

SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM

SUBJECT: Orlando Utilities Commission License Agreement – Red Bug Lake

DEPARTMENT: Library & Leisure Services DIVISION: Parks & Recreation

AUTHORIZED BY: *J. Medina* CONTACT: Joe Gasparini EXT 2001
Library & Leisure Services Director Parks & Recreation Manager

Agenda Date 11/09/04 Regular Consent Work Session Briefing
Public Hearing – 1:30 Public Hearing – 7:00

MOTION/RECOMMENDATION:

Approve and sign license agreement requested by Orlando Utilities Commission permitting access to Red Bug Lake for environmental monitoring.

BACKGROUND:

The Orlando Utilities Commission (OUC) has requested access to Red Bug Lake to conduct environmental monitoring in accordance with a water use permit issued by the St. Johns River Water Management District. The primary purpose of the monitoring is to measure daily water levels via an automated data recorder.

Reviewed by: _____
Co Atty: *J. Deetink*
DFS: _____
Other: _____
DCM: SS
CM: *JG*
File No CLLP01.

10-27-04

**SEMINOLE COUNTY/ORLANDO UTILITIES COMMISSION
LICENSE AGREEMENT**

THIS LICENSE AGREEMENT is hereby made and entered into this _____ day of _____, 2004, by and between **SEMINOLE COUNTY**, a political subdivision of the State of Florida, whose address is 1101 E. First Street, Sanford, Florida 32771, hereinafter referred to as the "LICENSOR" and the **ORLANDO UTILITIES COMMISSION**, whose mailing address is P.O. Box 3193, Orlando, Florida 32802, hereinafter referred to as the "LICENSEE".

W I T N E S S E T H:

WHEREAS, LICENSOR is the fee simple owner of certain real property, hereinafter referred to as "LICENSE AREA," located in Seminole County, Florida, as more particularly identified in Exhibit "A," attached hereto and by reference made a part hereof; and

WHEREAS, LICENSEE desires to utilize LICENSOR's property for the purposes of monitoring and observing environmental and hydrogeologic conditions by drilling, constructing, operating, and maintaining a monitoring well, a water level sensor and data recorder, a staff gauge (water level measuring rod), and other scientific equipment in the LICENSE AREA as depicted in Exhibit "B," attached hereto and incorporated herein; and

WHEREAS, LICENSOR is desirous of granting to LICENSEE a license to accomplish the aforementioned purposes,

NOW, THEREFORE, for and in consideration of the terms, conditions, and mutual covenants hereinafter contained, LICENSOR and LICENSEE, both intending to be legally bound, hereby agree as follows:

1. LICENSOR hereby grants LICENSEE, its employees, representatives and agents, the right, privilege and license to utilize the LICENSE AREA to locate, construct, install, operate, inspect, alter, improve, maintain, repair, remove and rebuild the aforescribed well, sensor, recorder, gauge and other equipment for environmental and hydrogeologic monitoring purposes on, upon and across said LICENSE AREA; and attain ingress and egress to and upon said LICENSE AREA for the purpose of exercising the rights, privileges and license granted herein.

2. This license is granted for a term of twenty (20) years commencing on the date first written above and continuing in full force and effect during said term unless revoked as described hereinbelow.

3. LICENSOR retains the right to use the LICENSE AREA in any manner not inconsistent with the rights herein granted to LICENSEE. The LICENSOR does not warrant or represent that the LICENSE AREA is safe or suitable for the purpose for which the LICENSEE is permitted to use it, and the LICENSEE assumes all risks in its use.

4. Each party to this License Agreement is responsible for all personal injury and property damage attributable to the negligent acts or omissions arising out of this License Agreement of that party and the officers, employees, and agents thereof. The parties further agree that nothing contained herein shall be construed or interpreted as denying to any party any remedy or defense available to such parties under the laws of the State of Florida, nor as a waiver of sovereign immunity of the LICENSOR beyond the waiver provided for in Section

768.28, Florida Statutes. The waiver of a provision herein by either party shall not constitute the further waiver of said provision or the wavier of any other provision.

5. Prior to initial use of LICENSE AREA by LICENSEE, LICENSEE shall give LICENSOR at least forty-eight (48) hours notification. LICENSEE agrees that any and all work performed in the LICENSE AREA and in association with the purposes of the License Agreement shall be accomplished in a safe manner utilizing standard industry practices and in accordance with applicable Federal, State, and local statutes, rules, regulations, and ordinances.

6. Upon termination of this License Agreement, or revocation by the LICENSOR, LICENSEE shall, at LICENSEE's sole cost and expense, remove all equipment, accessories, and materials owned by LICENSEE from the LICENSE AREA and restore said LICENSE AREA to as good a condition as it was before LICENSEE entered upon it and otherwise comply with all applicable Federal, State, and local statutes, rules, regulations, and ordinances.

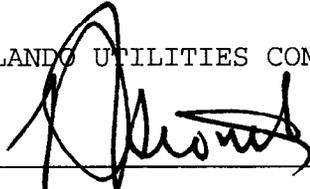
7. LICENSEE shall not allow the public to access, utilize, or go upon the LICENSE AREA.

8. LICENSEE shall provide to LICENSOR an annual copy of any and all data collected as a result of LICENSEE's environmental and hydrogeological monitoring activities in the LICENSE AREA.

9. The license herein granted is subject to revocation by the LICENSOR if the LICENSE AREA is not utilized for the purposes outlined in this License Agreement or if there is a change in ownership of the LICENSE AREA.

IN WITNESS WHEREOF, the undersigned parties have executed this License Agreement on the day and year first above written.

ORLANDO UTILITIES COMMISSION



By: _____

Date: October 5, 2004

Approved as to form and legality
OUC Legal Department

DATE: 10-5-04 By: W.M.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

ATTEST:

By: _____
DARYL G. MCLAIN, Chairman

MARYANNE MORSE
Clerk to the Board of
County Commissioners of
Seminole County, Florida.

Date: _____

For the use and reliance
of Seminole County only.

As authorized for execution
by the Board of County Commissioners
at their _____, 20____
regular meeting.

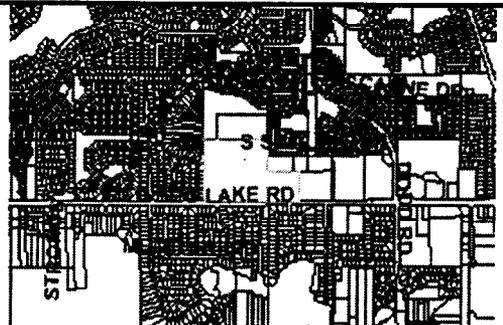
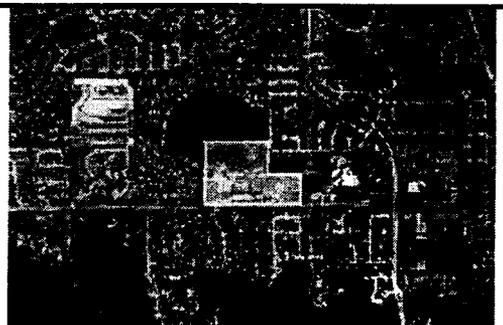
Approved as to form and
legal sufficiency.

County Attorney

SED/lpk
9/15/04
ouc license agt

Attachments:

- Exhibit "A" - Legal Description of License Area
- Exhibit "B" - Depiction of License Area

| | | | | | |
|--|---|----------------------|--|---------------------|----------|
| PARCEL DETAIL | REAL ESTATE | PERSONAL PROP | TAX ROLL | SALES SEARCH | ◀ Back ▶ |
|  Seminole County <i>Property Appraiser Services</i> 1101 E. First St. Sanford FL 32771 407-665-7506 |  | |  | | |

GENERAL

Parcel Id: 23-21-30-300-010A-0000 **Tax District:** 01-TX DIST 1 - COUNTY
Owner: SEMINOLE B C C **Exemptions:** 85-COUNTY
Own/Addr: COUNTY SERVICES BUILDING
Address: 1101 E 1ST ST
City,State,ZipCode: SANFORD FL 32771
Property Address: 3600 RED BUG LK RD
Facility Name: RED BUG LAKE PARK
Dor: 86-COUNTY(EXC:PUBLIC SC)

2004 WORKING VALUE SUMMARY

Value Method: Market
Number of Buildings: 8
Depreciated Bldg Value: \$400,317
Depreciated EXFT Value: \$106,055
Land Value (Market): \$1,120,160
Land Value Ag: \$0
Just/Market Value: \$1,626,532
Assessed Value (SOH): \$1,626,532
Exempt Value: \$1,626,532
Taxable Value: \$0
2004 Notice of Proposed Property Tax

SALES

| Deed | Date | Book | Page | Amount | Vac/Imp |
|-----------------|---------|-------|------|-----------|---------|
| WARRANTY DEED | 01/1974 | 01042 | 0015 | \$410,300 | Vacant |
| QUIT CLAIM DEED | 01/1967 | 00616 | 0392 | \$100 | Vacant |

Find Comparable Sales within this DOR Code

2003 VALUE SUMMARY

2003 Tax Bill Amount: \$0
2003 Taxable Value: \$0
DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

LAND

| Land Assess Method | Frontage | Depth | Land Units | Unit Price | Land Value |
|--------------------|----------|-------|------------|------------|-------------|
| ACREAGE | 0 | 0 | 32.000 | 35,000.00 | \$1,120,000 |
| ACREAGE | 0 | 0 | 16.000 | 10.00 | \$160 |

LEGAL DESCRIPTION

LEG SEC 23 TWP 21S RGE 30E SE 1/4 OF NW 1/4 & SW 1/4 OF SW 1/4 OF NE 1/4

BUILDING INFORMATION

| Bld Num | Bld Class | Year Bld | Fixtures | Gross SF | Stories | Ext Wall | Bld Value | Est. Cost New |
|---------|---------------|----------|--|----------|---------|---------------------------------|-----------|---------------|
| 1 | MASONRY PILAS | 1980 | 12 | 1,590 | 1 | CONCRETE BLOCK - MASONRY | \$86,788 | \$119,708 |
| | | | Subsection / Sqft OPEN PORCH FINISHED / 540 | | | | | |
| 2 | MASONRY PILAS | 1980 | 14 | 1,156 | 1 | CONCRETE BLOCK - MASONRY | \$61,481 | \$84,801 |
| 3 | MASONRY PILAS | 1980 | 0 | 1,530 | 1 | METAL PREFINISHED | \$60,087 | \$82,878 |
| 4 | MASONRY PILAS | 1980 | 0 | 432 | 1 | METAL PREFINISHED | \$18,596 | \$25,650 |
| 5 | MASONRY PILAS | 1986 | 6 | 961 | 1 | CONCRETE BLOCK-STUCCO - MASONRY | \$57,206 | \$72,874 |
| 6 | MASONRY PILAS | 1989 | 0 | 900 | 1 | METAL PREFINISHED | \$42,091 | \$51,646 |
| 7 | MASONRY PILAS | 1989 | 0 | 484 | 1 | METAL PREFINISHED | \$23,712 | \$29,095 |
| 8 | MASONRY PILAS | 2001 | 10 | 704 | 1 | CONCRETE BLOCK - MASONRY | \$50,356 | \$52,318 |

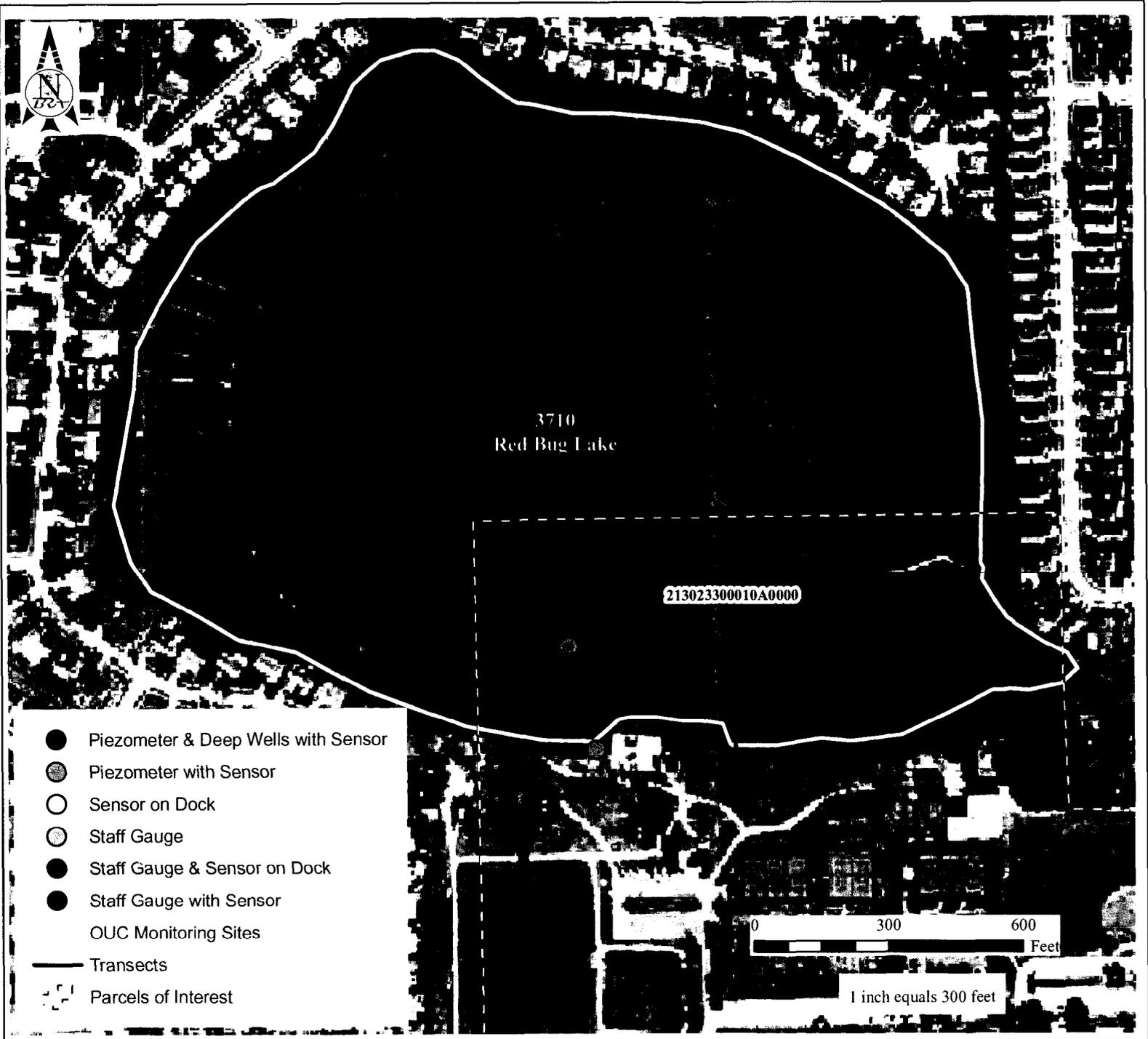


Image: 2001 Aerials Express, Inc.

Preparation Date: 24 June, 2004
 Revision Date: 3 August, 2004
 Project Number: 4544-002

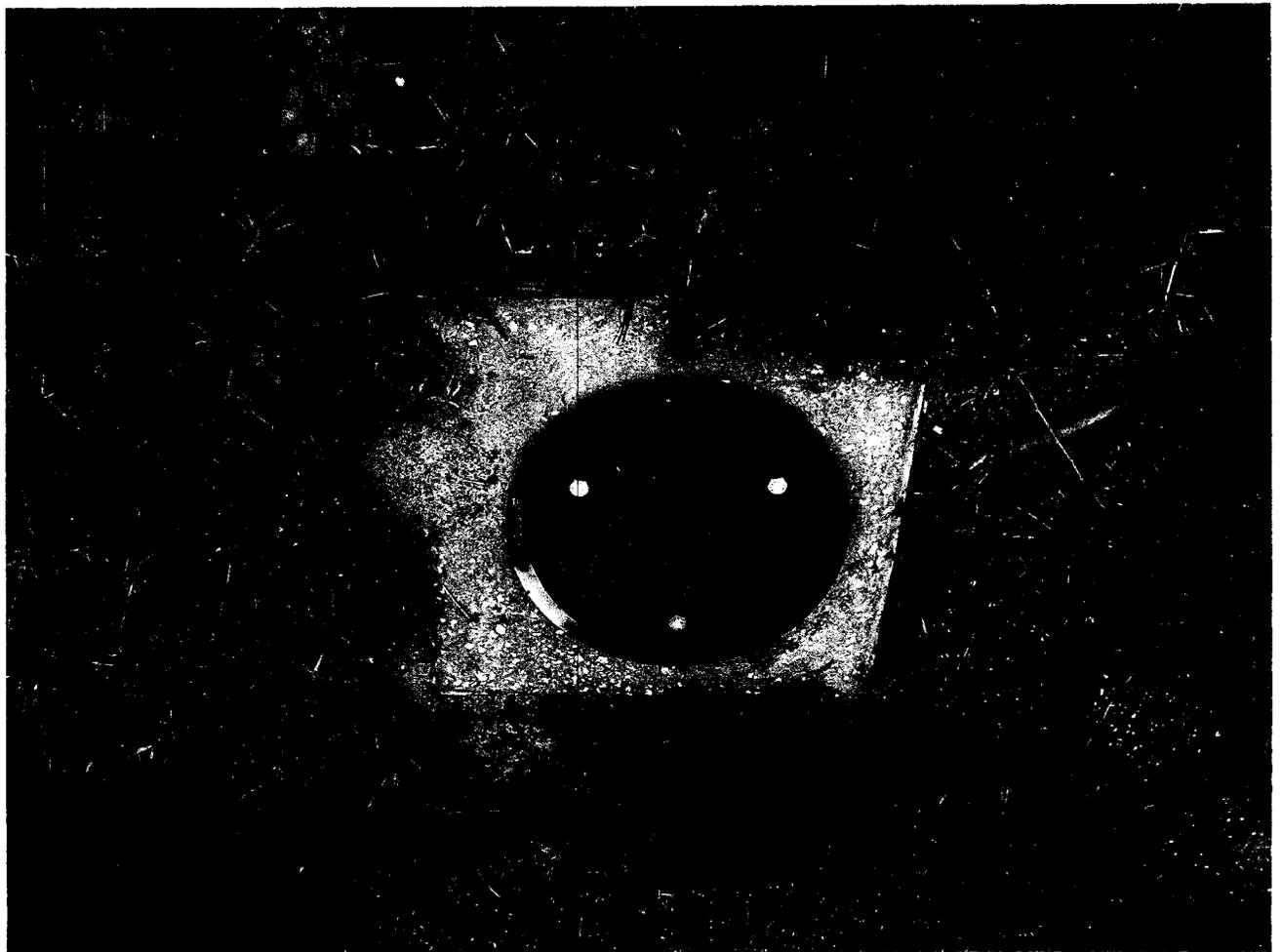
Project Manager: SRD
 GIS Operator: LBS
 GIS QA/QC:

ArchMap Name: wetlands.mxd
 Plot File: 3710.pdf

Proposed OUC Monitoring Sites Layout

Biological Research Associates
 5001 S Highway 70 N
 Suite 150
 Tampa, Florida 33619
 813.664.3501 FAX 813.664.0440
www.biologicalresearch.com





Orlando Utilities Commission
500 South Orange Avenue
P.O. Box 3193
Orlando, Florida 32802
Phone: 407.423.9100
Administrative Fax: 407.236.9616
Purchasing Fax: 407.384.4141
Website: www.ouc.com



August 30, 2004

Joe Gasparini, Manager of Parks and Recreation
Seminole County Government
264 West North Street
Altamonte Springs, FL 32714

Re: Lake/Wetland Environmental Monitoring Program
Permission for Access to the Following:

| <u>Lake</u> | <u>Parcel ID</u> | <u>Address</u> |
|--------------|------------------------|-----------------------|
| Red Bug Lake | 23-21-30-300-010A-0000 | 3600 Red Bug Lake Rd. |

Dear Mr. Gasparini:

The Orlando Utilities Commission (OUC) is required to conduct an environmental monitoring program in accordance with the water use permit recently issued by the St. Johns River Water Management District (District). The above-referenced water body has been selected as part of a District initiative to monitor the condition of lakes and wetlands regionally. After careful consideration, OUC and District staff have identified the above-referenced property as an appropriate access point from which to monitor the water body. The purpose of this letter is to explain the monitoring program and its benefits to you and to request your permission to access the property when necessary.

The primary purpose of the monitoring site is to measure daily water levels. This will be accomplished using an automated data recorder in order to minimize the frequency of access to your property. The monitoring site will only require a very small area of land, approximately 2 feet by 2 feet for a shallow monitoring well. The monitoring well consists of either a 2 or 4-inch PVC pipe with a cap, which would extend approximately 2 feet above ground level. A water level sensor and data recorder will be installed in the shallow well. Please reference the attached figure for a typical monitoring well installation. OUC also needs to install a staff gauge (water level measuring rod) in the water body.

During the initial site visits, which are expected to begin in September 2004, OUC will be surveying elevations of environmental features including any changes in soil profile, vegetation, etc. along the edge of the water body and extending into it. After the initial setup of the site, OUC activities would consist of a monthly visit to the site to download information from the recorder. Annually, photographs would also be taken to record the condition of the water body. This monitoring program will be a long-term program which is expected to continue for possibly 20 years. Please reference the attached map of the proposed monitoring site for your property.

The program benefits the property owner and other property owners surrounding the water body by providing valuable information to the District. Water level changes will be closely monitored. If long-term trends indicate harm to the water body, measures can be taken by the District to mitigate harm to the water body and natural vegetation. The environmental data gathered will be submitted to the District periodically. You may also be interested in the data. OUC will be pleased to provide you with annual water level data so that you may track the condition of the water body along with the District.

Your cooperation and assistance are very important to develop a comprehensive environmental monitoring program for water bodies in the greater Orlando area. OUC requests that you or the appropriate authority sign the bottom of this letter. A signature on this letter will be considered authorization to proceed with installation and monitoring. Please return one signed letter to us and retain the other for your records. Please also provide us with the name of the person with whom we should coordinate access. A self-addressed, stamped envelope is enclosed for your use.

We thank you in advance for your assistance. If you have any questions regarding the proposed environmental monitoring program, please feel free to call me at (407) 649-4476.

Sincerely,

ORLANDO UTILITIES COMMISSION



Christine Russell, P.E.
Senior Engineer, Planning & Project Management

Attachments



Typical Monitoring Well Installation

Property Owner or Authorized Agent

Joe Gasparini
Signature

JOE GASPARINI
Name (please print)

(407) 788 - 0405
Telephone Number

PAUL KobyLARZ
Contact Person (if different)

(407) 695 - 7113
Telephone Number

264 W. North Street
ALTAMONTE SPRINGS FL 32714

Mailing Address

