

ITEM 6:

Consider whether an approximately 2.63-acre easement for private ingress and egress with utilities within Catfish Creek State Park is consistent with the Board of Trustees’ Incompatible Use Policy.

LOCATION:

Polk County

APPLICANT:

Quinn Family Trust (Applicant)

DSL STAFF REMARKS:

The Applicant has requested a 25-foot wide ingress/egress easement to include utilities on an existing dirt road through Catfish Creek State Park (Park) to access their land locked parcels, for as long as it is used solely for the benefit of the Applicant, their successors and assigns, for mixed use residential and agricultural purposes. The easement is to serve a maximum of four single- family residences to be constructed at the sole option of the Applicant. The portion of lands within the Park, subject to the proposed easement, were acquired from The Nature Conservancy on December 20, 1991, using P2000 funds. The Park is managed by the Division of Recreation and Parks under lease number 3962 for conservation and recreation purposes who provided a letter of no objection dated February 7, 2017.

The Division of Historical Resources reviewed the project and stated the project is unlikely to affect historic properties. However, as unexpected finds may occur during ground disturbing activities, a special condition will be added to the easement to contact the division should prehistoric or historic artifacts be found.

Avoidance:

There are no other practical alternatives to access the Applicant’s land locked parcel.

Minimizing Impacts:

The proposed easement route is along an established dirt road and is not expected to have any additional impacts to the Park. Park staff conducted a review of the easement area and found the existence of Britton’s bear grass (Federally Endangered) just outside the easement boundaries. The occurrence has been flagged and the Applicant will be made aware of its existence.

Compensation:

The Applicant will be required to pay a one-time easement fee of \$2,500, established by appraisal. Per the Board’s Incompatible Use Policy, the Applicant will provide a net positive benefit to the Park in an amount equal to or greater than \$3,750.

DSL STAFF RECOMMENDATION:

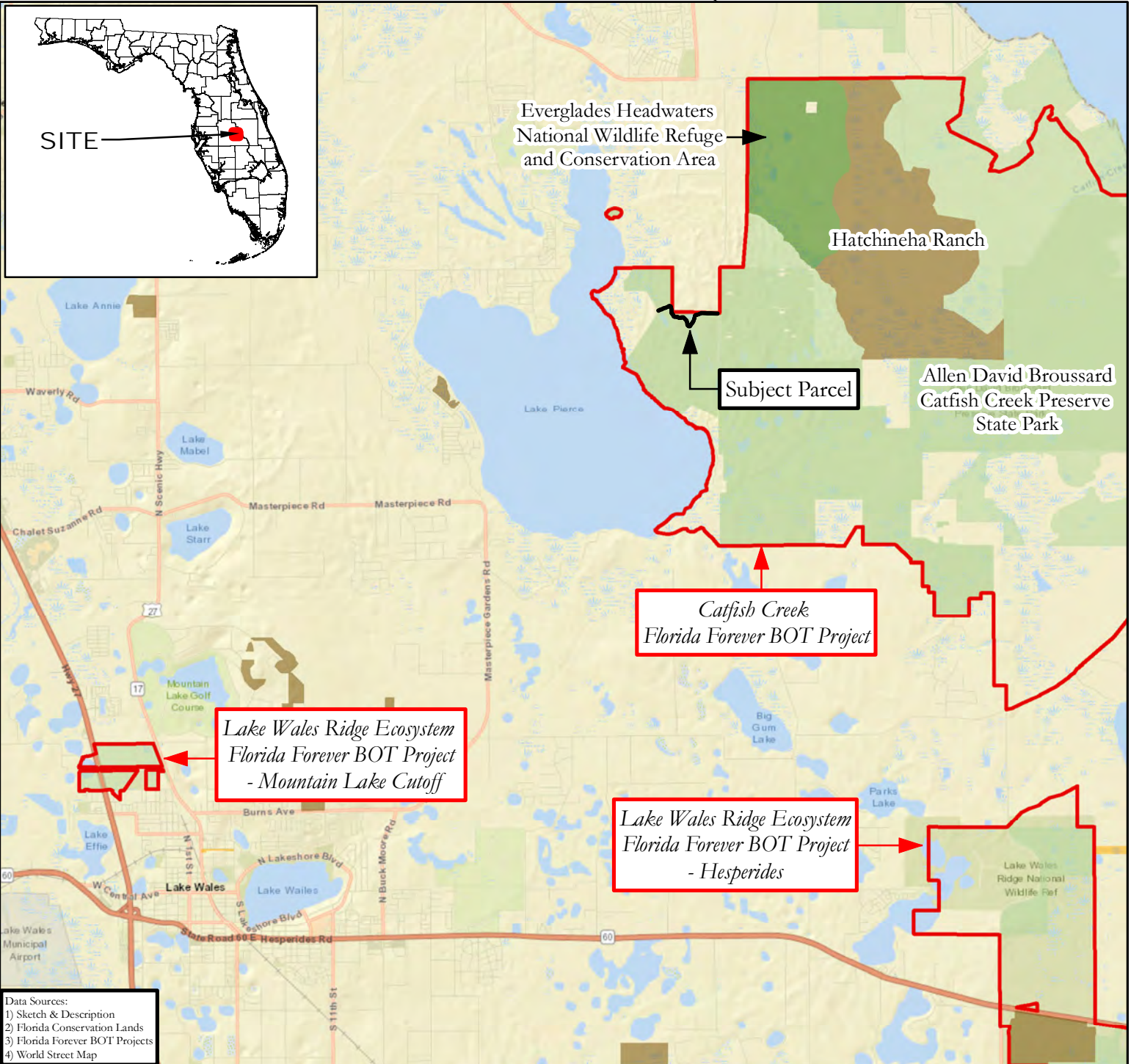
Approve the proposed easement.

ARC RECOMMENDATION:

() **APPROVE**

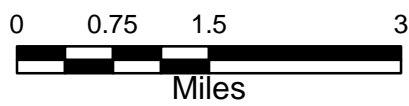
() **APPROVE WITH MODIFICATIONS:** _____

- DEFER**
- WITHDRAW**
- NOT APPROVE**
- OTHER** _____

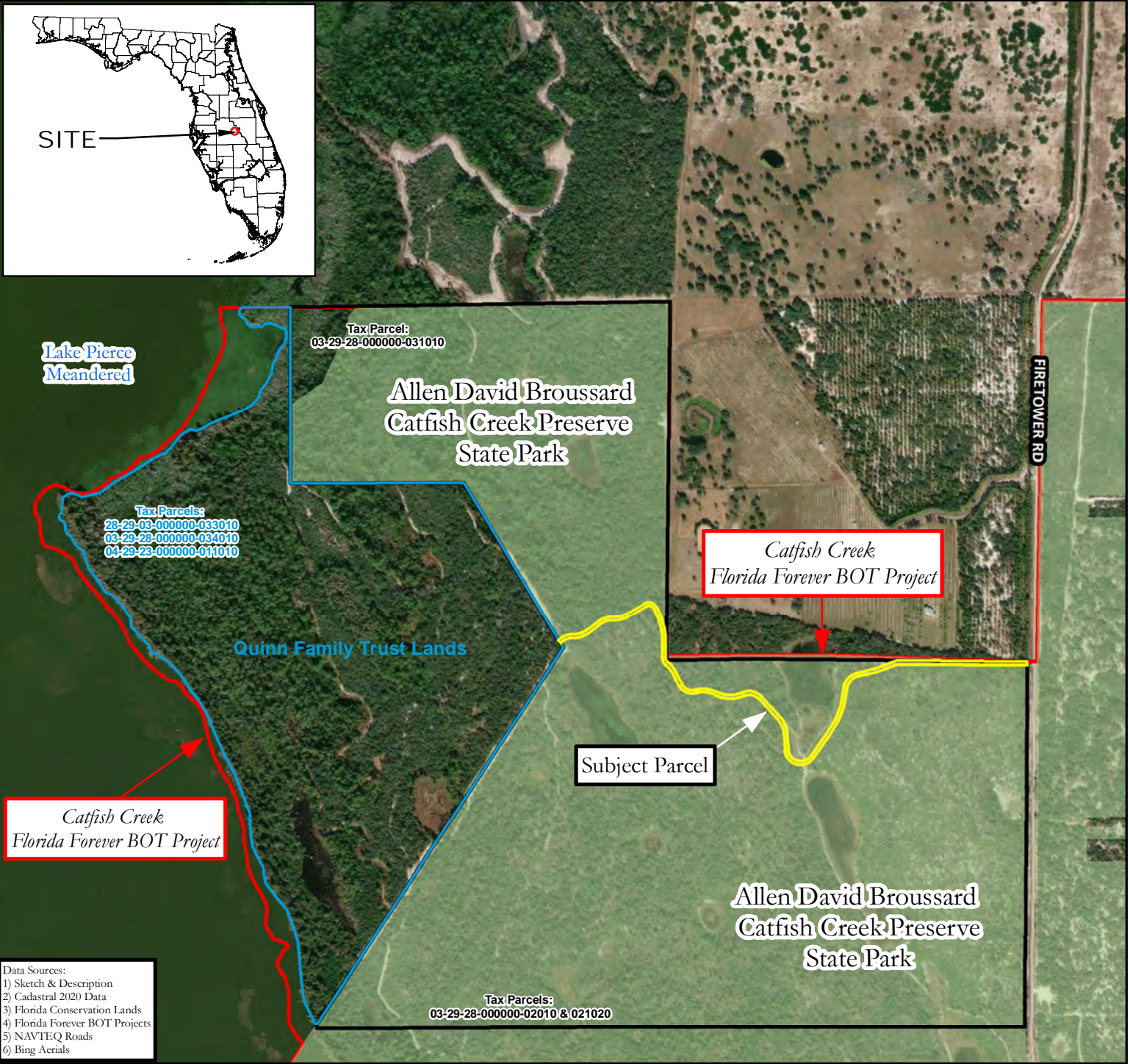


Data Sources:
 1) Sketch & Description
 2) Florida Conservation Lands
 3) Florida Forever BOT Projects
 4) World Street Map

	Subject Parcel
	Florida Forever Project Boundaries
	State Managed Conservation Lands
	Federal Managed Conservation Lands
	City/County Managed Conservation Lands
	Private Managed Conservation Lands

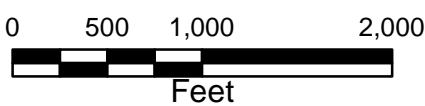


Easement No. 33424
 Polk County, Florida



Data Sources:
 1) Sketch & Description
 2) Cadastral 2020 Data
 3) Florida Conservation Lands
 4) Florida Forever BOT Projects
 5) NAVTEQ Roads
 6) Bing Aerials

- Subject Parcel
- Quinn Family Trust Lands
- BOT-Owned Land
- State Managed Conservation Lands
- Florida Forever Project Boundaries



Easement No. 33424
 Polk County, Florida



FLORIDA DEPARTMENT of STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

Brad Richardson, Chief
Bureau of Public Land Administration
Division of State Lands
3800 Commonwealth Blvd, MS 125
Tallahassee, Florida 32399

November 18, 2021

RE: DHR Project File No.: 2021-6474, Received by DHR: October 21, 2021
Project: Quinn Family Trust Easement request
County: Polk

Mr. Richardson:

Our office has reviewed the above referenced project and provided comments as part of a Due Diligence review for the consulting party in advance of receiving a state permit application. Please note that our comments may change if other information is presented for this project by the state permitting agency that indicates it may affect historic properties.

It is the opinion of this office that the proposed project is unlikely to affect historic properties. However, unexpected finds may occur during ground disturbing activities, and we request that the permit, if issued, should 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 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 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*.

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

Sincerely,

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

Division of Historical Resources
R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399
850.245.6300 • 850.245.6436 (Fax) • FLHeritage.com



Florida Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Ryan E. Matthews
Interim Secretary

February 7, 2017

Mr. Robert L. Quinn
18 Lakeview Dr.
Haines City, FL 33844

Re: Catfish Creek Preserve State Park Access and Utilities

Mr. Quinn:

The Division of Recreation and Parks (DRP), leaseholder of Catfish Creek Preserve State Park (lease no. 3962) does not object to the proposed 25 ft. wide easement as requested for the sole purpose of private residential ingress and egress with utilities as depicted in Exhibit A attached.

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 following Special Conditions be included in the easement instrument.

- A. By issuance of this easement, GRANTOR acknowledges that GRANTEE has fully satisfied GRANTEE's "Net Positive Benefit" obligation to provide in-kind goods to the Allen David Broussard Catfish Creek Preserve State Park ("Park") in the amount of \$_____, in accordance with the GRANTOR's Policy for Incompatible Use of Natural Resource Lands dated August 9, 1988.)
- B. GRANTEE shall contact the Florida Division of Historical Resources (DHR) to determine if a certified archaeological monitor is required to be on-site for all ground-disturbing activities. Further, GRANTEE shall provide written confirmation to the Manager of the Park ("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 at (850) 245-6333.
- C. Prior to any improvements made to the easement, such as changes in grade or road surface material, GRANTEE shall obtain the approval of the Park Manager in writing. Road surface materials shall not consist of wood or mulch.
- D. All proposed utilities must be buried no less than eighteen (18) inches in depth and installed in accordance with Park and local utility provider standards. Further installation plans for any utilities must be submitted to the Park for approval prior to installation.

- E. Ensure that all stationary and mechanized equipment to be used on the Park has been thoroughly cleaned to help prevent exotic or invasive species from entering the Park. The Park Manager reserves the right to inspect and deny park access to equipment that has not been sufficiently cleaned.
- F. GRANTEE, at its sole cost and expense, shall repair any damage to vegetation (trees, shrubs, grasses) within the Park that lies outside of the easement area and that is a direct result of the construction activities. These repairs will not count towards GRANTEE's obligation to pay Net Positive Benefit.
- G. GRANTEE shall not block or hamper access for the Park Manager, staff of the Division of Recreation and Parks (DRP), or officials or individuals who are authorized by DRP.
- H. GRANTEE acknowledges that during prescribed burns, smoke may be present in and around the easement area.
- I. GRANTEE and GRANTEE's authorized users must remain on the easement during ingress to and egress from GRANTEE's property and abide by all Park rules. GRANTEE shall immediately report to Park Manager any unauthorized access, wildfires or other illegal activities observed along the easement route. Park Manager can be reach by phone at 863-696-1112.

Should you have any questions please don't hesitate to contact our office by phone at 850-245-3051.

Sincerely,

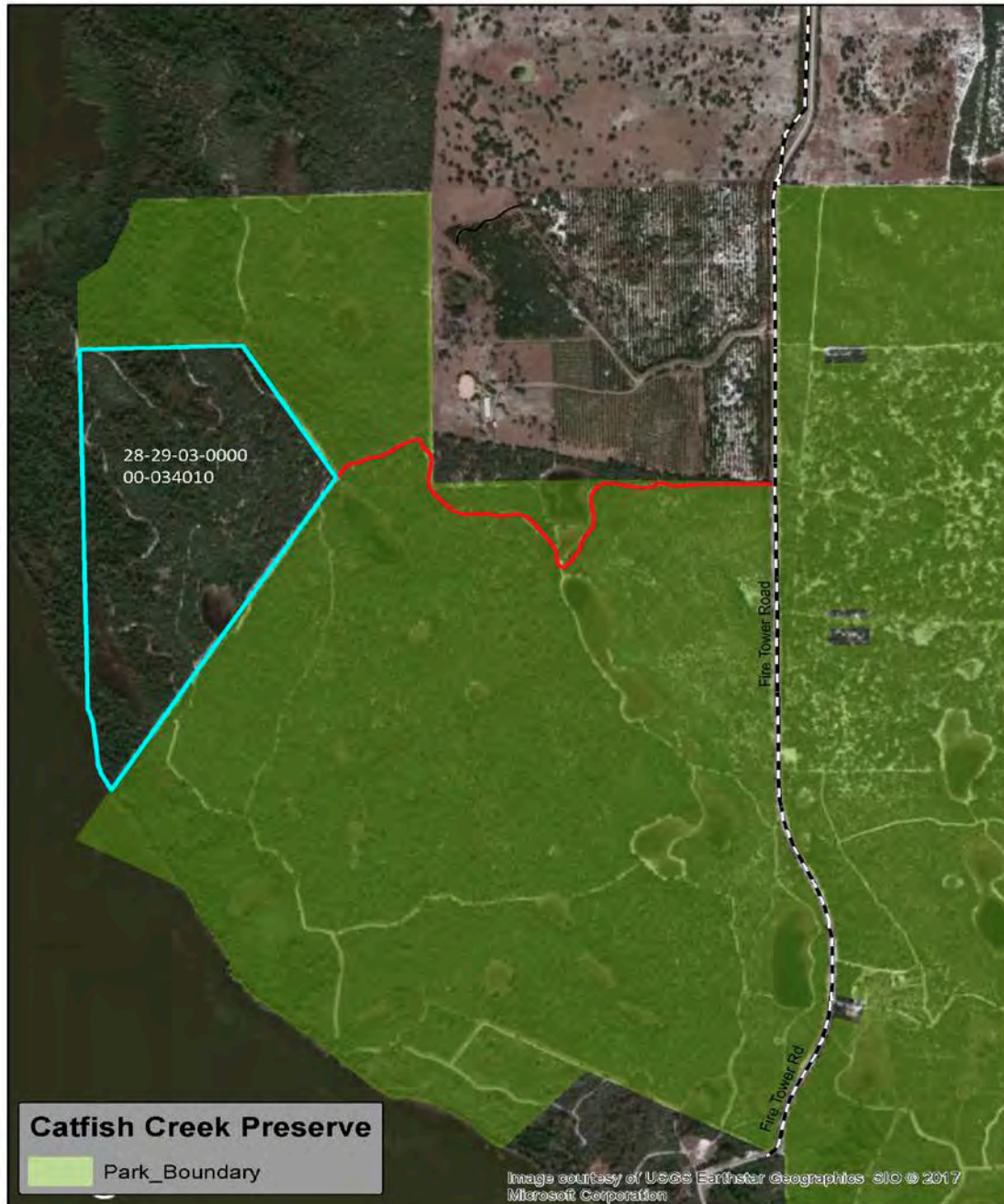


Diane Martin, Planning Manager
Office of Park Planning

DM/dp
attachments

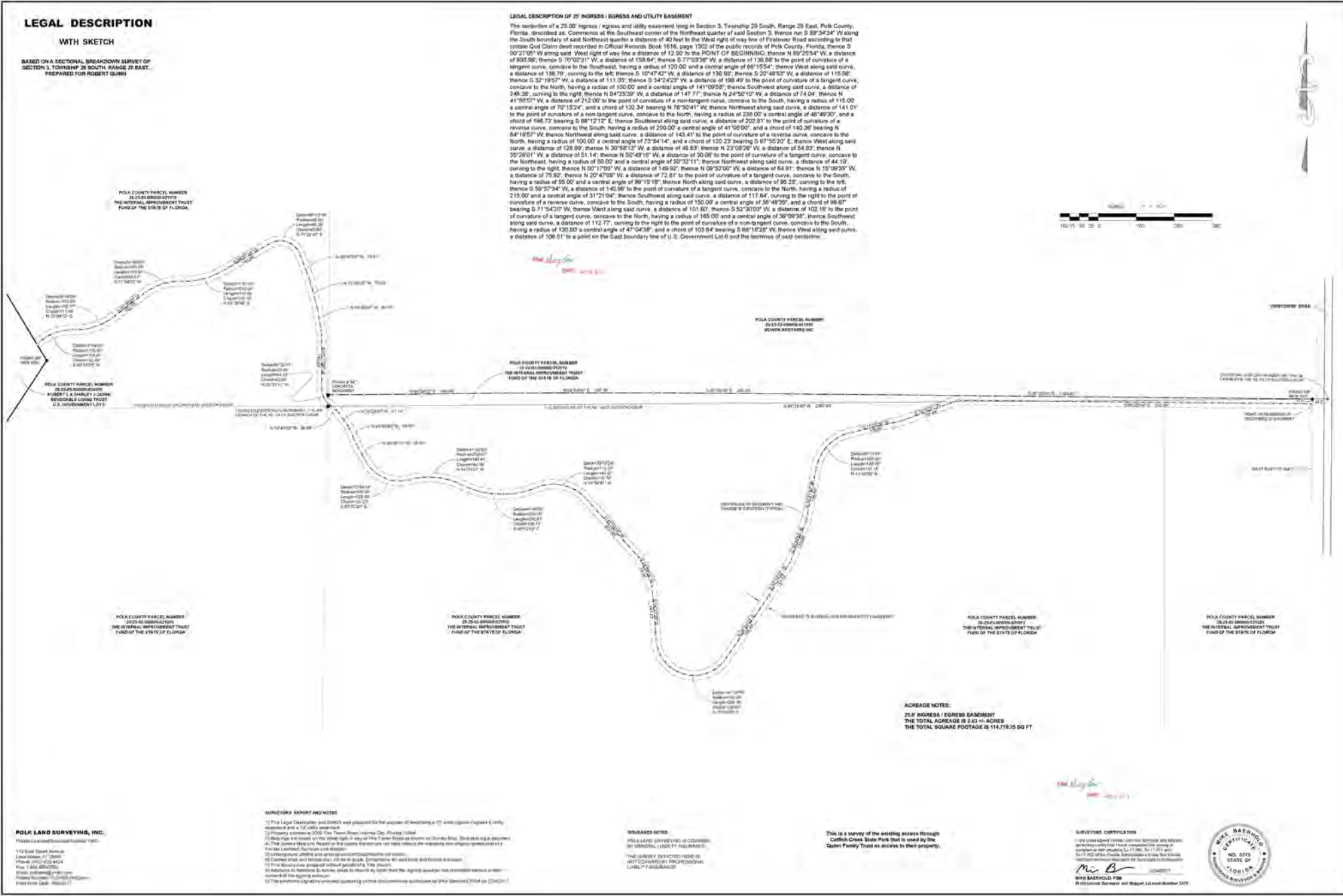
Cc: Sine Murray, Chief, Office of Park Planning
Larry Fook, Chief, Recreation and Parks District 3
Andy Nolan, Park Manager
Debra Pallone, Planner IV, Office of Park Planning

Exhibit "A"



Polk County
Sec 3 TS 29S R28E





LEGAL DESCRIPTION

WITH SKETCH

BASED ON A SECTIONAL BREAKDOWN SURVEY OF SECTION 3, TOWNSHIP 29 SOUTH, RANGE 28 EAST, PREPARED FOR ROBERT QUINN

LEGAL DESCRIPTION OF 20' INGRESS / EGRESS AND UTILITY EASEMENT

The centerline of a 20.00' ingress / egress and utility easement (per) in Section 3, Township 29 South, Range 28 East, Polk County, Florida, described as: Commence at the Southeast corner of the Northeast quarter of said Section 3, thence run S 89°34'34" W along the South boundary of said Northeast quarter a distance of 40 feet to the West right of way line of Frasier Road according to that certain Quit Claim deed recorded in Official Records Book 1018, page 1502 of the public records of Polk County, Florida; thence S 00°27'00" W along said West right of way line a distance of 12.00' to the POINT OF BEGINNING; thence N 89°25'54" W, a distance of 830.86'; thence S 70°02'31" W, a distance of 158.64'; thence S 77°03'36" W, a distance of 130.86' to the point of curvature of a tangent curve, concave to the Southeast, having a radius of 150.00' and a central angle of 66°15'24"; thence West along said curve, a distance of 136.79', curving to the left; thence S 10°47'42" W, a distance of 130.82'; thence S 20°48'53" W, a distance of 115.06'; thence S 32°19'02" W, a distance of 111.03'; thence S 34°24'23" W, a distance of 180.49' to the point of curvature of a tangent curve, concave to the North, having a radius of 100.00' and a central angle of 61°09'59"; thence Southwest along said curve, a distance of 248.38', curving to the right; thence N 84°23'26" W, a distance of 147.77'; thence N 24°50'10" W, a distance of 74.04'; thence N 41°55'07" W, a distance of 212.00' to the point of curvature of a non-tangent curve, concave to the South, having a radius of 114.00' and a central angle of 70°15'24"; and a chord of 132.34' bearing N 78°50'41" W; thence Northwest along said curve, a distance of 141.01' to the point of curvature of a non-tangent curve, concave to the North, having a radius of 200.00' and a central angle of 48°49'20"; and a chord of 186.73' bearing S 66°12'12" E; thence Southwest along said curve, a distance of 202.01' to the point of curvature of a reverse curve, concave to the South, having a radius of 200.00' and a central angle of 41°05'00"; and a chord of 140.36' bearing N 64°14'57" W; thence Northwest along said curve, a distance of 143.41' to the point of curvature of a reverse curve, concave to the North, having a radius of 100.00' and a central angle of 73°54'14"; and a chord of 120.22' bearing S 67°56'27" E; thence West along said curve, a distance of 128.99'; thence N 30°58'13" W, a distance of 48.63'; thence N 23°08'26" W, a distance of 54.93'; thence N 35°28'01" W, a distance of 51.14'; thence N 52°49'16" W, a distance of 36.06' to the point of curvature of a tangent curve, concave to the Northeast, having a radius of 50.00' and a central angle of 50°21'11"; thence Northeast along said curve, a distance of 44.10', curving to the right; thence N 00°17'00" W, a distance of 149.92'; thence N 09°52'00" W, a distance of 64.91'; thence N 15°09'35" W, a distance of 75.92'; thence N 20°47'00" W, a distance of 72.81' to the point of curvature of a tangent curve, concave to the South, having a radius of 50.00' and a central angle of 99°15'18"; thence North along said curve, a distance of 99.23', curving to the left; thence S 59°57'34" W, a distance of 140.96' to the point of curvature of a tangent curve, concave to the North, having a radius of 219.00' and a central angle of 31°21'04"; thence Southwest along said curve, a distance of 117.64', curving to the right to the point of curvature of a tangent curve, concave to the South, having a radius of 150.00' and a central angle of 38°48'35"; and a chord of 99.67' bearing S 71°54'27" W; thence West along said curve, a distance of 101.60'; thence S 52°30'00" W, a distance of 102.18' to the point of curvature of a tangent curve, concave to the North, having a radius of 140.00' and a central angle of 38°09'24"; thence Southwest along said curve, a distance of 112.77', curving to the right to the point of curvature of a non-tangent curve, concave to the South, having a radius of 150.00' and a central angle of 47°04'34"; and a chord of 103.84' bearing S 66°18'22" W; thence West along said curve, a distance of 106.81' to a point on the East boundary line of U. S. Government Lot 6 and the terminus of said easement.



ACREAGE NOTES:
 20' INGRESS / EGRESS EASEMENT
 THE TOTAL ACREAGE IS 2.43 +/- ACRES
 THE TOTAL SQUARE FOOTAGE IS 114,783.35 SQ FT

- SURVEYOR REPORT NOTES:**
- 1) This Legal Description and sketch was prepared for the purpose of describing a 20' wide ingress / egress and utility easement 66' x 102' wide easement.
 - 2) Property corners are 300 Feet True North (plus 20' survey) total.
 - 3) Bearings are based on the true north as shown on the survey map. (Bearing as shown).
 - 4) The Survey Map and Report on this survey do not show the existing or proposed location of a 2' wide easement for utility easement.
 - 5) Uncolored shading and annotations are for information only.
 - 6) Changes that are not shown on this map, including any additional or revised data, are not shown.
 - 7) This survey was prepared under Florida Statute 403.08.
 - 8) Addition to Section 5, Article 10, Florida Statute, requires that the Agency Surveyor has a minimum number of members of the Agency Surveyor.
 - 9) The Agency Surveyor and the Agency Surveyor's assistants are not responsible for the accuracy of the survey.

DISCLAIMER:
 POLK LAND SURVEYING IS PROVIDING THIS SERVICE AS AN INFORMATIONAL SERVICE ONLY. THE SURVEY ENGINEER HAS NO LIABILITY FOR ANY DAMAGE TO PROPERTY OR PERSONS.

This is a survey of the existing access through Catfish Creek State Park that is used by the Quin Family Trust as access to their property.

SURVEYOR CERTIFICATION:
 I, the undersigned, certify that I am a duly licensed and qualified Surveyor in the State of Florida, and that I have personally supervised the making of this survey, and that the same is true and correct to the best of my knowledge and belief.

M. B. Baskin
 M.B. BASKIN, P.S.
 Professional Surveyor with Report No. 14044 Number 3475



Allen Davis Broussard Cat Fish Creek State Park-Lease Number 3962
AID 43465-Quinn Application-Easement Number 33424

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.
The parcel was acquired in 1991 with P-2000 funds.
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 state acquired the property to conserve, protect and manage for outdoor recreation, protect historic and archaeological resources (if applicable) and other related purposes. There are no legislative or executive directives that constrain the use of the property. The property will be managed for the conservation and protection of natural and historic resources, and for resource-based public outdoor recreation that is compatible with conservation and protection of the property.
3. Description of the current level of public recreational use or public access of the parcel.
The portion of the preserve where the easement will be located has no public use facilities. However, public access is not prohibited. Other portions of the Allen David Broussard Catfish Creek Preserve State Park have hiking/biking trails, horseback riding trails, and primitive camping areas.
4. Description of the natural resources, land cover, vegetation, habitat or natural community, if any, that are currently present on the parcel.
The portion of the preserve where the easement will be located contains Sandhill natural community with longleaf pine and turkey oak. The easement is along an existing firebreak/un-stabilized park road.
5. Description and list of the imperiled and other wildlife species, if any, that occur on or use the parcel.
A biological survey conducted on January 10, 2021 indicated the existence of Britton's bear grass (federally endangered) plants outside the 25-foot easement area.
6. Description and list of historical or archaeological resources, if any, that occur or have the potential of occurring on the site.
The portion that the easement passes through has no historic or archaeological resources nearby. Other cultural resources have been identified in other portions of the preserve and a formal survey has not been performed in the area of the 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.
If access is required through the preserve the current proposed route is the shortest route following as close to the perimeter of preserve and follows an existing disturbed service road. No other routes through the persevere are feasible due to harsher impacts.
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.
Minimal impact due to following an existing fire break and service road. However, the road will need to be stabilized more, due to sandy conditions if used regularly. We suggest use of shell rock. Also, the power line will need to be buried no less than 18", or at a depth specified by the utility provider. This will ensure that the line is not hit by equipment when maintaining fire break or when suppressing fire (plow). Our preference is that the line be buried at least 36", and down the centerline of existing fire break and service road to minimize impacts on natural areas.
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.
Impact would be minimal due to use of existing firebreak.
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.
We were informed by office of park planning that the net positive benefit would be \$3,750.00. The net positive benefit will be used to purchase equipment and supplies needed to improve and better manage the preserve.

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.