



Interoffice Memorandum

JAN 21 2010 10:34

January 17, 2020

TO: Katie Smith, Manager
Comptroller Clerk's Office

JAN 21 20 10:33AM

THROUGH: Cheryl Gillespie, Agenda Development Supervisor
Agenda Development

FROM: David D. Jones, P.E., CEP, Manager
Environmental Protection Division
(407) 836-1405

STAFF PERSON: **Elizabeth R. Johnson, CEP, Assistant Manager
Environmental Protection Division
407-836-1511**

SUBJECT: Request for Public Hearing on February ²⁵~~11~~, 2020, at 2:00 p.m., for a request from the City of Belle Isle to purchase sovereignty lands owned by the State of Florida located at the western terminus of Cross Lake Road on Lake Conway in Section 18, Township 23 South, Range 30 East, District 3

=====
Applicant: City of Belle Isle

Type of Hearing: Recommendation to the Trustees of the Internal Improvement Trust Fund of the State of Florida for the purchase of sovereignty lands.

Hearing required by Florida Statute # or Code: Orange County Code, Chapter 33, Article II, Sec. 33-41(b).

Advertising requirements: Publish once in a newspaper of general circulation in Orange County at least (7) seven days prior to public hearing.

Advertising timeframes: At least (7) seven days prior to public hearing.

Abutters to be notified: The applicant and the property owners within 500 feet of the project area will be notified at least (7) seven days prior to public hearing by the Environmental Protection Division (EPD).

Lake Advisory Board to be notified: Lake Conway Water and Navigation Control District Advisory Board, Ms. Frances Guthrie (chair) – fguthrie@me.com

Estimated time required For public hearing: 2 minutes

February 25, 2020

January 17, 2020

Request for Public Hearing—Request from the City of Belle Isle to purchase sovereignty lands owned by the State of Florida

Page 2

Municipality or other

Public Agency to be notified: Trustees of the Internal Improvement Trust Fund of the State of Florida – public.services@dep.state.fl.us

Florida Department of Environmental Protection – Aaron Watkins,
DEP_CD@dep.state.fl.us

Hearing Controversial: No

District No.: 3

Materials being submitted as backup for public hearing request:

1. Location Map
2. City of Belle Isle City Council Agenda Packet dated January 7, 2020

Special Instructions to Clerk:

3. Once the Board of County Commissioners makes a decision on the request, please submit the decision letter to Michelle Gonzalez of EPD. EPD will issue the decision to the applicant.

Advertising Language:

4. City of Belle Isle requests a recommendation from the Board of County Commissioners to purchase sovereignty lands owned by the State of Florida located at the western terminus of Cross Lake Road in Section 18, Township 23 South, Range 30 East, pursuant to Orange County Code, Chapter 33, Article II, Sec. 33-41(b). Lake Conway. District 3 (property legal description on file at EPD).

TMH/ERJ/DJ: mg

Attachments

Sovereignty Lands Purchase Request



City of Belle Isle Sovereignty Lands Purchase

District 3

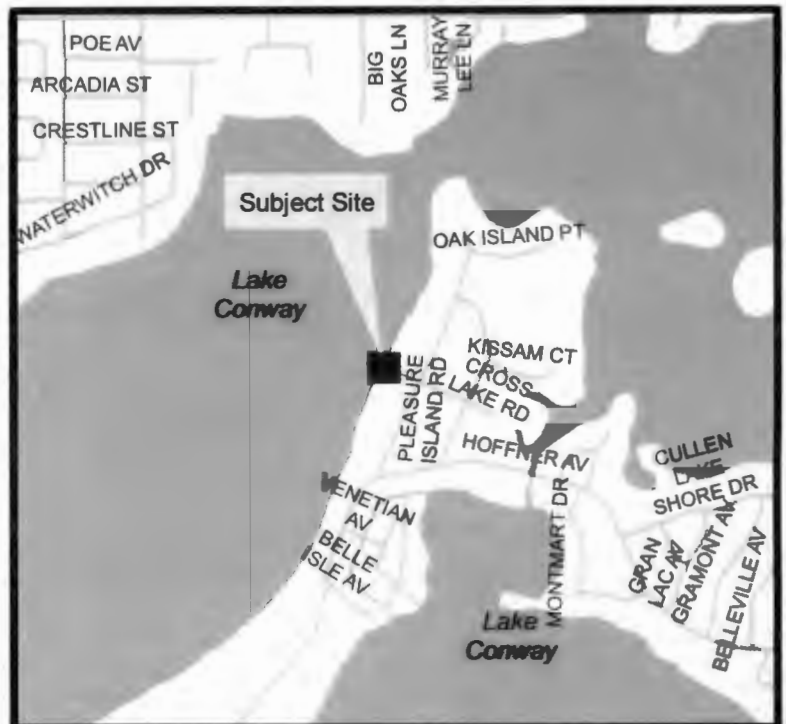
Lake Conway

Applicant: City of Belle Isle

Project Location: Westernmost End of
Cross Lake Road

Project Site 

Property Location 





**CITY OF BELLE ISLE, FLORIDA
CITY COUNCIL AGENDA ITEM COVER SHEET**

Meeting Date: January 7, 2020

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Proposal for Cross Lake Beach

Background: Since February 2018, the City, County, and adjacent property owners have been attempting to reach an agreement Cross Lake Beach. Throughout this process there have been many confusing issues involving rights-of-way, property lines, state ownership, city ownership, and private ownership, as well as anecdotal information that cannot be proven. Many of the records are incomplete or do not exist.

On December 10, 2019, the adjacent property owner and the City Manager met on-site to discuss a proposal that both parties consider in the best interest of all parties, including the residents of Belle Isle.

The proposal that both parties discussed is as follows:

- a. The City agrees and declares that the alignment of the right of way for Cross Lake Road shall remain as in the plat west of Oak Island Road, and that this portion of Cross Lake Road shall remain a public right of way and extend from Oak Island Road to a point 24 feet west of the western line of the rock driveway for the property at 2211 Cross Lake Road, on both the northern and southern lines of the right of way, which also aligns with the western line of the existing Walker gate on the southern line of the right of way.
- b. The driveways at 2211 Cross Lake and the Walker Property shall remain the same. The City shall allow parking for the use of the lots fronting on Cross Lake Road, except for the western 80 feet of frontage along the 2211 Cross Lake property and Walker Property which is reserved for their parking and the eastern frontage 183 feet of the north side of Cross Lake Road from Oak Island Road along 2208 Cross Lake Road, currently owned by Gayle and Tom Bouck is reserved for Bouck parking. The City shall place "no parking signs except for adjoining lots" (or similar) along Cross Lake Road at those locations. Public parking will be on the south right-of-way of Cross Lake Road from Oak Island Road to the utility pole
- c. The City will make a passive park with no motorized boat launch on the remainder of the Cross Lake Road right of way west of the terminus described above including bollards and fencing. The park rules, in all other aspects, shall be in accordance with all other city parks rules.
- d. The City shall pave Cross Lake Road. The City shall be responsible for the maintenance, repair and any improvement of Cross Lake Road including but not limited to drainage.
- e. A sketch of a-d is attached to this document.

This Proposal is in accordance with:

- a. The 1990 City Comprehensive plan calling for a 50X50 open space at the end of Cross Lake Road.
- b. Resolution No. 59-2 Closing the last 80 feet of Cross Lake Road to public parking.
- c. Chapter 18 of the Belle Isle Municipal Code setting forth the rules and ordinances of city parks. (Ordinance 88-13)
- d. Resolution No. 79-6 allowing for ingress and egress to landowners adjacent to city parks.

The proposed resolution basically keeps everything the way it is now and has been for years, but it is now documented. The only change allows all of the adjacent property owners to have signed parking. This parking change does not prevent the public from accessing or using the park. All land is owned by the City of Belle Isle. Once the property is purchased by the City, the property will be surveyed to memorialize the resolution and to define the property lines of all properties in the area.

This proposal was reviewed by Orange County District 3 Commissioner and the title company of 2211 Cross Lake Road and both find it acceptable.

Staff Recommendation: To accept the proposal and request that Orange County start the process to recommend approval of the purchase to the state.

Suggested Motion: I move that we approve the proposal presented in tonight's meeting for the purchase of the Cross Lake Beach property.

Alternatives: Do not approve the proposal and continue to work with the property owners and the County on another solution.

Fiscal Impact: \$19,000

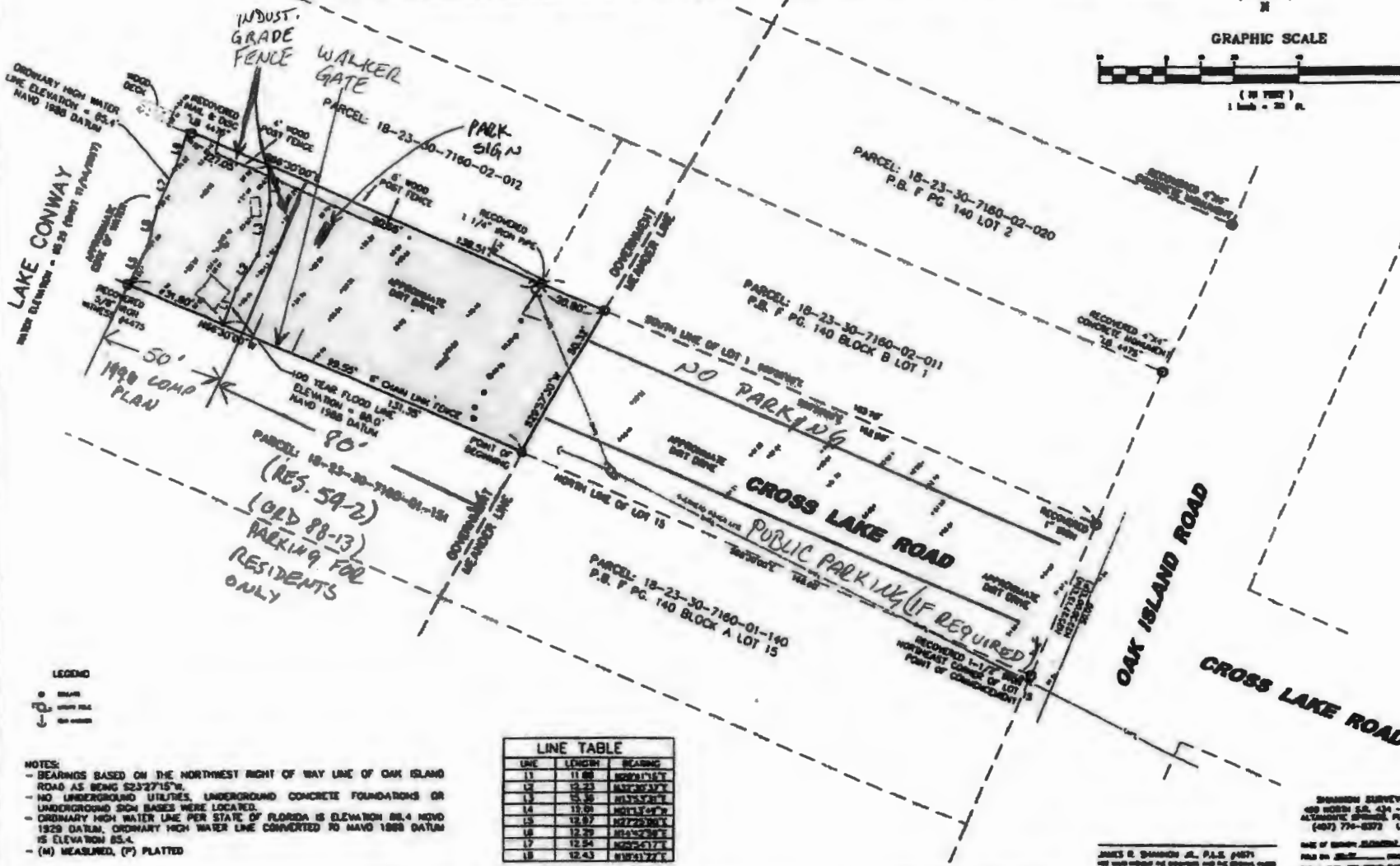
Attachments: Sketch of the proposal
Excerpt from the 1990 Comp Plan
Resolution 59-2
Ordinance 88-13
Resolution 79-6

BOUNDARY SURVEY

DESCRIPTION: A PORTION OF LAND LYING ADJACENT TO CROSS LAKE ROAD, PLEASURE ISLAND, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK F, PAGE 140, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF LOT 15, BLOCK A, OF SAID PLAT, THENCE RUN NORTH 68°30'00" WEST A DISTANCE OF 168.60 FEET ALONG THE NORTH LINE OF SAID LOT 15 TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 68°30'00" WEST A DISTANCE OF 131.35 FEET TO THE ORDINARY HIGH WATER LINE; THENCE ALONG THE ORDINARY HIGH WATER LINE FOR THE NEXT FOUR COURSES; RUN NORTH 27°25'00" EAST A DISTANCE OF 12.07 FEET; THENCE RUN NORTH 14°42'59" EAST A DISTANCE OF 12.29 FEET; THENCE RUN NORTH 25°54'17" EAST A DISTANCE OF 12.54 FEET; THENCE RUN NORTH 18°41'22" EAST A DISTANCE OF 12.43 FEET; THENCE RUN SOUTH 66°30'00" EAST A DISTANCE OF 138.51 FEET ALONG THE NORTHWESTERLY PROJECTION OF THE SOUTH LINE OF LOT 1, BLOCK B, OF SAID PLAT, TO THE GOVERNMENT MEANDER LINE; THENCE ALONG SAID GOVERNMENT MEANDER LINE RUN SOUTH 29°57'30" WEST A DISTANCE OF 50.32 FEET TO THE POINT OF BEGINNING. DESCRIBED PROPERTY CONTAINS ±6.725 SQUARE FEET OR ±0.15 ACRES.



GRAPHIC SCALE



- LEGEND**
- BOUNDARY POINT
 - CONCRETE FOUNDATION
 - APPROPRIATE DISTANCE
 - GOVERNMENT MEANDER LINE

- NOTES:**
- BEARINGS BASED ON THE NORTHWEST RIGHT OF WAY LINE OF OAK ISLAND ROAD AS BEING S23°27'15" W.
 - NO UNDERGROUND UTILITIES, UNDERGROUND CONCRETE FOUNDATIONS OR UNDERGROUND SIGN BASES WERE LOCATED.
 - ORDINARY HIGH WATER LINE PER STATE OF FLORIDA IS ELEVATION 85.4 NAVD 1929 DATUM. ORDINARY HIGH WATER LINE CONVERTED TO NAVD 1988 DATUM IS ELEVATION 85.4.
 - (M) MEASURED, (P) PLATTED

LINE TABLE		
LINE	LENGTH	BEARING
11	11.00	N68°30'15" W
12	13.23	N68°30'00" W
13	12.55	N27°25'00" E
14	12.07	N14°42'59" E
15	12.29	N25°54'17" E
16	12.29	N18°41'22" E
17	12.54	N66°30'00" E
18	12.43	N29°57'30" W

SHANNON SURVEYING, INC.
429 NORTH U.S. 434 - SUITE 2040
ALBANY, FLORIDA, 32314
(407) 776-8372 US # 6889

JAMES R. SHANNON, P.L.S. (457)
DATE OF SURVEY: 11/11/10
DATE OF PLATTING: 11/11/10

1. WARREN PARK

Warren Park is an 8.5 acre Orange County park. The park is located at the intersection of Warren Park Drive and Seminole Drive, on the east side of the City. Warren Park is a neighborhood park consisting of a baseball diamond, 2 tennis courts, 20 picnic tables, 2 playgrounds, and 0.01 miles of beach on Conway Chain of Lakes.

2. LAGOON PARK (BELLE ISLE WEST)

This neighborhood park is the newest park in the Belle Isle park system, scheduled for completion in 1990. The park is located between the Belle Isle West subdivision and the Conway Shores subdivision, in the south part of the City. Although there is a walking/bicycling trail which runs through the park, it remains primarily a passive park with picnic tables and benches. The lagoon has been planted with indigenous water plants as part of an educational program.

3. VENETIAN PARK

Venetian Park is a 1.93 acre neighborhood park and is located in the Venetian Gardens subdivision in the northwest section of the City. The two main features of the park are the boat ramp and the large open field. The large open field in the middle of the subdivision is suitable for all types of activity based recreation, such as baseball, softball, football, soccer, and volleyball. The boat ramp area has no parking spaces for cars, however there are six parking spaces adjacent to the large field.

4. PERKINS BOAT RAMP

The Perkins boat ramp is 0.33 acres and is located at the intersection of Perkins Road and Lake Drives in the southwest section of the City. There is parking for approximately 3 or 4 cars with trailers and a reserved space for Marine Patrol. The boat ramp is suitable for one boat launch at a time.

5. CROSS LAKE BEACH

Cross Lake Beach, 0.16 acres, is located on Cross Lake Road off Oak Island Road in the northwest section of the City. The beach is approximately 50 feet in length. The remainder of the park is open space.

704447 JUN 23 9 17 AM 1959 O.R. 755 PAGE 325

THE CITY OF BELLE ISLE, FLORIDA

RESOLUTION NO. 59-2

RESOLUTION

WHEREAS, Ordinance No. 556-15 authorizes the City of Belle Isle to designate certain dead-end streets within the corporate city limits of the City of Belle Isle, Florida; and

WHEREAS, a public hearing has been held by the City Council of the City of Belle Isle, Florida, at its regular meeting on June 2nd, 1959, A. D., and July 7th, 1959, A. D. where all interested persons had an opportunity to be present and to be heard in the matter of regulating vehicular traffic on the west end of Cross Lake Road; and

WHEREAS, the City Council of the City of Belle Isle, Florida, is informed and believes that the present usages of the west end of Cross Lake Road at the water's edge of Lake Conway and extending in an easterly direction 80 feet, more or less, has become a public and private nuisance by the extended parking of vehicles in said area and the persons parking said vehicles have thrown debris upon said public street and upon the private property of the abutting property owners and have impeded pedestrian traffic and thoroughfare to Lake Conway.

WHEREFORE, premises considered, the west 80 feet of the said Cross Lake Road is hereby designated to be a dead-end street and vehicular traffic is hereby unauthorized to park in said area and the City of Belle Isle is hereby authorized to erect and maintain appropriate signs closing off and otherwise restricting the parking of said vehicles in said area.

BE IT FURTHER RESOLVED that this ^{resolution} ~~regulation~~ shall become

Dead End
VICKERSON & HAASES
ATTORNEYS AT LAW
P. O. DRAWER 8888
120 N. ORANGE AVENUE
ORLANDO, FLORIDA

effective upon the approval of the Mayor after passage thereof.

ADOPTED this 16th day of July, A. D., 1959.

C. Earl Maden
President of the City Council of
Belle Isle.

APPROVED this 16th day of
July, A. D., 1959.

Miss Lois Barry
City Clerk

John Q. Harrison
John Q. Harrison, Mayor of the
City of Belle Isle, Florida.

RECORDED & RECORD VERIFIED
John Q. Harrison Clerk of
Circuit Court, Orange Co., Fla.



VILKINSON & HAASKE
ATTORNEYS AT LAW
P. O. BOX 2662
22 N. ORANGE AVENUE
ORANGE GARDEN 5-1988
ORLANDO, FLORIDA

ORDINANCE 88 - 13

AN ORDINANCE AMENDING ORDINANCE 79-2, PARK REGULATIONS, BY CHANGING ARTICLE IV, FROM EXEMPTIONS TO EXCEPTIONS, PROVIDING FOR RIGHTS OF ACCESS TO LANDS WHICH REQUIRE THE USE OF PARK AREAS FOR INGRESS AND EGRESS, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Belle Isle passed ordinance 79-2 regulating conduct in City parks, providing for enforcement, providing penalties for violation of its provisions, and providing an effective date; and

WHEREAS, said ordinance contains an exemption for the owner(s) of lands which require the use of the park area, or a part of for ingress and egress to their said lands;

WHEREAS, this exemption relieves the owner(s) of such lands from all park regulations which may endanger the health, safety and welfare of the citizens of the City of Belle Isle.

NOW, THEREFORE, be it hereby ordained by the City Council of the City of Belle Isle, Florida, that Article IV, Exemptions be changed to exceptions, and described as follows:

Article IV, EXCEPTIONS.


Section 1. The owner(s) of lands which require the use of a park area, or part thereof, for ingress and egress to their said lands may be granted the right to traverse the park area for this purpose without concern for the hours provided in Article III, Section 10, subsections (b) and (c) of this ordinance.

Section 2. Any landowner who believes his land to fall within the condition described in Section 1 of this Article may apply to the City Council for a Resolution establishing such permission. If granted, this permission shall extend to the guest(s), license(ee)s and invite(ee)s of such owner(s).

This ordinance shall take effect immediately.


MAYOR

ATTEST:


L.M. DAVIDSON, CITY CLERK ADMINISTRATOR

STATE OF FLORIDA
COUNTY OF ORANGE

I, LINDA M. DAVIDSON, City Clerk of the City of Belle Isle, Florida, do hereby certify that the above and foregoing resolution was duly and legally passed and adopted by the City Council of Belle Isle, Florida, in session assembled, at which said session a quorum of the City Council was present, on the 1st day of May, 1988.


CITY CLERK

880413ayb
&:parkord.roa

RESOLUTION 79-6

A RESOLUTION DETERMINING CERTAIN LANDS TO BE EXEMPT FROM THE EFFECT OF ORDINANCE NO. 79-2.

WHEREAS, the City Council of the City of Belle Isle has this date passed Ordinance No. 79-2 regulating conduct in city parks, providing for enforcement, providing penalties for violation of its provisions, and providing an effective date; and

WHEREAS, said Ordinance contains an exemption for the owners of lands which require the use of a park area, or a part thereof, for ingress and egress to their said lands; and

WHEREAS, Gary W. Cooley and Martha Cooley, his wife, are the owners of the following described lands, to-wit:

From the intersection of the Government meander line with the Southerly Line of Lot 1, Block "B", Pleasure Island as per plat thereof recorded in Plat Book "F", page 140 Public Records of Orange County, Florida, said point being 162.9 ft. N 66° 30'W of the S.E. corner of said Lot 1, run thence N 66° 30'W along said Southerly Line projected 20.8 Ft to the Point of Beginning; thence continue N 66° 30'W along said projection 105 Ft to the 86.4 contour line; thence N 39° 12'E along said line 27 Ft. thence N 17° 17'E along said line 24.15 Ft., thence S 66° 30'E, 105 Ft. thence S 28° 51' 30"W, 50.22 Ft. to the Point of Beginning.

and

WHEREAS, it is necessary to traverse the city park adjacent to said lands for ingress and egress thereto.

NOW, THEREFORE, be it resolved by the City Council of the City of Belle Isle, Florida, as follows:

1. Gary W. Cooley, Martha Cooley, his wife, their guests, employees, licensees and invitees are hereby declared to be exempt from the provisions of Ordinance No. 79-2 as to the park area located adjacent to the following described lands, to-wit:

From the intersection of the Government meander line with the Southerly Line of Lot 1, Block "B", Pleasure Island as per plat thereof recorded in Plat Book "F", page 140 Public Records of Orange County, Florida, said point being 162.9 Ft. N 66° 30'W of the S.E. corner of said Lot 1, run thence N 66° 30'W along said Southerly Line projected 20.8 Ft. to the Point of Beginning; thence continue N 66° 30'W along said projection 105 Ft. to the 86.4 contour line; thence N 39° 12'E along said line 27 Ft. thence N 17° 17'E along said line 24.15 Ft. thence S 66° 30'E, 105 Ft. thence S 28° 51' 30"W, 50.22 Ft. to the Point of Beginning.

a.

APPROVED: September 4, 1979

Earl E. Neumann II
MAYOR

Approved as to form and legality:

Jan 18, 1979

John W. Bennett
City Attorney
City of Belle Isle, Florida

STATE OF FLORIDA
COUNTY OF ORANGE

I, ANN BYLAND, City Clerk of the City of Belle Isle, Florida, do hereby certify that the above and foregoing resolution was duly and legally passed and adopted by the City Council of Belle Isle, Florida, in session assembled, at which said session a quorum of the City Council was present, on the 4th day of September, 1979.

Ann Byland
CITY CLERK

38

EXHIBIT "A"

LEGAL DESCRIPTION OF PROPERTY

Description: A parcel of land lying adjacent to Cross Lake Road, Pleasure Island, according to the Plat thereof, as recorded in Plat Book F, Page 140, Public Records of Orange County, Florida, being more particularly described as follows: Commence at the Northeast corner of Lot 15, Block A, of said Plat, thence run North 66°30'00" West a distance of 168.60 feet along the North line of said Lot 15 to the Point of Beginning; thence continue North 66°30'00" West a distance of 131.35 feet to the ordinary high water line of Lake Conway; thence along said ordinary high water line for the next four courses; run North 27°25'00" East a distance of 12.97 feet; thence run North 14°42'59" East a distance of 12.29 feet; thence run North 25°54'17" East a distance of 12.54 feet; thence run North 18°41'22" East a distance of 12.43 feet; thence leaving said ordinary high water line run South 66°30'00" East a distance of 138.51 feet along the Northwesterly Projection of the South line of said Lot 1, Block B, of said Plat, to the Government Meander line; thence along said Government Meander line run South 29°57'30" West a distance of 50.32 feet to the Point of Beginning.

Described property contains ±6,725 square feet or ±0.15 acres.

BSM
BY SK

Date: 6.29.2018