



## MEMORANDUM

*Tallahassee-Leon County  
Planning Department*

*To:* Wayne Tedder, Director  
*From:* Steve Hodges, Senior Planner  
*Through:* Cherie Horne, Planning Manager  
*Date:* August 19, 2008  
*Subject:* Proposed Timberlane Road/Maclay Road/Maclay Boulevard Trail  
Connector Project

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### Purpose

As requested by Commissioner Bryan Desloge directly to staff, this is an analysis of potential greenway trails connecting Timberlane and Maclay Roads, as well as Maclay Boulevard. While these trail corridors are not specifically identified in the Tallahassee – Leon County Greenways Master Plan as adopted by the Tallahassee City Commission and Leon County Board of County Commissioners in 2004, the concept of using utility corridors for public use trails is included in the Plan. Utility corridors include electric power lines, sewer lines, stormwater conveyances, or other single or combined linear infrastructure features.

### Summary and Recommendation

Off-road bicyclists and pedestrians have been accessing high power line utility corridors in the Tallahassee area for several years, including riding the utility corridor north of Timberlane Road to and from Maclay Gardens State Park. This power line electric utility corridor is cleared and has a dirt maintenance road along the majority of the corridor. The corridor provides an existing trail connection between the residential neighborhoods south of Interstate 10, utilizing Timberlane School Road, and the Klapp-Phipps-Overstreet Greenway, including Maclay Gardens State Park. The corridor crosses Maclay Road going north, turns immediately west, and crosses the boundary of the state park.

Maclay Boulevard is also conceptually accessible from this corridor heading east along the existing City electric utility corridor, which is a combination of easements and City-owned property. The most significant impediment is a COT electric substation and associated radio transmission tower that is fenced around its entire perimeter.

With the exception of a long, narrow piece of City-owned property bordering the east side of the Hawk's Nest subdivision, most of the corridor between Timberlane and Maclay Roads exists as a series of open utility and conservation easements on private property. There is a minimum of 17 privately owned properties on which a specific trail easement would have to be acquired in order

to make a wholly legal public access trail corridor. However, with the exception of the COT electric substation, virtually all of this area is either physically unencumbered open space with varying degrees of environmental features that are currently protected by policy and ordinances. Many of the houses backing up to the electric utility corridor have fencing and/or a significant, often impenetrable vegetative screen of trees and shrubs. It is anticipated that there would be minimal visual impacts from trail users and adjacent property owners.

In addition, there are at least four properties between this corridor and Maclay Boulevard where trail easements would have to be secured from property owners. There is an existing COT-owned substation in this area that is completely fenced. If the City would not be willing to move a portion of this fencing to allow public access through this property, then an alternative route would have to be found. Because of the restrictive nature of electric utility easements, plus existing stormwater drainage facilities and significant and severe grades in some areas of this corridor, it is unlikely that any of these properties will be developed in the foreseeable future.

### *Recommendation*

In order for this project to move forward, the Board would need to direct the Planning Department to:

1. Inventory the corridor for existing trails, environmental constraints, property owners, and existing easements or other restrictions.
2. Identify any necessary facilities, routes, signage, fencing, and legal rights to public access.
3. Create a conceptual plan that would include trailheads, road crossings, and any necessary safety improvements.
4. Contact all affected property owners and other stakeholders and trail users and invite them to one or more public meetings to discuss plan alternatives, issues, and concerns, including safety and liability.
5. Identify a managing agency. A local trail users group could "adopt" this trail segment and assist with its management.

If all parties agree to move forward, proposed easements would need to be written and offered to the affected property owners and the project budgeted for design and construction, as well as operation and maintenance. There are some Blueprint 2000 funds currently available for greenway projects within the Lake Jackson watershed that may be available for this project. Staff would have to confirm the application and the available amount, as well as the activities and facilities this funding could be spent on.

### Analysis

#### *Fee Simple Utility Corridors*

Fee simple-owned utility corridors are relatively easy and simple on which to establish greenway trails. Electric utility corridors owned by the City of Tallahassee (COT) are accessible to vehicles (and often have established dirt or other hard surface access roads), and the only barrier to use by bicyclists and pedestrians is sometimes a locked gate to keep out unauthorized personnel. Staff has contacted the City's Electric Utility Division in the past and has received verbal and written

permission to move forward with the establishment of greenway trails when funds for trail construction and signage become available. The use of these fee simple-owned corridors for greenway trails is consistent with the Greenways Master Plan. The only real issues that remain are funding for trail construction, operation, and maintenance, mitigating environmental impacts, and control of vandalism.

Other utility corridors, such as those purchased for stormwater drainage, can be used if sufficient space exists to allow the safe use of bicycles. Simple wooden fences can be used to provide a barrier next to sloped areas, and appropriate signage can be installed to warn trail users when necessary or appropriate.

#### *Less than Fee Simple (Easements) Utility Corridors*

An easement is described as: “[T]he right or freedom to do something or the right to prevent someone else from doing something over the real property of another... It is one of several property rights inherent in real property, and it is often described as the right to use the land of another for a special purpose.”<sup>1</sup> Easements often run in perpetuity with the land, and are transferred along with the title when the land is sold to another owner.

Conservation easements that protect preservation features are required of new development by the Comprehensive Plan and associated land development regulations. The standard practice for such easements is that the local government in whose jurisdiction the property is located receives the easement but the property owner is required to manage the easement. There is usually no public access granted.

Sidewalk easements are commonly granted upon request by private property owners to local government in developed areas where sidewalks are not present. Following the granting of sufficient easements along a street segment, it is common practice for a government agency or its designated agent to build a sidewalk and absorb the liability and maintenance of the acquired easement and newly constructed infrastructure.

Most public utility easements in Leon County are owned by the City of Tallahassee. The City is the primary utility provider in the urban area, and there are many numbers and types of utility easements. However, these are usually single purpose easements that allow access only by maintenance vehicles. Easements on private property do not allow the planting of tall trees and the building of permanent structures, but most if not all traditionally allow limited fencing, gardens, playgrounds, temporary sheds, and other facilities and amenities. Staff is not aware of any utility easements that allow public access.

#### *Benefits*

The benefits to greenway trails in urban areas include the provision of alternative ways to access schools, commercial and service areas, employment centers, and other destinations from nearby residential areas without having to drive, or for those who cannot drive. The ability to access these destinations without having to drive, especially in an era where fuel costs are significant, can result in less vehicular traffic on local and other roads. Greenway trails can also provide opportunities for children to safely learn to ride bicycles in a safe environment and for adults and children to observe nature free of automobiles, trucks, and the associated noise.

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<sup>1</sup> <http://en.wikipedia.org/wiki/Easement>

*Issues and Concerns*

Many bicyclists, including family-oriented riders and bicycle commuters, are not comfortable on roads and streets where automobiles and trucks are present, preferring to ride instead on dirt trails or other hard surface, shared-use paths through more natural areas to reach their destinations. Based on these preferences, an informal system of trails has been created over time in certain locations within the urban area of Tallahassee. Some of these trails are on public land and some are not. Staff has attempted to inventory these trails and to formalize or even extend them where possible. They provide an alternative to driving a car, and their use can be seen as a significant public good, especially in these times of high fuel prices and a desire for personal physical fitness.

The land ownership patterns for these trail corridors are mostly a mix of open space, vacant land, or utility corridors. Issues identified in the Greenways Master Plan with the use of utility corridors for greenway trails center around accessibility, security, and whether the corridor is owned fee simple by the utility provider or less than fee simple (e.g., as a public or private easement). Because easements often represent only a single right use of land, establishing publicly accessible greenway trail corridors along such easements can be much more difficult than doing so on a corridor that is owned fee simple by local or state government.

Although surveys of prospective homebuyers constantly indicate a strong desire for neighborhood amenities such as recreational trails, establishing new trails in developed areas can conflict with existing residents' desires for privacy, objections to public access across their property, or the fear of trespassing, vandalism, or crime. These fears and objections can be a significant impediment to establishing new trails in many populated areas, urban and rural. However, when trails are established, these concerns often dissipate, and the trails are generally accepted and used as the amenities and transportation alternatives they are intended to be. Crime levels associated with greenway trails correlate in areas where there are high numbers of college students, a local homeless population, and a lack of lighting at night. The Stadium Drive Trail extending from Stadium Drive west to Ocala Road had such problems until Florida State University helped the City install a series of lights and call boxes.

Attachments:

- #1 Map 1: Study Area (aerial photo base)
- #2 Map 2: Study Area (Greenways Master Plan base)
- #3 Map 3: Easements
- #4 Map 4: Local Government-owned Properties
- #5 Map 5: Potential Trail Routes
- #6 Map 6: Maclay Boulevard Link w/ Environmental Features
- #7 Figure 1: Example of Greenway Trail in Utility Corridor