

ITEM XX:

Consider whether an approximately 0.0459-acre and a 0.0689-acre private easement for installation of an underground stormwater drainage pipes and access across the East Central Regional Rail Trail (Trail) is consistent with the Board of Trustees' (BOT) Linear Facilities Policy.

LOCATION:

Volusia County, Section – 12, Township – 19S, Range – 31E

Applicant's Parcel ID Number: 911200000280

APPLICANT:

LGI Homes - Florida, LLC on behalf of Doudney Limited Partnership, LLLP (Applicant)

DSL STAFF REMARKS:

The Applicant has requested a 20-foot-wide and a 30-foot-wide easement for the installation of underground drainage pipes at two locations, installed by trenching, to connect stormwater drainage from the adjacent subdivision to the north of the Trail to the stormwater management facilities south of the Trail as well as access to install a sidewalk to connect the subdivision to the Trail. The proposed easement is located within conservation land currently managed by Volusia County (County) under Uplands Lease No. 4776. Title to the parcel was acquired by the BOT in 2011 using Florida Forever funding for conservation and recreational purposes.

The County consented to the easement in a letter dated March 11, 2021 and has issued a permit for the stormwater crossing. In a letter dated May 13, 2021, the Division of Historical Resources (DHR) stated that the proposed undertaking is unlikely to affect historic properties.

Avoidance:

There are no other practical alternatives for this easement request. The Applicant owns the adjacent parcels to the north and south of the requested easement area.

Minimizing Impacts:

The proposed easement is not anticipated to have any additional impacts to the Trail. The Trail will remain open to the public use during daylight hours during the installation of the stormwater drainage pipes and sidewalks. The applicant will make contingency plans, per DHR requirements, in the case of fortuitous finds or unexpected discoveries during ground disturbing activities within the easement area. The area adjacent to the trail is described as scattered oaks and pines. Species of wildlife found in this locality are consistent with the habitat of the region. The only protected species observed in the area is the gopher tortoise. The applicant will be required to conduct a survey to identify any tortoises within the requested easement area and relocate them prior to any site activities.

Compensation:

The easement fee will be based on market value and per the BOT's linear facilities policy. Additional compensation, in the form of replacement land or goods and services, will be provided to the County at 1.5 times the market value of the easement area.

DSL STAFF RECOMMENDATION:

Approve

ARC RECOMMENDATION:

APPROVE

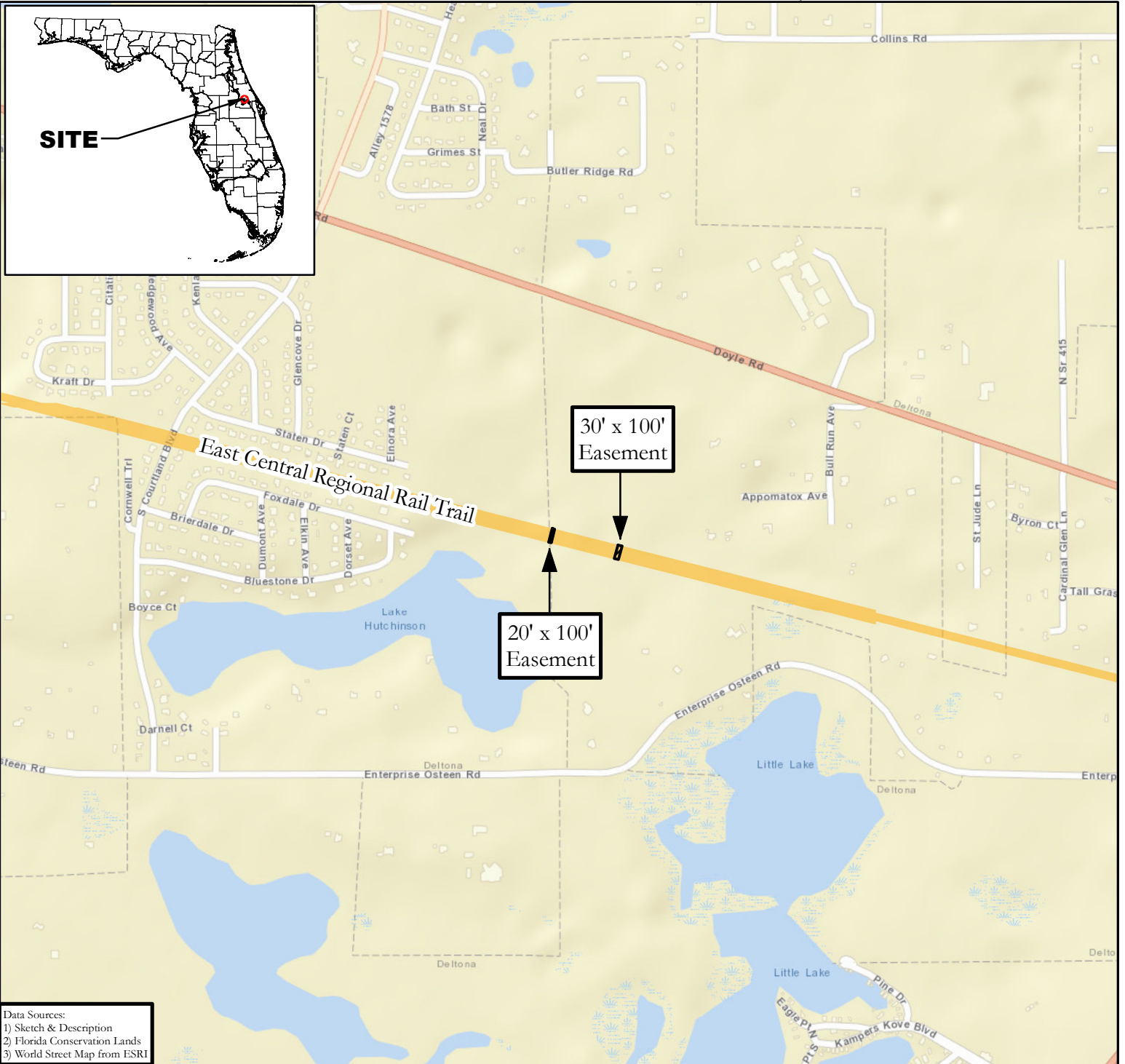
APPROVE WITH MODIFICATIONS: _____

DEFER



WITHDRAW

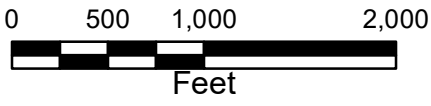
NOT APPROVE

OTHER: _____



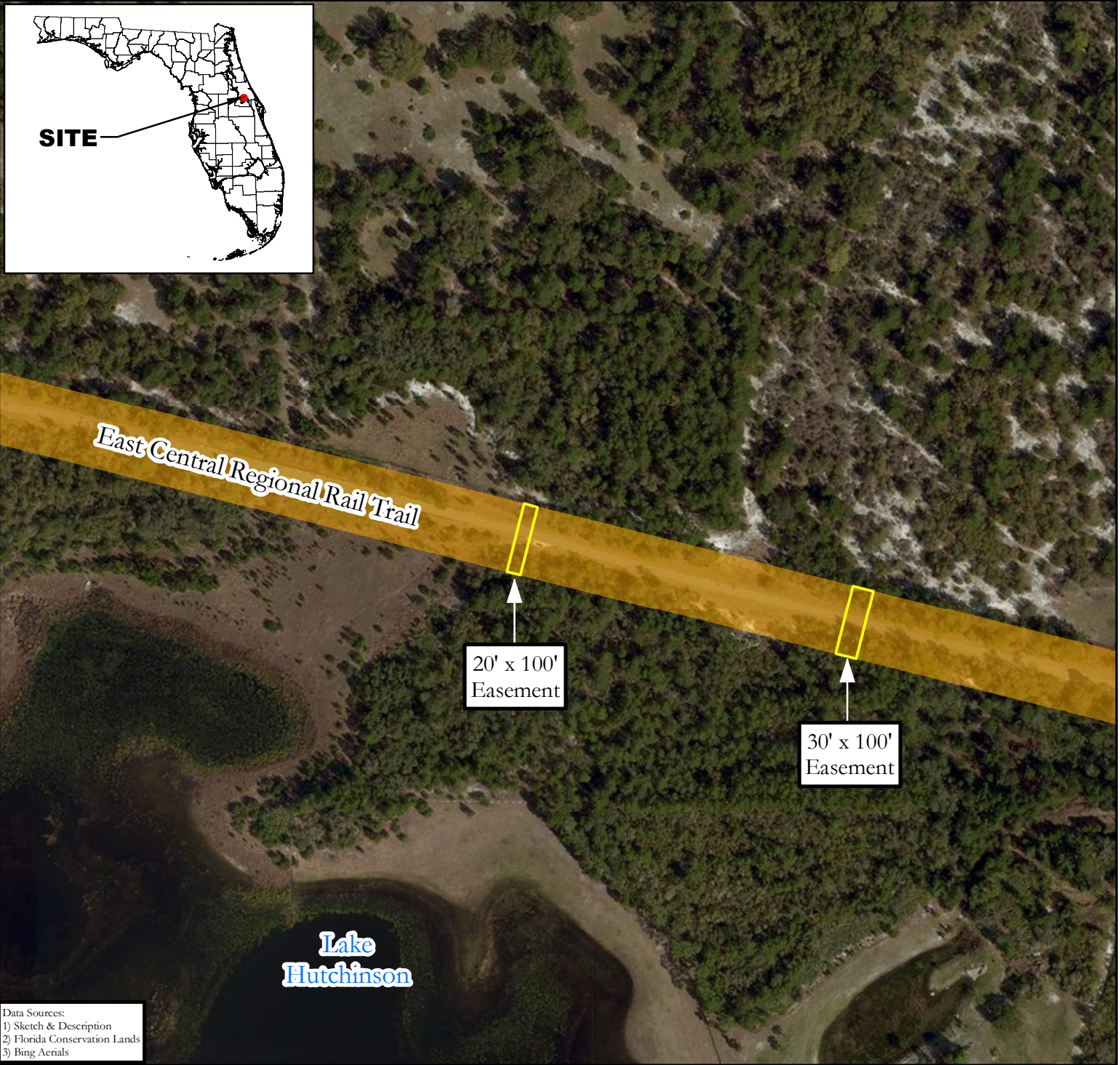
Data Sources:
 1) Sketch & Description
 2) Florida Conservation Lands
 3) World Street Map from ESRI

 Easement Parcels
 City/County Managed Conservation Lands



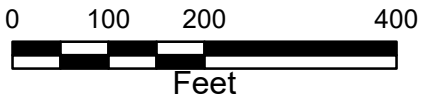
Easement No. 33426

Volusia County, Florida



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

 Easement Parcels
 City/County Managed Conservation Lands



Easement No. 33426

Volusia County, Florida

SKETCH & DESCRIPTION – NOT A SURVEY
EXHIBIT "A"

LEGAL DESCRIPTION 20.00' DRAINAGE AND ACCESS EASEMENT

A STRIP OF LAND LYING IN THE SOUTHWEST 1/4 OF SECTION 12, TOWNSHIP 19 SOUTH, RANGE 31 EAST, VOLUSIA COUNTY FLORIDA;

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 12, TOWNSHIP 19 SOUTH, RANGE 31 EAST; THENCE S00°20'49"W ALONG SAID WEST BOUNDARY OF SECTION 12, A DISTANCE OF 816.57 FEET TO A POINT ON THE NORTH BOUNDARY OF OLD FLORIDA EAST COAST RAILROAD (100') RIGHT OF WAY; THENCE LEAVING SAID WEST BOUNDARY OF SECTION 12, S75°56'07"E ALONG THE NORTH BOUNDARY OF SAID 100' RIGHT OF WAY A DISTANCE OF 303.14 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S75°56'07"E ALONG SAID NORTH BOUNDARY A DISTANCE OF 20.00 FEET; THENCE S14°00'25"W A DISTANCE OF 100.00 FEET TO THE SOUTH BOUNDARY OF SAID 100' RIGHT OF WAY; THENCE N75°56'07W ALONG SAID SOUTH RIGHT OF WAY, A DISTANCE OF 20.00 FEET; THENCE N14°00'25"E A DISTANCE OF 100.00 FEET TO SAID NORTH RIGHT OF WAY AND THE POINT OF BEGINNING.

CONTAINS 2,000 SQUARE FEET AND 0.0459 ACRES, MORE OR LESS.

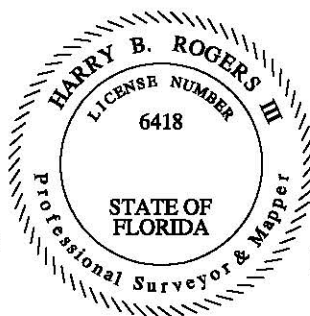
SURVEYOR'S NOTES

- Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
- Bearings based on the West boundary of the southwest 1/4 of section 12-19-31 S00°20'49"W 'ASSUMED'.
- Lands shown hereon were not abstracted for rights-of-way, easements, ownership or other instruments of record by this firm.
- No abstract of matters affecting title or boundary to the subject property of adjoining land owners have been provided, It is possible there are deeds of record, unrecorded deeds or other instruments which could affect the boundaries or use of the subject property.
- This Sketch and Description does not depict any easements of record that may be within or adjoining the lands described hereon.
- This Sketch and Description does not reflect or determine ownership.

H B Rogers III

04/13/2021

Harry B. Rogers III, PSM
Date
Florida Professional Surveyor & Mapper No. 6418
for Hamilton Engineering and Surveying, Inc.
Certificate of Authorization No. LB7013



BSM: *Ray Lewis*

DATE: April 14, 2021

INFORMATION NOT COMPLETE
WITHOUT SHEET 2 OF 2



3409 W. LEMON STREET
Tampa, FL 33609

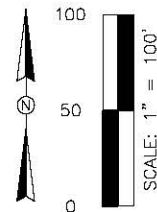
LB#7013

Tel (813) 250-3535
Fax (813) 250-3636

OSPREY ESTATES
ACCESS & DRAINAGE EASEMENT

SEC TWP RGE	JOB NUMBER	SCALE	DATE	SHEET
12-19-31	03315.0006	AS SHOWN	03/15/2021	1/1

SKETCH & DESCRIPTION — NOT A SURVEY
EXHIBIT "A"



POINT OF COMMENCEMENT
WEST 1/4 CORNER OF
SECTION 12, TOWNSHIP 19
SOUTH, RANGE 31 EAST

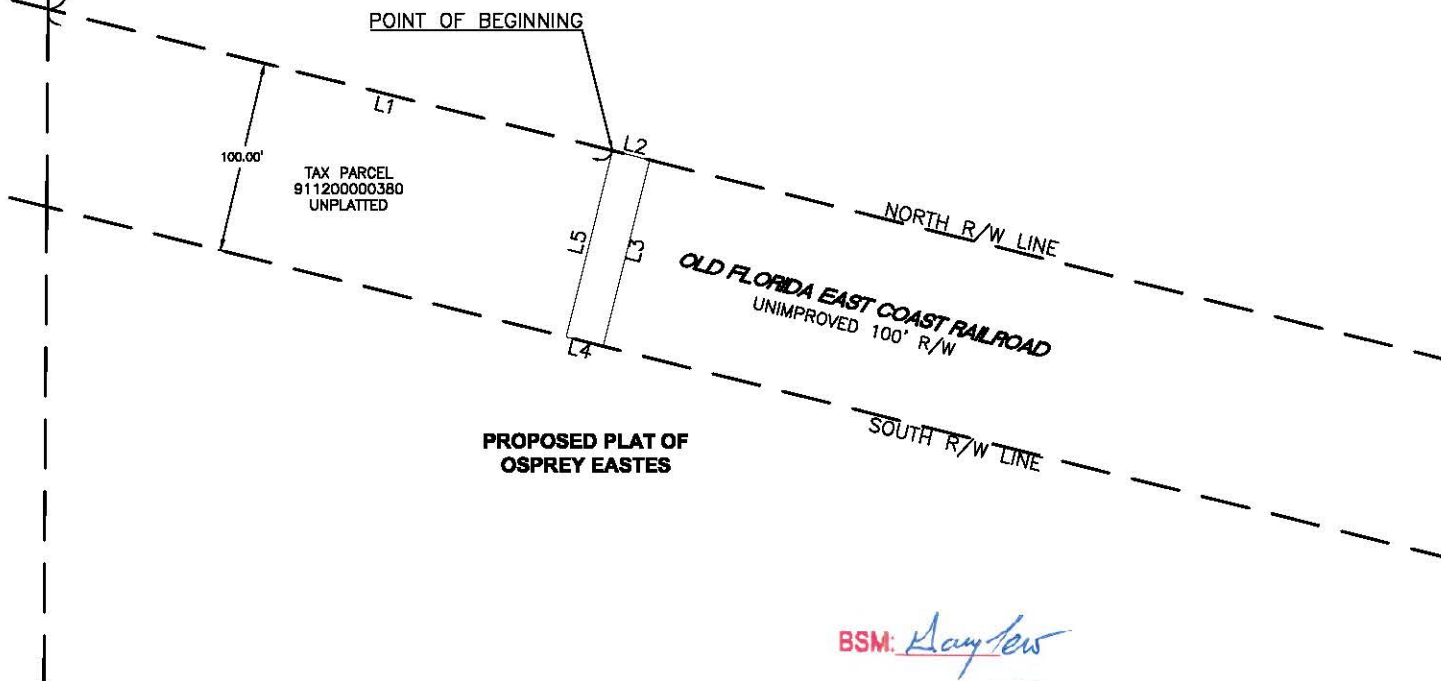
WEST BOUNDARY LINE OF
SOUTHWEST 1/4 OF
SECTION 12, TOWNSHIP 19
SOUTH, RANGE 31 EAST

SECTION 11—TOWNSHIP 19 SOUTH—RANGE 31 EAST
(BASIS OF BEARINGS)
S 00°20'49" W 816.57'

SECTION 12—TOWNSHIP 19 SOUTH—RANGE 31 EAST

LINE TABLE		
LINE#	DIRECTION	LENGTH
L1	S 75°56'07" E	303.14'
L2	S 75°56'07" E	20.00'
L3	S 14°00'25" W	100.00'
L4	N 75°56'07" W	20.00'
L5	N 14°00'25" E	100.00'

PROPOSED PLAT OF
OSPREY EASTES



BSM: *Mary Lewis*

DATE: April 14, 2021

INFORMATION NOT COMPLETE
WITHOUT SHEET 1 OF 2



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Tampa, FL 33609

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Tel (813) 250-3535
Fax (813) 250-3636

OSPREY ESTATES
ACCESS & DRAINAGE EASEMENT

SEC TWP RGE 12-19-31	JOB NUMBER 03315.0006	SCALE AS SHOWN	DATE 03/15/2021	SHEET 2/2
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SKETCH & DESCRIPTION – NOT A SURVEY
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A STRIP OF LAND LYING IN THE SOUTHWEST 1/4 OF SECTION 12, TOWNSHIP 19 SOUTH, RANGE 31 EAST, VOLUSIA COUNTY FLORIDA;

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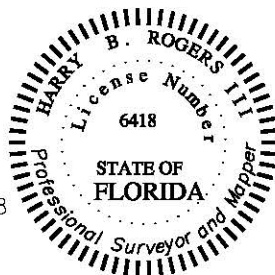
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Harry B. Rogers III

04/13/2021

Harry B. Rogers III, PSM Date
Florida Professional Surveyor & Mapper No. 6418
for Hamilton Engineering and Surveying, Inc.
Certificate of Authorization No. LB7013



BSM: *Amy Lew*

DATE: April 14, 2021

INFORMATION NOT COMPLETE
WITHOUT SHEET 2 OF 2

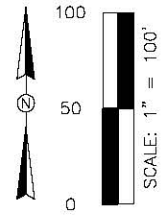


3409 W. LEMON STREET Tampa, FL 33609
LB#7013 Tel (813) 250-3535 Fax (813) 250-3636

OSPREY ESTATES
ACCESS & DRAINAGE EASEMENT

SEC TWP RGE	JOB NUMBER	SCALE	DATE	SHEET
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SKETCH & DESCRIPTION — NOT A SURVEY
EXHIBIT "A"



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WEST 1/4 CORNER OF
SECTION 12, TOWNSHIP 19
SOUTH, RANGE 31 EAST

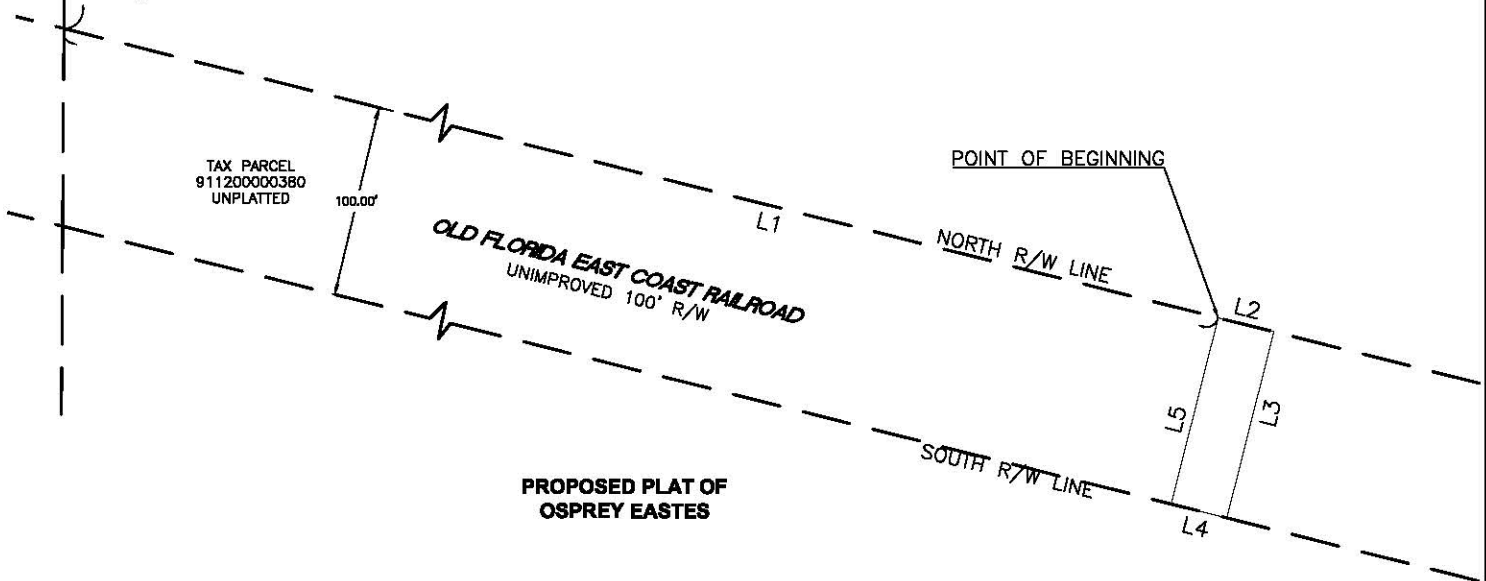
WEST BOUNDARY LINE OF
SOUTHWEST 1/4 OF
SECTION 12, TOWNSHIP 19
OUTH, RANGE 31 EAST

SECTION 11—TOWNSHIP 19 SOUTH—RANGE 31 EAST
(BASIS OF BEARINGS)
S 00°20'49" W 816.57'

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L5	N 14°11'19" E	100.00'

PROPOSED PLAT OF
OSPREY EASTES



PROPOSED PLAT OF
OSPREY EASTES

BSM: *Lucy Lewis*

DATE: April 14, 2021

INFORMATION NOT COMPLETE
WITHOUT SHEET 1 OF 2



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OSPREY ESTATES
ACCESS & DRAINAGE EASEMENT

SEC TWP RGE	JOB NUMBER	SCALE	DATE	SHEET
12-19-31	03315.0006	AS SHOWN	03/15/2021	1/2

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. **Acquired in April 2011 with Florida Forever 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. **Acquired for conservation and recreation with no deed restrictions.**
3. Description of the current level of public recreational use or public access of the parcel. **The requested easement area is currently used as a public trail for recreational use. There is no impact to public recreational use.**
4. Description of the natural resources, land cover, vegetation, habitat or natural community, if any, that are currently present on the parcel. **Scattered oaks and pines.**
5. Description and list of the imperiled and other wildlife species, if any, that occur on or use the parcel. **The area adjacent to the paved trail is described scattered oaks and pines. Species of wildlife found in this locality are consistent with the habitat of the region. The only protected species observed in the area is the gopher tortoise.**
- 6) Description and list of historical or archaeological resources, if any, that occur or have the potential of occurring on the site. **There are no known historical archaeological resources known at this site.**
- 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 Applicant owns the adjacent parcels on the North and South side of the Trail. There are no other alternatives.**
- 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 easement will have no impact to natural/historical/archaeological/recreational resources.**
- 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 easement will have no impact to the surrounding conservation lands.**
- 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 net positive benefit will be negotiated by the Division of State Lands to offset the impact to conservation land.**

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.



March 11, 2021

LGI Homes Florida, LLC
1450 Lake Robbins Drive
The Woodlands TX 77380
Attn.: Mr. Brian Martin, Vice President of Land Acquisitions & Development

Re: No Objection from County of Volusia (County) for state easement grant

Dear Mr. Martin,

The County staff, while reviewing construction plans submitted to the County in support of Osprey Estates – Doyle Road Use Permit No. 2021-P-USE-0217, reviewed a proposed stormwater crossing of the County's trail system, which is located on State of Florida (State) lands. The County has no objection to the State granting an easement for the stormwater crossing as depicted on the construction plans submitted to the County in support of Osprey Estates – Doyle Road Use Permit No. 2021-P-USE-0217.

If you have any questions, you may contact me at (386) 736-5967.

Sincerely,

A handwritten signature in blue ink, appearing to read "C. Storm Kazmierczak".

C. Storm Kazmierczak, P.E.
Assistant County Engineer
Engineering & Construction
County of Volusia
Office: (386) 736-5967 ext. 12294
skazmierczak@volusia.org



FLORIDA DEPARTMENT of STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

Jay Sircy
Bureau of Public Land Administration
3900 Commonwealth Boulevard
Tallahassee, FL 32399-3000

May 13, 2021

RE: DHR Project File No.: 2021-2010 Received by DHR: April 14, 2020
Project Name: 43467 - Easement 33426 - LGI Homes - Florida LLC
County: Volusia

To Whom It May Concern:

Our office reviewed the referenced project in accordance with Chapter 267.061, *Florida Statutes*, and implementing state regulations, for possible effects on historic properties listed, or eligible for listing, in the *National Register of Historic Places*, or otherwise of historical, architectural or archaeological value.

It is the opinion of this office that the proposed project is unlikely to affect historic properties. However, since unexpected finds may occur during ground disturbing activities, we request that the permit, 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 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 Joseph Bomberger, Historic Preservationist, by email at Joseph.Bomberger@dos.myflorida.com.

Sincerely,

A handwritten signature in blue ink that reads "Timothy A. Parsons".

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

