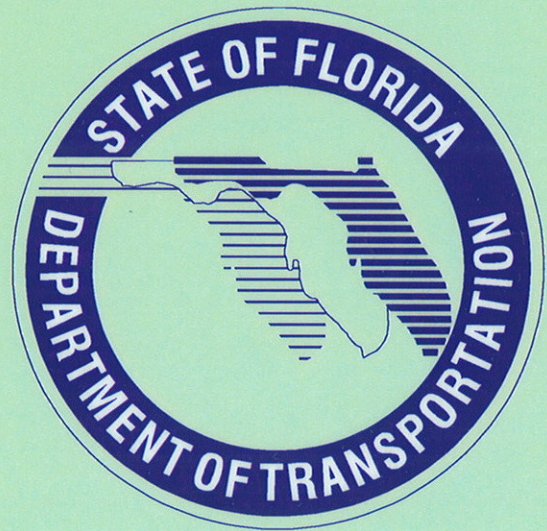


**Section 4(f) Determination of Applicability  
Blackwater Creek Preserve**

**Florida Department of Transportation - District VII  
S.R. 39 AND ALEXANDER STREET BYPASS  
PD&E STUDY**

*Work Program Item Segment Number: 255099 1  
Federal-Aid Program Number: F-321-1(4)  
Hillsborough and Pasco Counties, Florida*



*August 1998*

**S.R. 39 and Alexander Street Bypass PD&E Study  
Blackwater Creek Preserve  
Section 4(f) Determination of Applicability**

**WPI Segment No.: 255099 1  
FAP No.: F-321-1(4)  
S.R. 39 from I-4 to U.S. 301  
Hillsborough and Pasco Counties**

The following information has been prepared in order to assist in the formal Determination of Section 4(f) Applicability for the Blackwater Creek Preserve:

1. A detailed map or drawing of sufficient scale to identify the relationship of the alternatives to the Section 4(f) property.

**The Blackwater Creek Preserve is located north of Bruton Road adjacent to the west side of S.R. 39 in Sections 12, 13, 14 and 24, Township 27 South, Range 21 East, and Sections 7, 18 and 19, Township 27 South, Range 22 East. The preserve is identified on the attached Project Location Map (See Figure 1) and is located within the S.R. 39 project corridor as described above. Figure 2 is an aerial base plan sheet to identify the relationship of the proposed alternative to the potential Section 4(f) property. The proposed alternative for the S.R. 39 improvements will require approximately 17.07 meters (56 feet) to 32.3 meters (106 feet) of right of way along the west side of S.R. 39. An estimated 6.07 hectares (15 acres) of right of way would be required from the Blackwater Creek Preserve property.**

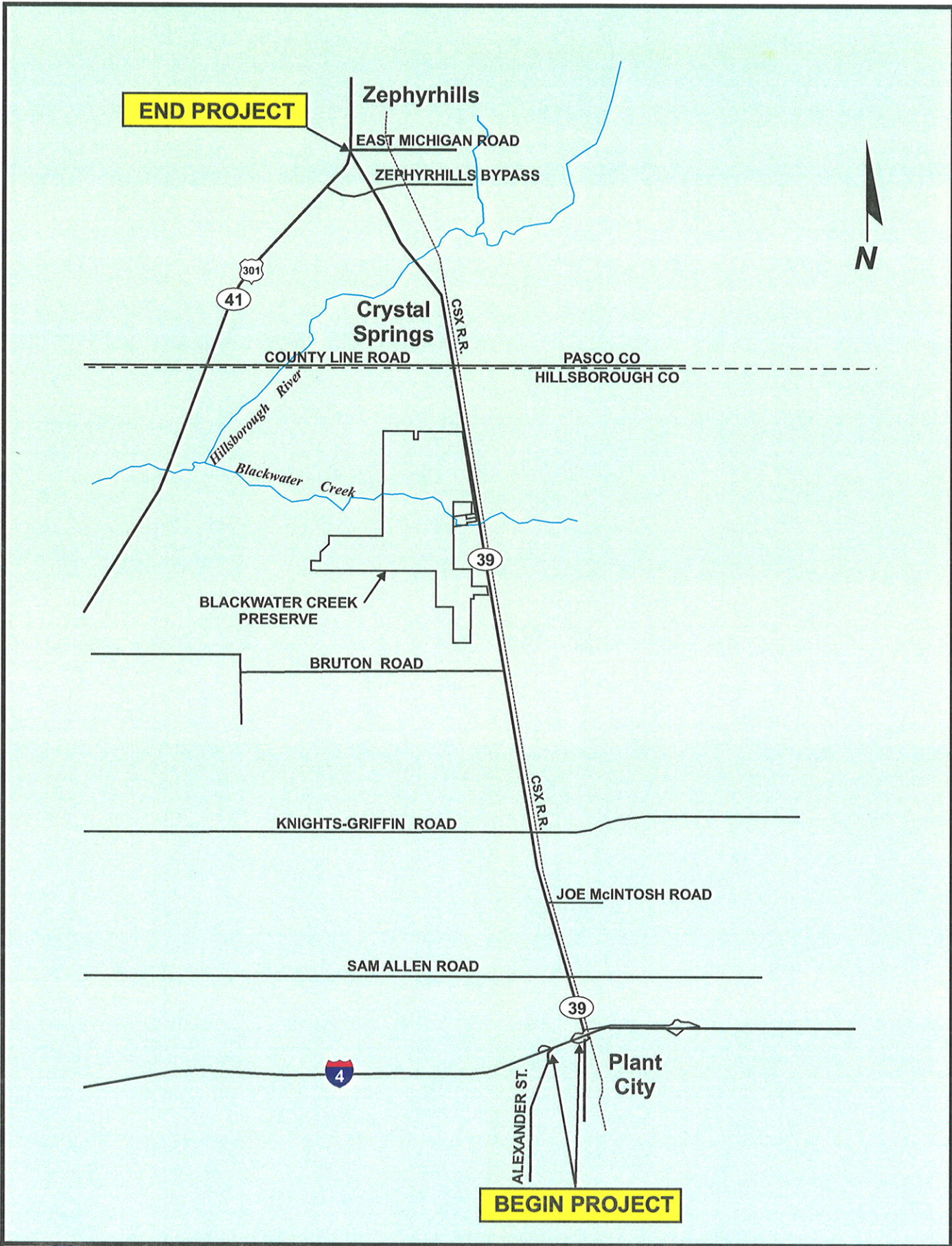
2. Size and location of the affected Section 4(f) property.

**The Blackwater Creek Preserve - Environmental Lands Acquisition and Protection Program (ELAPP) property consists of three tracts: the Weiss Tract which consists of 789.52 hectares (1950.87 acres), the Kovacs Tract which consists of 8.63 hectares (21.33 acres), and the Robison Tract containing 1.91 hectares (4.73 acres) for a total of 800.06 hectares (1976.93 acres). See Figure 3 for the location of the subject properties.**

3. Ownership and type of Section 4(f) property.

**The Weiss Tract, as shown in Figure 3, is owned by Hillsborough County. A copy of the warranty deed (O.R. 8597 Page 728, executed February 25, 1997) is attached. The other two tracts, described above, are currently under contract with Hillsborough County for acquisition. The County is expecting to close on these properties in September 1998 as stated in the attached letter dated July 24, 1998.**

**The Blackwater Creek Preserve is a wildlife management/recreation area.**

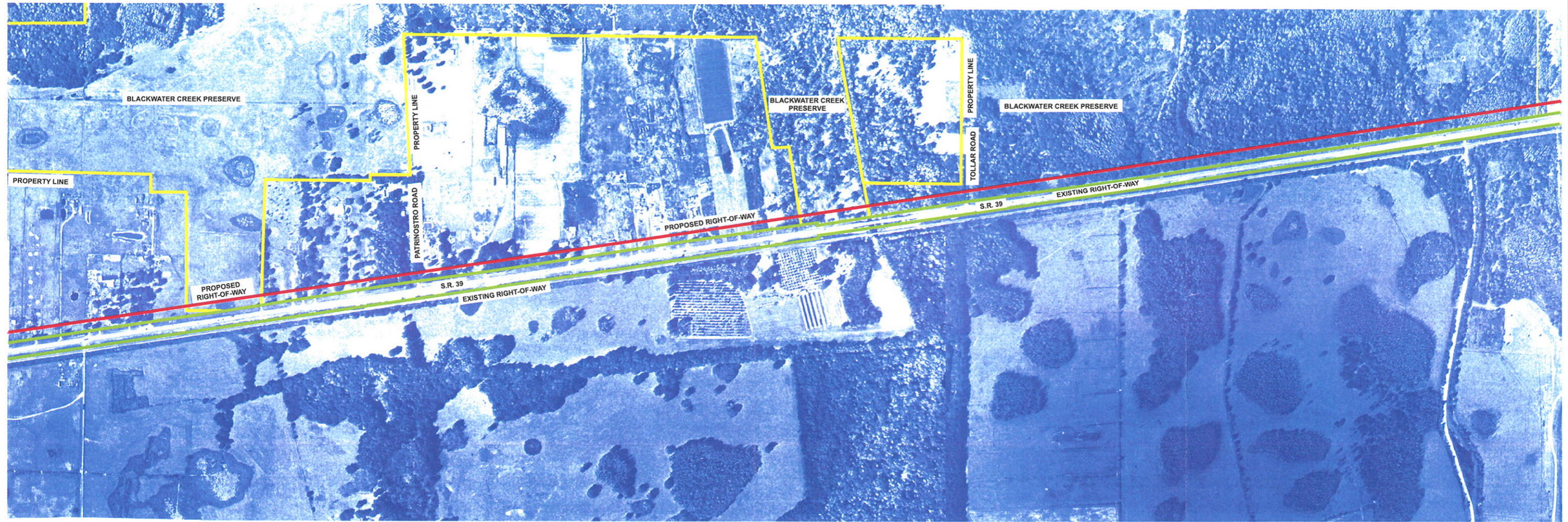


**PROJECT LOCATION MAP**

**S.R. 39 AND ALEXANDER STREET BYPASS PD&E STUDY**  
 WPI SEGMENT No. 255099 1 FAP No. F-321-1(4)  
 HILLSBOROUGH AND PASCO COUNTIES, FLORIDA

**URS Greiner**

Figure 1



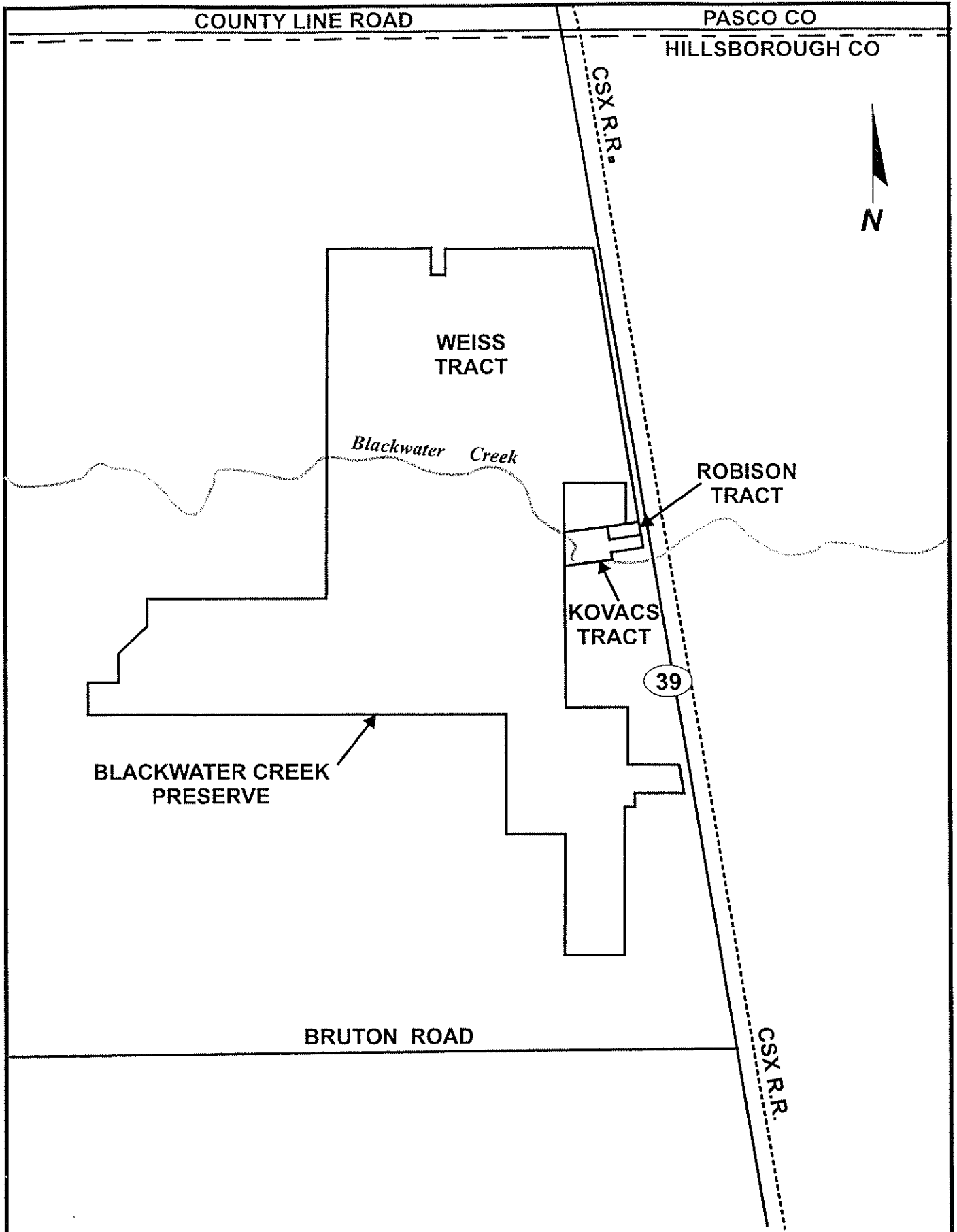
- Proposed Right-of-Way
- Existing Right-of-Way
- Property Lines



RELATIONSHIP OF PROPOSED ALTERNATIVE TO POTENTIAL SECTION 4(f) PROPERTY  
**S.R. 39 AND ALEXANDER STREET BYPASS PD&E STUDY**  
 WPI SEGMENT No. 255099 1 FAP No. F-321-1(4)  
 HILLSBOROUGH AND PASCO COUNTIES, FLORIDA

**URS Greiner**

Figure 2



**PARCEL MAP**

**S.R. 39 AND ALEXANDER STREET BYPASS PD&E STUDY**  
 WPI SEGMENT No. 255099 1 FAP No. F-321-1(4)  
 HILLSBOROUGH AND PASCO COUNTIES, FLORIDA

**URS Greiner**

Figure 3

4. Function of or available activities on the property.

**According to the Blackwater Creek Preserve Resource Management Plan, there were several purposes for the acquisition and protection of the Blackwater Creek Preserve including: to secure an important link in a multi-county greenway; to improve the water quality of Blackwater Creek; to protect potable water supplies; to provide resource based recreational opportunities; and to preserve a large area of natural habitat for listed species, as well as other wildlife.**

**Currently the property is leased and used as rangeland for cattle grazing. There are no other activities presently occurring on the property.**

5. Description and location of all existing and planned facilities.

**Existing facilities on the preserve property consist of a trailer, two wooden sheds and other minor ranching support structures, maintained trails and fire lanes. There are also two borrow pits and an abandoned cattle dip located on the property.**

**Planned facilities include a vehicular access off Patrinoastro Road, a parking area, a picnic area, and hiking trails (See Figure 4).**

6. Access (pedestrian, vehicular) and usage (approximate numbers of users/visitors).

**There is no public vehicular access to the preserve, nor will there be any in the future, other than to the planned parking area off Patrinoastro Road. The preserve is posted 'no hunting' and for 'foot access during daylight hours only'. However, because of the cattle grazing activity, the property is entirely fenced and any visitors presently would have to climb the fence to enter the property since no designated public access entrances exist. Currently there is no count of visitors, but, due to the remote location, the difficulty in accessing the preserve, and lack of prominent signage and advertising, the number of users/visitors is believed to be minimal.**













**Future vehicular access will provided be from Patrinoastro Road to the planned parking area (See Figure 4). From the parking area, there will be foot access only throughout the preserve.**

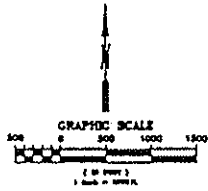
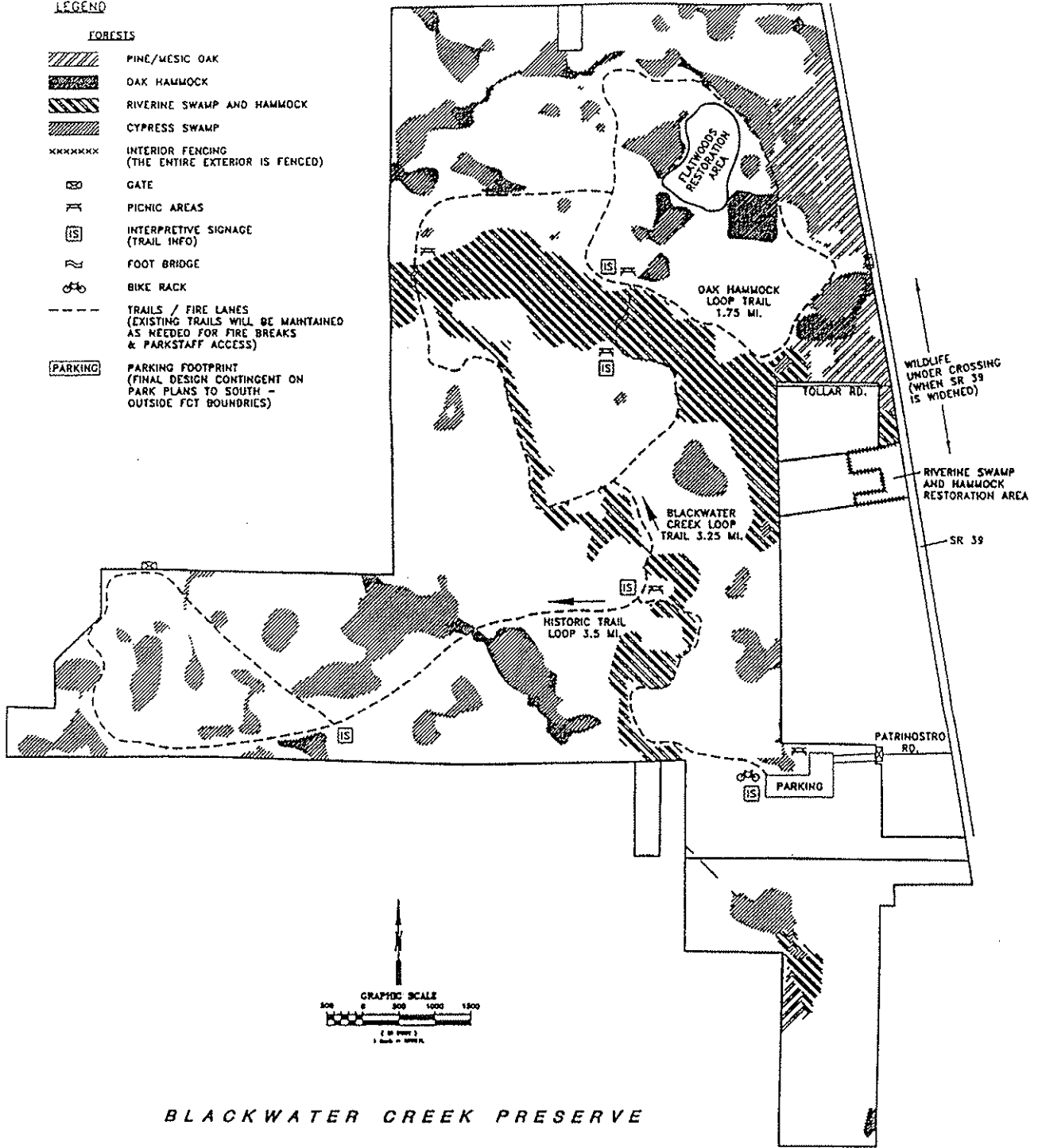
7. Relationship to other similarly used lands in the vicinity.

**The Blackwater Creek Preserve is part of a regional effort under the direction of the Hillsborough River Greenways Task Force to establish wildlife corridors from the Green Swamp to the Lower Hillsborough Flood Detention Area. Other similar ELAPP properties in the area include the Dairy Farm Site and Oak Ridge. Figure 5 shows these ELAPP sites in the vicinity of Blackwater Creek Preserve.**

8. Applicable clauses affecting the ownership, such as lease, easement, covenants,

**LEGEND**

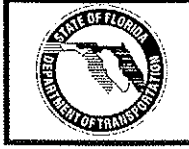
- FORESTS**
-  PINE/MESIC OAK
  -  OAK HAMMOCK
  -  RIVERINE SWAMP AND HAMMOCK
  -  CYPRESS SWAMP
  -  INTERIOR FENCING (THE ENTIRE EXTERIOR IS FENCED)
  -  GATE
  -  PICNIC AREAS
  -  INTERPRETIVE SIGNAGE (TRAIL INFO)
  -  FOOT BRIDGE
  -  BIKE RACK
  -  TRAILS / FIRE LANES (EXISTING TRAILS WILL BE MAINTAINED AS NEEDED FOR FIRE BREAKS & PARKSTAFF ACCESS)
  -  PARKING PARKING FOOTPRINT (FINAL DESIGN CONTINGENT ON PARK PLANS TO SOUTH - OUTSIDE FCT BOUNDRIES)



**BLACKWATER CREEK PRESERVE**

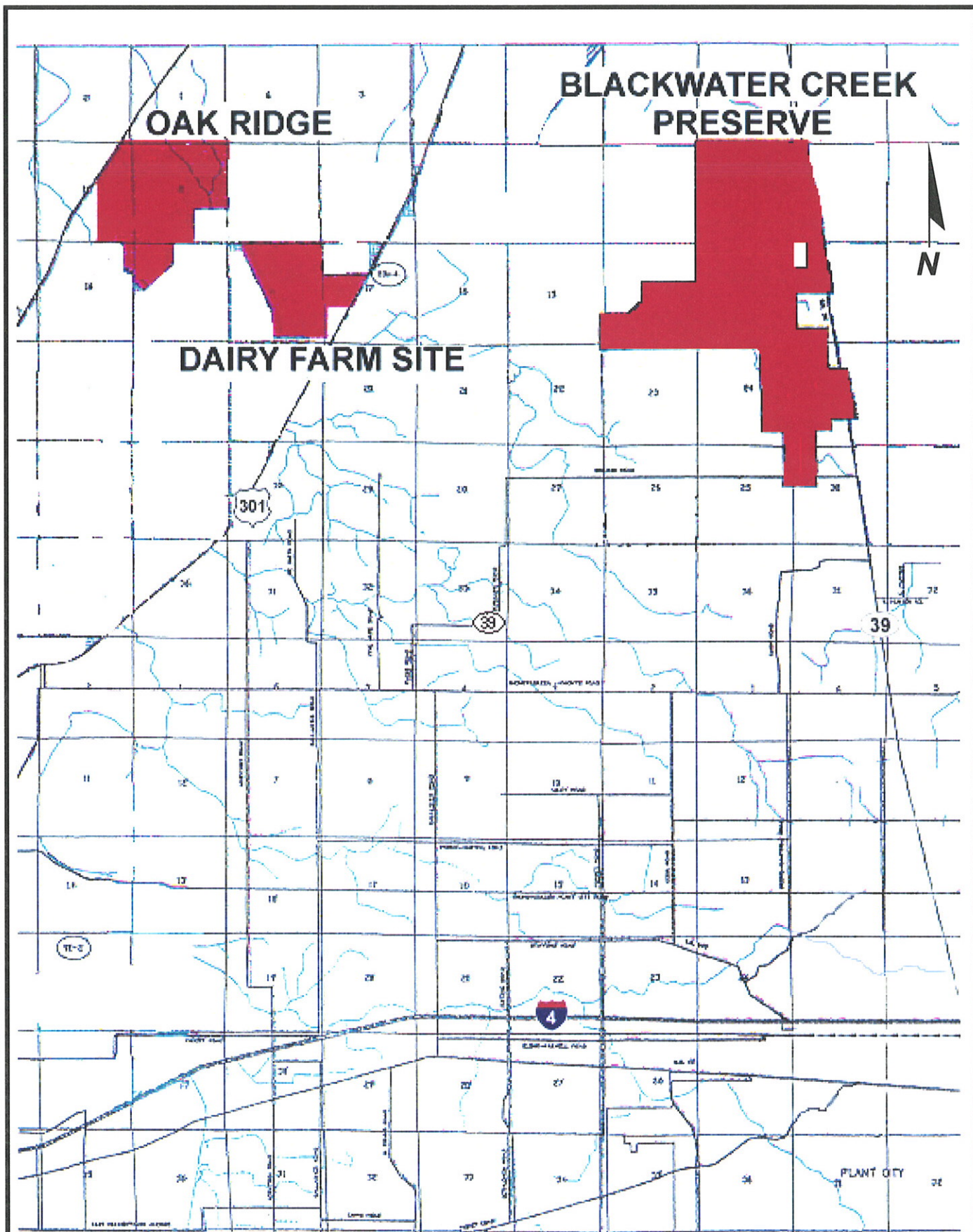
*Sections 12, 13, 14, 24, Township 27 South, Range 21 East  
and Sections 7, 18, 19, Township 27 South, Range 22 East  
Hillsborough County, Florida.*

Source: Blackwater Creek Preserve Resource Management Plan



**PROPOSED IMPROVEMENTS & ACCESS**  
**S.R. 39 AND ALEXANDER STREET BYPASS PD&E STUDY**  
 WPI SEGMENT No. 255099 1 FAP No. F-321-1(4)  
 HILLSBOROUGH AND PASCO COUNTIES, FLORIDA

**URS Greiner**  
 Figure 4



Source: Blackwater Creek Preserve Resource Management Plan



**ELAPP PROPERTIES IN THE VICINITY OF BLACKWATER CREEK PRESERVE**

**S.R. 39 AND ALEXANDER STREET BYPASS PD&E STUDY**

WPI SEGMENT No. 255099 1 FAP No. F-321-1(4)

HILLSBOROUGH AND PASCO COUNTIES, FLORIDA

**URS Greiner**

Figure 5



restrictions, or conditions, including forfeiture.

**Attached is a copy of 'Exhibit B' (Permitted Exceptions) of the warranty deed for the Weiss Tract which lists leases, easements, and reservations affecting the property. In addition to these clauses, the property is subject to Florida Communities Trust restrictions and Hillsborough County ordinances associated with ELAPP. The original County ordinance regarding ELAPP stated that any properties purchased were to be held in perpetuity for the purpose of preservation and resource based recreation, and any development could not significantly degrade the natural resource. Recently approved County ordinances amended the original ordinance regarding the conveyance of ELAPP properties. ELAPP properties can be conveyed to other agencies or organizations for preservation purposes or in the case of equal or higher public purpose.**

9. Unusual characteristics of the Section 4(f) property that either reduce or enhance the value of all or part of the property.

**The value of this property is enhanced by Blackwater Creek which provides both a scenic feature and quality wetland habitat. A large portion of the site is classified as Significant Wildlife Habitat under the County's Land Development Code. In addition, an aggressive fire management plan has helped to maintain and enhance the upland habitat.**

10. Statement of significance from the official who has jurisdiction over the Section 4(f) property. The significance is on the entire section 4(f) property and not of the proposed use.

**A statement of significance from the Hillsborough County Parks and Recreation Department is attached for reference. The Blackwater Creek Preserve is considered a significant resource in meeting the conservation and recreational goals and objectives of Hillsborough County. The County has stated in the attached letter that the acquisition of right of way for the S.R. 39 improvements will not affect the use of the Blackwater Creek Preserve as a wildlife management/recreation area, however, the right of way expansion will result in the loss of approximately 15 acres of land within the preserve, of which approximately 13 acres is classified as Significant Wildlife Habitat under the County's Land Development Code.**

11. Whenever a potential constructive use is identified include a description of the attributes or features of the section 4(f) property which may be sensitive to proximity impacts along with a discussion and evaluation of project activities which may result in proximity impacts to the resource.

**No potential constructive use impacts are anticipated due to the existing and proposed functional usages of the property, and due to the fact that the proposed improvements to S.R. 39 are located along the outer perimeter of the preserve.**

**WARRANTY DEED - WEISS TRACT**

6  
F

Prepared by and return to:  
Bruce S. Goldstein, Esquire  
RYDBERG & GOLDSTEIN, P.A.  
500 E. Kennedy Blvd., Suite 200  
Tampa, FL 33602

Documentary Tax Pd. - F.S. 201.02 \$ 26,460.00  
Documentary Tax Pd. - F.S. 201.08 \$ 0  
Intangible Tax Pd - F.S. 199 \$ 0  
Richard Ake, Clerk Hillsborough County  
By: [Signature] Deputy Clerk

RICHARD AKE  
CLERK OF CIRCUIT COURT  
HILLSBOROUGH COUNTY

WARRANTY DEED

THIS INDENTURE, made this 10<sup>th</sup> day of June, 1997, between Arthur D. Weiss (the "Grantor"), and Hillsborough County, a political subdivision of the State of Florida, whose address is 601 E. Kennedy Boulevard, Tampa, FL 33602 (the "Grantee"),

W I T N E S S E T H:

That Grantor, for and in consideration of the sum of Ten and no/100 Dollars (\$10.00), to him in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee, its successors and assigns forever, the following described land located in Hillsborough County, Florida, to wit:

See Exhibit A attached hereto and made a part hereof by reference.

THE SUBJECT PROPERTY IS NOT THE HOMESTEAD PROPERTY OF GRANTOR.

This conveyance is subject to the matters described in Exhibit B attached hereto and made part hereof by reference.

And the said Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever, except for the matters described in Exhibit B.

Tax Portfolio Numbers:	79989.0000	79990.0000	79992.0000
	79997.0000	80129.0000	80130.0000
	80135.0000	89104.0000	89115.0000
	89155.0005	89043.0000	89057.0000

Grantee's Taxpayer Identification No. 59-6000-661

IN WITNESS WHEREOF, the Grantor has executed this indenture on the date first written above.

Signed, sealed and delivered in the presence of:

[Signature]

Print: Bruce S. Goldstein

[Signature]

Print: Cosette C. Di Lorenzo

[Signature]

Arthur D. Weiss  
Address: 19687 Oakbrook Circle  
Boca Raton, FL 33434

APPROVED  
Board of County Commissioners  
DATE FEBRUARY 25, 1997  
MICHAEL KELLY  
Director  
Real Estate Department

1997 JUN 11 PM 1:51  
0097148506

STATE OF FLORIDA

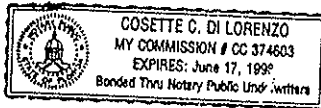
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 10<sup>th</sup> day of June, 1997, by Arthur D. Weiss, who [ ] is personally known to me or who [X] has produced a valid Florida driver's license or \_\_\_\_\_ as identification.

*Colette C. Di Lorenzo*  
Notary Public, State of Florida  
at Large

(Notary's Name Typed, printed or stamped)

My Commission Expires:



## EXHIBIT "A"

## LEGAL DESCRIPTION

All interest above the ordinary high water line within the following property:

All of Section 12, Township 27 South, Range 21 East, less the East half of the Northeast Quarter of the Northeast Quarter of the Northwest Quarter.

AND

All of Section 13, Township 27 South, Range 21 East.

AND

The Southeast Quarter; the Southeast Quarter of the Southwest Quarter; the Northeast Quarter of the Southwest Quarter; the Southwest Quarter of the Southwest quarter less the Northwest Quarter of the Southwest Quarter of the Southwest Quarter; that part of the Northwest Quarter of the Southwest Quarter lying East of a line from the Southwest corner of the Southeast Quarter of the Northwest Quarter of the Southwest Quarter to the Northeast corner of the Southeast Quarter of the Northwest Quarter of the Southwest Quarter; all lying in Section 14, Township 27 South, Range 21 East.

AND

A tract beginning at the Southwest corner of the Southwest Quarter of Section 18, Township 27 South, Range 22 East, and run East 1269.5 feet; thence North 348.5 feet; thence South 86°35' West to Section Line; and thence South 272.1 feet to the beginning, less any portion thereof lying within the maintained right-of-way for Patrinostro Road.

AND

The West half of the Southeast quarter of the Northeast quarter of Section 24, Township 27 South, Range 21 East, less the North 35 feet.

AND

The West half of the Northeast quarter of the Northeast quarter of Section 24, Township 27 South, Range 21 East, less the South 35 feet.

AND

The East half of the Southeast Quarter of the Northeast Quarter of Section 24, Township 27 South, Range 21 East, less the North 35 feet and the East 35 feet.

AND

The East half of the East half of the Northeast Quarter of the Northeast Quarter of Section 24, Township 27 South, Range 21 East, less the West 35 feet and the South 35 feet, and less the East 35 feet.

AND

The West half of the East half of the Northeast Quarter of the Northeast Quarter of Section 24, Township 27 South, Range 21 East.

AND

Tracts 8B, 9, 10A, 23B, 24, 25, 26A, 26B, 39B, 39C, 40, 41, 42A, 42B, 55A, 55B, 56, 57, 58A, 58B of CRYSTAL SPRINGS COLONY FARMS, in Section 7, Township 27 South, Range 22 East, according to map or plat thereof as recorded in Plat Book 9, Page 12, of the public records of Hillsborough County, Florida, less right-of-way for railroad and State Road 39.

AND

Lots 23, 24, 25, 26, 27, & 28, Lot 4, Lot 5, the West 200 feet of Lot 6 of MORICZVILLE, in Section 19, Township 27 South, Range 22 East, according to map or plat thereof as recorded in Plat Book 10, Page 51, of the public records of Hillsborough, County, Florida, less right-of-way for State Road 39.

LESS

For a Point of Beginning, commence at the Northwest corner of Lot 4 of MORICZVILLE as recorded in Plat Book 10, Page 51 of the Public Records of Hillsborough County, Florida; thence South  $00^{\circ}11'44''$  East 21.35 feet along the West boundary of said Lot 4; thence South  $89^{\circ}09'01''$  East 1154.48 feet to the Westerly right-of-way line of State Road 39 (75 feet from centerline of State Road 39) as recorded in Deed Book 1150, Page 293; thence North  $09^{\circ}31'18''$  West 43.37 feet along said right-of-way line to a point on the North boundary of said Lot 4; thence South  $89^{\circ}47'07''$  West 1147.26 feet along the North boundary of said Lot 4 to the POINT OF BEGINNING.

ALSO LESS

That part of Section 13, Township 27 South, Range 21 East, of Hillsborough County, Florida, being more particularly described as:

Commence at the Northeast corner of Section 13, Township 27 South, Range 21 East; thence S. 00°33'12" E. along the East boundary line of said Section 13, 149.69 feet to the POINT OF BEGINNING; thence S. 16°47'52" W., 167.66 feet; thence S. 00°33'12" E., 27.36 feet; thence N. 89°26'48" E., 50.00 feet to said East boundary line of said Section 13; thence N. 00°33'12" E., 187.29 feet to the POINT OF BEGINNING

ALSO LESS

all rights-of-way for public roads and utility easements.

All being within Hillsborough County Florida

05/19/97

Page 3 of 3

END OF LEGAL DESCRIPTION

**HILLSBOROUGH COUNTY LETTER**



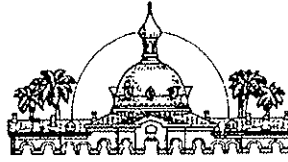
# HILLSBOROUGH COUNTY

FLORIDA

Office of the County Administrator  
Daniel A. Klemm

BOARD OF COUNTY COMMISSIONERS

Dottie Berger  
Joe Chillura  
Chris Hart  
Jim Norman  
Jan Platt  
Thomas Scott  
Ed Turanchik



Deputy County Administrator  
Patricia Bean

Assistant County Administrators  
Edwin Hunzeker  
Jimmie Keel

July 24, 1998

Ms. Vicki Scott  
URS Greiner  
P. O. Box 31646  
Tampa, Florida 33631-3416

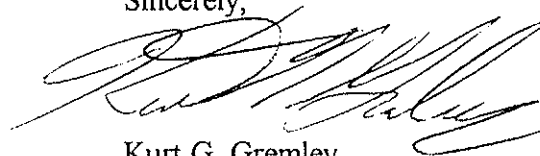
RE: Blackwater Creek-ELAPP

Dear Ms. Scott:

Pursuant to our telephone conversation, attached is a copy of the deed conveying title of the Weiss Property to the County and the associated restrictive covenants from the Florida Communities Trust. I have also attached a copy of the two parcels that we currently have under contract south of Blackwater Creek. We expect to close on these in September and they will be restricted by effectively the same covenants as the Weiss Property.

Please advise if you need more information on this project.

Sincerely,



Kurt G. Gremley  
ELAPP Acquisition Manager  
(813) 272-5810  
(813) 272-5597 FAX

jo  
Enclosures

04ELAPPBWCLDIRSMTRACTS.DIR\INFO.V91

## **CLAUSES AFFECTING OWNERSHIP**

## Exhibit B

## Permitted Exceptions

1. Any claim that any part of said land is owned by the State of Florida by right of sovereignty, and riparian rights, if any.
2. Any matters which would be disclosed by an accurate survey.
3. Instrument recorded October 14, 1936 in Deed Book 1040, page 323, of the Public Records of Hillsborough County, Florida
4. Easement in favor of State of Florida contained in Instrument dated August 6, 1940 and recorded August 20, 1940 in Deed Book 1150, page 411 and Deed Book 1150, page 419, of the Public Records of Hillsborough County, Florida.
5. Easement in favor of State of Florida contained in Instrument recorded September 6, 1940 in Deed Book 1152, page 212, of the Public Records of Hillsborough County, Florida.
6. Easement in favor of State of Florida contained in Instrument dated September 11, 1940 and recorded September 24, 1940 in Deed Book 1153, page 568, of the Public Records of Hillsborough County, Florida.
7. Reservations in favor of The Trustees of the Internal Improvement Fund of the State of Florida, as contained in Instrument dated September 23, 1940 and recorded September 30, 1940 in Deed Book 1154, page 191, of the Public Records of Hillsborough County, Florida.
8. Easement in favor of State of Florida contained in Instrument dated October 3, 1940 and recorded November 12, 1940 in Deed Book 1158, page 282, of the Public Records of Hillsborough County, Florida.
9. Easement in favor of State of Florida contained in Instrument dated October 3, 1940 and recorded November 12, 1940 in Deed Book 1158, page 296, of the Public Records of Hillsborough County, Florida.
10. Reservations in favor of The Trustees of the Internal Improvement Fund of the State of Florida, as contained in Deed, dated June 2, 1942 and recorded June 20, 1942 in Deed Book 1211, page 557, of the Public Records of Hillsborough County.
11. Easements of even date granted by Arthur D. Weiss to Tampa Electric Company.
12. Unrecorded Lease dated December 23, 1994 between Arthur D. Weiss, as Lessor, and Single R Ranch, Inc., as Lessee.
13. Unrecorded Lease dated December 9, 1977 between Arthur D. Weiss, as Lessor, and Figure 3 Ranch, Inc., as Lessee.
14. Grazing Lease Agreement dated June 10, 1997, between Arthur Weiss and Janice Weiss, as Trustee, Lessor, and Lance Ham and Gayle Ham, Lessee.

**HILLSBOROUGH COUNTY  
STATEMENT OF SIGNIFICANCE**

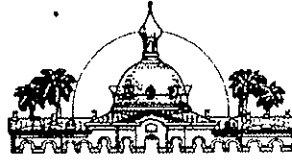
# HILLSBOROUGH COUNTY

Florida

Office of the County Administrator  
Daniel A. Kleman

BOARD OF COUNTY COMMISSIONERS

Dottie Berger  
Joe Chillura  
Chris Harr  
Jim Norman  
Jan Platt  
Thomas Scott  
Ed Turanchik



Deputy County Administrator  
Patricia Bean

Assistant County Administrators  
Edwin Hunzeker  
Jimmie Keel

August 6, 1998

Mr. Gabor Farkasfalvy, P.E.  
Florida Department of Transportation  
PD&E Department, MS 7-500  
11201 Malcolm McKinley Drive  
Tampa, Florida 33612

**RE: Statement of Significance  
Blackwater Creek Preserve - Environmental Lands Acquisition and Protection  
Program/Florida Communities Trust Program  
WPI Segment No.: 255099 1  
Federal-Aid Program No.: F-321-1(4)  
S.R. 39 from I-4 to U.S. 301  
Hillsborough/Pasco County**

Dear Mr. Farkasfalvy:

As per your request, the following letter will serve as Hillsborough County's Statement of Significance for the above mentioned natural preservation area.

The Blackwater Creek Preserve is a designated Hillsborough County Wildlife Management Property. The Blackwater Creek Preserve does have a formal wildlife management plan, which has been approved by the Florida Department of Community Affairs/Florida Communities Trust Program, as required by that program's conceptual approval agreement for joint acquisition funding. Target species identified in the management plan include the following:

Gopher Tortoise (*Gopherus polyphemus*)  
Florida Gopher Frog (*Rana areolata*)  
Eastern Indigo Snake (*Drymarchon couperi*)  
Florida Mouse (*Podomys floridanus*)  
Florida Pine Snake (*Pituophis mugitus mugitus*)  
Short-tailed Snake (*Stilosoma extenuatum*)  
Florida Sandhill Crane (*Grus canadensis pratensis*)  
Wood Stork (*Mycteria americana*)  
Southern Bald Eagle (*Haliaeetus leucocephalus*)

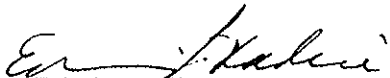
Southeastern American Kestrel (*Falco sparverius paulus*)  
Red-cockaded Woodpecker (*Picoides borealis*)  
Sherman's Fox Squirrel (*Sciurus niger shermani*)  
Florida Black Bear (*Ursus americanus floridanus*)  
Bachman's Sparrow (*Aimophila aestivalis*)  
Limpkin (*Aramus guarauna*)

The preserve functions as a wildlife preserve. This property is owned and maintained by Hillsborough County. Blackwater Creek Preserve is a significant resource in meeting the conservation and recreational goals and objectives of Hillsborough County, due to the large size of the tract, the quality and diversity of its natural habitat, which is extremely rare in Hillsborough County, and its location adjacent to other publicly owned lands within an identified wildlife corridor and greenway, and therefore is considered to be a significant resource to Hillsborough County.

The acquisition of approximately 106 feet of right of way along the west side of S.R. 39, within the Blackwater Creek Preserve, for the improvement of S.R. 39 will not affect the County's use of the Blackwater Creek Preserve as a wildlife management/recreation area due to the location of the right of way along the outer perimeter of the preserve, however, the right of way expansion will result in the loss of approximately 14 acres of land within the preserve, of which approximately 13 acres is classified as Significant Wildlife Habitat under the County's Land Development Code. In addition, the ability of the Blackwater Creek system to function as a wildlife corridor will be dependent on the design of the HWY 39 project where it crosses the creek corridor.

If you have any further questions or need more information please contact my office at 975-2160.

Sincerely,



Edwin Radice

Director, Hillsborough County Parks and Recreation Department

ER/rg

cc: Vickie Scott - URS Greiner  
Rob Heath - HCPRD Resource Management