



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 2

DATE: August 11, 2022

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

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

FROM: Anmber Ayub, Program Manager – Right of Way
Real Estate Management Division *AA/MTC*

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

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

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

PROJECT: Bates Road Bridge Replacement

District 5

PURPOSE: To allow the acquisition of one perpetual easement and a temporary construction easement required for roadway improvements.

ITEMS: Resolution (Parcels 8003 and 7003)

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.

AUG 30 2022

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

RESOLUTION

WHEREAS, during FY 15/16, the Board approved the project known as Bates Road Bridge Replacement to construct a new 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"; and

WHEREAS, in connection with the construction, repair and maintenance of the Bates Road Bridge Replacement 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 perpetual drainage easement, 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 perpetual drainage easement, 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 perpetual drainage easement, 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 7003 shall commence on the date that Orange County takes title to said temporary construction easement 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 8003 and 7003 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 fee simple, perpetual drainage easement, 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

AUG 30 2022



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
for Jerry L. Demings
Orange County Mayor

BY:

Jessica Vaupel
for Deputy Clerk

Jessica Vaupel
Printed Name

DATE:

1 September 2022

**STAFF REPORT
Bates Road Bridge
CIP 2852**

January 19, 2022

Project Summary

As part of the bridge and major drainage structures program, the County has resolved to replace bridges which require a weight limit posting. Based on the load rating analysis dated 1/20/11 posting is required, based on the Operating ratings, for Single Unit (SU) vehicles as follows: SU = 16 tons. The structure is posted at both approaches. During a routine bridge inspection performed by the Florida Department of Transportation (FDOT) on September 14, 2021, it was observed a significant decrease in the sufficiency rating of the bridge. The value recorded during this inspection was 29.9. The previous sufficiency rating value recorded in the previous inspection dated 09/24/2020 was 41.9. The sufficiency rating determines whether a bridge that is structurally deficient or functionally obsolete should be repaired or just replaced. It ranges from 0-100, where a rating of 100 represents a perfect bridge and a rating of 0 percent is the worst case (entirely insufficient for its current use).

The purpose of the project is to construct a new 2-lane bridge and roadway approach to replace the existing bridge over the Crane Strand Canal at the Bates Road crossing (Bridge No. 754003), approximately 0.3 miles east of the intersection of North Goldenrod Road and Bates Road. The existing bridge, which was constructed in 1962, is showing signs of structural wear and the low chord member does not meet the minimum clearance height over the 50-year event water surface elevation in the Crane Strand Canal. Replacement of the old bridge is recommended to bring the bridge crossing to current standards.

Safety Considerations

The bridge is located on Bates Road approximately 0.3 miles east of Goldenrod Road. Bates Road is classified as a two-lane urban collector and the posted speed limit is 30 MPH. The bridge was built in 1962 and consists of three 25-foot spans, 32 feet wide, and set on 12-inch concrete piles. The bridge is classified as Functionally Obsolete.

Per a Florida Department of Transportation (FDOT) Bridge Inspection Report dated January 1, 2011 the Bates Road Bridge was found to require a weight limit posting. As part of the bridge and major drainage structures program, the County has resolved to replace bridges which require a weight limit posting. This will eliminate the undesirable potential of having vehicles which exceed the weight limit from crossing these bridges.

Alternative Alignments

All improvements will be constructed within the limits of existing and proposed right-of-way. Two slivers of proposed right-of-way are required for constructing the replacement bridge and appurtenant facilities. One at the northeast parcel of the proposed bridge and at the north side of the proposed bridge. A Temporary Construction Easement is required at the southwest end of the bridge for regrade/tie an existing driveway. Also, a Slope and Fill easement is needed to

accommodate the proposed drainage improvements at the southeast end of the bridge. A no-build alternative was considered, however the need for safer conditions did not favor this option.

Long Range Planning

The Florida Department of Transportation (FDOT) has a statewide bridge inspection program which requires inspection every two years. Bridges which are classified as functionally obsolete are inspected by FDOT every year. The County has an ongoing bridge replacement program to replace bridges which are classified as functionally obsolete by FDOT.

The Bates Road Bridge is classified as functionally Obsolete and is included in the County's bridge replacement program.

Environmental Considerations

The County will acquire all applicable Federal, State and Local permits required for the Bates Road Bridge construction.

Costs

The design cost for the project is approximately \$382,852.

The right-of-way cost for the project is approximately \$148,079.

The estimated construction cost for the project is approximately \$2,570,183.

Therefore, the total project cost is approximately \$3,101,114.

Conclusion

In accordance with the Florida Department of Transportation's Bridge Inspection Report and the load rating analysis summary, replacement of Bates Road Bridge is required to bring the bridge to current standards by the County.

SCHEDULE "A"

PARCEL: 8003

PROJECT: BATES ROAD

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING IN THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 14, TOWNSHIP 22 SOUTH, RANGE 30 EAST, ORANGE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST 1/4 OF SECTION 14, TOWNSHIP 22 SOUTH, RANGE 30 EAST, ORANGE COUNTY, FLORIDA, BEING A FOUND 1" IRON PIPE IN ASPHALT CUT OUT WITH POLYVINYL SLEEVE; THENCE NORTH 89°58'08" WEST ALONG THE NORTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 14, A DISTANCE OF 1300.66 FEET; THENCE DEPARTING SAID NORTH LINE RUN SOUTH 00°01'52" WEST, A DISTANCE OF 30.00 FEET TO A POINT ON THE EXISTING SOUTH RIGHT OF WAY LINE OF BATES ROAD AND SAID POINT BEING THE POINT OF BEGINNING; THENCE SOUTH 89°58'08" EAST ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 27.00 FEET; THENCE DEPARTING SAID RIGHT OF WAY LINE, RUN SOUTH 00°34'28" EAST ALONG A LINE 50.00 FEET EAST OF AND PARALLEL TO THE EAST LINE OF THE NORTHWEST 1/4 OF AFORESAID NORTHEAST 1/4, A DISTANCE OF 24.00 FEET; THENCE NORTH 89°58'08" WEST ALONG A LINE 24.00 FEET SOUTH OF AND PARALLEL TO SAID RIGHT OF WAY LINE, A DISTANCE OF 27.00 FEET; THENCE NORTH 00°34'28" WEST ALONG A LINE 23.00 FEET EAST OF AND PARALLEL TO SAID EAST LINE, A DISTANCE OF 24.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 648 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. THE BEARINGS SHOWN HEREON ARE RELATIVE TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983/2011 ADJUSTMENT (NAD83/11), EAST ZONE, WITH THE NORTH LINE OF THE NORTHEAST 1/4 OF SECTION 14, TOWNSHIP 22 SOUTH, RANGE 30 EAST, BEARING NORTH 89°58'08" WEST.
3. UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, THIS SKETCH IS FOR INFORMATIONAL PURPOSES ONLY.
4. THIS SKETCH MAY HAVE BEEN REDUCED IN SIZE BY REPRODUCTION. THIS MUST BE CONSIDERED WHEN OBTAINING SCALED DATA.
5. A CERTIFICATE OF TITLE INFORMATION PREPARED BY FIRST AMERICAN TITLE INSURANCE COMPANY, DATED JUNE 20, 2017, FILE NUMBER 2037--3166544/14.00078, 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.
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.

SHEET 1 OF 2

Date: AUGUST 12, 2019

Project No.: T11-02

Drawn: PMM Chkd.: RJH

**BATES ROAD
PARCEL 8003**



GEODATA CONSULTANTS, INC.

SURVEYING & MAPPING

1349 SOUTH INTERNATIONAL PARKWAY

SUITE 2401

LAKE MARY, FLORIDA 32746

VOICE: (407) 732-6965

Land Surveyor Business License No. 6556

Handwritten: 12th 7-12-2021

SKETCH OF DESCRIPTION

PARCEL: 8003

PROJECT: BATES ROAD

LANDS DESCRIBED IN
ORB 9874, PG 1230

WEST LINE OF THE W 1/4 OF
THE SE 1/4 OF THE SE 1/4
OF SECTION 11-22-30

LANDS DESCRIBED IN
ORB 10620, PG 7984

NOT PLATTED

EXISTING R/W

P.O.C.
NORTHEAST CORNER OF
THE NORTHEAST 1/4 OF
SECTION 14-22-30
FOUND 1" IRON PIPE IN
ASPHALT CUT OUT
W/ PVC SLEEVE
N: 1544741.40
E: 566930.14

BASIS OF BEARINGS
N89°58'08"W 1300.66'(C)

N LINE OF NE 1/4 OF
SECTION 14-22-30

BATES ROAD

EXISTING SOUTH R/W

LEGEND & ABBREVIATIONS

(C) = CALCULATED
(D) = DEED
ESM'T = EASEMENT
E: = EASTING
FSE = FILL SLOPE EASEMENT
FND = FOUND
N: = NORTHING
ORB = OFFICIAL RECORDS BOOK
PG = PAGE
(P) = PLAT
P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
PVC = POLYVINYL CHLORIDE
R/W = RIGHT OF WAY
W/ = WITH

LANDS DESCRIBED IN
ORB 3827, PG 356

NOT PLATTED

PARCEL 8003
FILL SLOPE EASEMENT
AREA: 648 SQUARE FEET ±

8' FLORIDA POWER
CORPORATION ESM'T PER
ORB 2202, PG 553

SHEET 2 OF 2

EAST LINE OF THE NW 1/4
OF THE NE 1/4 OF
SECTION 14-22-30

GRAPHIC SCALE
(IN FEET)

SCALE: 1" = 20'

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 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472
OF THE FLORIDA STATUTES, SUBJECT TO NOTES AND NOTATIONS SHOWN HEREON.

REVISION

BY DATE

Date: AUGUST 12, 2019

Project No.: T11-02

Drawn: PMM Chkd.: RJH

BATES ROAD
PARCEL 8003



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LAKE MARY, FLORIDA 32746

VOICE: (407) 732-6965

Land Surveyor Business License No. 6556

217-12-2021

SCHEDULE "B"

2852 BATES ROAD BRIDGE PARCEL 8003

SLOPE AND FILL EASEMENT

Parcel 8003 is being acquired as a permanent non-exclusive easement for the purpose of insuring the structural integrity of the roadway facility adjacent to the granted easement. This easement is to allow the GRANTEE to maintain the elevation of the roadway facility, to GRANTEE's specifications, with full authority to enter upon, clear, grade, excavate and add or remove fill material to the following lands as described in Schedule "A".

THE GRANTORS and their heirs, successors and assigns shall not build, construct, or create, or permit others to build, construct, or create any building, utilities or other structures that could adversely affect the structural integrity of the adjacent roadway facility on the granted easement without the prior written approval of the GRANTEE.

THE GRANTOR may use the granted easement for any use not inconsistent with the GRANTEE'S intended use of the granted easement including, but not limited to, open space, setback area, adding fill material, and any activity that will not adversely affect the structural integrity of the adjacent roadway facility.

This easement is for the purposes noted herein and does not obligate the GRANTEE to perform any right-of-way maintenance or other duties.

SCHEDULE "A"

PARCEL: 7003

PROJECT: BATES ROAD

LEGAL DESCRIPTION

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CONTAINING 552 SQUARE FEET, MORE OR LESS.

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SHEET 1 OF 2

Date: AUGUST 12, 2019

Project No.: T11-02

Drawn: PMM Chkd.: RJH

**BATES ROAD
PARCEL 7003**



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SURVEYING & MAPPING

1349 SOUTH INTERNATIONAL PARKWAY

SUITE 2401

LAKE MARY, FLORIDA 32746

VOICE: (407) 732-6965

Land Surveyor Business License No. 6556

RA 7-12-2021

SKETCH OF DESCRIPTION

PARCEL: 7003

PROJECT: BATES ROAD

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ORB 9874, PG 1230

WEST LINE OF THE W 1/4 OF
THE SE 1/4 OF THE SE 1/4
OF SECTION 11-22-30

LANDS DESCRIBED IN
ORB 10620, PG 7984

NOT PLATTED

EXISTING R/W

P.O.C.
NORTHEAST CORNER OF
THE NORTHEAST 1/4 OF
SECTION 14-22-30
FOUND 1" IRON PIPE IN
ASPHALT CUT OUT
W/ PVC SLEEVE
N: 1544741.40
E: 566930.14

BASIS OF BEARINGS
N89°58'08"W 1300.66'(C)

N LINE OF NE 1/4 OF
SECTION 14-22-30

BATES ROAD

EXISTING SOUTH R/W

LEGEND & ABBREVIATIONS

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TCE = TEMPORARY CONSTRUCTION
EASEMENT
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LANDS DESCRIBED IN
ORB 3827, PG 356

NOT PLATTED

8' FLORIDA POWER
CORPORATION ESM'T PER
ORB 2202, PG 553

PARCEL 7003
TEMPORARY CONSTRUCTION EASEMENT
AREA: 552 SQUARE FEET ±

EAST LINE OF THE NW 1/4
OF THE NE 1/4 OF
SECTION 14-22-30

SHEET 2 OF 2

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THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THIS
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OF THE FLORIDA STATUTES, SUBJECT TO NOTES AND NOTATIONS SHOWN HEREON.

REVISION

BY DATE

H. Paul deViverra, Professional Land Surveyor No. 4990

DATE

Date: AUGUST 12, 2019

Project No.: T11-02

Drawn: PMM Chkd.: RJH

**BATES ROAD
PARCEL 7003**



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SURVEYING & MAPPING

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SUITE 2401

LAKE MARY, FLORIDA 32746

VOICE: (407) 732-6965

Land Surveyor Business License No. 6556

14 7-12-2019

SCHEDULE "B"

2852 BATES ROAD BRIDGE PARCEL 7003

TEMPORARY CONSTRUCTION EASEMENT

Parcel 7003 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 and appurtenant facilities 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.