

ITEM XX:

Consider whether a 0.024-acre ingress/egress easement including a 36-inch underground stormwater pipe and sidewalk connection across Cross Seminole Trail is consistent with the Board of Trustees' Linear Facilities Policy.

LOCATION:

Seminole County, S – 36, T – 21S, R – 30E

Parcel ID Numbers: 36-21-30-300-0050-0000 & 36-21-30-300-0020-0000

APPLICANT:

M/I Homes of Orlando, LLC (Applicant)

DSL STAFF REMARKS:

The Applicant has requested a 0.024-acre, 21-foot wide easement across the Trail with a term of 50 years for the installation, operation, and maintenance of an underground 36-inch stormwater drainage pipe and 14-foot wide public sidewalk connection to the Cross Seminole Trail (Trail). The Applicant's parcels are to be developed into a subdivision on the south side of the Trail and stormwater pond on the north side of the Trail. The stormwater pipe will connect the Applicant's planned subdivision located south of the Trail to the Applicant's planned stormwater pond located north of the Trail. The sidewalk will allow public access to the Trail.

The proposed easement is located within conservation land, the Cross Seminole Trail, currently managed by Seminole County under Uplands Lease No. 4770. The property was acquired in 1996 for conservation and recreational activities from CSX Transportation, Inc. with P-2000 funds. The public will benefit from this easement as it will create an access connection to the Trail for exercise and enjoyment of the natural resources in the area.

Seminole County consented to the easement in a letter dated July 29, 2021. In a letter dated August 25, 2021, the Division of Historical Resources stated that the proposed undertaking is unlikely to affect historic properties.

Avoidance:

There are no other practical alternatives. The Trail bisects the Applicant's parcels that contain the planned subdivision and associated stormwater pond. There are no known imperiled or other wildlife species that occupy the easement area.

Minimizing Impacts:

The stormwater pipe will be installed 5 feet under the Trail by open cut and the disturbed portion of the Trail will be restored to same or better condition by the Applicant. Access to the Trail will not be affected by this easement. Trail use will be routed around the work area onto a temporary trail during construction. The Applicant will ensure that the site is clean from debris and be responsible for any damages to the Trail as the result of this easement.

Compensation:

The easement fee will be based on market value and per the Board of Trustees' linear facilities policy, additional compensation will be provided to the land manager at 1.5 times the market value of the easement. To satisfy the additional compensation amount, Seminole County has

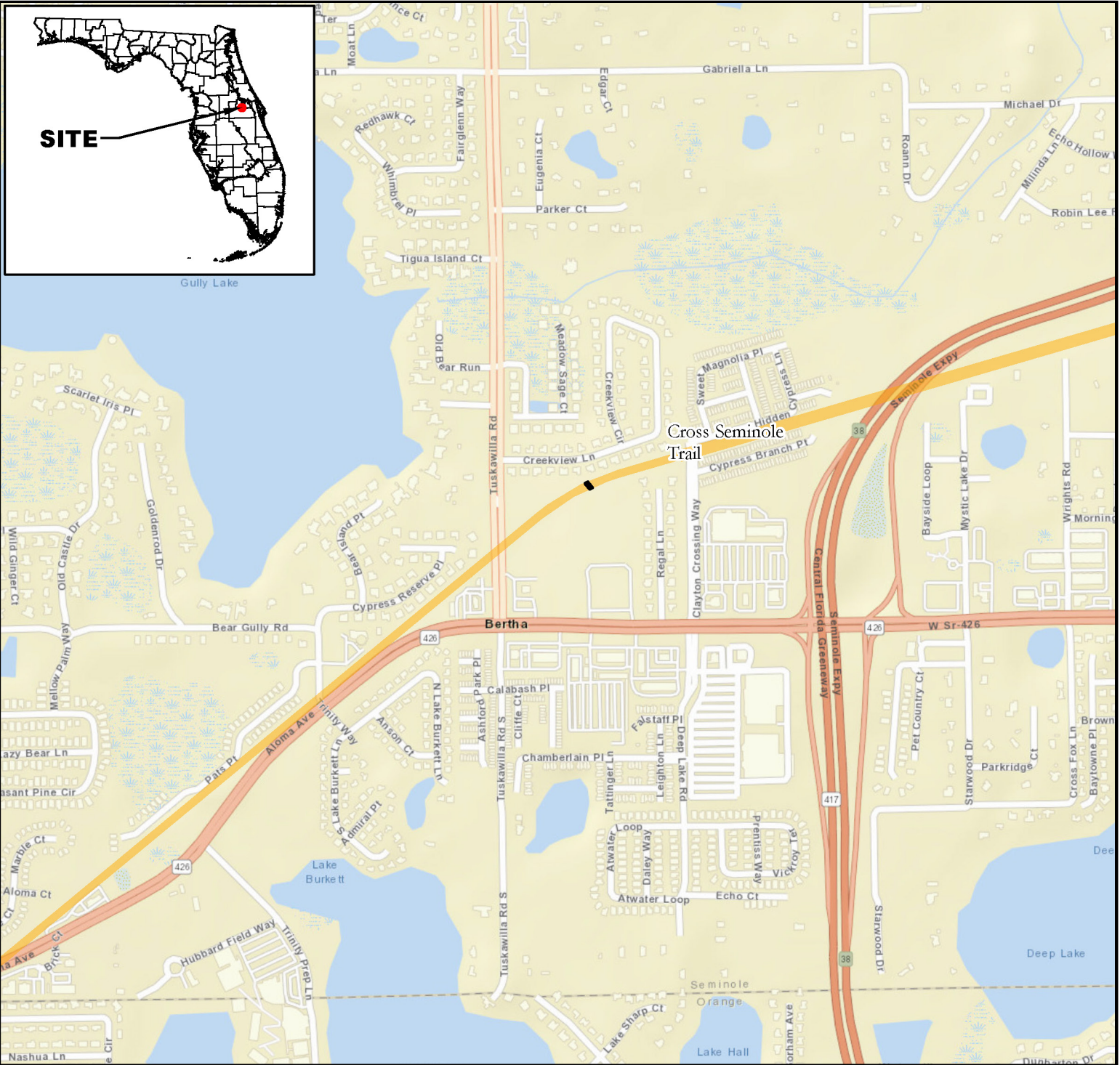
requested the Applicant install a water tap and drinking fountain for Trail users, equipped for humans and animal use, adjacent to the trail.

DSL STAFF RECOMMENDATION:

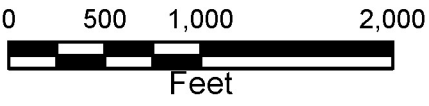
Approve

ARC RECOMMENDATION:

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



 Subject Parcel
 City/County Managed Conservation Lands

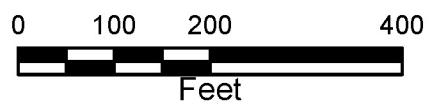


Easement No. 33436

Seminole County, Florida



 Subject Parcel
 City/County Managed Conservation Lands



Easement No. 33436
Seminole County, Florida

LEGAL DESCRIPTION

A PORTION OF SECTION 36, TOWNSHIP 21 SOUTH, RANGE 30 EAST, LYING IN SEMINOLE COUNTY, FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF TRACT A, BEAR CREEK, AS RECORDED IN PLAT BOOK 31, PAGES 54 THROUGH 55 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA;

SAID POINT ALSO BEING A POINT ON A CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 1556.79 FEET, WITH A CENTRAL ANGLE OF 07°41'25", HAVING A CHORD BEARING OF SOUTH 66°48'12" WEST, WITH A CHORD DISTANCE OF 208.80 FEET; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE ALSO BEING THE SOUTHERLY RIGHT OF WAY LINE OF SEMINOLE TRAIL AS RECORDED IN OFFICIAL RECORDS BOOK 3177, PAGE 632 OF SAID PUBLIC RECORDS FOR AN ARC LENGTH OF 208.95 FEET TO THE POINT OF BEGINNING; SAID POINT ALSO BEING A NON-TANGENT POINT ON A CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 1556.79 FEET, WITH A CENTRAL ANGLE OF 00°45'29", HAVING A CHORD BEARING OF SOUTH 62°34'32" WEST, WITH A CHORD DISTANCE OF 20.59 FEET; THENCE CONTINUING ALONG SAID SOUTHERLY RIGHT OF WAY LINE OF SEMINOLE TRAIL RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE FOR AN ARC LENGTH OF 20.59 FEET TO A NON-TANGENT POINT ON A CURVE; THENCE DEPARTING SAID SOUTHERLY RIGHT OF WAY LINE OF SEMINOLE TRAIL RUN NORTH 41°13'30" WEST, FOR A DISTANCE OF 51.36 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF SAID SEMINOLE TRAIL; SAID POINT ALSO BEING A NON-TANGENT POINT ON A CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 1606.79 FEET, WITH A CENTRAL ANGLE OF 00°43'59", HAVING A CHORD BEARING OF NORTH 62°08'17" EAST, WITH A CHORD DISTANCE OF 20.56 FEET; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE ALSO BEING THE NORTHERLY RIGHT OF WAY LINE OF SEMINOLE TRAIL FOR AN ARC LENGTH OF 20.56 FEET TO A NON-TANGENT POINT ON A CURVE; THENCE DEPARTING SAID NORTHERLY RIGHT OF WAY LINE OF SEMINOLE TRAIL RUN SOUTH 41°13'30" EAST, FOR A DISTANCE OF 51.52 FEET TO THE POINT OF BEGINNING;

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 1029 SQUARE FEET, OR 0.024 ACRES, MORE OR LESS.

BSM: *James L. Rickman*

DATE: August 4, 2021

SHEET 1 OF 2
SEE SHEET 2 FOR SKETCH



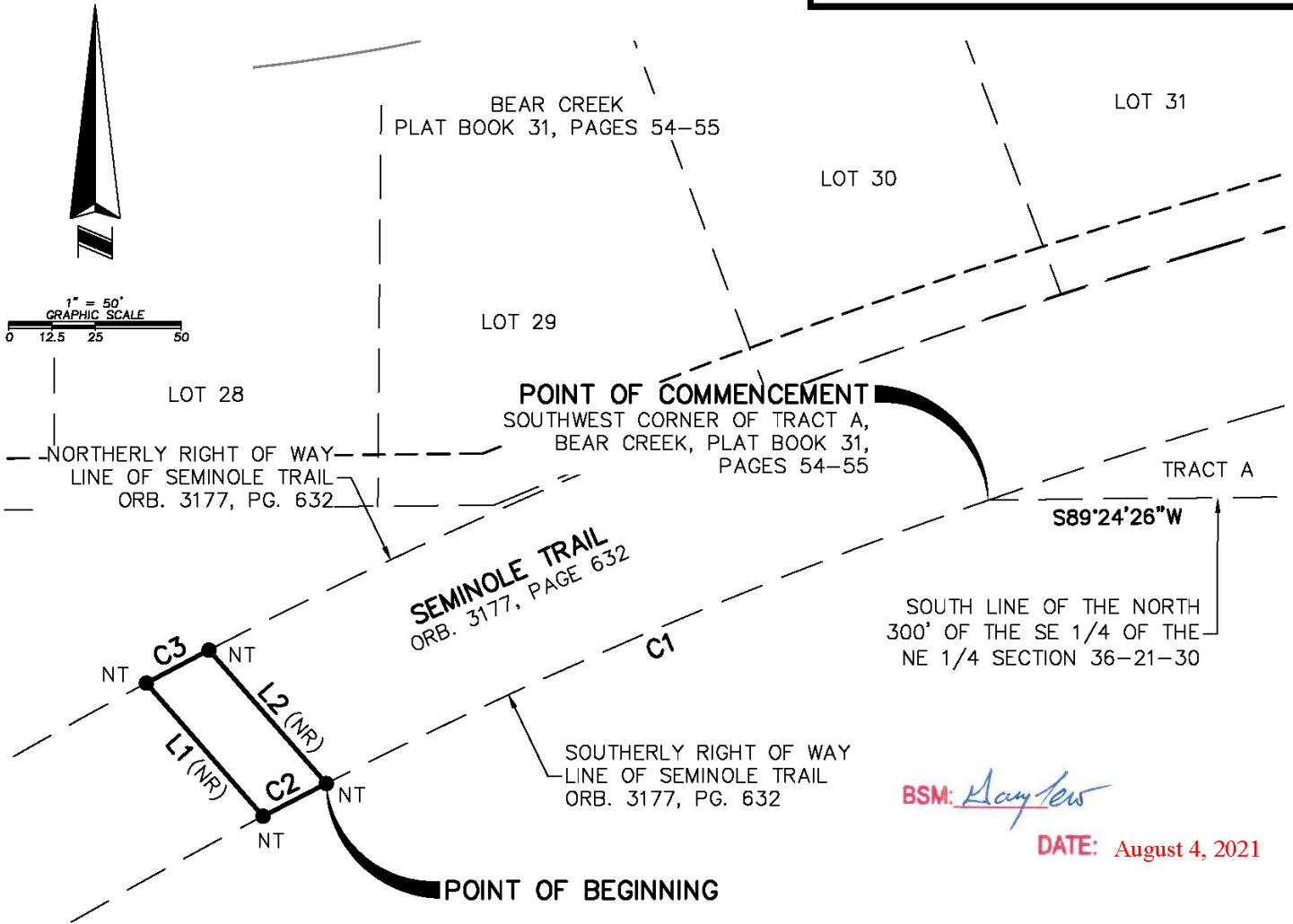
16 EAST PLANT STREET
Winter Garden, Florida 34787 * (407) 654-5355

SURVEYOR'S NOTES:

1. THIS IS NOT A SURVEY.
2. THIS SKETCH IS NOT VALID UNLESS SIGNED AND SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.
3. BEARINGS SHOWN HEREON ARE BASED ON SOUTH LINE OF THE NORTH 300' OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 36-21-30 AS BEING SOUTH 89°24'26" WEST.(ASSUMED FOR ANGULAR DESIGNATION ONLY).
4. THE RECORDING INFORMATION SHOWN HEREON WAS OBTAINED FROM THE SEMINOLE COUNTY PUBLIC ACCESS SYSTEM.
5. DELINEATION OF THE LANDS SHOWN HEREON ARE AS PER THE CLIENT'S INSTRUCTIONS.

JOB NO. 20190737	CALCULATED BY: MR	FOR THE LICENSED BUSINESS #6723 BY: Digitally signed by James L Rickman Date: 2021.07.30 13:09:11 -04'00' JAMES L. RICKMAN, P.S.M. #5633
DATE: MAY 7TH, 2021	DRAWN BY: TJS	
SCALE: 1" = 50'	CHECKED BY: MR	

SKETCH OF DESCRIPTION



BSM: *Hayden*

DATE: August 4, 2021

CURVE TABLE					
CURVE NO.	RADIUS	LENGTH	DELTA	CHORD	CHORD DIRECTION
C1	1556.79	208.95	007°41'25"	208.80	S66°48'12"W
C2	1556.79	20.59	000°45'29"	20.59	S62°34'32"W
C3	1606.79	20.56	000°43'59"	20.56	N62°08'17"E

LINE TABLE		
LINE NO.	BEARING	LENGTH
L1	N41°13'30"W	51.36
L2	S41°13'30"E	51.52

SHEET 2 OF 2
SEE SHEET 1 FOR LEGAL DESCRIPTION



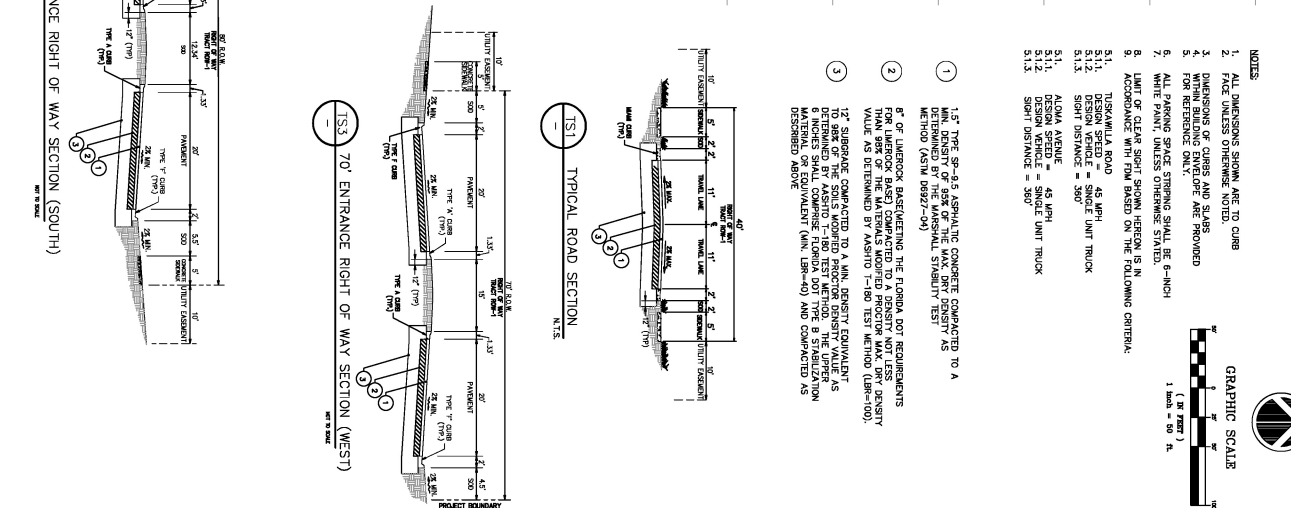
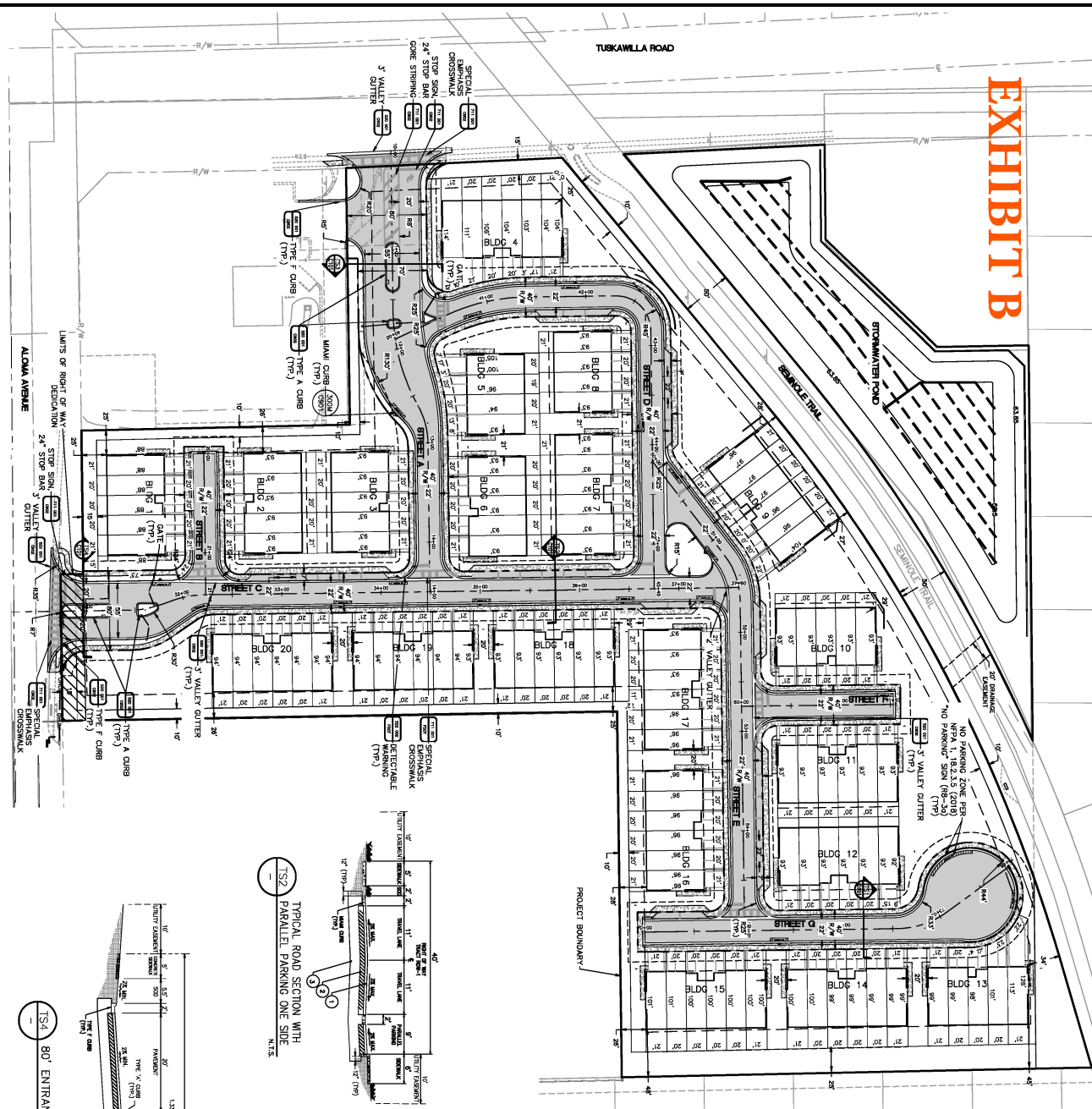
16 EAST PLANT STREET
Winter Garden, Florida 34787 * (407) 654-5355

SYMBOL AND ABBREVIATION LEGEND:

- CHANGE IN DIRECTION
- NT - NON-TANGENT
- (NR) - NON-RADIAL LINE
- ORB. - OFFICIAL RECORDS BOOK
- PG. - PAGE

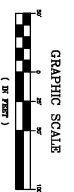
JOB NO. 20190737	CALCULATED BY: MR
DATE: MAY 7TH, 2021	DRAWN BY: TJS
SCALE: 1" = 50'	CHECKED BY: MR

EXHIBIT B



- NOTES**
1. ALL DIMENSIONS SHOWN ARE TO CURB
 2. FACE UNLESS OTHERWISE NOTED
 3. DIMENSIONS OF CURBS AND SLABS
 4. FOR REFERENCE ONLY
 5. ALL PARKING SPACE STOPPING SHALL BE 6-INCH WHITE PAINT UNLESS OTHERWISE STATED
 6. LIMIT OF CLEAR SIGHT SHOW HEREON IS IN ACCORDANCE WITH FDM BASED ON THE FOLLOWING CRITERIA:
 - 5.1.1. TUSKAWILLA ROAD
 - 5.1.2. DESIGN SPEED = 45 MPH
 - 5.1.3. SIGHT DISTANCE = 350'
 7. ALOMA AVENUE
 - 5.1.1. DESIGN SPEED = 45 MPH
 - 5.1.2. SIGHT DISTANCE = 350'
 8. ALOMA AVENUE
 - 5.1.1. DESIGN SPEED = 45 MPH
 - 5.1.2. SIGHT DISTANCE = 350'

1. 1/2" TYPE 30-8.5 ASPHALTIC CONCRETE COMPACTED TO A MINIMUM STRENGTH OF 1000 PSI AS DETERMINED BY THE UNIFORM STABILITY TEST METHOD (ASTM D6927-04)
2. 8" OF LIMEPOCK BASE/UNDERLAYING THE FLORIDA DOT REQUIREMENTS FOR LIMEPOCK BASES COMPACTED TO A DENSITY NOT LESS THAN 98% OF THE AASHTO T-99 TEST METHOD (18M-100). VALUE AS DETERMINED BY AASHTO T-190 TEST METHOD (18M-100).
3. 1/2" COURSE COMPACTED TO A MINIMUM EQUIVALENT OF 98% OF THE AASHTO T-99 TEST METHOD. THE UPPER COURSE SHALL BE 1/2" OF 1/2" SAND/STABILIZED SAND MATERIAL OR EQUIVALENT (MIN. 18M-40) AND COMPACTED AS DESCRIBED ABOVE



C101

DATE	REVISIONS



M/I HOMES
 400 INTERNATIONAL PARKWAY SUITE 470
 LAKE NARY, FL 32746
 407-531-5176

SITE PLAN
 FOR
TOWNS AT TUSKAWILLA COMMONS
 SEMINOLE FLORIDA

MADDEN
 CIVIL ENGINEERS
 431 E. Herold Avenue
 Maitland, Florida 32751
 (407) 828-8330

PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION



July 29, 2021

Madden, Moorhead & Stokes, LLC
Nicole Martin, Permitting Manager
431 E. Horatio Ave, Suite 260
Maitland, FL 32751

RE: Application for the Use of State-Owned Uplands – Towns at Tuskawilla Commons

Dear Ms. Martin:

Seminole County currently maintains the Cross Seminole Trail including the strip of land subject to the drainage easement request for the Towns at Tuskawilla Commons subdivision.

The proposed drainage easement, as described in the attached Legal & Sketch of Description (Exhibit A) and shown on the Site Plan (Exhibit B), crossing the trail corridor will have no impact to the management plan of the Cross Seminole Trail. The applicant will need to apply for a County Right-of-Way Construction Permit after obtaining the easement from the state and prior to any construction within the trail corridor.

Should you have any questions or require additional information, please contact me jjrej@seminolecountyfl.gov or at (407) 665-5702.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jean Jreij", with a large, stylized flourish extending to the left.

Jean Jreij, P.E.
Public Works Director/County Engineer

Cc: Bill Pandos, Greenways and Natural Lands Division Manager
Tony Nelson, P.E., Deputy Public Works Director/Deputy County Engineer
Bill White, P.E., Development Review Engineering
David Martin, P.E., Project Manager
Chad Moorhead, P.E., President

Attachment (2)



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

Florida Department of Environmental Protection
3900 Commonwealth Blvd
Tallahassee, FL 32399

August 25, 2021

RE: DHR Project File No.: 2021-5090, Received by DHR: August 2, 2021
Project: *Easement #33436 / Action ID #43767*
County: Seminole

To Whom It May Concern:

Our office reviewed the referenced project in accordance with Chapters 267.061 and 373.414, *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.

Our review of the provided project plans indicates that the CSX Railroad (SE2138) is within the proposed project. Based on the limited scope of work associated with the project, it is the opinion of this office that the proposed project will have no adverse effect on historic properties listed, or eligible for listing, in the *NRHP*. However, unexpected finds may occur during ground disturbing activities, and we request that the permit 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 Michael DuBose, Historic Sites Specialist, by email at Michael.DuBose@dos.myflorida.com or telephone at 850.245.6342.

Sincerely,

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

For
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



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 under consideration is an easement for a stormwater pipe connection under the trail to a pond.

In 1996, Seminole County and the Cross Seminole Trail Alliance, a local trail organization, submitted a Preservation 2000 application for Rails-to-Trails funding. The Florida Recreational Trails Council approved the application in March 1997 that awarded the County \$600,000 for planning, design, and construction of a paved multi-use trail between the cities of Winter Springs and Oviedo.

On March 31, 1997 the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (Board of Trustees) executed a Lease Agreement with the Florida Department of Environmental Protection, Office of Greenways and Trails (OGT). On August 12, 1997 the OGT executed a Sublease Agreement with Seminole County to develop the Cross Seminole 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 Oviedo-Spring Hammock Trail property purchased by the State was for the development of the Cross Seminole Trail (CST) along 14.5 miles of the former CSX rail corridor. The corridor extends from the Orange/Seminole County line, through the cities of Oviedo and Winter Springs, to an area south of the Spring Hammock Preserve. Vital connections along the trail include links to Central Winds Park, Winter Springs High School, the proposed Winter Springs Town Center (nee-traditional design), the proposed Winter Springs Trailhead, Black Hammock Trailhead, Oviedo High School, Oviedo Crossings Mall, the proposed Oviedo Trailhead, downtown Oviedo, and Lawton Elementary School. Seminole County has extended the CST to 30.62 miles connecting to Volusia County, via the US 17/92 Bridge over the St. Johns River.

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

The current level of public recreation use is monitored by an infrared counting device located on the Cross Seminole Trail 50 yards west of Tuskawilla Rd. The yearly total count made on this device in 2020 was 26,675 based on the Average Daily Traffic (ADT).

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

The parcel contains the paved trail and sod. The adjacent property was cleared prior to 2000.

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

There are no imperiled and other wildlife species living in this section of the trail.

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 listed historical or archaeological resources, nor, is there any chance or potential to occur on this easement (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 proposed easement is for a stormwater system pipe connection to a pond under the trail. When siting a stormwater pond you are almost always forced to choose the low point on the site. The pipe will be installed with an open-cut and the trail section will be repaired and resurfaced as directed by Seminole County.

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 and pipe under the trail will not impact the trail use nor will it impact natural/historical/archaeological/recreational resources. The trail will remain open during the installation of the pipe with the use proper maintenance of pedestrian traffic, signage and the use of a temporary trail which will provide trail use routed around the work area during installation. Trail work area will be returned to a completed finished condition following installation to limit trail work disturbance during project construction.

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.

There are no potential impacts of the easement on the largers area of conservation lands. The parcel is not located near any park, wildlife Management area, forest etc.

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 of the easement across the CST will consist of additional residence being able to use the trail without driving to a trailhead. The installation of a drinking water fountain, equipped for human and animal

use, adjacent to the trail. The installation, water tap and facility is to be provided at the sole cost of the developer.

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.