

ITEM XX:

Consider whether an approximately 0.50-acre private easement for aerial electrical transmission utility crossing over the Winter Haven to Lake Alfred Trail is consistent with the Board of Trustees' Liner Facility Policy.

LOCATION:

Polk County, Section – 17, Township – 28S, Range – 26E

APPLICANT:

Duke Energy Florida, LLC

DSL STAFF REMARKS:

The Applicant has requested an easement for aerial electrical transmission lines over the Winter Haven to Lake Alfred Trail (Trail). This aerial electrical transmission crossing is part of the proposed Osprey – Haines City East 230kV Transmission Line. This preferred route avoids installation of structures within the property and will aerially traverse a small section of the Trail. The proposed easement area is currently managed by the City of Winter Haven under Board of Trustees (BOT) Lease No. 4760. The parcel was purchased by the BOT in 1999 from CSX Railroad for public recreational purposes.

The City of Winter Haven consented to the easement in a letter dated February 2, 2022. In a letter, dated August 27, 2021, 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. In March 2020, Duke Energy contracted with Golder Associates Inc. to complete a “Route Selection Study” to determine a preferred transmission line route. According to the study, the route across the Trail is the most viable alternative with respect to environmental, engineering, and socioeconomic factors.

Minimizing Impacts:

The proposed easement is not anticipated to have any additional impacts to the Trail. The Trail will remain open to the public. The preferred route has the least impact to residents, wetlands, wildlife, and historical resources. The proposed location of the easement is a portion of the Trail with no existing vegetation to disturb and no imperiled and other wildlife species living in this section of the Trail will be impacted.

Compensation:

An easement fee will be paid by the Applicant to the City of Winter Haven and the BOT based on the appraised market value. Pursuant to section 253.02(4), Florida Statutes, replacement lands shall be sought by the Applicant at 1.5 times the size of the easement area. The replacement land will be titled to the BOT and managed by The City of Winter Haven. If replacement lands are not available or are un-obtainable, the Applicant will pay to the applicable land manager an amount equaling two times the appraised value of the easement area.

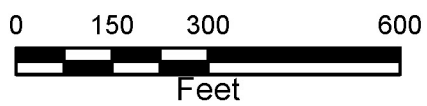
DSL STAFF RECOMMENDATION: APPROVE

ARC RECOMMENDATION:

- APPROVE**
- APPROVE WITH MODIFICATIONS:** _____
- DEFER**
- WITHDRAW**
- NOT APPROVE**
- OTHER:** _____

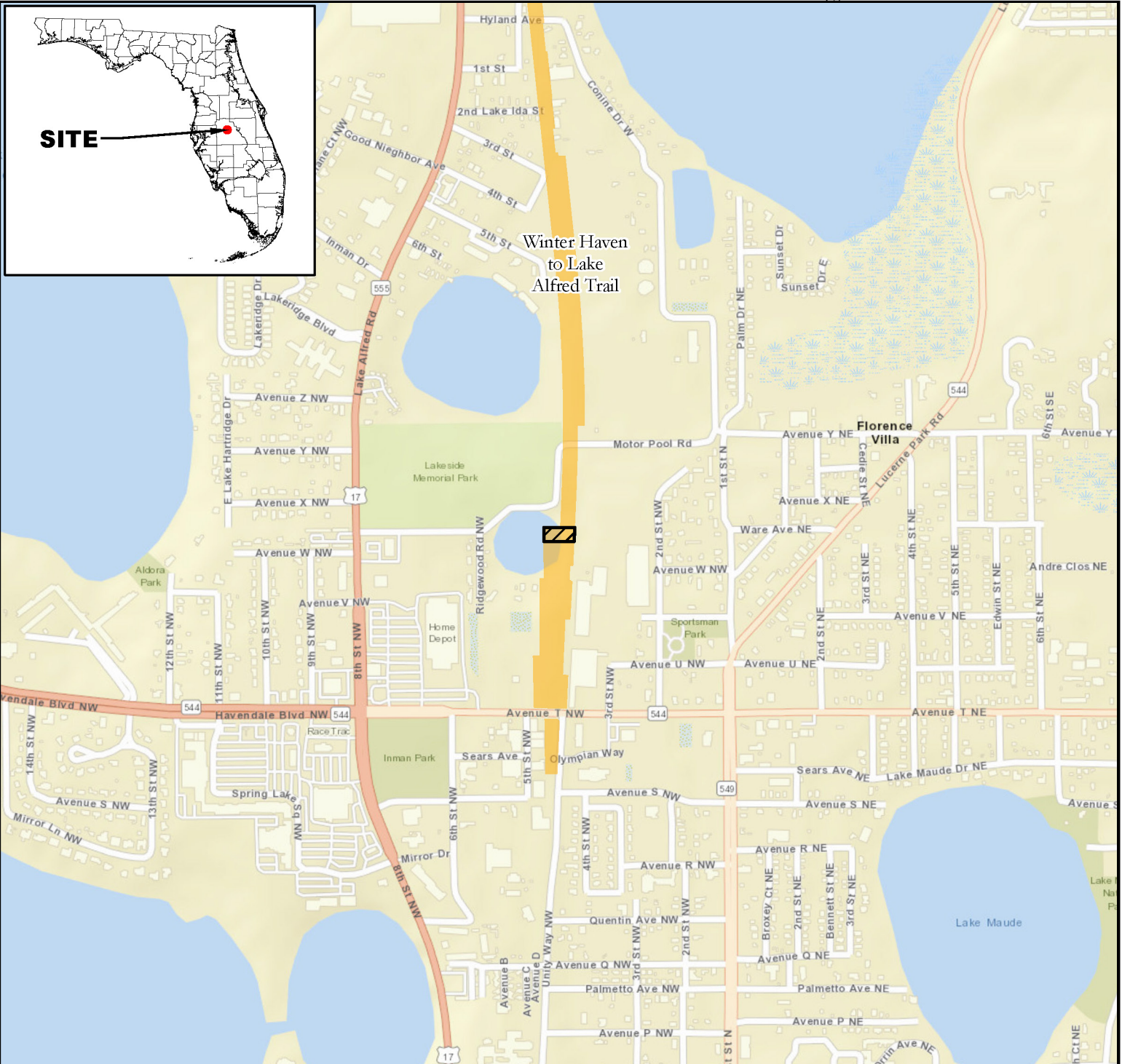


Subject Parcel
 City/County Managed Conservation Lands

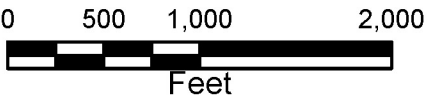


Easement No. 33470

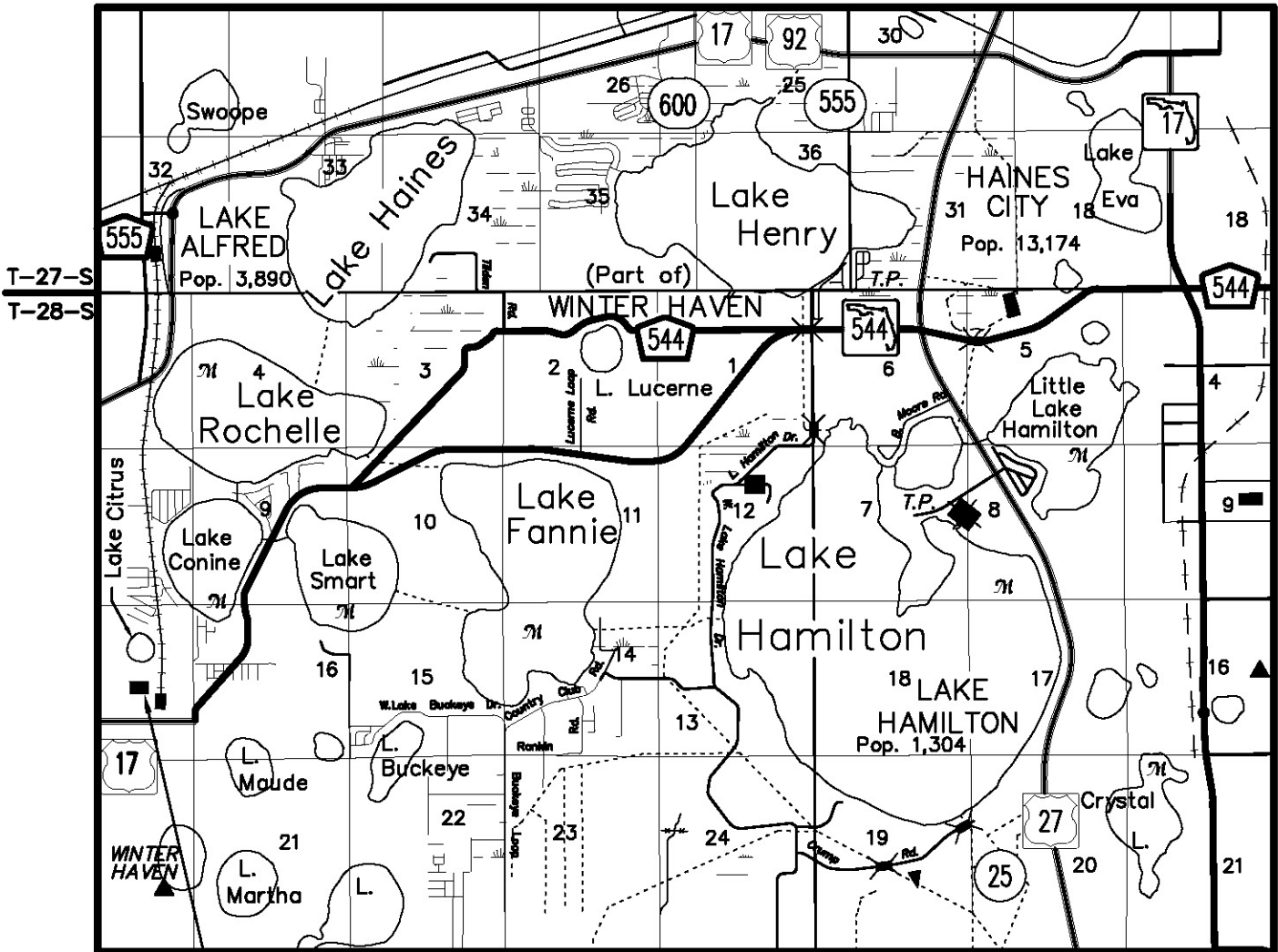
Polk County, Florida



 Subject Parcel
 City/County Managed Conservation Lands



Easement No. 33470
 Polk County, Florida



EASEMENT
LOCATION

VICINITY MAP

U.S.G.S. QUAD: WINTER HAVEN
POLK COUNTY, FLORIDA

BSM: *Maylew*

DATE: March 4, 2022

THIS IS NOT A SURVEY

CERTIFIED TO: DUKE ENERGY FLORIDA, LLC

DESCRIPTION SKETCH
TIIF

FLORIDA BOARD OF TRUSTEES
OF THE INTERNAL
IMPROVEMENT TRUST FUND
WO #27030453 - OSPREY
TO HAINES CITY (SEGMENT 3)



**DUKE
ENERGY®**

550 S. TRYON STREET
CHARLOTTE, N.C. 28202
TELEPHONE NO. (704)382-2361

SOUTHEASTERN SURVEYING & MAPPING CORP.
1130 Highway 90
Chipley, Florida 32428
(850) 638-0790

REVISIONS	1	2	3	4	5	6	7

SSMC PROJECT No. 62995

SSMC DRAWING No. 0236-0237-UPLAND-SD01-CHCE-01212022.DWG

DRAWN	CHECK	SCALE: N/A
ES	TBF	DATE: 01/21/22

SITE: 115702	LU: 0000000	WO: 27030453
Page 5 of 14		SHEET 1 OF 3

0236-0237-UPLAND-SD01-CHCE-01212022.DWG

Legal Description:

THAT PART OF THE LANDS OF THE STATE OF FLORIDA THAT LIE WITHIN AND UPLAND FROM LAKE CITRUS IN SECTION 17, TOWNSHIP 28 SOUTH, RANGE 26 EAST, POLK COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 17; THENCE SOUTH 89°53'36" EAST ALONG THE NORTH LINE OF SAID NORTHEAST 1/4 OF THE SOUTHEAST 1/4, A DISTANCE OF 221.68 FEET TO THE EAST LINE OF LANDS AS DESCRIBED IN OFFICIAL RECORD BOOK 4337, PAGE 532; THENCE DEPARTING SAID NORTH LINE SOUTH 02°29'02" WEST ALONG SAID EAST LINE, 100.09 FEET; THENCE DEPARTING SAID EAST LINE NORTH 89°53'36" WEST, 216.60 FEET TO THE WEST LINE OF AFORESAID NORTHEAST 1/4 OF THE SOUTHEAST 1/4; THENCE NORTH 00°25'37" WEST ALONG SAID WEST LINE, 100.00 FEET TO THE POINT OF BEGINNING.

CONTAINS 0.50 ACRES (21,914 SQUARE FEET), MORE OR LESS.

Surveyor's Notes:

1. NORTH AND THE BEARINGS SHOWN HEREON ARE REFERENCED TO THE NORTH LINE OF THE NORTHEAST QUARTER OF SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 28 SOUTH, RANGE 26 EAST, POLK COUNTY, FLORIDA, AS BEING SOUTH 89°53'36" EAST.
2. ALL MEASUREMENTS SHOWN HEREON ARE IN U.S. SURVEY FEET.
3. AN ABSTRACT OF TITLE WAS NOT PERFORMED BY OR FURNISHED TO SOUTHEASTERN SURVEYING AND MAPPING CORPORATION. ANY EASEMENTS OR ENCUMBRANCES THAT MAY APPEAR AS A RESULT OF SAID ABSTRACT ARE NOT WARRANTED BY THIS SKETCH.
4. LEGAL DESCRIPTION WAS PREPARED BY SOUTHEASTERN SURVEYING AND MAPPING CORPORATION PER CLIENT REQUEST AND IS BASED ON DEEDS OF RECORD AND A FIELD SURVEY TO LOCATE THE CONTROLLING CORNERS NEEDED TO ESTABLISH THE PARCELS, RIGHT-OF-WAY AND EASEMENT SHOWN IN THE LEGAL DESCRIPTION AND SKETCH HEREON.
5. THIS SKETCH MEETS THE APPLICABLE "STANDARDS OF PRACTICE" AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN RULE 5J17.050-.052, FLORIDA ADMINISTRATIVE CODE. NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND THE RAISED SEAL OR THE ELECTRONIC SIGNATURE AND COMPUTER GENERATED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
6. HORIZONTAL POSITIONS FOR ALL FEATURES SHOWN ON THE MAP ARE RELATIVE TO NORTH AMERICAN DATUM OF 1983 (NAD83), 2011 ADJUSTMENT. STATE PLANE COORDINATE SYSTEM FLORIDA WEST ZONE, AND ARE BASED ON NATIONAL GEODETIC SURVEY CONTROL STATION "W 351", PID# AK5382.



Thomas K. Mead

BSM: *May Lewis*

DATE: March 4, 2022

1/21/22

DATE

THOMAS K. MEAD, P.S.M.

SOUTHEASTERN SURVEYING AND MAPPING CORPORATION

FLORIDA REGISTRATION No. 5624

FLORIDA REGISTRATION No. LB 2108

THIS IS NOT A SURVEY

CERTIFIED TO: DUKE ENERGY FLORIDA, LLC

DESCRIPTION SKETCH
TIIF

FLORIDA BOARD OF TRUSTEES
OF THE INTERNAL
IMPROVEMENT TRUST FUND
WO #27030453 - OSPREY
TO HAINES CITY (SEGMENT 3)



DUKE ENERGY®

550 S. TRYON STREET
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Chipley, Florida 32428
(850) 638-0790

REVISIONS	1		
	2		
	3		
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	7		

SSMC PROJECT No. 62995
SSMC DRAWING No. 0236-0237-UPLAND-SD01-OHCE-01212022.DWG

DRAWN	CHECK	SCALE: N/A
ES	TBF	DATE: 01/21/22

SITE: 115702	LU: 0000000	WO: 27030453
Page 6 of 14 SHEET 2 OF 3		

SECTION 17
TOWNSHIP 28 SOUTH
RANGE 26 EAST
POLK COUNTY

NORTH LINE NE1/4 OF SE1/4
S17-28S-26E

S89°53'36"E 221.68'
(BEARING BASIS)

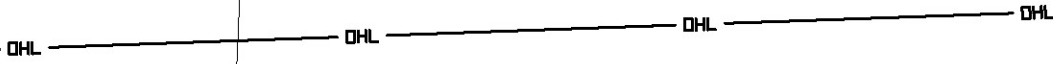
POINT OF BEGINNING
NW CORNER
NE 1/4 OF SE 1/4
SECTION 17-28S-26E
N=1350115.48
E=742941.17
LAT=N028°02'51.461"
LONG=W081°43'51.500"

WEST LINE NE 1/4 OF SE 1/4
S17-28S-26E

100.00'
N00°25'37"W

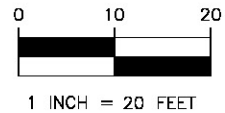
100.09'
S02°29'02"W

DUKE ENERGY EASEMENT
CONTAINS 0.50 ACRES
(21,914 SQ FT)



LEGEND:

- ORB OFFICIAL RECORDS BOOK
- R/W RIGHT-OF-WAY
- PG PAGE
- L.U. NO. LAND UNIT NUMBER
- SQ FT SQUARE FEET
- OHL- PROPOSED OVERHEAD UTILITY LINE
- S.U.L. SAFE UPLAND LINE



EAST LINE OF LANDS

N89°53'36"W 216.60'

ITEM #236
PARCEL NO.
26-28-17
-000000-021010
BOARD OF TRUSTEES
OF TIIF/
STATE OF FLORIDA
OR 7351, PG 758
L.U. NO.

ITEM #237
PARCEL NO.
26-28-17-
000000-011050
BOARD OF TRUSTEES
OF TIIF/
STATE OF FLORIDA
OR 4337, PG 532
L.U. NO.

ITEM #238
PARCEL NO.
262817547500002030
CARIBBEAN DISTILLERS, LLC
ORB BOOK 8244, PAGE 601
L.U. NO.

LAKE
CITRUS

ITEM #235
PARCEL NO.
26-28-17-000000-023100
OWNER UNKNOWN
L.U. NO.

BSM: *Haynes*

DATE: March 4, 2022

THIS IS NOT A SURVEY

CERTIFIED TO: DUKE ENERGY FLORIDA, LLC

SOUTHEASTERN SURVEYING & MAPPING CORP.
1130 Highway 90
Chipley, Florida 32428
(850) 638-0790

REVISIONS	1	2	3	4	5	6	7

SSMC PROJECT No. 62995
SSMC DRAWING No. 0236-0237-UPLAND-SD01-CHCE-01212022.DWG

DESCRIPTION SKETCH
TIIF
FLORIDA BOARD OF TRUSTEES
OF THE INTERNAL
IMPROVEMENT TRUST FUND
WO #27030453 - OSPREY
TO HAINES CITY (SEGMENT 3)

DRAWN ES CHECK TBF SCALE: 1"=20' DATE: 01/21/22



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CHARLOTTE, N.C. 28202
TELEPHONE NO. (704)382-2361

SITE: 115702 LU: 000000 WO: 27030453
Page 7 of 14 SHEET 3 OF 3



FLORIDA DEPARTMENT OF STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

Lucy B. Wayne, PhD., RPA
Regional Director
Commonwealth Heritage Group
3700 NW 91st St., Suite D300
Gainesville, Florida 32606

August 27, 2021

RE: DHR Project File No.: 2021-5176, Received by DHR: May 20, 2021
Cultural Resources Assessment Survey, Osprey to Haines City East Transmission Line, Polk County

Dear Dr. Wayne:

We note that in May of 2021, Commonwealth conducted the above referenced Phase I cultural resource assessment survey (CRAS) on behalf of Duke Energy Florida LLC. Our office proceeded to review this report with the expectation that Duke Energy will be engaging in permitting processes that will require this office to comment on possible adverse effects to cultural resources listed or eligible for listing in the *National Register of Historic Places (NRHP)*, or otherwise of historical, architectural, or archaeological significance. We recommend at the time such actions are taken, a copy of this letter be forwarded to the permitting agency(ies) with the application. This letter does not constitute a review under Section 106 of the *National Historic Preservation Act*.

The survey conducted by Commonwealth included the transmission line right-of-way (ROW) for the proposed new transmission line between Duke Energy's Osprey substation to their Haines City East substation in Polk County. The ROW includes an area 21-mile long and approximately 100-foot wide. The survey included both the direct effects area of potential effects (APE) as well as a wider area to consider visual, noise, dust, and other effects potentially resulting from the project.

Commonwealth documented and expanded the boundaries for one previously recorded archaeological site (PO3974) and determined that the site was not NRHP-eligible. Commonwealth documented five previously recorded resource groups in the survey areas (PO5407, PO6108, PO6512, PO6836, and PO7177) and determined that none of these resources were NRHP-eligible. Commonwealth documented four historic structures previously recorded in the survey area (PO3078, PO3079, PO3084, and PO3085). Commonwealth determined PO3078 was demolished and that PO3084 and PO3085 were not NRHP-eligible. Commonwealth did determine that PO3079 may be NRHP-eligible. Commonwealth also identified and recorded 33 additional historic structures during the survey. Commonwealth determined one structure, PO8583 – Dino's Drive-In, may be NRHP-eligible, but recommended the other structures as not NRHP-eligible (PO8569-PO8582, PO8584-8601). Commonwealth also recorded two historic bridges (PO8505 and PO8506) and determined that neither were NRHP-eligible.

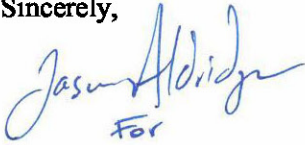
We find the submitted report complete and sufficient in accordance with Chapter 1A-46, *Florida Administrative Code*. We concur with the historic property evaluations provided in the report. Since this project is not yet subject to permitting requirements from a state or federal agency, our office abstains from supplying

Dr. Wayne
DHR Project File No.: 2021-5176
August 27, 2021
Page 2

a determination of effects until such time that permitting agencies (and associated permit requirements) are identified for this project.

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

Sincerely,



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

WINTER HAVEN
The Chain of Lakes City
Office of the City Manager

February 2, 2022

Brad Richardson, Bureau Chief
Division of State Lands
Department of Environmental Protection
3900 Commonwealth Boulevard
Tallahassee, FL 32399-3000

Subject: Duke Energy Osprey-Haines City East 230kV Transmission Line Easement
Lake Alfred-Winter Haven Chain of Lakes Trail

Dear Mr. Richardson:

The City of Winter Haven has reviewed the proposal for Duke Energy's Osprey-Haines City East 230kV Transmission Line crossing over the Lake Alfred-Winter Haven Chain of Lakes Trail. Based on our review, the proposed transmission line will aerially cross the Lake Alfred-Winter Haven Chain of Lakes Trail and no permanent construction or impacts will occur. The City of Winter Haven has no objection to the project. The aerial crossing of the Chain of Lakes Trail will not impact the management plan or use of the bike trail.

Please keep us apprised of the progress as this request moves through the process. Thank you for your consideration. Should we be of further assistance, please contact Andy Palmer, Parks Planning & Strategic Initiatives Manager at 863-291-5656, ext. 5014.

Sincerely,



Mike Herr
City Manager

cc: Frederick J. Murphy, Jr., Esquire
T. Michael Stavres, Deputy City Manager
Michael Carnevale, Public Works Director
Julie Adams, Parks, Recreation & Culture Director
Eric Labbe, Economic Opportunity & Community Investment Director

P.O. Box 2277 ♦ 451 Third St., NW ♦ Winter Haven, FL 33883-2277
Telephone 863.291.5600 Ext. 228 ♦ Fax: 863.291-5623 ♦ www.mywinterhaven.com
City of Winter Haven founded 1911.

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.

On September 13th, 1999 the parent property was sold by CSX Railroad to the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida. The Office of Greenways and Trail leased the parcel to City of Winter Haven for the Winter Haven to Lake Alfred Trail.

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.

The Office of Greenways and Trail leased the parcel to City of Winter Haven for the Winter Haven to Lake Alfred Trail. The trail is a multi-use paved recreational trail within the City Limits of Winter Haven.

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

The Winter Haven to Lake Alfred Trail is a paved recreational trail used for biking, walking and jogging. Access to the trail is from designated parking lots not within the proposed aerial easement. Duke Energy is proposing an aerial easement to cross over the trail. No structures will be constructed within the trail property.

Duke Energy is proposing a 100-foot wide aerial crossing of the existing Winter Haven to Lake Alfred Trail. No impact to trail use is anticipated based on project.

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

The habitats within the proposed aerial easement include the paved Winter Haven to Lake Alfred Trail and associated grassed edge of trail with bahiagrass (*Paspalum notatum*), natalgrass (*Melinis repens*), smutgrass (*Sporobolus indicus*), and broomsedges (*Andropogon sp.*). A few live oaks (*Quercus virginiana*), laurel oaks (*Quercus laurifolia*) occur on the eastern side of the trail. The western portion of the proposed aerial easement is Lake Citrus. Lake Citrus is a small lake with an open water center void of vegetation. Species observed along the edges of the lake include torpedograss (*Panicum repens*), cattails (*Typha sp.*), Peruvian primrosewillow (*Ludwigia peruviana*), and bulltongue arrowhead (*Sagittaria lancifolia*).

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

No listed species occur within the Winter Haven to Lake Alfred portion of the Osprey – Haines City East 230kV Transmission Line Project. No potentially occupied gopher tortoise burrows were observed within or adjacent to the project corridor. One bald eagle (*Haliaeetus leucocephalus*) nest (PO208) occurs within one mile of the project according to the FWC Eagle Nest Locator, which is current through the

2016-2017 nesting season. No bald eagle nests are within 660-feet (ft) of the project area. According to the 1999 FWC wading bird colony database, no wading bird colonies are located within a mile of the project area. The project is located within three wood stork (*Mycteria americana*) colony core foraging areas (CFA): Lone Palm, Lake Somerset, and Mulberry Northeast. No listed plants were observed and none of the listed plants are likely to occur.

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

No historical or archaeological resources occur with the proposed aerial easement.

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.

Duke Energy has conducted a thorough alternatives analysis for the proposed Osprey – Haines City East 230kV Transmission Line. This effort included a Route Selection Study by Golder Associates Inc. (March 2020) to determine a preferred transmission line route. This stage of the alternatives analysis was based on a multi-variable geo-spatial model, aerial interpretation, stakeholder input, public input, and general field reconnaissance in areas with access. Four alternative routes were developed and assessed, and a preferred route was ultimately chosen.

The purpose of this alternatives analysis is to identify and assess the reasonable alternatives to the proposed actions that will avoid or minimize adverse effects of these actions on the environment. As a result of their analysis, Duke Energy selected a Preferred Alternative, which represents the most viable alternative with respect to environmental, engineering, and socioeconomic factors. The alternatives were analyzed by a joint team of engineering, construction, environmental permitting, distribution, and maintenance experts. Due to the north/south linear nature of the Winter Haven to Lake Alfred Trail, several routes would cross over the trail to connect the transmission line from the Osprey Substation eastward to the Haines City East Substation. Ultimately this preferred alternative route avoided installation of structures within the property and will aerially traverse a small section of the City of Winter Haven managed Winter Haven to Lake Alfred Trail. The preferred route has the least impact to residents, wetlands, wildlife, and historic resources.

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 aerial easement will not impact the natural, historical, archaeological, or recreational resources because it is an aerial easement and no structures will occur on the property. No impacts to current public use and purpose for the site or parcel are anticipated for an aerial crossing.

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 aerial easement will not impact any conservation lands in the area because it is an aerial easement and no structures will occur on the property.

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.

Duke Energy is requesting an aerial easement and no structures will occur on the property. Duke Energy has proposed a monetary donation (2 times appraised value) in lieu of replacement land based on the small area (0.5 acre) requested for the aerial crossing easement. The proposed aerial easement will not impact any conservation lands, natural/historical/archaeological resources, habitat and public recreational uses in the area because it is an aerial easement and no structures will occur on the property.

The Osprey – Haines City East 230kV Transmission Line will be constructed as part of an energy reliance project to support the growth and energy demands within Polk County. This necessary rebuild project will improve the electric service reliability to nearby residents, provide a vital enhancement to Duke Energy's power grid, and be constructed to meet current design and reliability standards. This project will result in an overall net benefit to public health, safety, and welfare of the nearby residents.

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.

VERIFICATION PAGE

I, MIKE HERR, as CITY MANAGER of the City of Winter Haven, a municipal corporation, having been duly sworn upon oath, do hereby certify and declare that the foregoing responses are true and correct to the best of my knowledge.

Dated as of the 11TH day of MARCH, 2022.

Mike Herr
Signature

MIKE HERR, CITY MANAGER
Print Name and Title

State of Florida)
County of Polk) ss

The foregoing was acknowledged before me, by means of physical presence or online notarization, this 11th day of March, 2022, by Mike Herr, as City Manager of the City of Winter Haven, on behalf of the City of Winter Haven, a municipal corporation, who is personally known to me or who has produced _____ as identification.

NOTARY SEAL



Vanessa Castillo
Notary Public
Vanessa Castillo
Name typed, printed or stamped

My Commission Expires: 2/15/23