

ITEM XX:

Consider whether an approximately 3.213-acre public easement for public right-of-way across Cross Seminole Trail is consistent with the Board of Trustees' Incompatible Use Policy.

LOCATION:

Seminole County, Section – 9 & 31, Township – 21S, Range – 31E

APPLICANT:

Florida Department of Transportation

DSL STAFF REMARKS:

The Applicant has requested this easement across the Cross Seminole Trail (Trail) for public right-of-way as part of the project to widen Seminole Expressway (SR 417) from the existing four lanes to a proposed eight lanes, from Aloma (SR 426) to north of SR 434. The widening project is intended to improve operations and safety and increase traffic capacity. The easement term will be for as long as the area is needed for public right-of-way.

The proposed easement area is currently managed by Seminole County (County) under Board of Trustees' (BOT) Lease No. 4770. The Trail was acquired by the BOT in 1996 with P2000 funds for conservation and recreational activities. The Trail will remain open for public use during daytime hours. The Trail will be closed to the public at night during construction activities. The Applicant will place signs to notify the public of the hours the Trail will be closed to the public.

The County consented to the easement in a letter dated November 29, 2022. In a letter, dated March 7, 2023, the Division of Historical Resources (DHR) stated that the proposed project is unlikely to affect historic properties. In the event unexpected finds occur during ground disturbing activities, the permitted project shall cease all activities involving surface disturbance in the vicinity of the discovery and the Applicant shall contact DHR.

Avoidance:

There are no other practical alternatives for this easement request.

Minimizing Impacts:

The proposed easement will result in the Trail being closed at night during construction activities. The proposed easement will not impact daytime use of the Trail. The Applicant at its expense, is responsible for repairing any damages caused to the Trail that are a direct result of this project.

Gopher tortoises are commonly found in open areas adjacent to the Trail. The Applicant shall conduct a survey to identify any tortoises located within the requested easement area and work with the County to relocate them prior to any construction activity. Other imperiled species that occur within the Trail include the indigo snake, Florida mice, gopher frogs, bald eagle, yellow rat snake, eastern coral snake, bobcat, turkey vulture and osprey.

Compensation:

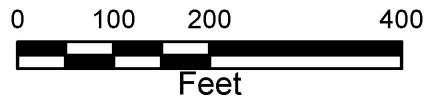
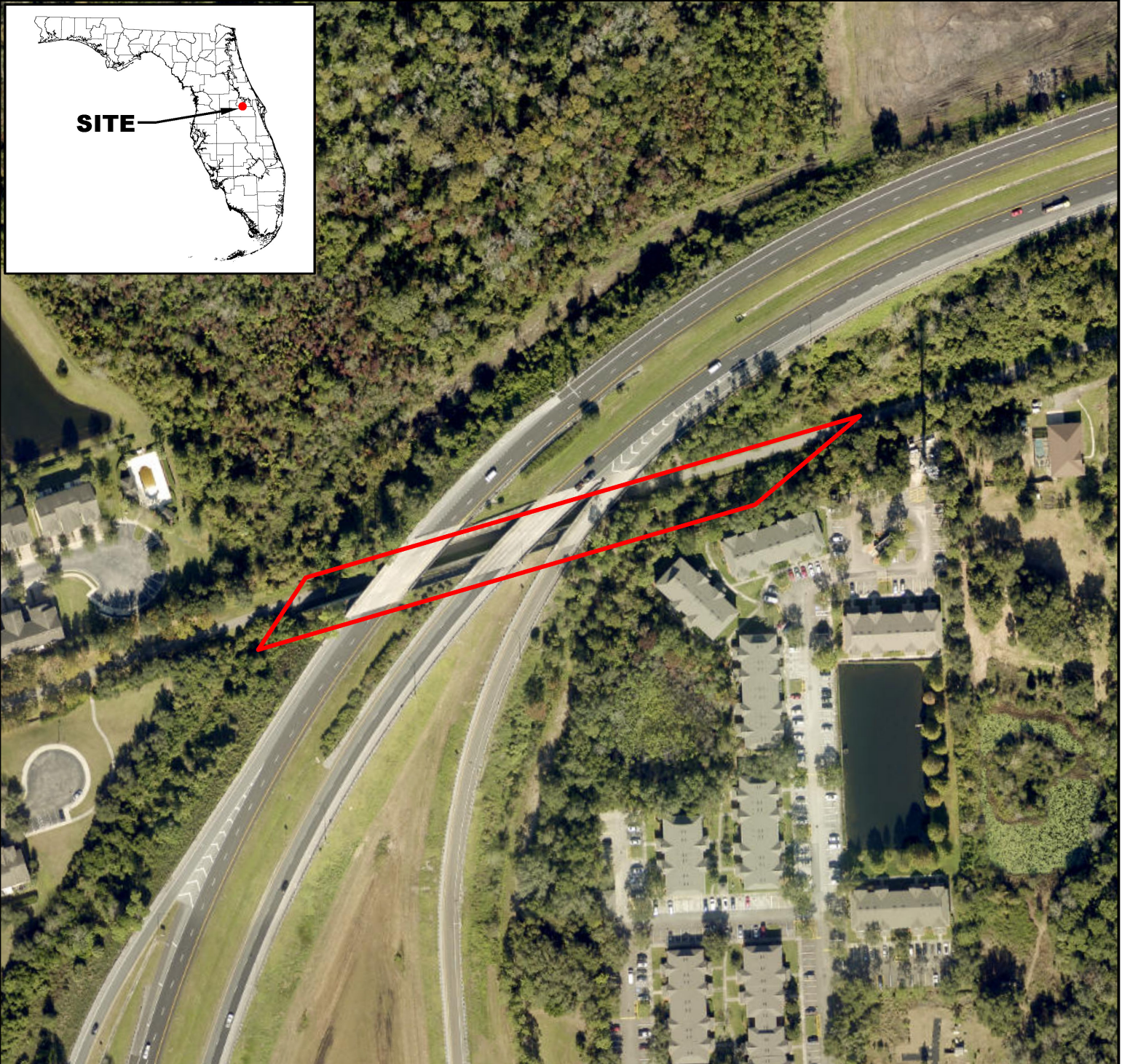
The easement fee is waived for public agencies. Per the BOT's incompatible use policy, net positive benefit, in the form of replacement land or goods and services, will be provided at 1.5 times the market value of the easement area.

DSL STAFF RECOMMENDATION:

Approve

ARC RECOMMENDATION:

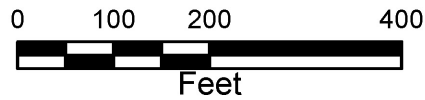
- APPROVE**
- APPROVE WITH MODIFICATIONS:** _____
- DEFER**
- WITHDRAW**
- NOT APPROVE**
- OTHER:** _____



— Ease_33518



EASEMENT NO. 33518
ACRES: 1.439 AC
Seminole County, Florida

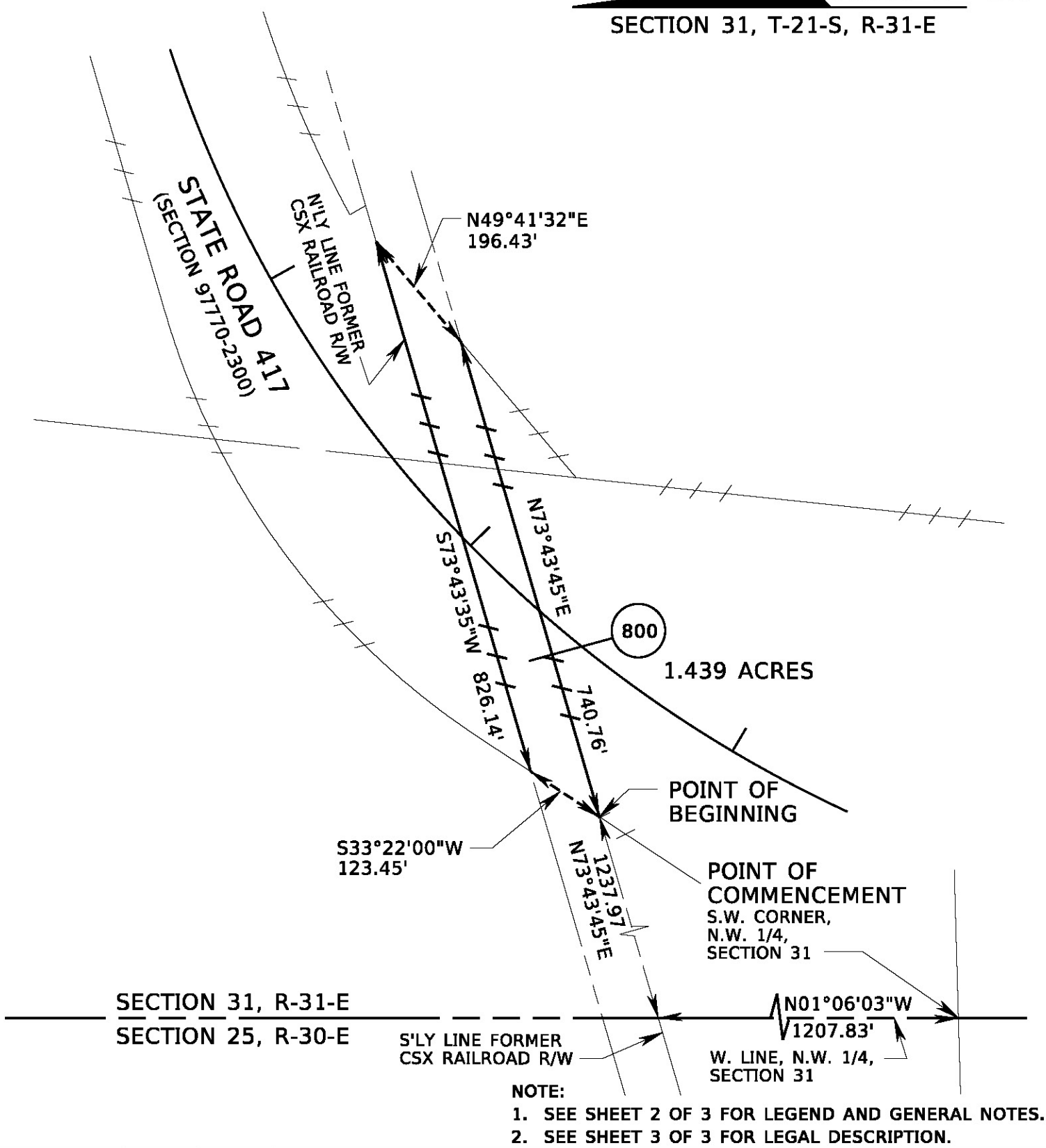


— Ease_33518



EASEMENT NO. 33518
ACRES: 1.774 AC
Seminole County, Florida

SECTION 31, T-21-S, R-31-E



- NOTE:**
1. SEE SHEET 2 OF 3 FOR LEGEND AND GENERAL NOTES.
 2. SEE SHEET 3 OF 3 FOR LEGAL DESCRIPTION.

FLORIDA DEPARTMENT OF TRANSPORTATION			
PARCEL SKETCH - NOT A SURVEY			
STATE ROAD NO. 417 (SEMINOLE COUNTY EXPRESSWAY)			SEMINOLE COUNTY
BY	DATE	APPROVED BY: JAMES M. JOINER, TURNPIKE SURVEYOR	DATE: APRIL 1, 2016
DRAWN	ASCHAEFER	3/30/16	
CHECKED	LKNUTSEN	3/31/16	
REVISION	BY	DATE	F.P. NO. N/A SECTION 97770-2300 Page 5 of 14 SHEET 1 OF 3

GENERAL NOTES:

1. BEARINGS SHOWN HEREON ARE BASED ON RIGHT OF WAY MAPS SECTION 97770-2300, DATED DECEMBER 1990, AND FILED OF RECORD AT THE FLORIDA TURNPIKE ENTERPRISE.
2. ALL RECORDED PLATS, OFFICIAL RECORDS BOOKS AND DEED BOOKS REFERENCED HEREON ARE FOUND IN THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA
3. ATTENTION IS DIRECTED TO THE FACT THIS SKETCH MAY HAVE BEEN ALTERED IN SIZE BY REPRODUCTION. THIS MUST BE CONSIDERED WHEN OBTAINING SCALED DATA.
4. ALL BEARINGS AND DISTANCES ARE CALCULATED FROM EXISTING RECORDS UNLESS OTHERWISE NOTED.
5. THE EFFECTS OF ROUNDING MUST BE CONSIDERED WHEN USING THIS SKETCH. ALL BEARINGS AND ANGLES HAVE BEEN ROUNDED TO THE NEAREST SECOND WITH DISTANCES BEING ROUNDED TO THE NEAREST HUNDREDTH OF A FOOT.

LEGEND

- COR. = CORNER
- (C) = CALCULATED
- Δ = CURVE DELTA ANGLE
- F.P. = FINANCIAL PROJECT
- LT. = LEFT
- = LIMITED ACCESS
- NO. = NUMBER
- N/A = NOT APPLICABLE
- N.T.S. = NOT TO SCALE
- PSM = PROFESSIONAL SURVEYOR AND MAPPER
- P.O.B. = POINT OF BEGINNING
- P.C. = POINT OF CURVATURE
- P.O.C. = POINT ON CURVE
- P.R.C. = POINT OF REVERSE CURVE
- P.T. = POINT OF TANGENCY
- R = RANGE
- RT. = RIGHT
- R/W = RIGHT OF WAY
- SEC. = SECTION
- T = TOWNSHIP

NOTE:

1. SEE SHEET 1 OF 3 FOR SKETCH.
2. SEE SHEET 3 OF 3 FOR LEGAL DESCRIPTION.

		FLORIDA DEPARTMENT OF TRANSPORTATION	
		PARCEL SKETCH - NOT A SURVEY	
		STATE ROAD NO. 417 (SEMINOLE COUNTY EXPRESSWAY)	SEMINOLE COUNTY
		BY	DATE
		DRAWN ASCHAEFER	3/30/16
		CHECKED LKNUTSEN	3/31/16
		APPROVED BY: JAMES M. JOINER, TURNPIKE SURVEYOR	
		DATE: APRIL 1, 2016	
REVISION	BY	DATE	F.P. NO. N/A
		SECTION 97770-2300	
		SHEET 2 OF 3	

EXHIBIT "A"

PREPARED BY: JAMES M. JOINER, PSM
 DATE: MARCH 29, 2016

PARCEL NO. 800part (void 137old)
 CONTRACT NO. 417545-1
 SECTION NO. 97770-2300 (old)
 STATE ROAD NO. 417
 COUNTY: SEMINOLE

**SOUTH TRAIL CROSSING
 LIMITED ACCESS EASEMENT**

A TRACT OF LAND LYING IN THE NORTHWEST ONE QUARTER OF SECTION 31, TOWNSHIP 21 SOUTH, RANGE 31 EAST, BEING A PART OF THE VACATED C.S.X RAILROAD RIGHT OF WAY, AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR THE SEMINOLE COUNTY EXPRESSWAY (STATE ROAD 417), SECTION 97770-2300, PAGE 3 OF 7, ALSO BEING KNOWN AS A PART OF THE RAILS TO TRAILS SYSTEM (STATE DEPARTMENT OF ENVIRONMENTAL PROTECTION) SAID PARCEL LOCATED IN SEMINOLE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commence at the Southwest Corner of the Northwest 1/4 of Section 31, Township 21 South, Range 31 East, Seminole County, Florida; thence along the West line of said Northwest 1/4, run N01°06'03"W, a distance of 1,207.83 feet to the Southerly line of said former CSX railroad Right of Way line; thence run along said Southerly line of the former CSX railroad Right of Way N73°43'45"E, a distance of 1,237.97 feet to a point, said point also being the **POINT OF BEGINNING**; thence continuing along said Southerly line of the former CSX railroad Right of Way line N73°43'45"E, a distance of 740.76 feet; thence N49°41'32"E, a distance of 196.43 feet to the Northerly right of way line of said former CSX railroad; thence along said Northerly line of the former CSX railroad Right of Way line S73°43'35"W, a distance of 826.14 feet; thence S33°22'00"W, a distance of 123.45 feet to the **POINT OF BEGINNING**.

Containing 1.439 acres, more or less.

Together with all rights of ingress, egress, light, air and view along the Northerly and Southerly lines thereof and any facility constructed by the grantee across the above described property.

BSM
APPROVED
Eric Sellers

Digitally signed by
BSM APPROVED
 Eric Sellers
 Date: 2023.02.01
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GENERAL NOTES:

1. BEARINGS SHOWN HEREON ARE BASED ON RIGHT OF WAY MAPS SECTION 97770-2302, DATED JANUARY 1990, AND FILED OF RECORD AT THE FLORIDA TURNPIKE ENTERPRISE.
2. ALL RECORDED PLATS, OFFICIAL RECORDS BOOKS AND DEED BOOKS REFERENCED HEREON ARE FOUND IN THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA
3. ATTENTION IS DIRECTED TO THE FACT THIS SKETCH MAY HAVE BEEN ALTERED IN SIZE BY REPRODUCTION. THIS MUST BE CONSIDERED WHEN OBTAINING SCALED DATA.
4. ALL BEARINGS AND DISTANCES ARE CALCULATED FROM EXISTING RECORDS UNLESS OTHERWISE NOTED.
5. THE EFFECTS OF ROUNDING MUST BE CONSIDERED WHEN USING THIS SKETCH. ALL BEARINGS AND ANGLES HAVE BEEN ROUNDED TO THE NEAREST SECOND WITH DISTANCES BEING ROUNDED TO THE NEAREST HUNDREDTH OF A FOOT.

LEGEND

- COR. = CORNER
- (C) = CALCULATED
- Δ = CURVE DELTA ANGLE
- F.P. = FINANCIAL PROJECT
- LT. = LEFT
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- N.T.S. = NOT TO SCALE
- PSM = PROFESSIONAL SURVEYOR AND MAPPER
- P.O.B. = POINT OF BEGINNING
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- P.R.C. = POINT OF REVERSE CURVE
- P.T. = POINT OF TANGENCY
- R = RANGE
- RT. = RIGHT
- R/W = RIGHT OF WAY
- SEC. = SECTION
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NOTE:

1. SEE SHEET 1 OF 3 FOR SKETCH.
2. SEE SHEET 3 OF 3 FOR LEGAL DESCRIPTION.

		FLORIDA DEPARTMENT OF TRANSPORTATION	
		PARCEL SKETCH - NOT A SURVEY	
		STATE ROAD NO. 417 (SEMINOLE COUNTY EXPRESSWAY)	SEMINOLE COUNTY
		BY	DATE
		DRAWN ASCHAEFER	3/30/16
		CHECKED LKNUTSEN	3/31/16
		APPROVED BY: JAMES M. JOINER, TURNPIKE SURVEYOR	
		DATE: APRIL 1, 2016	
REVISION	BY	DATE	F.P. NO. N/A
			SECTION 97770-2302
			SHEET 2 OF 3

EXHIBIT "A"

PREPARED BY: JAMES M. JOINER, PSM
 DATE: MARCH 29, 2016

PARCEL NO. 800part (void 355old)
 CONTRACT NO. 417545-1
 SECTION NO. 97770-2302 (old)
 STATE ROAD NO. 417
 COUNTY: SEMINOLE

**NORTH TRAIL CROSSING
 LIMITED ACCESS EASEMENT**

A TRACT OF LAND LYING IN THE NORTHWEST ONE QUARTER OF THE NORTHWEST ONE QUARTER OF SECTION 9, TOWNSHIP 21 SOUTH, RANGE 31 EAST, BEING A PART OF THE VACATED C.S.X RAILROAD RIGHT OF WAY, AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR THE SEMINOLE COUNTY EXPRESSWAY (STATE ROAD 417), SECTION 97770-2302, PAGE 5 OF 9, ALSO BEING KNOWN AS A PART OF THE RAILS TO TRAILS SYSTEM (STATE DEPARTMENT OF ENVIRONMENTAL PROTECTION) SAID PARCEL LOCATED IN SEMINOLE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commence at the Northwest Corner of said Section 9, Township 21 South, Range 31 East, Seminole County, Florida; thence along the West line of said Northwest 1/4, run S01°18'56"E, a distance of 146.27 feet to a point on the Northerly line of said VACATED CSX railroad right of way; thence along the northerly line of said VACATED CSX railroad Right of Way S55°30'53"E, a distance of 1170.69 feet to the **POINT OF BEGINNING**; thence continue along the northerly line of said VACATED CSX railroad Right of Way S55°30'53"E, a distance of 389.08 feet to a point on the existing easterly Limited Access right of way line of State Road 417, being a point on a curve concave to the west, having a radius of 15,428.87 feet; thence Southerly along said curve with chord bearing of S04°07'41"E, through a central angle of 00°57'02", an arc distance of 255.96 feet to the Southerly line of said VACATED CSX railroad right of way; thence N55°30'53"W along the Southerly line of said VACATED CSX railroad right of way, a distance of 383.78 feet to the existing Westerly Limited Access right of way line of State Road 417; thence along a curve concave Westerly having radius of 15,128.87 feet, and central angle of 00°58'55", with a chord bearing of N05°02'29"W, run Northerly along the arc thereof 259.30 feet to the **POINT OF BEGINNING**.

Containing 1.774 acres, more or less.

Together with all rights of ingress, egress, light, air and view along the Northerly and Southerly lines thereof and any facility constructed by the grantee across the above described property.

BSM
APPROVED
Eric Sellers

Digitally signed by
 BSM APPROVED
 Eric Sellers
 Date: 2023.02.02
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PUBLIC WORKS DEPARTMENT

ENGINEERING DIVISION—REAL ESTATE MANAGEMENT SECTION

November 29, 2022

Stephanie J. Sharp, P.E.
District Program Management Administrator
Florida's Turnpike Enterprise
Florida's Turnpike Milepost 263
Building 5315
Ocoee, FL 34761

RE: Limited Access Easements – North and South Cross Seminole Trails


Parcel Nos.: 09-21-31-300-0560-0000; 09-21-31-300-0570-0000; 31-21-31-300-0090-0000;
31-21-31-300-009A-0000

Dear Ms. Sharp,

Seminole County, Florida a political subdivision, leaseholder of a portion of the Cross Seminole Trail, has reviewed the Florida's Turnpike Enterprise's request for a limited access easement, to construct and reconstruct ramp bridges over the south trail as part of the plan to widen the State Road 417 mainline bridges. It is understood all bridges will provide a minimum of 15' of lateral clearance (measured from the trail centerline) and 16'-6" of vertical clearance. Seminole County has no objection to the proposed easements as depicted in Exhibit "A", attached, and subject to the Memorandum of Agreement between Seminole County, Florida and State of Florida, Department of Transportation.

You may reach me at (407) 665-5609 or via email at TSmith@SeminoleCountyFL.gov if you have any questions.

Sincerely,



Tricia Smith
Seminole County Land Manager



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

Department of Environmental Protection
Bureau of Public Lands Administration
3800 Commonwealth Blvd.
Tallahassee, FL 32399

March 7, 2023

Re: DHR Project File No.: 2023-0693
Project: Easement 33518 - FDOT Turnpike Seminole

To Whom It May Concern:

Our office reviewed the referenced projects 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, 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, unexpected finds may occur during ground disturbing activities, and we request that the project 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 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 Jennifer Tobias, Historic Sites Specialist, by email at Jennifer.Tobias@dos.myflorida.com.

Sincerely,

Alissa S. Lotane
Director, Division of Historical Resources and 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.

P-2000
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.

Conservation, Recreation and Education Corridor.
3. Description of the current level of public recreational use or public access of the parcel.

According to the office of Greenways and Trails, an average of 12,000 users access this trail per month.
4. Description of the natural resources, land cover, vegetation, habitat or natural community, if any, that are currently present on the parcel.

To the best knowledge of the Seminole County Land Management Office, this trail is home to an abundance of native flora and fauna, as well as, gopher tortoise and bald eagles. As the managing partner, we are committed to preserving the aforementioned in their present condition/habitats which will remain undisturbed.
5. Description and list of the imperiled and other wildlife species, if any, that occur on or use the parcel.

According to the Cross Seminole Trail, Land Management Plan and Operational Report, the following wildlife habitat the corridor: gopher tortoise, indigo snake, Florida mice, gopher frogs, bald eagles, yellow rat snake, eastern coral snake, bobcat, turkey vulture, and osprey.
- 6) Description and list of historical or archaeological resources, if any, that occur or have the potential of occurring on the site.

No archeological resources have been identified along the subject corridor or have been encountered during construction.
- 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.

This easement is being requested within the area of an existing crossing for road widening purposes.
- 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.

A wetland exists directly adjacent to SR 417.
The affected area is utilized as a recreational, educational, conservation corridor, as long as the trail remains open and the native flora, fauna and wildlife habitats are undisturbed, the impacts will be minimal.

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.

As noted in the Cross Seminole Trail Land Management Plan and Operational Report, construction of the CSX rail corridor impeded, but did not adversely affect drainage quantities, due to the construction of a swale and culvert system. Recent new home development and the extension of the Greenway (SR 417) have had the greatest negative effect on the area's drainage system.

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 County will coordinate with the Division of State Lands to determine the amount of NPB and the County will coordinate with FDOT on how to satisfy the NPB.

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.