

**ITEM XX:**

Determine whether a 0.047-acre utility easement within Board of Trustees owned conservation land is consistent with the Board of Trustees' Linear Facilities Policy.

**LOCATION:**

Citrus and Marion counties

**APPLICANT:**

Solar FL 2018, LLC (Applicant)

**DSL STAFF REMARKS:**

The Applicant is requesting a utility easement across a portion of the Marjorie Harris Carr Cross Florida Greenways State Recreation and Conservation Area to connect a solar farm under construction within the City of Dunnellon and Marion County limits with an existing Duke Energy substation located west of the Withlacoochee River in Citrus County. The property over which the easement will cross is managed by the State of Florida Department of Environmental Protection, Division of Recreation and Parks under Trustees' Lease No. 4193. The property was acquired by the Canal Authority of the State of Florida in 1971 and transferred to the Board of Trustees in 1993.

*Avoidance:*

The Applicant evaluated two alternatives to the proposed route. The first alternative route was use of SW Hwy 484 and SR 41. The evaluation of this route concluded that the number of utility conflicts and impacts to the City of Dunnellon's main street corridor would not be viable. The second alternative evaluated was use of the existing State-owned Dunnellon Trail, which crosses the Withlacoochee River just northwest of the proposed project. Working with the property manager, the Applicant concluded that the second alternative was not viable because of the potential impacts to State-owned lands.

*Minimizing Impacts:*

Because the Applicant will employ directional drilling to complete the project, the proposed route offers minimal impact to resources on State-owned lands. Following installation, there will be no required maintenance in the future. Power lines may be re-set using pull boxes located off-site. In the opinion of the Division of Recreation and Parks, the proposed project minimizes resource impacts as much as possible. In a letter dated June 24, 2021, the Florida Department of State, Division of Historical Resources stated that the project was also unlikely to impact historic properties.

*Compensation:*

The Applicant will pay an easement fee based on the appraised fair-market value of the easement. Pursuant with the Board of Trustees' Linear Facilities Policy, the Applicant will provide additional compensation to the manager valued at 1.5 times the appraised fair market value of the easement.

**DSL STAFF RECOMMENDATION:**

Approve

**ARC RECOMMENDATION:**

**APPROVE**

**APPROVE WITH MODIFICATIONS:** \_\_\_\_\_

**DEFER**

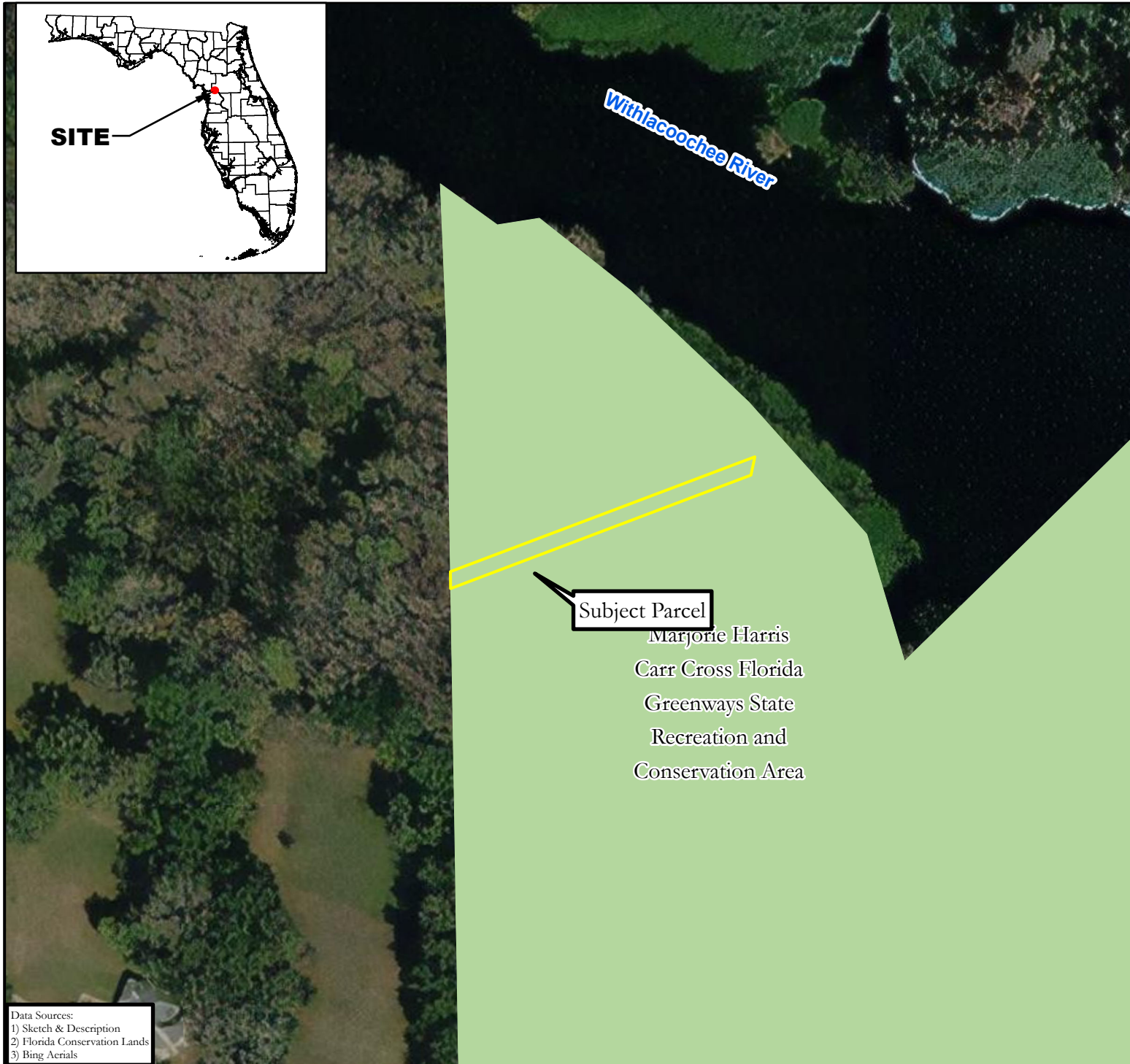
**WITHDRAW**

**NOT APPROVE**

**OTHER:** \_\_\_\_\_



SITE



Withlacoochee River

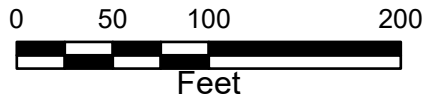
Subject Parcel

Marjorie Harris  
Carr Cross Florida  
Greenways State  
Recreation and  
Conservation Area

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

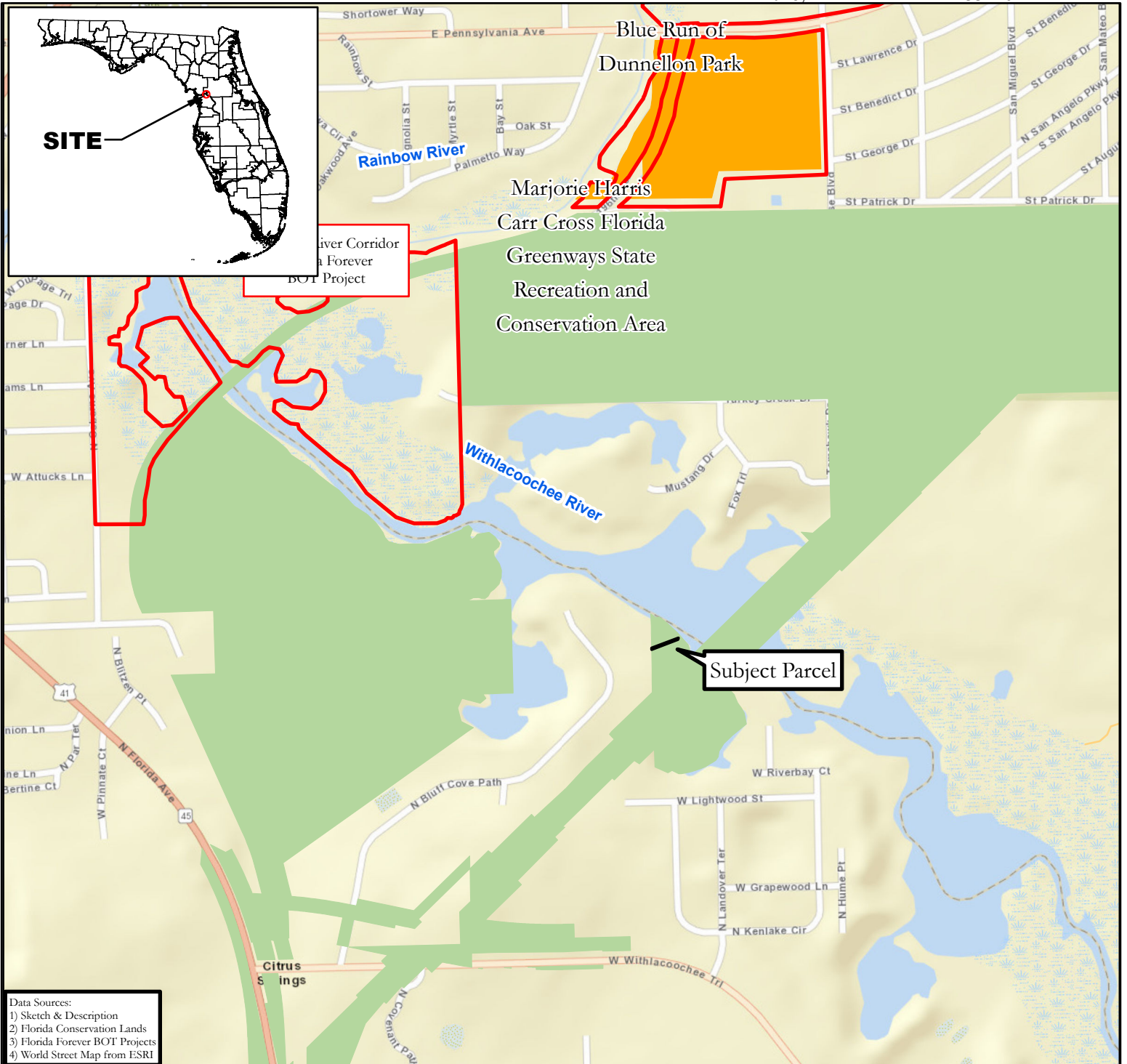
 Subject Parcel

 State Managed Conservation Lands



Easement No. 33416

Citrus County, Florida



## Easement No. 33416

Citrus County, Florida

# SKETCH OF DESCRIPTION

PROJECT NAME: DUNNELON SOLAR  
PURPOSE: UTILITY EASEMENT

THIS IS NOT A BOUNDARY SURVEY  
NOT VALID WITHOUT SHEET 2

## DESCRIPTION:

That part of the Northeast 1/4 of the Northwest 1/4 of Section 1, Township 17 South, Range 18 East, Citrus and Marion County, Florida, more particularly described as follows:

Commence at the Northwest corner of the Northeast 1/4 of the Northwest 1/4 of said Section 1, also being the Northeast corner of River Bluffs, according to the plat thereof as recorded in Plat Book 15, Pages 105 through 107, Public Records of Citrus County, Florida; thence run S00°18'57"E along the West line of said Northeast 1/4 of the Northwest 1/4 of Section 1 and the East line of said plat of River Bluffs, a distance of 518.79 feet for the Point of Beginning; thence run N69°19'45"E, a distance of 204.85 feet to a point on the Ordinary High Water Line; thence run S11°47'39"W along said Ordinary High Water Line, a distance of 11.85 feet; thence run S69°19'45"W, a distance of 202.19 feet; thence run N00°18'57"W along said West line of said Northeast 1/4 of the Northwest 1/4 of Section 1 and the East line of said plat of River Bluffs, a distance of 10.67 feet to the Point of Beginning.

Containing 2,035 square feet or 0.047 acres, more or less.

## SURVEYORS NOTES

1. Bearings based on the East line of River Bluffs as being S00°18'57"E.
2. I hereby certify that the above described property is true and correct to the best of my knowledge and belief as recently drawn under my direction and that it meets the Standards of Practice for Land Surveying set forth in Florida Administrative Code Rule 5J-17.05 requirements.
3. Not valid without the signature and seal of a Florida Licensed Surveyor and Mapper.
4. The electronic signature hereon is in compliance with the Florida Administrative Code (FAC) 5J-17.062(3)
5. The seal appearing on this document was authorized by James R. Shannon, PLS 4671 on 01/19/2021 per 5J17-062(2).

**James R. Shannon**

Digitally signed by  
James R Shannon  
Date: 2021.01.19  
11:13:25 -05'00'

**BSM APPROVED**

BY [Signature]  
DATE 6/3/21

**SHANNON SURVEYING, INC.**  
499 NORTH S.R. 434 - SUITE 2045  
ALTAMONTE SPRINGS, FLORIDA, 32714  
(407) 774-8372 LB # 6898

DATE OF SURVEY: 01/19/2021

DRAWN BY: BP SCALE: 1" = 200'

DUNNELON SOLAR-UTILITY UPLAND SKETCH

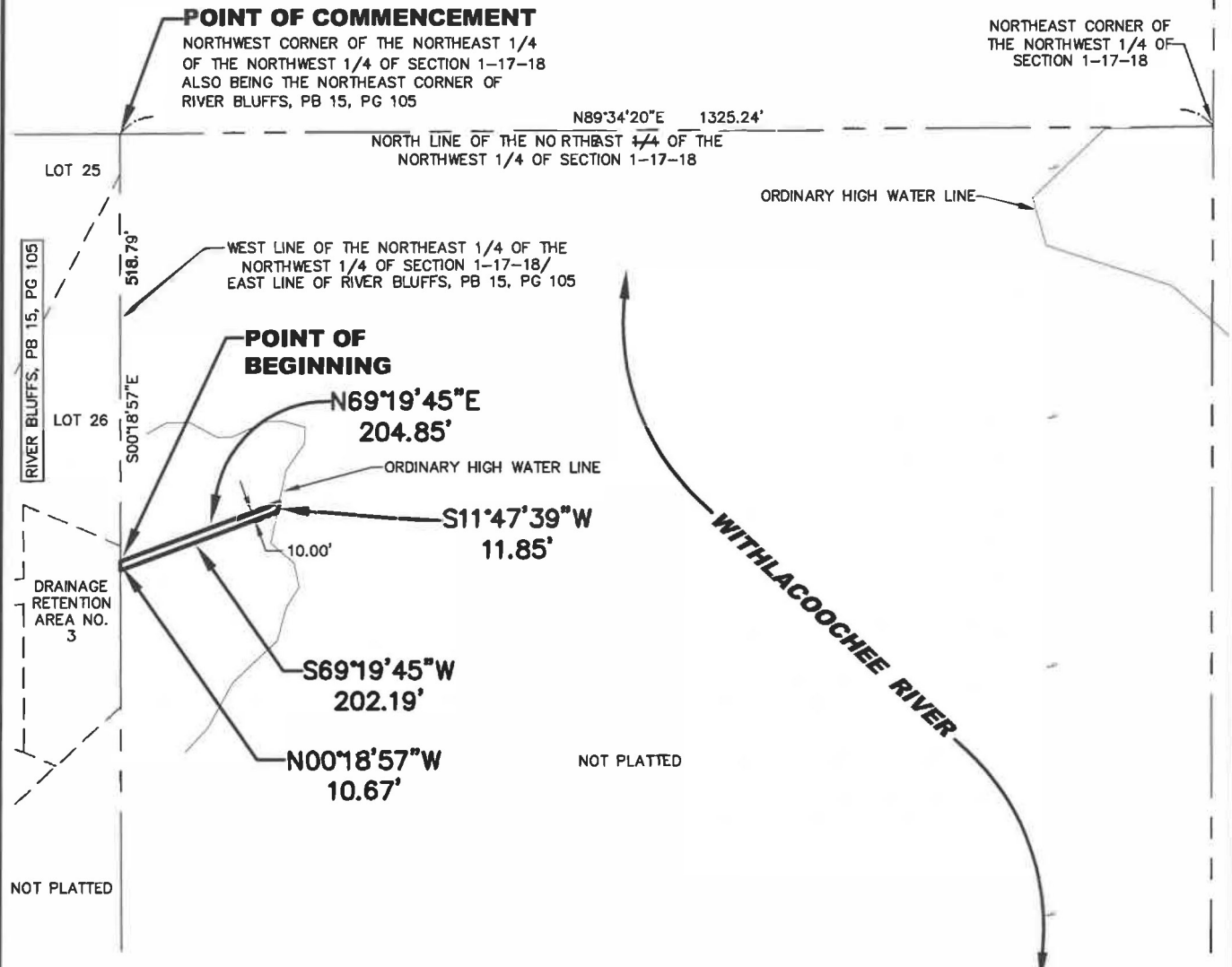
SHEET 1 OF 2

JAMES R. SHANNON JR., P.L.S. #4671  
NOT VALID WITHOUT THE SIGNATURE AND THE  
SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

# SKETCH OF DESCRIPTION

PROJECT NAME: DUNNELLON SOLAR  
PURPOSE: UTILITY EASEMENT

THIS IS NOT A BOUNDARY SURVEY  
NOT VALID WITHOUT SHEET 1



BSM APPROVED

BY

DATE

6/3/21



SHANNON SURVEYING, INC.  
499 NORTH S.R. 434 - SUITE 2045  
ALTAMONTE SPRINGS, FLORIDA, 32714  
(407) 774-8372 LB # 6898

DATE OF SURVEY: 01/19/2021

DRAWN BY: BP SCALE: 1" = 200'

DUNNELLON SOLAR-UTILITY UPLAND SKETCH

SHEET 2 OF 2



# FLORIDA DEPARTMENT OF Environmental Protection

Marjory Stoneman Douglas Building  
3900 Commonwealth Boulevard  
Tallahassee, FL 32399

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Noah Valenstein**  
Secretary

May 24, 2021

Solar FL 2018, LLC  
Attn: John Taylor  
1800 Presidential Barack Obama Hwy.  
Riviera Beach, Florida 33404  
[taylor@renewablems.com](mailto:taylor@renewablems.com)

RE: Request for easement (Lease No. 4013)

Dear Mr. Taylor:

The Division of Recreation and Parks (DRP), leaseholder of the Marjorie Harris Carr Cross Florida Greenways State Recreation and Conservation Area (Park), has no objection to the proposed underground solar-electric distribution line, shown on the location map included as Exhibit "A". Additionally, DRP has determined that this easement is not inconsistent with the goals of the Park's approved management plan.

Should the Acquisition and Restoration Council (ARC) recommend approval of the proposed easement, followed by final approval by the Board of Trustees of the Internal Improvement Trust Fund, DRP requests that the Special Conditions attached as Exhibit "B", be included in the easement.

If you have any questions, please feel free to contact me at 850-245-2080.

Sincerely,

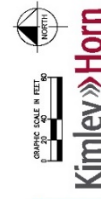
A handwritten signature in blue ink that reads "Diane Martin".

Diane Martin  
Planning Manager  
Office of Park Planning  
DM/dp  
attachments

Cc: Steven Cutshaw, Chief  
Larry Fooks, Bureau of Parks, District 3, Chief  
Mickey Thomason, Park Manager

May 24, 2021  
John Taylor  
Page 2 of 4

**EXHIBIT "A"**



**Kimley»Horn**

**DUNNELLON FARMS SOLAR**  
CITRUS COUNTY, FLORIDA

EX-1

STATE OWNED UPLANDS AERIAL  
1/19/2021 - CONTACT L. JORDAN DUBAEE (407) 898-1511



**EXHIBIT "B"**

Special Conditions CFG Easement for Solar-Electric Distribution Line

- A. By issuance of this easement, DRP acknowledges that GRANTEE has fully satisfied the "Net Positive Benefit" obligation to provide in-kind goods to the Marjorie Harris Carr Cross Florida Greenways State Recreation and Conservation Area (Park) in the amount of \$\_\_\_\_\_, in accordance with the Board of Trustees' Policy for Incompatible Use of Natural Resource Lands dated August 9, 1988.  
*(amount to be determined by Division of State Lands)*
- B. GRANTEE, or GRANTEE'S representative, shall coordinate all construction activities with the manager of the Park ("Park Manager"), no less than ( 7 ) seven days in advance, or to the maximum extent possible. The Park Manager reserves the right to request an on-site meeting to be held on the first day prior to commencement of construction. The Park Manager may be contacted by phone at (352)-236-7143.
- C. GRANTEE shall contact the State of Florida Department of State Division of Historical Resources (DHR) to determine if a certified archaeological monitor is required to be on-site for ground-disturbing activities. Further, GRANTEE shall provide written confirmation to the Park Manager that the aforementioned determination from DHR has been obtained. Should an on-site monitor be required, GRANTEE shall provide one at GRANTEE'S sole cost and expense. DHR may be contacted directly by phone at (850) 245- 6333.
- D. GRANTEE shall ensure that all stationary and mechanized equipment that enters the Park is clean and does not contain any soil, plant, or animal remains. This will help to prevent exotic or invasive species from entering the Park. The Park Manager shall be responsible for inspecting all equipment prior to entering the Park.
- E. GRANTEE shall not remove or destroy any trees, shrubs, or other vegetation in any of the areas where the project will take place, unless agreed upon in advance by the Park Manager. Additionally, GRANTEE, at

May 24, 2021

John Taylor

Page 4 of 4

its sole cost and expense, shall repair any damage to vegetation (trees, shrubs, grasses) that is a direct result of construction activities.

- F. In an effort to offset impacts to the Park, GRANTEE shall grant a strip of land, with a minimum width of 55 ft., by perpetual easement or by fee simple donation, to the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, to be used for the development and construction of a multi-use trail connection between the South West Florida Water Management District's Halpata Tastanaki Preserve and those Park lands lying west of the Dunnellon Spray Field. Additionally, GRANTEE shall coordinate with the Park Manager and Marion County, to determine the final trail alignment.

## RESOLUTION NO. 20-R-471

### A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, APPROVING A SPECIAL USE PERMIT, PROVIDING AN EFFECTIVE DATE.

WHEREAS, an application for a Special Use Permit was duly filed with the Growth Services Department and considered by the Marion County Planning and Zoning Commission at its meeting on August 31, 2020; and

WHEREAS, the aforementioned application was considered at a public hearing held by the Board of County Commissioners of Marion County, Florida at its meeting on Tuesday, October 20, 2020. Now therefore,

BE IT RESOLVED by the Board of County Commissioners of Marion County, Florida:

**SECTION 1. SPECIAL USE PERMIT APPLICATION APPROVAL 200907SU Kingston Properties, LLC.** The application requesting special use permit, Articles 2 and 4 of the Marion County Land Development Code as submitted by John Taylor, Riviera Beach FL, a copy of said application being on file with the Marion County Growth Services Director, for the development of a 74.9 megawatt solar farm (to be known as Dunnellon Farms Solar) in an A-1 (General Agriculture) zone, on Parcel Account Nos. 40713-000-00, 40719-000-00 and 40720-000-00, 767 Acres.

**SECTION 2. FINDINGS AND CONDITIONS.** The Board of County Commissioners agrees with the recommendation and findings of the Planning and Zoning Commission recommending approval of the Special Use Permit and the Board approves the Special Use Permit subject to the following conditions:

1. All solar panels and other infrastructure must be set back at least twenty-five feet (25') from all property lines.
2. The property shall be fenced with eight-foot (8') chain-link and may be topped with barbed wire, but razor wire is not permitted.
3. Soils must be planted to and maintained in perennial vegetation to prevent erosion and manage run off.
4. A modified Type 'E' buffer consisting of eight-foot (8') tall, fast growing hedges (shall reach a minimum three-feet (3') within one year), shall be maintained around the exterior perimeter, on the northern and eastern fence lines as well as the western most fence line
5. The elevation of any flood prone area shall not be modified without site plan approval.
6. The ground-mounted photo-voltaic solar panels are to be mounted in a manner as to reduce negative impact to wildlife, including migratory birds.
7. A Decommissioning Plan shall be required in the event that operations cease. Solar panels must be decommissioned within 90 days and decommissioning must be complete within 6 months. The posting of a bond to ensure proper decommissioning may be required prior to the issuance of a building permit.

8. The Special Use Permit runs with the owner/operator and not the property.
9. A perpetual easement shall be provided by the applicant to the State of Florida and/or Marion County for use as a trail connection across the site, and this easement shall be granted prior to final building inspections for the solar panel construction. The easement location is conceptually proposed to be located along the northern and eastern boundaries as indicated in the application, but the location may be revised with approval of the State of Florida (Greenways and Trails), Marion County Engineering, Marion County Parks and Recreation, and the applicant/property owner. The applicant/property owner may also provide this proposed trail area in fee-simple to the State of Florida if desired, with approval of Marion County Parks and Recreation and Marion County Engineering. It is noted that a larger construction easement may be needed for the trail construction, to be identified with the applicant/property owner prior to commencement of trail construction.
10. The Special Use Permit shall terminate if there is a division or subdivision of the subject parcels – as is compliant with Condition #9.

**SECTION 3. REVOCATION.** Violation or failure to comply with one or more condition(s) of this Special Use Permit shall be grounds for revocation of this Special Use Permit by the Board at a noticed public hearing.

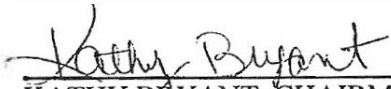
**SECTION 4. EFFECTIVE DATE.** This Resolution shall take effect immediately upon its adoption.

**DULY ADOPTED** in regular session this 20th day of October, 2020.

**ATTEST:**

**BOARD OF COUNTY COMMISSIONERS  
MARION COUNTY, FLORIDA**

  
\_\_\_\_\_  
DAVID R. ELLSPERMANN, CLERK

  
\_\_\_\_\_  
KATHY BRYANT, CHAIRMAN

**Marjorie Harris Carr  
Cross Florida Greenways  
State Park and Conservation Area**

**June 7, 2021**

**D3 Bureau Chief: Larry Fooks  
D3 Asst. Bureau Chief: Robert Yero  
Park Manager: Mickey Thomason  
Env. Specialist: Adele Mills  
Env. Specialist: Laurie Dolan**

**ARC Questionnaire Responses**

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 parcel in question needed for the solar farm transmission line easement was transferred from the federal government to the state of Florida as part of the de-authorization of the former Cross Florida Barge Canal (CFBC) project and establishment of the Cross Florida Greenway in the early 1990's.
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.  
As stated above the parcel was part of the approximately 60,000-acre transfer of former CFBC lands from the federal government to the state for the establishment of the Cross Florida Greenway (CFG).  
F.S. 253.782 (1) "It is the intent of the Legislature to conserve, protect, and maintain the natural resources, recreational values and water management capabilities of Lake Rousseau and the Withlacoochee River." As part of the conditions for the transfer of the former CFBC lands to the state the federal government placed oversight responsibilities with the U.S. Army Corps of Engineers (COE) via 16 U.S. Code 460tt-Cross Florida Barge Canal (b) (2)The State shall agree to preserve and maintain a greenway corridor which shall be open to the public for compatible recreation and conservation activities and which shall be continuous, except for areas referred to in subparagraphs (A) and (C) of this paragraph, along the project route over lands acquired by the Secretary or by the State or State Canal Authority, or lands acquired along the project route in the future by the State or State Canal Authority, to the maximum width possible, as determined in the management plan to be developed by the State for former project lands.
3. Description of the current level of public recreational use or public access of the parcel.  
The parcel in question is isolated out of the main Greenway upland corridor that is located on the north side of the Withlacoochee River in this area. No known or designated public recreation occurs on the parcel proposed for the transmission line easement.
4. Description of the natural resources, land cover, vegetation, habitat or natural community, if any, that are currently present on the parcel.  
The parcel in question is typed as floodplain swamp along the Withlacoochee river floodplain. From FNAI: "Description: Floodplain swamp is a closed-canopy forest of hydrophytic

trees occurring on frequently or permanently flooded hydric soils adjacent to stream and river channels and in depressions and oxbows within floodplains. Trees are often buttressed, and the understory and groundcover are sparse. The canopy is sometimes a pure stand of bald cypress (*Taxodium distichum*), but more commonly bald cypress shares dominance with one or more of the following tupelo species: water tupelo (*Nyssa aquatica*), swamp tupelo (*N. sylvatica* var. *biflora*), or ogeechee tupelo (*N. ogeche*).”

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

From an FNAI survey contracted by the CFG, we have one point just to the north that represents a *Habenaria floribunda* (toothpetal false rein orchid) found in 2016. No other imperiled species information regarding the parcel in question.

6. Description and list of historical or archaeological resources, if any, that occur or have the potential of occurring on the site.

No documented cultural resource sites are known to be located on the parcel proposed for this 2035sq. foot requested easement. This area is along the floodplain of the Withlacoochee River so there may be some potential for cultural resources although none is known.

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 Dunnellon Solar Farm interests looked at multiple options for routing and locating the required transmission (Gen Tie) transmission line for this project from the North side of the Withlacoochee River to the Duke Energy transmission sub-station they are required to convey the energy to on the south side of the Withlacoochee. These options included:

- A) Transmission line buried along the majority of the existing 2.4mile long Dunnellon paved multi-use trail located on CFG lands. This alignment would have had major impacts and disruption to heavy existing recreational/public use, natural resource impacts to the constrained former railroad corridor which traverses along the Rainbow and Withlacoochee River's floodplain/s.
- B) Co-locating along existing Duke Energy above ground transmission lines over the Withlacoochee River. Going above ground along the existing corridor would have caused significantly more impacts to natural resources for clearing to create a new corridor. Due to utility regulations the applicant is not legally able to co-locate within the existing Duke corridor.

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.

By utilizing the proposed route and methodology for the required transmission line easement via a parcel of CFG lands disconnected from the main CFG recreational corridor the impacts to the natural/historical/archaeological and recreational resources is being minimized as much as is feasible. The total easement area for this project at .047 acres or 2035 sq. feet demonstrates the absolute minimal impact/s that could occur yet meet the project need/s.

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.

Because the CFG parcel being proposed for this transmission line easement is located on a parcel isolated out of the CFG's main upland corridor with no designated public recreational use and due to the fractional acreage involved the potential impact/s to the overall CFG corridor's and other nearby conservation land's function as a recreational corridor should not be significantly impacted.

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.

At the outset of meeting with the Dunnellon Solar Farm interests the CFG's need and desire for a trail corridor to eliminate the only "gap" in the CFG corridor between Ocala and Dunnellon was discussed and noted as a top priority. The solar farm staff working with the private landowner where the solar farm is proposed to be located have worked diligently and in earnest to help meet that significant public interest for the benefit of all.

The provision of a minimum 55' x approximately 4 mile long trail corridor along the northern boundary of the Kingston LLC property totaling approximately 20 acres for future development and public use to eliminate this longstanding "gap" in the Greenway will serve as net-positive benefit for this project and is envisioned to more than mitigate the proposed easement's impact/s.

Through the approval of this transmission line easement the establishment of this trail corridor to the state will fulfill a more than three decades long effort to "fill the gap" and connect existing and future trails between Silver Springs/Ocala/Dunnellon and other regional trail systems.

*\*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

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

June 24, 2021

RE: DHR Project File No.: 2021-3391, Received by DHR: June 10, 2021  
Project: Dunnellon Solar, Marjorie Harris Carr Cross Florida Greenway  
Citrus County

Dear Mr. Crenshaw:

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.

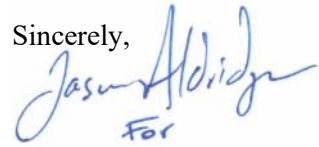
The proposed easement is a small area (0.047 acres) and ground disturbance associated with the easement will consist of directional boring to install an electric line. Due to the limited nature of the easement and related ground disturbance, it is the opinion of this office that the proposed easement will have no effect to historic properties. However, unexpected finds may occur during ground disturbing activities, and we request that the easement, if issued, 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 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 and 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*.



Mr. Crenshaw  
DHR Project File No.: 2021-3391  
June 24, 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,  
  
For

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