

# CENTRAL FLORIDA EXPRESSWAY AUTHORITY

## MINUTES CENTRAL FLORIDA EXPRESSWAY AUTHORITY Right of Way Committee Meeting August 5, 2014

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### Committee Members Present:

Walter A. Ketcham, Jr., Chairman  
George M.D. Hart, Jr., Orange County Representative  
Board Member, Vacant

### OOCEA Staff Present:

Joseph L. Passiatore, General Counsel  
Regla "Mimi" Lamaute, Paralegal/Recording Secretary  
Jeff Marshall Grainger, Sr. Communications Coordinator

### Also Present:

Deborah Keeter, Atkins  
Deborah Poindexter, Atkins  
Nathan Silva, Atkins  
Rob Simon, Winderweedle, Haines, Ward & Woodman, P.A.  
Tracy de Lemos, Winderweedle, Haines, Ward & Woodman, P.A.  
David Shontz, Shutts & Bowen

### Item 1: CALL TO ORDER

The meeting was called to order at 12:00 noon by Chairman Ketcham.

### Item 2: PUBLIC COMMENT

There was no public comment.

### Item 3: APPROVAL OF MINUTES

A motion was made by Mr. Ketcham and seconded by Mr. Hart to approve the minutes of the July 15, 2014 Right of Way Committee meeting as presented. The motion carried with two members present and voting AYE by voice vote.

**Item 4: S.R. 429 / PARCEL 110 – WEKIVA PARKWAY PROJECT (GRIFFITH) PROJECT 429-202**

Discussion ensued as to the amount of details Right of Way Counsel is able to provide the Committee in memos describing the settlements.

Ms. De Lemos addressed the Committee regarding the proposed settlement. The Taking consists of approximately 0.999 acres of land within a 3.573 acre parent tract located along the west side of Plymouth Sorrento Road, between Yothers/Lester Road and Orange Blossom Trail in Orange County.

CFX's appraisal of the property was by Mr. Chad G. Durrance of Durrance & Associates, P.A. Mr. Durrance estimated the value of the Taking to be \$53,600.00. Relocation and replacement housing benefits are not involved in this taking. Counsel explained the severance damages and rational for the settlement amount.

CFX would pay the Owners the sum of \$153,000.000. In addition, CFX would pay statutory attorneys' fees and expert fees in the amount of \$41,370.00 in accordance with Florida Statutes.

A motion was made by Mr. Hart and seconded by Mr. Ketcham to recommend to the Board approval of the proposed settlement in the amount of \$194,370.00 in full settlement of all claims for compensation for the acquisition of Parcel 110. The motion carried with two members present and voting AYE by voice vote.

**Item 5: S.R. 429 - PARCEL 131 (PARTS A & B) / WEKIVA PARKWAY PROJECT (MANSON) PROJECT 429-202**

Ms. De Lemos explained that the Taking is a whole take of approximately 3.455 acres of land located along the north side of Yothers Road. The Property is currently improved with three manufactured homes. Two of the three manufactured homes are owned by the Owner, Jeffrey Manson. The third manufactured home is owned by Eric and Michelle Monson and is not included in this settlement.

CFX's appraisal of the property was prepared by Mr. Stephen J. Matonis of Integra Realty Resources-Orlando. Mr. Matonis estimated the value of Taking to be \$222,800.00.

In addition to the value of the Taking, the Owner is entitled to a replacement housing purchase additive in the amount of \$112,500.00 in order to purchase a decent, safe, and sanitary replacement dwelling pursuant to the Uniform Relocation Assistance Act.

CFX would pay the Owner, Jeffrey Monson, the sum of \$330,000.00, less a portion of the good faith deposit. CFX would pay statutory attorneys' fees and expert fees in the amount of \$58,774.00.

Discussion ensued as to the moving expenses and relocation costs that will be incurred by CFX for the owner and the tenants of the property.

A motion was made by Mr. Ketcham and seconded by Mr. Hart to recommend to the Board approval of the proposed settlement in the amount of \$388,774.00 in settlement of all claims for compensation for Parcel 131. The motion carried with two members present and voting AYE by voice vote.

**Item 6: S.R. 429 – PARCEL 157 (PARTS A & B) / WEKIVA PARKWAY PROJECT (ARENDT) PROJECT 429-202**

Ms. De Lemos explained the terms of the settlement. The Taking is a whole take consisting of approximately 2.563 acres of land located along the north side of Ponkan Road.

CFX's appraisal of the property was prepared by Mr. David K. Hall of Bullard, Hall and Adams, Inc. Mr. Hall estimated the value of the taking to be \$94,000.00.

CFX would pay the Owner the sum of \$150,000.00, less its good faith deposit of \$97,900. CFX would pay statutory attorneys' fees and expert fees in the amount of \$27,000.00 in accordance with Florida Statutes. The Owner would be eligible to receive relocation and replacement housing benefits. However, this settlement will reduce the owner's replacement housing purchase additive from \$75,748.76 to \$23,648.76.

A motion was made by Mr. Ketcham and seconded by Mr. Hart to recommend to the Board approval of the proposed settlement in the amount of \$177,000.00 in full settlement of all claims for compensation for the acquisition of Parcel 157 (Part A & B). The motion carried with two members present and voting AYE by voice vote.

**Item 7: OTHER BUSINESS**

**A. S.R. 429 – PARCEL 185 / WEKIVA PARKWAY PROJECT (DIAZ) PROJECT 429-203**

Mr. Passiatore and Mr. Shontz explained the litigation strategy and cost avoidance decision for acquiring this particular parcel.

Mr. Shontz outlined the proposed stipulation. CFX's appraisal of the property was by Mr. Chad G. Durrance of Durrance & Associates, P.A. Mr. Durrance estimated the value of the Taking to be \$750,000.

CFX would increase its good faith deposit by 6 to 7 percent, increasing its deposit with the Court registry from \$50,000 to \$80,000.

The Committee is in accordance with the proposal.

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B. Mr. Passiatore informed the Committee that at the next Board meeting the Board will consider restructuring Board Committees, including the Right of Way Committee.

**Item 8: ADJOURNMENT**

Chairman Ketcham adjourned the meeting at 12:44 p.m.

*Pursuant to the Florida Public Records Law and OOCEA 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](mailto:publicrecords@CFXWay.com) or 4974 ORL Tower Road, Orlando, FL 32807.*