



**Interoffice Memorandum**

April 6, 2020

**TO:** Mayor Jerry L. Demings  
and the County Commissioners

**FROM:** Joseph C. Kunkel, P.E., Director, Public Works Department

**CONTACT PERSON:** Pedro L. Medina, P.E., Manager,  
Development Engineering Division

**PHONE NUMBER:** (407) 836-7974

**SUBJ:** Hartzog Road – BLR Property  
Mass Grading/Fill Permit # 20-MGF-0022

Mr. David Brown, on behalf of BLR-545, LLC, has applied for Mass Grading/Fill Permit # 20-MGF-0022.

This permit would allow for the import of approximately 115,000 cubic yards of clean fill material to Orange County Parcel ID 30-24-27-0000-00-016 for the purpose of creating a stockpile.

The agriculturally zoned property is located east of Avalon Road and north of Hartzog Road.

Staff recommends approval subject to general law with the following additional requirements.

1. There is no haul route required. All material will be imported from the adjacent Orange County Hartzog Road construction project site. There will be no truck traffic on Avalon Road.
2. Operating and hauling from 7:00 a.m. to 7:00 p.m., Monday through Saturday.
3. Notify Development Engineering Division, Inspection section at (407) 836-7910 twenty-four (24) hours prior to commencement of operations.
4. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by the state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

5. By accepting this permit, the permittee understands and agrees that the permittee will, at all times, (1) comply with all terms and conditions of the permit, and any ordinances and regulations relating to the permit; (2) assume all the risk associated with the exercise or attempted exercise of its rights and privileges under this permit; and (3) indemnify, defend, and save harmless Orange County from and against all losses, damages, costs and expenses arising in any manner on account of the exercise or attempted exercise of the permittee's rights and privileges under this permit, including, but not limited to, any actions or disputes based on claims of negligence, trespass, quiet title, inverse condemnation, and any actions for injunctive or declaratory relief. Accordingly, the permittee shall pay and reimburse Orange County for all damages, attorney fees and costs that Orange County may incur as a result of any threatened litigation, actual litigation, trials, appeals arising in any manner from the issuance of this permit and the permittee's exercise or attempted exercise of its rights and privileges under the permit.
6. Prior to issuance of mass grading/fill permit, a Conservation Area Determination (CAD) and Conservation Area Impact (CAI), if applicable, must be issued by EPD.
7. The stockpile location may be adjusted depending upon the results of the approved CAD and/or CAI.

**Action Requested:            Approval to issue Mass Grading/Fill Permit #20-MGF-0022.  
District 1.**

DMA/jo

Attachment

**ORANGE COUNTY PERMIT APPLICATION for  
EXCAVATION - FILL - MASS GRADING**  
(Submit typewritten or legibly printed in triplicate)

INITIAL SUBMISSION

RENEWAL NUMBER \_\_\_\_\_

CHECK APPROPRIATE BLOCK	OFFICE USE ONLY		
Annual Permit <input checked="" type="checkbox"/>		Processing	<i>Ham</i>
30 Day Permit <input type="checkbox"/>		Permit No. <u>20-MGF-0022</u>	Fee \$ <u>298</u>
Excavation <input checked="" type="checkbox"/>		Permit No. _____	District No. <u>1</u>
Mass Grading <input checked="" type="checkbox"/>		Permit No. _____	Fee \$ <u>2728</u>
Fill <input checked="" type="checkbox"/>		Permit No. _____	Receipt No. <u>84113</u>

Applicants Company Name BLR-545, LLC  
 Applicants Name c/o David Brown II, PA Phone No. 407-839-4200  
 Address 390 North Orange Avenue, Suite 1400, Orlando, FL 32801  
 Firm designated to do work: John M. Hall Company Phone No. 407-402-0673  
 Name of contact individual Noy Rivers  
 Address 1920 Boothe Circle, Suite 230, Longwood, FL 32750  
 Reason for excavation, fill and/or mass grading Excavation for stockpile associated with Hartzog Road construction.

Has previous work area been completed per Code  yes  no If no explain \_\_\_\_\_  
No work done on receiving parcel Hartzog Road under construction

Description of area to be worked this permit year \_\_\_\_\_  
Horizon West Village | SAP parcel nos. 19, 21, 22, and 25

(Excavation/Fill) Amount of material 115,000 cu. yds. - (Fill/Mass Grading) Acreage 9.9 Acres

Legal description of property to be worked \_\_\_\_\_  
Parcel ID No. 30-24-27-0000-00-016

Zoning? PD  
 Section 30 Township 24 South, Range 27 East  
 Owner of record of property described above and contact individual.  
 Name c/o David Brown II, PA Phone No. 407-839-4200  
 Address 390 North Orange Avenue, Suite 1400, Orlando, FL 32801

Where is the material going to or coming from Material coming from Hartzog Road and going to Parcel 30-24-27-0000-00-016

Zoning? PD  
 Section 30 Township 24 South, Range 27 East  
 Owner of record of property described above.  
 Name c/o David Brown II, PA  
 Address 390 North Orange Avenue, Suite 1400, Orlando, FL 32801

Haul route \_\_\_\_\_  
Will cross Hartzog Road - a distance of approximately 1.500 L.F. maximum. No offsite roads

Date \_\_\_\_\_ Applicants Signature *David Brown II*

**SECTION II OFFICE USE ONLY**

Approved on \_\_\_\_\_ subject to general law and the following additional requirements.

This permit expires on \_\_\_\_\_ Approved by \_\_\_\_\_  
 For the County Engineer

Comments: \_\_\_\_\_ Date: \_\_\_\_\_  
 Inspector \_\_\_\_\_

IMPORTANT: SEE INSTRUCTIONS AND CONDITIONS ON REVERSE OF THIS PERMIT