

## **Equestrian Trails & Facilities Referendum Committee**

Appointed by the North Brevard Commission on Parks and Recreation (NBCPR)

Meeting of September 19, 2005, 6:00 p.m., at the Mims-Scottsmoor Library

### Committee Members Present

Donna McCone, Chairman

Sabrina Jeffers

Kay Miller

Mary Page, Vice Chairman

Carol Thompson

Winnie Woods

Gigi Henkel, NBCPR Liaison

### Committee Members Absent

Susan Canada

Connie Carswell

Jennifer Hill

### Staff Present

Charles S. Nelson, Parks & Recreation Department

Barbara Meyer, Bicycle/Pedestrian Coordinator

Marsha Cantrell, Parks Support Services Manager

Terry A. Lane, North Area Parks Operations Manager

Judy Inman, Administrative Secretary

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### I. CALL TO ORDER

Chairman Donna McCone called the meeting to order shortly after 6 p.m.

### II. ROLL CALL

As noted above with all absentees excused.

### III. APPROVAL OF MINUTES

**Motion by Sabrina Jeffers, seconded by Winnie Woods to approve the minutes of February 21, 2005.**

**AYE: Jeffers, McCone, Miller, Page, Thompson, Woods**

**NAY: None**

**Carried 6-0**

### IV. STAFF REPORTS

Maytown Trail Update—Chuck Nelson introduced Barbara Meyer, who reported the County has been trying to work out an alignment with Miami Corporation (Miami Corp) for the mile and half through Brevard County. Miami Corp took the line and drew it to the west, for a swap of the corridor in the east. However, that put it all in wetlands which would make it very difficult to build a trail. Staff went back to Miami Corp saying the County wasn't happy with that. Miami Corp suggested talking about a way to share the trail. It would be difficult for pedestrians, bikers, and equestrians to share the trail with logging trucks and hunting clubs on a 20 foot wide trail. However as it is easier for them to get the permitting there is a possibility they could widen out the bed, so it could be shared with buffers in places. However, to insure

the sale did not go through without that agreement, Miami Corp sued FEC for adverse possession of the corridor. Department of Environmental Protection (DEP) cannot bring forth a project to the legislature that is in litigation and are therefore waiting on FEC, the lawsuit and Miami Corp regarding sharing the corridor.

Volusia County has a much more difficult time as they have about 15 miles. As the corridor goes south, down by Lemon Street in Titusville, there is a nice piece of property and some of the corridor is 200 feet wide. There is no time frame at this point. There has been talk about leaving out portions that are under Miami Corp until FEC delivers them clear title. DEP is very upset over this. The County waited a long time for Miami Corp to come back with the alignment. They knew the concerns of the County. For them to come back drawing a line 100 feet to the west was not in good faith. Some rail corridors are more difficult to acquire than others. Back in 1986 the County tried to purchase the corridor and Miami Corp somehow stopped it and FEC pulled back. The building of the road is not their primary concern. Miami Corp's primary concern is control, to make sure no one steps off the trail, due to possibility of fire. They have been assured the trail could be designed to keep people on the trail. Staff is trying to remain positive.

The committee gathered around a map with Ms. Meyer. This will be the longest trail in Florida at 35-40 miles, and more depending on spurs. Volusia County appraised the corridor, part was vacated and Volusia purchased some properties adjacent to the corridor. In Brevard, the swap puts the County's portion underwater.

Mr. Nelson explained that if FEC had clear title, there wouldn't be a concern about Miami Corp. In the past, they built the roads and through prescriptive rights they ended up with the property. Miami Corp is saying FEC doesn't really own it. FEC says it's theirs. Miami Corp says they are not so sure and are willing to litigate. Discussion ensued about adverse possession and who is paying the taxes. Time is on Miami Corp's side.

Ms. Meyer stated County staff feels they could work with Miami Corp to widen the trail in the 1-1/2 miles in Brevard.

Elsewhere in Brevard, some culverts will need to be placed in some wet area. There is a 200 foot wide area that is stunning. Intersections at roads will be designed to protect right of ways. Crossings can be tightened up with plantings and other treatments. There is about 100 feet right of way, which goes down to 60, 40 or even 30 feet at some places.

Someone from the public asked how Miami Corp accesses the corridor in the 1-1/2 mile section. They own property in the area and have a whole network of roads, and the County would have no problem providing them with ingress and egress.

Ms. Meyer stated the County's position is they have better ability to go in and fill some wetlands both cost and regulatory wise than Brevard or Volusia County would. They want full control over the corridor because of the potential of fire and to keep people off their property. Mr. Nelson noted that while it only impacts Brevard for 1-1/2 miles, if the 15-mile portion of the trail through Volusia is lost, the opportunities for grants diminish because it was the length that was making the project favorable for grants. Ms. Meyer stated Volusia wants to work with them and has more land for bargaining ability than Brevard County does. Miami Corp did say they say

they would build a separate equestrian trail off the corridor because of logging truck, but they have said other things that didn't hold up. They are asking for a 40' easement over it, once logging operations cease, it would revert back to DEP.

Chairman McCone asked about the area at Buck Lake. Mr. Nelson responded that plan "2a" is to have Mike Knight, Environmentally Endangered Lands (EELS) Manager come and talk about those lands, mitigation property, and acquisitions efforts may become this area. Parks and Recreation has shared in purchasing some sites with disturbed areas which would not qualify for EELs but would be useful to Parks and Recreation, adjacent to mitigation properties. South Beaches is an example. Mr. Knight will come to the next meeting.

Ms. Meyer stated there has been some discussion at a higher level to purchase some property from Miami Corp to provide a wildlife corridor as well. Also the more property we control, the fewer people will be trespassing on Miami Corps' property.

## V. OLD BUSINESS

Potential Properties—Mr. Nelson stated there is very little owned by the County in North Brevard that isn't related to mitigation or environmentally sensitive lands. Miami Corp is planning on doing some major mitigation, so there may be some opportunity there as well. There is a lot of potential here, but it's like herding cats. We don't need to rush into something because we could end up in a location that is not suitable in the long-term.

In response to an inquiry from Sabrina Jeffers about the 15 miles in Volusia County, Mr. Nelson stated it connects to the corridor at Brevard and goes 15 miles towards Sanford. Without it, we could still have a substantially nice corridor. However from Mims to Titusville it becomes urbanized and therefore will lose funding capability from the state and federal government. It is #2 on the state trail system, but DEP got thrown a curve. Brevard and Volusia Counties are staying in touch and committed to try to work it out. Miami Corp has the where with all and attorneys to look out for their interests.

Chairman McCone noted it appears the committee is still in a holding pattern and the best thing to do is to wait so the committee doesn't miss out on something that could be very good for the project.

Sabrina Jeffers asked if this all blows up, will the whole thing fall through, and if other property is available, will the County be able to purchase it. Mr. Nelson responded the next best opportunity is to work with EELs which is also working with the state. St. Johns already allows some access to Buck Lake. The focus could change and maybe a site could be purchased adjacent to EELs that would work. EELs has money to purchase more lands.

Chairman McCone commented a park-like area with many trails may be more attractive than a 15 mile trail through wetlands. The committee will have an opportunity to get a bigger picture.

Gigi Henkel inquired if Mr. Nelson sees any issues with equestrians on EELs land. Mr. Nelson stated it is currently allowed on some of their sites and there is a citizen's committee looking at utilization site by site basis for public access to EELs sites without destroying the original reason for acquiring the property. There are numerous trails through the Enchanted Forest, although not

equestrian, even though it is a delicate site. The size of property makes a difference. The Enchanted Forest is only 300-400 acres. Buck Lake and other lands being considered are thousands of acres and some are already in public ownership.

Sabrina Jeffers inquired if the funding would be lost if the portion north of Brevard is lost. Mr. Nelson responded the Referendum funding would not be lost, but the ability to get other dollars and partner with other groups and grants might be lost. Mr. Nelson thinks it will work out, but maybe not as quickly as wanted. Ms. Jeffers stated she wants to ride the trail while she's young enough to ride. Mr. Nelson noted sometimes we do good things for future generations.

There was discussion about having Mike Knight attend the next meeting and the possibility of changing the meeting date to October 24 because Sabrina Jeffers would be out of town October 17.

#### VI. NEW BUSINESS

#### VII. PUBLIC INPUT

Anthony Neuweiler asked where Buck Lake is. Chairman McCone explained it is a conservation area with many entrances with the entrance at Mims on S.R. 46 near Fawn Lake and the electrical substation. Mr. Nelson pointed it out on a map. Riding is allowed at certain times of the year, but hunting is also allowed which restricts equestrians. Miami Corp is doing mitigation in the area as well in mile by mile squares. Next month the map will be colored in with lands currently bought by St. Johns, Brevard County, and any other state agencies.

#### VIII. NEXT MEETING DATE

Staff will try for October 24 at the Mims-Scottsmoor Library and otherwise relocate the meeting or call and poll the committee individually for a new meeting date.

#### IX. ADJOURN

The meeting adjourned at 6:46 p.m. the motion  
Kay Miller, seconded by Carol Thompson and carried unanimously.

Respectfully submitted

Donna McCone, Chairman

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