



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 6

DATE: December 13, 2021

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

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

FROM: Anmber Ayub, Senior Title Examiner
Real Estate Management Division *MTC* *WAT*

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: Acquisition of one fee simple parcel and a temporary construction easement required for roadway improvements.

ITEMS: Resolution (Parcels 1022/7008)

APPROVALS: Real Estate Management Division
Public Works Department

REMARKS: This is the first submittal of a parcel for this project to be acquired through eminent domain.

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS

JAN 11 2022

Upon a motion by Commissioner Uribe, seconded by Commissioner Moore, and carried with all present members 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 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 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 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 easements designated as parcel number 7008 shall commence on the date that Orange County takes title to said temporary construction easements 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 1022/7008 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 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 JAN 11 2022.


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

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

BY: *Brynn Brooks*
for Jerry L. Demings
Orange County Mayor

BY: *Emily Rivera*
for Deputy Clerk
Emily Rivera
Printed Name

DATE: *12 January 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

STAFF REPORT**January 8, 2021****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 1022:

A portion of lands described in Official Records Book 10529, Page 8354, Public Records of Orange County, Florida, being more particularly described as follows:



Begin at the Northwest corner of lands described in Official Records Book 10529, Page 8354; Public Records of Orange County, Florida, said point being on the South right of way line of University Boulevard as described in Official Records Book 4067, Page 4631, Public Records of Orange County, Florida; thence along said South right of way line the following two (2) courses and distances : North 89°45'10" East, a distance of 9.94 feet; thence South 00°29'39" East, a distance of 11.00 feet; thence departing said right of way line along a Westerly projection thereof South 89°44'59" West, a distance of 9.99 feet to a point on the West line of said lands; thence North 00°14'38" West, a distance of 11.00 feet along said West line to the POINT OF BEGINNING.

Containing 110 square feet, more or less.

SURVEYOR'S REPORT:

1. Bearings shown hereon are based on the South right of way line of University Boulevard as described in Official Records Book 3831, Page 4479, Public Records of Orange County, Florida being North 89°45'10" East, 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 Commitment number NCS-914399-C-ALT all recorded survey related encumbrances have been shown or noted on the survey.

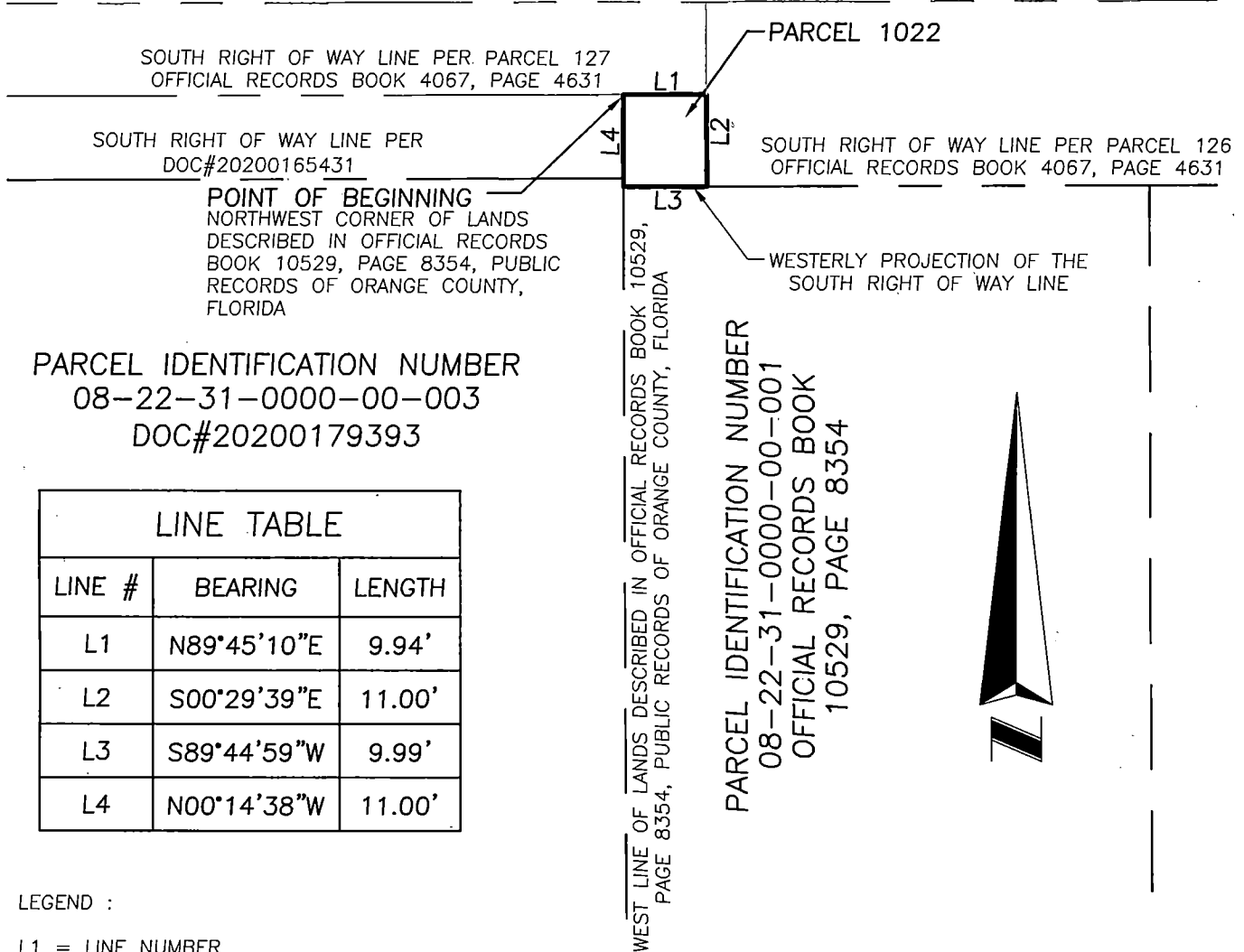
NOT VALID WITHOUT SHEETS 1-2

DESCRIPTION	Date: 01/19/2021 KR	Certification Number LB2108 62756017						
FOR PEGASUS ENGINEERING, LLC.  Digitally signed by Ryan E Johnson DN: c=US, o=Florida, dnQualifier=A01410C0000017B CBB4A2790000C74A, cn=Ryan E Johnson Date: 2022.01.07 11:26:00 -05'00'	<table border="1"> <tr> <td data-bbox="609 1705 803 1759"> Job Number: 62756 </td> <td data-bbox="803 1705 985 1759"> Scale: 1" = 20' </td> </tr> <tr> <td colspan="2" data-bbox="609 1768 985 1936"> Chapter 5J-17, Florida Administrative Code requires that a legal description drawing bear the notation that THIS IS NOT A SURVEY. </td> </tr> <tr> <td colspan="2" data-bbox="609 1944 985 1990"> SHEET 1 OF 2 SEE SHEET 2 FOR SKETCH </td> </tr> </table>	Job Number: 62756	Scale: 1" = 20'	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		 SOUTHEASTERN SURVEYING AND MAPPING CORPORATION 6500 All American Boulevard Orlando, Florida 32810-4350 (407) 292-6580 e-mail: info@southeasternsurveying.com RYAN E. JOHNSON, PSM Registered Land Surveyor Number 7130
Job Number: 62756	Scale: 1" = 20'							
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								

SKETCH OF DESCRIPTION
PARCEL 1022

PURPOSE : RIGHT OF WAY

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



Drawing No. 62756017
Job No. 62756
Date: 01/19/2021
SHEET 2 OF 2
See Sheet 1 for Description

1" = 20'
GRAPHIC SCALE
0 10' 20' 40'
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

SCHEDULE "B"

2722 UNIVERSITY BLVD AND DEAN RD INTERSECTION PARCEL 1022

FEE SIMPLE

Parcel 1022: the interest being acquired is fee simple.

SCHEDULE "A"

DESCRIPTION PARCEL 7008 :

A portion of lands described in Official Record Book 7747, Page 4427, Public Records of Orange County, Florida, being more particularly described as follows:

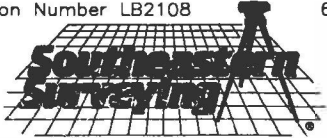
Commence at the Northwest corner of Lot 2, Sun University Plat according to the plat thereof recorded in Plat Book 21, Page 51, Public Records of Orange County, Florida, said point being on the East right of way line of Dean Road per Orange County Engineering Department Survey Section right of way map for Dean Road dated November 1988, said point also being on a non tangent curve concave Westerly, having a radius of 5789.60 feet, a central angle of 00°04'45" and a chord bearing of North 00°13'01" East; thence from a tangent bearing of North 00°15'24" East Northerly, a distance of 8.00 feet along the arc of said curve and along said right of way line to the POINT OF BEGINNING; thence continue Northerly, a distance of 88.88 feet along the arc of said curve and along said right of way line through a central angle of 00°52'46"; thence departing said right of way line South 89°52'38" East, a distance of 27.43 feet; thence South 00°10'56" East, a distance of 88.70 feet; thence South 89°44'36" West, a distance of 27.30 feet to the POINT OF BEGINNING.

Containing 2,420 square feet, more or less.

SURVEYOR'S REPORT:

1. Bearings shown hereon are based on the South line of Lot 2, Sun University Plat according to the plat thereof recorded in Plat Book 21, Page 51, Public Records of Orange County, Florida being South 89°44'36" 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 2037-4232422/18.00162 all recorded survey related encumbrances have been shown or noted on the survey.
4. The above described lands are subject to a blanket ingress/egress easement per Official Records Book 7374, Page 804, Public Records of Orange County, Florida.

NOT VALID WITHOUT SHEETS 1-2

DESCRIPTION	Date: 02/14/2020 KR		Certification Number LB2108 62756015
FOR PEGASUS ENGINEERING, LLC.	Job Number: 62756	Scale: 1" = 40'	 <p>SOUTHEASTERN SURVEYING AND MAPPING CORPORATION 6500 All American Boulevard Orlando, Florida 32810-4250 (407) 292-8580 e-mail: info@southeasternsurveying.com</p> <p><i>[Signature]</i> RYAN E. JOHNSON, PSM Registered Land Surveyor Number 7130</p> <p>24 6/22/2021</p>
	<p>Chapter 5J-17, Florida Administrative Code requires that a legal description drawing bear the notation that THIS IS NOT A SURVEY.</p>		
	<p>SHEET 1 OF 2 SEE SHEET 2 FOR SKETCH</p>		

SKETCH OF DESCRIPTION
PARCEL 7008

PURPOSE : TEMPORARY CONSTRUCTION
EASEMENT

LEGEND :

C1 = CURVE NUMBER
NT = NON TANGENT

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

SOUTH RIGHT OF WAY LINE PER OFFICIAL
RECORDS BOOK 7747, PAGE 4427

PARCEL IDENTIFICATION NUMBER
08-22-31-0000-00-130
OFFICIAL RECORDS BOOK 7747, PAGE 4427



DEAN ROAD

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

EAST RIGHT OF WAY LINE

PARCEL 7008

S89°52'38"E
27.43'

S00°10'56"E 88.70'

8.00' WIDE DISTRIBUTION EASEMENT IN FAVOR
OF FLORIDA POWER CORPORATION PER
OFFICIAL RECORDS BOOK 3237, PAGE 1450

NORTH LINE OF LOT 2,
SUN UNIVERSITY PLAT

LOT 1
SUN UNIVERSITY PLAT
PLAT BOOK 21, PAGE 51

S89°44'36"W
27.30'

POINT OF BEGINNING

TANGENT BEARING =
N00°15'24"E

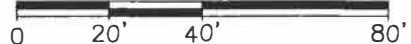
NT

POINT OF COMMENCEMENT
NORTHWEST CORNER OF LOT
2, SUN UNIVERSITY PLAT,
PLAT BOOK 21, PAGE 51,
PUBLIC RECORDS OF
ORANGE COUNTY, FLORIDA

LOT 2
SUN UNIVERSITY PLAT
PLAT BOOK 21, PAGE 51

S89°44'36"W

1" = 40'
GRAPHIC SCALE



CURVE TABLE

CURVE #	RADIUS	DELTA	LENGTH	CHORD BEARING	CHORD DISTANCE
C1	5789.60'	00°04'45"	8.00'	N00°13'01"E	8.00'
C2	5789.60'	00°52'46"	88.88'	N00°15'45"W	88.88'



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

Drawing No. 62756015
Job No. 62756
Date: 02/14/2020
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

24 6/22/2021

SCHEDULE "B"

2722 UNIVERSITY BLVD AND DEAN RD INTERSECTION PARCEL 7008

TEMPORARY CONSTRUCTION EASEMENT

Parcel 7008 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 constructing, tying in and harmonizing the driveway with the adjacent roadway. 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.