



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 1

DATE: April 7, 2021

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

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

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

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: Powers Drive & North Lane Intersection Improvements – Parcels 703A/703B

District 2

PURPOSE: Acquisition of two temporary easement parcels required to improve existing roadways.

ITEM: Resolution (703A/703B)

BUDGET: Account Nos.: 7532-072-7375-6110 and 1003-072-2722-6110

APPROVALS: Real Estate Management Division
Public Works Department

REMARKS: This is the first submittal of parcels for this project to be acquired through eminent domain for the Powers Drive and North Lane intersection improvements.

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

RESOLUTION

WHEREAS, during 2010/2011, the Board approved the project known as Powers Drive & North Lane Intersection Improvements to improve the existing 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".

WHEREAS, in connection with the construction, repair and maintenance of the Powers Drive & North Lane 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 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 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 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 numbers 703A and 703B 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 703A and 703B 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 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 APR 27 2021

(Official Seal)

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

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

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

BY: *Craig Stopyia*
Deputy Clerk

Craig Stopyia
Printed Name

DATE: 27 April 2021

/tlp

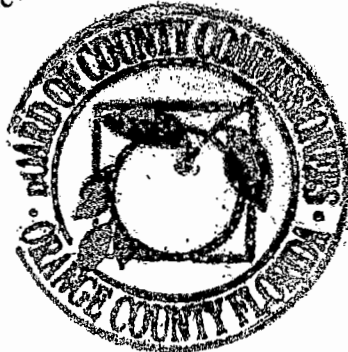


Exhibit A

April 14, 2015

STAFF REPORT

Powers Drive at North Lane Intersection Improvements
CIP 2722

PROJECT HISTORY

The Powers Drive at North Lane intersection improvements project was first proposed by the Traffic Engineering Division of the Public Works Department on July 27, 2011 as part of the Intersection Improvement Program. The need for improvements at the intersection, and to provide a more safe operation and a better geometry were addressed by recommending adding a westbound left turn lane and a southbound left turn lane. Based on a study and data collected by Traffic Engineering a traffic signal was not recommended.

The engineering consulting firm of Pegasus Design and Engineering, Inc. was chosen to design the proposed improvements. Notice to Proceed was issued on November 1, 2013. Construction plans production should be completed by October 2014. Pegasus sent a permit determination request to the St. John's River Water Management District (SJRWMD) on June 11, 2014. The SJRWMD has determined that the proposed construction is exempt from environmental resource permitting.

PROJECT CONSIDERATIONS

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

Existing Conditions

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

Powers Drive and North Lane are two-lane roadways with no turn lanes at the intersection. Both roads have a rural cross section with no curbs or gutters and an open drainage system. The intersection is currently not signalized and no signalization is proposed at this time. Stormwater run-off currently sheet flows off the roadway into the adjacent right-of-way roadside ditches and swales within the project limits. There are currently no existing stormwater management facilities or wetlands within the project limits. All proposed improvements will be constructed within the limits of the existing and proposed right-of-ways.

Proposed Improvements

The project involves the addition of a westbound left turn lane on North Lane and a southbound left turn lane on Powers Drive. The proposed drainage system will capture additional flow from the project area and convey it in a northerly direction on Powers Drive and in a westerly direction on North Lane through an open drainage system of swales. This will reduce the stormwater runoff from the roadway to the adjacent properties.

STAFF REPORT

April 14, 2015

Powers Drive at North Lane Intersection Improvements

CIP 2722

Safety Considerations

The addition of left turn lanes to the westbound left turn lane and a southbound left turn lane at the intersection will reduce the number of potential conflict points and improve vehicular flow, thereby reducing the risk of accidents. In addition, the increased turn radius at the intersection will better accommodate the high commercial vehicle traffic and enhance sight distance.

Long Range Planning

At the request of Traffic Engineering Division, the design and construction of the Powers Drive at North Lane intersection improvement was added to the Orange County Intersection Program.

Environmental Issues

No environmental concerns were identified during the preparation of the plans for this project.

Evaluation of Alternative Alignments

All improvements will be done within the limits of existing and proposed right-of-ways. Two corner clips will be needed at the northeast and southeast corners of the intersection to accommodate the wider radial returns, sidewalk construction and increased sight distance.

The intersection improvements are primarily needed to address the safety issues raised in the urban safety audit. A no-build alternative was considered, however the need for safer conditions did not favor this option. The addition of left turn lanes on two approaches of the intersection dictates that a centered alignment be adopted. A centered alignment avoids the introduction of potential conflict points, creation of a non-desired deflection angle, and provides a safer intersection.

Project Costs

The engineering design cost for the recommended intersection improvement is \$117,918.

The estimated right-of-way cost for the recommended intersection configuration is approximately \$6,000.

The estimated construction cost for the recommended intersection improvement is approximately \$700,000.

Therefore, the total project cost is approximately \$823,918.

Engineering Recommendation

Construct left turn lanes at two approaches at the intersection, and provide general drainage improvements in the project area to facilitate safer and more efficient vehicular flow through the intersection.

STAFF REPORT

April 14, 2015

Powers Drive at North Lane Intersection Improvements

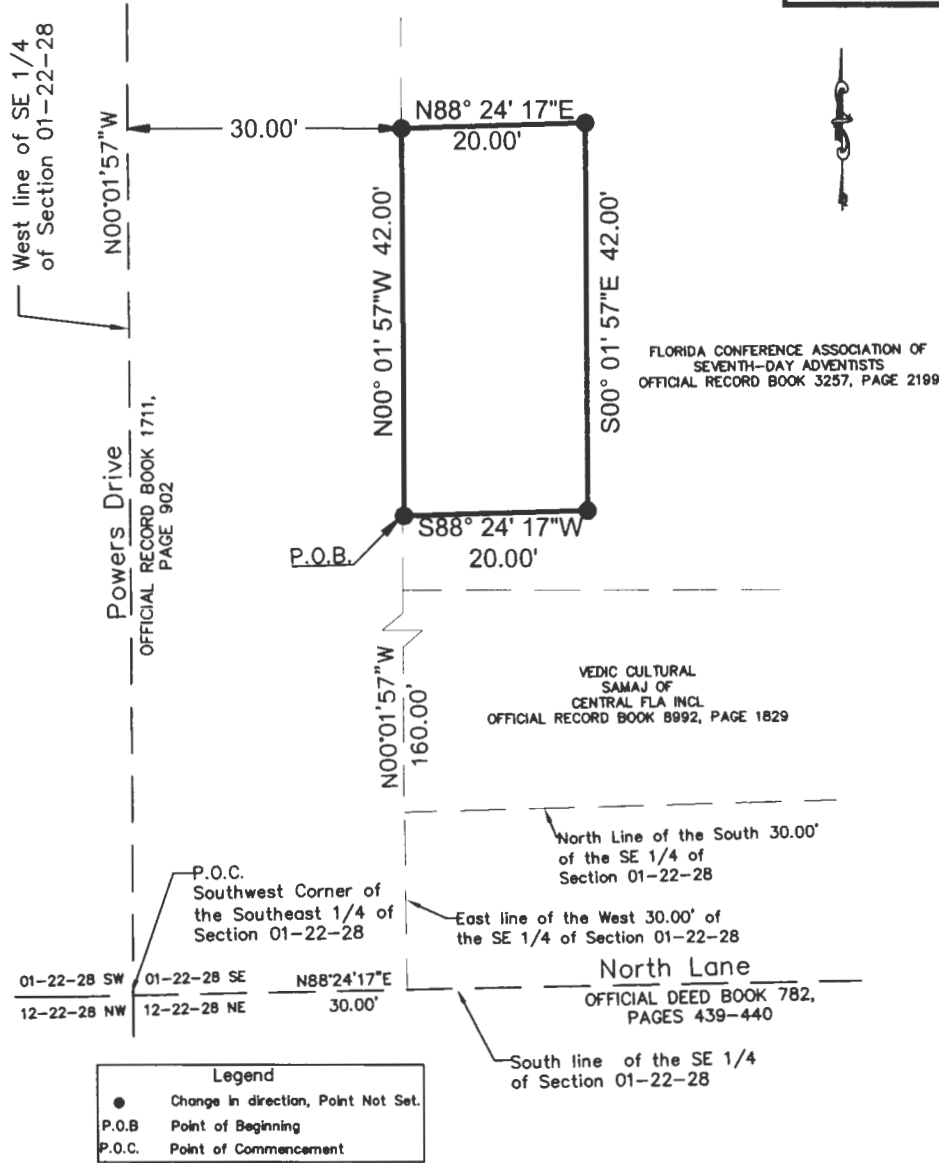
CIP 2722

Conclusion

The intersection improvements for Powers Drive at North Lane, consisting of two left turn lanes for two legs of the intersection, should be constructed as recommended.

Schedule "A"

SKETCH OF DESCRIPTION
Parcel 703A, Estate: Temporary Easement
Purpose: Temporary Construction



FLORIDA CONFERENCE ASSOCIATION OF SEVENTH-DAY ADVENTISTS
 OFFICIAL RECORD BOOK 3257, PAGE 2199

VEDIC CULTURAL SAMAJ OF CENTRAL FLA INCL
 OFFICIAL RECORD BOOK 8992, PAGE 1829

North Lane
 OFFICIAL DEED BOOK 782, PAGES 439-440

Legend
 ● Change in direction, Point Not Set.
 P.O.B Point of Beginning
 P.O.C. Point of Commencement

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 54-17, F.A.C., 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.

Mark A. Daynes
 REGISTERED LAND SURVEYOR
 AND MAPPER
 NO. 5479
 STATE OF FLORIDA LICENSE NO. 5479

SKETCH AND DESCRIPTION
 THIS IS NOT A SURVEY. NOR HAS FIELD WORK BEEN PERFORMED IN ACCORDANCE WITH 54-17, FLORIDA ADMINISTRATIVE CODE FOR PREPARATION OF THIS DRAWING.

- NOTES:**
- BEARINGS ARE BASED ON THE SOUTH LINE OF THE SE 1/4 OF SECTION 01-22-28 AS BEING N88°24'17" E (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.
 - NO IMPROVEMENTS ABOVE OR BELOW GROUND, OTHER THAN THOSE SHOWN, WERE LOCATED.

Commence at the Southwest corner of the Southeast quarter of Section 1, Township 22 South, Range 28 East, Orange County, Florida; thence run North 88 degrees 24 minutes 17 seconds East along the South line of the Southeast quarter of Section 1, Township 22 South, Range 28 East, Orange County, Florida a distance of 30.00 feet to a point lying 30.00 feet East of the West line of the Southeast quarter of said Section 1, said point also lying 30.00 feet South of the North line of the South 30.00 feet of the Southeast quarter of said Section 1; thence North 00 degrees 01 minutes 57 seconds West along the said East line of the West 30.00 feet of the Southeast quarter of said Section 1 a distance of 160.00 feet to the Point of Beginning; thence continue North 00 degrees 01 minutes 57 seconds West a distance of 42.00 feet to a point; thence run North 88 degrees 24 minutes 17 seconds East a distance of 20.00 feet to a point, said point also lying 20.00 feet East of the East line of the West 30.00 feet of the Southeast quarter of said Section 01; thence run South 00 degrees 01 minutes 57 seconds East a distance of 42.00 feet to a point; thence run South 88 degrees 24 minutes 17 seconds West a distance of 20.00 feet to the Point of Beginning.

Containing 840.00 square feet, more or less.

PREPARED FOR: Engineering - Design Section	DRAWING SCALE: 1" = 20'
PROJECT NUMBER 7576	

DRAWN BY: Alvarez	DATE: 11/6/2014	SECTION: 01
CHECKED BY: Daynes	JOB No: 7576	TOWNSHIP: 22
APPROVED BY: Daynes	DRAWING FILE: Powers Dr and North Ln Intersection Improvement	RANGE: 28 SE
REVISION DATE: 07/08/15		SHEET 1 OF 1

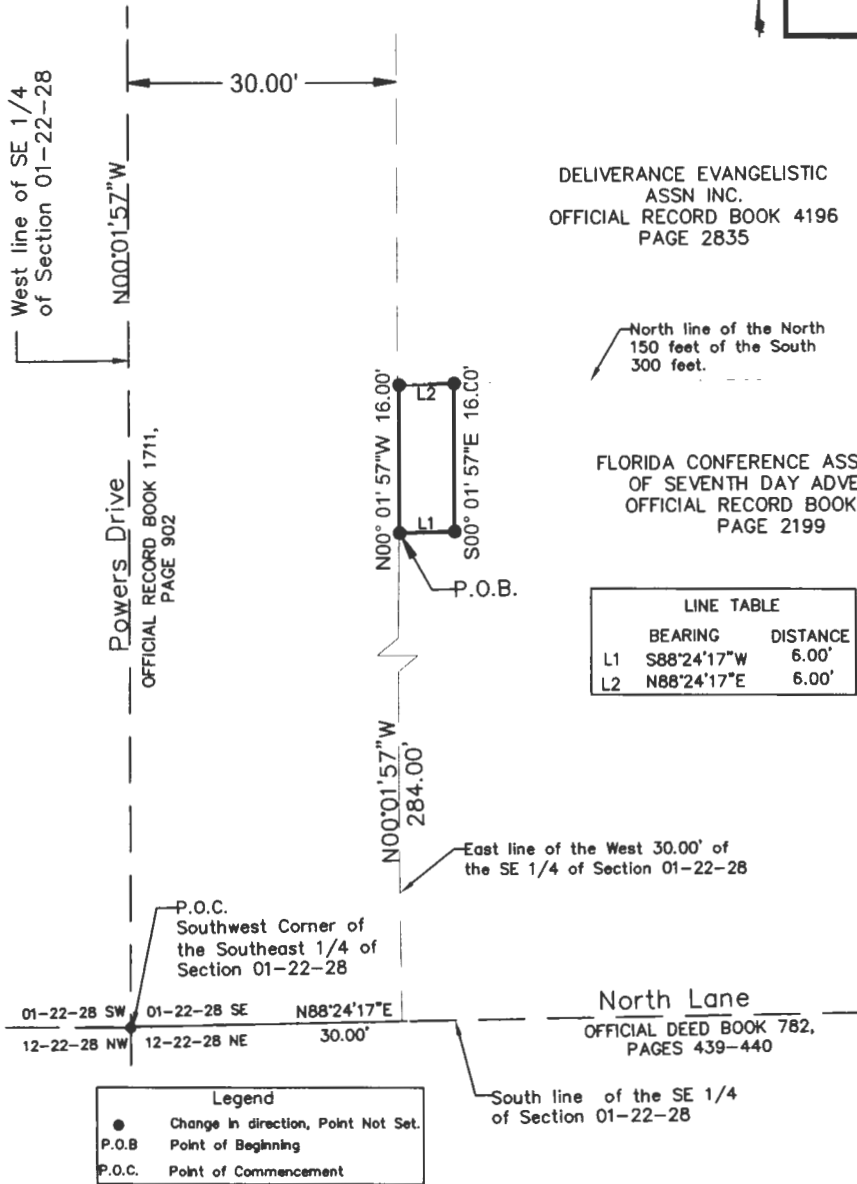
PUBLIC WORKS ENGINEERING DIVISION SURVEY SECTION
 4200 SOUTH JOHN YOUNG PARKWAY ORLANDO, FLORIDA 32839-9205
 (407) 836-7940



RH 4/7/2021

Schedule "A"

SKETCH OF DESCRIPTION
Parcel 703B, Estate: Temporary Easement
Purpose: Temporary Construction



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 5, J-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.

7/12/15 DATE: *[Signature]*
 William A. 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 5J-17, FLORIDA ADMINISTRATIVE CODE FOR PREPARATION OF THIS DRAWING.

- NOTES:**
- BEARINGS ARE BASED ON THE SOUTH LINE OF THE SE 1/4 OF SECTION 01-22-28 AS BEING N88°24'17" E (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.
 - NO IMPROVEMENTS ABOVE OR BELOW GROUND, OTHER THAN THOSE SHOWN, WERE LOCATED.

Commence at the Southwest corner of the Southeast quarter of Section 1, Township 22 South, Range 28 East, Orange County, Florida; thence run North 88 degrees 24 minutes 17 seconds East along the South line of the Southeast quarter of Section 1, Township 22 South, Range 28 East, Orange County, Florida a distance of 30.00 feet to a point lying 30.00 feet East of the West line of the Southeast quarter of said Section 1; thence North 00 degrees 01 minutes 57 seconds West along the said East line of the West 30.00 feet of the Southeast quarter of said Section 1 a distance of 284.00 feet to the Point of Beginning; thence continue North 00 degrees 01 minutes 57 seconds West a distance of 16.00 feet to a point; thence run North 88 degrees 24 minutes 17 seconds East a distance of 6.00 feet to a point, said point also lying 6.00 feet East of the East line of the West 30.00 feet of the Southeast quarter of said Section 1; thence run South 00 degrees 01 minutes 57 seconds East a distance of 16.00 feet to a point; thence run South 88 degrees 24 minutes 17 seconds West a distance of 6.00 feet to the Point of Beginning.

Containing 96.00 square feet, more or less.

PREPARED FOR:
 Engineering -
 Design Section

DRAWN BY: Alvarez	DATE: 12/12/14	SECTION: 01	PUBLIC WORKS ENGINEERING DIVISION SURVEY SECTION 4200 SOUTH JOHN YOUNG PARKWAY ORLANDO, FLORIDA 32839-9205 (407) 836-7940	DRAWING SCALE: 1" = 20'
CHECKED BY: Daynes	JOB No: 7576-2	TOWNSHIP: 22S		
APPROVED BY: Daynes	DRAWING FILE: Powers Dr and North Ln Intersection Improvement	RANGE: 28E	ORANGE COUNTY GOVERNMENT FLORIDA	PROJECT NUMBER
REVISION DATE: 07/08/15		SHEET 1 OF 1		7576-2

4/7/2021

SCHEDULE "B"

POWERS DRIVE AND NORTH LANE PARCEL 703A

TEMPORARY CONSTRUCTION EASEMENT

Parcel 703A 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.

SCHEDULE "B"

POWERS DRIVE AND NORTH LANE PARCEL 703B

TEMPORARY CONSTRUCTION EASEMENT

Parcel 703B 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.