



Interoffice Memorandum

September 24, 2018

TO: Mayor Teresa Jacobs
and the Board of County Commissioners

FROM: Mark V. Massaro, P. E., Director, Public Works Department

CONTACT PERSON: **Diana M. Almodovar, P. E., Manager**
Development Engineering Division

PHONE NUMBER: **(407) 836-7974**

SUBJ: **Farmland Reserve Borrow Pit**
Excavation Permit #15-E4-0061

Mr. K. Erik Jacobson of Farmland Reserve, Inc. has applied for Excavation Permit #15-E5-0061 to construct a borrow pit in east Orange County.

This permit would allow for the export of approximately 5,600,000 cubic yards of clean fill material to All Aboard Florida Railroad project site over a five-year period.

The agriculturally zoned property is located south of S. R. 528 and east of Dallas Boulevard. The Parcel ID Number is 01-24-32-0000-00-001.

Staff recommends approval of the Farmland Reserve Borrow Pit subject to General Law and the following additional requirements:

1. The approved haul route will be from the borrow pit to S. R. 528 east and west to the project site.
2. Operating and hauling from 7:00 a.m. to 7:00 p.m., Monday through Saturday.
3. Notify Development Engineering Inspection at (407) 836-7920 24 hours prior to commencement of operations.
4. All construction activities shall stay at least 100 feet away from any jurisdictional wetland until an approved Conservation Area Impact (CAI) permit is issued. The northwest access road shall be at least 50 feet away from any jurisdictional wetlands. The easternmost access road shall only be used when and if a CAI permit is issued.
5. Approval of this permit does not constitute either a land-use classification change to Orange County's Comprehensive Plan or a rezoning of any type. Furthermore, solid waste disposal, solid waste management, and the disposal of materials from the construction or demolition of a road or other transportation facility, as contemplated by Section 163.3194 of Florida Statutes, is not in any way a purpose of this permit.

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6. No work authorized under this approval shall begin without compliance with all applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent any applicable laws, ordinances, and regulations are expressly waived or modified by these conditions, or by action by the Board.
7. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of a state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
8. By accepting this permit, the permittee understands and agrees that the permittee will, at all times, (1) comply with all terms and conditions of the permit and any ordinances and regulations relating to the permit; (2) assume all the risk associated with the exercise or attempted exercise of its rights and privileges under this permit; and (3) indemnify, defend, and save harmless Orange County from and against all losses, damages, costs, and expenses arising in any manner on account of the exercise or attempted exercise of the permittee's rights and privileges under this permit, including, but not limited to, any actions or disputes based on claims of negligence, trespass, quiet title, inverse condemnation, and any actions for injunctive or declaratory relief. Accordingly, the permittee shall pay and reimburse Orange County for all damages, attorney fees, and costs that Orange County may incur as a result of any threatened litigation, actual litigation, trials, appeals arising in any manner from the issuance of this permit, and the permittee's exercise or attempted exercise of its rights and privileges under the permit.

**Action Requested: Approval of Farmland Reserve Borrow Pit and authorization to issue
Excavation Permit #15-E4-0061 to Farmland Reserve, Inc. District 4.**

MVM/DMA/mjt
Attachment



Farmland Reserve Borrow Pit

Orange County, Florida
Aerial Location Exhibit



0 1,500 3,000 Feet

Data Source: Dewberry
Image Source: ESRI

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