



Interoffice Memorandum

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
SEP 22 2015 CAS/LC

REAL ESTATE MANAGEMENT ITEM 1

DATE: August 31, 2015

TO: Mayor Teresa Jacobs
and the
Board of County Commissioners

THROUGH: Ann Caswell, Manager *A*
Real Estate Management Division

FROM: Monica L. Hand, Senior Title Examiner *MH*
Real Estate Management Division

CONTACT PERSON: **Ann Caswell, Manager**

DIVISION: **Real Estate Management**
Phone: 836-7082

ACTION REQUESTED: APPROVAL AND EXECUTION OF RESOLUTIONS AND
AUTHORIZATION TO INITIATE CONDEMNATION PROCEEDINGS

PROJECT: Holden Heights Phase IV

District 6

PURPOSE: Acquisition of two fee simple parcels for access, construction, operation
and maintenance of roadway, drainage and utility improvements.

ITEMS: Resolutions (Parcels 901 and 903)

BUDGET: Account No: 7702-068-9298-6110

APPROVALS: Real Estate Management Division
Public Works Department
Housing and Community Development Division

Real Estate Management Division

Agenda Item 1

August 31, 2015

Page 2

REMARKS:

This is the first submittal of parcels for this project to be acquired through eminent domain.

A file labeled "BCC Agenda Backup" containing a copy of this agenda item and all supporting documentation is in the top drawer of the BCC file cabinet in the supply room adjacent to Commissioner Thompson's office.

SEP 22 2015 CAS/LC

Upon a motion by Commissioner Boyd, seconded by Commissioner Clarke, and carried with all members present and voting AYE by voice vote, the Board adopted the following :

RESOLUTION

WHEREAS, during FY 08/09, the Board approved the project known as Holden Heights Phase IV consisting of roadway, drainage and utility improvements including construction of roadways, drainage structures, pipes, curbs, sidewalks and utility improvements, and the construction of a retention pond as outlined in the staff report attached as Exhibit "A".

WHEREAS, in connection with the construction, repair and maintenance of the Holden Heights Phase IV project by Orange County, a charter county and political subdivision of the State of Florida, it is necessary that said County have the required areas for roadway, drainage and utility improvements and it is necessary and in the public interest that there be acquired the required fee simple interests in certain lands for proper construction and maintenance of the above project, and

WHEREAS, efforts to purchase said land from the owner of said land has been unsuccessful to date.

NOW THEREFORE, BE IT RESOLVED by Orange County, a charter county and political subdivision of the State of Florida, by and through the Board of County Commissioners of said County, that the acquisition of the required fee simple interest in the required land necessary for roadway, drainage and utility improvements has been found to be and is hereby found to be necessary, practical, and to the best interest of Orange County, Florida, and the people of said County, and the same is for a County purpose; and be it further

RESOLVED that for the purposes aforesaid, it is necessary, practical, and to the best interest of the public and Orange County and of the people of said County that the fee simple interest for roadway, drainage and utility improvements be acquired in the name of said County by gift, purchase, eminent domain proceedings, or otherwise over and upon all those certain pieces, parcels or tracts of land, situate, lying and being in Orange County, Florida, as described in the attached Schedule "A".

AND BE IT FURTHER RESOLVED that the property description under parcel number 901 is ratified and confirmed and found necessary for this project to the extent of the estate or interest set forth as a part of the respective parcel descriptions, the above referenced description being attached hereto as Schedule "A", and made a part by reference hereof, that Orange County, the Board of County Commissioners of said County, the Deputy Clerk of said Board of County Commissioners, the attorneys of said Board of County Commissioners and County, and all appropriate departments, officers and employees of said County be, and they are hereby authorized and directed to proceed to take necessary steps to institute and prosecute such necessary actions and proceedings as may be proper for the acquisition of the required fee simple interest in said land by gift, purchase, eminent domain proceedings or otherwise, and to prepare, sign, execute, serve, publish, and file, in the name of the County by its commissioners, all eminent domain papers, affidavits and pleadings, and said attorneys are authorized to have prepared, at said County's expense, such abstract of title search as may be necessary in connection therewith.

ADOPTED THIS _____ DAY OF SEP 22 2015, 2015.

(Official Seal)

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

ATTEST: Martha O. Haynie,
County Comptroller
as Clerk of the Board
of County Commissioners

BY: *Teresa Jacobs*
Teresa Jacobs
TJ Orange County Mayor

BY: *Craig Stopyra*
for Deputy Clerk

Craig Stopyra
Printed Name

DATE: SEP 22 2015



EXHIBIT "A"

February 5, 2015

STAFF REPORT

Holden Heights - Phase IV Roadway, Drainage and Utility Improvements
Orange County Roadways
CIP 98-93

Project History

The Holden Heights Phase IV improvements project was first proposed by the Stormwater Management Division in 2010. It consists for the need of roadway and utility improvements on 7 internal roadways: 20th Street, 19th Street, 18th Street, Miller Avenue, Conroy Street, Indiana Street and Woods Street located between US 441 and Westmoreland Drive.

The engineering consulting firm of Barnes, Ferland and Associates, Inc. was chosen to design the proposed improvements. Notice to Proceed was issued on July 16, 2013. Construction plans production should be completed by October 2015. Barnes, Ferland and Associates, Inc. has sent a permit determination request to the St. John's River Water Management District (SJRWMD) to determine if the proposed construction is exempt from environmental resource permitting.

PROJECT CONSIDERATIONS

Among the important elements in determining the need for the roadway and utility improvements are existing conditions, long range planning, safety considerations, alternative alignment evaluations, engineering recommendations and project cost.

Existing Conditions

The existing land use within the vicinity of the project area includes single family, multi-family residential homes with some commercial businesses.

The streets are two-lane roadways with no turn lanes. All roads have a rural cross section with no curbs or gutters and an open drainage system. Stormwater run-off currently sheet flows off the roadway into the adjacent right-of-way roadside ditches and swales. There are currently only limited stormwater management facilities within this area.

- 20th Street (US 441 to Westmoreland Drive) - alternate surface road with minimal drainage
- 19th Street (Lake June to Westmoreland Drive) - unpaved road with minimal drainage
- 18th Street (US 441 to Westmoreland Drive) - asphalt road with no drainage
- W Miller Avenue (US 441 to Westmoreland Drive) - unpaved road with no drainage
- Conroy Street (US 441 to Woods Street) - asphalt/unpaved road with minimal drainage
- Indiana Street (US 441 to Woods Street) - asphalt/unpaved road with minimal drainage
- Wood Street (Kaley Avenue to 20th Street) - alternate surface road with minimal drainage
- Woods Street (Conroy Street to Grand Street) - unpaved road with no drainage

EXHIBIT "A"

STAFF REPORT

February 5, 2015

Holden Heights – Phase IV Roadway, Drainage and Utility Improvements
CIP 98-93

Proposed Improvements

This project involves the reconstruction of the roadways to include new curbing, gutter and sidewalk installation. In addition, utility improvements will consist of sanitary sewer line installations to remove existing residents from their current septic tank systems. The proposed drainage system will capture additional flow and reduce the stormwater runoff from the roadway to the adjacent properties and convey it to a proposed retention pond located between 18th Street and Miller Avenue.

Safety Considerations

The new roadways will allow for greater safety as the existing roadways are either unpaved or in need of milling and or resurfacing. The addition of sidewalks will provide for pedestrian safety that is currently not present.

Long Range Planning

The Holden Heights Phase IV project is the last phase of improvements in the Holden Heights area. Since 2002, the County has designed and constructed Holden Heights Phases I - III. The Holden Heights Phase IV improvements project was first proposed by the Stormwater Management Division in 2010.

Environmental Issues

There are currently wetlands in the project area. These wetlands correspond with the location of Lake June, a ditch system running along Woods Street and a depressed area at the intersection of Woods Street and Miller Avenue. No environmental concerns were identified during the preparation of the plans for this project. No contamination has been identified through groundwater testing. A permit from the St. Johns River Water Management District will be acquired as part of the design. Wetland impacts will be mitigated in conjunction with guidelines set forth by the St. Johns River Water Management District.

Evaluation of Alternative Alignments

All improvements will be completed within the limits of the existing and proposed right of ways. A no-build alternative was considered, however the need for safer conditions did not favor this option. The centered alignment avoids the introduction of potential conflict points, creation of a non-desired deflection angle, and provides for safer roadway intersections.

Three retention pond sites were reviewed and analyzed prior to the recommended site being selected:

Pond Site 1 was located between 18th Street and Miller Avenue and impacts seven parcels.

Pond Site 2 was located between Miller Avenue and Conroy Street. Pond Site 2 was rejected as a pond site due to the depth of muck encountered during geotechnical investigations.

Pond Site 3 was located between 19th Street and 18th Street east of Lake June and impacts ten parcels.

EXHIBIT "A"

STAFF REPORT

February 5, 2015

Holden Heights – Phase IV Roadway, Drainage and Utility Improvements
CIP 98-93

Engineering Recommendation

Re-construct roadways to include drainage structures, pipes, curbs, sidewalks and utility improvements. Additionally, construct a retention pond in the project area to facilitate the drainage generated from the installation of impervious material (i.e. asphalt pavement). Pond Site 1 is the recommended pond site as it allows for greater treatment of stormwater runoff, incorporates existing County right-of-way into its design and social impacts involved in only the acquisition of 7 existing parcels.

Project Costs

Estimated Engineering Design cost: \$353,531

Estimated Construction cost: \$2.2 million

Estimated right-of-way cost: \$375,000

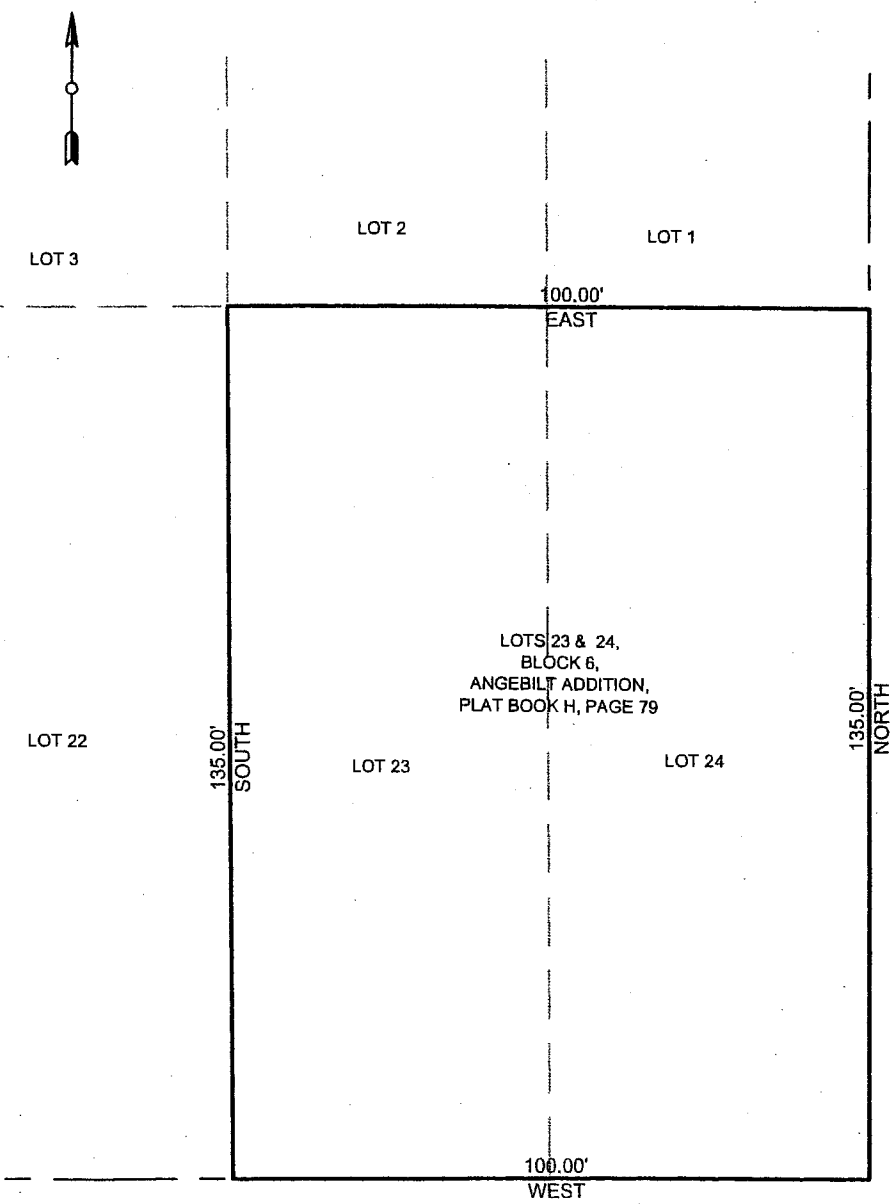
Total project cost: \$2,928,531

Conclusion

The Holden Heights - Phase IV roadway, drainage and utility improvements along 20th Street, 19th Street, 18th Street, Miller Avenue, Conroy Street, Indiana Street and Woods Street, should be constructed as recommended.

SKETCH OF DESCRIPTION
Parcel 901, Estate: Fee Simple
Purpose: Retention Area

Schedule "A"



WOODS AVE. (PLATTED AVALON)
 (UNOPENED 60.00' RIGHT OF WAY)

18TH ST. (PLATTED LAS VERGAS)
 (60.00' RIGHT OF WAY PER PLAT)

I HEREBY AFFIRM THAT THIS SKETCH OF DESCRIPTION REPRESENTED HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. IT HAS BEEN PREPARED IN ACCORDANCE WITH THE STANDARDS SET FORTH IN CHAPTER 9, § 175, A.C.F.R. FOR THE STATE OF FLORIDA AND APPLICABLE TO THE PROFESSION OF SURVEYING. I AM A LICENSED SURVEYOR AND REGISTERED PROFESSIONAL ENGINEER UNDER THE FLORIDA LICENSED SURVEYOR AND MAPPER ACT, CHAPTER 471, F.S. THIS SKETCH OF DESCRIPTION IS NOT VALID UNLESS IT IS REGISTERED WITH THE STATE OF FLORIDA ENGINEERING DIVISION. DATE: 12/15/14 REGISTERED SURVEYOR AND MAPPER LICENSE NO. 5479

SKETCH AND DESCRIPTION
 THIS IS NOT A SURVEY. NOR HAS FIELD WORK BEEN PERFORMED IN ACCORDANCE WITH 5-J-17, FLORIDA ADMINISTRATIVE CODE FOR PREPARATION OF THIS DRAWING.

- NOTES:**
- BEARINGS ARE BASED ON THE SOUTH LINE OF LOT 1, BLOCK 6, AS SHOWN ON THE PLAT OF ANGEBILT ADDITION, PLAT BOOK H, PAGE 79, ASSUMED.
 - THIS SKETCH OF DESCRIPTION AND LEGAL DESCRIPTION WAS PREPARED BY ORANGE COUNTY ENGINEERING DIVISION, SURVEY SECTION.
 - THERE MAY BE OTHER RECORDS DOCUMENTS FOUND IN ORANGE COUNTY RECORDS AFFECTING THIS PROPERTY, A COMPLETE TITLE RECORD SEARCH WAS NOT PERFORMED.

LEGAL DESCRIPTION

Lots 23 and 24, Block 6, Angebilt Addition, according to the plat thereof, as recorded in Plat Book H, page 79, of the Public Records of Orange County, Florida.

All being and lying in Section 3, Township 23 South, Range 29 East, Orange County, Florida. Containing 13,500 square feet, or 0.31 acres, more or less.

| | | |
|----------------------|--|--------------|
| DRAWN BY: Washington | DATE: 12/15/14 | SECTION: 3 |
| CHECKED BY: Daynes | JOB No: 7293-1 | TOWNSHIP: 23 |
| APPROVED BY: Daynes | DRAWING FILE: 7293-1 Holden Heights Pond | RANGE: 29 |
| REVISION DATE: | | SHEET 1 OF 1 |

PUBLIC WORKS
 ENGINEERING DIVISION
 SURVEY SECTION
 4200 SOUTH JOHN YOUNG PARKWAY
 ORLANDO, FLORIDA 32839-9205



| |
|--|
| PREPARED FOR: Engineering - Right of Way Section |
| DRAWING SCALE: 1" = 30' |
| PROJECT NUMBER 7293-1 |

SEP 22 2015 CAS/LC

Upon a motion by Commissioner Boyd, seconded by Commissioner Clarke, and carried with all members present and voting AYE by voice vote, the Board adopted the following :

RESOLUTION

WHEREAS, during FY 08/09, the Board approved the project known as Holden Heights Phase IV consisting of roadway, drainage and utility improvements including construction of roadways, drainage structures, pipes, curbs, sidewalks and utility improvements, and the construction of a retention pond as outlined in the staff report attached as Exhibit "A".

WHEREAS, in connection with the construction, repair and maintenance of the Holden Heights Phase IV project by Orange County, a charter county and political subdivision of the State of Florida, it is necessary that said County have the required areas for roadway, drainage and utility improvements and it is necessary and in the public interest that there be acquired the required fee simple interests in certain lands for proper construction and maintenance of the above project, and

WHEREAS, efforts to purchase said land from the owner of said land has been unsuccessful to date.

NOW THEREFORE, BE IT RESOLVED by Orange County, a charter county and political subdivision of the State of Florida, by and through the Board of County Commissioners of said County, that the acquisition of the required fee simple interest in the required land necessary for roadway, drainage and utility improvements has been found to be and is hereby found to be necessary, practical, and to the best interest of Orange County, Florida, and the people of said County, and the same is for a County purpose; and be it further

RESOLVED that for the purposes aforesaid, it is necessary, practical, and to the best interest of the public and Orange County and of the people of said County that the fee simple interest for roadway, drainage and utility improvements be acquired in the name of said County by gift, purchase, eminent domain proceedings, or otherwise over and upon all those certain pieces, parcels or tracts of land, situate, lying and being in Orange County, Florida, as described in the attached Schedule "A".

AND BE IT FURTHER RESOLVED that the property description under parcel number 903 is ratified and confirmed and found necessary for this project to the extent of the estate or interest set forth as a part of the respective parcel descriptions, the above referenced description being attached hereto as Schedule "A", and made a part by reference hereof, that Orange County, the Board of County Commissioners of said County, the Deputy Clerk of said Board of County Commissioners, the attorneys of said Board of County Commissioners and County, and all appropriate departments, officers and employees of said County be, and they are hereby authorized and directed to proceed to take necessary steps to institute and prosecute such necessary actions and proceedings as may be proper for the acquisition of the required fee simple interest in said land by gift, purchase, eminent domain proceedings or otherwise, and to prepare, sign, execute, serve, publish, and file, in the name of the County by its commissioners, all eminent domain papers, affidavits and pleadings, and said attorneys are authorized to have prepared, at said County's expense, such abstract of title search as may be necessary in connection therewith.

ADOPTED THIS _____ DAY OF SEP 22 2015, 2015.

(Official Seal)

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

ATTEST: Martha O. Haynie,
County Comptroller
as Clerk of the Board
of County Commissioners

BY: *Teresa Jacobs*
Teresa Jacobs
Orange County Mayor

BY: *Craig Stopysa*
Deputy Clerk

Craig Stopysa
Printed Name

DATE: SEP 22 2015

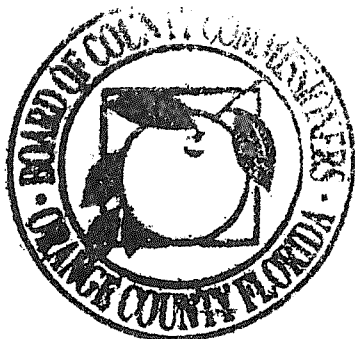


EXHIBIT "A"

February 5, 2015

STAFF REPORT

Holden Heights - Phase IV Roadway, Drainage and Utility Improvements
Orange County Roadways
CIP 98-93

Project History

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EXHIBIT "A"

STAFF REPORT

February 5, 2015

Holden Heights – Phase IV Roadway, Drainage and Utility Improvements

CIP 98-93

Proposed Improvements

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Environmental Issues

There are currently wetlands in the project area. These wetlands correspond with the location of Lake June, a ditch system running along Woods Street and a depressed area at the intersection of Woods Street and Miller Avenue. No environmental concerns were identified during the preparation of the plans for this project. No contamination has been identified through groundwater testing. A permit from the St. Johns River Water Management District will be acquired as part of the design. Wetland impacts will be mitigated in conjunction with guidelines set forth by the St. Johns River Water Management District.

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EXHIBIT "A"

STAFF REPORT

February 5, 2015

Holden Heights – Phase IV Roadway, Drainage and Utility Improvements
CIP 98-93

Engineering Recommendation

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Project Costs

Estimated Engineering Design cost: \$353,531

Estimated Construction cost: \$2.2 million

Estimated right-of-way cost: \$375,000

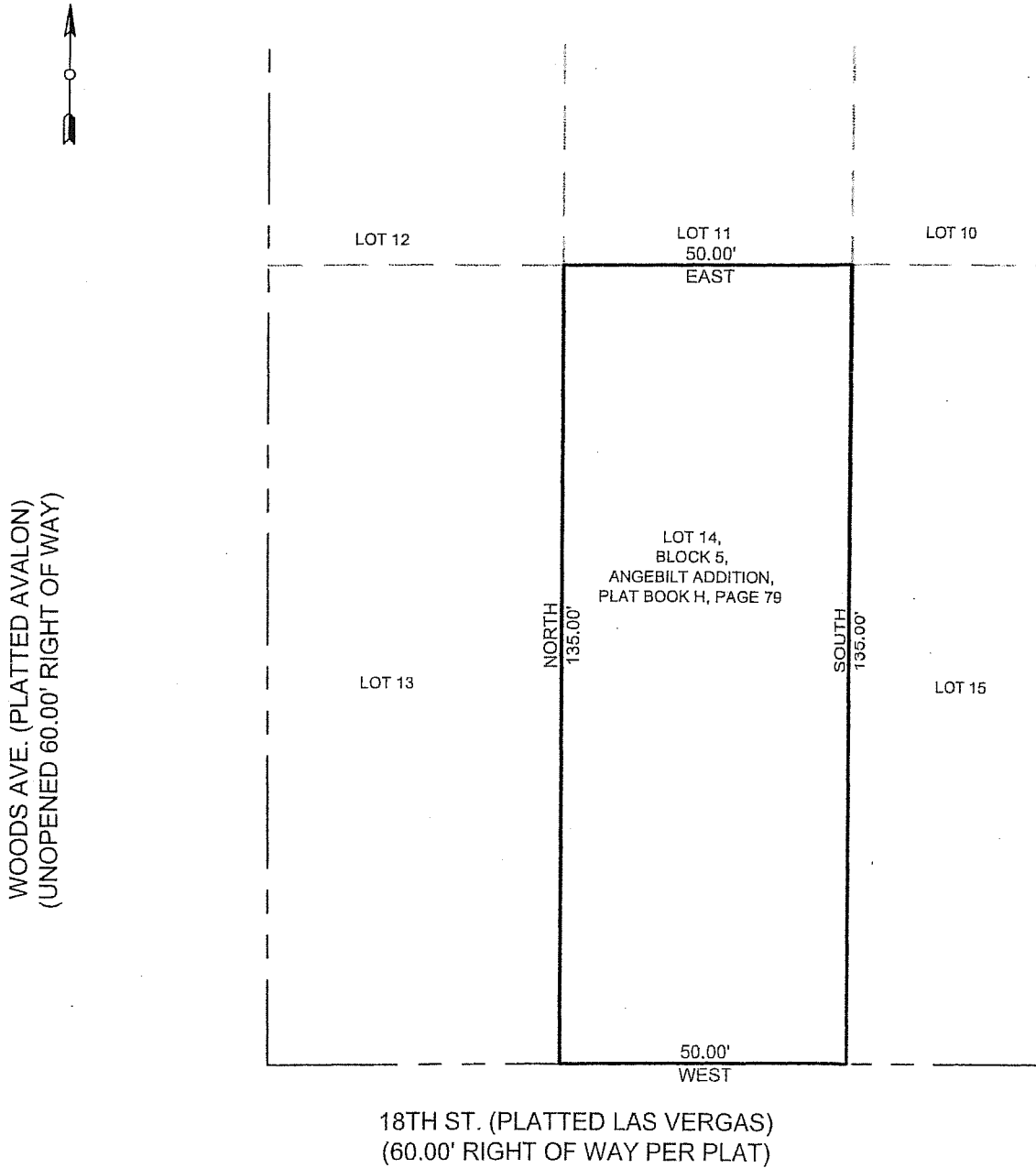
Total project cost: \$2,928,531

Conclusion

The Holden Heights - Phase IV roadway, drainage and utility improvements along 20th Street, 19th Street, 18th Street, Miller Avenue, Conroy Street, Indiana Street and Woods Street, should be constructed as recommended.

SKETCH OF DESCRIPTION
Parcel 903, Estate: Fee Simple
Purpose: Retention Area

Schedule "A"



I HEREBY AFFIRM THAT THIS SKETCH OF DESCRIPTION REPRESENTED HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. IT HAS BEEN PREPARED IN ACCORDANCE WITH THE STANDARD PRACTICES SET FORTH IN CHAPTER 47, F.S., PLASMA TO CHAPTER 47 AND 47A, F.S., AND THE FLORIDA STATUTES AND UNDER IT BEING THE SIGNATURE OF THE ORIGINAL RAISED SEAL OF A LICENSED SURVEYOR AND MAPPER. THIS INFORMATIONAL PLAT MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID FOR RECORDING.

DATE: 12/15/14
 DAYNES, R. DAYNES
 REGISTERED LAND SURVEYOR AND MAPPER
 STATE OF FLORIDA, LICENSE NO. 5479

SKETCH AND DESCRIPTION
 THIS IS NOT A SURVEY. NOR HAS FIELD WORK BEEN PERFORMED IN ACCORDANCE WITH 51-17, FLORIDA ADMINISTRATIVE CODE FOR PREPARATION OF THIS DRAWING.

- NOTES:**
1. BEARINGS ARE BASED ON THE NORTH LINE OF LOT 14, BLOCK 5, AS SHOWN ON THE PLAT OF ANGEILT ADDITION, PLAT BOOK H, PAGE 79, ASSUMED.
 2. THIS SKETCH OF DESCRIPTION AND LEGAL DESCRIPTION WAS PREPARED BY ORANGE COUNTY ENGINEERING DIVISION, SURVEY SECTION.
 3. THERE MAY BE OTHER RECORDS FOUND IN ORANGE COUNTY RECORDS AFFECTING THIS PROPERTY. A COMPLETE TITLE RECORD SEARCH WAS NOT PERFORMED.

LEGAL DESCRIPTION

Lot 14, Block 5, Angeilt Addition, according to the plat thereof, as recorded in Plat Book H, page 79, of the Public Records of Orange County, Florida.

All being and lying in Section 3, Township 23 South, Range 29 East, Orange County, Florida. Containing 6,750 square feet, more or less.

PREPARED FOR:
 Engineering -
 Right of Way Section

| | | |
|----------------------|-----------------------------|--------------|
| DRAWN BY: Washington | DATE: 12/15/14 | SECTION: 3 |
| CHECKED BY: Daynes | JOB No: 7293-1 | TOWNSHIP: 23 |
| APPROVED BY: Daynes | DRAWING FILE: 7293-1 Holden | RANGE: 29 |
| REVISION DATE: | DATE: | SHEET 1 OF 1 |

PUBLIC WORKS
 ENGINEERING DIVISION
 SURVEY SECTION
 4200 SOUTH JOHN YOUNG PARKWAY
 ORLANDO, FLORIDA 32839-9205



| |
|--------------------------|
| DRAWING SCALE: 1"=30' |
| PROJECT NUMBER 7293-1 |