



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 5

DATE: August 11, 2022

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

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

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

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: East Bay Street Sub Area 2 Paving and Drainage Project

District 1

PURPOSE: To allow the acquisition of one fee simple parcel for roadway improvements.

ITEM: Resolution (Parcel 908)

APPROVALS: Real Estate Management Division
Public Works Engineering

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 03/04, the Board approved the project known as East Bay Street Sub Area 2 Paving and Drainage 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 East Bay Street Sub Area 2 Paving and Drainage project by Orange County, a charter county and political subdivision of the State of Florida, it is necessary that said County have the required area for roadway purposes and it is necessary and in the public interest that there be acquired the required fee simple interest in certain land for proper construction and maintenance of the above road in the County's Road System; and

WHEREAS, efforts to purchase said land from the owner of said land have been unsuccessful to date.

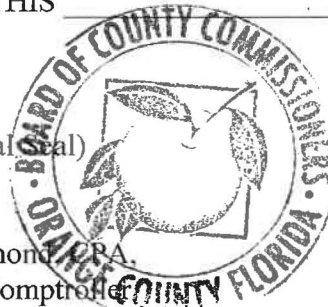
NOW THEREFORE, BE IT RESOLVED by Orange County, a charter county and political subdivision of the State of Florida, by and through the Board of County Commissioners of said County, that the acquisition of the required fee simple interest in the required land necessary for roadway purposes has been found 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 interest for roadway purposes be acquired in the name of said County by gift, purchase, eminent domain proceedings, or otherwise over and upon all that certain piece, parcel or tract 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 property description under parcel number 908 is ratified and confirmed and found necessary for this project to the extent of the estate or interest set forth as a part of the parcel description, the above referenced description 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 interest in said land 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

(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: *Jessica Vaupel*
for Deputy Clerk
Jessica Vaupel
Printed Name

DATE: *1 September 2022*

STAFF REPORT

January 28, 2021

**East Bay Streets- Section 2 Community Development Project
CD No. 93-53**

PROJECT HISTORY

1. The East Bay Streets- Section 2 project was first requested by the Housing and Community Development Division (HCDD) in 2007. HCDD requested Public Works Engineering Division to provide pedestrian facilities and pavement improvements to East Bay Streets – Section 2.
2. On June 19, 2007, a notice to proceed letter was issued to Metric Engineering to prepare plans for the construction to improve drainage conditions, perform pavement rehabilitation, and provide pedestrian facilities. The proposed improvements will consist of new sidewalk, Miami curb, driveway reconstruction, and storm water collection including 2 retention ponds. In September 6, 2013, the purchase order was closed due to the lack of funding.
3. HCDD has obtained a grant for the project; therefore, the construction documents need to be updated. The engineering consulting firm Metric Engineering was chosen to update the proposed improvements. Notice to proceed was issued on February 11, 2020.
4. A St. John's River Management District (SJRWMD) Permit for the project was executed on May 12, 2014. A request to extend this permit to May 13, 2024 was granted on May 7, 2019.

Existing Conditions

The existing project area consists of four residential streets (East Bay St., Christopher St., Trumbo St. and Saba Ave.) with a minimum 60-foot right-of-way (ROW). All four roadways consist of two ten-foot travel lanes with grassed shoulders.

The general historic drainage flow pattern is from west to east. The existing roadway runoff is collected in roadside swales, which convey the runoff through a series of side drains under the existing residential driveways and discharge untreated or attenuated runoff into the existing Orange County drainage canal running along the east side of the project.

Proposed improvements

The proposed improvements will consist of new sidewalk, Miami curb, roadway milling and resurfacing, storm water collection including 2 retention ponds and driveway reconstruction along the four streets. Pond 1 is located at the southwest corner of East Bay Street and Pond 2 is located at the southeast corner of Trumbo Street.

PROJECT CONSIDERATIONS

Among the important elements in determining the need for the intersection improvements were: safety considerations, long range planning, environmental issues, alternative alignments, and cost.

Safety Considerations

The proposed improvements consisting of new sidewalk, Miami curb, driveway reconstruction, milling and resurfacing and drainage improvements will provide pedestrian facilities and pavement improvements to East Bay Streets – Section 2. The drainage improvements will reduce the stormwater runoff from the roadway to the adjacent properties.

Long Range Planning

At the request of HCDD, the design and construction of the East Bay Streets – Section 2 project improvements was added to the Community Development Projects.

Environmental Issues

Professional ecologists from Lotspeich and Associates, Inc. (L&A) have completed an ecological assessment of the project area and adjacent lands. Three specific areas of wetlands were identified within or adjacent to the project area. The first area is located adjacent to the northeast side of the project, east of Christopher Street. The second wetland area is located adjacent to the east side of the project area east of Trumbo Street. The last wetland area is located within and adjacent to the southwest side of the project area within Pond 1 and southeast of East Bay Street. The project does not impact the first and second wetland areas, but Pond 1 impacts the wetland area in the southwest portion of the project. Wetland impacts associated with this project have been minimized to the greatest extent possible given the site constraints created by the existing drainage patterns and residential development. Both stormwater pond sites are located on remaining vacant lots, one (1) of which (Pond 2) will not result in any impacts to wetlands. Due to the necessary sizing and placement requirements for Pond 1, direct wetland impacts were unavoidable. However, the construction of this stormwater pond will only result in 0.19 acre of direct impact and 0.18 acre of potential secondary impact to a very low quality, exotic dominated, wetland system. To offset the unavoidable impacts to the wetland, the Uniform Mitigation Assessment Methodology (UMAM) was utilized to quantify the cumulative wetland functional loss (FL) associated with proposed impacts. The UMAM analysis determined that the proposed 0.19 acre of direct wetland impact and 0.18 acre of secondary impact would result in a FL of 0.07 Functional Units (FU). This FL will be offset through the purchase of 0.1 mitigation credits from the Blackwater Creek Mitigation Bank. The Blackwater Creek Mitigation Bank is located within the same regional watershed as the proposed project and, therefore, no cumulative impacts will

**East Bay Streets- Section 2 Community Development Project
CD No. 93-53**

result from the construction of the proposed project. As a result, the proposed mitigation plan will adequately offset the functional loss associated with the proposed impacts.

Also, a Phase I Environmental Site Assessment was prepared by Barnes, Ferland and Associates, Inc. (BFA) dated September 2007. This report identified two properties, 1781 East Bay and 1672 Trumbo, immediately next to the proposed drainage ponds at the ends of East Bay Street and Trumbo Street, potentially contain recognized environmental conditions which could impact the project. At the time of inspection, the properties appeared to be used as a de-facto auto salvage yard. The 1672 Trumbo site also contains a storage building which may contain electrical equipment. Therefore, the potential exists for the existence of pollution in the form of petroleum related compounds and metals such as chromium and lead at these sites. As a recommendation, both sites require a Phase II environmental investigation to test for contamination.

Evaluation of Alternative Alignments

All improvements will be done within the limits of existing and proposed right-of-way. Two corner clips will be needed to accommodate the proposed sidewalk at the East Bay St. and Dunbar Ave. intersection. The acquisition of two parcels at the southwest corner of East Bay Street will be needed for the construction of a new pond. Also, a parcel at the southeast corner of Trumbo St. will be needed for the construction of a new pond. Both ponds will accommodate the runoff of the proposed improvements.

The proposed improvements are primarily needed to provide pedestrian facilities, drainage and pavement improvements to East Bay Streets – Section 2. A no-build alternative was considered, however the need for safer conditions did not favor this option.

Project Costs

The engineering design cost for the recommended intersection improvement is \$98,419. The estimated right-of-way cost for the recommended intersection configuration is approximately \$342,105. The estimated construction cost for the recommended intersection improvement is approximately \$1,785,043. Therefore, the total project cost is approximately \$2,225,567.

Engineering Recommendation

Construct the proposed improvements consisting of new sidewalk, Miami curb, roadway milling and resurfacing, storm water collection including 2 retention ponds and driveway reconstruction along the four streets to provide pedestrian facilities and pavement improvements to East Bay Streets- Section 2.

STAFF REPORT**January 28, 2021****East Bay Streets- Section 2 Community Development Project
CD No. 93-53****Conclusion**

The proposed improvements for East Bay Streets- Section 2, consisting of drainage, pavement and pedestrian improvements should be constructed as recommended.

SCHEDULE "A"
PARCEL 908
ESTATE: FEE SIMPLE
PURPOSE: RETENTION AREA

DESCRIPTION:


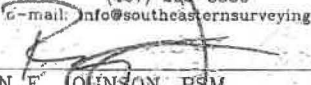
Lot 14, FICQUETTE-THORNAL SUBDIVISION NO. 2, according to the Plat thereof, as recorded in Plat Book "V", Page 59 of the Public Records of Orange County, Florida, being more particularly described as follows:

BEGIN at the Southeast corner of Lot 14, FICQUETTE-THORNAL SUBDIVISION NO. 2, according to the Plat thereof, as recorded in Plat Book "V", Page 59 of the Public Records of Orange County, Florida; thence South 89°45'33" West, a distance of 145.20 feet along the South line of said Lot 14 to the West line of said Lot 14; thence North 00°01'56" West, a distance of 100.00 feet along said West line to the South right of way line of Trumbo Street as shown on said Plat Book "V", Page 59; thence North 89°45'33" East, a distance of 145.20 feet along said South right of way line to the East line of said Lot 14; thence South 00°01'56" East, a distance of 100.00 feet to the POINT OF BEGINNING.

Containing 0.33 acres, more or less.

SURVEYOR'S REPORT:

1. Bearings shown hereon are based on the South line of Lot 14, FICQUETTE-THORNAL SUBDIVISION NO. 2, according to the Plat thereof, as recorded in Plat Book V, Page 59 of the Public Records of Orange County, Florida, being South 89°45'33" West. Bearings and distances shown hereon are measured unless otherwise noted.
2. I hereby certify that the "Sketch of Description" of the above described property is true and correct to the best of my knowledge and belief as recently drawn under my direction and that it meets the Standards of Practice for Land Surveying Chapter 5J-17 requirements of Florida Administration Code.
3. I have reviewed First American Title Search Report FATIC File Number 2037-3836827/17.00161, dated March 2, 2020 and all recorded survey related encumbrances, except liens, identified in Schedule B-II of the title insurance commitment have been shown or noted on the survey. Title Commitment Schedule B-II Exceptions that are not a survey matter may require a legal opinion as to their affecting or not affecting the subject parcel therefore the surveyor is not qualified by law to render a conclusive legal opinion as to those non-survey matter exceptions.

Sketch of Description FOR Metric Engineering, Inc.	Date: 05/07/2020 JRH		Certification Number LB2108 64156004
	Job Number: 64156	Scale: 1" = 50'	 SOUTHEASTERN SURVEYING AND MAPPING CORPORATION 6500 All American Boulevard Orlando, Florida 32810-4350 (407) 242-8580 E-mail: info@southeasternsurveying.com  RYAN E. JOHNSON, PSM Registered Land Surveyor Number 7130
	Chapter 5J-17, Florida Administrative Code requires that a legal description drawing bear the notation that THIS IS NOT A SURVEY. REVISED: 5/18/2020 JRH		
	SHEET 1 OF 2 SEE SHEET 2 FOR SKETCH		

RH 9/9/2021

SKETCH OF DESCRIPTION

PARCEL 908
ESTATE: FEE SIMPLE
PURPOSE: RETENTION AREA

FICQUETTE-THORNAL
SUBDIVISION NO. 2
PLAT BOOK "V", PAGE 59

LOT 16

LOT 15

NORTH RIGHT OF WAY LINE

TRUMBO STREET
60' PUBLIC RIGHT OF WAY
PLAT BOOK "V", PAGE 59

N89°45'33"E 145.20'

SOUTH RIGHT OF WAY LINE

FICQUETTE-THORNAL
SUBDIVISION NO. 2
PLAT BOOK "V", PAGE 59

LOT 13

100.00'
WEST LINE OF LOT 14
N00°01'56"W

PARCEL 908
PROPERTY APPRAISER ID:
13-22-27-2704-00-140
INSTRUMENT
#20150026252
LOT 14

SOUTH LINE OF LOT 14
(BASIS OF BEARINGS)

S89°45'33"W 145.20'

POINT OF BEGINNING
SOUTHEAST CORNER OF LOT 14

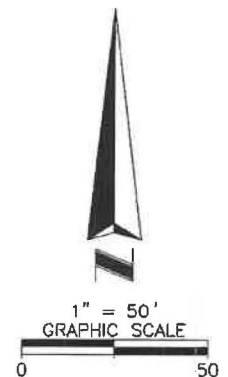
100.00'
EAST LINE OF LOT 14
S00°01'56"E

BLOCK "E"
JOE LOUIS PARK FIRST
ADDITION
PLAT BOOK "R", PAGE 51

LOT 21

LOT 22

LOT 23



Drawing No. 64156004
Job No. 64156
Date: 05/07/2020
SHEET 2 OF 2
See Sheet 1 for Description

THIS IS NOT A SURVEY.
NOT VALID WITHOUT SHEET 1 THROUGH 2 e-mail: info@southeasternsurveying.com

24 9/9/2021

SCHEDULE "B"

94-53 EAST BAY STREETS AREA IMPROVEMENTS PARCEL 908

FEE SIMPLE

Parcel 908: the interest being acquired is fee simple.