

ITEM XX:

Consider whether an approximately 0.05-acre a private easement for installation of an underground stormwater drainage pipe and access across the East Central Regional Rail Trail (the trail) is consistent with the Board of Trustees’ (BOT) Linear Facilities Policy.

LOCATION:

Volusia County, Section – 11, Township – 19S, Range – 31E

TIITF Parcel ID Number: 911100000330

APPLICANT:

Courtland Acquisitions Group LLC (Applicant)

DSL STAFF REMARKS:

The Applicant has requested a 20-foot-wide easement for the installation of a 36” underground drainage pipe, installed by trenching, to connect stormwater drainage from the adjacent subdivision to the North of the trail to the retention pond to the South of the trail as well as access to install a sidewalk to connect the subdivision to the trail. The proposed easement is located within conservation land currently managed by Volusia County (County) under Uplands Lease No. 4776. Title to the parcel was acquired by the BOT in 2011 using Florida Forever funding for conservation and recreational purposes.

The County consented to the easement in a letter dated June 29, 2020 and has issued a permit for the stormwater crossing. In a letter, dated July 8, 2020, the Division of Historical Resources stated that the proposed undertaking is unlikely to affect historic properties.

Avoidance:

There are no other practical alternatives for this easement request. The Applicant owns the adjacent parcels to the North and South of the requested easement area.

Minimizing Impacts:

The proposed easement is not anticipated to have any additional impacts to the trail. The trail will remain open to the public use during daylight hours during the installation of the stormwater drainage pipe and sidewalk. The applicant will make contingency plans, per DHR requirements, in the case of fortuitous finds or unexpected discoveries during ground disturbing activities within the easement area. The area adjacent to the trail is described as cattle pasture intermixed with scattered oaks and pines. Species of wildlife found in this locality are consistent with the habitat of the region. The only protected species observed in the area is the gopher tortoise. It should be noted that a relocation permit has been obtained from the Florida Fish and Wildlife Conservation Commission (FWC) and all tortoises will be removed prior to any site activities.

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 County at 1.5 times the market value of the easement area.

DSL STAFF RECOMMENDATION: APPROVE

ARC RECOMMENDATION:

APPROVE

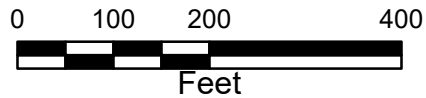
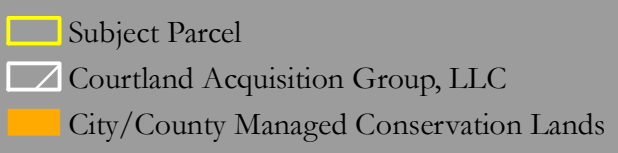
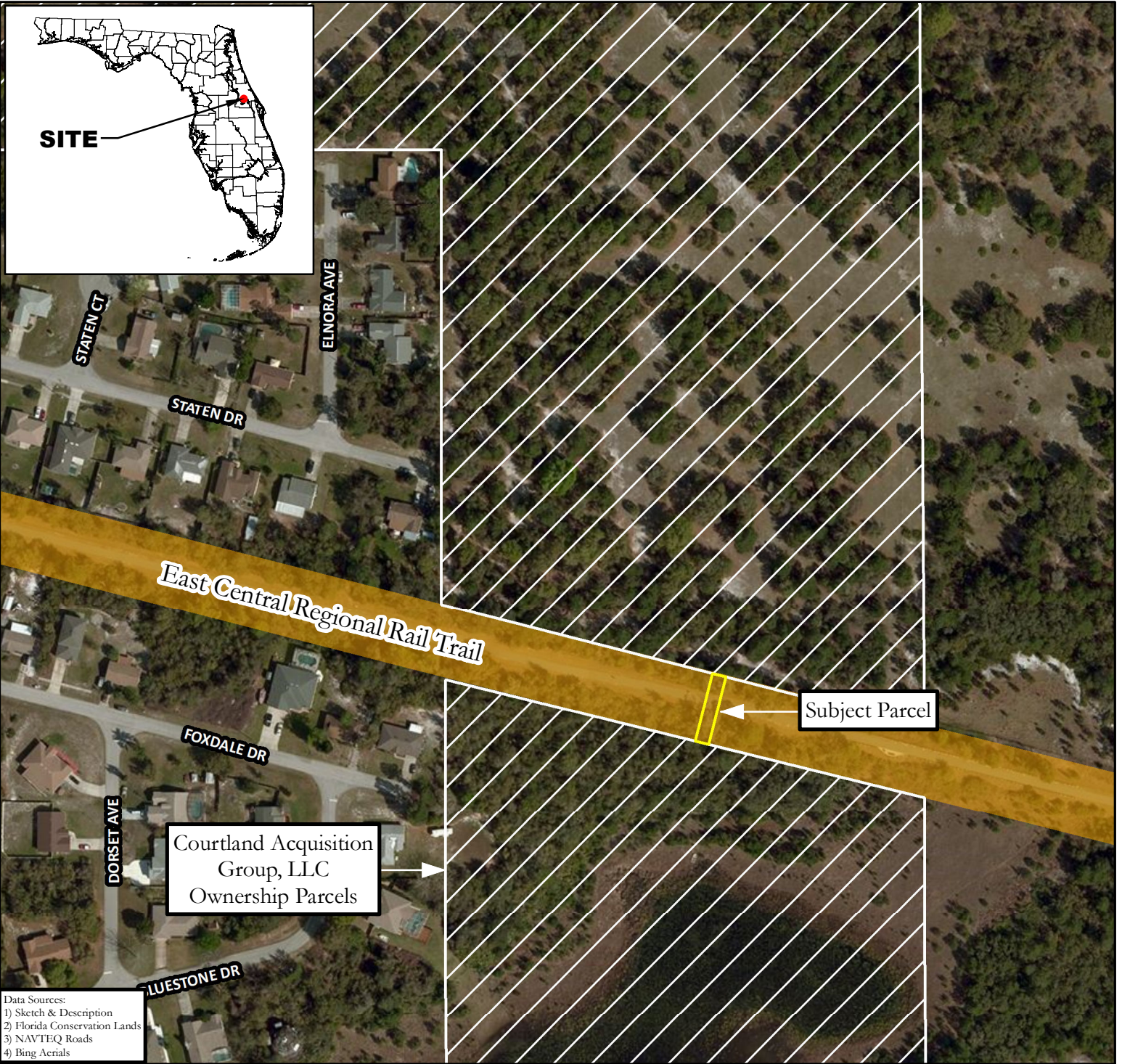
APPROVE WITH MODIFICATIONS: _____

DEFER

WITHDRAW

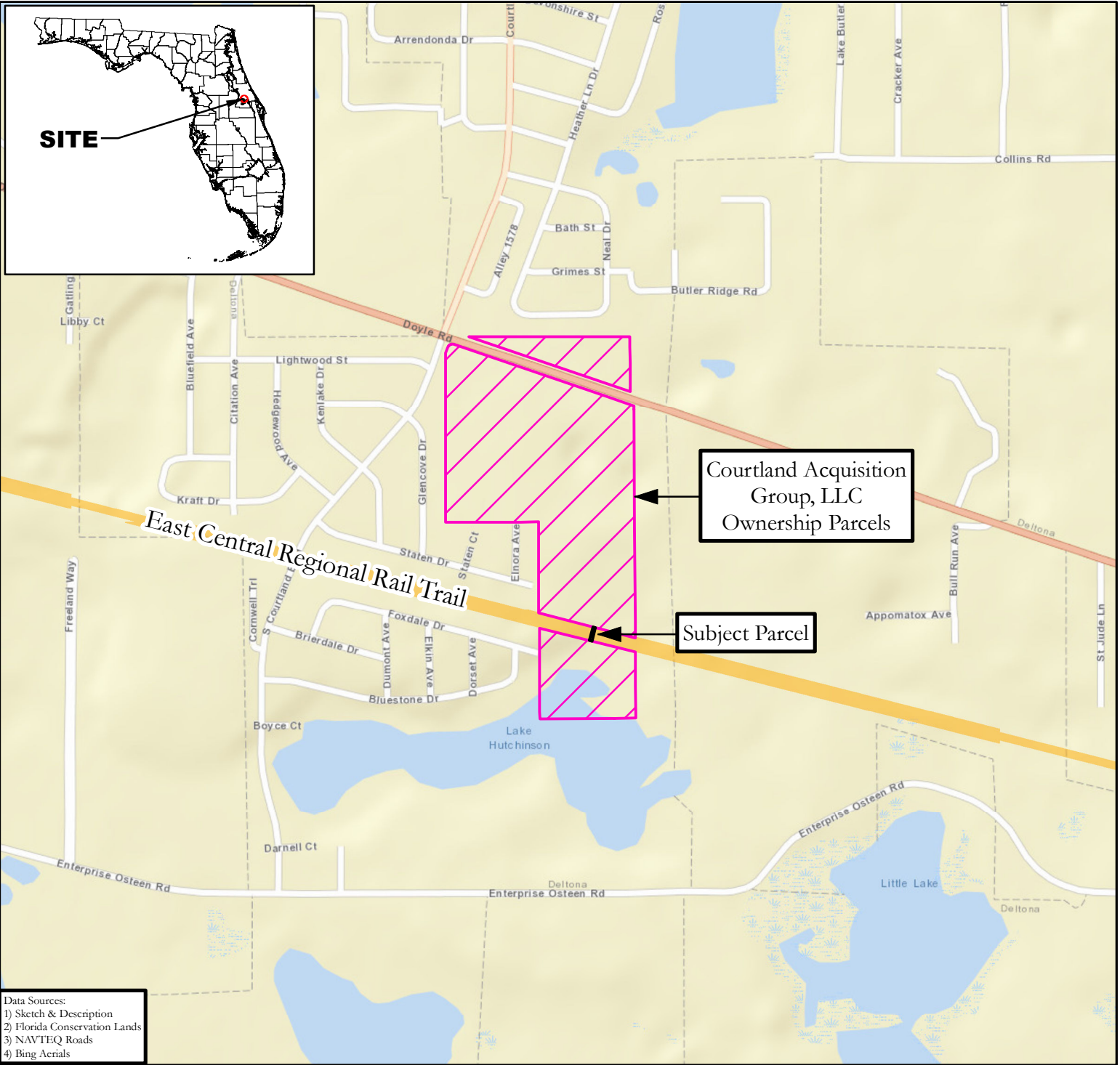
NOT APPROVE

OTHER: _____



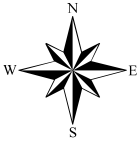
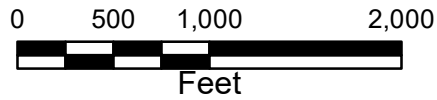
Easement No. 33367

Volusia County, Florida



Data Sources:
 1) Sketch & Description
 2) Florida Conservation Lands
 3) NAVTEQ Roads
 4) Bing Aerials

 Subject Parcel
 Courtland Acquisition Group, LLC
 City/County Managed Conservation Lands



Easement No. 33367

Volusia County, Florida

EXHIBIT "A"

LEGAL DESCRIPTION
THIS IS NOT A SURVEY

LEGAL DESCRIPTION 20.00' DRAINAGE AND ACCESS EASEMENT

A STRIP OF LAND LYING IN THE SOUTHEAST 1/4 OF SECTION 11, TOWNSHIP 19 SOUTH, RANGE 31 EAST, CITY OF DAYTONA BEACH, VOLUSIA COUNTY, FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF AFORESAID SOUTHEAST 1/4 OF SECTION 11; THENCE RUN SOUTH 00°21'01" WEST ALONG THE EAST LINE OF SAID SOUTHEAST 1/4 OF SECTION 11 FOR A DISTANCE OF 820.18 FEET TO THE POINT OF INTERSECTION OF SAID EAST LINE AND THE NORTH LINE OF FLORIDA EAST COAST RAILROAD COMPANY RIGHT OF WAY ACCORDING TO MAP BOOK 28, PAGE 100 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE DEPARTING SAID EAST LINE RUN NORTH 75°38'57" WEST ALONG SAID NORTH RIGHT OF WAY LINE FOR A DISTANCE OF 260.81 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID NORTH LINE RUN SOUTH 14°21'03" WEST FOR A DISTANCE OF 100.00 FEET TO A POINT ON THE SOUTH LINE OF SAID RAILROAD RIGHT OF WAY; THENCE RUN NORTH 75°38'57" WEST ALONG SAID SOUTH LINE FOR A DISTANCE OF 20.00 FEET; THENCE DEPARTING SAID SOUTH LINE RUN NORTH 14°21'03" EAST FOR A DISTANCE OF 100.00 FEET TO A POINT ON THE NORTH LINE OF SAID RAILROAD RIGHT OF WAY; THENCE RUN SOUTH 75°38'57" EAST ALONG SAID NORTH LINE FOR A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING.

CONTAINS 2,000 SQUARE FEET, 0.05 ACRES MORE OR LESS.

BSM APPROVED

By: J.A. Date: 7/9/2020

LINE TABLE		
LINE	BEARING	LENGTH
L1	S14°21'03"W	100.00'
L2	N75°38'57"W	20.00'
L3	N14°21'03"E	100.00'
L4	S75°38'57"E	20.00'

SHEET 1 OF 2
SEE SHEET 2 FOR SKETCH



16 EAST PLANT STREET
Winter Garden, Florida 34787 * (407) 654-5355

SURVEYOR'S NOTES:

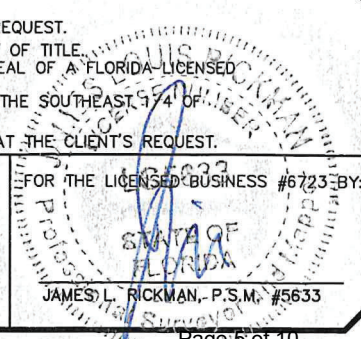
THE DELINEATION OF THE LANDS SHOWN HEREON ARE AS PER THE CLIENTS REQUEST.
THIS LEGAL DESCRIPTION AND SKETCH WERE PREPARED WITHOUT THE BENEFIT OF TITLE.
THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA-LICENSED SURVEYOR AND MAPPER.
BEARINGS SHOWN HEREON ARE ASSUMED AND BASED ON THE EAST LINE OF THE SOUTHEAST 1/4 OF SECTION 11-19-31 BEING S00°21'01"W FOR ANGULAR DESIGNATION ONLY.
THE LEGAL DESCRIPTION SHOWN HEREON WAS PREPARED BY THE SURVEYOR AT THE CLIENT'S REQUEST.

JOB NO. 20180526
DATE: 6-30-2020
SCALE: 1" = 100 FEET

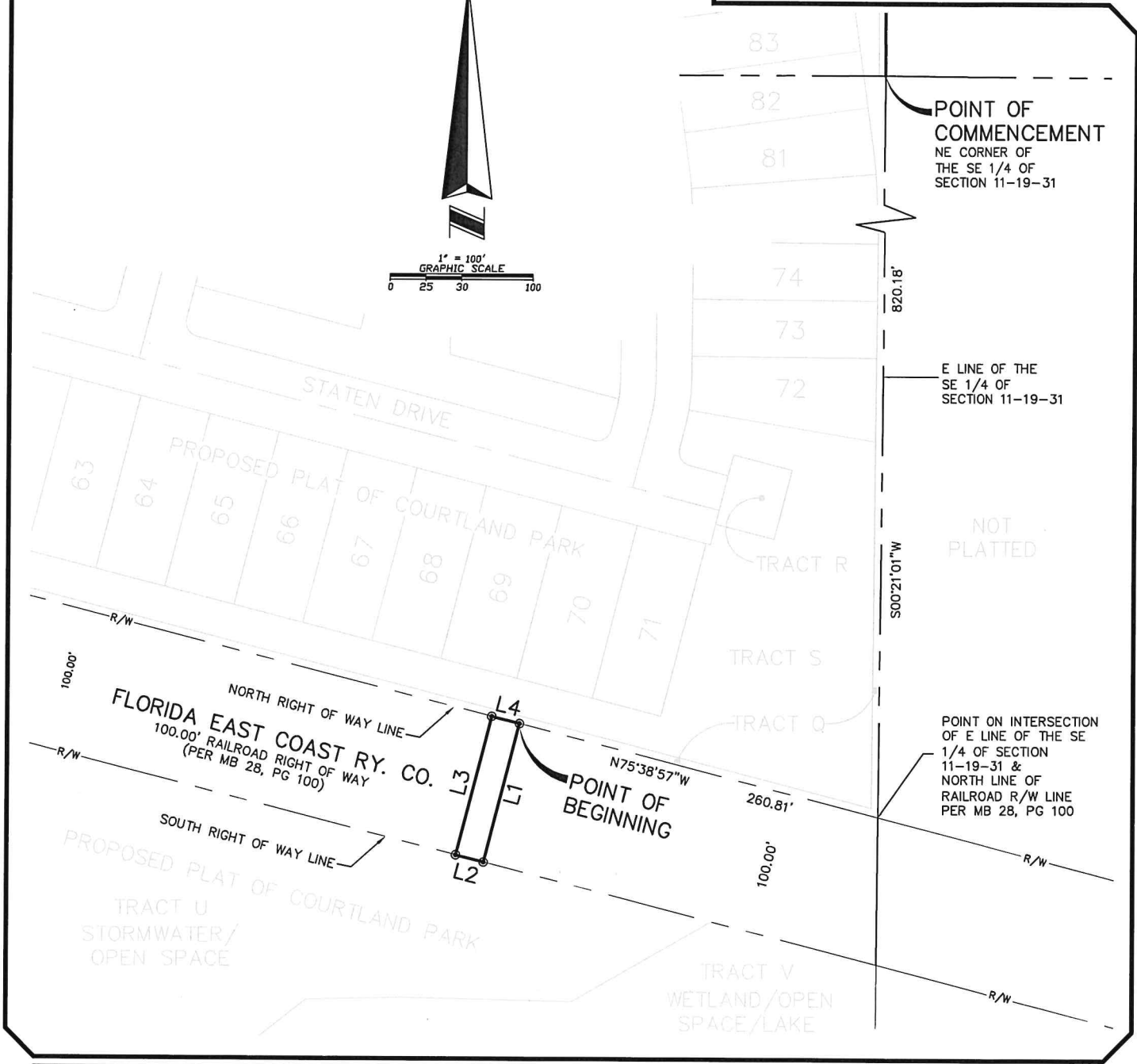
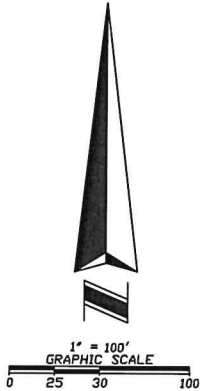
CALCULATED BY: PJR
DRAWN BY: PJR
CHECKED BY: PJR

FOR THE LICENSED BUSINESS #6723 BY:

JAMES L. RICKMAN, P.S.M. #5633



**SKETCH OF DESCRIPTION
THIS IS NOT A SURVEY**



ALLEN & COMPANY
Professional Surveyors & Mappers

16 EAST PLANT STREET
Winter Garden, Florida 34787 * (407) 654-5355

LEGEND:		
P.S.M.	PROFESSIONAL SURVEYOR AND MAPPER	MB MAP BOOK
⊙	CHANGE IN DIRECTION	PG PAGE
		R/W RIGHT-OF-WAY
JOB NO. _____	20180526	CALCULATED BY: _____ PJR
DATE: _____	6-30-2020	DRAWN BY: _____ PJR
SCALE: _____	1" = 100 FEET	CHECKED BY: _____ PJR
		<i>SHEET 2 OF 2 SEE SHEET 1 FOR LEGAL DESCRIPTION</i>

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.

Acquired in April 2011 with Florida Forever Funds.

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.

Acquired for conservation and recreation with no deed restrictions.

3. Description of the current level of public recreational use or public access of the parcel.

The requested easement area is currently used as a public trail for recreational use. There is no impact to public recreational use.

4. Description of the natural resources, land cover, vegetation, habitat or natural community, if any, that are currently present on the parcel.

5. Description and list of the imperiled and other wildlife species, if any, that occur on or use the parcel.

The area adjacent to the paved trail is described as cattle pasture intermixed with scattered oaks and pines. Species of wildlife found in this locality are consistent with the habitat of the region. The only protected species observed in the area is the gopher tortoise. It should be noted that a relocation permit has been obtained from the Florida Fish and Wildlife Conservation Commission (FWC) and all tortoises will be removed prior to any site activities.

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 known historical archaeological resources known at this site.

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.

The Applicant owns the adjacent parcels on the North and South side of the Trail. There are no other alternatives.

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.

The proposed easement will have no impact to natural/historical/archaeological/recreational resources.

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 proposed easement will have no impact to the surrounding conservation 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 net positive benefit will be negotiated by the Division of State Lands to offset the impact to conservation land.

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.



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

July 8, 2020

RE: DHR Project File No.: 2020-3759 / Received June 30, 2020
Applicant: Courtland Acquisitions Group LLC
Project: 42419 - Easement 33367
20 Foot x 100 Foot Easement Crossing Perpendicular to the East Central Regional Rail Trail:
(1) Install Drainage Pipe to Connect from Subdivision to the North to Retention Pond to the South of Trail.
(2) Install Sidewalk Access from the Subdivision to the North to the Trail, Volusia County

Dear Mr. Sircy:

In accordance with this agency's responsibilities under Section 267.061, *Florida Statutes*, we reviewed the referenced easement request for possible effects on historic properties listed, or eligible for listing, in the *National Register of Historic Places* (NRHP), or otherwise of historical, architectural or archaeological value.

We note that the easement will intersect an existing railroad bed recorded as 8VO891 and currently used as a Rails to Trails path. 8VO891 has been determined as not eligible for the NRHP. In addition, the proposed easement crossing was covered as part of a cultural resource assessment survey (Florida Master Site File No. 26785). It is the opinion of this office that the proposed project is unlikely to affect historic properties. However, because unexpected finds may occur, we request that the easement, if issued, should include the following special condition regarding inadvertent discoveries:

- 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 project site 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

FLORIDA DEPARTMENT OF STATE
Historical Resources





Development Engineering

June 29, 2020

Courtland Acquisitions Group, LLC
103 Commerce Street, Ste. 160
Lake Mary, FL 32746
Attn.: Mr. Sadique Jaffer, Managing Member

Re. No objection from County of Volusia (County) for state easement grant

Dear Mr. Jaffer,

The County staff, while reviewing construction plans submitted to the County in support of Courtland Park – Doyle Road Use Permit No. 2020-P-USE-0156, reviewed a proposed stormwater crossing of the County’s trail system, which is located on State of Florida (State) lands. The County has no objection to the State granting an easement for the stormwater crossing as depicted on the construction plans submitted to the County in support of Courtland Park – Doyle Road Use Permit No. 2020-P-USE-0156.

If you have any questions, you may contact me at (386)-736-5967.

Sincerely,

A handwritten signature in blue ink that reads "C. Storm Kazmierczak".

C. Storm Kazmierczak, P.E.
Assistant County Engineer
Engineering & Construction
County of Volusia
Office: (386) 736-5967 ext. 12294
skazmierczak@volusia.org