

ITEM 3:

Consider whether a 0.38-acre private access easement within Paynes Prairie Preserve State Park is consistent with the Board of Trustees' Incompatible Use Policy.

LOCATION:

Alachua County

APPLICANT:

Higginbotham Family Trust (Applicant)

DSL STAFF REMARKS:

The Applicant has requested a 25-foot-wide private access easement across an existing dirt trail to benefit their landlocked parcel. No dwellings will be constructed on the Applicant's parcel. The proposed easement will connect the Applicant's parcel to SE 35th Street, a public road maintained by Alachua County via an existing private easement benefiting the Applicant's parcel. The proposed easement is located within BOT owned conservation land currently managed by the State of Florida Department of Environmental Protection, Division of Recreation and Parks (DRP) under Uplands Lease No. 2515. The property was acquired by the State of Florida in 1999 with P-2000 funding for conservation and recreation.

The DRP consented to the easement in a letter dated May 13, 2025, and in a letter dated November 4, 2024, the Division of Historical Resources stated that the proposed undertaking is unlikely to affect historic properties.

Avoidance

There are no other practical alternatives to access the Applicant's parcel. The Applicant's parcel is surrounded by the Park on three sides and by a privately owned parcel on the west side. The private owner is unwilling to grant an access easement to the Applicant.

Minimizing Impacts:

The easement will have a minimal impact to the Park as it is within an existing trail. The Applicant shall obtain written approval from DRP prior to any construction activities. There are no known imperiled or other wildlife species that occupy the requested area.

Compensation:

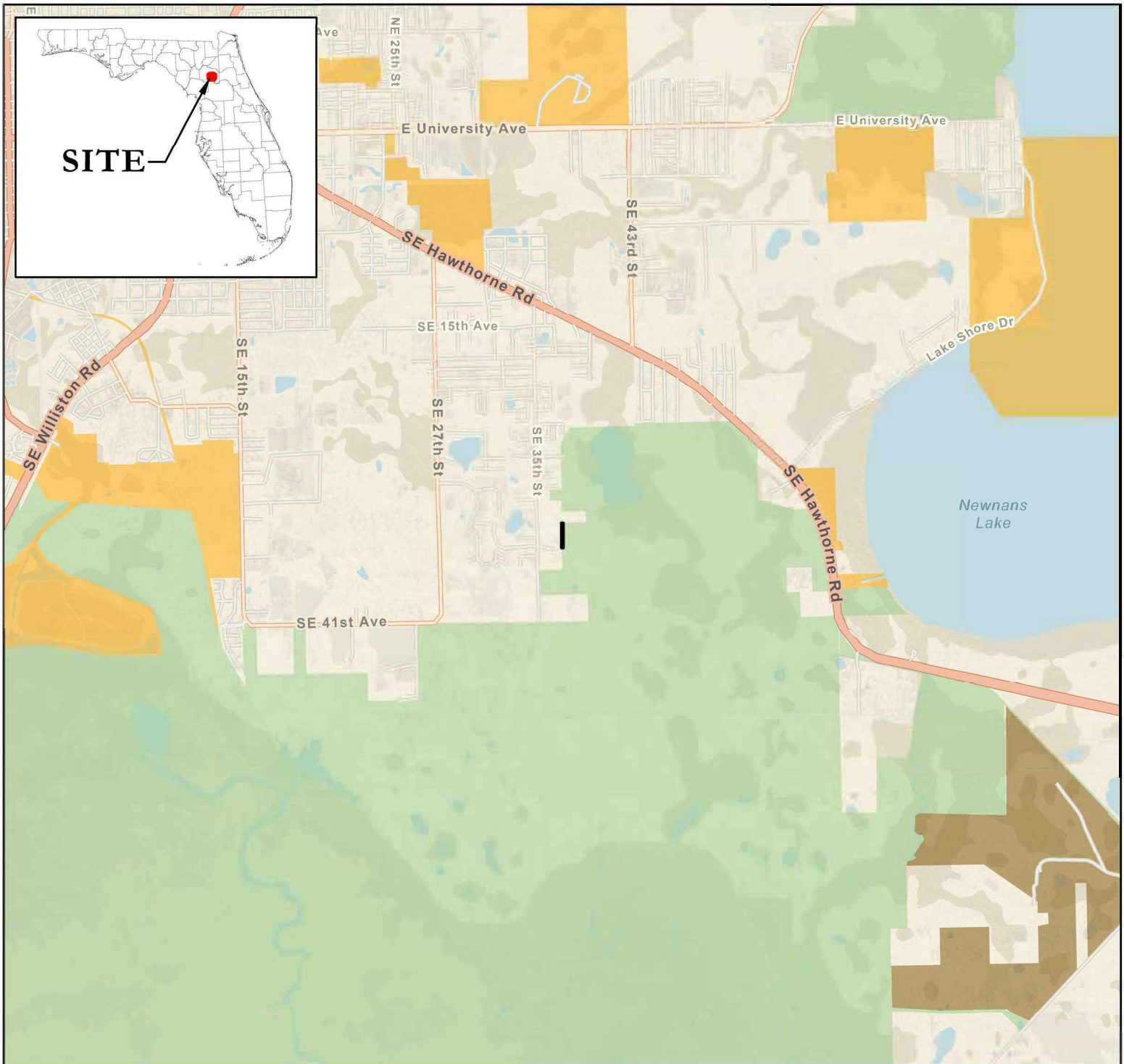
The easement fee will be based on appraisal and per the BOT's Incompatible Use Policy, Net Positive Benefit, in the form of replacement land or goods and services, will be provided to DRP at 1.5 times the appraised value of the easement.

DSL STAFF RECOMMENDATION:

Approve easement request.

ARC RECOMMENDATION:

- () APPROVE
- () APPROVE WITH MODIFICATIONS: _____
- () DEFER
- () WITHDRAW
- () NOT APPROVE
- () OTHER: _____



-  Subject Parcel
-  Paynes Prairie Preserve State Park
-  City/County Managed Conservation Lands
-  Private Managed Conservation Lands

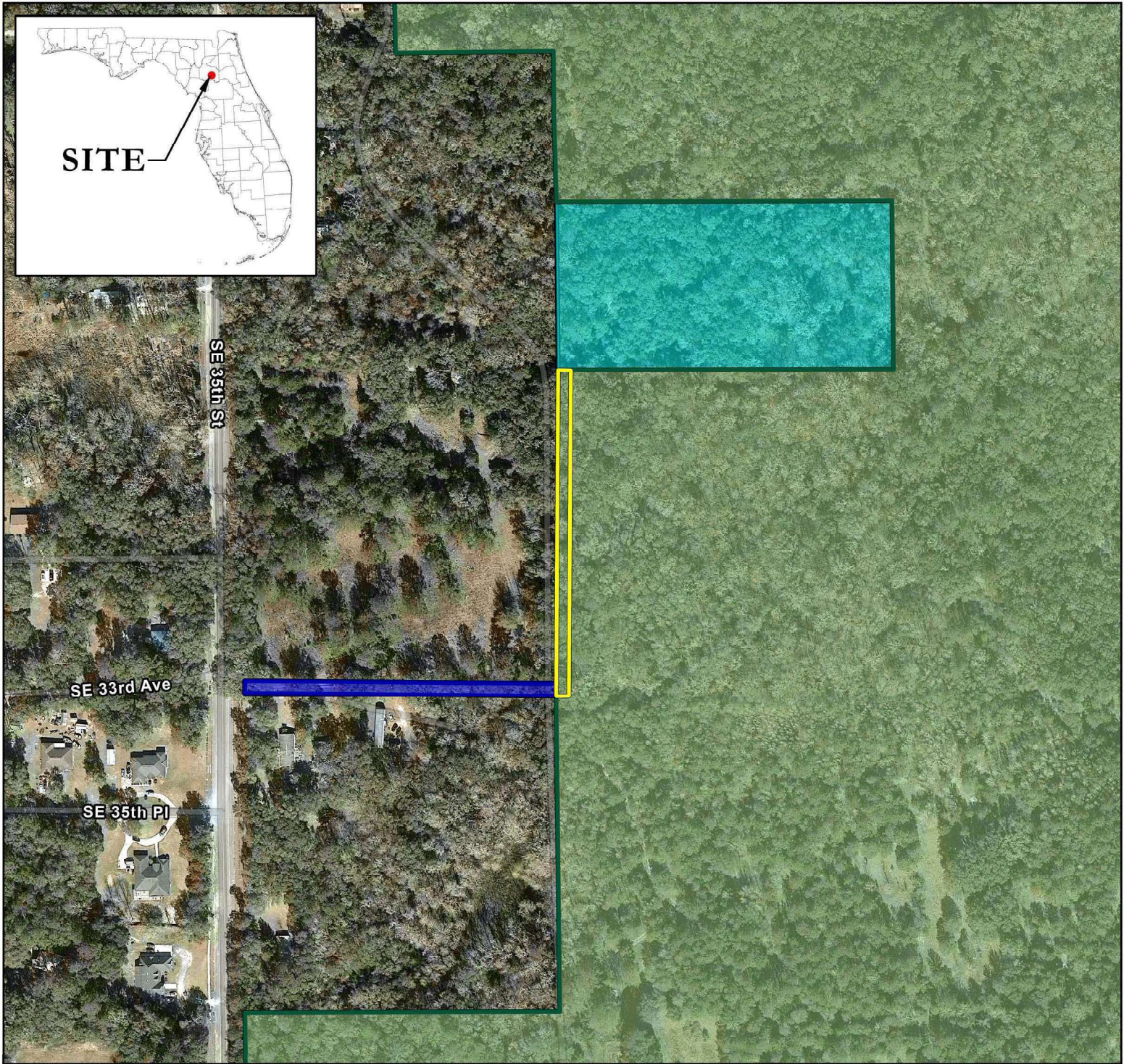
0 0.25 0.5 1

Miles



Easement 33425

Alachua County, Florida



- Subject Parcel
- Applicant's Existing Private Easement
- Applicant's Parcel
- Paynes Prairie Preserve State Park

0 100 200 400
Feet



Easement 33425

Alachua County, Florida

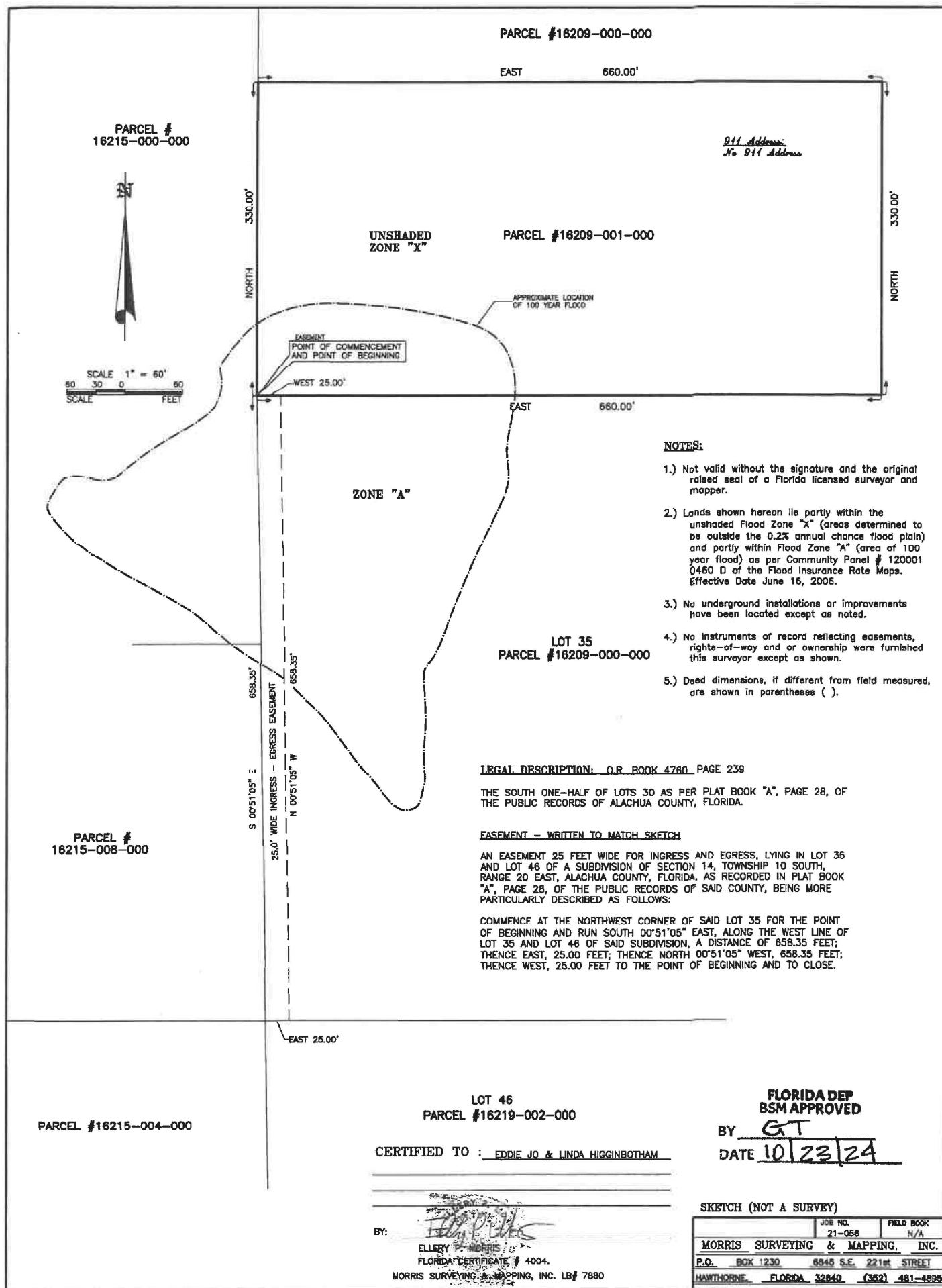
Paynes Prairie Preserve State Park

Proposed Easement Area



Existing Private Easement Connecting Applicant's Parcel to SE 35th Street via Proposed Easement







FLORIDA DEPARTMENT OF Environmental Protection

Ron DeSantis
Governor

Alexis A. Lambert
Secretary

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, FL 32399

May 13, 2025

Betty Jo Saunders
17528 SE 48th Place
Hawthorne, Florida 32640

RE: Private Access Easement - Paynes Prairie Preserve State Park

Dear Ms. Saunders,

The Florida Department of Environmental Protection, Division of Recreation and Parks (DRP), is issuing our managing agency review letter based on completion of our review of your (GRANTEE) request to utilize a certain portion of Paynes Prairie Preserve State Park (Park), lease number 2515.

After reviewing your request, DRP finds that your proposed activity to traverse an access road does not have adverse impacts on the resources of the Park. For this reason, DRP has determined that it has no objection to the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (GRANTOR) issuing a private access easement to Betty Jo Saunders to use a certain portion of the Park, as depicted in Exhibit "A" attached, provided that the GRANTEE agrees to employ best management practices, including, but not limited to, complying with the following special conditions:

1. GRANTEE shall satisfy the "Additional Compensation" or "Net Positive Benefit" obligation to the Park Manager (PM) of Paynes Prairie Preserve State Park (Park) in an amount to be determined by the Division of State Lands (DSL), in accordance with the GRANTOR'S Linear Facilities Policy dated January 23, 1996, or Incompatible Use Policy of Natural Resource Lands dated August 9, 1988, or F. S. Section 253.02(2)(b)4., prior to the issuance of the easement.
2. GRANTEE shall contact the Florida Department of State, Division of Historical Resources (DHR) at (850) 245-6333 to determine if a certified archaeological monitor is required to be on-site during any ground-disturbing activities. Further, GRANTEE shall provide written confirmation to the Park Manager that the aforementioned determination from DHR has been obtained. Should such a monitor be required to be on site, GRANTEE shall provide one at GRANTEE'S sole cost and expense.
3. GRANTEE shall pay maintenance, repair, and/or replacement costs for any adverse impacts the proposed activities may have on the Park's resources, facilities, infrastructure or other improvements should the Division of Recreation and Parks (DRP) determine such impacts are a result of GRANTEE'S actions pertaining to authorization of this access easement.
4. GRANTEE shall coordinate all scheduled maintenance activities with the PM or his/her designee and obtain his/her prior approval. At the discretion of the Park Manager or his/her designee, such coordination may require an on-site meeting. In the event of any emergency repairs or maintenance activities, GRANTEE shall inform the PM or his/her designee of such emergency within an hour of addressing the emergency.

Betty Saunders, Page Two

March 31, 2025

5. GRANTEE acknowledges and understands that prescribed burning is a land management practice used by the DRP to effectively manage natural resources at the Park. Prescribed burning may result in fire or smoke within or surrounding the authorized use area. GRANTEE assumes all responsibility for ensuring that the GRANTEE'S improvements within the authorized use area are designed, constructed, operated and maintained in a manner compatible with prescribed burning practices at the Park. GRANTEE agrees to cooperate fully with the PM, or his/her designee, to ensure that the design, maintenance, and authorized use area doesn't prevent or adversely affect the PM's or his/her designee's ability to conduct periodic prescribed fires in the Park and/or within the authorized use area. This includes, but may not be limited to, all measures necessary to maximize safety such as not interfering with posted smoke signage, traffic control, and possible temporary closure of authorized use area to pedestrian and vehicular traffic. The PM or his/her designee will notify the GRANTEE prior to any prescribed fire activity on or near the authorized use area and limit all temporary closures to the minimum duration possible for public safety.
6. GRANTEE acknowledges the easement is over an unimproved grass and dirt "jeep trail" and is subject to periodic disking, mowing, grading and other improvements at the sole discretion of the PM or his/her designee. No maintenance or improvements, no removal or trimming of trees or vegetation will be made by GRANTEE without the prior written approval of the PM.

Sincerely,

Daniel
Alsentzer

Digitally signed by Daniel
Alsentzer
Date: 2025.05.13
21:40:02 -04'00'

Daniel Alsentzer, Environmental Administrator
Office of Park Planning
Division of Recreation and Parks

Attachment

CC: Clif Maxwell
Kimberlee Tennille
Kevin Patton
Jay Searcy



FLORIDA DEPARTMENT of STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

Florida Department of Environmental Protection
Division of State Lands
3800 Commonwealth Boulevard, Mail Station 125
Tallahassee, Florida 32399

November 4, 2024

Re: DHR No.: 2024-5948
Project: 43466 Easement 33425

To Whom It May Concern:

Our office reviewed the referenced project in accordance with Chapter 267, *Florida Statutes*, and implementing state regulations, for possible effects on historic properties listed, or eligible for listing, in the *National Register of Historic Places*, or otherwise of historical, architectural or archaeological value.

It is the opinion of this office that the proposed project is unlikely to affect historic properties. However, unexpected finds may occur during ground disturbing activities, and we request that the project include the following special condition regarding inadvertent discoveries:

- If prehistoric or historic artifacts, such as pottery or ceramics, projectile points, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time within the project site area, the permitted project shall cease all activities involving subsurface disturbance in the vicinity of the discovery. The applicant shall contact the Florida Department of State, Division of Historical Resources, Compliance Review Section at (850)-245-6333. Project activities shall not resume without verbal and/or written authorization. In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately and the proper authorities notified in accordance with Section 872.05, *Florida Statutes*.

If you have any questions, please contact Jennifer Tobias, Historic Sites Specialist, by email at Jennifer.Tobias@dos.myflorida.com.

Sincerely,

A handwritten signature in blue ink that reads "Kelly L. Chase" with "For" written below it.

Alissa S. Lotane
Director, Division of Historical Resources and State Historic Preservation Officer

Division of Historical Resources
R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399
850.245.6300 • 850.245.6436 (Fax) • FLHeritage.com



ARC Questionnaire

1. Description of when and under what program or fund the parcel under consideration was acquired (EEL, LATF, CARL, P-2000, Florida Forever, etc) or donated. [Acquired by the BOT in 1999 with P-2000 funding.](#)
2. Description of the purpose for the parcel's acquisition (P-2000 or Florida Forever goals and criteria or similar purpose descriptions) or donation and any restrictions or conditions of use that apply to the parcel, if any. [Acquired for conservation and recreation.](#)
3. Description of the current level of public recreational use or public access of the parcel. [No public trails or access to this parcel.](#)
4. Description of the natural resources, land cover, vegetation, habitat or natural community, if any, that are currently present on the parcel. [Successional mixed hardwood forest.](#)
5. Description and list of the imperiled and other wildlife species, if any, that occur on or use the parcel. [None are known on the site.](#)
- 6) Description and list of historical or archaeological resources, if any, that occur or have the potential of occurring on the site. [None are known on the site. Adjacent area was recently monitored no significant cultural artifacts found.](#)
- 7) Formal alternative siting analysis that includes a description and assessment of other potential alternative sites and why they are not feasible or practicable alternatives. [No other feasible site requester researched extensively for alternative sites.](#)
- 8) Assessment of the impacts the proposed alternative use will have on the natural/historical/archaeological/recreational resources, if any, as well as on the current public use and purpose for the site or parcel. [Minimal if any.](#)
- 9) Assessment of the potential impacts on the larger area of conservation lands the parcel is located within (park, wildlife management area, forest trail, etc.) and on any surrounding conservation lands, if any. [None.](#)
- 10) Assessment of how the proposed package of consideration and net positive benefit for the requested alternative use of the parcel, such as the generally standard requirement for replacement land (depending on the parcel's size), will offset the impacts and benefit the larger area of conservation lands (park, forest, wildlife management area, trail system, etc.) the parcel is within and particularly how it will offset the impacts or benefit the natural/historical/archaeological resources, habitat and public recreational uses of the public conservation area the parcel is located within. [DRP will coordinate with DSL to determine additional compensation.](#)

It will be the responsibility of the managing agency on whose property a non-conservation or non-public recreation use is proposed to have staff at ARC meetings who will be able to answer questions about the effect of that proposed use on the lands that they manage and about their justification for agreeing to allow it. BPLA staff will continue to present the items, but managing agency staff should be ready to answer any questions related to the resources and recreation on the site and the effects of proposed uses.