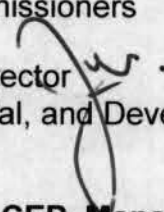





Interoffice Memorandum

January 29, 2020

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

FROM: Jon V. Weiss, P.E., Director 
Planning, Environmental, and Development
Services Department

CONTACT PERSON: **David D. Jones, P.E., CEP, Manager** 
Environmental Protection Division
(407) 836-1406

SUBJECT: February 25, 2020 – Public Hearing
Request from City of Belle Isle to Purchase Sovereignty Lands
Owned by the State of Florida

The applicant, the City of Belle Isle (City), requests that the Board, sitting as the governing authority of the Lake Conway Water and Navigation Control District (LCWNCD), recommend to the Trustees of the Internal Improvement Trust Fund of the State of Florida that they approve the City's request to acquire the parcel described in Exhibit "A" of this memorandum. The property consists of +/- 0.15 acre of sovereignty submerged land, which is now dry, located at the western terminus of Cross Lake Road on Lake Conway in Section 18, Township 23 South, Range 30 East in District 3.

The City, as the upland riparian property owner, wishes to acquire ownership of the land which has been operating as a public park for the past 30 years. Acquisition of the property will allow the City to enforce their rules and regulations. The City has indicated that there would be no boat docks or boat ramps built on the property.

Chapter 33, Article II, Sec. 33-41(b), of the Orange County Code states ".....the said governing authority of the district shall consider what recommendations it will submit to the Trustees of the Internal Improvement Fund of the State of Florida. All of the proponents and opponents of the sale of said land shall be heard by the said governing authority at said public hearing and the said governing authority shall then determine its recommendations, which recommendations it shall immediately cause to be submitted in writing to the trustees of the internal improvement fund."

During their August 14 and October 9, 2018 meetings, the LCWNCD Advisory Board unanimously approved a motion indicating that they have no objection to the City purchasing the property. Notification of the public hearing was sent to the property owners within 500 feet of the project site. There has been no enforcement action taken by the Environmental Protection Division on the subject property.

Page Two

February 25, 2020 – Public Hearing

Request from City of Belle Isle to Purchase Sovereignty Lands Owned by the State of Florida

This item was originally scheduled for the October 2, 2018 Public Hearing, but was cancelled until an ingress/egress concern was resolved between the City of Belle Isle and an adjacent neighbor. At their January 7, 2020 City Council meeting, the City of Belle Isle approved the agreed upon conditions between the affected property owner and themselves. The adjacent property owner has indicated that they now have no objection to the land purchase by the City of Belle Isle.

ACTION REQUESTED: Recommend to the Trustees of the Internal Improvement Trust Fund of the State of Florida that they approve the City of Belle Isle's request to purchase the lands as described in Exhibit A of the staff report. District 3

JVW/DJ: mg

Attachment

Sovereignty Lands Purchase Request




City of Belle Isle Sovereignty Lands Purchase


District 3

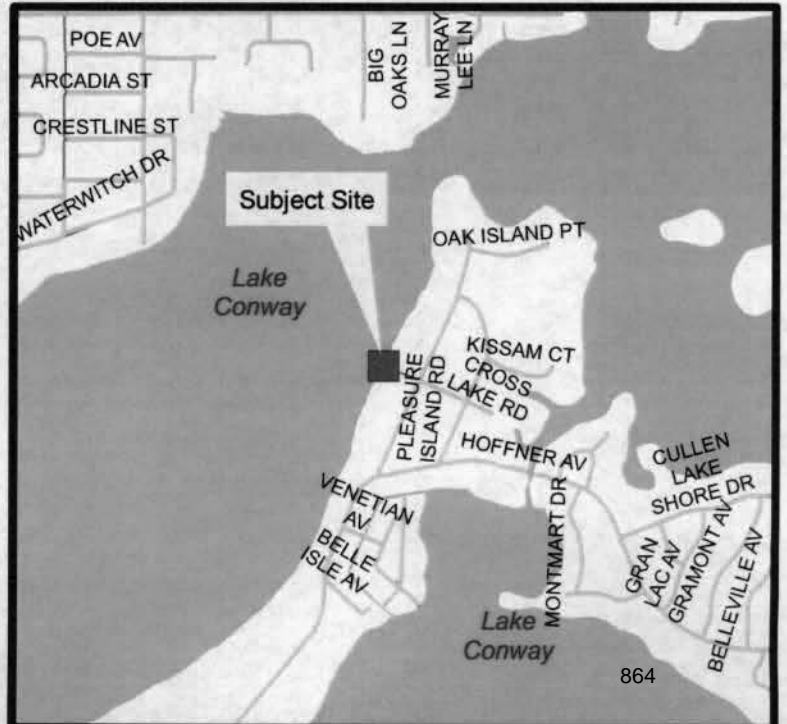
Lake Conway

Applicant: City of Belle Isle

Project Location: Westernmost End of
Cross Lake Road

Project Site 

Property Location 





**CITY OF BELLE ISLE, FLORIDA
CITY COUNCIL AGENDA ITEM COVER SHEET**

Meeting Date: January 7, 2020

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Proposal for Cross Lake Beach

Background: Since February 2018, the City, County, and adjacent property owners have been attempting to reach an agreement Cross Lake Beach. Throughout this process there have been many confusing issues involving rights-of-way, property lines, state ownership, city ownership, and private ownership, as well as anecdotal information that cannot be proven. Many of the records are incomplete or do not exist.

On December 10, 2019, the adjacent property owner and the City Manager met on-site to discuss a proposal that both parties consider in the best interest of all parties, including the residents of Belle Isle.

The proposal that both parties discussed is as follows:

- a. The City agrees and declares that the alignment of the right of way for Cross Lake Road shall remain as in the plat west of Oak Island Road, and that this portion of Cross Lake Road shall remain a public right of way and extend from Oak Island Road to a point 24 feet west of the western line of the rock driveway for the property at 2211 Cross Lake Road, on both the northern and southern lines of the right of way, which also aligns with the western line of the existing Walker gate on the southern line of the right of way.
- b. The driveways at 2211 Cross Lake and the Walker Property shall remain the same. The City shall allow parking for the use of the lots fronting on Cross Lake Road, except for the western 80 feet of frontage along the 2211 Cross Lake property and Walker Property which is reserved for their parking and the eastern frontage 183 feet of the north side of Cross Lake Road from Oak Island Road along 2208 Cross Lake Road, currently owned by Gayle and Tom Bouck is reserved for Bouck parking. The City shall place "no parking signs except for adjoining lots" (or similar) along Cross Lake Road at those locations. Public parking will be on the south right-of-way of Cross Lake Road from Oak Island Road to the utility pole
- c. The City will make a passive park with no motorized boat launch on the remainder of the Cross Lake Road right of way west of the terminus described above including bollards and fencing. The park rules, in all other aspects, shall be in accordance with all other city parks rules.
- d. The City shall pave Cross Lake Road. The City shall be responsible for the maintenance, repair and any improvement of Cross Lake Road including but not limited to drainage.
- e. A sketch of a-d is attached to this document.

This Proposal is in accordance with:

- a. The 1990 City Comprehensive plan calling for a 50X50 open space at the end of Cross Lake Road.
- b. Resolution No. 59-2 Closing the last 80 feet of Cross Lake Road to public parking.
- c. Chapter 18 of the Belle Isle Municipal Code setting forth the rules and ordinances of city parks. (Ordinance 88-13)
- d. Resolution No. 79-6 allowing for ingress and egress to landowners adjacent to city parks.

The proposed resolution basically keeps everything the way it is now and has been for years, but it is now documented. The only change allows all of the adjacent property owners to have signed parking. This parking change does not prevent the public from accessing or using the park. All land is owned by the City of Belle Isle. Once the property is purchased by the City, the property will be surveyed to memorialize the resolution and to define the property lines of all properties in the area.

This proposal was reviewed by Orange County District 3 Commissioner and the title company of 2211 Cross Lake Road and both find it acceptable.

Staff Recommendation: To accept the proposal and request that Orange County start the process to recommend approval of the purchase to the state.

Suggested Motion: I move that we approve the proposal presented in tonight's meeting for the purchase of the Cross Lake Beach property.

Alternatives: Do not approve the proposal and continue to work with the property owners and the County on another solution.

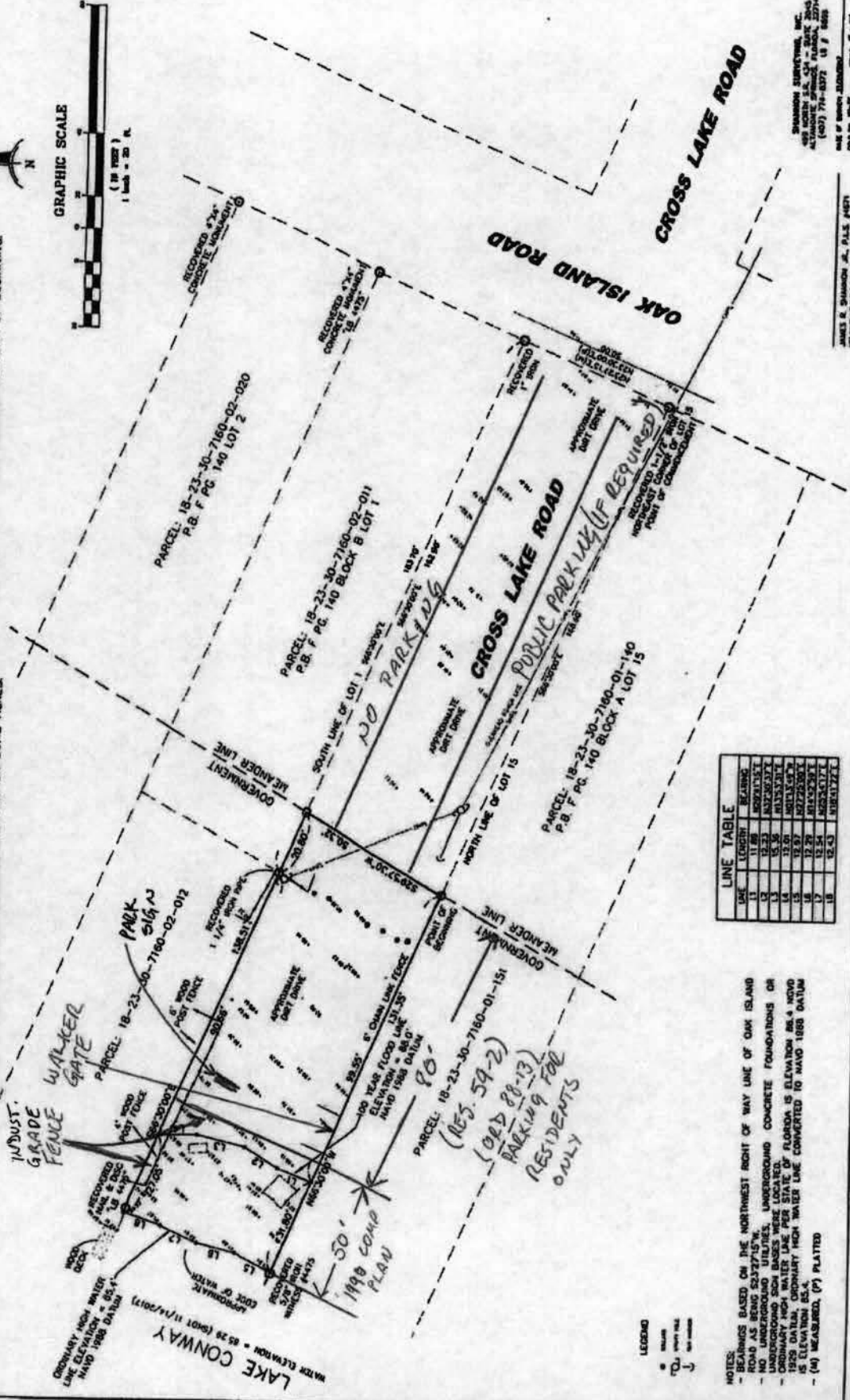
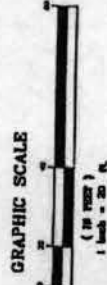
Fiscal Impact: \$19,000

Attachments:

- Sketch of the proposal
- Excerpt from the 1990 Comp Plan
- Resolution 59-2
- Ordinance 88-13
- Resolution 79-6

BOUNDARY SURVEY

DESCRIPTION: A PORTION OF LAND LYING ADJACENT TO CROSS LAKE ROAD, PLEASURE ISLAND, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK F PAGE 140, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF LOT 15, BLOCK A, OF SAID PLAT, THENCE RUN NORTH 66°30'00" WEST A DISTANCE OF 188.60 FEET TO THE NORTH LINE OF SAID LOT 15 TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 88°30'00" WEST A DISTANCE OF 131.35 FEET TO THE ORDINARY HIGH WATER LINE; THENCE ALONG THE ORDINARY HIGH WATER LINE FOR THE NEXT FOUR COURSES; RUN NORTH 27°25'00" EAST A DISTANCE OF 12.97 FEET; THENCE RUN NORTH 14°42'59" EAST A DISTANCE OF 12.28 FEET; THENCE RUN NORTH 25°54'17" EAST A DISTANCE OF 13.54 FEET; THENCE RUN NORTH 18°41'22" EAST A DISTANCE OF 12.43 FEET; THENCE RUN SOUTH 66°30'00" EAST A DISTANCE OF 138.51 FEET ALONG THE NORTHWESTERLY PROJECTION OF THE SOUTH LINE OF LOT 1, BLOCK B, OF SAID PLAT, TO THE GOVERNMENT MEANDER LINE; THENCE ALONG SAID GOVERNMENT MEANDER LINE RUN SOUTH 29°57'30" WEST A DISTANCE OF 50.32 FEET TO THE POINT OF BEGINNING. DESCRIBED PROPERTY CONTAINS ±6.725 SQUARE FEET OR ±0.15 ACRES.



LINE	LENGTH	BEARING
1	11.89	S89°17'57\"
2	11.89	S89°17'57\"
3	11.89	S89°17'57\"
4	11.89	S89°17'57\"
5	11.89	S89°17'57\"
6	11.89	S89°17'57\"
7	11.89	S89°17'57\"
8	11.89	S89°17'57\"
9	11.89	S89°17'57\"
10	11.89	S89°17'57\"
11	11.89	S89°17'57\"
12	11.89	S89°17'57\"
13	11.89	S89°17'57\"
14	11.89	S89°17'57\"
15	11.89	S89°17'57\"
16	11.89	S89°17'57\"
17	11.89	S89°17'57\"
18	11.89	S89°17'57\"

NOTES:
 - BEARINGS BASED ON THE NORTHWEST CORNER OF LOT 15, BLOCK A, OF SAID PLAT.
 - NO UNDERGROUND CONCRETE FOUNDATIONS OR UNDERGROUND SOIL BASES WERE LOCATED.
 - ORDINARY HIGH WATER LINE PER STATE OF FLORIDA IS ELEVATION 85.4 NGVD 1929 DATUM, ORDINARY HIGH WATER LINE CONVERTED TO NAVD 1988 DATUM IS ELEVATION 85.4 NGVD 1929 DATUM.
 - (M) MEASURED, (P) PLATTED

SHAMSHON SURVEYING, INC.
 1400 N. W. 10th St., Suite 200
 Ft. Lauderdale, FL 33304
 (954) 774-8373
 DATE OF SURVEY: 10/17/2019
 NAME OF SURVEYOR: [Signature]
 NAME OF CLIENT: [Signature]
 FILE NUMBER: 2019-000000-0000

1. WARREN PARK

Warren Park is an 8.5 acre Orange County park. The park is located at the intersection of Warren Park Drive and Seminole Drive, on the east side of the City. Warren Park is a neighborhood park consisting of a baseball diamond, 2 tennis courts, 20 picnic tables, 2 playgrounds, and 0.01 miles of beach on Conway Chain of Lakes.

2. LAGOON PARK (BELLE ISLE WEST)

This neighborhood park is the newest park in the Belle Isle park system, scheduled for completion in 1990. The park is located between the Belle Isle West subdivision and the Conway Shores subdivision, in the south part of the City. Although there is a walking/bicycling trail which runs through the park, it remains primarily a passive park with picnic tables and benches. The lagoon has been planted with indigenous water plants as part of an educational program.

3. VENETIAN PARK

Venetian Park is a 1.93 acre neighborhood park and is located in the Venetian Gardens subdivision in the northwest section of the City. The two main features of the park are the boat ramp and the large open field. The large open field in the middle of the subdivision is suitable for all types of activity based recreation, such as baseball, softball, football, soccer, and volleyball. The boat ramp area has no parking spaces for cars, however there are six parking spaces adjacent to the large field.

4. PERKINS BOAT RAMP

The Perkins boat ramp is 0.33 acres and is located at the intersection of Perkins Road and Lake Drives in the southwest section of the City. There is parking for approximately 3 or 4 cars with trailers and a reserved space for Marine Patrol. The boat ramp is suitable for one boat launch at a time.

5. CROSS LAKE BEACH

Cross Lake Beach, 0.16 acres, is located on Cross Lake Road off Oak Island Road in the northwest section of the City. The beach is approximately 50 feet in length. The remainder of the park is open space.

a.

704447 RECORDED JUL 23 9 47 AM 1960 O.R. 755 PAGE 325

THE CITY OF BELLE ISLE, FLORIDA

RESOLUTION NO. 59-2

RESOLUTION

WHEREAS, Ordinance No. 556-15 authorizes the City of Belle Isle to designate certain dead-end streets within the corporate city limits of the City of Belle Isle, Florida; and

WHEREAS, a public hearing has been held by the City Council of the City of Belle Isle, Florida, at its regular meeting on June 2nd, 1959, A. D., and July 7th, 1959, A. D. where all interested persons had an opportunity to be present and to be heard in the matter of regulating vehicular traffic on the west end of Cross Lake Road; and

WHEREAS, the City Council of the City of Belle Isle, Florida, is informed and believes that the present usages of the west end of Cross Lake Road at the water's edge of Lake Conway and extending in an easterly direction 80 feet, more or less, has become a public and private nuisance by the extended parking of vehicles in said area and the persons parking said vehicles have thrown debris upon said public street and upon the private property of the abutting property owners and have impeded pedestrian traffic and thoroughfare to Lake Conway.

WHEREFORE, premises considered, the west 80 feet of the said Cross Lake Road is hereby designated to be a dead-end street and vehicular traffic is hereby unauthorized to park in said area and the City of Belle Isle is hereby authorized to erect and maintain appropriate signs closing off and otherwise restricting the parking of said vehicles in said area.

BE IT FURTHER RESOLVED that this ^{resolution} ~~regulation~~ shall become

VILKERSON & HAASES
ATTORNEYS AT LAW
P. O. DRAWER 2888
120 N. ORANGE AVENUE
PHOENIX GARDEN 2-1929
ORLANDO, FLORIDA

West End

a.

O.R. 755 PAGE 326

effective upon the approval of the Mayor after passage thereof.

ADOPTED this 16th day of July, A. D., 1959.

C. Earl Rodin
President of the City Council of
Belle Isle.

APPROVED this 16th day of
July, A. D., 1959.

Mrs. Leo Barry
City Clerk

John Q. Harrison
John Q. Harrison, Mayor of the
City of Belle Isle, Florida.

RECORDED & RECORD VERIFIED
Clerk of
Circuit Court, Orange Co., Fla.

VILKORSON & HANSEN
ATTORNEYS AT LAW
P. O. DRAWER 3588
20 N. ORANGE AVENUE
WINDY GARDEN E-1088
ORLANDO, FLORIDA.



55

ORDINANCE 88 - 13

a.

AN ORDINANCE AMENDING ORDINANCE 79-2, PARK REGULATIONS, BY CHANGING ARTICLE IV, FROM EXEMPTIONS TO EXCEPTIONS, PROVIDING FOR RIGHTS OF ACCESS TO LANDS WHICH REQUIRE THE USE OF PARK AREAS FOR INGRESS AND EGRESS, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Belle Isle passed ordinance 79-2 regulating conduct in City parks, providing for enforcement, providing penalties for violation of its provisions, and providing an effective date; and

WHEREAS, said ordinance contains an exemption for the owner(s) of lands which require the use of the park area, or a part of for ingress and egress to their said lands;

WHEREAS, this exemption relieves the owner(s) of such lands from all park regulations which may endanger the health, safety and welfare of the citizens of the City of Belle Isle.

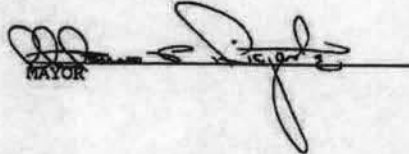
NOW, THEREFORE, be it hereby ordained by the City Council of the City of Belle Isle, Florida, that Article IV, Exemptions be changed to exceptions, and described as follows:

Article IV, EXCEPTIONS.


Section 1. The owner(s) of lands which require the use of a park area, or part thereof, for ingress and egress to their said lands may be granted the right to traverse the park area for this purpose without concern for the hours provided in Article III, Section 10, subsections (b) and (c) of this ordinance.

Section 2. Any landowner who believes his land to fall within the condition described in Section 1 of this Article may apply to the City Council for a Resolution establishing such permission. If granted, this permission shall extend to the guest(s), license(es) and invite(es) of such owner(s).

This ordinance shall take effect immediately.



MAYOR

ATTEST:


L.M. DAVIDSON, CITY CLERK ADMINISTRATOR

STATE OF FLORIDA
COUNTY OF ORANGE

I, LINDA M. DAVIDSON, City Clerk of the City of Belle Isle, Florida, do hereby certify that the above and foregoing resolution was duly and legally passed and adopted by the City Council of Belle Isle, Florida, in session assembled, at which said session a quorum of the City Council was present, on the 3rd day of May, 1988.


CITY CLERK

880413syb
t:parkord.roa

RESOLUTION 79-6

A RESOLUTION DETERMINING CERTAIN LANDS TO BE EXEMPT FROM THE EFFECT OF ORDINANCE NO. 79-2.

WHEREAS, the City Council of the City of Belle Isle has this date passed Ordinance No. 79-2 regulating conduct in city parks, providing for enforcement, providing penalties for violation of its provisions, and providing an effective date; and

WHEREAS, said Ordinance contains an exemption for the owners of lands which require the use of a park area, or a part thereof, for ingress and egress to their said lands; and

WHEREAS, Gary W. Cooley and Martha Cooley, his wife, are the owners of the following described lands, to-wit:

From the intersection of the Government meander line with the Southerly Line of Lot 1, Block "B", Pleasure Island as per plat thereof recorded in Plat Book "F", page 140 Public Records of Orange County, Florida, said point being 162.9 ft. N 66° 30'W of the S.E. corner of said Lot 1, run thence N 66° 30'W along said Southerly Line projected 20.8 Ft to the Point of Beginning; thence continue N 66° 30'W along said projection 105 Ft to the 86.4 contour line; thence N 39° 12'E along said line 27 Ft. thence N 17° 17'E along said line 24.15 Ft., thence S 66° 30'E, 105 Ft. thence S 28° 51' 30"W, 50.22 Ft. to the Point of Beginning.

and

WHEREAS, it is necessary to traverse the city park adjacent to said lands for ingress and egress thereto.

NOW, THEREFORE, be it resolved by the City Council of the City of Belle Isle, Florida, as follows:

- 1. Gary W. Cooley, Martha Cooley, his wife, their guests, employees, licensees and invitees are hereby declared to be exempt from the provisions of Ordinance No. 79-2 as to the park area located adjacent to the following described lands, to-wit:

From the intersection of the Government meander line with the Southerly Line of Lot 1, Block "B", Pleasure Island as per plat thereof recorded in Plat Book "F", page 140 Public Records of Orange County, Florida, said point being 162.9 Ft. N 66° 30'W of the S.E. corner of said Lot 1, run thence N 66° 30'W along said Southerly Line projected 20.8 Ft. to the Point of Beginning; thence continue N 66° 30'W along said projection 105 Ft. to the 86.4 contour line; thence N 39° 12'E along said line 27 Ft. thence N 17° 17'E along said line 24.15 Ft. thence S 66° 30'E, 105 Ft. thence S 28° 51'30"W, 50.22 Ft. to the Point of Beginning.

a.

APPROVED: September 4, 1979

Earl E. Neumann III
MAYOR

Approved as to form and legality:

Jan 18, 1979

John W. Bennett
City Attorney
City of Belle Isle, Florida

STATE OF FLORIDA
COUNTY OF ORANGE

I, ANN BYLAND, City Clerk of the City of Belle Isle, Florida, do hereby certify that the above and foregoing resolution was duly and legally passed and adopted by the City Council of Belle Isle, Florida, in session assembled, at which said session a quorum of the City Council was present, on the 4th day of September, 1979.

Ann Byland
CITY CLERK

EXHIBIT "A"

LEGAL DESCRIPTION OF PROPERTY

Description: A parcel of land lying adjacent to Cross Lake Road, Pleasure Island, according to the Plat thereof, as recorded in Plat Book F, Page 140, Public Records of Orange County, Florida, being more particularly described as follows: Commence at the Northeast corner of Lot 15, Block A, of said Plat, thence run North 66°30'00" West a distance of 168.60 feet along the North line of said Lot 15 to the Point of Beginning; thence continue North 66°30'00" West a distance of 131.35 feet to the ordinary high water line of Lake Conway; thence along said ordinary high water line for the next four courses; run North 27°25'00" East a distance of 12.97 feet; thence run North 14°42'59" East a distance of 12.29 feet; thence run North 25°54'17" East a distance of 12.54 feet; thence run North 18°41'22" East a distance of 12.43 feet; thence leaving said ordinary high water line run South 66°30'00" East a distance of 138.51 feet along the Northwesterly Projection of the South line of said Lot 1, Block B, of said Plat, to the Government Meander line; thence along said Government Meander line run South 29°57'30" West a distance of 50.32 feet to the Point of Beginning.

Described property contains ±6,725 square feet or ±0.15 acres.

BSM

BY SK

Date: 6.29.2018