, RCID District Administrator

Date: 2/26/14

Witness: Greg E. Henderson

EXHIBIT C

Visitor Site Access Procedures for the Disney Wilderness Preserve

The Nature Conservancy requires 24-hour advance notice of each visit to ensure that access will not interfere with site operations (e.g., prescribed fire) or potentially endanger visitors. Please contact the Preserve Steward Kaiden Spurlock (863-605-4104) to provide notice and check in at the preserve office upon arrival and departure.

Access is gained through the entrance at the northern end of the property. The front gates are locked during nonbusiness hours; therefore, visits should be conducted on Monday through Friday, between 9 a.m. and 5 p.m.

Visitors must restrict vehicle use to the roads marked open on the attached map (Figure 1). Contact Beatriz Pace-Aldana (863-632-1829 or bpace-aldana@tnc.org) if you would like a copy of the GIS shapefiles of the preserve roads. Please report downed trees or other adverse road conditions to preserve staff as soon as possible. During the rainy season, prescribed fire, or other management activity, there may be temporary road closures; visitors will be updated on road conditions upon notification of each visit.

To minimize the introduction and spread of invasive plant species, all vehicles, including ATVs, must be rinsed at the beginning of each visit before leaving the paved entrance road or office/shop area. The vehicle washing station is located by the shop behind the office.

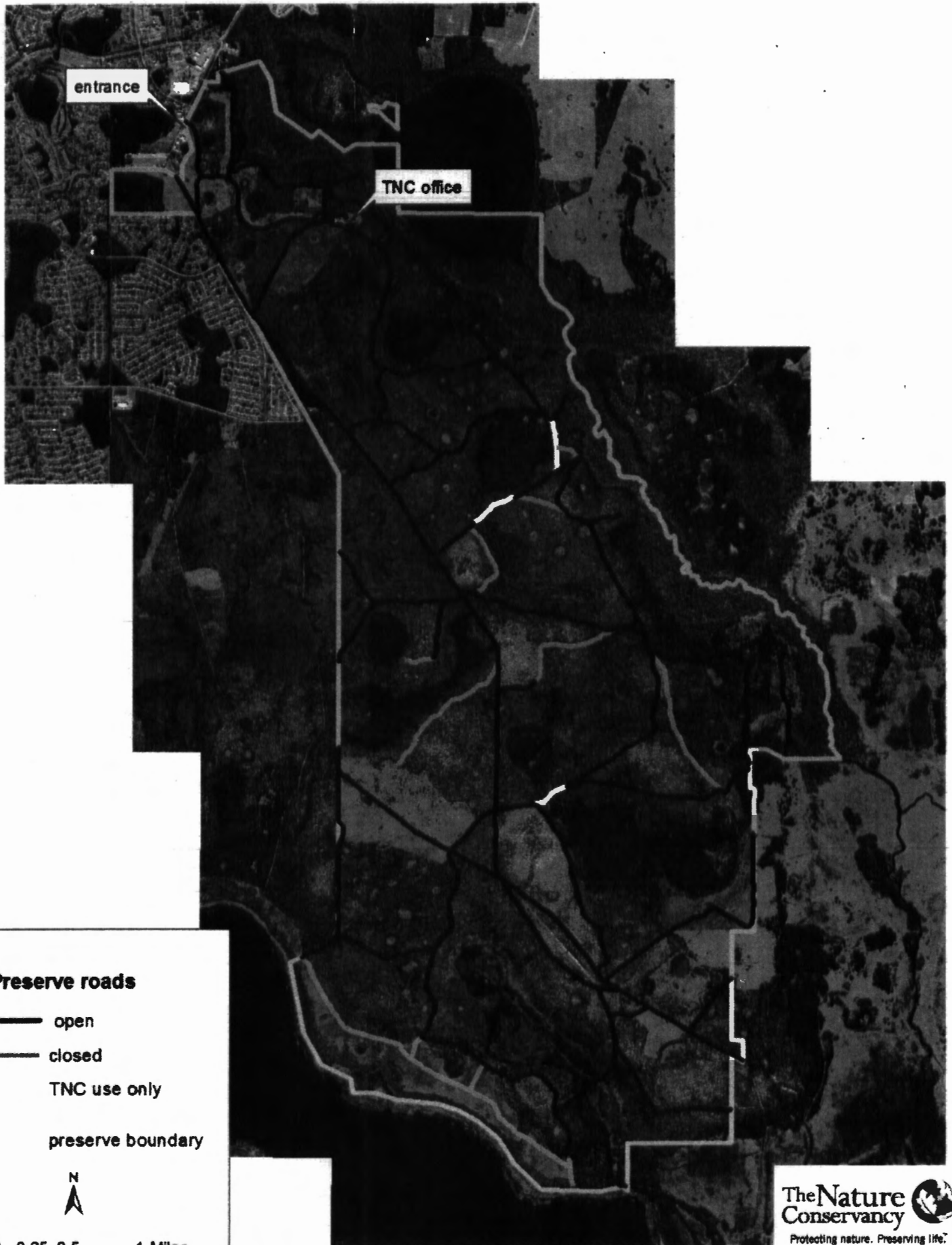
To prevent deterioration of the road conditions, make sure vehicles are in 4-wheel drive as soon as they leave the pavement. Please drive along the ruts. Do not drive around puddles; this destroys the surrounding vegetation, creates more erosion, and may increase the likelihood of getting stuck. If there is woody vegetation on the road, please remove it if possible rather than drive around it.

Speed limit is restricted to 15 miles an hour throughout the preserve. Vehicles should be parked along the edge of the road to allow passage of other vehicles. At no time are vehicles, including ATVs, allowed to drive off of the designated roads.

Visitors may use flagging tape or pin flags to mark plots or study areas. However, preserve staff must receive notification of the color and general location(s) before flagging can be used in the field. Please remove all pin flags and flagging tape at the end of each project.

Between July and March, all visitors must remain a minimum of 30 meters from Red-cockaded Woodpecker cavity trees, which are painted with white bands around the trunk. During the breeding season (April - June), visitors must keep a distance of 100 meters to avoid potential disruption to nesting and chick feeding.

The Nature Conservancy reserves the right to prohibit future visits by those who do not follow the above guidelines.



entrance

TNC office

Preserve roads

— open

- - - closed

TNC use only

— preserve boundary



0 0.25 0.5 1 Miles



The Nature Conservancy



Protecting nature. Preserving life.
Disney Wilderness Preserve
6 September 2012