

**ITEM XX:**

Consider whether an approximately 0.015-acre public easement for access across the West Orange Trail (Trail) is consistent with the Board of Trustees’ (BOT) Linear Facilities Policy.

**LOCATION:**

Orange County, Section – 20, Township – 22S, Range – 27E  
TIITF Parcel ID Number: 19-22-27-0000-00-066

**APPLICANT:**

Pulte Home Company, LLC on behalf of the Town of Oakland (Applicant)

**DSL STAFF REMARKS:**

The Applicant has requested a 16-foot-wide access easement for installation of an 8-foot asphalt pedestrian Trail connection the Longleaf at Oakland subdivision development and the Trail. The proposed easement is located within conservation land currently managed by Orange County (County) under Uplands Lease No. 4767. Title to the parcel was acquired by the BOT in 1999 using Preservation 2000 funding under the Rails-to-Trails Program for conservation and recreational purposes.

The County consented to the easement in a letter dated December 18, 2020. In a letter dated March 2, 2021, the Division of Historical Resources stated that the proposed undertaking is unlikely to affect historic properties.

*Avoidance:*

The requested easement area is the closest location to the new Longleaf at Oakland subdivision development and connects at an existing trailhead to the nature preserve to the north. Any other connection to the Trail would require the use of state lands at areas that would remove vegetation or disrupt drainage patterns or user traffic.

*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 proposed pedestrian trail connection. 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. There are no imperiled species within the proposed easement or immediate adjacent areas.

*Compensation:*

There is no easement fee for public agencies 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

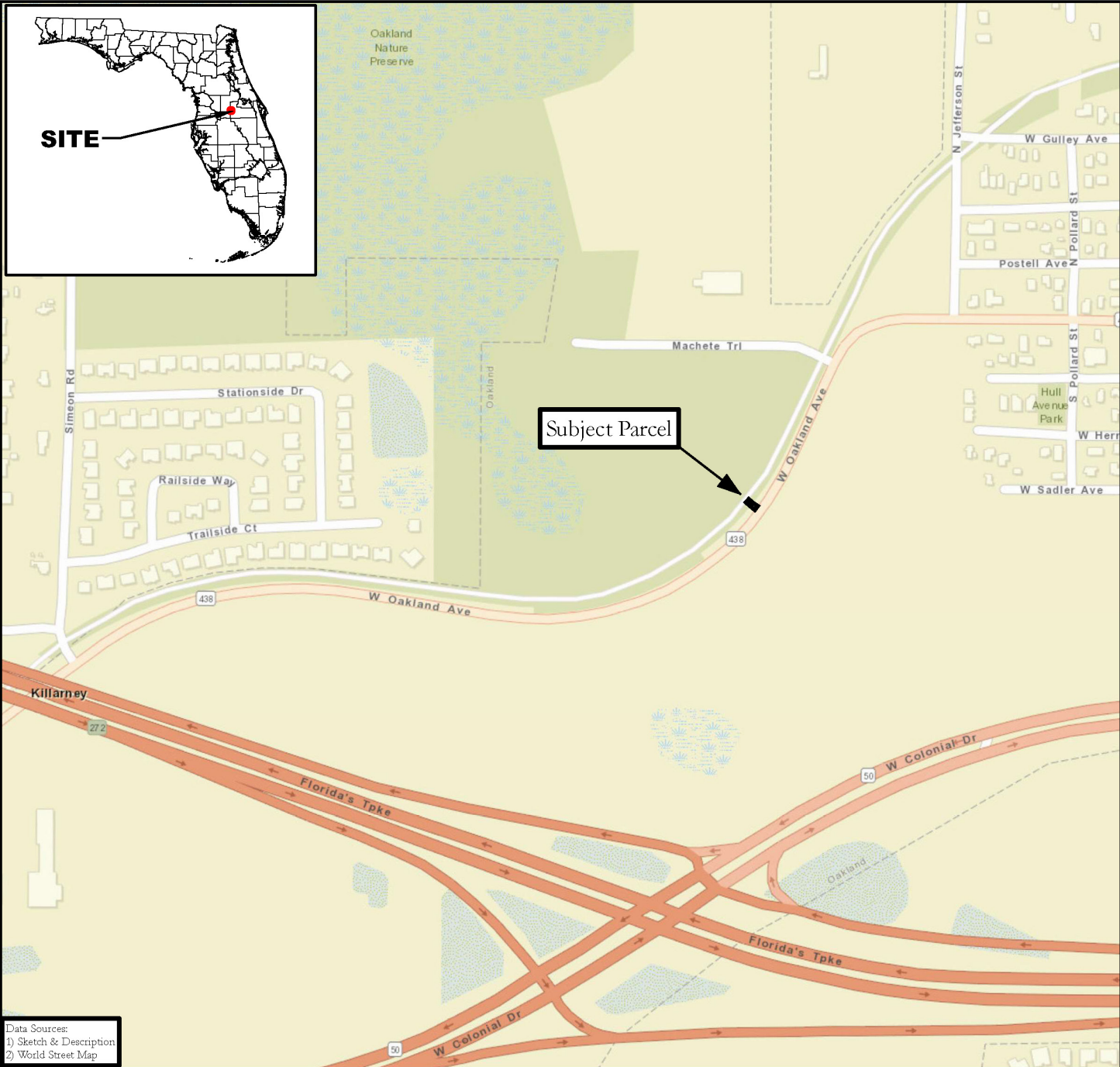
**ARC RECOMMENDATION:**

( ) APPROVE

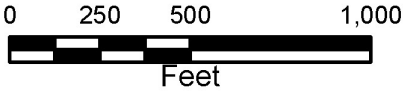
( ) APPROVE WITH MODIFICATIONS: \_\_\_\_\_

- DEFER**
- WITHDRAW**
- NOT APPROVE**
- OTHER:** \_\_\_\_\_

THIS PAGE AND ANY FOLLOWING PAGES ARE ATTACHED ONLY FOR STATE OF FLORIDA TRACKING PURPOSES AND FORM NO PART OF THE INSTRUMENT AND ARE NOT TO BE RELIED ON BY ANY PARTY.



Subject Parcel



### Easement No. 33401

Orange County, Florida

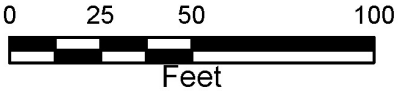


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Data Sources:  
 1) Sketch & Description  
 2) Cadastral 2019 Data  
 3) NAVTEQ Roads  
 4) Bing Aerials

Subject Parcel  
 BOT-Owned



### Easement No. 33401

Orange County, Florida

**SURVEYOR'S NOTES:**

- 1) This is a Sketch of Description, as defined in chapter 5J-17.052(6)(a)-(b) of the Florida Administrative Code. The purpose of this sketch is to depict the visual representation of a portion of the Section 20, Township 22 South, Range 27 East Orange County, Florida.
- 2) Instruments of record reflecting easements, encumbrances, rights-of-way, and/or ownership were not furnished to this surveyor, except as shown. Lands shown hereon were not abstracted for rights-of-way, easements, ownership or other deeds of record.
- 3) Additions or deletions to survey maps or reports by other than the signing party or parties is prohibited without written consent of the signing party or parties.
- 4) Bearings shown hereon are based upon the south line of the southwest 1/4 of Section 20, Township 22 South, Range 27 East, Orange County, Florida being S 89°22'26" E.
- 5) This sketch and description is intended to be issued as a 3 sheet set. All sheets are invalid without the remainder of the set.
- 6) **THIS IS NOT A BOUNDARY SURVEY.**

**ABBREVIATIONS:**

POB = Point of Beginning  
POC = Point of Commencement

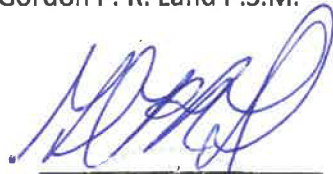
BSM: *Acry Lewis*

DATE: February 18, 2021

**Surveyor's Certificate:**

I hereby certify that this legal description and sketch of description of the described property, is true and correct to the best of my knowledge and belief, and they conform with the standards of practice as set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes. The seal appearing on this document was authorized by Gordon P. R. Land P.S.M. 7127 on December 11, 2020

December 11, 2020  
Date signed



Gordon P.R. Land, PSM  
Professional Surveyor & Mapper  
Florida License Number LS7127



1615 EDGEWATER DRIVE, STE 200,  
ORLANDO, FLORIDA 32804  
T 407.975.1273  
F 407.975.1278  
www.smeinc.com  
Certification of  
Authorization LB#8165

PROJECT:  
LONGLEAF AT OAKLAND

Oakland, Florida

TITLE:  
TRAIL ACCESS EASEMENT

PROJ #	527120029	SHEET 1 OF 3
DATE:	4/9/2020	



**TRAIL ACCESS EASEMENT**


A portion of Section 20, Township 22 South, Range 27 East, Orange County, Florida, being more particularly described as follows:

**COMMENCING** at the southwest corner of Section 20, Township 22 South, Range 27 East, Orange County, Florida; thence along the south line of the southwest quarter of the said Section 20 S 89°22'26" E, a distance of 1,141.16 feet to a point; thence depart said south line N 00°37'34" E, a distance of 701.11 feet to a point on the northerly edge of pavement of West Oakland Avenue, State Road 438 and the **POINT OF BEGINNING** of the parcel herein described; thence N 50°35'15" W, a distance of 23.41 feet to a point on the north right of way line of West Oakland Avenue, State Road 438 said north right of way line also being the south line of the West Orange Trail; thence continue N 50°35'15" W through lands of the West Orange Trail, a distance of 18.58 feet to a point on the southerly edge of pavement of the West Orange Trail; thence along said southerly edge of pavement N 39°24'45" E, a distance of 16.00 feet to a point; thence depart said southerly edge of pavement S 50°35'15" E, a distance of 18.55 feet to a point on the north right of way line of the aforementioned West Oakland Avenue State Road 438 also being the southerly line of the West Orange Trail; thence continue S 50°35'15" E, a distance of 22.52 feet to a point on the aforementioned northerly edge of pavement on West Oakland Avenue State Road 438; thence along said northerly edge of pavement S 36°06'44" W, a distance of 16.03 feet to the **POINT OF BEGINNING**.

Containing 664.50 square feet or 0.015 acres, more or less.

BSM: *Kay Lew*

DATE: February 18, 2021

 <p>1615 EDGEWATER DRIVE, STE 200. ORLANDO, FLORIDA 32804 T 407.975.1273 F 407.975.1278 www.smeinc.com Certification of Authorization LB#8165</p>	<p>PROJECT: LONGLEAF AT OAKLAND</p>		<p>TITLE: TRAIL ACCESS EASEMENT</p>	
	<p>Oakland, Florida</p>		<p>PROJ # 527120029</p>	<p>SHEET 2 OF 3</p>
			<p>DATE: 4/9/2020</p>	



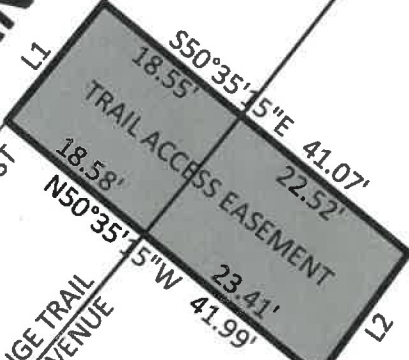
GRAPHIC SCALE  
1 INCH = 20 FEET



**WEST ORANGE TRAIL**

**WEST OAKLAND AVENUE**  
**STATE ROAD 438**

**SANSPARILLA ROAD**



**POB**

TRAIL ACCESS EASEMENT

**POC**

TRAIL ACCESS EASEMENT  
SOUTHWEST CORNER  
SECTION 20  
TOWNSHIP 22 SOUTH  
RANGE 27 EAST

LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	N39°24'45"E	16.00'
L2	S36°06'44"W	16.03'

S89°22'26"E 1141.16'

SOUTH LINE  
OF THE SOUTHWEST 1/4  
SECTION 20

BSM: *Amy Lewis*

DATE: February 18, 2021



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PROJ #	527120029	SHEET 3 OF 3
DATE:	4/9/2020	



PARKS AND RECREATION DIVISION

4801 West Colonial Drive • Orlando, Florida 32808  
407-836-6200 • FAX 407-296-5159 • <http://orangecountyfl.net>

December 18, 2020

Re: Longleaf at Oakland, Private Easement#33401, Action ID#43016

Mr. Benjamin Ellis, PMP, P.E.  
S&ME  
1615 Edgewater Drive, Suite 200  
Orlando, FL 32804

Dear Mr. Ellis:

This letter shall serve as your letter of support for your proposed access easement to cross the West Orange Trail. Should you have any additional questions, please contact me at your earliest convenience using the contact information provided below.

Thank you for your patience and cooperation during this review process.

Sincerely yours,

A handwritten signature in blue ink that reads "Matt Suedmeyer". The signature is written in a cursive style with a horizontal line at the end.

Matt Suedmeyer, Manager  
Parks and Recreation Division

[Matt.Suedmeyer@ocfl.net](mailto:Matt.Suedmeyer@ocfl.net)





**FLORIDA DEPARTMENT of STATE**

**RON DESANTIS**  
Governor

**LAUREL M. LEE**  
Secretary of State

Jay Sircy  
Bureau of Public Land Administration, M.S. 130  
DEP-Division of State Lands  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399-3000

March 2, 2021

RE: DHR Project File No.: 2021-1002, Received by DHR: December 21, 2021  
Project: 43016 Easement 33401 Pulte Home Co.  
Orange County

Dear Mr. Sircy:

Our office reviewed the referenced project in accordance with Chapter 267, Florida Statutes, and implementing state regulations, 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.

The proposed easement is within the vicinity of several cultural resources assessment surveys. These surveys identified several archaeological sites, but the surveyor and our office determined that these do not meet the requirements for listing in the NRHP. Additionally, the proposed easement appears to be within an area with previous ground disturbance. Therefore, it is the opinion of this office that the proposed easement will have no effect to historic properties. However, we do recommend that the applicant makes contingency plans in the case of fortuitous finds or unexpected discoveries during ground disturbing activities within the easement area:

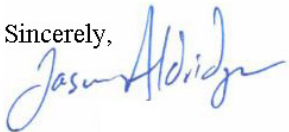
- If prehistoric or historic artifacts, such as pottery or ceramics, projectile points, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time within 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.

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



Mr. Sircy  
DHR Project File No.: 2021-1002  
March 2, 2021  
Page 2

If you have any questions, please contact me by email at [Jason.Aldridge@dos.myflorida.com](mailto:Jason.Aldridge@dos.myflorida.com) or by telephone at 850-245-6344.

Sincerely,  


Jason Aldridge  
Deputy State Historic Preservation Officer  
for Compliance and Review

## 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 under P-2000 funding Rails-to-Trails Program in March 1999.*
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.  
*State Recreation Area, emphasis on maximizing recreational potential while protecting resources.*
3. Description of the current level of public recreational use or public access of the parcel.  
*This particular portion of the park is in a remote location and has low to no public access/recreational use.*
4. Description of the natural resources, land cover, vegetation, habitat or natural community, if any, that are currently present on the parcel.  
*In an expanded area adjacent to a public Right of Way, adjacent to a County Park.*
5. Description and list of the imperiled and other wildlife species, if any, that occur on or use the parcel.  
*There are no imperiled species within the proposed easement or immediate adjacent areas.*
6. Description and list of historical or archaeological resources, if any, that occur or have the potential of occurring on the site.  
*None at this particular location in the park.*
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 easement allows for a pedestrian access point to the Trail from a Pulte Residential Development.*
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 is located along the park perimeter in a remote portion of the unit. This enhancement will not have a significant increased impact on the surrounding natural communities, historical, archaeological, or recreational resources of the park.*
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.  
*This enhancement will not have a significant increased impact on the surrounding natural communities, historical, archaeological, or recreational resources of the overall park or nearby 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.

*While the proposal requires accommodation of an existing storm water swale flow and the proposed engineered amenities takes the current swale volume into account in its proposal.*

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.