

CENTRAL FLORIDA EXPRESSWAY AUTHORITY

MINUTES
CENTRAL FLORIDA EXPRESSWAY AUTHORITY
Right of Way Committee Meeting
October 28, 2015
Location: CFX Boardroom

Committee Members Present:

Sandy Minkoff, Lake County Representative, Chairman
Frank Raymond, Osceola County Representative
John Terwilliger, Orange County Representative
Laurie Botts, City of Orlando Representative
Brett Blackadar, Seminole County Representative

CFX Staff Present at Dais:

Laura Kelley, Executive Director
Joseph L. Passiatore, General Counsel
Mimi Lamaute, Paralegal/Recording Secretary

CFX Staff Not Present:

Linda Brehmer Lanosa, Deputy General Counsel

Item 1: CALL TO ORDER

The meeting was called to order at 2:00 p.m. by Chairman Minkoff.

Item 2: PUBLIC COMMENT

There was no public comment.

Mr. Minkoff informed the Committee that Item 7 was pulled for further review.

Item 3: APPROVAL OF MINUTES

Action: A motion was made by Ms. Botts and seconded by Mr. Raymond to approve the minutes of the August 26, 2015 Right of Way Committee meeting as presented.

Vote: The motion carried unanimously with four members present and voting AYE by voice vote. Mr. Terwilliger was not present at this time.

Item 4: S.R. 429 (NEGRON) WEKIVA PARKWAY (PROJECT 429-206) PARCELS 316A, 316B, 816

Mr. Terwilliger arrived at this time.

Mr. Shontz is requesting the Committee's recommendation for Board approval for a settlement to be consummated with a Stipulated Final Judgment with Dwayne J. Negron and Jeanette Negron, the Owners.

Mr. Shontz provided the Committee with a description of the property and background on the negotiations.

The Committee asked several questions, which were answered by Mr. Shontz.

Action: A motion was made by Ms. Botts and seconded by Mr. Blackadar to recommend to the Board the approval of the proposed settlement agreement in the amount of \$1,205,000, plus statutory attorney's fees in the amount of \$154,875.

Vote: The motion carried 4 to 1 with Ms. Botts, Mr. Blackadar, Mr. Raymond and Mr. Minkoff voting AYE by voice vote and Mr. Terwilliger voting NAY.

Item 5: S.R. 429 (VILLAGOMEZ-ARRIGA) WEKIVA PARKWAY PROJECT (PROJECT 429-203) PARCEL 177

Mr. Shontz seeks the Right of Way Committee's authorization for Board approval to proffer the negotiated settlement of experts' fees and attorney's costs related to the settlement of Parcel 177 to Mr. Wilson.

Mr. Shontz provided the Committee the background and history of the negotiations. He detailed for the Committee his review of the invoices.

The Committee asked several questions, which were answered by Mr. Shontz.

Action: A motion was made by Mr. Raymond and seconded by Mr. Blackadar to recommend to the Board the approval of the proposed negotiated experts' fees and attorney's costs in the amount of \$44,639.22 for Parcel 177.

Vote: The motion carried unanimously with five members present and voting AYE by voice vote.

Item 6: S.R. 429 (DAVILA & ROBLES) WEKIVA PARKWAY PROJECT (PROJECT 429-202) PARCEL 130, PARTS A & B

Mr. Cheek is requesting the Committee's recommendation for Board approval to serve an Offer of Judgment in the amount of \$49,032.00 for Parcel 130.

Mr. Cheek detailed for the Committee the valuation and the purpose for making an Offer of Judgment.

CFX retained the services of Mr. Stephen J. Matonis with Integra Realty Resources. Mr. Matonis' valuation conclusions are summarized as follows:

Value of Part Taken (land and improvements)	\$ 8,659.00
Damages to Remainder (10%)	\$ 27,301.00
Cost to Cure	\$ 4,900.00
Total Compensation	\$ 40,860.00

Mr. Terwilliger suggested to increase the offer to \$50,000 as he felt that the owner might respond to seeing a \$50,000 number as opposed to the \$49,032.00.

Action: A motion was made by Mr. Terwilliger to recommend to the CFX Board the approval of an Offer of Judgment in the amount of \$50,000 for Parcel 130.

Vote: The Motion died for lack of a second.

Discussion ensued about the owners not being in discussion with CFX.

Action: A motion was made by Ms. Botts and seconded by Mr. Blackadar to recommend to the Board the approval of an Offer of Judgment in the amount of \$49,032.00 for Parcel 130.

Mr. Minkoff expressed his concern that the Owners are not represented by Counsel and therefore may not be familiar with the process.

Vote: The motion carried 4 to 1 with Ms. Botts, Mr. Blackadar, Mr. Terwilliger and Mr. Raymond voting AYE by voice vote and Mr. Minkoff voting NAY.

Item 7: S.R. 429 (HAMPTON) WEKIVA PARKWAY PROJECT (PROJECT 429-202) PARCEL 143, PARTS A, B & C

This item was pulled from the Agenda.

(No Action was taken by the Committee.)

Item 8: S.R. 429 (HOLDER) WEKIVA PARKWAY PROJECT (PROJECT 429-204) PARCEL 275

Mr. Cheek is seeking the Committee's recommendation for Board approval of a partial settlement involving just the residential portion of Parcel 275.

Mr. Cheek described the parcel and explained the valuation.

CFX retained the services of Richard MacMillan. The value of the residential component of the property is as follows:

Land (2.88 acres)	\$ 72,000.00
Residential Improvements	<u>\$177,964.00</u>
Total Residential Component	\$249,964.00

Mr. Cheek described the negotiations with landowners' counsel. The Committee asked several questions, which were answered by Mr. Cheek.

Action: A motion was made by Mr. Blackadar and seconded by Ms. Botts to recommend to the Board approval of the proposed partial settlement in the amount of \$249,964.00 to resolve the residential component of Parcel 275.

Vote: The motion carried unanimously with five members present and voting AYE by voice vote.

Item 9: S.R. 528 – BEACHLINE PROJECT (PROJECT 528-1240)

Ms. Keeter is requesting the Committee's direction regarding the requisition by the Property Acquisition and Disposition Manual for declaring a property surplus. In order to declare a parcel surplus, the General Engineering Consultant (GEC) must issue a letter stating that the property is not essential to the future operations of the CFX system and that giving it or selling it will not impede or in any way restrict the operation of the expressway system. The letters are not ready to be executed however, CFX is under closing deadlines.

The Committee may conditionally approve the execution of the General Engineering Consultant letters subject to the receipt of the plans, property being staked and review of the parcels' legal descriptions or may elect to postpone action until the next month's Committee meeting.

The Committee discussed the tight timing for the All Aboard Florida project. They asked CFX staff and All Aboard Florida representatives when the final drawings and staking would be completed. Given that they were not complete today and that CFX staff would review the drawings to ensure accuracy, a recommendation was made to forward the item to the Board for their final approval.

Mr. Nathan Silva, the General Engineering Program Manager, addressed the Committee regarding the review process. He does not anticipate any complications with the certification.

Mr. Brad Flom with HNTB is the General Engineering Consultant for All Aboard Florida. He informed the Committee that the maps, legal descriptions and the staking of the parcels will be done and submitted by next week.

Action: A motion was made by Mr. Blackadar and seconded by Mr. Terwilliger to recommend to the Board approval of the General Engineering Consultant letter declaring certain parcels surplus with the provisions that: 1) the maps, legal descriptions and the staking of the parcels are done and reviewed by the GEC; 2) the GEC executes the letters by next Thursday; 3) The item is reviewed and approved by Staff; and 4) The item is placed on the November Board agenda for Board approval.

Mr. Raymond and Mr. Minkoff expressed their preference to reviewing the executed letter from the GEC.

Vote: The motion carried 3 to 2 with Ms. Botts, Mr. Blackadar, and Mr. Terwilliger voting AYE by voice vote and Mr. Minkoff and Mr. Raymond voting NAY.

Item 10: S.R. 429 (CALHOUN) WEKIVA PARKWAY PROJECT (PROJECT 429-203) PARCEL 217

In Ms. Brehmer Lanosa's absence, Mr. Passiatore is requesting the Committee's recommendation for Board approval of the proposed settlement for statutory attorney's fees and expert fees and costs.

Action: A motion was made by Mr. Terwilliger and seconded by Mr. Raymond to recommend to the Board the proposed settlement of statutory attorney's fees of \$33,660 and expert fees and costs in the amount of \$10,046.11 for Parcel 217.

Vote: The motion carried unanimously with five members present and voting AYE by voice vote.

Item 11: RIGHT OF WAY LEGAL COUNSEL – PROPOSED INCREASE IN CONTRACT AMOUNT AND EXTENSION OF CONTRACT TERM FOR LOWNDES, DROSDICK, DOSTER, KANTOR & REED, P.A. - CONTRACT NO. 000929

Mr. Passiatore is requesting the Committee's recommendation for Board approval of an increase to the Lowndes, Drosdick, Doster, Kantor & Reed, P.A., contract in the amount of \$333,000 and to extend the term of the contract to December 31, 2016.

Mr. Passiatore described the legal services provided under this contract, the trials currently set and explained the reason for the increase and extension. The experts' fees and costs are not included and will be presented to the Committee at a future date.

Action: A motion was made by Mr. Terwilliger and seconded by Ms. Botts to recommend to the Board approval to increase the amount of the contact with Lowndes, Drosdick, Doster, Kantor & Reed, P.A. by \$333,000 and to extend the term to December 31, 2016.

Vote: The motion carried unanimously with five members present and voting AYE by voice vote.

Item 12: RIGHT OF WAY LEGAL COUNSEL – PROPOSED EXTENSION OF CONTRACT FOR WINDERWEEDLE, HAINES, WARD & WOODMAN, P.A. – CONTRACT NO. 000427

Mr. Passiatore is requesting the Committee's recommendation for Board approval to extend the term of the contract for legal services with Winderweedle, Haines, Ward & Woodman, P.A. until February 27, 2016.

Mr. Passiatore explained the services provided by the subject firm, the prior amendments to the contract and the request for the extension.

Action: A motion was made by Mr. Terwilliger and seconded by Mr. Blackadar to recommend to the Board approval to extend the term of the contract to February 27, 2016.

Vote: The motion carried unanimously with five members present and voting AYE by voice vote.

Item 13: OTHER BUSINESS

The Committee by consensus agreed to reschedule the December 2015, November 2016 and December 2016 Committee meetings a week earlier than currently scheduled.

Mr. Terwilliger announced his retirement. He introduced Ms. Caswell as his replacement starting in November and Mr. Babcock as her alternate.

Mr. Minkoff has retired from Lake County but will continue to serve on the Committee as a Lake County Citizen representative.

Item 12: ADJOURNMENT

Chairman Minkoff adjourned the meeting at 3:25 p.m.

Minutes approved on November 20, 2015.

Pursuant to the Florida Public Records Law and CFX Records Management Policy, audio tapes of all Board and applicable Committee meetings are maintained and available upon request to the Records Management Liaison Officer at publicrecords@CFXWay.com or 4974 ORL Tower Road, Orlando, FL 32807.