





Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 5

DATE: April 6, 2017

TO: Mayor Teresa Jacobs
and the
Board of County Commissioners

THROUGH: Ann Caswell, Manager 
Real Estate Management Division

FROM: Elizabeth Price Jackson, Senior Title Examiner 
Real Estate Management Division

CONTACT PERSON: Ann Caswell, Manager

DIVISION: Real Estate Management
Phone: (407) 836-7082

ACTION REQUESTED: APPROVAL AND EXECUTION OF RESOLUTION AND
AUTHORIZATION TO INITIATE CONDEMNATION PROCEEDINGS

PROJECT: Moss Park Road and Innovation Way Intersection

District 4

PURPOSE: Acquisition of one fee simple parcel for right-of-way and one perpetual
slope and fill easement required for road widening improvements.

ITEM: Resolution (Parcels 100/800)

BUDGET: Account No.: 1033-072-3028-6110

APPROVALS: Real Estate Management Division
Public Works Department

REMARKS:

Pursuant to the “Amended and Restated Innovation Way South Right-of-Way Agreement (Gary T. Randall, Trustee)” approved by the Board of County Commissioners on October 14, 2014 (the “Randall Agreement”), this Project is to be constructed by the developers of the County’s former Innovation Place Development of Regional Impact (now the Wewahootee Planned Development within the City of Orlando) and is presently being undertaken by Lennar Homes, LLC in connection with its Storey Park development.

Pursuant to Section 9(b) of the Randall Agreement, County is required to “make reasonable efforts to acquire” the subject parcels – owned by North Shore at Lake Hart Homeowners Association, Inc. – in furtherance of the Project; however, all costs of acquisition (including but not limited to severance damages, attorney fees, expert witness fees, and costs) are to be funded by the developers pursuant to a process set forth in such Section 9(b) of the Randall Agreement.

This is the only submittal of parcels to be acquired through eminent domain for the Project.

A file labeled “BCC Agenda Backup” containing a copy of this agenda item and all supporting documentation is in the top drawer of the BCC file cabinet in the supply room adjacent to Commissioner Thompson’s office.

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

RESOLUTION

WHEREAS, during FY 14/15, the Board approved the project known as Moss Park Road and Innovation Way Intersection to improve the existing 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".

WHEREAS, in connection with the construction, repair and maintenance of the Moss Park Road and Innovation Way Intersection 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 road right-of-way and slope and fill and it is necessary and in the public interest that there be acquired the required fee simple and perpetual slope and fill easement interests 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 and perpetual slope and fill easement interests in the required land necessary for road right-of-way and slope and fill 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 perpetual slope and fill 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 property descriptions under parcel numbers 100/800 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 and perpetual slope and fill easement interests 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 APR 25 2017.



ATTEST: Rita Diamond, CPA
County Comptroller
as Clerk of the Board
of County Commissioners

BY: Noelia Perez
for Deputy Clerk
Noelia Perez
Printed Name

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

BY: Teresa Jacobs
Teresa Jacobs
Orange County Mayor

DATE: 4.25.17

STAFF REPORT

Moss Park Road Improvements (part of the Innovation Way South Corridor)

Intersection of Existing Moss Park Road and Proposed Innovation Way South

CIP 3028

PROJECT HISTORY

In December 2005, during the State of the County address, Mayor Richard Crotty presented his Blueprint for Orange County's Future which included his vision for southeast Orange County to develop a high-tech corridor that would connect the University of Central Florida (UCF) to the Orlando International Airport (OIA). As a result, a study was initiated which would provide baseline information for the implementation of the Innovation Way Corridor. The study, entitled Innovation Way Economic Development and Environmental Resource Management, was adopted by Orange County in December 2005. The high-tech corridor concept from UCF to OIA is considered critical for the economic growth of the metropolitan area. The County has conducted several comprehensive planning and transportation analyses in the area, has approved several Developments of Regional Impact and on May 19, 2009 the Orange County Board of County Commissioners (OC BCC) approved the Innovation Way Multi-Modal Transportation District (MMTD). Orange County's plan for a high-tech corridor includes the Innovation Way Study Area. Innovation Way North (aka Dowden Road Extension) and Innovation Way South (aka Moss Park Road Extension and nka Story Park Boulevard in part) are the two primary corridors of the study area.

On September 10, 2014, the developer provided an approved Preliminary Engineering Report (PER) titled Innovation Way North and Innovation Way South (aka Moss Park Road).

The Moss Park PD was originally approved by the OC BCC on December 2, 2003. Since then, the PD has been modified several times. The Innovation Way/Moss Park Road Phase I Transportation Agreement was approved by the OC BCC on October 9, 2007 and was amended in October 2012 before being terminated in October 2014. At the same time, on October 14, 2014, the OC BCC approved the Amended and Restated Innovation Way Right-of-Way Agreement; in which Section 9 outlines Orange County's obligation for right-of-way acquisition. The recommended alignments for Innovation Way North and Innovation Way South were based on the approved PD, DRI, and transportation agreements.

EXISTING CONDITIONS

The land described within the Wewahootee PD in the City varies from undeveloped tracts of land to approved and existing subdivisions. The land described within the Moss Park PD is also best described as undeveloped tracts of land to approved and existing subdivisions. There is no existing road network for Innovation Way South. The proposed road network is required for future development in the area. Innovation Way North and Innovation Way South will be the first link of the Innovation Way Corridor. The existing roadways located adjacent to both roadways are as follows:

- West Boundary - SR 417 (Greenway Expressway): This is a four-lane divided north-south limited access toll facility. It is functionally classified as an expressway that is part of the FDOT Strategic Intermodal System (SIS).

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- North Boundary - SR 528 (Beachline Expressway): This is a four-lane divided east-west limited access toll facility. It is functionally classified as an expressway that is part of the FDOT Strategic Intermodal System (SIS).

Internal Roads:

- Moss Park Road: This is a four-lane east-west roadway that transitions to a two-lane undivided roadway south of Lake Hart Drive, classified as a minor arterial/collector.
- Wewahootee Road: This is a two-lane east-west substandard private roadway, classified as a collector.

PROJECT CONSIDERATIONS AND DESCRIPTION

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.

The PER includes both the Innovation Way North and Innovation Way South corridors. This Staff Report will focus mainly on the Moss Park Road improvements as part of the Innovation Way South Corridor and planned MMTD. The roadway improvements are located at the intersection of existing Moss Park Road and proposed Innovation Way South.

LONG RANGE PLANNING

The high-tech corridor concept connecting UCF to OIA is vital to the economic growth of the Orlando Metropolitan Area (OMA). West of unincorporated Orange County and adjacent to the MMTD, Orange County and the City of Orlando have successfully secured high tech and medical industries such as the Burnham Institute, Nemours Hospital, Florida Hospital, the Veteran's Affairs (VA) Hospital and the UCF College of Medicine; establishing this area as the next major growth area for the OMA.

Innovation Way North and Innovation Way South will be the first link of the Innovation Way Corridor. The roads will extend east from existing roadway networks, Dowden Road and Moss Park Road, through the Wewahootee PD, Moss Park PD, and Starwood development. These roads will provide a connection to SR 528 and Alafaya Trail.

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Moss Park Road Improvements (part of the Innovation Way South Corridor)

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CIP 3028

Innovation Way North and portions of Innovation Way South are located within the Wewahootee PD. The remainder of Innovation Way South, except for the intersection of existing Moss Park Road and proposed Innovation Way South, is located within the Moss Park PD. The approved Wewahootee PD includes a land use plan for an approximately 1,284 acres development in addition to the general alignment for both roadways. The land uses approved with the Wewahootee PD include but are not limited to: residential, mixed use activity center, institutional, wetlands, surface waters, roads, easements, SR 417 interchange right-of-way, and park/open space/undeveloped lands. The approved Moss Park PD is approximately 1,572 acres and is partially developed. The land uses approved with the Moss Park PD include but are not limited to: residential, mixed use activity center, residential/office/public/institutional, RV campground/volunteer center, wetlands, and parks.

SAFETY CONSIDERATIONS

The Moss Park Road improvements will be designed in compliance with all Federal, State, County and Local engineering design standards. The proposed roadway design incorporates provisions for safe travel along the roadway. Such features include: divided roadways, adequate left-turn storage and planned access management. The proposed at-grade railroad crossing design will incorporate provisions for safe travel along the Moss Park Road improvements including adequate signage, pavement markings, and active control devices. The proposed urban typical section incorporates several pedestrian oriented features that will offer provisions for safe and efficient travel along the Moss Park Road improvements. Such features include: multi-purpose paths and bicycle lanes on both sides of the road. In addition, sight distance, roadway geometry signalization and warranted intersections, clear zone areas and pedestrian oriented design all provide for enhanced roadway safety.

ENVIRONMENTAL CONSIDERATIONS

Detailed studies and evaluations were conducted to determine the potential for adverse environmental impacts that may result from the proposed project. Baseline data, evaluation procedures, and analysis of results are contained in the project files and in the following reports:

- Protected species survey and species-specific survey for the Innovation Place PD (2005)
- Contamination Screening Evaluation Report (CSER) for the Innovation Way North and Innovation Way South project (March 2009)
- Preliminary Geotechnical Evaluation for the Innovation Way North and Innovation Way South project (March 2009)

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Moss Park Road Improvements (part of the Innovation Way South Corridor)

Intersection of Existing Moss Park Road and Proposed Innovation Way South

CIP 3028

- Preliminary Assessment of Protected Plants and Wildlife (March 2009)
- Level II Impact Assessment for the Innovation Way North and Innovation Way South project (July 2009)
- Soil and Groundwater Testing Report for the Innovation Way South project (January 2010)
- Ecological Due Diligence Report for Innovation Place PD (December 2012)
- Contamination Screening Evaluation Report (CSER) for the Innovation Way and Moss Park Road intersection (January 2014)

Minimization of on-site wetlands impacts was a factor in the design of the Moss Park Road Improvements. The Moss Park Road Improvements impacts are anticipated for a depressional area located along the southern property boundary.

The Innovation Way North and Innovation Way South Preliminary Engineering Report stipulate that wildlife connectivity must be maintained under roadways that traverse wetlands and their associated buffers. This connectivity can be provided by crossings that allow for the movement of likely-occurring wildlife.

EVALUATION OF ALTERNATE ALIGNMENTS

Innovation Way South (aka Moss Park Road Extension):

Innovation Way South is proposed to extend from approximately 1,300 feet east of SR 417 to the southeast boundary of the Wewahootee PD. The required 125-foot right-of-way width will be dedicated through by Gary T. Randall under the Randall Agreement and/or by plat to the City of Orlando by the Wewahootee PD. The existing segment of Moss Park Road has a right-of-way width of 130-feet at the point of connection with proposed alignment; a transition will be required between the 130-foot and the 125-foot wide right-of-way.

The general alignment of Innovation Way South approved with the Innovation Place PD was set based on avoidance and minimization of impacts to on-site wetlands while still providing the transportation corridor in accordance with Orange County's Innovation Way Study Area. The alignment analysis provided includes information and evaluation of the existing infrastructure, existing hydrology,

STAFF REPORT

Moss Park Road Improvements (part of the Innovation Way South Corridor)

Intersection of Existing Moss Park Road and Proposed Innovation Way South

CIP 3028

proposed stormwater design, environmental characteristics of the property and surrounded areas, design criteria used to establish the alignments and future roadway components, and evaluation of alternatives.

In addition, ownership of parcels which will be dedicated to Orange County and/or City of Orlando as public right-of-way was also considered. The recommended alignments lie within properties owned or controlled by: participating property owners except four Home Owner Associations (HOA) parcels. These four parcels are located along the Innovation Way South and Moss Park Road alignments.

Intersection of Existing Moss Park Road and Proposed Innovation Way South:

Three concepts have been developed to evaluate the possible configurations for a signalized intersection of the existing Moss Park Road and proposed Innovation Way South with differing design speeds, curves radii, points of intersection, and angles of intersection.

Concept 1 – The 2,083 feet radius presented in this alternative does not require super elevation of the roadway for a design speed of 45 miles per hour (mph). The intersection angle of 54 degrees is less than the recommended 60 degrees specified by the Florida Intersection Design Guide 2007 and presents a safety concern. The point of intersection was chosen to eliminate the need for the right-of-way acquisition from the North Shore at Lake Hart HOA and avoid impacts to the 25-foot wetland buffer for the wetland on the property. This alternative requires the reconstruction of 190 feet of Moss Park Road.

Concept 2 – The 1,523 feet radius presented in this alternative does not require super elevation of the roadway for a design speed of 40 mph. The intersection point was shifted east on the Innovation Way South alignment and has an intersection angle of 71 degrees. This alternative requires acquisition of right-of-way and an easement from the North Shore at Lake Hart HOA and impacts the wetland buffer for the wetland on the property. This alternative requires the reconstruction of 900 feet of Moss Park Road.

Concept 3 – The 1,146 feet radius presented in this alternative does not require super elevation of the roadway for a design speed of 35 mph. The intersection point was shifted 40 feet east of Concept 2 and has an intersection angle of 81 degrees. This alternative requires acquisition of right-of-way and an easement from the North Shore at Lake Hart HOA and impacts the wetland buffer for the wetland on the property. This alternative requires the reconstruction of 900 feet of Moss Park Road.

Engineering Recommendations for Intersection Alignment:

All three concepts for the intersection of Moss Park Road and Innovation Way South were analyzed for environmental impacts, safety, construction costs and right-of-way requirements. Concept 3 was chosen due to the results of the engineering and environmental analysis. Concept 1 has no right-of-way or

STAFF REPORT

Moss Park Road Improvements (part of the Innovation Way South Corridor)

Intersection of Existing Moss Park Road and Proposed Innovation Way South

CIP 3028

environmental impacts but it is not the safest alignment. Although Concept 2 and 3 have similar construction costs, and environmental and right-of-way impacts, Concept 3 is the safest design.

COST

Project Length (centerline feet): 2,149 feet

Estimated Construction of Intersection: \$2,500,000

Estimated Design, Engineering & Permitting: \$360,000

Estimated Right-of-Way Acquisition Cost: \$800,000

Total: \$3,660,000

CONCLUSION

The high-tech corridor will create a multimodal urban collector link between OIA and UCF which is critical to the economic growth of the OMA. The construction of Moss Park Road improvements, as part of the Innovation Way South Corridor and planned MMTD, will serve as part of the first step in completing this link. This will accommodate the future traffic operation capacity and transportation demands resulting from the urban growth of the area.

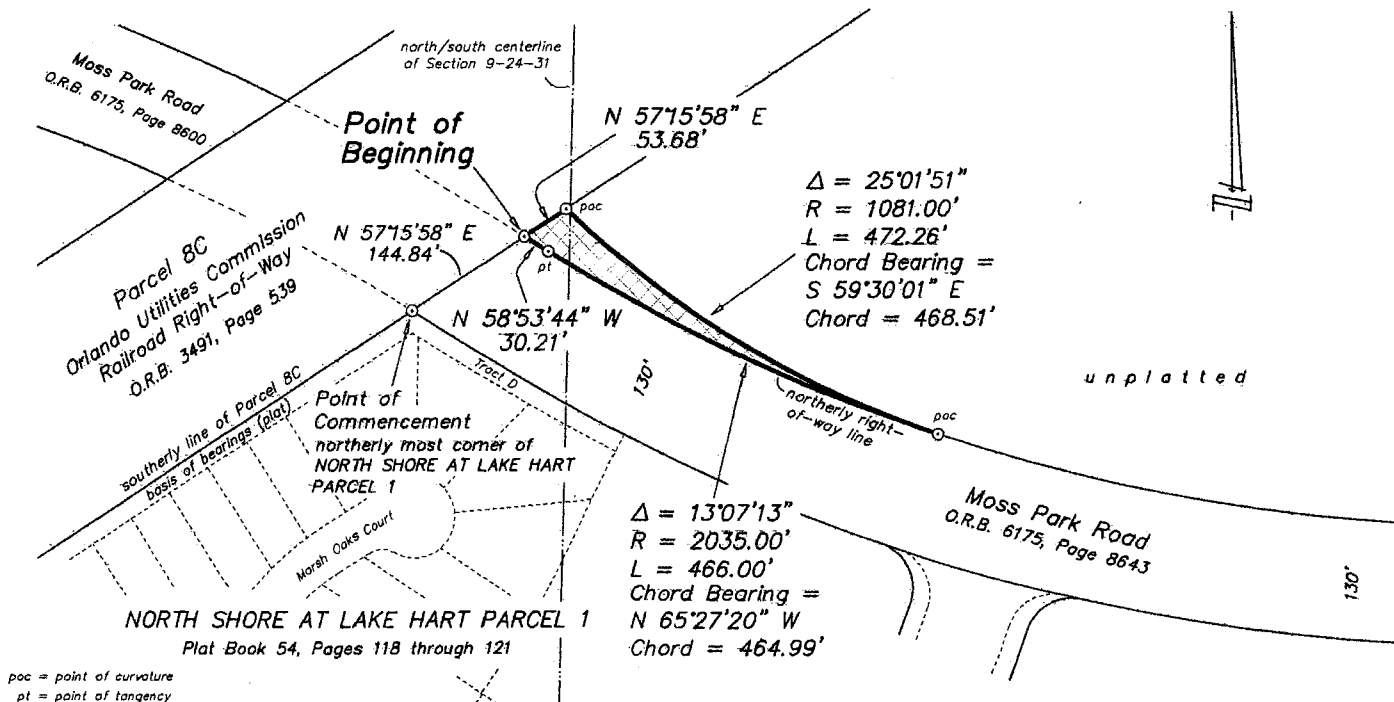
Schedule "A"

Legal Description

A portion of Section 9, Township 24 South, Range 31 East, Orange County, Florida, being more particularly described as follows:

Commence at the northerly most corner of NORTH SHORE AT LAKE HART PARCEL 1, according to the plat thereof, as recorded in Plat Book 54, Pages 118 through 121, Public Records of Orange County, Florida; said corner being a point on the southerly line of Parcel 8C, an existing Orlando Utilities Commission Railroad Right-of-Way, as described and recorded in Official Records Book 3491, Page 539, Public Records of Orange County, Florida; thence run N 57°15'58" E, along the southerly line of said Parcel 8C, a distance of 144.84 feet to a point on the northerly right-of-way line of Moss Park Road, as described and recorded in Official Records Book 6175, Page 8643, Public Records of Orange County, Florida, and the POINT OF BEGINNING; thence continue, N 57°15'58" E, along the southerly line of said Parcel 8C, a distance of 53.68 feet to a point on a non-tangent curve, concave northeasterly, having a radius of 1081.00 feet; thence, departing the southerly line of said Parcel 8C, on a chord bearing of S 59°30'01" E and a chord distance of 468.51 feet, run southeasterly along the arc of said curve, a distance of 472.26 feet, through a central angle of 25°01'51" to a point on the aforesaid northerly right-of-way line of said Moss Park Road; said point being the cusp of a non-tangent curve, concave northeasterly, having a radius of 2,035.00 feet; thence run northwesterly, along said northerly right-of-way line, the following two (2) courses and distances: on a chord bearing of N 65°27'20" W and a chord distance of 464.99 feet, run westerly along the arc of said curve, a distance of 466.00 feet, through a central angle of 13°07'13" to the point of tangency thereof; thence run N 58°53'44" W, a distance of 30.21 feet to the POINT OF BEGINNING.

Containing 0.19 acres (8,120 square feet), more or less.



poc = point of curvature
pt = point of tangency

NOT A BOUNDARY SURVEY.

The legal description was prepared by the Surveyor.

Lines shown hereon are radial unless noted NR (non-radial).

SKETCH OF DESCRIPTION ONLY - NOT A SURVEY

NO CORNERS WERE SET AND GANUNG-BELTON ASSOCIATES, INC. ASSUMES NO RESPONSIBILITY BEYOND ACCEPTED MATHEMATICAL CLOSURES. ALL BEARINGS AND DISTANCES SHOWN HEREON ARE SUBJECT TO FIELD VERIFICATION.

Sketch of Description

PARCEL 100

MOSS PARK ROAD

situated in

Section 9, Township 24 South, Range 31 East
Orange County, Florida

PREPARED FOR:

Lennar Homes



GANUNG - BELTON ASSOCIATES, INC.

professional surveyors and mappers

1275 E. Robinson Street, Orlando, FL 32801 (407) 894-6656

JOB NO.

0813.42

SHEET

1 of 1

DATE

1/22/15

SCALE

2/03/15

SCALE

1" = 200'

SKETCH OF DESCRIPTION NOT VALID WITHOUT THE ORIGINAL RAISED SEAL AND SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPER. ADDITIONS OR DELETIONS TO THIS SKETCH OF DESCRIPTION BY SOMEONE OTHER THAN THE SIGNING PARTY IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY.

GBA LE No. 7194

[Signature]
R. CLAYTON GANUNG
REG. P.L.S. NO. 4238

SCHEDULE "B"

MOSS PARK ROAD AND INNOVATION WAY INTERSECTION PARCEL 100

FEE SIMPLE

Parcel 100: the interest being acquired is fee simple.

Schedule "A"

Legal Description

A portion of Section 9, Township 24 South, Range 31 East, Orange County, Florida, being more particularly described as follows:

Commence at the northerly most corner of NORTH SHORE AT LAKE HART PARCEL 1, according to the plat thereof, as recorded in Plat Book 54, Pages 118 through 121, Public Records of Orange County, Florida; said corner being a point on the southerly line of Parcel 8C, an existing Orlando Utilities Commission Railroad Right-of-Way, as described and recorded in Official Records Book 3491, Page 539, Public Records of Orange County, Florida; thence run N 57°15'58" E, along the southerly line of said Parcel 8C, a distance of 198.52 feet for the POINT OF BEGINNING; thence continue N 57°15'58" E, along the southerly line of said Parcel 8C, a distance of 3.35 feet; thence run S 49°26'36" E, a distance of 110.87 feet; thence run S 54°51'41" E, a distance of 114.76 feet to a point on a non-tangent curve, concave northeasterly, having a radius of 1081.00 feet; thence, on a chord bearing of N 52°59'57" W and a chord distance of 226.52 feet, run northwesterly along the arc of said curve, a distance of 226.94 feet, through a central angle of 12°01'42" to the POINT OF BEGINNING.

Containing 655 square feet, more or less.

poc = point of curvature

NOT A BOUNDARY SURVEY

The legal description was prepared by the Surveyor.

Lines shown hereon are radial unless noted NR (non-radial).

SKETCH OF DESCRIPTION ONLY - NOT A SURVEY

NO CORNERS WERE SET AND GANUNG-BELTON ASSOCIATES, INC. ASSUMES NO RESPONSIBILITY BEYOND ACCEPTED MATHEMATICAL CLOSURES. ALL BEARINGS AND DISTANCES SHOWN HEREON ARE SUBJECT TO FIELD VERIFICATION.

Sketch of Description

PARCEL 800

of lands situated in

Section 9, Township 24 South, Range 31 East
Orange County, Florida

PREPARED FOR:

Lennar Homes



GANUNG - BELTON ASSOCIATES, INC.

professional surveyors and mappers

1275 E. Robinson Street, Orlando, FL 32801 (407) 894-6656

JOB NO.

0813.43

SHEET

1 of 2

DATE

2/03/15

REV.

2/08/16

SCALE

As Noted

SKETCH OF DESCRIPTION NOT VALID WITHOUT THE ORIGINAL RAISED SEAL AND SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPER. ADDITIONS OR DELETIONS TO THIS SKETCH OF DESCRIPTION BY SOMEONE OTHER THAN THE SIGNING PARTY IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY.

GBA LB No. 713

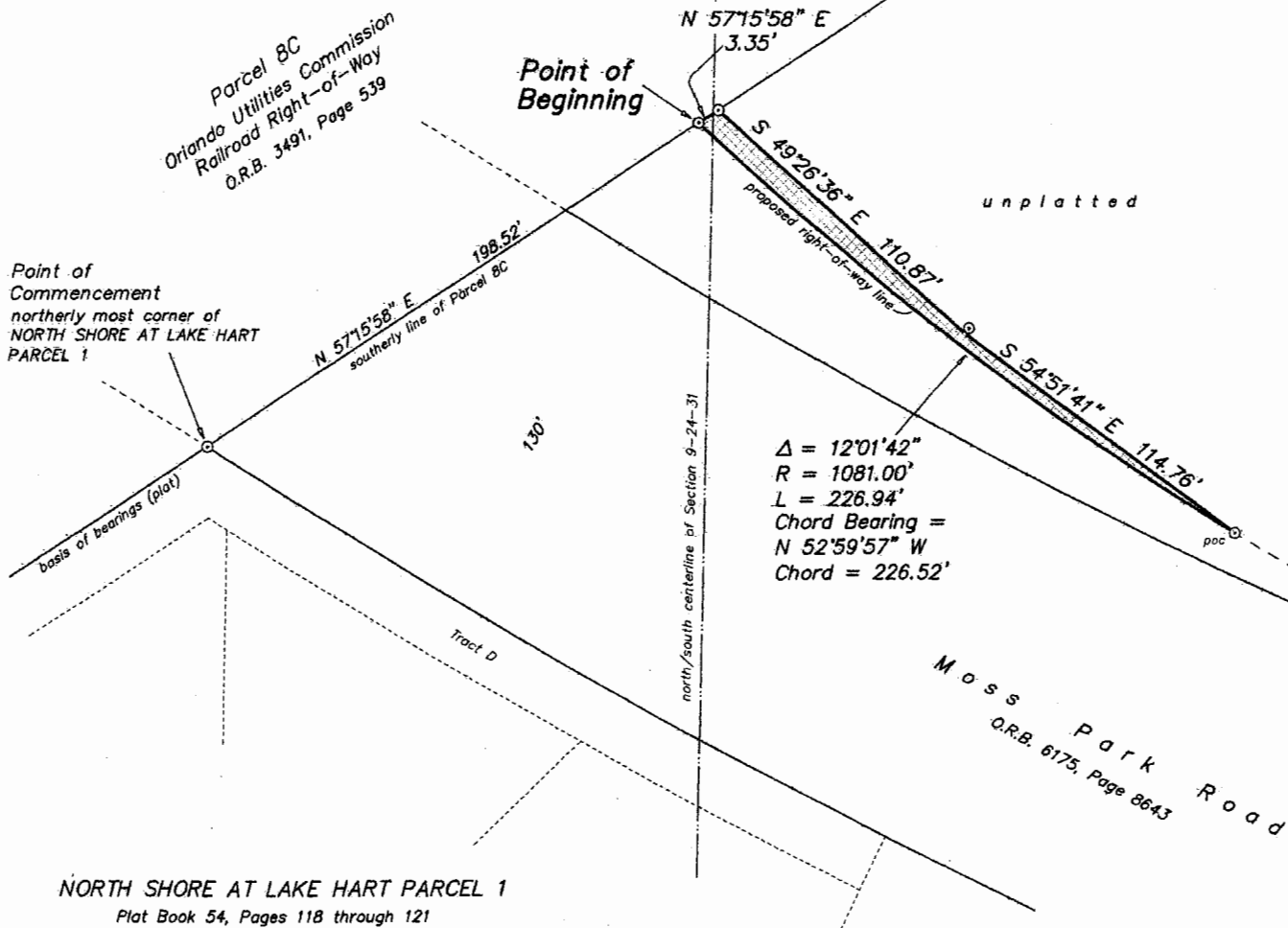
R. CLAYTON GANUNG

REG. FILE NO. 4236

Schedule "A"



(Scale of easement has been exaggerated for clarity)



NORTH SHORE AT LAKE HART PARCEL 1
Plat Book 54, Pages 118 through 121

(Scale has been exaggerated for clarity)

Sheet 2 of 2

See Sheet 1 for legal description.

(GBA Job No. 0813.43)

SCHEDULE "B"

MOSS PARK ROAD AND INNOVATION WAY INTERSECTION PARCEL 800

SLOPE AND FILL EASEMENT

Parcel 800 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, project development, driveways, access, open space, setback area, landscaping, 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.

This easement will terminate if and when the property is developed and the grade elevation of the development matches the roadway elevation at the right of way line; eliminating the need for the slope and fill easement.