



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 3

DATE: July 2, 2021

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

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

FROM: Tamara Pelc, Senior Title Examiner
Real Estate Management Division *TP by MTC*

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

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

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

PROJECT: Lake Star, Powers Drive Flooding – (Parcel 102)

District 2

PURPOSE: To provide for access, construction, operation, and maintenance of drainage improvements

ITEM: Resolution

BUDGET: Account No.: 1002-072-2906-6110

APPROVALS: Real Estate Management Division
Public Works Department

REMARKS: There are several parcels that will need to be acquired through eminent domain for this project. Subsequent resolutions will be forthcoming.

JUL 27 2021

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

RESOLUTION

WHEREAS, during 2019/2020, the Board approved the project known as Lake Star, Powers Drive Flooding to provide for access, construction, operation and maintenance of drainage improvements and address the drainage problems as outlined in the staff report attached as Exhibit "A"; and

WHEREAS, in connection with the construction, repair and maintenance of the Lake Star, Powers Drive Flooding project by Orange County, a charter county and political subdivision of the State of Florida, it is necessary that said County have the required area for drainage purposes and it is necessary and in the public interest that there be acquired the required fee simple interest in certain land for proper construction and maintenance of the above project; and

WHEREAS, efforts to purchase said land from the owner of said land 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 interest in the required land necessary for drainage 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 interest for drainage 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 property description under parcel number 102 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 description, the above referenced description 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 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.

JUL 27 2021



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

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

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

BY: *Noelia Perez*
for Deputy Clerk
Noelia Perez
Printed Name

DATE: 27 July 2021

/tlp

Exhibit "A"

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS

Jerry L. Demings, County Mayor

Commissioner Betsy VanderLey, District # 1
Commissioner Christine Moore, District # 2
Commissioner Mayra Uribe, District # 3
Commissioner Maribel Gomez Cordero, District # 4
Commissioner Emily Bonilla, District # 5
Commissioner Victoria P. Siplin, District # 6
Byron W. Brooks, AICP, County Administrator, Sr. Executive Assistant

CERTIFICATION OF NECESSITY

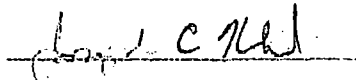
Pursuant to the Orange County Ordinance No. 92 - 29, I, Joe Kunkel, P.E., Director, Public Works Department, certify that the acquisition of Real Estate or interests in Real Estate on the following described project is necessary and in the public interest:

Project Name: Pine Hills Drainage Project

Project Limits: Pine Hills Area, primarily along Powers Drive, at Silver Star Road

Brief Description: Flooding occurred on N. Powers Drive at the intersection of Silver Star Road on July 31, 2018. The overall drainage system consists of parts of Silver Star Road, which is under FDOT jurisdiction, and Powers Drive, which is in unincorporated Orange County. This area drains through a shopping center parking lot located on the North side of Silver Star Road via a system of deep manholes and pipes and discharges to a receiving land-locked lake basin entitled Lake Star. Subsequent to the initial flooding occurrence, the County has been pumping water from the lake throughout the rainy season to keep the lake levels down to help prevent flooding in the area surrounding Lake Star. Lake Star historically has been closed, privately owned lake basin, with no positive outfall. Over the years, the privately owned lake basin has become overgrown and pipes leading to the lake basin have transported sediment to the basin, further impeding water percolation. Consequently, the County must acquire the basin and access to the lake basin to clean and clear the basin and to perform routine maintenance.

Certified this 25th day of February 2020



Joe Kunkel, P.E., Director
Public Works Department

cc: Paul Sladek, Manager, Real Estate Management Division
Jeff Newton, County Attorney, County Attorney's Office
File

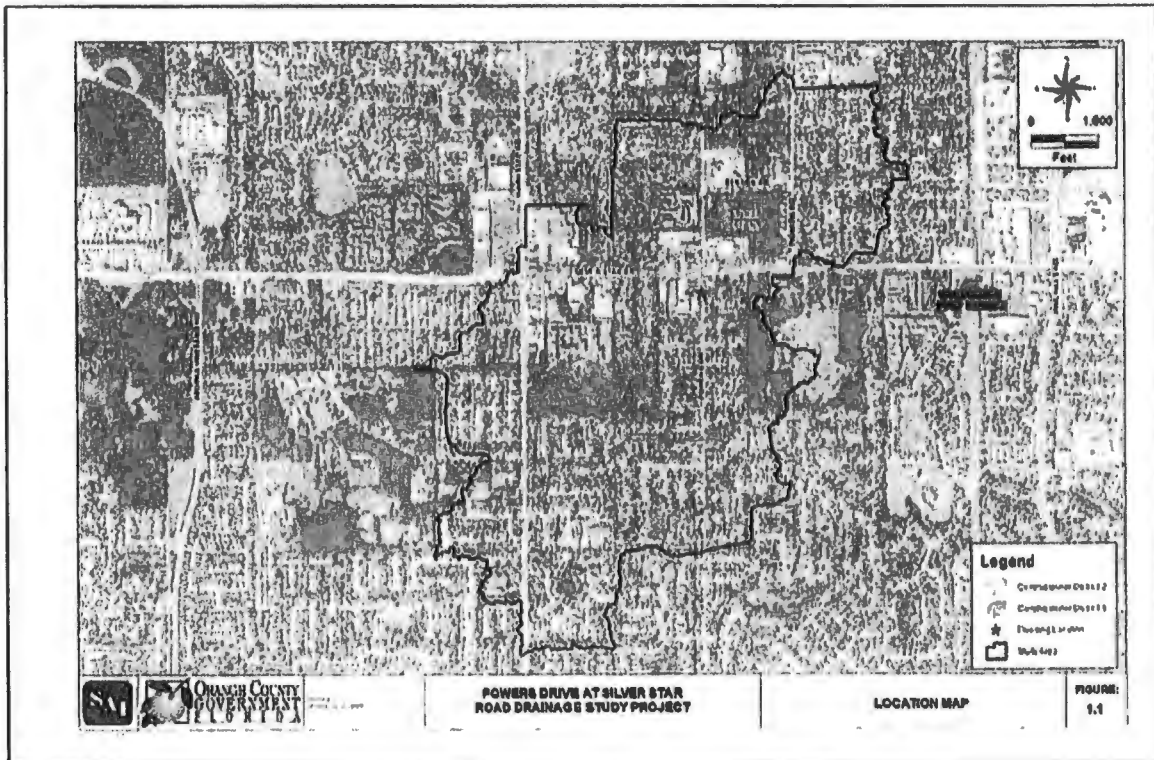
STAFF REPORT

Project: Pine Hills Drainage Project

February 25, 2020

PROJECT HISTORY

Flooding on N. Powers Drive at the intersection of Silver Star Road was first reported on July 31, 2018. The overall drainage system consists of parts of Silver Star Road, which is under FDOT jurisdiction, and Powers Drive, which is in unincorporated Orange County and under the County's jurisdiction. This area drains through a shopping center parking lot located along the North side of Silver Star Road via a system of deep manholes and pipes before discharging to a receiving land-locked lake basin entitled Lake Star. To identify the sources of the flooding, a drainage study completed in November 2019 by Singhofen and Associates entitled Powers Drive at Silver Star Road Drainage Study Project was conducted to analyze the water flows going into Lake Star and to consider possible solutions to the flooding problem. This study area has been identified in the following Figure 1.1 Location Map.



STAFF REPORT

Project: Pine Hills Drainage Project

February 25, 2020

Orange County Public Works Department responded immediately to the flooding and had the entire drainage system videoed and cleaned. Two pumps were set up at the intersection of Silver Star Road and N. Powers Drive. Public Works employees operated pumps in the area non-stop in order to mitigate future flooding that could occur from extreme rainfall events.

A permanent pump has been installed for use throughout the rainy season in order to keep the lake levels down to prevent flooding the nearby intersection of N. Powers Drive and Silver Star Road.

Recently, the County acquired a large portion of the privately owned lake basin known as Lake Star. Additional property interests are required for the project, including but not limited to additional portions of the Lake Basin, as well as points of access to ensure adequate access for ongoing operations and maintenance.

PROJECT CONSIDERATIONS

Without acquisition of additional access points, access to the land-locked lake basin is problematic and would hinder ongoing operations and maintenance. Due to the size of the lake basin, multiple access points are necessary to clear existing overgrowth and maintain the pond's permeability. These access point parcels may also aid the County as future staging areas, in addition to providing maintenance access points for heavy equipment to enter clear, clean and maintain the drainage/lake basin and prevent flooding in this area. The County plans to install fencing around Lake Star to restrict casual access to the lake and prevent additional pollution by reducing the magnitude of trash being dumped into Lake Star. Regrading the drainage/lake basin side slopes will provide additional safety to the public, as compared to the steep slopes that currently exist throughout the lake basin.

EXISTING CONDITIONS

The lake basin and the intended access point parcels are currently vacant, with native vegetation. Slopes leading into Lake Star are very steep and are a safety concern.

STAFF REPORT

Project: Pine Hills Drainage Project

February 25, 2020

FLOODING PREVENTION

A pump has been installed originating at Lake Star, with drainage lines that run South along Pioneer Road, then East along Silver Star Road, and then finally terminating into an inlet in Silver Star Road (FDOT) system where the floodwaters are being discharged into the Woodsmere Pump Station detention system that is located east of the intersection of Silver Star Road and N. Powers Drive.

This pumping operation is mainly used throughout the rainy season in order to keep the lake levels down in order to prevent flooding the nearby intersection of N. Powers Drive and Silver Star Road. Once the drainage/lake basin has been cleared and cleaned, the lake's percolation will be restored and the ongoing pumping will be phased out or only needed on an as needed basis.

SAFETY CONSIDERATIONS

This project will help provide additional access and storage needed for the County to access the lake basin in order to do preventative maintenance to prevent flooding. Steep slopes will be reconfigured and Lake Parcel area will be fenced.

PROJECT COSTS

Tree and brush cleaning at the Lake Star parcel is currently in progress at a cost of \$108,900.00. Currently the County is evaluating the area using a term consultant for \$126,621.95. Pump and line installation to keep lake levels down cost approximately \$200,000.00. Acquisition costs of the necessary property interests are currently unknown.

LEGAL DESCRIPTION


**Parcel 102, Estate: Fee Simple
Purpose: Retention Area**

Commence at the Southeast corner of Lot 19 of SILVER STAR TERRACE as recorded in Plat Book W, Page 133 of the Official Records of Orange County, Florida; thence run North 02 degrees 00 minutes 08 seconds West a distance of 395.95 feet to a point, said point being the POINT OF BEGINNING; thence run North 89 degrees 49 minutes 52 seconds East a distance of 208.11 feet; thence run North 02 degrees 00 minutes 08 seconds West a distance of 71.40 feet; thence run North 59 degrees 00 minutes 58 seconds West a distance of 164.78 feet; thence run South 89 degrees 49 minutes 52 seconds West a distance of 273.70 feet; thence run South 71 degrees 31 minutes 20 seconds West a distance of 322.34 feet; thence run North 89 degrees 49 minutes 52 seconds East a distance of 513.14 feet; thence run South 02 degrees 00 minutes 08 seconds East a distance of 55.38 feet to the POINT OF BEGINNING;

Containing 1.45 acres or 63,000.27 square feet, MORE OR LESS.

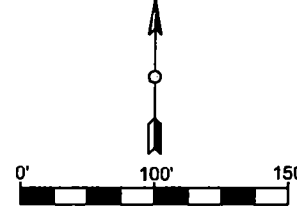
Revised on 10/01/2020 to Parcel 102.
Revised on 09/23/2020 distance in Legal changed.

PREPARED FOR: Roads & Drainage
DRAWING SCALE: NTS
PROJECT NUMBER 8492

DRAWN BY: Alvarez	DATE: 10/25/19	SECTION: 13	PUBLIC WORKS ENGINEERING DIVISION SURVEY SECTION 4200 SOUTH JOHN YOUNG PARKWAY ORLANDO, FLORIDA 32839-9205 (407) 836-7940	
CHECKED BY: Daynes	JOB No: 8492	TOWNSHIP: 22		
APPROVED BY: Daynes	DRAWING FILE:	RANGE: 28		
REVISION DATE:	8492 Lake Star	SHEET 1 OF 2		

RH 10/8/20

SKETCH OF DESCRIPTION
Parcel 102, Estate: Fee Simple
Purpose: Retention Area

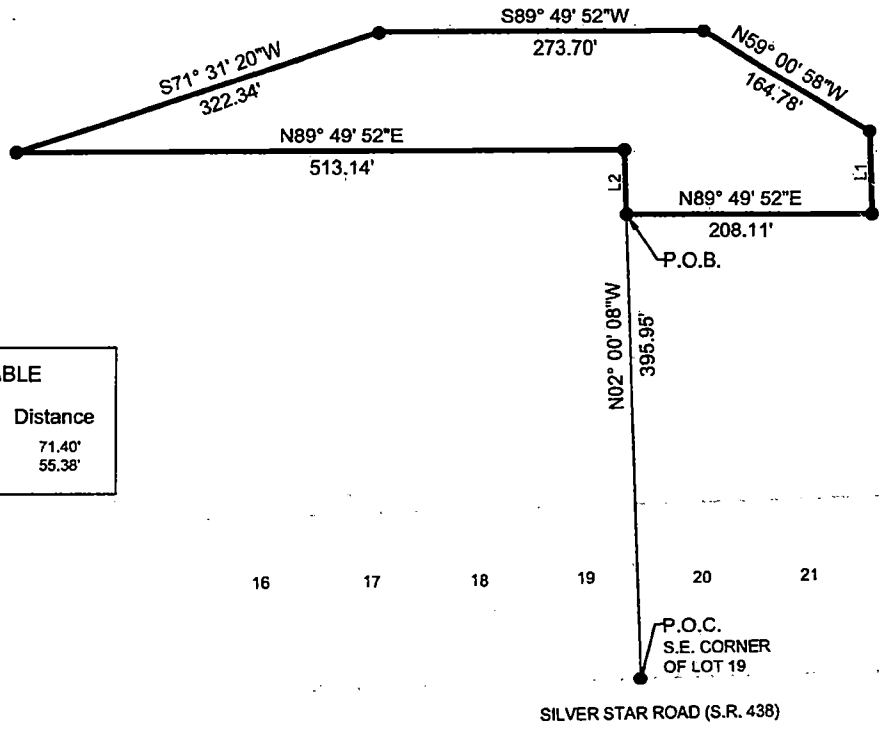


SILVER STAR TERRACE
 PLAT BOOK W, PAGE 133

13-22-28

LAKE STAR

LEGEND
 P.O.B. Point of Beginning
 P.O.C. Point of Commencement



West line of
 Plat Book W, Page 133
 Basis of Bearing

7
 8

N. POWERS DRIVE

PIONEER ROAD

16 17 18 19 20 21 22 23 24 25

SILVER STAR ROAD (S.R. 438)

LINE TABLE

Bearing	Distance
L1 N02°00'08\"W	71.40'
L2 S02°00'08\"E	55.38'

NOTES:

1. BEARINGS ARE BASED ON THE WEST LINE OF SILVER STAR TERRACE, PLAT BOOK W, PAGE 133, BEING S00°10'08\"E AS SHOWN ON THE PLAT OF BOUNDARY SURVEY DONE ON 03-27-19 BY DEWBERRY, ORLANDO, FL.
2. THIS SKETCH OF DESCRIPTION AND LEGAL DESCRIPTION WAS PREPARED BY ORANGE COUNTY ENGINEERING DIVISION, SURVEY SECTION.
3. THERE MAY BE OTHER RECORDS DOCUMENTS FOUND IN ORANGE COUNTY RECORDS AFFECTING THIS PROPERTY, A COMPLETE TITLE RECORD SEARCH WAS NOT PERFORMED.
4. NO IMPROVEMENTS ABOVE OR BELOW GROUND, OTHER THAN THOSE SHOWN, WERE LOCATED.

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

THEY HEREBY AFFIRM THAT THIS SKETCH OF DESCRIPTION IS PREPARED IN THEIR OWN BEST KNOWLEDGE AND BELIEF, IT HAS BEEN PREPARED IN ACCORDANCE WITH THE STANDARD SET FORTH IN CHAPTER 33-17, F.A.C., PURSUANT TO CHAPTERS 177 AND 472 OF THE FLORIDA STATUTES AND UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL, RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, THIS DRAWING, SKETCH, PLAN, OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.

10/5/2022
 DATE:
 Mark A. Daynes
 REGISTERED LAND SURVEYOR
 AND MAPPER
 STATE OF FLORIDA LICENSE NO. 5479

DRAWN BY: Alvarez	DATE: 10/25/19	SECTION: 13	PUBLIC WORKS ENGINEERING DIVISION SURVEY SECTION 4200 SOUTH JOHN YOUNG PARKWAY ORLANDO, FLORIDA 32839-8205 (407) 836-7940
CHECKED BY: Daynes	JOB No: 8492	TOWNSHIP: 22	
APPROVED BY: Daynes	DRAWING FILE: 8492 Lake Star	RANGE: 28	ORANGE COUNTY ENGINEERING DIVISION SURVEY SECTION 4200 SOUTH JOHN YOUNG PARKWAY ORLANDO, FLORIDA 32839-8205 (407) 836-7940
REVISION DATE:		SHEET 2 OF 2	
DRAWING SCALE: 1" = 150'			PREPARED FOR: Roads & Drainage
PROJECT NUMBER: 8492			

2nd 10/5/2022

SCHEDULE "B"

LAKE STAR PARCEL 102

FEE SIMPLE

Parcel 102: the interest being acquired is fee simple.