

ITEM XX:

Consider whether a 0.102-acre private underground utility easement across West Orange Trail (“Trail”) is consistent with the Board of Trustees’ Linear Facilities Policy.

LOCATION:

Orange County, S – 22, T – 22S, R – 27E

Applicant’s Parcel ID Number: 21-22-27-0000-00-056

APPLICANT:

Crown Property Holdings, LLC (“Applicant”)

DSL STAFF REMARKS:

The Applicant has requested a 0.102-acre underground utility easement to construct and maintain a 4-inch sewer line. The Applicant’s property is presently served by a septic system which will be removed and replaced with a lift station system connecting to the City of Winter Garden’s sewer system. The proposed easement is located within conservation land currently managed by Orange County, Florida, under Uplands Lease No. 4767. The property was acquired in 1997 from Orange County, Florida, for conservation activities with P-2000 funds.

Orange County consented to the easement in a letter dated November 12, 2019 and, in a letter, dated February 3, 2019 the Division of Historical Resources stated that the proposed undertaking is unlikely to affect historic properties. The City of Winter Garden does not object to the connection of this easement to the City’s sewer system.

Avoidance

There are no other practical alternatives to connect to the city sewer line. There are no known imperiled or other wildlife species that occupy the requested area.

Minimizing Impacts:

The sewer line will be installed via horizontal directional drill in order to minimize impacts. Access to the Trail will not be affected by this easement. The Trail will remain open to the public at all times. The Applicant will ensure that the site is clean from debris and be responsible for any damages to the Trail as the result of this easement.

Compensation:

The easement fee will be based on market value and per the BOT’s linear facilities policy, additional compensation, in the form of replacement land or goods and services, will be provided to the land manager at 1.5 times the appraised value of the easement.

DSL STAFF RECOMMENDATION:

Approve

ARC RECOMMENDATION:

APPROVE

APPROVE WITH MODIFICATIONS: _____

DEFER

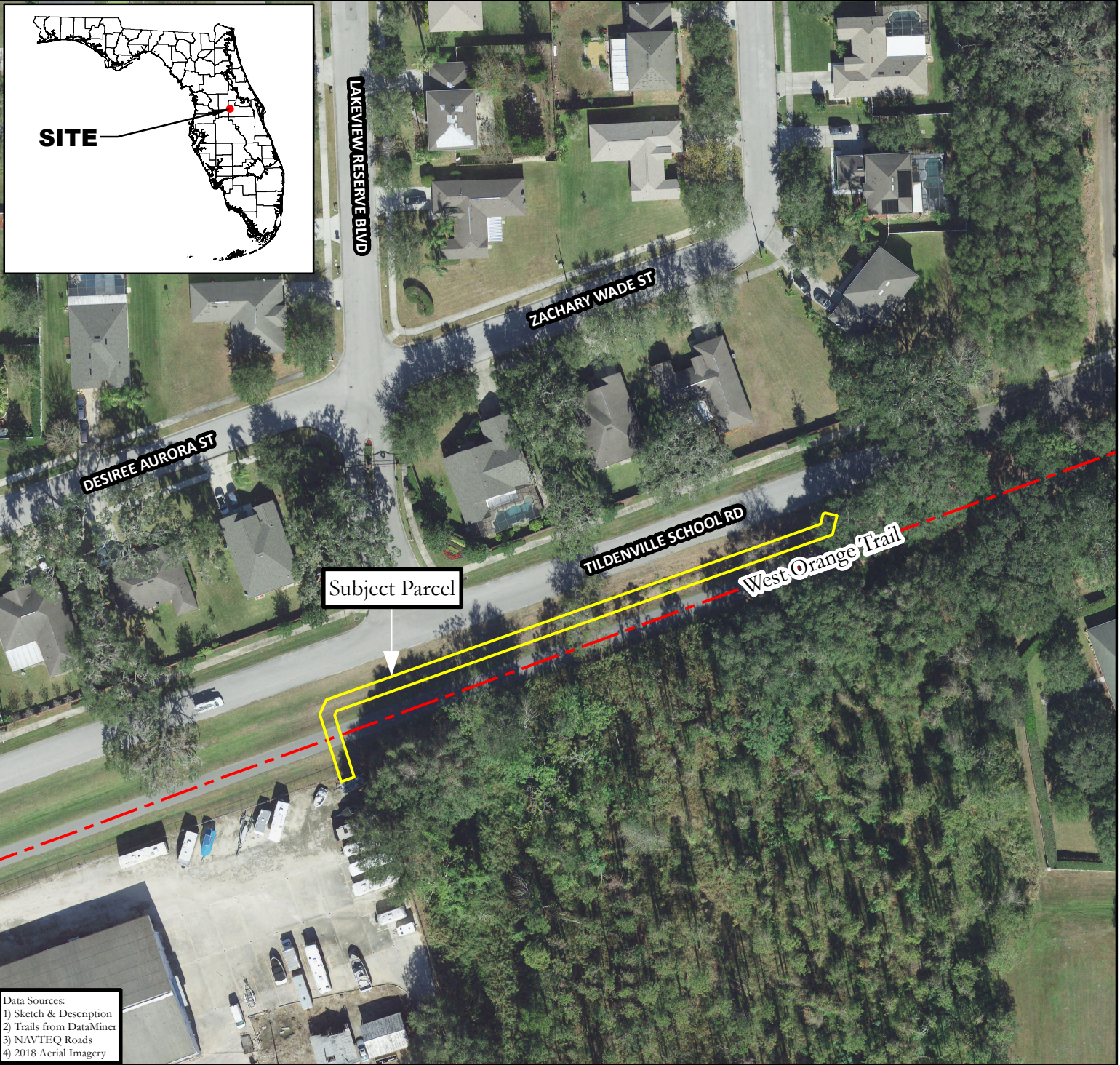
WITHDRAW

NOT APPROVE

OTHER: _____




SITE

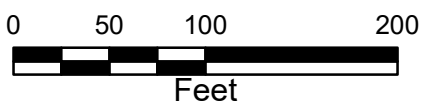


Subject Parcel

West Orange Trail

- Data Sources:
- 1) Sketch & Description
 - 2) Trails from DataMiner
 - 3) NAVTEQ Roads
 - 4) 2018 Aerial Imagery

 **Subject Parcel**



Easement No. 33329

Orange County, Florida

SKETCH OF DESCRIPTION

SHEET 1 OF 3

DESCRIPTION: (10.00' UTILITY EASEMENT)

THAT PORTION OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 22, TOWNSHIP 22 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SOUTHWEST 1/4 OF THE NORTHWEST 1/4; THENCE RUN N03°15'00"W ALONG THE WEST LINE OF SAID SOUTHWEST 1/4 OF THE NORTHWEST 1/4, 922.57 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF THE WEST ORANGE TRAIL AS DESCRIBED IN OFFICIAL RECORDS BOOK 4555, PAGE 358, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN N69°40'00"E ALONG SAID SOUTHERLY RIGHT OF WAY LINE, 206.19 FEET TO THE POINT OF BEGINNING; THENCE RUN N17°41'59"W, 50.72 FEET; THENCE RUN N24°39'51"E, 11.48 FEET; THENCE RUN N70°26'07"E, 375.63 FEET; THENCE RUN N13°30'35"E, 7.52 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF AFORESAID WEST ORANGE TRAIL; THENCE RUN N69°40'00"E ALONG SAID NORTHERLY RIGHT OF WAY LINE, 1.77 FEET; THENCE DEPARTING SAID LINE RUN S76°29'25"E, 8.53 FEET; THENCE RUN S13°30'35"W, 13.93 FEET; THENCE RUN S70°26'07"W, 376.83 FEET; THENCE RUN S24°39'51"W, 3.39 FEET; THENCE RUN S17°41'59"E, 46.39 FEET TO THE AFORESAID SOUTHERLY RIGHT OF WAY LINE OF WEST ORANGE TRAIL; THENCE RUN S69°40'00"W ALONG SAID SOUTHERLY RIGHT OF WAY LINE, 10.01 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 0.102 ACRES MORE OR LESS.

BSM APPROVED
BY *SK*
DATE *12-19-2019*

SURVEYORS NOTES:

1. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OR DIGITAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. PRINTED COPIES OF A DIGITAL SIGNED AND SEALED SURVEY ARE NOT VALID.
2. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS OF WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD, BY THIS FIRM.
3. BEARINGS SHOWN HEREON ARE BASED ON THE WEST LINE OF THE SW 1/4 OF THE NW 1/4 OF SECTION 22 AS BEING N03°15'00"W (ASSUMED).
4. THE DESCRIPTION SHOWN HEREON WAS PREPARED BY THE SURVEYOR.
5. THIS IS NOT A BOUNDARY SURVEY.

JOB NUMBER: 18020.001

SURVEY DATE:	12/03/19
FIELD BY:	N/A
FIELD BOOK:	N/A
PAGES:	N/A
FIELD FILE:	N/A

DRAWING FILE: 18020-4.dwg



ARON D. BISHMAN, P.S.M. FLORIDA REGISTRATION NO. 5668

Digitally signed
by Aron Bishman
Date: 2019.12.16
13:44:38 -05'00'



CERTIFICATE OF AUTHORIZATION LB 7274

32 W. PLANT STREET Phone No. 407.905.8877
WINTER GARDEN, FL 34787 Fax No. 407.905.8875



PARKS AND RECREATION DIVISION
4801 West Colonial Drive • Orlando, Florida 32808-7756
407-836-6200 • FAX 407-296-5159 • www.orangecountyparks.net

November 12, 2019

Mr. Laurence Polinar, P.E.

RCE Consultants, LLC
617 Arvern Drive
Altamonte Springs, FL 32701

Dear Mr. Polinar,

We have reviewed your utility plan which proposes a Directional Drill that will cross under our West Orange Trail as shown on sheet C6.2, proposed sewer utility plan, for your project "The Old Packing House". We have no objections to this crossing for this project; however, we have a few caveats that need to be addressed as a part of this effort.

1. The trail shall remain open at all times.
2. The work shall provide adequate Maintenance of Traffic devices to provide the trail users of the work being done during its duration.
3. The site shall be maintained in a safe manner at all times.
4. The trail shall remain clean from any debris, such as mud etc.
5. Any damages to the trail directly or indirectly caused by this effort shall be repaired at the sole expense of the land developer and its contractor and shall be repaired to the Orange County Park Trails standard.
6. The trail shall be cleaned twice daily during the work efforts.

Should you have any questions, please contact me at your earliest convenience via email at Matt.Suedmeyer@OCFL.net.

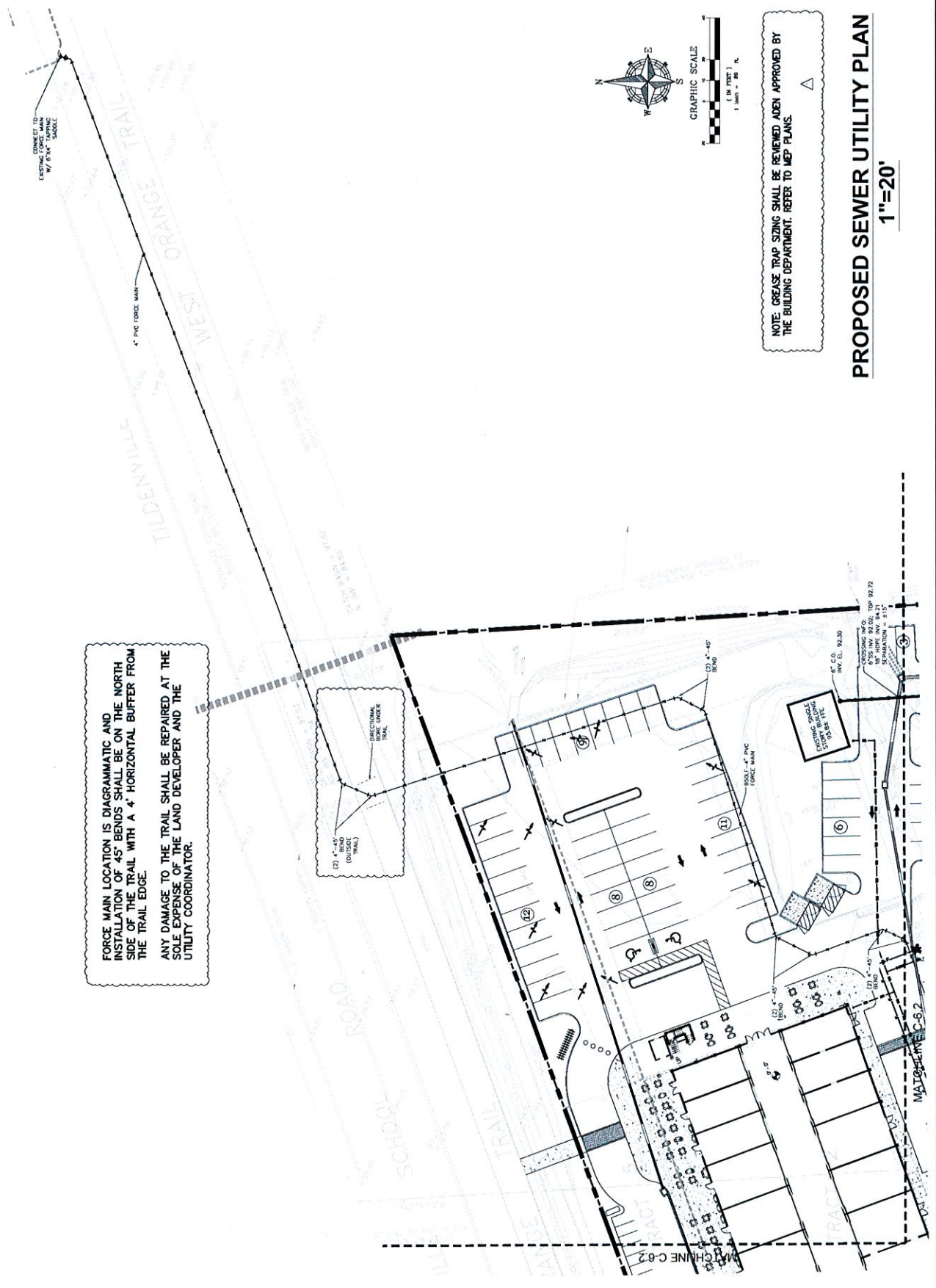
Thank you,

A handwritten signature in black ink that reads "Matt Suedmeyer". The signature is fluid and cursive, with a long horizontal stroke at the end.

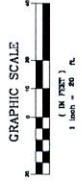
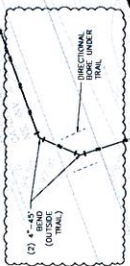
Matt Suedmeyer, Manager
Orange County Parks and Recreation Division
4801 W. Colonial Drive
Orlando, Florida 32808

NO.	DATE	REVISION / ISSUE CAUSE
1	07/18/2018	ISSUE
2	07/18/2018	ISSUE
3	07/18/2018	ISSUE
4	07/18/2018	ISSUE
5	07/18/2018	ISSUE
6	07/18/2018	ISSUE
7	07/18/2018	ISSUE
8	07/18/2018	ISSUE

Engineer of Record
 License Number
 State of Florida
 Professional Seal
 PROJECT #
 DRAWING NUMBER
 SHEET #
 SCALE
 PROJECT NAME



FORCE MAIN LOCATION IS DIAGRAMMATIC AND INSTALLATION OF 45° BENDS SHALL BE ON THE NORTH SIDE OF THE TRAIL WITH A 4' HORIZONTAL BUFFER FROM THE TRAIL EDGE.
 ANY DAMAGE TO THE TRAIL SHALL BE REPAIRED AT THE SOLE EXPENSE OF THE LAND DEVELOPER AND THE UTILITY COORDINATOR.



NOTE: GREASE TRAP SIZING SHALL BE REVIEWED AGEN APPROVED BY THE BUILDING DEPARTMENT. REFER TO MEP PLANS.

PROPOSED SEWER UTILITY PLAN
1"=20'



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

Mr. Jay Sircy
Bureau of Public Land Administration, MS 130
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

February 3, 2020

RE: DHR Project File No.: 2019-8835
Project: 41224 – Easement No. 33329 – Phoenix Rising
3.69 Acre Easement - 1061 Tildenville School Road, at West Orange Trail
Winter Garden, Orange County

Dear Mr. Sircy:

In accordance with this agency's responsibilities under Section 267.061, *Florida Statutes*, we reviewed the referenced easement request.

It is the opinion of this office that the proposed undertaking is unlikely to affect historic properties, provided that the applicant makes contingency plans in the case of fortuitous finds or unexpected discoveries during ground disturbing activities within the easement area:

- If prehistoric or historic artifacts, such as pottery or ceramics, projectile points, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time within the easement area, the permitted project shall cease all activities involving subsurface disturbance in the vicinity of the discovery. The applicant shall contact the Florida Department of State, Division of Historical Resources, Compliance Review Section at (850) 245-6333. Project activities shall not resume without verbal and/or written authorization. In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately and the proper authorities notified in accordance with Section 872.05, *Florida Statutes*.

For any questions concerning our comments, please contact Robin Jackson, Historic Preservationist, by electronic mail at robin.jackson@dos.myflorida.com, or at 850.245.6496, or 800.847.7278.

Sincerely,

Timothy A. Parsons, Ph.D.
Director, Division of Historical Resources & State Historic Preservation Officer

Division of Historical Resources
R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399
850.245.6300 • 850.245.6436 (Fax) • FLHeritage.com



ARC Questionnaire

- 1. Description of when and under what program or fund the parcel under consideration was acquired (EEL, LATF, CARL, P-2000, Florida Forever, etc) or donated.**
 - *The subject property was purchased through the Florida Department of Environmental Protection's Office of Greenways and Trails' Land Acquisition Program utilizing Preservation 2000 funds. Fee simple title is held by the Trustees of the Internal Improvement Trust Fund (TIIF). The property is leased to the Office of Greenways and Trails and subleased to Orange County. Other segments of the trail were acquired by Orange County with local funds and Land and Water Conservation Fund (LWCF) grants and kept in County ownership.*
 - *Per the Orange County Property Appraiser's Office, Parcel ID# 21-22-27-0000-00-056 falls under a property use of Rec Tracts.*
 - *On December 05, 1993 T. Leonard Mann sold the subject property to Orange County BCC. On December 09, 199, Orange County BCC sold the subject parcel to TIIF (Orange County Comptroller Book 5577 Page 1483 County Deed).*

- 2. Description of the purpose for the parcel's acquisition (P-2000 or Florida Forever goals and criteria or similar purpose descriptions) or donation and any restrictions or conditions of use that apply to the parcel, if any.**
 - *There are no restrictions or conditions that apply to the subject parcel.*

- 3. Description of the current level of public recreational use or public access of the parcel.**
 - *The subject parcel of the trail is for public recreational use and is utilized by walkers, runners, bikers, and skaters, non-motorized transportation and open space for all County residents.*

- 4. Description of the natural resources, land cover, vegetation, habitat or natural community, if any, that are currently present on the parcel.**
 - *There are no natural resources, land cover, vegetation, habitat or natural community currently present on the subject parcel.*

- 5. Description and list of the imperiled and other wildlife species, if any, that occur on or use the parcel.**
 - *There are no imperiled and/or other wildlife species on the subject parcel. During a field review conducted on September 30, 2010, no state or federally-listed wildlife were directly observed.*

- 6. Description and list of historical or archaeological resources, if any, that occur or have the potential of occurring on the site.**
 - *There are no historical or archaeological resources are located on the subject parcel.*

7. Formal alternative siting analysis that includes a description and assessment of other potential alternative sites and why they are not feasible or practicable alternatives.

- *There is no reason that that the proposed four inch pipe bore would need an alternate location, as the impact is minimal and alternate siting locations would have a similar, minimal impact on the trail.*

8) Assessment of the impacts the proposed alternative use will have on the natural/historical/archaeological/recreational resources, if any, as well as on the current public use and purpose for the site or parcel.

- *There will be no impact on natural/historical/archaeological/recreational resources, as none exist on the subject parcel. There will be a temporary, minimal impact for current public use and purpose during the installation of the force main. In this case, maintenance staff will redirect trail traffic.*

9) Assessment of the potential impacts on the larger area of conservation lands the parcel is located within (park, wildlife management area, forest trail, etc.) and on any surrounding conservation lands, if any.

- *The impact is minimal and the proposed four inch pipe (pvc force main) will be installed a minimum of three feet under a portion of the West Orange Trail, on the subject parcel. The establishment and operation of a non-motorized recreational trail is compatible with the conservation and protection of these public lands.*

10) Assessment of how the proposed package of consideration and net positive benefit for the requested alternative use of the parcel, such as the generally standard requirement for replacement land (depending on the parcel's size), will offset the impacts and benefit the larger area of conservation lands (park, forest, wildlife management area, trail system, etc.) the parcel is within and particularly how it will offset the impacts or benefit the natural/historical/archaeological resources, habitat and public recreational uses of the public conservation area the parcel is located within.

- *The request to install the proposed four inch force main on the subject parcel will benefit the surrounding land uses. The West Orange Trail and the public's access to the trail will not be affected, as the force main will be installed underground on a portion of the West Orange Trail, on the subject parcel. There will be no impact on natural/historical/archaeological/recreational resources, or the current public use and purpose for the site or parcel, as the impact is minimal on the subject parcel.*

It will be the responsibility of the managing agency on whose property a non-conservation or non-public recreation use is proposed to have staff at ARC meetings who will be able to answer questions about the effect of that proposed use on the lands that they manage and about their justification for agreeing to allow it. BPLA staff will continue to present the items, but managing agency staff should be ready to answer any questions related to the resources and recreation on the site and the effects of proposed uses.