



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 3

**DATE:** August 31, 2017

**TO:** Mayor Teresa Jacobs  
and the  
Board of County Commissioners

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

**FROM:** Monica Hand, Senior Title Examiner *Phs for mH*  
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:** Boggy Creek Rd (Osceola Cnty line to 600' N. of Central Fl Greenway SR  
417)  
  
District 4

**PURPOSE:** Acquisition of one perpetual slope and fill easement required for road  
widening improvements.

**ITEM:** Resolution (Parcel 8032)

**BUDGET:** Account No.: 1023-072-5085-6110

**APPROVALS:** Real Estate Management Division  
Public Works Department

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

SEP 19 2017

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 05/06, the Board approved the project known as Boggy Creek Rd (Osceola Cnty line to 600' N. of Central Fl Greenway SR 417) 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 Boggy Creek Rd (Osceola Cnty line to 600' N. of Central Fl Greenway SR 417) 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 slope and fill easement 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 slope and fill easement 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 slope and fill easement 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 8032 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 slope and fill easement 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 SEP 19 2017



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

ORANGE COUNTY, FLORIDA  
By: Board of County Commissioners

BY: Teresa Jacobs  
Teresa Jacobs  
Orange County Mayor

BY: Jessica Vaupel  
for Deputy Clerk

Jessica Vaupel  
Printed Name

DATE: 9.19.17

/mh

# EXHIBIT "A"

July 28, 2017

## STAFF REPORT

### **Boggy Creek Road South**

Osceola County line to 600 feet beyond State Road 417

CIP 5085

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## PROJECT HISTORY

In October, 2004, Dyer, Riddle, Mills & Precourt (DRMP) was authorized to prepare a Roadway Conceptual Analysis (RCA) to determine the need and scale of improvements to Boggy Creek Road from the Osceola County line to approximately 600 feet north of the Florida Greenway (State Road 417). DRMP completed the RCA in October, 2006. The RCA recommended widening Boggy Creek Road from a rural two-lane road to an urban four-lane road within the study area to address capacity issues, and to construct sidewalk and bicycle facilities along the roadway to address safety issues. Per the RCA, the proposed improvements are consistent with the goals of the 2000-2020 Orange County Comprehensive Plan.

Although the area adjacent to the subject length of Boggy Creek Road currently is primarily low-density residential, it is anticipated that these parcels will be soon developed with more intensive uses. In addition, Boggy Creek Road is located on the western edge of the rapidly developing Lake Nona area.

Public meetings were held during the RCA process on April 20, 2005; July 13, 2005; and September 28, 2005, to discuss the proposed roadway improvements, environmental impacts, stormwater pond locations and other issues pertinent to the project.

DRMP was issued a Notice to Proceed for Final Engineering Services and to prepare construction plans for the proposed improvements on January 25, 2008. Final Engineering Plans were submitted to Orange County in April, 2012. Due to a lack of funding for construction, the project was put on hold at that time. In March, 2016, DRMP was authorized to update the plans to incorporate recent development along Boggy Creek Road and to incorporate more recent design standards.

## EXISTING CONDITIONS

In its existing condition, Boggy Creek Road (from the Osceola County line to 600 feet north of State Road 417) is a rural two-lane roadway. There are no sidewalks, shoulders, or bicycle facilities along this length of Boggy Creek Road and drainage is handled only to a minimal degree by shallow ditches on both sides of the roadway. Boggy Creek Road widens to four lanes as it enters Osceola County. Boggy Creek Road contains an intersection with Lake Nona Boulevard approximately 1,200 feet south of its intersection with State Road 417. As result, Boggy Creek Road serves as a major north-south access to the Lake Nona area.

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**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.

**LONG RANGE PLANNING**

The Boggy Creek Road project is consistent with Orange County's 2020 Comprehensive Policy Plan and is also consistent with the Orlando Urban Area Transportation Improvement Program. The Orlando International Airport (OIA) is undergoing a significant expansion that will increase its passenger capacity. Boggy Creek Road serves as a major conduit from Osceola County (where Boggy Creek Road is four lanes) to OIA as well as State Road 417. Additionally, the Lake Nona is rapidly developing with residences, medical industry, and the USTA training facility which will utilize Boggy Creek Road to travel to OIA and State Road 417. Widening Boggy Creek Road will provide the necessary vehicular capacity to serve these developments as well as the development that will occur adjacent to Boggy Creek Road.

**SAFETY CONSIDERATIONS**

The Boggy Creek 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 roadway lighting. The proposed urban typical section incorporates several pedestrian oriented features that will offer provisions for safe and efficient travel along the Boggy Creek Road improvements. Such features include bicycle lanes and sidewalks on both sides of the road.

**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:

- Sampling and Analysis Plan / Level II Contamination Report (August 2008)

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- Roadway Soil Survey (August 2009)

Jurisdictional wetlands and surface waters immediately adjacent to the existing right-of-way include the following:

- Immediately north of S.R. 417, jurisdictional surface waters and wetlands occur immediately adjacent to the edge of pavement on the west, at the toe of the slope.
- Just south of the S.R. 417 and the ramps, a jurisdictional system occurs at the toe of the slope of the sidewalk on the west. At the same location, another surface water/wetland system occurs on the east, at the toe of the slope of the sidewalk.
- South of New Hope Road, cypress wetlands occur on the east and west side of Boggy Creek Road, at the edge of the right-of-way.
- South of Beth Road, a wet prairie wetland system occurs on the east side of the road, at the edge of the right-of-way. The depressional area is approximately 1300 feet north of the Orange County line.

All other jurisdictional systems are approximately 450 feet or more from the edge of the Boggy Creek Road right-of-way.

According to the United States Fish & Wildlife Service (USFWS), an occurrence of the sand skink (*Neoseps reynoldsi*), a federally threatened species, has been documented near the proposed project area. However, since the sand skink is restricted to the Lake Wales Ridge, which is not located within the proposed road corridor, this species is highly unlikely to occur within the study area.

The bald eagle (*Haliaeetus leucocephalus*), wood stork (*Mycteria americana*), and Florida sandhill crane (*Grus canadensis pratensis*) have been recorded near the project study area. An active bald eagle nests occurs in the northern portion of the study area, west of Boggy Creek Road, and south of S.R. 417. The nest is located within a large pine, in the pasture, approximately 5,200 feet from Boggy Creek Road. No other nest sites were identified, through either record searches or field reviews, within the project corridor or in the surrounding area.

As a result of the field reviews, one protected wildlife species was observed within the project corridor. The sandhill crane was observed foraging within a small freshwater marsh system, west of Boggy Creek Road; however, there were no sandhill crane nests observed within the

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vicinity of the Boggy Creek Road corridor. The Florida sandhill crane is designated as a species of special concern by the Florida Fish & Wildlife Conservation Commission (FFWCC).

**EVALUATION OF ALTERNATE ALIGNMENTS**

The most favorable corridor is the one that provides the greatest overall benefit to the region while minimizing environmental and social impacts. Per the RCA, alternative transportation corridors are not seen as viable given the physical, social, and environmental constraints in the study area which would result from alignments which deviate significantly from the existing Boggy Creek Road right-of-way.

It was determined that the most advantageous alignment for the improved Boggy Creek Road would be to maintain the existing alignment of the roadway and to utilize as much of the existing right-of-way as possible. The proposed typical section consists of four 12-foot travel lanes, a four-foot bicycle lane on both sides of the roadway, curb and gutter, five-foot sidewalks on both sides of the roadway and a 39-foot median. The proposed right-of-way width is 120 feet.

Per the RCA, alternative alignments were eliminated from consideration based on the following:

- Boggy Creek and its adjacent floodplain are approximately 1,000 feet west of Boggy Creek Road and would present potential costly challenges to locate the proposed improvements to the west. Further compounding this corridor are a number of new developments planned to the west of Boggy Creek Road including the Ginn and Boggy Creek DRI's and the Boggy Creek Enclave.
- The presence of the existing SR 417/Boggy Creek Road Interchange at the north end of the study area essentially anchors the corridor improvements and discourages consideration of alternative alignments in the area.
- The area to the east of the Boggy Creek Road is currently developed with low-density residential and some commercial land uses. Locating a new corridor through this area would involve significant right-of-way acquisition, resulting in residential and business impacts that would undermine existing community cohesion.

# EXHIBIT "A"

July 28, 2017

## STAFF REPORT

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## COST

Project Length (centerline feet):	6,011 feet
Estimated Construction of Roadway, Striping & Signalization Improvements:	\$8,375,450.00
Estimated Design, Engineering & Permitting:	\$1,560,490.00
Estimated Right-of-Way Acquisition Cost:	\$4,140,209.00
Environmental Mitigation:	\$ 100,000.00
<b>Total:</b>	<b>\$14,176,149.00</b>

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**CONCLUSION**

The widening of Boggy Creek Road from the Osceola County line to 600 feet north of State Road 417 from a rural 2-lane roadway to an urban 4-lane roadway will provide the capacity and safety improvements necessary to accommodate the rapid development the area. Boggy Creek Road will serve as one of the main links that will provide access from Lake Nona's Medical City, the residential development in the Lake Nona area, the USTA Training Facility, Osceola County, and southern Orange County to the expanding Orlando International Airport and State Road 417.

# SCHEDULE "A"

Parcel 8032

A portion of Lot 41 and the South half of Lot 40, ORLANDO-KISSIMMEE FARMS, according to the plat thereof as recorded in Plat Book "O", Page 117 1/2, of the Public Records of Orange County, Florida being more particularly described as follows:

Begin at the Northwest corner of the South half of Lot 40, ORLANDO-KISSIMMEE FARMS, according to the plat thereof as recorded in Plat Book "O", Page 117 1/2, of the Public Records of Orange County, Florida, thence run South 89 degrees 50' 11" East along the North line of the said South half of Lot 40 a distance of 3.00 feet; thence leaving said North line run South 01 degrees 53' 07" East a distance of 311.27 feet; thence run South 00 degrees 57' 54" East a distance of 210.04 feet; thence run South 00 degrees 57' 54" East a distance of 71.69 feet; thence run South 59 degrees 27' 21" West a distance of 9.20 feet to the intersection with the West line of said lot 41 and lot 40, ORLANDO-KISSIMMEE FARMS also being the East right of way line of Boggy Creek Road; thence run North 00 degrees 57' 54" West along said East right of way line a distance of 597.57 feet to the POINT OF BEGINNING.

Containing 3984 square feet, more or less.

THIS IS NOT A SURVEY

BEARINGS BASED ON THE WEST LINE OF THE S.W. 1/4 OF SEC. 34, TWP. 24 S., RGE. 30 E BEING N00°57'54"W PER THE BOGGY CREEK RIGHT OF WAY MAP.

COUNTY PROJECT NO. 5085

ROAD NAME: BOGGY CREEK ROAD

REPRODUCTIONS OF THIS SKETCH ARE NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER.

DANIEL A. GROVES, FLORIDA PROFESSIONAL SURVEYOR  
AND MAPPER NO. 4625  
METRIC ENGINEERING, INC. L.B. NO. 2294



METRIC ENGINEERING, INC.  
ENGINEERS - PLANNERS - SURVEYORS  
615 CRESCENT EXECUTIVE CT. SUITE 524,  
LAKE MARY, FLORIDA 32746  
PHONE (407) 644-1898 FAX (407) 644-1921

SECTION 34  
TOWNSHIP 24 SOUTH  
RANGE 30 EAST

DRAWN BY: D.GROVES  
DRAWING

CHECKED BY: D.GROVES  
DATE: JUNE 2, 2011

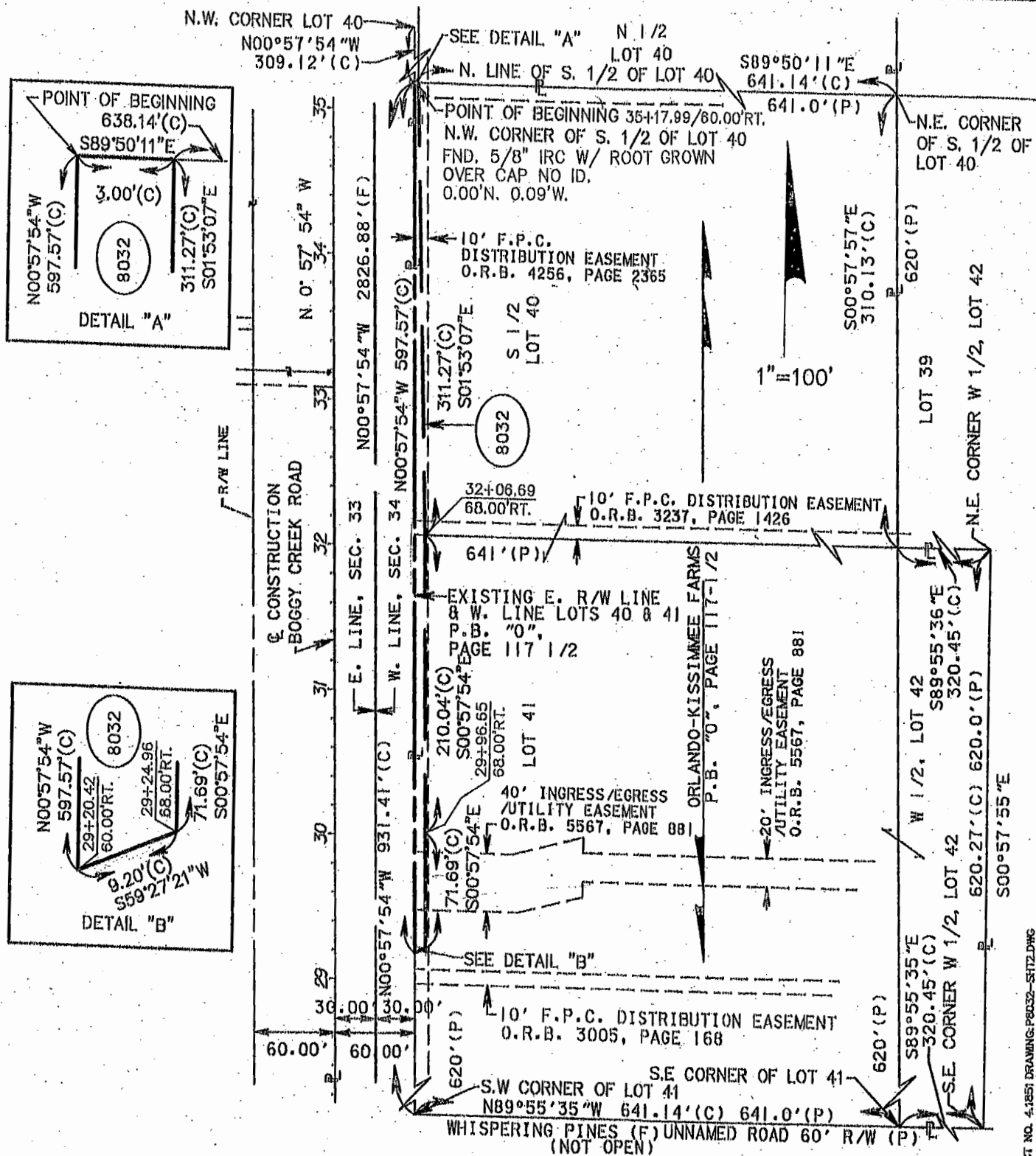
PARCEL NO.  
8032

9-28-11 FINAL DCA  
DATE REVISIONS BY

SCALE 1" = NA  
SHEET 1 OF 2

PROJECT NO. 41851 DRAWING: P8032-SHT1.DWG

# PARCEL 8032 SKETCH OF DESCRIPTION THIS IS NOT A SURVEY



## LEGEND

AC.	ACRE	(D)	DEED	P.B.	PLAT BOOK	RT	RIGHT
B.	BASELINE	FND.	FOUND	P.C.	POINT OF CURVATURE	R/W	RIGHT OF WAY
C.	CENTERLINE	(F)	FIELD MEASURE	P.I.	POINT OF INTERSECTION	SEC.	SECTION
CH. BRG.	CHORD BEARING	L	ARC LENGTH	P.T.	POINT OF TANGENCY	S.F.	SQUARE FEET
Δ	CENTRAL ANGLE	LT	LEFT	P.L.	PROPERTY LINE	T	TANGENT LENGTH
(C)	CALCULATED	O.R.B.	OFFICIAL RECORDS BOOK	R	RADIUS	TWP.	TOWNSHIP
		(P)	PLAT	RGE.	RANGE		

## **SCHEDULE "B"**

### **BOGGY CREEK ROAD PARCEL 8032**

#### **SLOPE AND FILL EASEMENT**

Parcel 8032 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, 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.