

ITEM XX:

Consider whether a 0.045-acre ingress/egress access easement with an 8-inch underground reclaimed water line easement across West Orange Trail (Trail) is consistent with the Board of Trustees' Linear Facilities Policy.

LOCATION:

Orange County, S – 21, T – 22S, R – 27E

Applicant's Parcel ID Number: 21-22-27-0000-00-001

APPLICANT:

WLSLD Oakland Park Land, L.L.C. (Applicant)

DSL STAFF REMARKS:

The Applicant has requested a 0.045-acre, 50-foot wide ingress/egress access easement with an underground 8-inch reclaimed water line easement to benefit their parcel for the life of the project. This easement will provide access to the Applicant's parcel connecting at Tilden Oaks Trail and provide connectivity to the existing reclaimed water line on the other side of the Trail. The proposed easement is located within conservation land currently managed by Orange County, Florida, under Uplands Lease No. 4767, West Orange Trail. The property was acquired in 1997 from Orange County with P-2000 funds, for conservation activities and recreational activities. The public will benefit from this easement as it will create not only a vehicular connection to residential, park and lake access lands, but also provides a key connection to the Trail for bicycle and pedestrian access for exercise and enjoyment of the natural resources in the area.

Orange County consented to the easement in a letter dated October 13, 2020 and, in a letter, dated September 30, 2020 the Division of Historical Resources stated that the proposed undertaking is unlikely to affect historic properties.

Avoidance:

There are no other practical alternatives. The Trail bisects the Applicant's parcel from the public road Tilden Oaks Trail and the existing reclaimed water line on the other side of the Trail. There are no known imperiled or other wildlife species that occupy the requested area.

Minimizing Impacts:

The reclaimed water line will be installed a minimum of three feet via horizontal directional drill under the Trail 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 Board of Trustees' 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

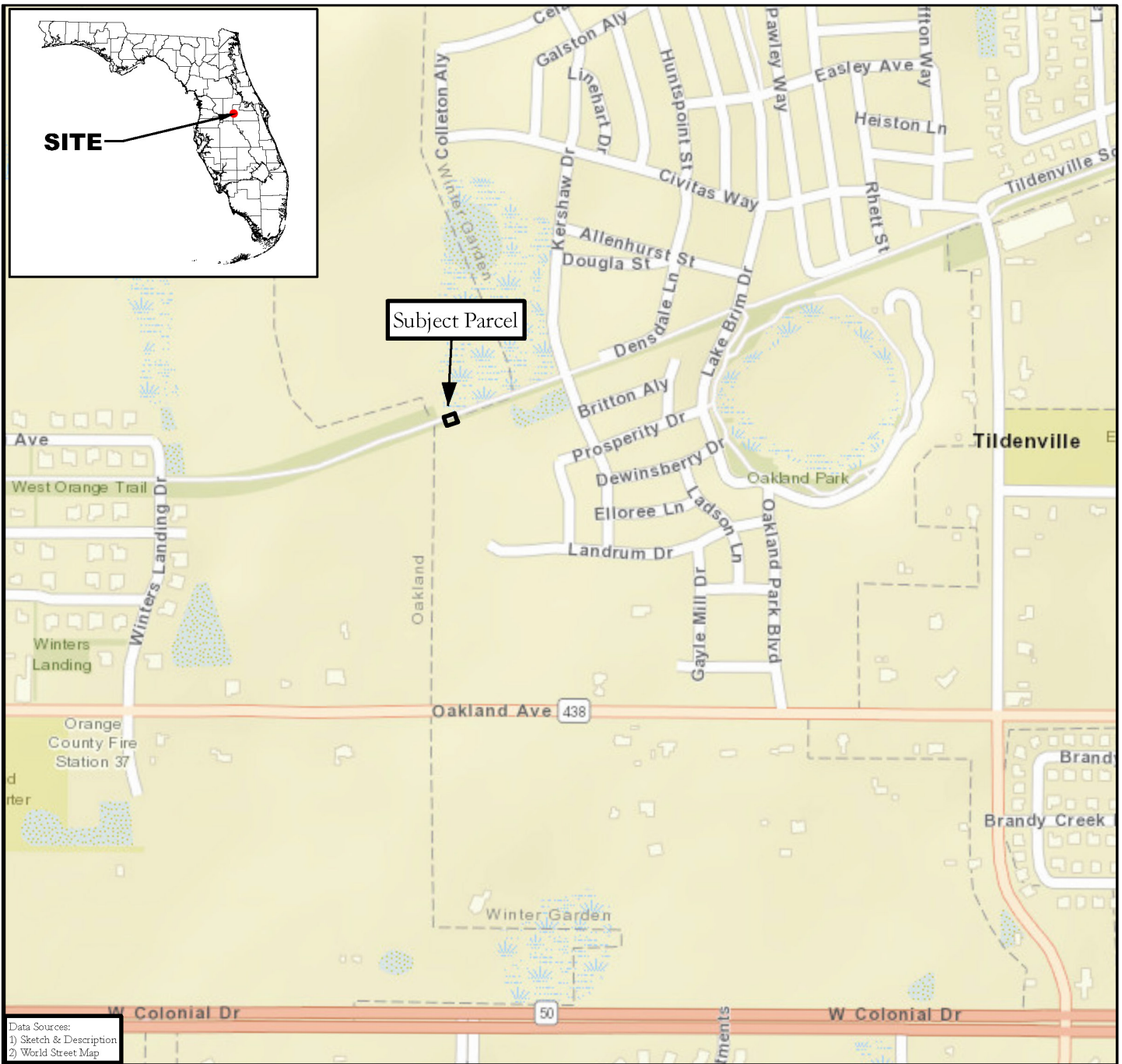
APPROVE WITH MODIFICATIONS: _____

DEFER


WITHDRAW

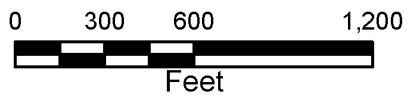
NOT APPROVE

OTHER: _____



Data Sources:
1) Sketch & Description
2) World Street Map

 Subject Parcel

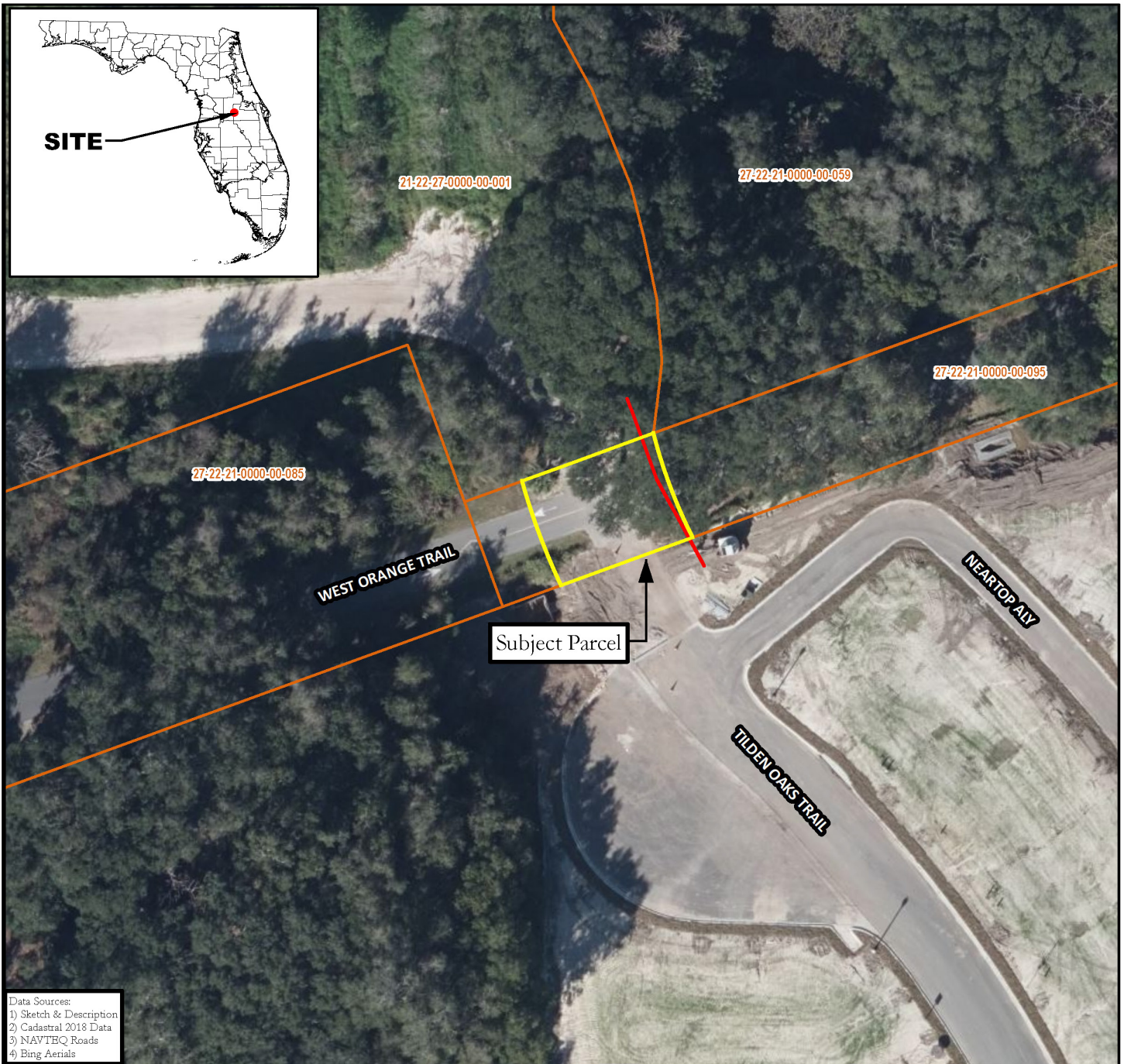





Easement No. 33380 - Vicinity

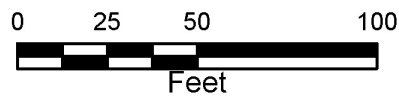
Orange County, Florida



File Location: \\FLDEP1\tech_cad\Counties_GIS\Orange\Easement_No_33380\GIS\Easement_No_33380_Vicinity.mxd
Date Saved: 9/11/2020 2:56:45 PM
Map Created By: Kim Parson



 Subject Parcel
 Proposed Water Line
 Property Appraiser Parcel ID



Easement No. 33380

Orange County, Florida

Sketch and Description

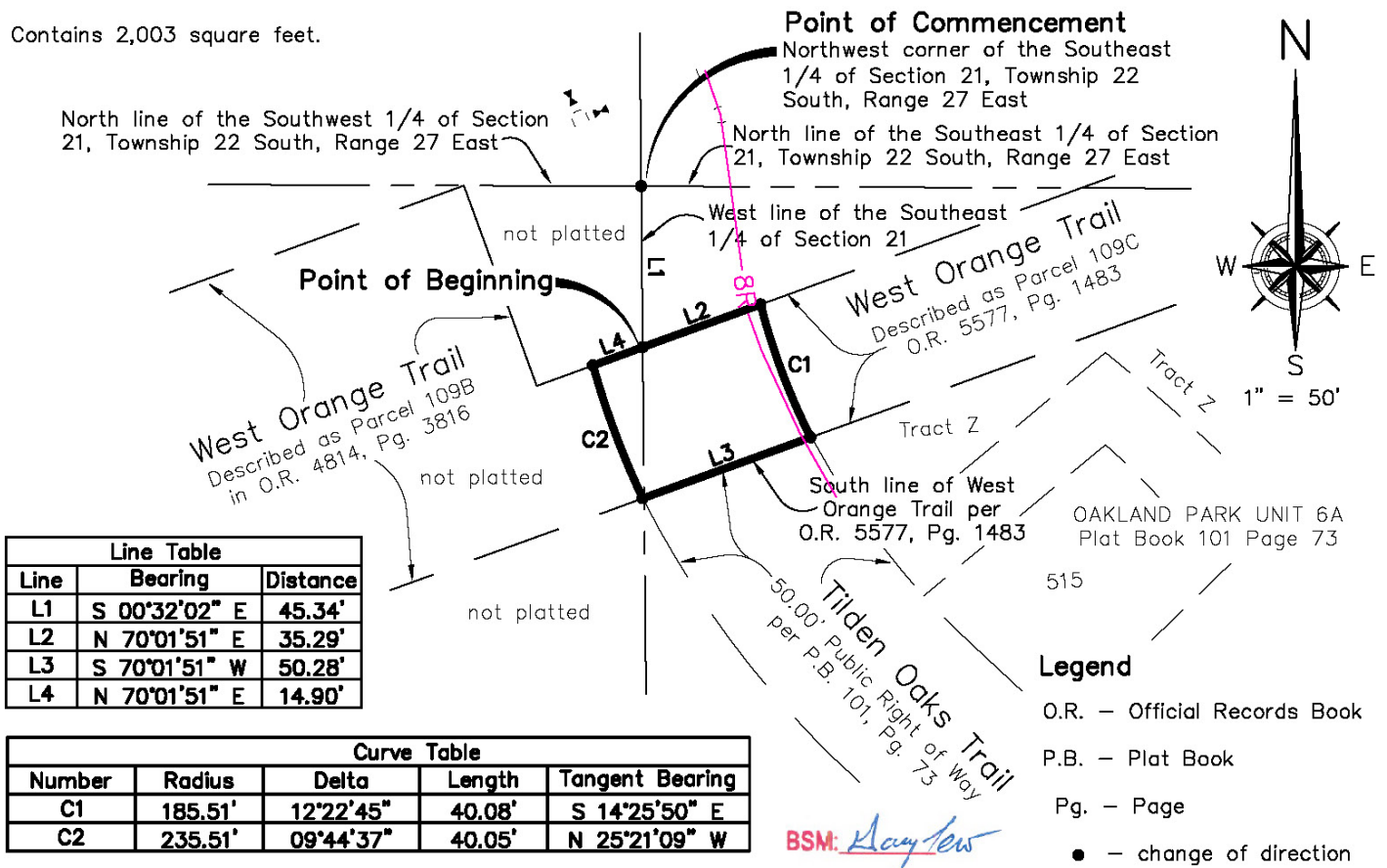
Portion of West Orange Trail


Property Description

A parcel of land being a portion of the 40.00 foot wide West Orange Trail right of way as described in Parcel 109C of that certain County Deed recorded in Official Records Book 5577, Page 1483, Public Records of Orange County, Florida and also being a portion of the Southwest 1/4 and Southeast 1/4 of Section 21, Township 22 South, Range 27 East, Orange County, Florida. Said parcel being more particularly described as follows:

COMMENCE at the Northwest corner of the Southeast 1/4 of Section 21, Township 22 South, Range 27 East, Orange County, Florida, thence South 00°32'02" East, along the West line of the Southwest 1/4 of said Section 21, a distance of 45.34 feet to a point on the North line of said West Orange Trail right of way and POINT OF BEGINNING; thence North 70°01'51" East, along the North line of said West Orange Trail right of way, a distance of 35.29 feet to a point on a non-tangent curve concave Easterly, having a radius of 185.51 feet and a delta angle of 12°22'45"; thence, from a tangent bearing of South 14°25'50" East, run Southerly, along the arc of said curve, a distance of 40.08 feet to a point on the South line of said West Orange Trail right of way, thence South 70°01'51" West, along the South line of said West Orange Trail right of way, a distance of 50.28 feet to a point on a non-tangent curve concave Easterly, having a radius of 235.51 feet and a delta angle of 09°44'37"; thence, from a tangent bearing of North 25°21'09" West, run Northerly, along the arc of said curve, a distance of 40.05 feet to a point on the North line of said West Orange Trail right of way; thence North 70°01'51" East, along the North line of said West Orange Trail right of way, a distance of 14.90 feet to the POINT OF BEGINNING.

Contains 2,003 square feet.



 <p>Benchmark Surveying & Mapping, LLC Certificate of Authorization Number – LB 7874 Post Office Box 771065, Winter Garden, Florida 34777-1065 3110 Red Fox Run, Kissimmee, Florida 34746 (407) 654-6183 – www.benchmarksurveyingandmapping.com</p>	999.01 WO Trail Crossing Project #	Prepared For: WSLD Oakland Park Land, L.L.C Prepared By: Billy Joe Jenkins, Jr., PSM # 5205 Professional Surveyor and Mapper
	06/22/2020 Date	

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

September 30, 2020

RE: DHR Project File No.: 2020-5841
Project: 42663 Easement 33380
West Orange Trail Crossing and Tilden Oaks Trail
Orange County

Dear Mr. Sircy:

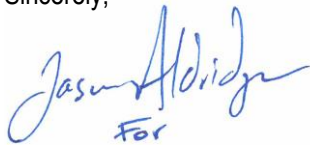
In accordance with this agency's responsibilities under Section 267.061, *Florida Statutes*, we reviewed the referenced easement request.

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,



Jason Aldridge
For

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



PARKS AND RECREATION DIVISION

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

October 13, 2020

Re: Oakland Park PUD Phase 6B, Trail/Entrance Drive Intersection Review

Mr. David Kelly, P.E.
Poulos & Bennet, LLC.
Civil Engineers
2602 E. Livingston Street
Orlando, Florida 32803

Dear Mr. Kelly:

We have received and reviewed the drawing submitted and designated as sheet 999.01 survey concerning the location of an 8" Reclaimed Water Line at the intersection of the vehicular entry for the Oakland Park PUD Phase 6B subdivision and the West Orange Trail. 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 fluid and cursive.

Matt Suedmeyer, Manager
Parks and Recreation Division

Matt.Suedmeyer@ocfl.net

ARC Questionnaire
42663; Easement 33380

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 (TIITF). 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# 21-22-27-0000-00-095 falls under a property use of Rec Tracts.*
 - *On August 26, 1993 Thomas J. Karr sold the subject property to Orange County BCC. On December 09, 1997, Orange County BCC sold the subject parcel to TIITF (Orange County Comptroller Book 05577 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 1-eight inch reclaimed waterline pipe bores 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 water mains. In this case, Site Work Construction Maintenance of Traffic and their 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 eight inch pipe (reclaimed water 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 eight inch water main for reclaimed water 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.