

**ITEM XX:**

Consider whether an approximately 0.35-acre private access easement for ingress and egress across a portion of land within the Blackwater River State Forest is consistent with the Board of Trustees' Incompatible Use Policy.

**LOCATION:**

Santa Rosa County, Section – 36, Township – 06N, Range – 27W

**APPLICANT:**

Steven R. Conley and Laura D. Conley, husband and wife

**DSL STAFF REMARKS:**

The Applicant has requested an access easement for ingress and egress to their private property. The property was acquired as a land-use project by the U.S. Government in the mid-1930's and after subsequent management changes it was deeded to the State of Florida, Board of Forestry in 1955. The property was deeded from the Board of Forestry to the Board of Trustees (BOT) because of the Acts of 1967, Laws of Florida. The proposed easement area is currently managed by Florida Department of Agriculture and Consumer Services (DACs), under BOT Lease No. 3686.

DACS consented to the easement in a letter dated April 28, 2022. In a letter, dated March 18, 2022, Division of Historical Resources stated the proposed undertaking is unlikely to affect historic properties.

*Avoidance:*

There are no other practical alternatives for this easement route.

*Minimizing Impacts:*

The proposed easement is not anticipated to have any additional impacts to the forest lands and will not negatively impact the surrounding Blackwater River State Forest nor the multiple-use management activities occurring on the forest lands. Most of the proposed easement area is an existing dirt road. A small portion of the proposed access easement area consists of upland pines and hardwoods. The proposed easement area will not impact the recreational use or public access, nor will it impact natural, historical, archaeological, or recreational resources. There are no known imperiled and other wildlife species that occupy the proposed easement area.

*Compensation:*

The easement fee will be assessed on the appraised value of the easement based on a Certified Appraisal reviewed and approved by the Bureau of Appraisal. Per the BOT's incompatible use policy, additional compensation, in the form of net positive benefit value, will be provided at 1.5 times the market value of the easement area.

**DSL STAFF RECOMMENDATION:**

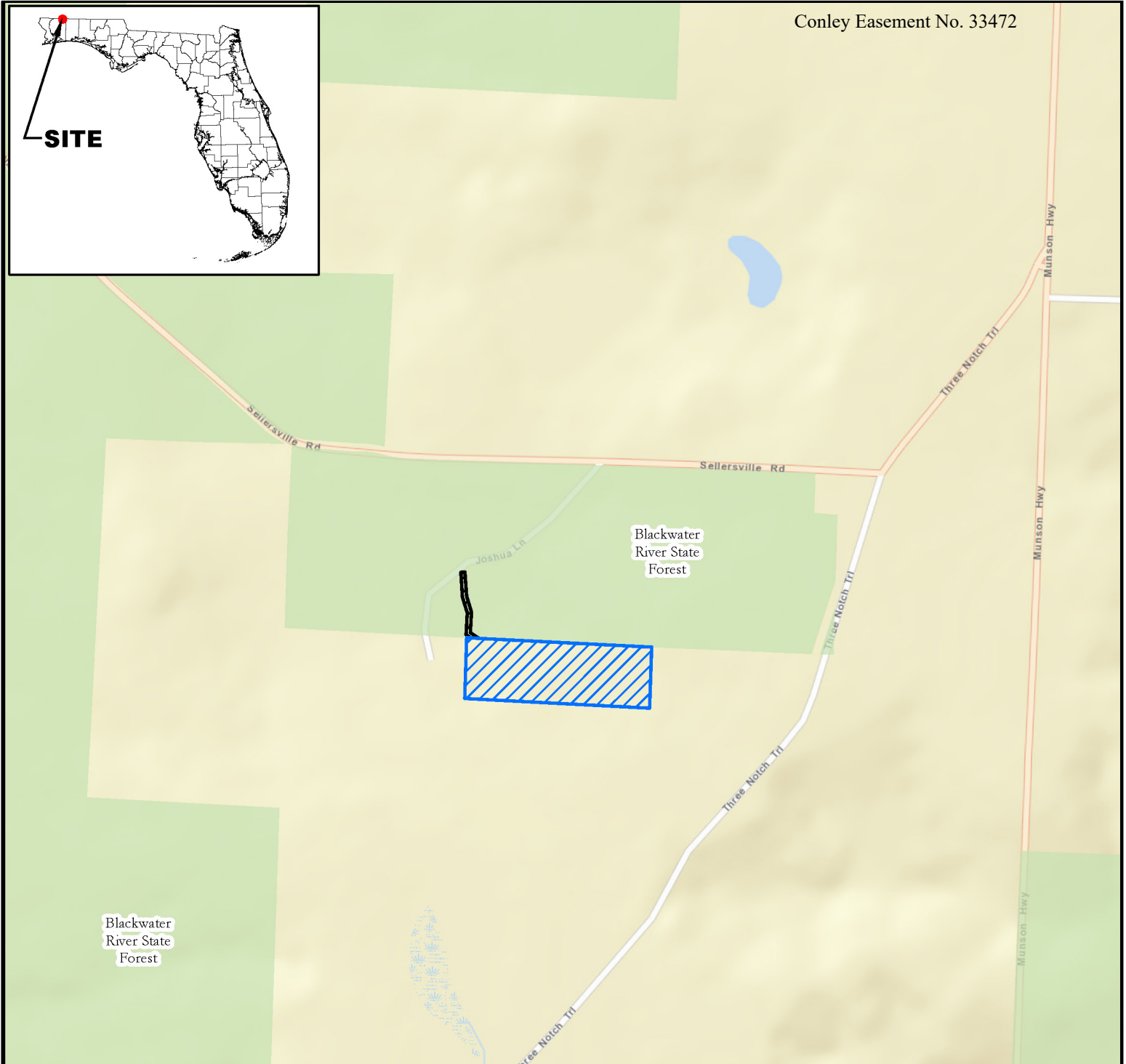
APPROVE




**ARC RECOMMENDATION:**

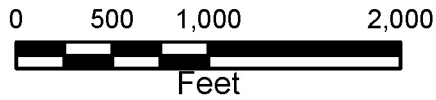
( ) APPROVE

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

Conley Easement No. 33472



-  Subject Parcel — 0.35 Acres
-  Ownership Parcel — 13.3 Acres
-  State Managed Conservation Lands



**Easement No. 33472**

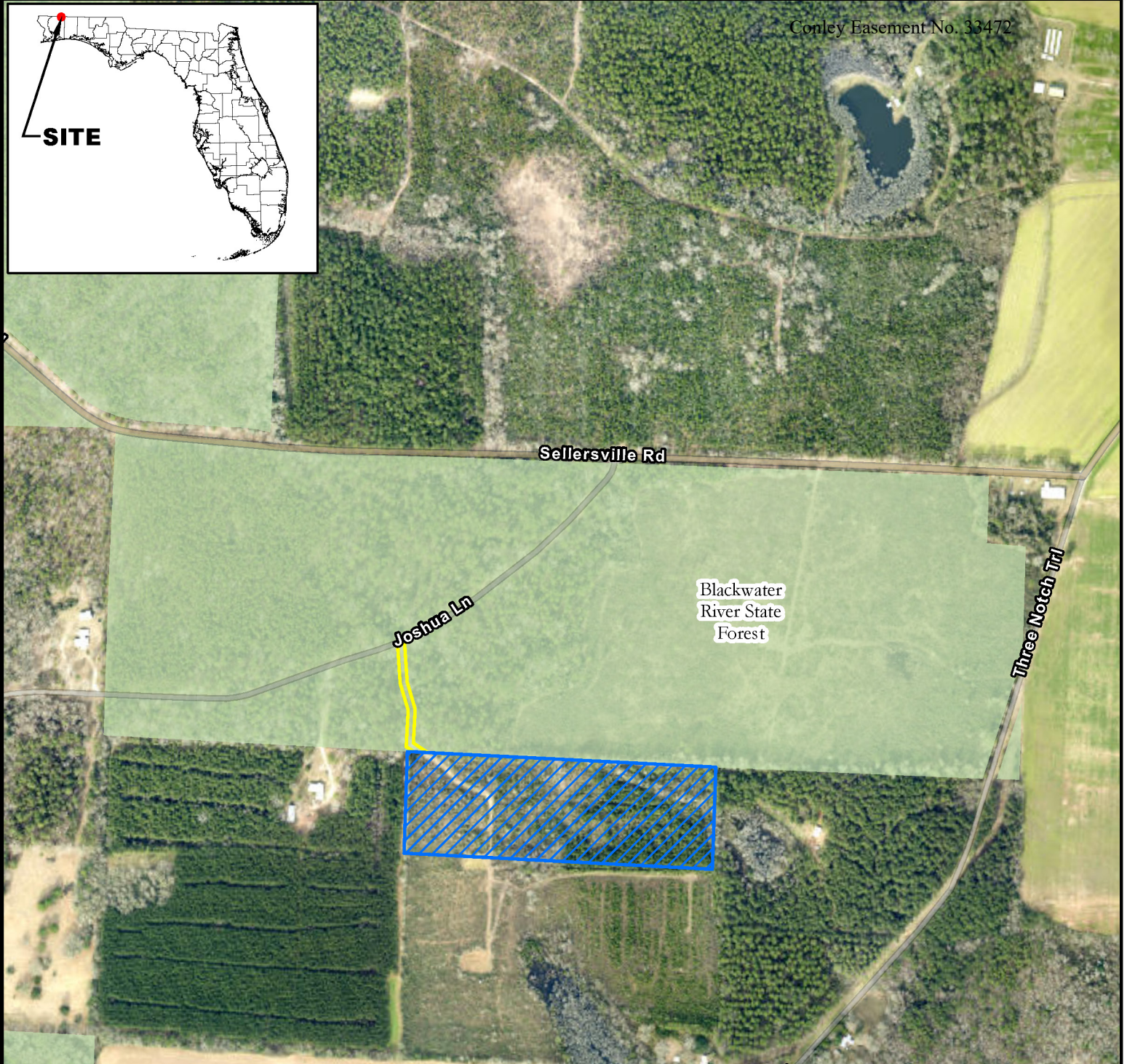
Santa Rosa County, Florida






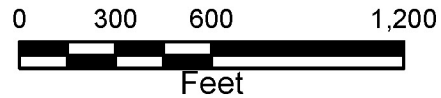
Conley Easement No. 33472



**SITE**



-  Subject Parcel — 0.35 Acres
-  Ownership Parcel — 13.3 Acres
-  State Managed Conservation Lands



**Easement No. 33472**

Santa Rosa County, Florida



EASEMENT DESCRIPTION:

CENTERLINE OF A 30.00 FOOT WIDE STRIP OF LAND TO BE USED FOR INGRESS & EGRESS PURPOSES. THE CENTERLINE BEING DESCRIBED AS FOLLOWS: COMMENCE AT A 6"X6" CONCRETE MARKER, BEING THE N.W. CORNER OF SECTION 36, T-6-N, R-27-W, SANTA ROSA COUNTY, FLORIDA; THENCE S01°44'53"W ALONG THE WEST LINE OF SAID SECTION 36 FOR 5202.14 FEET TO AN AXLE, BEING THE S.W. CORNER OF SAID SECTION 36; THENCE S86°45'48"E ALONG THE SOUTH LINE OF SAID SECTION 36 FOR 1323.54 FEET TO THE S.W. CORNER OF THE SE1/4 OF THE SW1/4 OF SAID SECTION 36; THENCE N01°51'53"E ALONG THE WEST LINE OF THE SE1/4 OF THE SW1/4 OF SAID SECTION 36 FOR 1308.01 FEET TO THE N.W. CORNER OF THE SE1/4 OF THE SW1/4 OF SAID SECTION 36; THENCE S87°05'23"E ALONG THE NORTH LINE OF THE SE1/4 OF THE SW1/4 OF SAID SECTION 36 FOR 58.14 FEET TO THE CENTERLINE OF AN EXISTING DIRT DRIVE AND THE POINT OF BEGINNING; THENCE ALONG THE GENERAL CENTERLINE OF AN EXISTING DIRT ROAD THE FOLLOWING BEARINGS AND DISTANCES: THENCE N56°24'33"W FOR 57.22 FEET, THENCE N03°10'15"E FOR 151.71 FEET, THENCE N16°37'14"W FOR 119.92 FEET, THENCE N03°49'10"W FOR 174.45 FEET TO THE CENTERLINE OF JOSHUA LANE AND THE POINT OF TERMINUS.

BSM: 

DATE: June 3, 2022



**FLORIDA DEPARTMENT of STATE**

**RON DESANTIS**  
Governor

**LAUREL M. LEE**  
Secretary of State

Department of Environmental Protection  
Bureau of Public Land Administration, MS 125  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399-3000

March 18, 2022

RE: DHR Project File No.: 2022-1435  
Project: Conley Access Easement Request, AID44986  
Access Road for 3695 McDaniels Road, Jay  
Blackwater River State Forest, Santa Rosa County

To Whom It May Concern:

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 Jennifer Tobias, Historic Sites Specialist, by e-mail at [jennifer.tobias@dos.myflorida.com](mailto:jennifer.tobias@dos.myflorida.com).

Sincerely,

*Kelly L Chase*  
For

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





FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES  
COMMISSIONER NICOLE "NIKKI" FRIED

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April 28, 2022

Callie DeHaven, Director  
Division of State Lands  
Department of Environmental Protection  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399-3000

Ms. DeHaven:

The Florida Forest Service (FFS) has no objection to granting the proposed easement, to the Conley property, on a portion of Blackwater River State Forest (BRSF) in Santa Rosa County (see Exhibit "A"). However, the FFS will not be responsible for maintenance of the road other than required for FFS management. FFS consent is contingent upon: (1) FFS approval of the final survey of the proposed easement and (2) in addition to FFS use, the easement shall be non-exclusive and for ingress/egress to the Conley property only.

Should the Acquisition and Restoration Council recommend approval of the proposed easement, FFS requests that these Special Conditions, attached as Exhibit "B", be included in the easement.

The proposed grantee should also be made aware that the FFS utilizes prescribed fire to manage natural communities, and smoke may impact the area from time to time.

Please keep us apprised of the progress. Should you need further assistance please contact Alan Davis, Land Planning Coordinator, at [Alan.Davis@FDACS.gov](mailto:Alan.Davis@FDACS.gov) or (850) 681-5816.

Sincerely,

Erin Albury, Director  
Florida Forest Service

EA/ad

Attachment

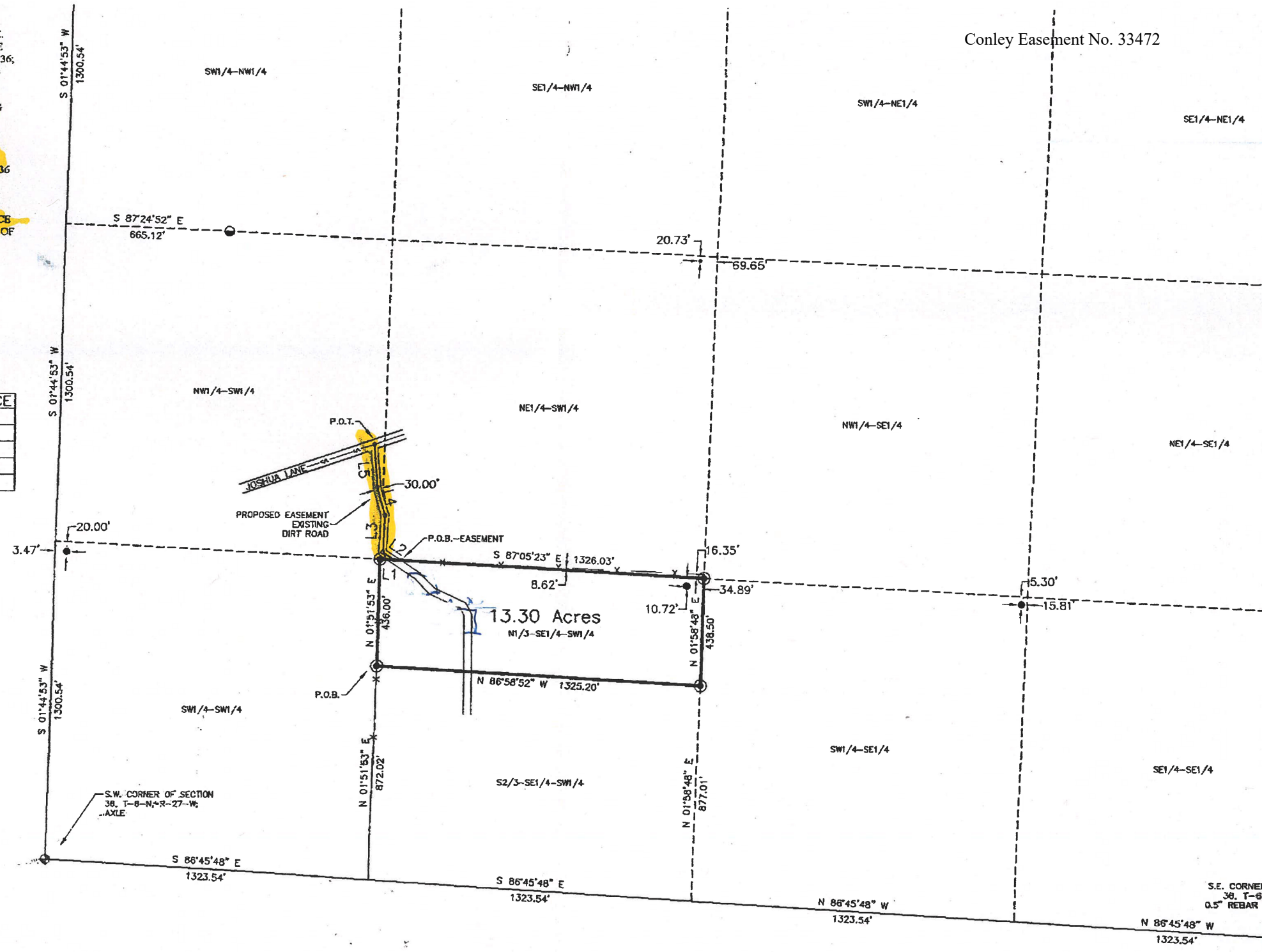
cc: John Sabo, Assistant Director, FFS  
Keith Rowell, PSM, Land Programs Administrator, FFS  
Mike Hudson, Center Manager, FFS



FOR 872.02 FEET TO THE S.W. CORNER OF THE N1/3 OF THE SE1/4 OF THE SW1/4 OF SAID SECTION 36 AND THE POINT OF BEGINNING; THENCE N01°51'53"E FOR 436.00 FEET TO THE N.W. CORNER OF THE SE1/4 OF THE SW1/4 OF SAID SECTION 36; THENCE S87°05'23"E ALONG THE NORTH LINE OF THE SE1/4 OF THE SW1/4 OF SAID SECTION 36 FOR 1326.03 FEET TO THE N.E. CORNER OF THE SE1/4 OF THE SW1/4 OF SAID SECTION 36; THENCE S01°58'48"W ALONG THE EAST LINE OF THE SE1/4 OF THE SW1/4 OF SAID SECTION 36 FOR 438.50 FEET TO THE S.E. CORNER OF THE N1/3 OF THE SE1/4 OF THE SW1/4 OF SAID SECTION 36; THENCE N86°58'52"W FOR 1325.20 FEET BACK TO THE POINT OF BEGINNING, SAID PARCEL CONTAINING 13.30 ACRES, MORE OR LESS.

TOGETHER WITH A 30 FOOT WIDE STRIP OF LAND TO BE USED FOR INGRESS & EGRESS PURPOSES. THE CENTERLINE BEING DESCRIBED AS FOLLOWS:  
 COMMENCE AT A 6"X6" CONCRETE MARKER, BEING THE N.W. CORNER OF SECTION 36, T-6-N, R-27-W; THENCE S01°44'53"W ALONG THE WEST LINE OF SAID SECTION 36 FOR 5202.14 FEET TO AN AXLE, BEING THE S.W. CORNER OF SAID SECTION 36; THENCE S86°45'48"E ALONG THE SOUTH LINE OF SAID SECTION 36 FOR 1323.54 FEET TO THE S.W. CORNER OF THE SE1/4 OF THE SW1/4 OF SAID SECTION 36; THENCE N01°51'53"E ALONG THE WEST LINE OF THE SE1/4 OF THE SW1/4 OF SAID SECTION 36 FOR 1308.01 FEET TO THE N.W. CORNER OF THE SE1/4 OF THE SW1/4 OF SAID SECTION 36; THENCE S87°05'23"E ALONG THE NORTH LINE OF THE SE1/4 OF THE SW1/4 OF SAID SECTION 36 FOR 58.14 FEET TO THE CENTERLINE OF AN EXISTING DIRT DRIVE AND THE POINT OF BEGINNING; THENCE ALONG THE GENERAL CENTERLINE OF AN EXISTING DIRT ROAD THE FOLLOWING BEARINGS AND DISTANCES: THENCE N56°24'33"W FOR 57.22 FEET, THENCE N03°10'15"E FOR 151.71 FEET, THENCE N16°37'14"W FOR 119.92 FEET, THENCE N03°49'10"W FOR 174.45 FEET TO THE CENTERLINE OF JOSHUA LANE AND THE POINT OF TERMINUS.

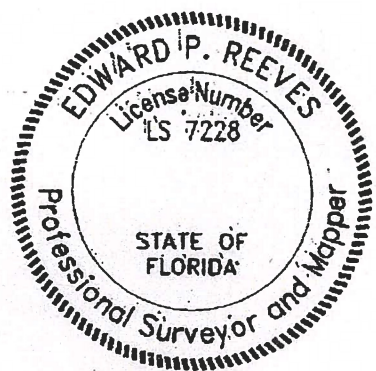
LINE	BEARING	DISTANCE
L1	S 87°05'23" E	58.14'
L2	N 56°24'33" W	57.22'
L3	N 03°10'15" E	151.71'
L4	N 16°37'14" W	119.92'
L5	N 03°49'10" W	174.45'



**SURVEYOR'S CERTIFICATE:**  
 I HEREBY CERTIFY THAT THIS DESCRIPTION AND SKETCH WAS MADE UNDER MY RESPONSIBLE CHARGE AND COMPLIES WITH THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS & MAPPERS IN CHAPTERS SJ-17.050, SJ-17.051 AND SJ-17.052, PURSUANT TO SECTION 472.02, FLORIDA STATUTES.

*Edward P. Reeves*

EDWARD P. REEVES - P.S.M. NO. 1S 7228  
 REEVES SURVEYING, LLC - L.B. NO. 8370



112 James Street  
 Brewton, AL 36426  
 (251)-363-0368  
 reevesurveying@gmail.com

## EXHIBIT “B”

1. By issuance of this easement, GRANTOR acknowledges that GRANTEE has fully satisfied the “Net Positive Benefit” obligation to provide in-kind goods to the Blackwater River State Forest in the amount of \$ \_\_\_\_\_, in accordance with the Board of Trustee’s Policy for Incompatible Use of Natural Resource Lands dated August 9, 1988. (*amount determined by Division of State Lands*)
2. GRANTEE shall make no other improvements or alterations to the access easement without the prior written approval of the Florida Forest Service. Should GRANTEE directly or indirectly damage the existing roadway, GRANTEE shall repair at its sole cost and expense.
3. Neither GRANTOR nor managing agency shall be responsible for maintaining the easement area.
4. GRANTEE acknowledges that managing agency utilizes prescribed burning within the easement area and the adjoining parcel of land managed by the managing agency and that smoke and other fire-related conditions from such burning may impact the easement area from time to time.

ARC Questionnaire – Blackwater River State Forest – Conley Easement

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.  
**Response: BRSF was acquired as a land-use project by the U.S. Government in the mid-1930s. Shortly after the U.S. Government acquired the property, it was turned over to the Soil Conservation Service (SCS) for management. In 1954, title to the property was transferred from the SCS to the U.S. Forest Service (USFS) which, in 1955, deeded the property to the State of Florida, Board of Forestry.**
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.  
**Response: The property was acquired by the Federal Government to revegetate, resettle, and protect the area following extensive deforestation by land and timber companies in the early 1900s, as well as, to preserve undeveloped land around Naval satellite airfields to enhance military training by preventing encroachment on military reservations.**
3. Description of the current level of public recreational use or public access of the parcel.  
**Response: There are no impacts to recreational uses or public access anticipated within the proposed easement area.**
4. Description of the natural resources, land cover, vegetation, habitat or natural community, if any, that are currently present on the parcel.  
**Response: The majority of the proposed easement area is an existing dirt road. The portion of the proposed easement area not currently a dirt road consists of upland pines and hardwoods. According to Florida Natural Areas Inventory, the proposed easement area was historically upland pine natural community.**
5. Description and list of the imperiled and other wildlife species, if any, that occurs on or use the parcel.  
**Response: There are no known imperiled or other wildlife species that occupy the proposed easement area.**
6. Description and list of historical or archaeological resources, if any, that occurs or has the potential of occurring on the site.  
**Response: There are no known historical archaeological resources known to occupy the proposed easement area.**
7. Formal alternative site analysis that includes a description and assessment of other potential alternative sites and why they are not feasible or practicable alternatives.



**Response: There are no feasible or practicable alternatives than the recommended easement route (see the application).**

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.

**Response: The proposed easement is not anticipated to have any of these impacts within the proposed easement area.**

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.

**Response: The proposed easement will not negatively impact the surrounding BRSF nor the multiple-use management activities occurring on the forest.**

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.

**Response: The Florida Forest Service (FFS) will look to the Division of State Lands in determining the compensation for this project, including the net positive benefit, however, recommends the proposed grantee provide additional compensation to the lead manager FFS of the state-owned lands, per Chapter 253.02 (2)(b)4. Florida Statute. BRSF is managed by the FFS under Lease Number 3686.**