



## CITY OF BELLE ISLE, FLORIDA CITY COUNCIL AGENDA ITEM COVER SHEET

**Meeting Date:** April 17, 2018

**To:** Honorable Mayor and City Council Members

**From:** B. Francis, City Manager

**Subject:** Request of Adam McGinnis for Cross Lake Beach Park

**Background:** On April 2, 2018, the City received a petition for City Waiver of Riparian Rights t from Adam McGinnis for Cross Lake Beach. In the past, the City considered Cross Lake Beach a park at the end of a public right-of-way from the intersection of Oak Island Road to Lake Conway. This assumption is supported by the City's 1990 Comprehensive Plan that describes Cross Lake Beach. Mr. McGinnis's property is adjacent to Cross lake Beach and he has to access his property through a small part of the park. Approximately 8 months ago, Mr. McGinnis approached the City to see what could be done to resolve this problem. Two of the resolutions were his offer to purchase Cross Lake Beach or have the City vacate Cross Lake Road to the adjacent Property owners. At that time, the Council directed the City Attorney to work on a resolution for all lakefront issues with City rights-of-way. The City Attorney drafted a memorandum on the issue, giving options on those locations; one of which was Cross Lake. The memorandum was not reviewed by Council.

Since this time, Mr. McGinnis did research on his own and discovered that Cross Lake Beach is actually owned by the state and in speaking with Division of State Lands, this is accurate. The State would sell the property to Mr. McGinnis if the City gave up its upland rights to the property. Mr. McGinnis is requesting the City do so and then he can purchase the property from the State. However, the City can also purchase the property from the State since the City has upland rights to the land. In a meeting with Mr. McGinnis, John Walker, the Attorney for Mr. McGinnis, Attorney Dan Langley, and me, I stated that if the City has the option to purchase the property, then we would. I submitted an application to the State and the State responded that the application was in order and further directed that I had to have Orange County, acting as the Lake Conway Navigation District Board, provide a recommendation on the City's application to purchase the property. I sent the application to Orange County last week for Orange County to start the process.

I received a phone call from the State saying that they are lining up an appraiser to provide an appraisal and cost for the property. A similar parcel adjacent to this parcel sold in 2015 for \$37,000.

At the April 3, 2018 Council Meeting, this issue was briefly discussed and the City Council directed the City Manager to contact Mr. McGinnis and have him come to a Council Meeting to explain the reason(s) why he wants to purchase this property.

Concurrently, the City Attorney reviewed the petition submitted by Mr. McGinnis and found it to be deficient for several reasons. I communicated this and the Council's request to Mr. McGinnis in an email to him.

**Staff Recommendation:** Review and discuss Mr. McGinnis's request to purchase the property but not give up the City's upland rights to purchase the property and also to continue to move forward with the purchase from the State

**Suggested Motion:** None needed

**Alternatives:** None

**Fiscal Impact:** Depends on State's appraisal

**Attachments:**

- Excerpt from 1990 Comp Plan
- Draft memorandum from Attorney Callan
- Petition from Adam McGinnis
- City Application to State
- City Letter to BCC of Orange County
- Orange County Code on the process
- Copy of County Approval for adjacent property owner's purchase in 2015
- Email from City Manager to Adam McGinnis

To: City of Belle Isle

From: Tom Callan, Draft memo

RE: Lake Safety, Lake Environmental Quality and Lake Access

This memo examines the current use of Lake Conway, examines possibilities and methods to improve and install water quality treatment at improved roadways and boat ramps, examines the complaints by residents as to over use and under enforcement and considers what steps if any exist or that are needed to balance the rights of the general public through public and associational access points with single family residential riparian lakefront users.

1. There are a city rights of way that end at the shoreline of Lake Conway. They possess many uses and attributes:
  - a. Unimproved dirt roadway used to access water (launch, paddle, ped) (Cross Lake);
  - b. unopened (Wallace);
  - c. paved with access to the shoreline (Venetian and Perkins) and used as a public ramp;
  - d. public used with county (Warren Park);
  - e. Pedestrian and Paddle parks (Trimble, Swann, and Delia).
2. In addition to the City rights of way, there are two county ramps (Hoffner and Ferncreek) to serve the General Public.
3. In addition to the public ramps there are several privately owned HOA ramps and dockage areas within the City:
  - a. Wind Harbor;
  - b. Lake Conway Shores HOA;
  - c. Lake Conway East HOA;
  - d. Conway Groves HOA;
  - e. Landings at Lake Conway;
  - f. Oak Island; and,
  - g. Lake Conway Estates HOA.
4. There are several private HOA ramps on Lake Conway outside of the limits of Belle Isle such as:
  - a. Lake Conway Woods (County);
  - b. Conway Place HOA (County);
  - c. Lakeside Village Conway (County);
  - d. Lake Harbor Cir (Edgewood);
  - e. FOP (Edgewood); and
  - f. Camelot apartments (Edgewood).

5. It would seem that with the above, Lake Conway through its three connected water bodies is more than sufficiently served by ramps.

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An issue and discussion is how to move forward with the increase of water traffic from non- lakefront users that seems to have created hazards or limits the use of the lake by the riparian owners not listed in 1-4, above, namely the lakefront single family users.

**Supply limitations.** The demand to use the lake seems to have increased and expanded, with the advent of smaller personal craft users. While the use and demand has expanded, the area of use is a constant. So, the growing use of Lake Conway is not without limitation.

**Ownership between State and lakefront owners.** Lake Conway has been treated a navigable body of water in 1845 as to be a water of the state. The divide in ownership between the lakefront land owner and the State is determined under Florida Law as the “ordinary high water mark<sup>1</sup>” on a lot, which is a factual question. This is determined ultimately by a judge if the parties cannot agree.; as such most title insurance policy on lake front property will contain an exception for any claim of ownership by the state including any filled, submerged or accreted property, unless removed by sufficient evidence to the title insurer to remove same.

The ordinary high water mark can change over the years.<sup>2</sup> Land has accreted from Lake Conway to adjacent lots as seen by a comparison of the OCPA tax maps with the original plats surrounding Lake Conway in the 1920s or so. Again, accretion like the ordinary high water mark is a factual determination.

**Riparian Rights.** A Lakefront owner can have what are described as riparian rights to the navigable water. Actually, riparian rights as a term apply to river or stream, and littoral rights apply to waterfront owns on a lake. Cases and statutes use riparian owner broadly to describe all waterfront owners. *Bd. Of Trs. V. Sand Key Associates.*

Riparian rights have been defined by the Florida Supreme Court in the above case to include: the right of view, access to the water, use of the water for navigational purposes, and to receive accretions or relictions to the upland property. These rights may be regulated by law, but cannot be taken without compensation and due process. Riparian rights may also be sold and bifurcated from the upland property, unless prevented by any valid law or regulation.

The existence of whether an abutting lot has any riparian rights is a factual question. If the deed to the property does not go and include the shoreline, then one could argue there are no riparian rights under the *Axline v. Shaw* case.

**Lakefront Lot owners.** The properties fronting Lake Conway are treated as premium residences and pay higher taxes due to the higher land values associated with lakefront property. The complaints have been that with the increase use of the lake and including the increase in

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<sup>1</sup> “Ordinary High Water Mark” was defined in *Tilden v. Smith*: “A high water mark, as a line between the riparian owner and public, is to be determined by examining the bed and banks, and ascertaining where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark upon the soil of the bed a character distinct from that of the banks, in respect to vegetation as well as respects the nature of the soil itself.”

<sup>2</sup> “Accretion” means “the gradual and imperceptible accumulation of land along the shore or bank of a waterbody.” “Reliction or dereliction” is an increase of the land by a gradual and imperceptible withdrawal of any body of water.

personal use watercraft, these lakefront owners right of use and access is being limited. Stated another way, any over use of a private or public boat ramp may diminish the rights of adjoining riparian owners. The use by the public need not be of the amount or quality which limits or restricts the use and enjoyment of the shoreline owners. This is particular of concern with the State's revision and limitation as to enforcement of boater safety and speed regulations. The State of Florida has had its powers of enforcement limited and restricted by the Legislature. This has impacted the scope and effectiveness of enforcement

**City of Belle Isle Lakefront property.** As the demand continues to grow, there may come a time that the State or County wishes to take over the Venetian, Swann, Perkins, Cross Lake and Wallace rights of way to operate ramps that pre-empt Belle Isle regulation and enforcement. Against this back drop, non-residents of the City have used the Venetian and Perkins boat ramps and create parking conflicts and block roads.

**Proposals on the City Lakefront Property.** The following proposals are offered to address the issues described above and position the City from over use of the Lake from the city owned property:

1. Perimeters for the vacation and reservation on Wallace Road to evaluate:
  - a. Vacate the right of way 300 feet from shoreline, reserve access for police enforcement, for city resident pedestrian access, and for any lawful use or right of use that runs to any lot which is subject of the plat;
  - b. Reservation can be the middle 20 feet of the 50ft or 60ft wide foot roadway;
  - c. The vacated portion will revert to the two abutting landowners subject of the reservation and subject to the rights under the plat, as implied by law;
  - d. The receiving owners agree to the uses of the Wallace Park property for the school or other municipal use, and,
  - e. The receiving owner pay to the City an amount of \$\_\_\_\_\_.
  
2. Perimeters for the vacation and reservation on Venetian to evaluate:
  - a. Option One (Vacation):
    - i. Vacate the right of way 100 feet from shoreline, reserve access for police enforcement, for city resident pedestrian access, drainage and for any lawful use or right of use that runs to any lot which is subject of the plat;
    - ii. Reservation can be the middle 20 feet of the 50ft or 60ft wide foot roadway;
    - iii. The vacated portion will revert to the two abutting landowners subject of the reservation and subject to the rights under the plat, as implied by law;
    - iv. The receiving owners agree to the uses of the Wallace Park property for the school or other municipal use, and,
    - v. The receiving owner pay to the City an amount of \$\_\_\_\_\_.
  - b. Option Two (Designation as a Park versus Roadway):
    - i. Ordinance to designate the right of way 100 feet from shoreline as a park;
    - ii. Construct pollution abatement and water quality improvements across the roadway for water quality treatment;
    - iii. Close the park to non residents;
    - iv. Impose hours of limitations; and/or

- v. Boat ramp can either be either closed (i) permanently to all, (ii) closed to all but city residents or (iii) closed to all but city residents who own property in the plat.
- c. Option Three (Vacation with Park reservation)
  - i. Blended approach from Options One and Two above.
  - ii. Ordinance pass to designate the reservation of right of way 100 feet from shoreline as a park;
  - iii. Construct pollution abatement and water quality improvements across the roadway to clean the water;
  - iv. Close the park to non residents;
  - v. Impose hours of limitations;
  - vi. Boat ramp can either be either closed (i) permanently to all, (ii) closed to all but city residents or (iii) closed to all but city residents who own property in the plat; and/or
  - vii. Vacate the right of way 100 feet from shoreline, reserve park, drainage and recreational easement to the City;
  - viii. Limit access for police enforcement.
- 3. Proposal for Venetian can be evaluated for Perkins and Swann
- 4. The following proposal for Cross Lake West is offered:
  - a. Option One (Vacation):
    - i. Vacate the right of way 60 feet from shoreline, reserve access for police enforcement, for city resident pedestrian access, drainage and for any lawful use or right of use that runs to any lot which is subject of the plat.
    - ix. Reservation can be the middle 20 feet of the 50/60 foot roadway.
    - x. Property will revert to the two abutting landowners subject of the reservation and subject to the rights under the plat, as implied by law.
  - d. Option Two (Designation as a Park versus Roadway):
    - i. Ordinance pass to designate the right of way 60 feet from shoreline as a park,
    - ii. Construct pollution abatement and water quality improvements across the roadway to clean the water, subject to the access to the McGinnis lot
    - iii. Close the park to non residents,
    - iv. Impose hours of limitations,
    - v. Boat ramp can either be either closed (i) permanently to all, (ii) closed to all but city residents or (iii) closed to all but city residents who own property in the plat.
  - e. Option Three (Vacation with Park reservation)
    - i. Blended approach from Options One and Two above.
    - ii. Ordinance pass to designate the reservation of right of way 60 feet from shoreline as a park, but acknowledge the access to McGinnis

- iii. Construct pollution abatement and water quality improvements across the roadway to clean the water
- iv. Close the park to non residents,
- v. Impose hours of limitations,
- vi. Boat ramp can either be either closed (i) permanently to all, (ii) closed to all but city residents or (iii) closed to all but city residents who own property in the plat.

DRAFT





Bob Francis &lt;bfrancis@belleislefl.gov&gt;

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## Your request

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Bob Francis <bfrancis@belleislefl.gov>  
To: adammcguinnisesq@hotmail.com

Wed, Apr 11, 2018 at 10:11 AM

Adam - The petition that you gave to the City Clerk for the Council agenda on April 17 was reviewed by the City Attorney and he found it to contain deficiencies, lack required information and it fail to meet the minimum requirements for consideration of the requested vacation and abandonment for a portion of a plat under the Section 50.33 of the City Code and Section 177.101, Fla. Stat. Therefore it cannot be considered for formal action by the Council at the April 17 meeting. However, even though the Council cannot act on the request at the next meeting, I could still put it on the agenda for Council discussion, if you so desire, as they stated at the last meeting they are interested in knowing what you intend to use the land for. If the Council agrees to move forward with your request, then the Council will provide direction to the City staff to work with you to satisfy the needed requirements so they can take official action at a future meeting.

Here are other concerns that the City has. The petition is ambiguous as, among other things, it is entitled "waiver of riparian rights" whereas it appears to be proposing to vacate and abandon a portion of the right-of-way or public rights therein. Since you and John have not provided any title work or surveys supporting the petition or a sketch of description of the proposed areas to be vacated, did you intend for that binder you gave to us at our meeting suffice for these items?.

The City Attorney has other concerns that you have not complied with the public hearing notice requirements of Section 50.33 of the City Code or of Section 177.101, Flat. Stat. concerning this petition. If not, then it is not possible to meet the public hearing requirements in order to consider the petition at the next regular Council meeting. Also, the form of the resolution provided is insufficient, it is not in proper form and contains mistakes. There will also be an application fee for processing these request which we will let you know the amount.

When we met, that you said you were doing basically the same thing that John Walker did to purchase his property. I get that, but I was not the City Manager at that time, nor had the same City Attorney, so we cannot comment on that process, or lack thereof, that was used for John's purchase.

Please let me know if you have any questions. Thanks.

Sincerely,

*Bob*

Bob Francis, ICMA-CM  
City Manager  
City of Belle Isle, FL

1600 Nela Ave.  
Belle Isle, FL 32809  
(407) 851-7730 (O)  
(407) 450-6272 (C)  
bfrancis@belleislefl.gov

**DECISION OF THE BOARD OF COUNTY COMMISSIONERS  
ORANGE COUNTY, FLORIDA**

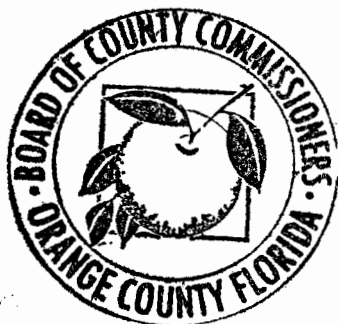
ON NOVEMBER 3, 2015, THE BOARD OF COUNTY COMMISSIONERS CONSIDERED THE FOLLOWING APPLICANT'S REQUEST:

APPLICANT: JOHN WALKER


CONSIDERATION: A REQUEST FROM JOHN WALKER TO PURCHASE LAND OWNED BY THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT FUND FOR PROPERTY LOCATED AT CROSS LAKE DRIVE, ON LAKE CONWAY, PURSUANT TO ORANGE COUNTY CODE, CHAPTER 33, ARTICLE II, SECTION 33-41, SPECIAL DISTRICTS, LAKE CONWAY WATER AND NAVIGATION CONTROL DISTRICT.

LOCATION: DISTRICT 3; SECTION 18, TOWNSHIP 23 SOUTH, RANGE 30 EAST; ORANGE COUNTY, FLORIDA (LEGAL PROPERTY DESCRIPTION ON FILE IN ENVIRONMENTAL PROTECTION DIVISION)

UPON A MOTION, THE BOARD OF COUNTY COMMISSIONERS PROVIDED A RECOMMENDATION OF NO OBJECTION TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION – TRUSTEES OF THE INTERNAL IMPROVEMENT FUND FOR THIS PARCEL IN DISTRICT 3.



THE FOREGOING DECISION HAS BEEN FILED WITH ME THIS 10TH DAY OF NOVEMBER 2015.

  
\_\_\_\_\_  
DEPUTY CLERK  
BOARD OF COUNTY COMMISSIONERS  
ORANGE COUNTY, FLORIDA

*Note: This document constitutes the final decision of the Board of County Commissioners on this matter. If, upon the Board's subsequent review and approval of its minutes, an error affecting this final decision is discovered, a corrected final decision will be prepared, filed, and distributed.*

np

- **Sec. 33-41. - Purchase of submerged land, islands, sandbars, swamp and overflow lands; application, notice, hearing.**

(a)

The applicant or applicants for the purchase of submerged land, islands, sandbars, swamp and overflow lands, including all sovereignty lands from the Trustees of the Internal Improvement Fund of the State of Florida shall, concurrently with the filing of said application with the trustees of the internal improvement fund, file a copy of same with the district, together with such other information as said district may require. The governing authority of the district shall then set a public hearing and publish notice of such public hearing one (1) time in a newspaper of general circulation in the area this [that] is qualified to publish legal notices at least one (1) week prior to said public hearing. Said notice shall state the legal description of the land to be purchased, together with a general description of the land to be purchased. An affidavit of proof of publication shall be furnished to the board before its consideration of said application. The said governing authority shall further cause notices to be sent by mail or personal service to each of the upland or other property owners within five hundred (500) feet of the land to be purchased, and such other property owners as the said governing authority deems might be adversely affected by the proposed sale of said land; and such notices shall be substantially the same as are required to be published in a newspaper, as hereinbefore provided; that all municipalities or other public agencies who may be affected by the sale of said land shall also be notified by mail as hereinbefore provided.

(b)

At said public hearing the said governing authority of the district shall consider what recommendations it will submit to the Trustees of the Internal Improvement Fund of the State of Florida. All of the proponents and opponents of the sale of said land shall be heard by the said governing authority at said public hearing and the said governing authority shall then determine its recommendations, which recommendations it shall immediately cause to be submitted in writing to the trustees of the internal improvement fund.

(c)

In considering their recommendations, the said governing authority may obtain such engineering and other data and hear such testimony under oath as it may deem necessary.

(d)

The board shall assess such filing fees and costs as may be necessary for the filing, processing and determination of the application to purchase submerged lands; provided however, such fees and costs shall not exceed ten dollars (\$10.00).

(e)

The recommendations of the board as submitted to the trustees of the internal improvement fund, irrespective of whether they be adverse or favorable, shall not in any way affect any subsequent action of the board on an application for a permit or permits to develop said land under the provisions of this act [article].

(Code 1965, § 36-30.16; Laws of Fla. ch. 57-1643, § 16)



## **CITY OF BELLE ISLE, FLORIDA**

1600 Nela Avenue  
Belle Isle, Florida 32809  
(407) 851-7730 • FAX (407) 240-2222  
[www.cityofbelleislefl.org](http://www.cityofbelleislefl.org)

April 3, 2018

Board of County Commissioners  
Orange County Administration Building  
201 S. Rosalind Ave.  
Orlando, FL 32801

RE: Request Approval to purchase Land

Dear Board of County Commissioners:

The City of Belle Isle is requesting the Board of County Commissioners, acting as the Lake Conway Water and Navigation Control District Board approve the purchase of land owned by the Board of Trustees of the Internal Improvement Fund for property located at Cross Lake Drive, on Lake Conway, pursuant to Orange County Code, Chapter 33, Article II, Section 33-41, Special Districts. The location of the property is District 3; Section 18, Township 23 South, Range 30 East; Orange County, Florida. A copy of the legal description is included in the enclosed FDEP application.

A copy of the City's application to Florida Department of Environmental Protection, Division of State Lands, is included with this request.

The City believes this request is in the best interest of the residents of Belle Isle to continue to use this property as a public park and beach as was adopted in the City's 1990 Comprehensive Plan. Thank you for your consideration in this matter.

Sincerely,

Bob Francis, ICMA-CM  
City Manager



Bob Francis &lt;bfrancis@belleislefl.gov&gt;

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**reclaimed lake bottom purchase**

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**Thompson, Vicki** <Vicki.Thompson@dep.state.fl.us>

Tue, Apr 3, 2018 at 3:21 PM

To: Bob Francis &lt;bfrancis@belleislefl.gov&gt;

Cc: "McCall, Cheryl" &lt;Cheryl.McCall@dep.state.fl.us&gt;, "Woolam, Scott" &lt;Scott.Woolam@dep.state.fl.us&gt;

Hi Bob:

I think the application is fine. I need to have our Title and Land Records Section do a quick title review before we start the appraisal process which shouldn't take long.

Also, I have attached the county ordinance relating to the Lake Conway Water and Navigation Control District and purchasing the reclaimed lake bottom. You may already be familiar with this but I thought I should mention it. An example of the approval for the adjacent parcel is attached. We will need a copy of the commissioner's recommendation for your acquisition as well.

I will get the title work started and request bids for an appraisal. If you have any questions, just give me a call.

Thanks

Vicki

**From:** Bob Francis <bfrancis@belleislefl.gov>**Sent:** Monday, April 02, 2018 3:49 PM**To:** Thompson, Vicki <Vicki.Thompson@dep.state.fl.us>**Cc:** McCall, Cheryl <Cheryl.McCall@dep.state.fl.us>; Woolam, Scott <Scott.Woolam@dep.state.fl.us>**Subject:** Re: reclaimed lake bottom purchase

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Dep Customer Survey

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**2 attachments**

**PETITION FOR CITY WAIVER OF RIPARIAN RIGHTS**

IN RE: Matter of John Walker and Adam and Katherine McGinnis

COMES NOW JOHN WALKER and ADAM AND KATHERINE MCGINNIS, Petitioners, and petition the Town Council of the Town of Belle Isle, Orange County, Florida, to waive any Riparian Rights over state owned land within said town limits, and as grounds therefor would show unto the Commissioners the following:

1. That your Petitioners are the owners of the following described parcels of property in the Town of Belle Isle, Orange County, Florida:

John Walker

From the SE Corner of Lot 15, Block A, PLEASURE ISLAND, as per Plat thereof recorded in Plat Book F, Page 140, Public Records of Orange County, Florida; run N 66°30' W along the South line of said Lot 15 a distance of 174.4 ft. to intersect with the Government Meander line for the Point Of Beginning. Continue N 66°30' W 112.2 ft. to the 86.4 ft Contour Line of Lake Conway, thence North-Easterly along said 86.4 ft contour line 50 ft. to the North line of said Lot 15, thence S 66°30' E along said North Lot line 119.05 ft. to intersect with the Government Meander Line, thence S 30°00' W along said Meander line 50.32 ft. to the point of beginning. Containing therein 0.1327 acres more or less.

Adam and Katherine McGinnis

From the intersection of the Government Meander Line with the Southerly line of Lot 1, Block B, PLEASURE ISLAND, according to the Plat thereof as recorded in Plat Book F, Page 140, of the Public Records of Orange County Florida, said point begin 162.9 feet N 66°30' W, of the Southeast corner of said Lot 1, run thence N 66°30' W, along said Southerly line projected 20.8 ft to the Point Of Beginning; thence continue N 66°30' W along said projection 105 feet to the 86.4 contour line; thence Northerly and Easterly along said line 51 feet, more or less, to the North line of said Lot 1, thence S 66°30' E, 105 feet, thence S 28°51'30" West, 50.22 feet to the Point Of Beginning.

And further, your Petitioners have made application to the Florida Department of Environmental Protection to acquire the following described property:

A portion of land lying adjacent to Drive, PLEASURE ISLAND, According to the Plat thereof, As recorded in Plat Book F, Page 140, Public Records of Orange County, Florida. Being more particularly described as Follows: Commence at the Northeast corner of Lot 15, Block A, of said Plat, thence run N 66°30' W a distance of 188.6 feet along the North line of said Lot 15 to the Point Of Beginning; thence continue N 66°30' W a distance of 111.35 feet to the Ordinary High Water Line; thence along the Ordinary High Water Line

for the next Four Courses; Run N 27°25' E a distance of 12.97 Feet; thence run N 14°42'59" E a distance of 12.29 feet; thence run N 25°54'17" E a distance of 12.54 Feet; thence run N 18°41'22" E a distance of 12.43 feet; thence run S 66°30' E a distance of 118.51 feet along the Northwesterly projection of the South line of Lot 1, Block B, of said Plat, to a distance 20 feet prior to the Government Meander Line; thence run S 29°57'30" W a distance of 50.32 feet to the Point of Beginning. Described Property contains 5,725 square feet or .13 Acres more or less.

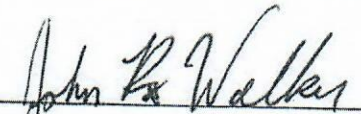
2. That across the last mentioned property, the Town of Belle Isle, Orange County, Florida, may have acquired Riparian Rights over the following described property:


A portion of land lying adjacent to Drive, PLEASURE ISLAND, According to the Plat thereof, As recorded in Plat Book F, Page 140, Public Records of Orange County, Florida. Being more particularly described as Follows: Commence at the Northeast corner of Lot 15, Block A, of said Plat, thence run N 66°30' W a distance of 168.6 feet along the North line of said Lot 15 to the Point Of Beginning; thence continue N 66°30' W a distance of 131.35 feet to the Ordinary High Water Line; thence along the Ordinary High Water Line for the next Four Courses; Run N 27°25' E a distance of 12.97 Feet; thence run N 14°42'59" E a distance of 12.29 feet; thence run N 25°54'17" E a distance of 12.54 Feet; thence run N 18°41'22" E a distance of 12.43 feet; thence run S 66°30' E a distance of 138.51 feet along the Northwesterly projection of the South line of Lot 1, Block B, of said Plat, to the Government Meander Line; thence along said Government Meander Line run S 29°57'30" W a distance of 50.32 feet to the Point of Beginning. Described Property contains 6,725 square feet or .15 Acres more or less.

Said interest may have been acquired by virtue of the plat of J.H. LIVINGSTON's SUBDIVISION as recorded in Plat Book B, Page 133, Public Records of Orange County, Florida, which Plat was recorded on December 1, 1886, and on which plat the last property above described is part of a right-of-way known as Lake Drive. Said interest may have been acquired by virtue of the plat of J.H. LIVINGSTON's SUBDIVISION as recorded in Plat Book F, Page 140, Public Records of Orange County, Florida, which Plat was recorded on April 26, 1923, and on which plat the last property above described is part of a right-of-way known as Drive.

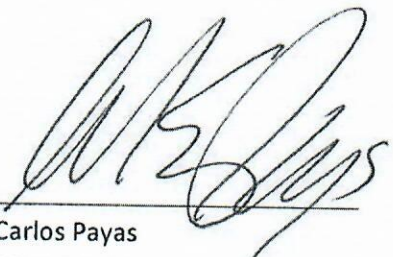
3. To the knowledge of your Petitioners, the adjacent road right-of-way has never been improved in any way whatsoever. To the knowledge of your Petitioners, the Town of Belle Isle, Orange County, Florida may have acquired Riparian Rights over the state owned land. However, the existence of the same casts a cloud upon the title to the property sought to be acquired from the State of Florida, and therefore, your Petitioners desire that the Town of Belle Isle, Orange County, Florida, waive any Riparian Rights it may have in and to the said property last above described.

Respectfully submitted this 30 day of Month 2018.

  
\_\_\_\_\_  
John Walker

  
\_\_\_\_\_  
Adam McGinnis

  
\_\_\_\_\_  
Katherine McGinnis

  
\_\_\_\_\_  
Carlos Payas  
1018 E Robinson Street  
Orlando, FL 32801



**(GENERAL PUBLIC)**  
**APPLICATION FOR PURCHASE OF SURPLUS LAND**  
**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**  
**OF THE STATE OF FLORIDA**

This application is to be used in order to apply for the purchase of surplus land title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (Board of Trustees). If you have any questions, after reading this application form, you may call (850) 245-2720 for assistance.

**SPECIAL NOTE TO ALL APPLICANTS: SUBMITTAL OF A COMPLETE APPLICATION SHALL NOT OPERATE TO CREATE ANY RIGHTS OR CONSTITUTE ANY GROUNDS FOR THE DEPARTMENT TO RECOMMEND APPROVAL OF ANY SALE. THE BOARD OF TRUSTEES HAS THE AUTHORITY AND RESERVES THE RIGHT TO DENY ANY APPLICATION TO PURCHASE SURPLUS LAND. ALL COSTS INCURRED BY APPLICANTS COMPLYING WITH THE REQUIREMENTS OF THIS APPLICATION SHALL BE AT THEIR OWN RISK. COSTS ASSOCIATED WITH PURCHASING SURPLUS LAND ARE NON-REFUNDABLE AND SHALL BE ASSUMED BY THE APPLICANT INCLUDING, BUT NOT LIMITED TO, ALL APPRAISALS, ALL SURVEYS, ALL TITLE SEARCHES, AND ALL RECORDING FEES.**

**PRIOR TO COMPLETING THE APPLICATION PLEASE BE ADVISED THAT:**

Staff will recommend denial of any purchase offer that is less than the Department's minimum sales price for the surplus land proposed for sale.

Real property and improvements shall be sold "as is" with no warranties or representations whatsoever pursuant to Section 18-2.018(3)(b), Florida Administrative Code;

All surplus state land shall be conveyed by quitclaim deed which shall contain an oil and mineral reservation in favor of the Board of Trustees pursuant to Section 270.11, Florida Statutes; and

All sales of surplus state land shall be for cash, cashier's or certified check and all closings shall be in accordance with a sales contract approved by the Board of Trustees.

**Applicant Information:**

Name: Jonathan Walker, Adam and Katherine McChains Home Phone: 407-344-9851  
Mailing Address: 1018 E Robinson Street Work Phone: 407-254-7669  
City: Orlando State: FL Zip: 32801 Fax Number: \_\_\_\_\_  
Email Address: AdamMcChains Esq @ hotmail.com

**Representative Information: Only complete if someone will be handling this transaction on your behalf.**

Name: Carlos Poyas Home Phone: 407-925-7805  
Mailing Address: 1018 E Robinson Street Work Phone: 407-888-8888  
City: Orlando State: FL Zip: 32801 Fax Number: 407-425-1254  
Email Address: \_\_\_\_\_

**Property Information:**

County: Orange Property Appraiser's Parcel Number: N/A  
Section: 18 Township: 23 Range: 30 Zoning Designation: R-1-AA  
Intended Use of Property: Residential

**Include the Following with the Application:**

- Most recent available aerial photograph with the surplus property identified.
- Names and addresses, as shown on the latest county tax assessment roll, of all owners of land lying within 500 feet of the surplus property proposed for sale, certified by the county property appraiser (not required if the parcel does not exceed 5 acres in area).
- A county tax map identifying the surplus parcel proposed for sale.

**Applicant Property Information:**

- Do you the applicant own or have a beneficial interest in any parcel of land adjoining the subject parcel or within a one mile radius of the subject property.
- If yes, please provide legal descriptions, county tax maps, date purchased, purchase price and any other pertinent information.
- To the best of your knowledge, does the property that you are inquiring about have any marshy or wet areas?  
Yes  No  If yes please describe:

**Items that you will need to provide during the process, but not at the time of application:**

- \_\_\_\_\_ Payment in the form of a cashier's check or certified check for the cost of the appraisal and any other necessary products. Staff will notify you regarding these costs and when they will be due.
- \_\_\_\_\_ Two prints of a certified survey of the surplus property meeting the minimum technical standards of Chapter 5J17, Florida Administrative Code, that contain the boundary, legal description, and acreage of the property.

Mail Completed Application with Attachments to:  
Bureau of Real Estate Services  
3800 Commonwealth Boulevard  
Tallahassee, Florida 32399-3000, Mail Station #115

**RESOLUTION**

WHEREAS the attached Petition of JOHNATHAN WALKER and ADAM and KATHERINE MCGINNIS, for Waiver of Riparian Rights over the described state owned land in Paragraph No. 2 of said Petition having been considered by the Council, on Motion of \_\_\_\_\_ for approval thereof, seconded by \_\_\_\_\_ the said Petition was approved, and it is now resolved that the portion of the lands described in the said Petition in Paragraph No. 2 be free of Riparian Rights and those rights granted in favor of Petitioners.

**CERTIFICATE**

I, \_\_\_\_\_, Clerk of the Town of Belle Isle do certify that the foregoing copy of Petition and Resolution are true, literal and exact copies of the resolution that was duly passed by the Town Council of the Town of Belle Isle at its meeting held on \_\_\_\_ day of \_\_\_\_\_, 2018.

WITNESS my signature and the seal of the said Town this the \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Town Clerk

**(GENERAL PUBLIC)**  
**APPLICATION FOR PURCHASE OF SURPLUS LAND**  
**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**  
**OF THE STATE OF FLORIDA**

This application is to be used in order to apply for the purchase of surplus land title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (Board of Trustees). If you have any questions, after reading this application form, you may call (850) 245-2720 for assistance.

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All sales of surplus state land shall be for cash, cashier's or certified check and all closings shall be in accordance with a sales contract approved by the Board of Trustees.

<b><i>Applicant Information:</i></b>			
Name: <u>City of Belle Isle</u>		Home Phone: <u>(407) 851-7730</u>	
Mailing Address: <u>1600 Nela Ave.</u>		Work Phone: _____	
City: <u>Belle Isle</u> State: <u>FL</u> Zip: <u>32809</u>		Fax Number: <u>(407) 240-2222</u>	
Email Address: _____			

<b><i>Representative Information: Only complete if someone will be handling this transaction on your behalf.</i></b>			
Name: <u>Robert Francis, City Manager</u>		Home Phone: <u>(407) 450-6272</u>	
Mailing Address: <u>1600 Nela Ave.</u>		Work Phone: <u>(407) 851-7730</u>	
City: <u>Belle Isle</u> State: <u>FL</u> Zip: <u>32809</u>		Fax Number: <u>(407) 240-2222</u>	
Email Address: <u>bfrancis@belleislefl.gov</u>			

<b><i>Property Information:</i></b>	
County: <u>Orange</u>	Property Appraiser's Parcel Number: <u>None listed</u>
Section: <u>18</u> Township: <u>23 S</u> Range: <u>30 E</u> Zoning Designation: <u>Open Space</u>	
Intended Use of Property: <u>Public Park/Beach for City of Belle Isle</u>	

<b><i>Include the Following with the Application:</i></b>
____ Most recent available aerial photograph with the surplus property identified.
____ Names and addresses, as shown on the latest county tax assessment roll, of all owners of land lying within 500 feet of the surplus property proposed for sale, certified by the county property appraiser ( <b>not required if the parcel does not exceed 5 acres in area</b> ).
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<b><i>Applicant Property Information:</i></b>
____ Do you the applicant own or have a beneficial interest in any parcel of land adjoining the subject parcel or within a one mile radius of the subject property.
____ If yes, please provide legal descriptions, county tax maps, date purchased, purchase price and any other pertinent information.
____ To the best of your knowledge, does the property that you are inquiring about have any marshy or wet areas? Yes    No    If yes please describe:

<b><i>Items that you will need to provide during the process, but not at the time of application:.</i></b>
____ Payment in the form of a cashiers check or certified check for the cost of the appraisal and any other necessary products. Staff will notify you regarding these costs and when they will be due.
____ Two prints of a certified survey of the surplus property meeting the minimum technical standards of Chapter 5J17, Florida Administrative Code, that contain the boundary, legal description, and acreage of the property.

**Mail Completed Application with Attachments to:**  
Bureau of Real Estate Services  
3800 Commonwealth Boulevard  
Tallahassee, Florida 32399-3000, Mail Station #115

RECREATION AND OPEN SPACE ELEMENT

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The second type of standard used is the participation rate of the individual facility. This standard requires data to be collected regarding the amount of usage of a particular facility. This standard is designed to meet the specific needs of a specific community. However, an accurate database is needed showing the actual users per facility. The best way to achieve accurate participation rates is to survey the users over a period of several weeks.

It is important to link the population ratio with the participation rate for both parks and facilities. This encourages the coordination of facilities with location, so that a facility that serves 50,000 is not placed in a park serving 5,000 people.

#### B. PUBLIC FACILITIES

The City of Belle Isle has 7 city parks within the corporate limits. There is also one Orange County neighborhood park within the City. This section lists the individual park sites, and the facilities that are offered. Map 3-1 shows the location of the parks within the City. Table 3-3 shows the facilities and acreage for each park.

TABLE 3-3  
PUBLIC PARKS INVENTORY

PARK	FACILITIES	AREA (acres)
Swann Beach	swimming beach/bench	0.25
Delia Beach	swimming beach/bench	0.22
LaBelle Beach	swimming beach/bench	0.11
Cross Lake Beach	swimming beach/bench	0.16
Perkins boat ramp	boat launching ramp	0.33
Venetian Park	boat launching ramp and open park space	1.93
Lagoon	picnic area and open park space	5.00
Warren Park	County facility with ball diamond, swings, picnic tables, pavilions, grills and swimming beach	8.50
Gilbert Park	open space/bench	
Lesser Park	open space/bench	
Conway Circle Pk.	open space/bench	
Holloway Park	open space	

Source: Belle Isle Planning Department, 1990

**1. WARREN PARK**

Warren Park is an 8.5 acre Orange County park. The park is located at the intersection of Warren Park Drive and Seminole Drive, on the east side of the City. Warren Park is a neighborhood park consisting of a baseball diamond, 2 tennis courts, 20 picnic tables, 2 playgrounds, and 0.01 miles of beach on Conway Chain of Lakes.

**2. LAGOON PARK (BELLE ISLE WEST)**

This neighborhood park is the newest park in the Belle Isle park system, scheduled for completion in 1990. The park is located between the Belle Isle West subdivision and the Conway Shores subdivision, in the south part of the City. Although there is a walking/bicycling trail which runs through the park, it remains primarily a passive park with picnic tables and benches. The lagoon has been planted with indigenous water plants as part of an educational program.

**3. VENETIAN PARK**

Venetian Park is a 1.93 acre neighborhood park and is located in the Venetian Gardens subdivision in the northwest section of the City. The two main features of the park are the boat ramp and the large open field. The large open field in the middle of the subdivision is suitable for all types of activity based recreation, such as baseball, softball, football, soccer, and volleyball. The boat ramp area has no parking spaces for cars, however there are six parking spaces adjacent to the large field.

**4. PERKINS BOAT RAMP**

The Perkins boat ramp is 0.33 acres and is located at the intersection of Perkins Road and Lake Drives in the southwest section of the City. There is parking for approximately 3 or 4 cars with trailers and a reserved space for Marine Patrol. The boat ramp is suitable for one boat launch at a time.

**5. CROSS LAKE BEACH**

Cross Lake Beach, 0.16 acres, is located on Cross Lake Road off Oak Island Road in the northwest section of the City. The beach is approximately 50 feet in length. The remainder of the park is open space.

**6. LA BELLE BEACH**

La Belle Beach, 0.11 acres, is found at the south end of La Belle Street in the Belle Isle Court subdivision in the northwest section of the City. The beach is approximately 24 feet in length, with the remainder of the park being open space. This park is used a great deal by canoe and small sailboat owners.

**7. DELIA BEACH**

Delia Beach, 0.22 acres, is located in the Belle Isle Estates subdivision at the east end of Delia Street. The park contains approximately 50 feet of beach and approximately 0.2 acres of open space.

**8. SWANN BEACH**

Swann Beach, 0.25 acres, is located in the Nela Isle subdivision, at the intersection of Lake Drive and Swann Avenue. The beach is approximately 50 feet in length with the remainder of the park as open space.

**9. OPEN SPACE/PARKWAYS**

Belle Isle also has four areas that are public open spaces or parkways. Three of the four areas are located in the Nela Isle (mainland section) subdivision. Only Holloway Park is without a park bench.

Lesser Park is located at Gondola Drive and Conway Circle. Conway Circle Park is located at the intersection of Swann Avenue and Conway Circle. The front lawn of City Hall is also considered as public open space, and is known as Holloway Park. The last parkway is known as Gilbert Park, located at the east intersection of Homewood Drive and Nela Avenue.

**C. PRIVATE FACILITIES**

In Belle Isle, recreation facilities and open space are also provided by private entities. The two types of private entities are homeowner associations and mobile home parks, and are described in this section.

**1. HOME OWNER ASSOCIATION LOTS**

In addition to the City's parks, several of the homeowner associations (HOA) own lots set aside for recreation and open space purposes. There are eight homeowner association lots within Belle