



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 6

DATE: July 7, 2020

TO: Mayor Jerry L. Demings
and the
Board of County Commissioners

THROUGH: Paul Sladek, Manager *PS*
Real Estate Management Division

FROM: Elizabeth Price Jackson, Senior Title Examiner *EPJ by PS*
Real Estate Management Division

CONTACT PERSON: Paul Sladek, Manager

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

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

PROJECT: Kennedy Boulevard (Forest City Road to Wymore Road)

District 2

PURPOSE: Acquisition of one fee simple parcel and one temporary construction easement required for road widening improvements.

ITEM: Resolution (Parcels 1070/7070)

BUDGET: Account No.: 1004-072-3096-6110

APPROVALS: Real Estate Management Division
Public Works Department

REMARKS: This is the eighth submittal of parcels for this project to be acquired through eminent domain.

JUL 28 2020

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

RESOLUTION

WHEREAS, during FY 99/00, the Board approved the project known as Kennedy Boulevard (Forest City Road to Wymore Road) to improve the existing roadway, add sidewalks, bicycle lanes 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 Kennedy Boulevard (Forest City Road to Wymore Road) 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

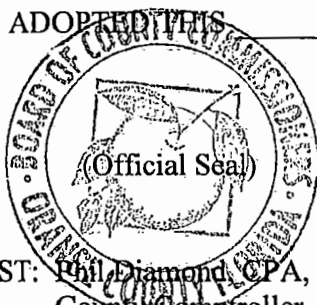
RESOLVED that for the purposes aforesaid, it is necessary, practical, and to the best interest of the public and Orange County and of the people of said County that the fee simple and temporary construction easement interests for roadway purposes be acquired in the name of said County by gift, purchase, 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 easement designated as parcel number 7070 shall commence on the date that Orange County takes title to said temporary construction easement and terminate seven (7) years after that date; and be it further

RESOLVED that the property descriptions under parcel numbers 1070/7070 are ratified and confirmed and found necessary for this project to the extent of the estates or interests 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

JUL 28 2020



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: 29 July 2020

STAFF REPORT
Kennedy Boulevard
From: Forest City Road
To: Wymore Road
CIP 3096

March 29, 2004

PROJECT HISTORY

1. Orange County began the Roadway Conceptual Analysis for the Kennedy Boulevard Project in August 1999. The services in the Roadway Conceptual Analysis included the preparation of the *Kennedy Boulevard Roadway Conceptual Analysis Report*. This report includes the need for improvement, existing conditions, design criteria, traffic analysis, corridor analysis, alternative alignment analysis, and preliminary design analysis.

2. The First Public Meeting for the Kennedy Boulevard Roadway Conceptual Analysis (RCA) Study was held on October 12, 1999.

The following concerns were discussed and evaluated: Lake Destiny Drive alignment; landscaping, sidewalks, amenities; placement of traffic lights and median openings; placement of retention ponds; truck traffic; and on street/off street parking and right-of-way takings.

3. The Second Public Meeting for the Kennedy Boulevard Roadway Conceptual Analysis (RCA) Study was held on December 14, 1999.

The following concerns were discussed and evaluated: median openings, traffic light design and bus stops.

4. A Local Planning Agency (LPA) Work session was held on January 20, 2000. A brief project presentation was given to the LPA Board. The presentation outline was as follows: project need, public involvement, project elements, safety considerations, estimated costs, and project schedule.

5. A Local Planning Agency (LPA) Public Hearing was held on March 16, 2000. A brief project presentation was given to the LPA Board. The presentation outline was as follows: project need, public involvement, project elements, property impacts, estimated costs, project schedule, and action requested. The LPA found that the proposed improvements were consistent with the Comprehensive Plan.

6. The Board of County Commissioners (BCC) Public Hearing was held on March 21, 2000. County Staff made a brief presentation. The presentation outline was as follows: project need, public involvement, project elements, estimated costs, project schedule, and action requested. The BCC approved proceeding with the design, right-of-way acquisition, and construction of the project.

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CIP 3096

PROJECT CONSIDERATIONS

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

Existing Conditions

Kennedy Boulevard from Forest City Road to Wymore Road is currently a two lane, undivided roadway. The road serves residential and commercial developments located adjacent to the roadway.

The lane widths vary from approximately ten feet between Forest City Road and Keller Road to twelve feet in each direction along the remainder of the project. The sidewalks are intermittent and in poor condition. The drainage is handled through a combination of open and closed stormwater systems.

The right-of-way throughout the project varies. From Forest City Road to just east of Davar Street the existing right-of-way varies up to one hundred ten feet wide. Moving east approximately eleven hundred feet, the right-of-way narrows to seventy feet wide. Continuing to the east, the right-of-way is approximately eighty feet wide.

The stormwater system is a combination of open and closed drainage systems. Within the city limits of Eatonville, the closed drainage system utilizes curbs and gutters. Where I-4 crosses Kennedy Boulevard, swales in combination with a cross culvert are utilized. To the east of Wymore, the stormwater system is primarily a closed system that flows to the east. Both asphaltic paved swales and curbs and gutters are utilized to convey the runoff to inlets located on both sides of the roadway. The main trunk line is along the north side of the roadway. The system is piped north along North College Street. Following along a number of side streets, it discharges into a retention pond located along the southwest shores of Lake Sybelia.

Long Range Planning

The Kennedy Boulevard Roadway Conceptual Analysis was conducted between Forest City Road and Wymore Road. The study began with an analysis of the existing conditions of the roadway to identify the deficiencies. Next, a future conditions analysis was performed to identify the effects between a build and no-build scenario. The growth rate based on no-build traffic projections is 2.2% per year along Kennedy Boulevard. By 2005 the Kennedy Boulevard corridor will begin to operate as a capacity-constrained facility. All of the signalized project intersections will operate at a Level of Service (LOS) F during the opening year (2005).

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In the build scenario, Kennedy Boulevard is widened to a four-lane roadway. The growth rate based on build traffic projections is 5.6% per year. During the opening year (2005), the build scenario indicates that all the signalized intersections except Wymore Road and Forest City Road will operate at a LOS D or better.

Safety Considerations

The widening of Kennedy Boulevard should provide for both traffic and pedestrian safety. The following are some of the improvements associated with Kennedy Boulevard: signalization; improved sight distance; continuous closed drainage system; access management; medians within the following sections from Forest City Road to Campus View Drive, from the re-aligned Lake Destiny Drive to approximately 490 feet east, and from Wymore Road to Gabriel Avenue; sidewalks and bicycle lanes.

Environmental Considerations

The environmental considerations include land use, cultural features and community services, threatened and endangered species and impacts to wetlands.

The existing land use along Kennedy Boulevard from Forest City Road to Wymore Road consists primarily of residential and commercial properties. Within the Town of Eatonville limits, very little additional residential growth is anticipated. The section from Lake Destiny Drive to the eastern Town of Eatonville limit is moderately developed with mixed residential and commercial uses. Very little vacant land exists within these limits; therefore, future development would be insignificant.

Kennedy Boulevard serves the community in many different ways. Such places as Lakeview Court, an assisted care facility, a church, a police substation, and numerous commercial establishments are located along the roadway. Currently, there are no sites listed on the National Register of Historic Places located along the Kennedy Boulevard study area. However, Preserve Eatonville Community and the Town of Eatonville have petitioned the Florida Department of State to declare the downtown core area along Kennedy Boulevard a historic district.

A survey of threatened and endangered species was performed during seven site evaluations, which occurred between October 1999 to December 1999. The wildlife observed in the uplands and wetlands were common species. Due to the fragmentation of natural cover types by the roadway, residential and commercial properties provide minimal habitat for many species including threatened and endangered species.

Three jurisdictional wetland systems occur within the Kennedy Boulevard area. The U.S. Army Corps of Engineers (ACOE), St. Johns River Water Management District (SJRWMD) and Orange County Environmental Protection Department (OCEPD) have regulatory authority over these wetland systems. Based on the preferred Alternative "A" 3096 RW 10

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alignment, four areas of wetland impacts totaling approximately 2.80 acres will be affected. A mitigation plan will be implemented for the areas of impact.

Evaluation of Alternative Alignments

There were several roadway improvement alternatives considered. The alternatives were developed to address several different concerns including: traffic capacity, pedestrian and bicyclists needs, access management and minimization of impacts to residents, planned development, businesses, and the environment.

There were three alignments evaluated during the RCA process. The three alignments are as follows:

The Right Alignment considered widening to the south from Forest City Road to east of Wymore Road. This alignment would require acquisition of four houses and significant business impacts to the "Cosco" site, Lakeside Alternative Medical Center, West Kennedy Apartments, Kingston Court, Kennedy Auto Sales and Dragon's Auto Sales.

The Left Alignment considered widening to the north from Forest City Road to east of Wymore Road. This alignment would require acquisition of fourteen houses and significant business impacts to the Kennedy Commerce Center, the smaller businesses along the north right-of-way between Deacon Jones Avenue and Bethune Avenue, EDI, Inc., and the Life Care Center Healing Touch Church.

The Center Alignment considered widening to the north and south from Forest City Road to east of Wymore Road. This alignment would require acquisition of fourteen houses and significant business impacts to the Kennedy Commerce Center, the smaller businesses along the north right-of-way between Deacon Jones Avenue and Bethune Avenue, EDI, Inc., and the Life Care Center Healing Touch Church.

Engineering Recommendations

Based upon the results of the engineering alternatives, environmental impacts, input received from the public a recommended alternative was developed. One alternative was chosen per section and then refined to minimize environmental impacts, costs, and wetland impacts.

The Preferred Alternative is a combination of all three alternatives, but is based predominantly on the center alignment. A 45 mph design speed is recommended for the section of the project between Forest City Road and Campus View Drive and 35 mph design speed is recommended from Campus View Drive to Wymore Road. This alignment minimizes adverse social and economic impacts and provides for increased public acceptance.

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Kennedy Boulevard
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The recommended typical section for Kennedy Boulevard from Forest City Road to Campus View Drive and from the re-aligned Lake Destiny Drive to 490 feet east, and from Wymore Road to Gabriel Avenue is as follows:

- Four 12 foot through travel lanes
- 4 foot bicycle lanes next to the outside travel lanes
- Type F curb and gutter
- 22 foot raised median with Type E curb and gutter
- 5 foot sidewalks on both sides of the roadway

The recommended typical section for Kennedy Boulevard from Campus View Drive to the re-aligned Lake Destiny Drive is as follows:

- Four 11 foot through travel lanes
- Bicycle lanes next to the outside travel lanes (varies 4 foot and 5 foot)
- Type F curb and gutter
- Continuous center lane for left turns
- 5 foot sidewalks on both sides of the roadway

Project Costs

The right-of-way costs, which include support costs, administrative costs, and land costs were estimated for each individual parcel. The total right-of-way cost for the recommended alignment is approximately \$4,400,000.00

The Engineering Design cost for the recommended alignment is approximately \$700,000.00

The estimated construction cost for the recommended alignment is approximately \$8,050,000.00

Therefore, the total project cost is approximately \$13,150,000.00.

Conclusion

In accordance with the Orange County Comprehensive Plan and adopted Year 2020 Long Range Transportation Plan, Orange County recommends upgrading Kennedy Boulevard, between Forest City Road and Campus View Drive, from a two lane rural roadway to a four-lane divided urban roadway. Also, Kennedy Boulevard between Campus View Drive to Wymore Road will be improved from a two-lane rural roadway to a five-lane undivided urban roadway including a continuous center turn lane.

SCHEDULE "A"
KENNEDY BOULEVARD
PARCEL No.: 1070

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING IN THE NORTHWEST 1/4 OF SECTION 34, TOWNSHIP 21 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF SECTION 34, TOWNSHIP 21 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA, BEING A FOUND RAILROAD SPIKE WITH NO IDENTIFICATION; THENCE NORTH 89°48'40" EAST ALONG THE SOUTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 34, A DISTANCE OF 1199.71 FEET TO A POINT; THENCE NORTH 02°19'40" WEST, A DISTANCE OF 40.03 FEET TO THE POINT OF INTERSECTION OF THE EXISTING NORTHERLY RIGHT OF WAY LINE OF KENNEDY BOULEVARD, PER ORANGE COUNTY ROAD PLAT BOOK 1, PAGES 88 THROUGH 95 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, AND THE WEST LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4925, PAGE 1013 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUE NORTH 02°19'40" WEST ALONG SAID WEST LINE, A DISTANCE OF 13.01 FEET TO A POINT; THENCE NORTH 89°48'40" EAST ALONG A LINE 13 FEET NORTH OF AND PARALLEL TO SAID EXISTING NORTHERLY RIGHT OF WAY LINE OF KENNEDY BOULEVARD, A DISTANCE OF 30.02 FEET TO A POINT ON THE EAST LINE OF SAID LANDS; THENCE SOUTH 02°19'40" EAST ALONG SAID EAST LINE, A DISTANCE OF 13.01 FEET TO A POINT ON SAID EXISTING NORTHERLY RIGHT OF WAY LINE OF KENNEDY BOULEVARD; THENCE SOUTH 89°48'40" WEST ALONG SAID NORTHERLY RIGHT OF WAY LINE OF KENNEDY BOULEVARD, A DISTANCE OF 30.02 FEET TO THE POINT OF BEGINNING.

CONTAINING 390 SQUARE FEET MORE OR LESS.

GENERAL NOTES:

1. THE PURPOSE OF THIS SKETCH IS TO DELINEATE THE DESCRIPTION ATTACHED HERETO. THIS DOES NOT REPRESENT A BOUNDARY SURVEY.
2. A CERTIFICATE OF TITLE INFORMATION PREPARED BY FIRST AMERICAN TITLE INSURANCE COMPANY, DATED FEBRUARY 23, 2016, FILE NUMBER 2037-3512539/16.00018, WAS REVIEWED BY THE SURVEYOR. EXCEPTIONS LISTED THEREIN (IF ANY) WHICH AFFECT THE PARCEL DESCRIBED HEREON, WHICH CAN BE DELINEATED OR NOTED, ARE SHOWN HEREON.
3. THE BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH LINE OF THE NORTHWEST 1/4 OF SECTION 34, TOWNSHIP 21 SOUTH, RANGE 29 EAST, BEING, NORTH 89°48'40" EAST, AN ASSUMED DATUM.
4. UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, THIS SKETCH IS FOR INFORMATIONAL PURPOSES ONLY.
5. THIS SKETCH MAY HAVE BEEN REDUCED IN SIZE BY REPRODUCTION. THIS MUST BE CONSIDERED WHEN OBTAINING SCALED DATA.
6. ALL RECORDING REFERENCES SHOWN ON THIS SKETCH REFER TO THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, UNLESS OTHERWISE NOTED.
7. THIS SKETCH IS NOT A SURVEY.

REVISIONS

1. REVISED SKETCH AND LEGAL DESCRIPTION 9/14/2016.

PAGE 1 OF 2

For: ORANGE COUNTY

Date: SEPTEMBER, 2008

Project No.: 004-01

Drawn: PMM Chkd.: HPV

LEGAL DESCRIPTION
KENNEDY BOULEVARD



GEODATA CONSULTANTS, INC.

SURVEYING & MAPPING

1349 SOUTH INTERNATIONAL PARKWAY

SUITE 2401

LAKE MARY, FLORIDA 32746

VOICE: (407) 732-6965 FAX: (407) 878-0841

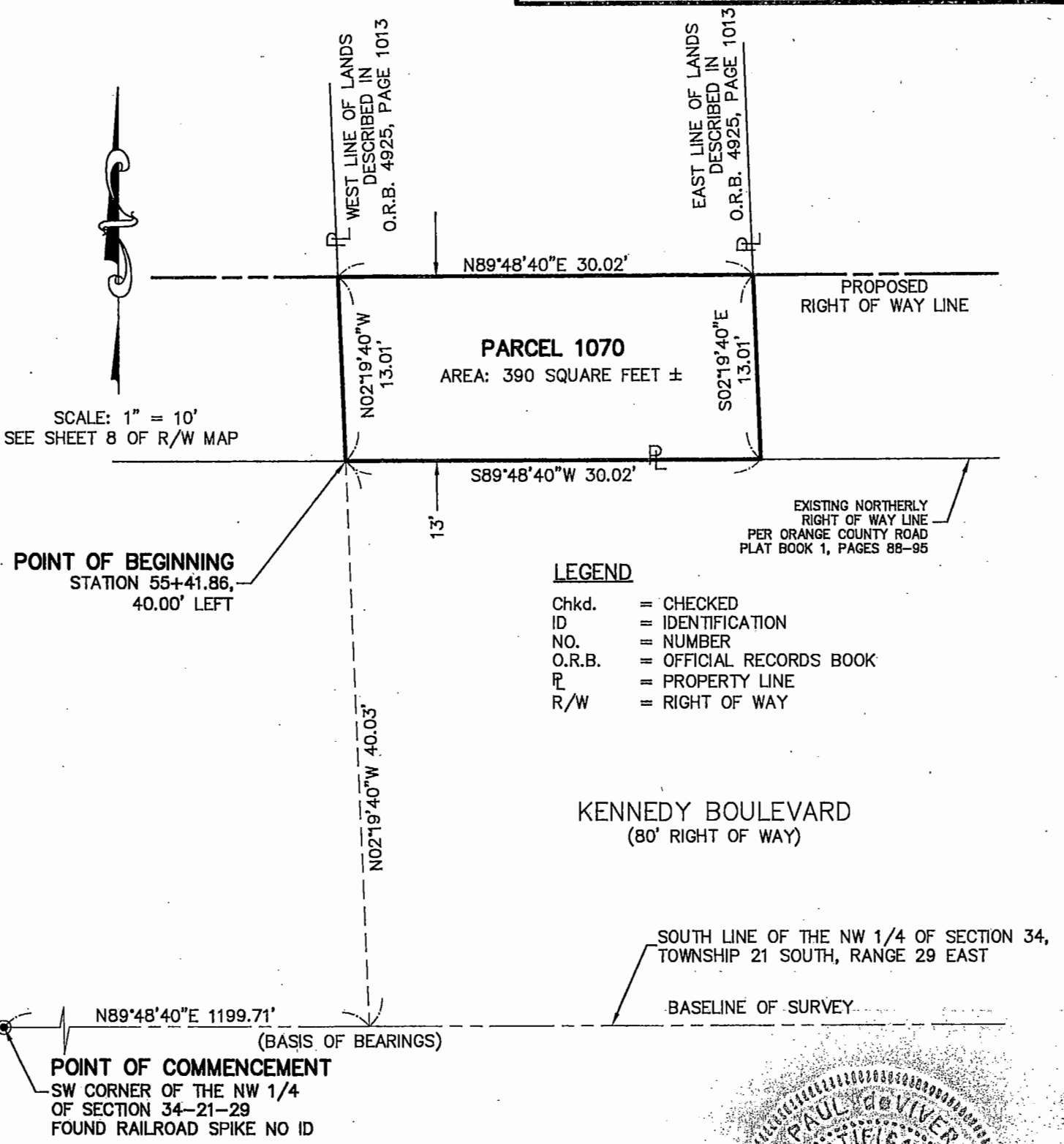
Land Surveyor Business License No. 6556

SKETCH OF DESCRIPTION

NOT A BOUNDARY SURVEY

KENNEDY BOULEVARD

PARCEL No.: 1070



SECTION 34, TOWNSHIP 21 SOUTH, RANGE 29 EAST PAGE 2 OF 2

Date: SEPTEMBER, 2008

Project No.: 004-01

Drawn: PMM Chkd.: HPV



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SURVEYING & MAPPING

1349 SOUTH INTERNATIONAL PARKWAY

SUITE 2401

LAKE MARY, FLORIDA 32746

VOICE: (407) 732-6965 FAX: (407) 878-0841

Land Surveyor Business License No. 6556

I HEREBY CERTIFY THAT THIS LEGAL DESCRIPTION AND SKETCH IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THIS LEGAL DESCRIPTION AND SKETCH MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 63-17, FLORIDA ADMINISTRATIVE CODE PURSUANT TO CHAPTER 472 OF THE FLORIDA STATUTES, SUBJECT TO ADEQUATE AND NOTATIONS SHOWN HEREON.

H. Paul deViviero, Professional Land Surveyor No. 4990 DATE: 09/28/2016

SCHEDULE "B"

3096 KENNEDY BOULEVARD LANE PARCEL 1070

FEE SIMPLE

Parcel 1070: the interest being acquired is fee simple.

SCHEDULE "A"

KENNEDY BOULEVARD

PARCEL No.: 7070

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CONTAINING 841 SQUARE FEET MORE OR LESS.

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REVISIONS

1. REVISED SKETCH AND LEGAL DESCRIPTION 9/14/2016.

For: ORANGE COUNTY
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 Project No.: 004-01
 Drawn: PMM Chkd.: HPV

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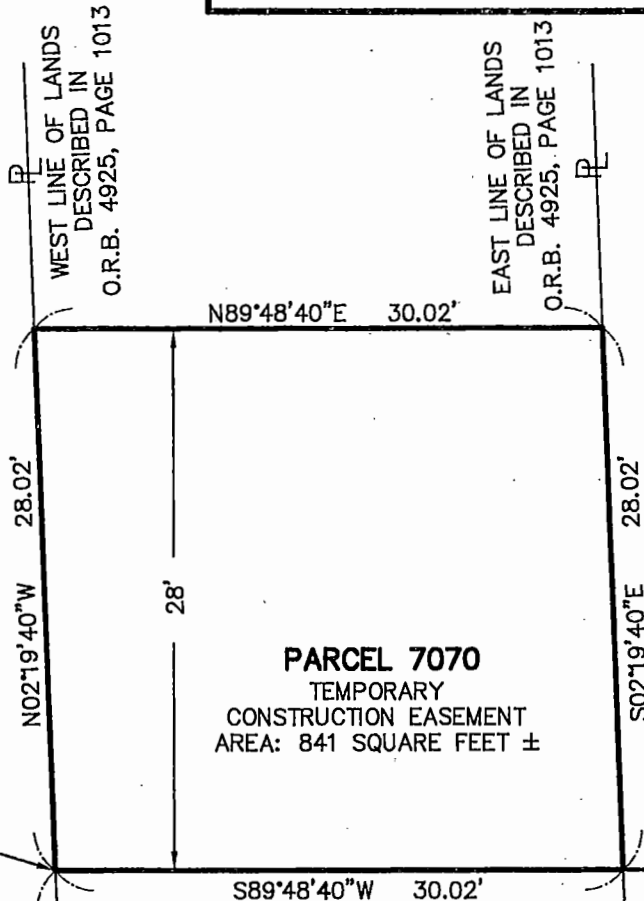
KENNEDY BOULEVARD

PARCEL No.: 7070



SCALE: 1" = 10'

SEE SHEET 8 OF R/W MAP



POINT OF BEGINNING
STATION 55+41.37,
53.00' LEFT

LEGEND

- Chkd. = CHECKED
- ID = IDENTIFICATION
- NO. = NUMBER
- O.R.B. = OFFICIAL RECORDS BOOK
- PL = PROPERTY LINE
- R/W = RIGHT OF WAY

EXISTING NORTHERLY
RIGHT OF WAY LINE
PER ORANGE COUNTY ROAD
PLAT BOOK 1, PAGES 88-95

SOUTH LINE OF THE NW 1/4 OF SECTION 34,
TOWNSHIP 21 SOUTH, RANGE 29 EAST

N89°48'40"E 1199.71'
(BASIS OF BEARINGS)

BASELINE OF SURVEY

POINT OF COMMENCEMENT

SW CORNER OF THE NW 1/4
OF SECTION 34-21-29
FOUND RAILROAD SPIKE NO ID

KENNEDY BOULEVARD
(80' RIGHT OF WAY)

SECTION 34, TOWNSHIP 21 SOUTH, RANGE 29 EAST PAGE 2 OF 2



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H. PAUL deVIVERO
Professional Land Surveyor No. 4980

09/28/2016

DATE

Date: SEPTEMBER, 2008

Project No.: 004-01

Drawn: PMM Chkd.: HPV

SCHEDULE "B"

3096 KENNEDY BOULEVARD PARCEL 7070

TEMPORARY CONSTRUCTION EASEMENT

Parcel 7070 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.