



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 11

DATE: August 8, 2022

TO: Mayor Jerry L. Demings
-AND-
County Commissioners

THROUGH: Mindy T. Cummings, Manager *MTC*
Real Estate Management Division

FROM: Anmber Ayub, Program Manager – Right of Way *AA/MTC*
Real Estate Management Division

CONTACT PERSON: **Mindy T. Cummings, Manager**

DIVISION: **Real Estate Management Division**
Phone: (407) 836-7090

ACTION REQUESTED: Approval and execution of Resolution and authorization to initiate condemnation proceedings.

PROJECT: University Boulevard and Dean Road Intersection Improvements
District 5

PURPOSE: To allow the acquisition of a fee simple parcel, perpetual easement, and a temporary construction easement required for roadway improvements.

ITEM: Resolution (Parcels 1013, 8013 and 7013)

APPROVALS: Real Estate Management Division
Public Works Engineering

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

AUG 30 2022

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

RESOLUTION

WHEREAS, during FY 17/18, the Board approved the project known as University Boulevard and Dean Road Intersection Improvements to construct a new roadway, add sidewalks and turn lanes, address the drainage problems, and improve the traffic flow as outlined in the staff report attached as Exhibit "A"; and

WHEREAS, in connection with the construction, repair and maintenance of the University Boulevard and Dean Road Intersection Improvements 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 purposes and it is necessary and in the public interest that there be acquired the required fee simple, perpetual drainage easement, and temporary construction easement interests in certain lands for proper construction and maintenance of the above road in the County's Road System; and

WHEREAS, efforts to purchase said lands from the owner of said lands have 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, perpetual drainage easement, and temporary construction easement interests in the required lands necessary for roadway purposes 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, perpetual drainage easement, and temporary construction easement interests for roadway purposes 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 Schedule "B"; and be it further

RESOLVED that the temporary construction easement designated as parcel number 7013 shall commence on the date that Orange County takes title to said temporary construction easement and terminate seven (7) years after that date, or upon the completion of the construction on the project adjacent to the lands described in the attached Schedule "A", whichever occurs first; and be it further

RESOLVED that the property descriptions under parcel numbers 1013, 8013, and 7013 are 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 descriptions being attached hereto as Schedule "A" and Schedule "B", 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, perpetual drainage easement, and temporary construction easement interests in said lands 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 AUG 30 2022



ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

ATTEST: Phil Leonard, CPA
County Comptroller
as Clerk of the Board
of County Commissioners

BY: Jerry L. Demings
Jerry L. Demings
Orange County Mayor

BY: Jessica Vaupel
for Deputy Clerk

Jessica Vaupel
Printed Name

DATE: 1 September 2022

STAFF REPORT

January 8, 2021

**University Boulevard and Dean Road Intersection Improvements
CIP 2722**

PROJECT HISTORY

1. The intersection of University Boulevard and Dean Road was analyzed individually as a supplement to a Dean Road Roadway Conceptual Analysis because of the need for more capacity at an already large intersection. This analysis includes Year 2011 turning movement counts and traffic projections as well as a recommended intersection configuration.
2. Orange County ultimately decided to reject the recommendation and instead construct a more conservative (smaller) intersection improvement by maximizing turn lanes lengths and proposing both a westbound and northbound right turn lane. This decision was made to minimize or eliminate impacts to businesses due to right-of-way acquisition and to reduce significantly the amounts of delay in the future level of service.
3. The engineering consulting firm Pegasus Design and Engineering, Inc., (Pegasus) was chosen to design the proposed improvements. Notice to Proceed was issued on September 11, 2018. Construction plans production should be completed by February 2021.
4. Pegasus sent a permit determination request to the St. John's River Water Management District (SJRWMD) on June 2, 2020. The SJRWMD has determined that the proposed construction is exempt from environmental resource permitting.

Existing Conditions

University Boulevard is a six lane divided roadway running east-west and Dean Road is a north-south roadway, four lane divided south of University Boulevard and two lane undivided north of University Boulevard. Both University Boulevard and Dean Road are functionally classified as urban minor arterials.

The intersection of University Boulevard and Dean Road form a 4-legged intersection. Land uses adjacent to the intersection are retail, including two convenience stores, a Walgreens, a Publix shopping plaza, and a bank. The surrounding land use is residential neighborhoods.

Proposed improvements

This intersection improvements project consists of the extension of the dual eastbound left turn lanes from University Blvd. onto Dean Road, the addition of a westbound right turn lane from University Blvd. onto Dean Road, the addition of a northbound right turn

**University Boulevard and Dean Road Intersection Improvements
CIP 2722**

lane from Dean Road onto University Blvd and relocation and extension of the existing westbound right turn lane on University Boulevard, approaching State Road 417 northbound on-ramp. This project will also include minor roadway milling and resurfacing, minor drainage improvements, signing and pavement markings and signalization improvements such as replacement of the existing traffic signals with mast arm signals.

The proposed drainage improvements include installation of Type F curb and gutter, curb inlets, and storm sewer pipes to properly capture and convey the stormwater runoff. The proposed storm sewer pipes will tie into one of the three (3) existing drainage conveyance systems which have the capacity to collect the proposed stormwater runoff.

PROJECT CONSIDERATIONS

Among the important elements in determining the need for the intersection improvements were: safety considerations, long range planning, environmental issues, alternative alignments, and cost.

Safety Considerations

The extension of the dual eastbound left turn lanes from University Blvd. onto Dean Road, the addition of a westbound right turn lane from University Blvd. onto Dean Road, the addition of a northbound right turn lane from Dean Road onto University Blvd and relocation and extension of the existing westbound right turn lane on University Boulevard, approaching State Road 417 northbound on-ramp will improve vehicular flow, thereby reducing significantly the amounts of delay in the future level of service and will increase intersection road capacity. Also, the intersection at University Boulevard includes a full range of pedestrian features such as push-button activated pedestrian countdown signals, thermoplastic pavement markings, an all red pedestrian signal phase, handicap accessible ramps connected to a sidewalk network and pedestrian signage.

Long Range Planning

At the request of the Transportation Planning Division, the design and construction of the University Blvd. at Dean Rd. intersection was added to the Orange County Intersection Program.

Environmental Issues

Professional Service Industries, Inc. (PSI) has conducted a Contamination Screening Evaluation Report (CSER) of the study corridor dated October 29,2019, which is generally located at the intersection of University Boulevard and Dean Road. The purpose of this CSER was to evaluate the risk of encountering petroleum or hazardous substance impacted facilities along the study corridor. Based on PSI's report one location

**University Boulevard and Dean Road Intersection Improvements
CIP 2722**

has been assigned a medium risk site. This site is identified as a 7-Eleven Food Store #17203 located at 10001 University Boulevard, Orlando FL. A second location has been identified as high risk site. This site is identified as a Circle K Stores Inc. located at 10030 University Boulevard, Orlando FL. Based on investigation of the property for evidence of potential contamination issues and other environmental issues, PSI offers the following recommendations. Further assessment may be required to determine the absence and/or levels of soil and/or groundwater impact within the roadway expansion area for both locations. Site having a High Risk of contamination potential should have a Public Records review update prior construction activities. Should dewatering activities be anticipated at the intersection of University Blvd. and Dean Road, the additional assessment activities may be warranted on both sites to obtain information as to current quality of groundwater prior to the dewatering activities.

Evaluation of Alternative Alignments

All improvements will be done within the limits of existing and proposed right-of-way. Two strips of proposed right-of-way will be needed at the northeast and southeast corners of the intersection to accommodate the right turn lanes and to construct a sidewalk. Also, a portion of proposed right-of-way will be needed at the west corner of Mission Bay Blvd. for proposed crosswalk marking. Five Temporary Construction Easements are needed for constructing, tying in and harmonizing the driveways and a permanent slope easement at the northeast corner is needed for tying in and to accommodate the right turn lane and construction of sidewalk.

The intersection improvements are primarily needed to address the safety issues raised in the Dean Road Roadway Conceptual Analysis. A no-build alternative was considered, however the need for safer conditions did not favor this option.

Project Costs

- The engineering design cost for the recommended intersection improvement is \$493,134.
- The estimated right-of-way cost for the recommended intersection configuration is approximately \$997,837.
- The estimated construction cost for the recommended intersection improvement is approximately \$3,926,724.
- Therefore, the total project cost is approximately \$5,417,695.

Engineering Recommendation

Construct right turn lanes at two approaches at the intersection, construct the extension of the dual eastbound left turn lanes from University Blvd. onto Dean Road, and relocate and extend the existing westbound right turn lane on University Boulevard, approaching

**University Boulevard and Dean Road Intersection Improvements
CIP 2722**

State Road 417 northbound on-ramp. Also, provide general drainage improvements in the project area to facilitate safer and more efficient vehicular flow through the intersection.

Conclusion

The intersection improvements for University Boulevard at Dean Road, consisting of the extension of the dual eastbound left turn lanes from University Blvd. onto Dean Road, the addition of right turn lanes for two legs of the intersection and relocation and extension of the existing westbound right turn lane on University Boulevard, approaching State Road 417 northbound on-ramp should be constructed as recommended.

SCHEDULE "A"

DESCRIPTION PARCEL 1013 :

A portion of lands described in Official Records Book 2511, Page 408, Public Records of Orange County, Florida, being more particularly described as follows:

Begin at the Southwest corner of Lot 1, Taco Bell according to the plat thereof recorded in Plat Book 24, Page 40, Public Records of Orange County, Florida, said point being on the North right of way line of University Boulevard per Official Records Book 4072, Page 872, Public Records of Orange County, Florida; thence South 89°42'48" West, a distance of 155.46 feet along said North right of way line to a point on the East right of way line of Dean Road per Orange County Engineering Department right of way map for Dean Road dated November 1988; thence along said East right of way line the following two (2) courses and distances : North 43°24'11" West, a distance of 22.03 feet; thence North 02°03'32" West, a distance of 18.93 feet; thence departing said East right of way line South 39°15'46" East, a distance of 36.02 feet to a point on a line that is 7.00 feet North of and parallel with said North right of way line; thence North 89°42'48" East, a distance of 148.23 feet along said parallel line to a point on the East line of lands described in Official Records Book 2511, Page 408, Public Records of Orange County, Florida; thence South 02°04'10" East, a distance of 7.00 feet along the East line of said lands to the POINT OF BEGINNING.

Containing 1,378 square feet, more or less.

SURVEYOR'S REPORT:

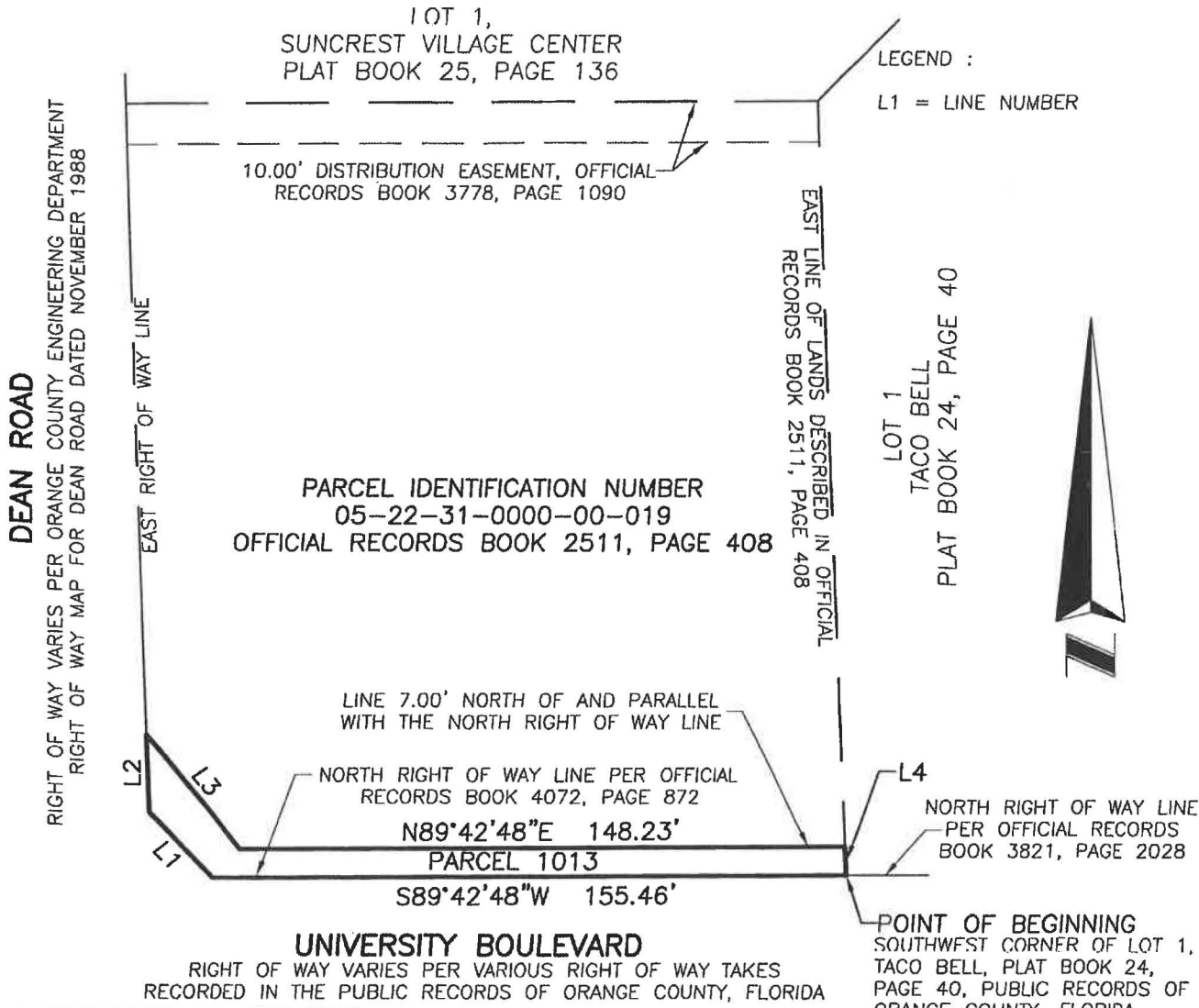
1. Bearings shown hereon are based on the North right of way line of University Boulevard as described in Official Records Book 3821, Page 2028, Public Records of Orange County, Florida being South 89°42'48" West, assumed.
2. I hereby certify that the "Sketch of Description" of the above described property is true and correct to the best of my knowledge and belief as recently drawn under my direction and that it meets the Standards of Practice for Land Surveying Chapter 5J-17 requirements of Florida Administration Code.
3. I have reviewed First American Title Insurance Company (FATIC) Title Search Report number 2037-4232532/18.00162 all recorded survey related encumbrances have been shown or noted on the survey.

NOT VALID WITHOUT SHEETS 1-2

DESCRIPTION FOR PEGASUS ENGINEERING, LLC.	Date: 02/13/2020 KR		Certification Number LB2108 62756008
	Job Number: 62756	Scale: 1" = 40'	
	Chapter 5J-17, Florida Administrative Code requires that a legal description drawing bear the notation that THIS IS NOT A SURVEY.		
REVISED 10/22/2020	SHEET 1 OF 2 SEE SHEET 2 FOR SKETCH		RYAN E. JOHNSON, P.S.M. Registered Land Surveyor Number 7130

RH 5/24/2021

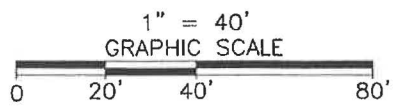
SKETCH OF DESCRIPTION
PARCEL 1013
 PURPOSE : RIGHT OF WAY



LEGEND :
 L1 = LINE NUMBER



LINE TABLE		
LINE #	BEARING	LENGTH
L1	N43°24'11"W	22.03'
L2	N02°03'32"W	18.93'
L3	S39°15'46"E	36.02'
L4	S02°04'10"E	7.00'



SOUTHEASTERN SURVEYING
 AND MAPPING CORPORATION
 6500 All American Boulevard
 Orlando, Florida 32810-4350
 (407) 292-8580
 Certification Number LB2108
 e-mail: info@southeasternsurveying.com

Drawing No. 62756008
 Job No. 62756
 Date: 02/13/2020
 SHEET 2 OF 2
 See Sheet 1 for Description

THIS IS NOT A SURVEY.
 NOT VALID WITHOUT SHEETS 1 THROUGH 2

RV 5/24/2021

SCHEDULE "B"

2722 UNIVERSITY BLVD AND DEAN RD INTERSECTION PARCEL 1013

FEE SIMPLE

Parcel 1013: the interest being acquired is fee simple.

SCHEDULE "A"

DESCRIPTION PARCEL 8013 :

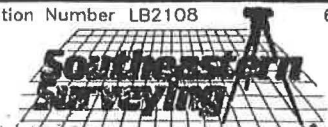
A portion of lands described in Official Records Book 2511, Page 408, Public Records of Orange County, Florida, being more particularly described as follows:

Commence at the Southwest corner of Lot 1, Taco Bell according to the plat thereof recorded in Plat Book 24, Page 40, Public Records of Orange County, Florida, said point being on the North right of way line of University Boulevard per Official Records Book 4072, Page 872, Public Records of Orange County, Florida said point also being on the East line of lands described Official Records Book 2511, Page 408, Public Records of Orange County, Florida; thence North 02°04'10" West, a distance of 7.00 feet along the East line of said lands to a point on a line that is 7.00 feet North of and parallel with said North right of way line; thence South 89°42'48" West, a distance of 51.82 feet along said parallel line to the POINT OF BEGINNING; thence continue South 89°42'48" West, a distance of 96.41 feet along said parallel line; thence departing said parallel line North 39°15'46" West, a distance of 12.86 feet to a point on a line that is 17.00 feet North of and parallel with said North right of way line; thence North 89°42'48" East, a distance of 104.50 feet along said parallel line; thence departing said parallel line South 00°17'12" East, a distance of 10.00 feet to the POINT OF BEGINNING.

Containing 1,005 square feet, more or less.

SURVEYOR'S REPORT:

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 2. I hereby certify that the "Sketch of Description" of the above described property is true and correct to the best of my knowledge and belief as recently drawn under my direction and that it meets the Standards of Practice for Land Surveying Chapter 5J-17 requirements of Florida Administration Code.
 3. I have reviewed First American Title Insurance Company (FATIC) Title Search Report number 2037-4232488/18.00162 all recorded survey related encumbrances have been shown or noted on the survey.
- NOT VALID WITHOUT SHEETS 1-2

DESCRIPTION	Date: 02/13/2020 KR		Certification Number LB2108 62756009
	FOR PEGASUS ENGINEERING, LLC.	Job Number: 62756	Scale: 1" = 40'
	Chapter 5J-17, Florida Administrative Code requires that a legal description drawing bear the notation that THIS IS NOT A SURVEY.		
REVISED 10/22/2020	SHEET 1 OF 2 SEE SHEET 2 FOR SKETCH		 <p>SOUTHEASTERN SURVEYING AND MAPPING CORPORATION 6500 All American Boulevard Orlando, Florida 32810-4550 (407) 292-8680 Email: info@southeasternsurveying.com</p> <p><i>[Signature]</i> RYAN E. JOHNSON, PSM Registered Land Surveyor Number 7130</p> <p style="text-align: right;"><i>PH 5/24/2021</i></p>

SKETCH OF DESCRIPTION

PARCEL 8013

PURPOSE : PERMANENT EASEMENT

LOT 1,
SUNCREST VILLAGE CENTER
PLAT BOOK 25, PAGE 136

LEGEND :
L1 = LINE NUMBER

10.00' DISTRIBUTION EASEMENT, OFFICIAL
RECORDS BOOK 3778, PAGE 1090

EAST LINE OF LANDS DESCRIBED IN OFFICIAL
RECORDS BOOK 2511, PAGE 408

LOT 1
TACO BELL
PLAT BOOK 24, PAGE 40



PARCEL IDENTIFICATION NUMBER
05-22-31-0000-00-019
OFFICIAL RECORDS BOOK 2511, PAGE 408

LINE 7.00' NORTH OF AND PARALLEL
WITH THE NORTH RIGHT OF WAY LINE

LINE 17.00' NORTH OF AND PARALLEL
WITH THE NORTH RIGHT OF WAY LINE

N89°42'48"E 104.50'

PARCEL 8013

S89°42'48"W 96.41'

NORTH RIGHT OF WAY LINE PER OFFICIAL
RECORDS BOOK 4072, PAGE 872

S89°42'48"W

UNIVERSITY BOULEVARD
RIGHT OF WAY VARIES PER VARIOUS RIGHT OF WAY
TAKES RECORDED IN THE PUBLIC RECORDS OF
ORANGE COUNTY, FLORIDA

POINT OF
BEGINNING

NORTH RIGHT OF WAY LINE
PER OFFICIAL RECORDS
BOOK 3821, PAGE 2028

POINT OF COMMENCEMENT
SOUTHWEST CORNER OF LOT 1,
TACO BELL, PLAT BOOK 24,
PAGE 40, PUBLIC RECORDS OF
ORANGE COUNTY, FLORIDA

DEAN ROAD

RIGHT OF WAY VARIES PER ORANGE COUNTY ENGINEERING DEPARTMENT
RIGHT OF WAY MAP FOR DEAN ROAD DATED NOVEMBER 1988

EAST RIGHT OF WAY LINE

LINE TABLE

LINE #	BEARING	LENGTH
L1	N02°04'10"W	7.00'
L2	S89°42'48"W	51.82'
L3	N39°15'46"W	12.86'
L4	S00°17'12"E	10.00'



THIS IS NOT A SURVEY.
NOT VALID WITHOUT SHEETS 1 THROUGH 2



SOUTHEASTERN SURVEYING
AND MAPPING CORPORATION
6500 All American Boulevard
Orlando, Florida 32810-4350
(407) 292-8580

Certification Number LB2108
e-mail: info@southeasternsurveying.com

Drawing No. 62756009
Job No. 62756
Date: 02/13/2020
SHEET 2 OF 2
See Sheet 1 for Description

20 5/24/2021

SCHEDULE "B"

2722 UNIVERSITY BLVD AND DEAN RD INTERSECTION PARCEL 8013

SLOPE AND FILL EASEMENT

Parcel 8013 is being acquired as a permanent non-exclusive easement for the purpose of insuring the structural integrity of the roadway facility adjacent to the granted easement. This easement is to allow the GRANTEE to maintain the elevation of the roadway facility, to GRANTEE's specifications, with full authority to enter upon, clear, grade, excavate and add or remove fill material to the following lands as described in Schedule "A".

THE GRANTORS and their heirs, successors and assigns shall not build, construct, or create, or permit others to build, construct, or create any building, utilities or other structures that could adversely affect the structural integrity of the adjacent roadway facility on the granted easement without the prior written approval of the GRANTEE.

THE GRANTOR may use the granted easement for any use not inconsistent with the GRANTEE'S intended use of the granted easement including, but not limited to, project development, driveways, access, open space, setback area and any activity that will not adversely affect the structural integrity of the adjacent roadway facility.

This easement is for the purposes noted herein and does not obligate the GRANTEE to perform any right-of-way maintenance or other duties.

08/28/07

R:\ROW Acquisition\Projects\2722 & 5128 Intersection Improvements\2722 University Blvd & Dean Rd\2722 Sch B\2722 P8013 Sch B Slope & Fill.doc

SCHEDULE "A"

DESCRIPTION PARCEL 7013 :


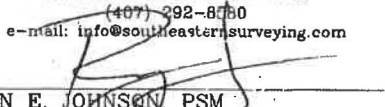
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Containing 4413 square feet, more or less.

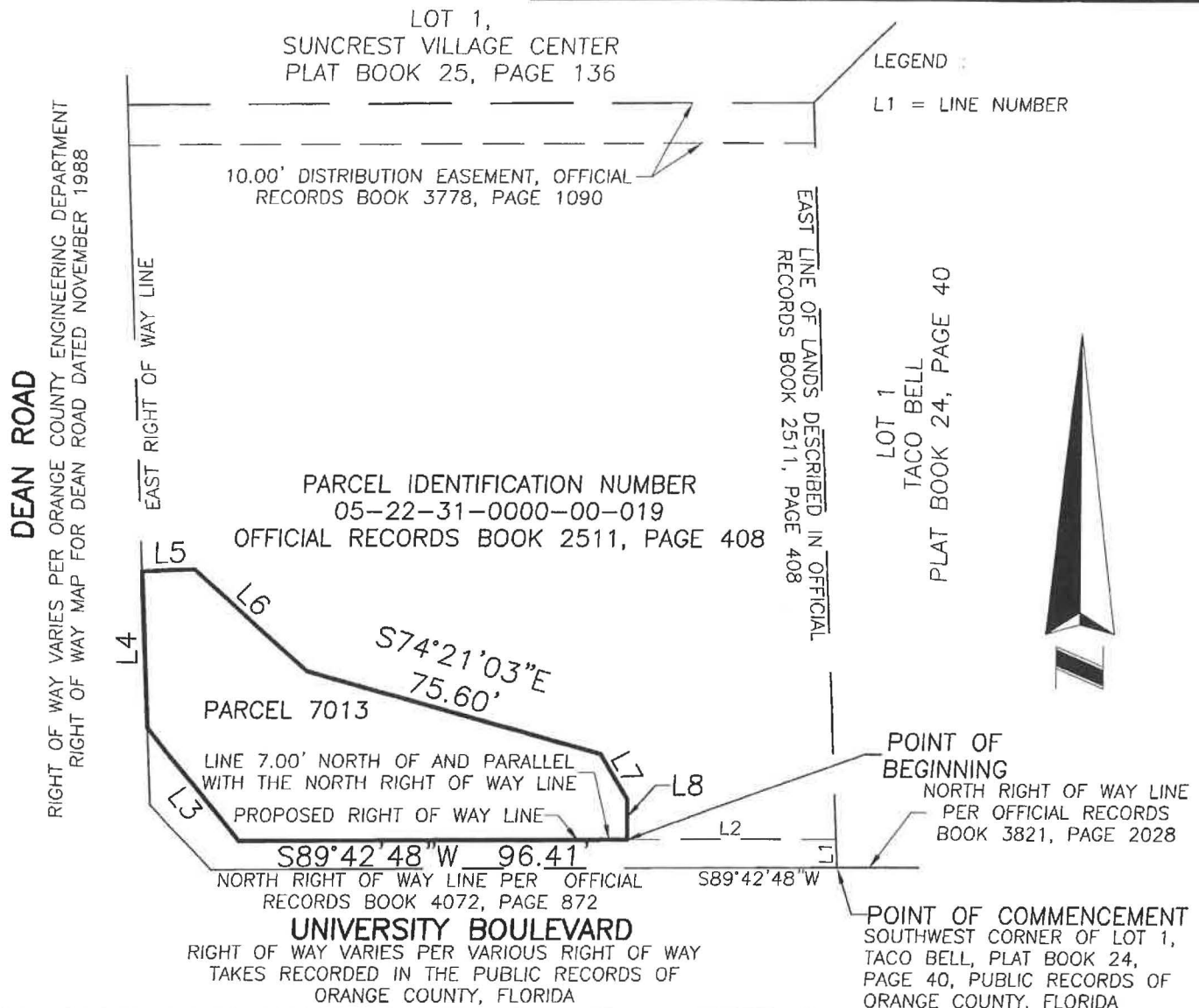
SURVEYOR'S REPORT:

1. Bearings shown hereon are based on the North right of way line of University Boulevard as described in Official Records Book 3821, Page 2028, Public Records of Orange County, Florida being South 89°42'48" West, assumed.
 2. I hereby certify that the "Sketch of Description" of the above described property is true and correct to the best of my knowledge and belief as recently drawn under my direction and that it meets the Standards of Practice for Land Surveying Chapter 5J-17 requirements of Florida Administration Code.
 3. I have reviewed First American Title Insurance Company (FATIC) Title Search Report number 2037-4232488/18.00162 all recorded survey related encumbrances have been shown or noted on the survey.
- NOT VALID WITHOUT SHEETS 1-2

DESCRIPTION	Date: 02/13/2020	KR	Certification Number LB2108 62756010
FOR PEGASUS ENGINEERING, LLC.	Job Number: 62756	Scale: 1" = 40'	 SOUTHEASTERN SURVEYING AND MAPPING CORPORATION 6500 All American Boulevard Orlando, Florida 32810-4350 (407) 292-8780 e-mail: info@southeasternsurveying.com
	Chapter 5J-17, Florida Administrative Code requires that a legal description drawing bear the notation that THIS IS NOT A SURVEY.		
	SHEET 1 OF 2 SEE SHEET 2 FOR SKETCH		
REVISED 05/17/2022			 RYAN E. JOHNSON, PSM Registered Land Surveyor Number 7130

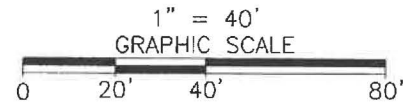
SKETCH OF DESCRIPTION
PARCEL 7013

PURPOSE : TEMPORARY CONSTRUCTION
 EASEMENT



LINE TABLE		
LINE #	BEARING	LENGTH
L1	N02°04'10"W	7.00'
L2	S89°42'48"W	51.82'
L3	N39°15'46"W	36.02'
L4	N02°03'32"W	38.73'

LINE TABLE		
LINE #	BEARING	LENGTH
L5	N87°56'28"E	12.89'
L6	S48°18'42"E	37.61'
L7	S31°15'19"E	13.06'
L8	S00°17'12"E	10.00'



SOUTHEASTERN SURVEYING
 AND MAPPING CORPORATION
 6500 All American Boulevard
 Orlando, Florida 32810-4350
 (407) 292-8580
 Certification Number LB2108

Drawing No. 62756010
 Job No. 62756
 Date: 02/13/2020
 SHEET 2 OF 2
 See Sheet 1 for Description

THIS IS NOT A SURVEY.
 NOT VALID WITHOUT SHEETS 1 THROUGH 2 e-mail: info@southeasternsurveying.com

SCHEDULE "B"

2722 UNIVERSITY BLVD AND DEAN RD INTERSECTION PARCEL 7013

TEMPORARY CONSTRUCTION EASEMENT

Parcel 7013 is being acquired as a temporary, non-exclusive easement with full authority to enter upon the lands described in attached Schedule "A" for the purpose of re-grading the existing dry pond. At all times during construction the GRANTEE will maintain access to the GRANTOR'S remaining lands.

After the construction on the Parcel is completed the GRANTEE shall restore the Parcel to a condition as good as or better than the one existing before being disturbed by the GRANTEE.

This easement shall expire upon the completion of the construction on the project adjacent to the lands described in attached Schedule "A" or after seven (7) years, whichever occurs first.

7/25/2022

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