

ITEM XX:

Consider whether an approximately 0.013-acre public easement for installation of underground sewer lines across the Tallahassee-Saint Marks Historic Railroad State Trail is consistent with the Board of Trustees' Linear Facilities Policy.

LOCATION:

Leon County, Section – 17, Township – 02S, Range – 01E

APPLICANT:

Leon County

DSL STAFF REMARKS:

The Applicant has requested the addition of one additional underground sewer crossing to easement 33365 as part of the Woodville Rural Community Septic to Sewer Conversion Project. This crossing was inadvertently left off the original request for easement. The request for easement 33365 was posted online for Acquisition and Restoration Council review and comment on October 22, 2020, with no comments received.

The lateral crossing will be constructed using open-cut trenching in an area 15-feet wide across the Tallahassee-Saint Marks Historic Railroad State Trail (trail). The project seeks to significantly reduce nutrient loading into the Floridan aquifer, particularly within the Wakulla Springs contribution area. The proposed easement area is currently managed by the State of Florida, Department of Environmental Protection, Division of Recreation and Parks (DRP) under Board of Trustees' (BOT) Lease No. 4015. The parcel was donated to the state in 2006 for public recreational purposes. The term of the easement ends on January 26, 2072.

DRP consented to the easement in a letter dated October 4, 2022. In a letter dated November 18, 2022, the Division of Historical Resources (DHR) stated that the proposed undertaking is located within archaeological site 8LE2905 and recommends that ground-disturbing activities associated with this project be monitored by a professional archaeologist. When the archaeologist has completed recordation and/or recovery measures the project activities would be allowed to continue as planned. At completion of the project, the archaeological monitor must compile a monitoring report in accordance with the provisions of Chapter 1A-46, Florida Administrative Code to be forwarded to DHR. If 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.

Avoidance:

There are no other practical alternatives for this easement request. The trail bisects the parcels that will benefit from the sewer line from the main sewer line located within the State Road 363 (Woodville Highway) right-of-way.

Minimizing Impacts:

The proposed easement is not anticipated to have any additional impacts to the trail. The trail will remain open to the public to the greatest extent possible. If an alternate passage is not possible or poses an even greater danger to trail users, then the trail can be closed temporarily during construction activities. The Applicant shall schedule work within the trail to limit the linear length of trail closure at any time to the minimum possible. In no case shall trail closures

exceed one block. No imperiled species occur within the requested segments of the trail. The land within the requested easement area consists of a paved multi-use trail flanked by grass or native shrubs and trees.

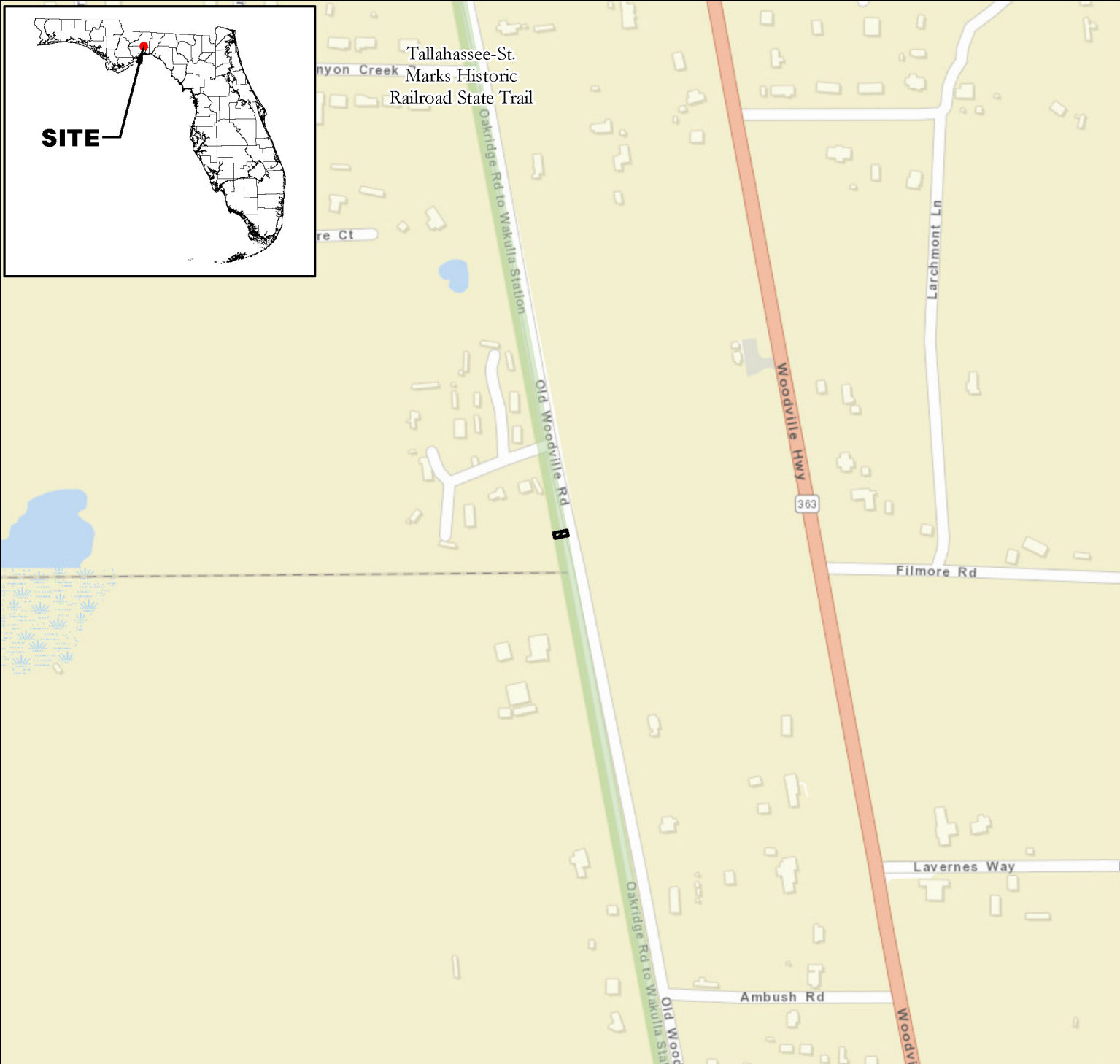
Compensation:

The easement fee is waived for public agencies. Per the BOT linear facilities policy, additional compensation, in the form of replacement land or goods and services, will be provided at 1.5 times the market value of the easement area.

DSL STAFF RECOMMENDATION: APPROVE

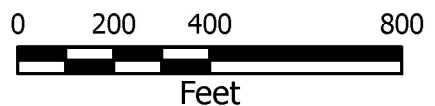
ARC RECOMMENDATION:

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



Tallahassee-St. Marks Historic Railroad State Trail

 Subject Parcel
 State Managed Conservation Lands



Easement No. 33365

Leon County, Florida



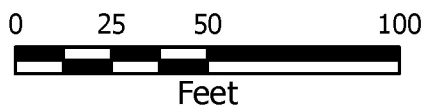
Tallahassee-St.
Marks Historic
Railroad State Trail

Old Woodville Rd

LEON COUNTY
WAKULLA COUNTY

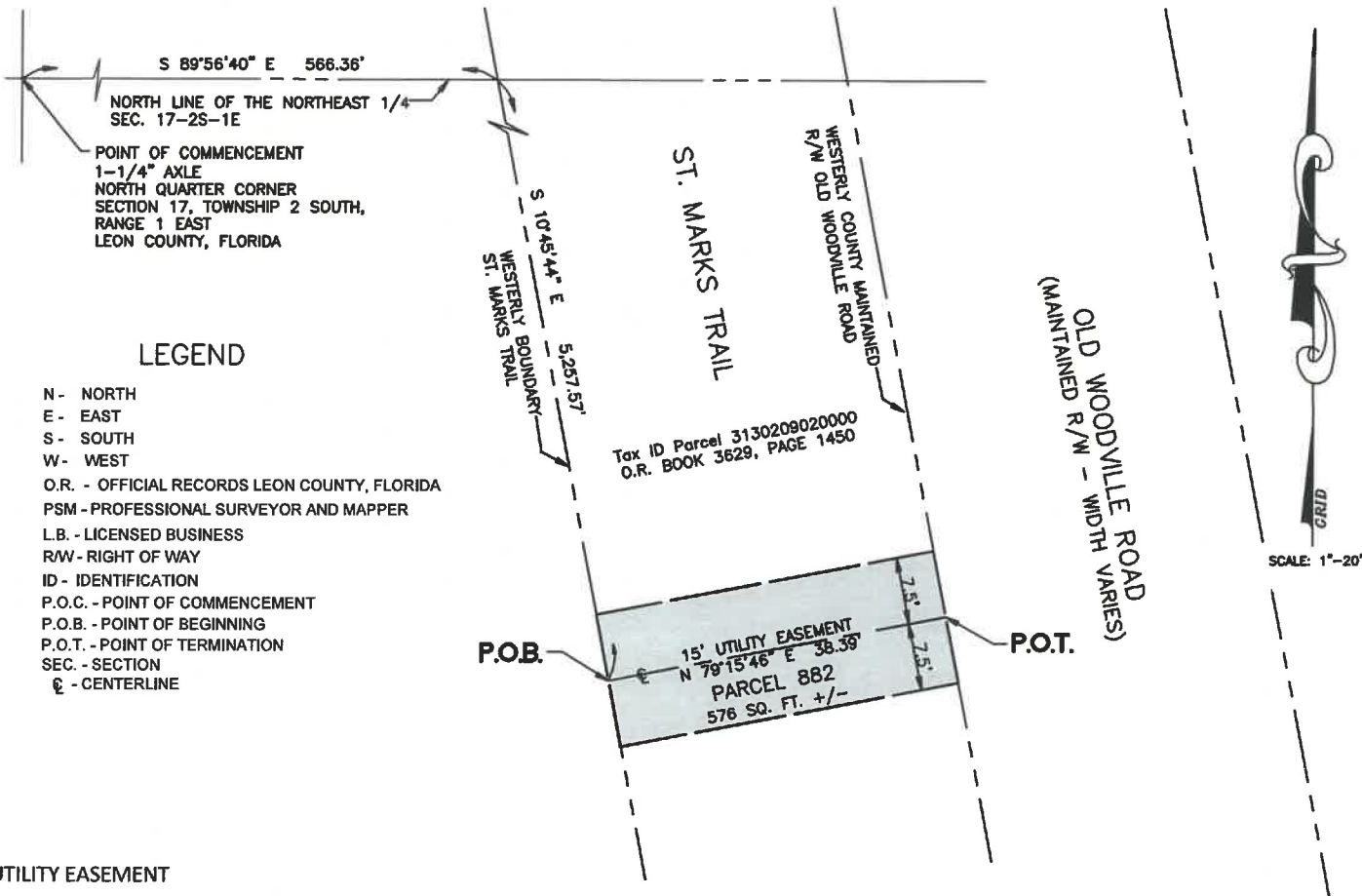
 Subject Parcel

 State Managed Conservation Lands



Easement No. 33365

Leon County, Florida



LEGEND

- N - NORTH
- E - EAST
- S - SOUTH
- W - WEST
- O.R. - OFFICIAL RECORDS LEON COUNTY, FLORIDA
- PSM - PROFESSIONAL SURVEYOR AND MAPPER
- L.B. - LICENSED BUSINESS
- R/W - RIGHT OF WAY
- ID - IDENTIFICATION
- P.O.C. - POINT OF COMMENCEMENT
- P.O.B. - POINT OF BEGINNING
- P.O.T. - POINT OF TERMINATION
- SEC. - SECTION
- ℄ - CENTERLINE

UTILITY EASEMENT

A 15.00 foot wide Utility Easement lying in Section 17, Township 2 South, Range 1 East, Leon County, Florida, being a portion of and crossing a strip of the State Lands of Florida (former Railroad Right of Way) now known as the St. Marks Trail, Leon County Tax ID Parcel 3130209020000 as described and recorded in Official Records Book 3629, page 1450, and being more particularly described as follows:

A 15.00 foot wide strip of land lying 7.50 feet each side of a centerline described herein: Commence at a 1-1/4" axle marking the North Quarter corner of said Section 17, Township 2 South, Range 1 East; thence run South 89° 56' 40" East along the North line of the Northeast 1/4 of said Section 17 for 566.36 feet to a point at the intersection with the westerly boundary of the St. Marks Trail; thence South 10° 45' 44" East along said westerly boundary 5,257.57 feet to the POINT OF BEGINNING; thence departing said westerly boundary, run North 79° 15' 46" East along said centerline 38.39 feet to a POINT OF TERMINATION at an intersection with the westerly County maintained right of way of Old Woodville Road.

The sidelines of said 15 foot wide strip of land shall be prolonged or shortened to begin or terminate at their intersections with the westerly County maintained right of way of Old Woodville Road and the westerly boundary of said St. Marks Trail.

Comprising 576 square feet, more or less.

Michael W O'Neal

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Date: 2021.06.10 15:06:15 -04'00'



MICHAEL W. O'NEAL, PSM
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 6027

BSM APPROVED

BY MT

DATE 11/3/2022

NOTES:

1. THIS IS NOT A BOUNDARY SURVEY.
2. All distances are calculated unless otherwise noted.
3. No abstract or title opinion furnished. It is possible that there are recorded or unrecorded deeds, easements, agreements or other instruments which could affect the boundaries hereinabove described.

REVISIONS	
DATE	DESCRIPTION

JOB NUMBER: INF190228	DATE: 6/10/20
DRAWN BY: ABE	CHECKED BY: MWO
SHEET NO. 01	

**SKETCH AND LEGAL DESCRIPTION
UTILITY EASEMENT
PARCEL 882
WOODVILLE SEWER/ST. MARKS TRAIL**

O'NEAL SURVEYING & MAPPING, INC.
267 JOHN KNOX ROAD, SUITE 207
Tallahassee, FL 32303
Ph. 850-270-2138
Licensed Business 7713



FLORIDA DEPARTMENT OF Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, FL 32399

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

October 4, 2022

Leon County Public Works
Attn: Samuel Ijeomao
2280 Miccosukee Road
Tallahassee, FL 32308
ijeomao@leoncountyfl.gov

Re: Amendment to Easement 33365

Dear Mr. Ijeomao,

Thank you for contacting the Division of Recreation and Parks (DRP), leaseholder of the Tallahassee-St Marks Historic State Trail (Park), under lease 4015. DRP has reviewed Leon County's request to amend Easement No. 33365. DRP has no objection to the inclusion of an additional 15' lateral crossing as part of the Woodville Rural Community Septic to Sewer Conversion Project, as depicted in **Exhibit A**, attached.

Should the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (GRANTOR), approve this Amendment to Easement, DRP requests that the special conditions of Easement 33365 dated January 27, 2022, attached hereto as **Exhibit B**, remain unchanged.

This letter should accompany your request to the Division of State Lands, Bureau of Public Land Administration. For more information, visit their website at <https://floridadep.gov/lands/bureau-public-land-administration/documents/application-use-state-owned-uplands>

October 4, 2022
Samuel Ijeomao
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Should you have any questions please don't hesitate to contact our office by phone at 850-245-3051.

Sincerely,

Brian Fugate, Assistant Director
Division of Recreation and Parks

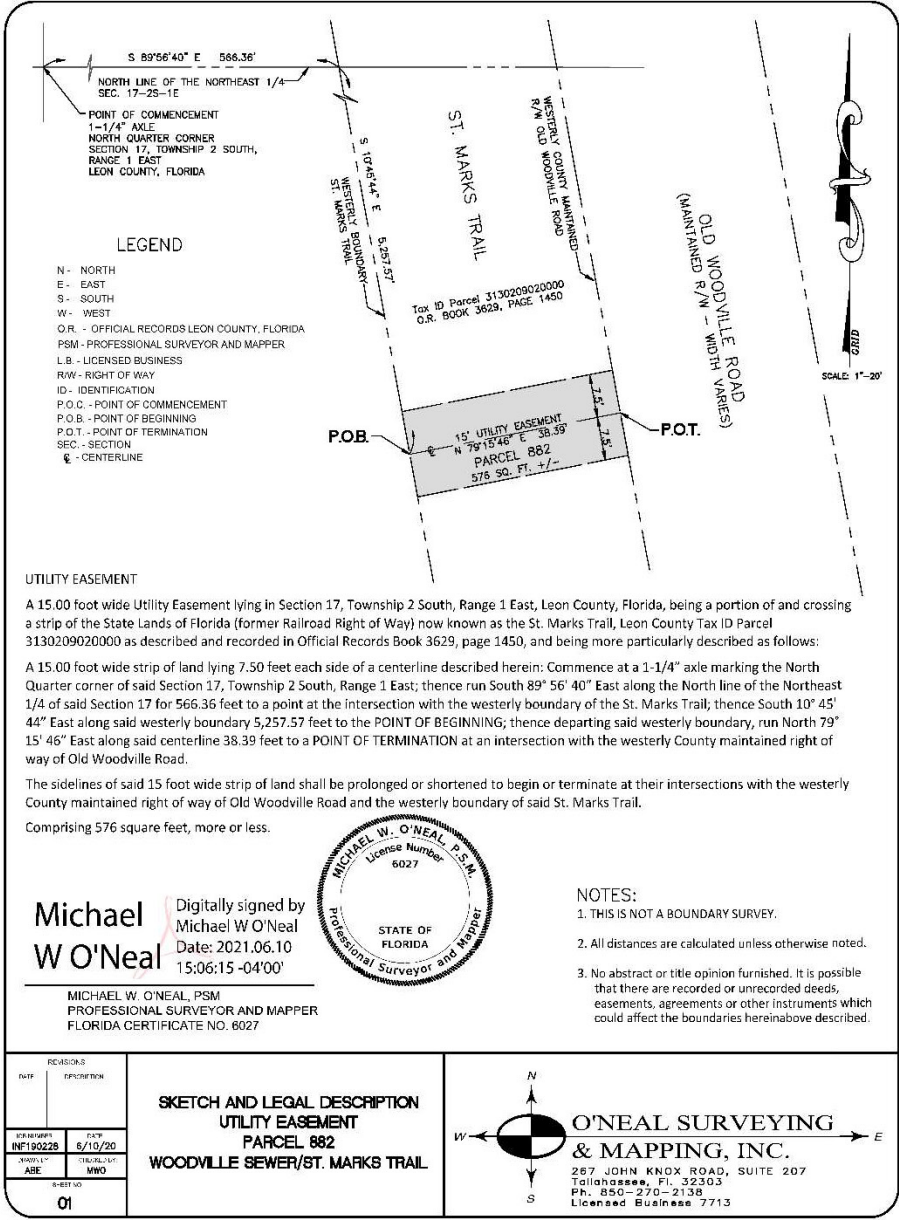
BF/dp

Attachment

cc: Steve Cutshaw, District 1 Chief
Lance Kelly, Park Manager
Brad Richardson, BPLA Chief
Angel Granger, OPP/Land Administration Manager

October 4, 2022
Samuel Ijeomao
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EXHIBIT "A"



Michael W O'Neal
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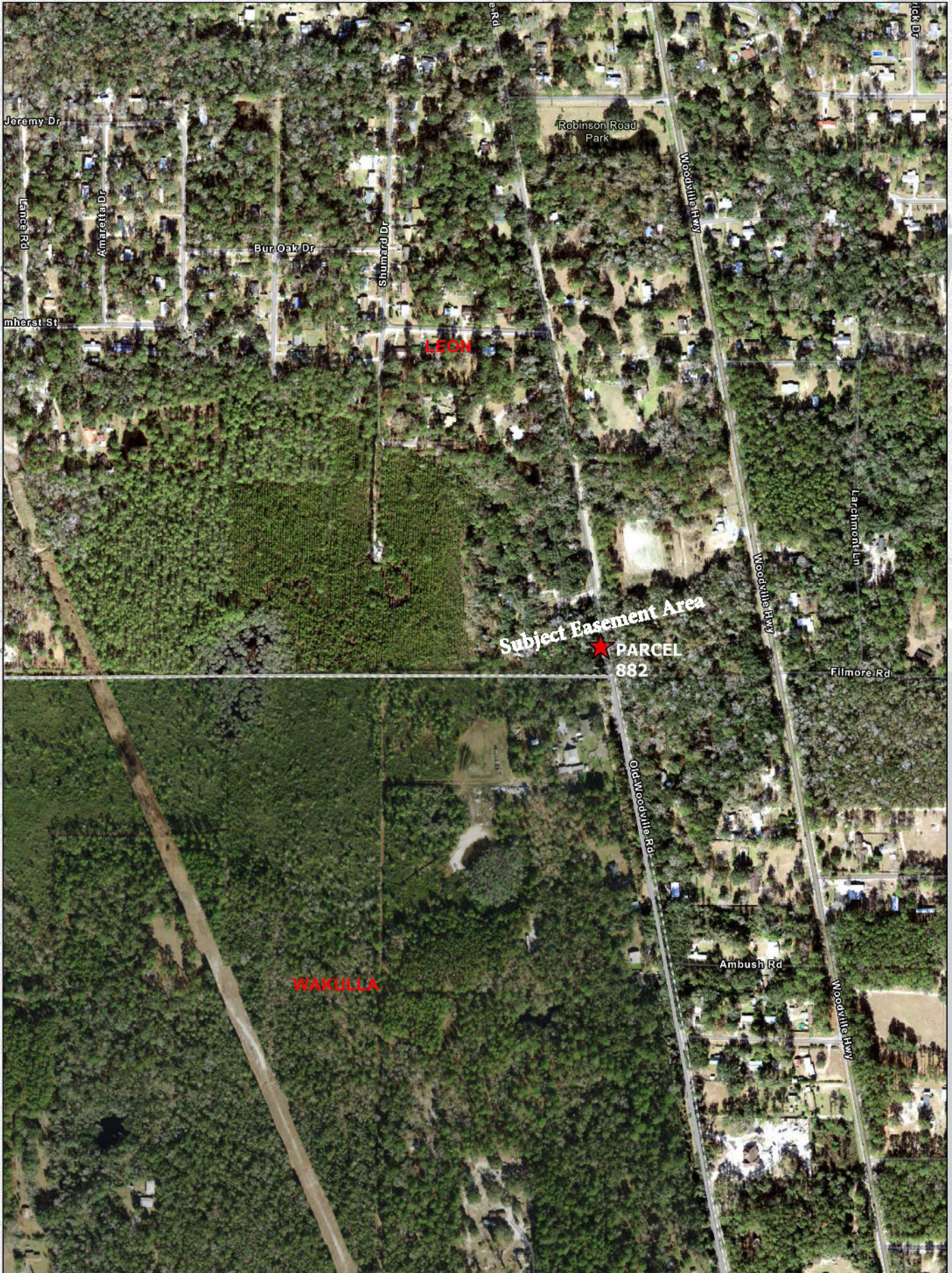


MICHAEL W. O'NEAL, PSM
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 6027

REVISIONS	
NO.	DESCRIPTION
01	

SKETCH AND LEGAL DESCRIPTION
UTILITY EASEMENT
PARCEL 882
WOODVILLE SEWER/ST. MARKS TRAIL.

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Licensed Business 7713



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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 December 21, 1987, the Department of Environmental Protection (DEP), Division of Recreation & Parks leased the 124.9 acre abandoned railroad right-of-way located between Tallahassee and St. Marks from the Florida Department of Transportation (FDOT). The railroad right-of-way later became Tallahassee-St. Marks Historic Railroad State Trail. On November 19, 1997, the lease was amended to incorporate three separate lands constituting 14.53 acres into the State Trail. The lease is for twenty years and currently represents a 139.43-acre property.

On August 18, 1992, the Board of Trustees of the Internal Improvement Trust Fund (Trustees) obtained title to a 7.89-acre property from The Trust for Public Land via donation. On September 27, 1993, the Trustees purchased a 26.48-acre property under P2000 Additions and Inholdings, bringing the total acreage of Trustees-owned land to 34.37. On December 15, 1993, the Trustees leased the two acquisitions to DEP/DRP under Lease No. 4015 to be managed in conjunction with Tallahassee-St. Marks Historic Railroad State Trail.

The 139.43-acre FDOT lease and the 34.37-acre Trustees lease comprise the total 173.8-acre Tallahassee-St. Marks Historic Railroad State 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.

To provide public outdoor recreation and conservation. No conditions or restrictions apply to its use.

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

The trail offers recreational opportunities for walking, running, bicycling, skating, and horseback riding. This multiple use trail accommodates a varied array of visitors with a wide range of athletic abilities. Approximately 300,000 visitors utilize the trail annually, almost exclusively during the hours of 8:00 AM EST to sunset. The trail is accessed via three managed trail heads: Capital Circle Trailhead, Wakulla Station Trailhead, and the City of St. Marks Trailhead. Because of the trails linear structure and lack of boundary fencing, access is uninhibited to pedestrian traffic at any point along the trail.

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

The state trail averages 60 feet in width along its 16-mile length precluding the establishment of any natural communities. The land within the corridor consists of a paved multi-use trail flanked by grass or native shrubs and trees. The trail passes

through distinct natural communities, predominantly ruderal, developed, sandhill and upland forest.

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

No imperiled species occur within the identified segments of the state trail where the easements are proposed.

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

The project is located within the archaeological site 8LE2905 which includes the linear facility of the historic rail bed. The trail corridor itself is historically significant as the first railroad to ever receive a federal land grant, and the longest operating railroad in Florida (1837-1984).

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 portions of the state trail delineated for the proposed utility crossings are in the vicinity of the developed areas that Leon County is targeting for conversion to municipal sewer. The proposed easements are the most practical means of effectively accomplishing municipal sewer conversion by transecting the trail to access private lands.

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.

All infrastructure for alternative use will be below ground once the proposed project is completed. Upon completion, the proposed easements should not impact trail usage or trail user experience provided all stipulations of easement proposal are fulfilled. While the project is ongoing impacts to recreational resources will be minimal and unavoidable due to required construction methods for the placement of infrastructure and temporary disruption of the paved trail surface. Every effort should be made to coordinate project commencement and schedules with the park. In the event public use is interrupted, adequate notice should be given to disseminate that information to visitors. Additional pedestrian traffic control measures should be utilized to minimize impacts and closures.

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 easement is a part of the Leon County municipal sewer expansion, a project identified by the FL DEP's Upper Wakulla River and Wakulla Springs Basin Management Action Plan and the 2030 City of Tallahassee Master Sewer Plan. The project seeks to significantly reduce nutrient loading into the Floridan Aquifer, particularly within the Wakulla Springs contribution area.

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 Applicant will work with the Division of Recreation and Parks to offset any impacts to the Trail in order to satisfy the net positive benefit requirement. Additional measures should be taken to ensure public safety and well being while construction is ongoing including signs, barricades, and/or other pedestrian traffic control measures to minimize impacts to recreational use of the 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.



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

Florida Department of Environmental Protection
Bureau of Public Lands Administration
3800 Commonwealth Blvd. MS 125
Tallahassee, FL 32399-3000

November 18, 2022

Re: DHR No.: 2022-7473
Project: Easement 33365

To Whom It May Concern:

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.

Because the project is located within the archaeological site 8LE2905, this office recommends that ground-disturbing activities associated with this project be monitored by a professional archaeologist. The purpose of monitoring will be to identify archaeological deposits or significant artifacts that may be encountered. Should significant archaeological deposits, features or artifacts be encountered, the archaeologist must be empowered to direct the project activities to shift away from such resources. This discretionary power would enable the monitor to contact this office and to determine measures that must be taken to avoid, minimize adverse effects to the site; or to proceed to recover the archaeological resources in a professional manner. When the archaeologist has completed recordation and/or recovery measures the project activities would be allowed to continue as planned. At completion of the project, the archaeological monitor must compile a monitoring report in accordance with the provisions of Chapter 1A-46, Florida Administrative Code to be forwarded to this office. 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.

In addition, because the project will occur on state lands, it will require a 1A-32 permit. The archaeological consultant should contact Brandon Ackermann at Brandon.Ackermann@DOS.myflorida.com or 850-245-6334, Bureau of Archaeological Research.

If you have any questions, please contact Jennifer Tobias, Historic Sites Specialist, by email at Jennifer.Tobias@dos.myflorida.com.

Sincerely,

A handwritten signature in blue ink that reads "Kelly L. Chase" with "For" written below it.

Alissa S. Lotane
Director, Division of Historical Resources and State Historic Preservation Officer