

CENTRAL FLORIDA EXPRESSWAY AUTHORITY

MINUTES
CENTRAL FLORIDA EXPRESSWAY AUTHORITY
Right of Way Committee Meeting
February 24, 2016
Location: CFX Boardroom

Committee Members Present:

Melanie Marsh, Lake County Representative Alternate
Frank Raymond, Osceola County Representative
Ann Caswell, 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
Linda Brehmer Lanosa, Deputy General Counsel
Mimi Lamaute, Paralegal/Recording Secretary

Committee Members Absent:

Sandy Minkoff, Lake County Representative, Chairman

Item 1: CALL TO ORDER

The meeting was called to order at 2:00 p.m. by Melanie Marsh, in Mr. Minkoff's absence.

Item 2: PUBLIC COMMENT

There was no public comment.

Item 3: APPROVAL OF MINUTES

Action: A motion was made by Mr. Raymond and seconded by Ms. Botts to approve the January 27, 2016 Right of Way Committee minutes as presented.

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

Item 4: S.R. 429 (HOLDER) WEKIVA PARKWAY (PROJECT 429-204) PARCEL 275

Mr. Cheek has two parcels on the agenda today for which he is requesting recommendations for approval of settlements. These parcels are not next to each other, as they have a parcel between them, however the two parcels have connections between the owners.

Mr. Cheek provided the Committee with a description and background of the property. This case involves the taking of 17.888 acres through the middle of Parcel 275, which originally contained 52.737 acres, leaving a bisected northern remainder of 6.92 acres and southern remainder of 27.93 acres. This parcel is owned by Thomas J. Holder, Sr., as Trustee of the Sally R. Holder Credit Shelter Trust and the Thomas J. Holder, Sr. Family Trust.

CFX retained the services of Richard MacMillan, who estimated the value of the parent tract to be \$1,633,500.00, and the value of the taking to be \$1,163,600.00.

This Committee has previously approved a "residential carve-out" agreement in which the landowners agreed to accept CFX's appraised value of \$249,964 for the residential improvements and 2.88 acres of the property in order to facilitate the processing of the landowner's relocation claims under the Uniform Relocation Act.

Subtracting the residential carve-out settlement results in a remaining compensation estimate of \$913,636.

The landowner retained the appraisal services of Gary Pendergast, who appraised the property subject to the residential carve-out agreement (and therefore no adjustments are required). Mr. Pendergast's valuation totals \$2,813,400.

Negotiations with landowners' counsel have resulted in a settlement proposal in the amount of \$1,410,000. The total settlement proposal, inclusive of fees and costs, is summarized as follows:

| | |
|----------------------------------------------|-------------------|
| Compensation to the Owner | \$1,410,000 |
| Expert Fees and Costs | \$ 114,603 |
| <u>Attorneys' fees (based on betterment)</u> | <u>\$ 153,591</u> |
| Total | \$1,678,194 |

In response to the Committee's questions, Mr. Cheek explained that the business damages claim has been approved and paid as well as the residential part of the claim. This settlement will be in full settlement.

Action: A motion was made by Ms. Botts and seconded by Mr. Blackadar to recommend to the Board approval of the proposed settlement in the amount of \$1,678,194 in full settlement of all compensation claims, attorneys' fees, and expert fees and costs for Parcel 275.

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

Item 5: S.R. 429 (HOWELL) WEKIVA PARKWAY PROJECT (PROJECT 429-204) PARCEL 279

Mr. Cheek explained the description and background of the parcel. This case involves the partial taking of property owned by Adelpha Howell. CFX is acquiring 10.311 acres from a 14.14 acre parent tract, leaving a 3.829 acre remainder with frontage along Boch Road.

CFX retained the services of appraiser Walter Carpenter, who estimated the value of the parent tract to be \$542,900 and the value of the taking to be \$382,000. CFX is acquiring about 10 acres, or approximately 73% of the land area, leaving a remainder that is just less than four acres.

The landowner retained the appraisal services of Gary Pendergast. Mr. Pendergast's valuation conclusions total \$867,200.

At a Mediation Conference held on January 26, 2016, the parties reached a settlement in the amount of \$570,000, plus attorneys' fees and costs, subject to CFX Right of Way and Board approval.

The total settlement proposal, inclusive of fees and costs, is summarized as follows:

| | |
|----------------------------------------------|------------------|
| Compensation to the Owner | \$570,000 |
| Expert Fees and Costs | \$ 50,320 |
| <u>Attorneys' fees (based on betterment)</u> | <u>\$ 76,560</u> |
| Total | \$696,880 |

There were no relocation claims on this matter.

Action: A motion was made by Ms. Caswell and seconded by Ms. Botts to recommend to the Board approval of the proposed settlement in the amount of \$696,880 in full settlement of all compensation claims, attorneys' fees, and expert fees and costs for Parcel 279.

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

Item 6: S.R. 417 AND S.R. 528 (MOCKINGBIRD ORLANDO, LLC) INTERCHANGE IMPROVEMENTS (PROJECT 599-126) PARCEL 100, PART A & B

Ms. Brehmer Lanosa provided the Committee with a description and background on this matter. This project is for the improvements at the interchange of State Roads 417 and 528 and along S.R. 528. The improvements are for two reasons. First, the improvements will allow for the reconstruction of the southbound S.R. 417 ramp connecting to the westbound S.R. 528 to accommodate an increased design speed from 40 m.p.h. to 60 m.p.h. Second, the auxiliary lane on S.R. 528 will be extended from the S.R. 417 ramp to the S.R. 15 exit.

Ms. Brehmer explained that in the 1940s the property was used by the military as a bombing range. The property may be contaminated with leftover buried munitions. Prior to commencing any development, the property will need to be investigated and if necessary remediated.

CFX retained Paul M. Roper, MAI, SRA, to appraise the subject property. Mr. Roper appraised the property as if clean at \$55,400 per gross acre for a total of \$351,000 for the 6.326 acres of property needed. The Owner has agreed to accept CFX's appraised value and agreed to remediate CFX's portion of the subject property as a priority. In return, the property owner would like to obtain a right of entry along the northern boundary of S.R. 528 for access purposes for a period of twenty-four (24) months.

Discussion ensued regarding the anticipated completion dates of May 2016 to complete the requirements of the Integrated Corrective Action Plan and June 2016 as an anticipated deadline to receive a no further action notice from the Florida Department of Environmental Protection and Owner's obligation to the remediation.

Mr. Raymond expressed his concern about the delay to the project due to the cleanup.

Action: A motion was made by Ms. Botts and seconded by Mr. Blackadar to recommend to the Board approval of the proposed Real Estate Purchase Agreement in the amount of \$351,000 for Parcel 100, Part A and B.

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

Item 7: S.R. 429 (PINEL & CARPENTER AND DONALD W. MCINTOSH ASSOCIATES, INC.) WEKIVA PARKWAY PROJECT (PROJECT 429-203 AND 204) PARCELS 197/897, 230, 257 AND 267

Mr. Passiatore provided the Committee with the background and the description of the agreements before the Committee for approval. These services are required for the current litigation proceedings with Project Orlando for the Wekiva Parkway Project Parcels 197, 897, 230, 257 and 267.

The Donald W. McIntosh Associates, Inc. Addendum No. 4 will add \$100,000 to the contract for engineering consulting services and litigation support services. The Pinel & Carpenter, Inc. Addendum No. 4 will add \$80,000 to the contract for appraisal services and litigation support services.

Action: A motion was made by Ms. Caswell and seconded by Mr. Raymond to recommend to the Board approval of the proposed Amendment No. 4 to the Donald W. McIntosh Associates, Inc., Contract No. 000916 for Engineering Expert Witness Consulting Services with an upset amount of \$100,000; and Amendment No. 4 to the Pinel & Carpenter, Inc., Contract No. 000986 for Appraisal and Expert Witness Consulting Services in the upset amount of \$80,000.

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

Item 8: OTHER BUSINESS

Ms. Kelley announced that this will be Mr. Blackadar's last meeting. She thanked him for his service to the CFX Right of Way Committee. Mr. Blackadar expressed his appreciation for the Committee and CFX support staff.

Item 9: ADJOURNMENT

Ms. Marsh adjourned the meeting at approximately 2:38 p.m.

Minutes approved on March 23, 2016.

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.