

# CENTRAL FLORIDA EXPRESSWAY AUTHORITY

MINUTES  
CENTRAL FLORIDA EXPRESSWAY AUTHORITY  
Right of Way Committee Meeting  
April 27, 2016  
Location: CFX Boardroom

---

Committee Members Present:

Sandy Minkoff, Lake County Representative, Chairman  
Frank Raymond, Osceola County Representative  
Ann Caswell, Orange County Representative  
Laurie Botts, City of Orlando Representative  
Jean Jreij, Seminole County Representative  
Christopher Murvin, Citizen Representative  
Brendon Dedekind, Citizen Representative

CFX Staff Present at Dais:

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

**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.

**Chairman's Comments**

Chairman Minkoff introduced the newly appointed Citizen Representatives, Mr. Murvin and Mr. Dedekind and welcomed them to the Committee. Each Committee member introduced themselves.

Mr. Minkoff advised the Committee that before them was an amended Right of Way Committee Charter which was approved at the April 14, 2016 Board Meeting, attached hereto as Exhibit A. The amendment allows each gubernatorial Board appointee to nominate a Citizen Representative to each of the Committees and revises the quorum accordingly.

Chairman Minkoff described his reason for switching to E-PASS and informed the Committee that CFX is engaged in a campaign to build E-PASS membership.

---

**Item 3: APPROVAL OF MINUTES**

**Action:** A motion was made by Ms. Botts and seconded by Mr. Raymond to approve the March 23, 2016 Right of Way Committee minutes as presented.

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

**Item 4: S.R. 429 (HORNE, J. D. - TRUST) WEKIVA PARKWAY PROJECT (PROJECT 429-203)  
PARCEL 175**

Mr. Shontz provided the Committee with the description and background of the parcel.

CFX retained the services of Walter N. Carpenter, Jr., MAI/CRE, of Pinel & Carpenter, Inc., who estimated value of the 1.524 acres being taken at \$15,000 per acre or \$22,860. Mr. Carpenter's analysis found no damages to the remainder property.

Although the Owners have not finalized their appraisal report, Kent Hipp, counsel for the property owners, argued the land value should be \$40,000 per acre, and the remainder has suffered damages of 50%. Mr. Hipp argued that the CFX's own appraisers for the immediate parcel to the south and two parcels to the north were similarly valued. Mr. Hall on behalf of the CFX appraised parcels 174 and 177 for \$30,000 per acre and 30% damages. Additionally, Mr. Hall also appraised parcel 178 for \$30,000 per acre and 50% damages.

The parties were able to reach an agreement in full settlement of all claims for compensation by the property owners in the amount of \$100,000, plus reduced experts' fees of \$5,000, plus statutory attorney's fees totaling \$25,456.20.

Questions were asked by the Committee regarding the amount of the remainder suffered damages of 50%. Mr. Shontz explained the damages to this property, the damages suffered and assessed to the neighboring parcels by CFX appraisers and the CFX study by a group of appraisers for the taking of the parcels for the Wekiva Project. The Committee commented on the above and the fact that this was the Owners homestead for many years.

**Action:** A motion was made by Ms. Botts and seconded by Ms. Caswell to recommend to the Board approval of the proposed mediated settlement agreement in the amount of \$130,456.20 in full settlement of all compensation claims and apportionment, statutory attorney's fees and costs, and experts' fees and costs for Parcel 175.

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

Item 5: S.R. 429 (HORNE, J. D. - TRUST) WEKIVA PARKWAY PROJECT (PROJECT 429-203)  
PARCEL 207

Mr. Shontz seeks the recommendation of the Right of Way Committee for Board approval of a negotiated settlement between Ernest L. Home and Karen H. Morris, as Successor Co-Trustees of the J.D. and Kathleen L. Home Trust (the "Owners"). He provided the Committee with the description and background of the parcel.

CFX retained the appraisal services of Walter N. Carpenter, Jr., MAI, CRE, of Pinel & Carpenter, Inc.. Mr. Carpenter opined the total compensation due for the taking of Parcel 207 is \$198,750.

Although the Owners have not completed their appraisal report, Kent Hipp counsel for the property owner argued that based upon an executed sales contract for the remainder property with Publix in the amount of \$6.50 s.f. and other comparable sales the total value of the taking should be \$329,926 (\$283,426 land, improvements \$21,500, and cost to cure \$25,000).

The parties were able to reach a negotiated settlement in the amount of \$270,189 in full settlement of all claims for compensation by the property owners, plus reduced expert fees of \$8,000, plus statutory attorney's fees of \$23,574.87 for a total compensation of \$301,763.87.

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

**Motion:** A motion was made by Mr. Raymond and seconded by Mr. Jreij to recommend to the Board approval of the proposed settlement agreement in the amount of \$301,763.87 in full settlement of all compensation claims and apportionment, statutory attorney's fees and costs, and experts' fees and costs for Parcel 207.

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

Item 6: S.R. 429 (RIGSBY) WEKIVA PARKWAY PROJECT (PROJECT 429-204) PARCEL  
240

Mr. Shontz seeks the recommendation of the Right of Way Committee for Board approval of the proposed mediated settlement between Stephen Lee Rigsby and Mark Lane Rigsby (the "Owners"). He provided the Committee with a description and the background of the parcel.

CFX's retained the appraisal services of David K. Hall, ASA, of Bullard, Hall & Adams, Inc. Mr. Hall opined the total compensation due for the taking of Parcel 240 is \$208,000 (\$59,800 land and improvements, \$144,000 damages and \$4,200 cost to cure).

The Owners retained the appraisal services of Richard C. Dreggors, GAA, of Calhoun, Dreggors & Associates, who estimated the value of the taking to be \$290,500 (\$70,300 land, \$15,400 improvements, \$200,600 damages and \$4,200 cost to cure).

During mediation, the parties were able to reach a settlement in the amount of \$239,500 as full settlement of all claims for compensation by the property owner, plus statutory attorney's fees totaling \$10,395, plus reduced expert fees and costs totaling \$41,227.

**Action:** A motion was made by Ms. Botts and seconded by Mr. Raymond to recommend to the Board approval of the proposed settlement agreement in the amount of \$239,500 in full settlement of all compensation claims and apportionment, statutory attorney's fees and costs, and experts' fees and costs for Parcel 240.

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

**Item 7: S.R. 429 (GGH 10) WEKIVA PARKWAY PROJECT (PROJECT 429-202) PARCEL 140**

Haylee O'Dowd of Winderweedle, Haines Ward & Woodman, P.A. presented this item in Mr. Cheek's absence. She seeks the Right of Way Committee's recommendation for Board approval to serve an Offer of Judgment to GGH 10, LLC ("Landowner") for Parcel 140 in the amount of \$50,000.

Ms. O'Dowd provided the Committee with a description and the background on the parcel. The property is a vacant piece of land that had previously been excavated by the Acme Recycling Corporation and used for a clay pit, and then subsequently as a land clearing debris disposal facility. Soil borings from a level 2 contamination impact assessment indicate landfill debris (mostly wood, tree trunks, asphalt, tires and concrete) between two and eight feet deep covering most of the property. It appears that there is no physical access to the property, as Bailey Hill Road ends approximately 600 feet east of the southeast corner of the property. The Landowner would therefore have to rely on obtaining either an implied easement or statutory easement of necessity across the adjoining property.

CFX initially retained the services of Craig Ebaugh with Bledsoe & Ebaugh, LLC, to appraise the property. Mr. Ebaugh concluded that, due to the subject's marginal land characteristics and lack of physical access, development potential was questionable. This resulted in a total compensation estimate of \$30,400.

Chad Durrance of Durrance & Associates updated Mr. Ebaugh's appraisal to the date of taking for CFX. Mr. Durrance's compensation estimate considered additional cost information to remediate the site and to acquire and construct access to the site, including removal of a much greater amount of debris than was originally estimated. Due to the uncertainty of access and the costs associated with establishing and constructing access, he determined that the property was worth \$500 per acre. Mr. Durrance's estimate is summarized as follows:

Value of Part Taken (4.943 acres)	\$2,500.00
Severance Damages to Remainder (5.6 acres)	<u>\$1,500.00</u>
Total Compensation	\$4,000.00

The Landowner has retained the appraisal services of Rick Dreggors with Calhoun, Dreggors & Associates, Inc. Mr. Dreggors' compensation estimate is summarized as follows:

Value of Part Taken	\$148,200
Severance Damages to Remainder	<u>\$167,500</u>
Total Compensation	\$313,900

On April 12, 2016 mediation was conducted without a successful resolution.

CFX has previously deposited, with the Clerk of Court, \$30,400 as its good faith estimate of value. Therefore, if an offer of judgment of \$50,000 is accepted, CFX will have to pay an additional \$19,600 to resolve this case, in addition to attorney's fees and costs.

The Committee asked questions, which were answered by Ms. O'Dowd.

**Action:** A motion was made by Ms. Caswell and seconded by Mr. Murvin to recommend to the Board approval to serve an Offer of Judgment in the amount of \$50,000 for Parcel 140.

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

**Item 8: S.R. 429 (PLYMOUTH HARBOR, LLC) WEKIVA PARKWAY PROJECT (PROJECT 429-202)  
PARCEL 141**

Ms. O'Dowd seeks the Right of Way Committee's recommendation for Board approval of a settlement with Plymouth Harbor, LLC ("Landowner"), for the acquisition of Parcel 141. She provided a description and background of the parcel.

CFX retained the appraisal services of Chad Durrance of Durrance & Associates to appraise the property. Mr. Durrance's valuation estimate is summarized as follows:

Value of the Part Taken - 3.24 acres	\$140,600
Severance Damages to the 21-acre remainder	<u>\$214,400</u>
CFX's Total Compensation Estimate	\$355,000

The Landowner retained the appraisal services of Grant Austin with American Valuation, Inc. Mr. Austin's compensation estimate is summarized as follows:

Value of Part Taken	\$ 274,000
Severance Damages to Remainder	<u>\$1,258,535</u>
Landowner's Total Compensation Estimate	\$1,561,035

The Landowner agreed to accept CFX's proposal to resolve this case for a total of \$931,100. The terms of the settlement proposal are summarized as follows:

Compensation to Landowner	\$700,000
Attorney's fees	\$126,100
Expert fees	<u>\$105,000</u>
Total Settlement	\$931,100

The Committee asked questions, which were answered by Ms. O'Dowd.

**Action:** A motion was made by Mr. Jreij and seconded by Mr. Murvin to recommend to the Board approval of the proposed settlement agreement in the amount of \$931,100 in full settlement of all compensation claims, statutory attorney's fees and costs, and experts' fees and costs for Parcel 141.

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

**Item 9: S.R. 429 (DUKE ENERGY) WEKIVA PARKWAY PROJECT (PROJECT 429-205) PARCEL 291**

Ms. O'Dowd seeks the Right of Way Committee's recommendation for Board approval of the Utility Relocation Agreement and authorization for the Executive Director to execute the Utility Relocation Agreement between Duke Energy Florida, LLC ("Duke Energy") and the Central Florida Expressway Authority for relocation of Duke Energy's Transmission facilities in the S.R. 429-205 corridor, Parcel 291 ("Project").

The design and construction of the Project requires the relocation of a portion of Duke Energy's transmission facilities located within or near CFX's limited access right-of-way line. The purpose of the Utility Relocation Agreement is to facilitate the relocation, identify the reimbursable expenses of Duke Energy, and coordinate the construction responsibilities of Duke Energy as it relates to CFX's construction schedule for the Project.

Duke Energy has estimated the actual cost to CFX for relocation of Duke's transmission facilities as not to exceed \$1,977,550.63. Should the actual costs exceed the above estimates by more than 10%, the Utility Relocation Agreement requires Duke Energy to submit a request for prior approval in writing, setting forth the amount of such additional costs and the changed conditions requiring the additional costs, and obtain the prior written agreement of the CFX before performing work, in order for CFX to become responsible for any additional reimbursement to Duke Energy for the additional amounts.

The estimates provided by Duke Energy incorporated into the Utility Relocation Agreement were reviewed by CH2MHill and determined to be within a reasonable range.

The Committee members made comments and asked questions, which were answered by Ms. O'Dowd, Mr. Passiatore and Glenn Pressimone, CFX's Director of Engineering.

**Action: A motion was made by Ms. Botts and seconded by Mr. Raymond to recommend to the Board approval of the proposed Utility Relocation Agreement in the amount not to exceed \$1,977,550.63 and authorization for the Executive Director to execute the Utility Relocation Agreement between Duke Energy Florida, LLC and CFX.**

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

**Item 10: S.R. 429 (MEGA GNG, LLP) WEKIVA PARKWAY PROJECT (PROJECT 429-203) PARCEL 232**

Mr. Passiatore explained this parcel is being handled by Ms. Brehmer Lanosa in order to mitigate some of the expenses from outside counsel. He will present the item in her absence.

Parcel 232 is a strip and corner clip taking consisting of 7,407 square feet along the south border of the parent tract and the southwest corner. The property is located on the northeast corner of Plymouth Sorrento Road and West Kelly Park Road.

Walter N. Carpenter, Jr., MAI, CRE, appraised the property. Mr. Carpenter estimated the value of Parcel 232 as of June 6, 2014 as follows:

Value of Land Taken (7,407 sf @ \$2/sf)	\$14,800
Improvements (740-ft chain link fence, sod)	\$11,680
Severance Damages	0
Cost to Cure	<u>\$5,490</u>
Total	\$31,970

After consulting with Dan K. Richardson, PhD, MAI, AI-GRS, and John M. Donaldson of JMD Engineering, Inc., the owner, Mega GNG, demanded the following:

Value of Land Taken (7,407 sf (a) \$6.48/sf)	\$48,000
Improvements (740-ft chain link fence, sod)	\$30,670
Severance Damages	0
Cost to Cure	<u>\$ 9,773</u>
Total	\$88,000
Total Request for Expert Fees and Costs and	

Attorney's Fees and Costs All Inclusive	<u>\$22,414</u>
Inclusive total	\$110,414

The parties reached a proposed settlement in the amount of \$59,000 resolving all claims for compensation from the Owner from the taking of Parcel 232, including severance damages, business damages, tort damages, interest, attorney's fees, attorney's costs, expert fees, expert costs, and any other claim, subject to apportionment, if any.

**Action:** A motion was made by Mr. Raymond and seconded by Ms. Caswell to recommend to the Board approval of the proposed settlement agreement in the amount of \$59,000 in full settlement of all compensation including severance damages, business damages, tort damages, interest, attorney's fees, attorney's costs, expert fees, expert costs, and any other claim, subject to apportionment, if any for Parcel 232.

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

**Item 11: S.R. 414 – (DOERR TRUST) MAITLAND AVENUE EXTENSION PROJECT (PROJECT 414-211) CASE NO. 2006-CA-006250-O / PARCEL 406**

Mr. Passiatore explained this is the last parcel in the Maitland Avenue Extension Project. He introduced Mr. Richard Milian of Broad & Cassel who represented CFX in this matter. Mr. Milian is requesting the Committee's recommendation for Board approval of a mediated settlement agreement of attorney's fees and experts costs arising from the acquisition of Parcel 406. He provided the Committee with the case background, the history of the District Court appeals in the case, a review of the Florida Supreme Court's rulings and details of Doerr's claims.

He is requesting approval of the proposed settlement agreement (attached as Exhibit B) in the amount of \$1,500,000 in full and final settlement of all attorneys' fees and expert fees in this matter.

The Committee members made comments and asked questions, which were answered by staff and Mr. Milian.

**Action:** A motion was made by Mr. Raymond and seconded by Ms. Botts to recommend to the Board approval of the proposed mediated settlement agreement in the amount of \$1,500,000 in full settlement of all attorneys' fees and expert fees in Parcel 406.

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

**Item 12: OTHER BUSINESS**

---



**S.R. 429 (HMF LLC) WEKIVA PARKWAY PROJECT (PROJECT 429-204) PARCEL 301**

Mr. Passiatore reported that David Shontz from Shutts & Bowen filed an Order of Taking for Parcel 301. Glenn Pressimone, CFX's Director of Engineering testified at the hearing for the necessity of that Parcel. This Parcel involves more than the right-of-way, it is also a sizable retention pond. The property owner contested the order of taking and introduced testimony by a drainage engineer claiming that CFX had not shown a necessity for a pond of that size. The trial court entered the Order of Taking and the property owner appealed that decision to the 5<sup>th</sup> District Court of Appeals. The 5<sup>th</sup> District Court of Appeals has affirmed the trial Court's order. The court has denied the property owner's request for attorney's fees.

**Item 13: ADJOURNMENT**

Mr. Minkoff adjourned the meeting at approximately 3:51 p.m.

Minutes approved on May 25, 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](mailto:publicrecords@CFXWay.com) or 4974 ORL Tower Road, Orlando, FL 32807.*

**A RESOLUTION OF THE CENTRAL FLORIDA EXPRESSWAY  
AUTHORITY AMENDING ITS  
RIGHT OF WAY COMMITTEE CHARTER  
TO ADD CITIZEN REPRESENTATIVES**

WHEREAS, the Central Florida Expressway Authority (CFX) is Central Florida's regional expressway authority duly authorized by state law to maintain and operate an expressway system in Lake, Orange, Osceola and Seminole counties; and

WHEREAS, CFX possesses the power of eminent domain in order to acquire real property to expand and operate the expressway system; and

WHEREAS, CFX has created a Right of Way Committee to advise its Board on all real property acquisition and disposition matters to come before its Board;

WHEREAS, the governing Board wishes to add up to three (3) citizen representatives to the Committee, as may be nominated by the Board's gubernatorial appointed members.

NOW THEREFORE, BE IT RESOLVED BY THE CENTRAL FLORIDA EXPRESSWAY AUTHORITY, the following amendments are hereby adopted by the governing Board:

Section 1: The Right of Way Committee shall be composed of the following voting members:

1. Orange County staff member or citizen representative and a designated substitute to serve in their absence, appointed by the Orange County Commission or in accordance with Orange County's policies providing for appointments to other governmental agencies;
2. City of Orlando staff member or citizen representative and a designated substitute to serve in their absence, appointed by the City of Orlando Commission or in accordance with the City of Orlando's policies providing for appointments to other governmental agencies;
3. Lake County staff member or citizen representative and a designated substitute to serve in their absence, appointed by Lake County Commission or in accordance with Lake County's policies providing for appointments to other governmental agencies;
4. Osceola County staff member or citizen representative and a designated substitute to serve in their absence, appointed by the Osceola County Commission or in accordance with Osceola County's policies providing for appointments to other governmental agencies;
5. Seminole County staff member or citizen representative and a designated substitute to serve in their absence, appointed by the Seminole County Commission or in accordance with Seminole County's policies providing for appointments to other governmental agencies.

6. Up to three (3) citizen representatives appointed by the CFX governing Board after receiving nominations submitted by the gubernatorial Board appointees. The term for such appointments shall be for two years commencing upon appointment which term may be renewed. One nomination per gubernatorial appointee is allowed, but it shall not be mandatory that nominations be made.

Committee member appointments may not be delegated. The Committee members will serve at the pleasure of their respective jurisdictions. County and City appointments may include contract personnel currently providing services to the appointing entity. Notwithstanding the two year term, the citizen representatives shall serve at the pleasure of the CFX Board. Committee members should have experience in Florida eminent domain matters or possess sufficient experience in property acquisition and disposition.

Section 2. Chairman Selection. The Right of Way Committee will be chaired on an annual, rotating basis beginning on September 11, 2014, in the following order:

Osceola County Representative  
Lake County Representative  
Orange County Representative  
City of Orlando Representative  
Seminole County Representative  
One of Citizen Representatives

The Right of Way Committee Chair shall serve as the Board Liaison and attend CFX Board meetings.


Section 3. Quorum. If all three gubernatorial Board members make nominations and the Board approves the appointments, the Committee shall consist of eight members and a quorum shall be five members present. If only two appointments are made the Committee shall consist of seven members and a quorum shall be four members present. If only one appointment is made the Committee shall consist of six members and a quorum shall be four members present. In order for any action or recommendation to pass there must be a majority affirmative vote of the quorum based on the then current composition of the Committee.

Section 4. The revised Charter is adopted in its entirety as Exhibit "A".

Section 5. This Resolution shall become effective upon adoption.

ADOPTED this 14<sup>th</sup> day of April 2016.

ATTEST:   
Darleen Mazzillo  
Executive Assistant

  
Welton G. Cadwell  
Chairman

Approved as to form and legality:


  
Joseph L. Passiatore  
General Counsel

EXHIBIT "A"  
**CENTRAL FLORIDA EXPRESSWAY AUTHORITY BOARD  
RIGHT OF WAY COMMITTEE CHARTER**

**PURPOSE**

The Right of Way Committee's primary function is to assist the Authority Board in fulfilling its responsibilities by providing oversight and control of the property acquisition and disposition process.

The Right of Way Committee shall oversee and assist the Central Florida Expressway Authority right of way activities. Delegation of authority for right of way acquisition activities recognizes the practical need to conduct negotiations for property acquisition, business damage claims and other matters pertinent to real estate transactions in confidence until such time as a settlement is reached.

**RESPONSIBILITIES**

The Right of Way Committee is responsible for conducting reviews and associated recommendations to the Board regarding property acquisition negotiations, proposed settlements, review of condemnation proceedings and mediation, and other matters related to acquisition negotiations and settlements.

**ORGANIZATION**

The Right of Way Committee shall be composed of the following voting members:

1. Orange County staff member or citizen representative and a designated substitute to serve in their absence, appointed by the Orange County Commission or in accordance with Orange County's policies providing for appointments to other governmental agencies;
2. City of Orlando staff member or citizen representative and a designated substitute to serve in their absence, appointed by the City of Orlando Commission or in accordance with the City of Orlando's policies providing for appointments to other governmental agencies;
3. Lake County staff member or citizen representative and a designated substitute to serve in their absence, appointed by Lake County Commission or in accordance with Lake County's policies providing for appointments to other governmental agencies;
4. Osceola County staff member or citizen representative and a designated substitute to serve in their absence, appointed by the Osceola County Commission or in accordance with Osceola County's policies providing for appointments to other governmental agencies;
5. Seminole County staff member or citizen representative and a designated substitute to serve in their absence, appointed by the Seminole County Commission or in accordance with Seminole County's policies providing for appointments to other governmental agencies;
6. Up to three (3) citizen representatives appointed by the CFX governing Board after receiving nominations submitted by the gubernatorial Board appointees. The term for such appointments shall be for two years commencing upon appointment which term may be renewed. One nomination per gubernatorial appointee is allowed, but it shall not be mandatory that nominations be made.

Committee member appointments may not be delegated. County and City appointments may include contract personnel currently providing services to the appointing entity. Notwithstanding the two year term, the citizen representatives shall serve at the pleasure of the CFX Board. The Committee members will serve at the pleasure of their respective jurisdictions. Committee members should have experience in Florida eminent domain matters or possess sufficient experience in property acquisition and disposition.

#### **CHAIRMAN SELECTION**

The Right of Way Committee will be chaired on an annual, rotating basis beginning on September 11, 2014, in the following order:

Osceola County Representative  
Lake County Representative  
Orange County Representative  
City of Orlando Representative  
Seminole County Representative  
One of Citizen Representatives

The Right of Way Committee Chair shall serve as the Board Liaison and attend CFX Board meetings.

#### **SUPPORT STAFF**

The Central Florida Expressway Authority General Counsel's office and Right of Way Counsel shall serve as advisors to the Committee. The Authority General Counsel's office shall provide support to the Committee and may retain independent consultants to assist in the conduct of Authority responsibilities, subject to the Authority's procurement policy and budget.

#### **CONDUCT OF BUSINESS**

The Right of Way Committee shall conduct business in accordance with the Central Florida Expressway Authority Property Acquisition and Disposition Procedures Manual.

#### **MEETINGS**

The Right of Way Committee shall meet as required to review negotiations and provide guidance to General Counsel, acquisition staff and consultants. Meetings may be called by the Executive Director, General Counsel or the Right of Way Committee Chair.

Public notice shall be provided in accordance with state law.

An agenda will be prepared by General Counsel and provided in advance to members, along with appropriate briefing materials.

Committee recommendations for right of way acquisition and disposition shall be submitted to the Board for approval. Draft Committee meeting minutes and any other Committee recommendations shall be submitted to the Authority Board for information and/or approval.

#### **QUORUM**

If all three gubernatorial Board members make nominations and the Board approves the appointments, the Committee shall consist of eight members and a quorum shall be five members present. If only two appointments are made the Committee shall consist of seven

members and a quorum shall be four members present. If only one appointment is made the Committee shall consist of six members and a quorum shall be four members present. In order for any action or recommendation to pass there must be a majority affirmative vote of the quorum based on the then current composition of the Committee.

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL  
CIRCUIT IN AND FOR ORANGE COUNTY, FLORIDA

ORLANDO ORANGE COUNTY  
EXPRESSWAY AUTHORITY,

Petitioner,

CASE NO. 2006-CA-006250-O

vs.

PARCEL NOS: 406

FUSCAN RIDGE, LLC, et al.,

Respondents.

---

MEDIATED SETTLEMENT AGREEMENT

At a mediation conference held on February 12, 2016, the parties reached the following Settlement Agreement:

1. The parties reach an agreement, and Central Florida Expressway Authority (CFX) will pay the total sum of **One Million Five Hundred Dollars (\$1,500,000.00)** in full and final settlement of all pending claims against CFX in the above styled cause of action, including, but not limited to, all attorneys fees and costs at the trial level and the District Court of Appeal and Supreme Court levels.

2. This agreement is subject to the approval of the CFX Right-of-Way Committee and the governing Board for CFX, which will be recommended for approval.

3. This Agreement contains all of the agreements of the parties relating to the resolution of any and all pending claims.

4. Subject to all approvals, Counsel for Petitioner and Respondent will jointly submit to the Court for signature a mutually approved proposed Stipulated Order Awarding Attorney Fees & Taxing Costs as soon as practical hereafter, and in any event within thirty (30) days after all approvals. This proposed Stipulated Order Awarding Attorney Fees & Taxing Costs shall

**EXHIBIT B**

EXHIBIT 6



incorporate, include and set forth all provisions of this agreement except this final paragraph. If either party fails to join in the submittal of this proposed Stipulated Order Awarding Attorney Fees & Taxing Costs to the court after all approvals within this time period, the other party may ask the court to enter an order incorporating, including, and setting forth these provisions, which shall not be objected to.


DATED this 12<sup>th</sup> day of February, 2016.



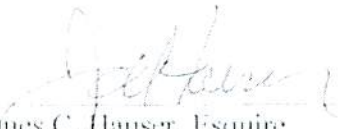
Richard N. Milian, Esquire  
Florida Bar No.: 0729256  
[rmilian@broadandcassel.com](mailto:rmilian@broadandcassel.com)  
[dtyree@broadandcassel.com](mailto:dtyree@broadandcassel.com)  
Broad and Cassel  
390 North Orange Avenue  
Suite 1400  
Orlando, FL 32801  
Telephone: (407) 839-4200  
Facsimile: (407) 425-8377  
Attorney for Petitioner



Joe W. Fixel, Esquire  
Florida Bar No. 0192026  
[jfixel@fixelwillis.com](mailto:jfixel@fixelwillis.com)  
[fixelservice@fixelwillis.com](mailto:fixelservice@fixelwillis.com)  
Craig B. Willis, Esquire  
Florida Bar No.: 0257656  
[cwillis@fixelwillis.com](mailto:cwillis@fixelwillis.com)  
Fixel & Willis  
211 S. Gadsden Street  
Tallahassee, FL 32301  
Telephone: (850) 681-1800  
Facsimile: (850) 681-9017  
Attorneys for Respondent



Name Printed: Joseph L. Passintore  
For Central Florida Expressway Authority



James C. Hauser, Esquire  
Florida Bar No. 168348  
750 Live Oak Street  
Maitland, Florida 32751  
407-951-6865  
Fax: (407) 660-3009



James A. Helinger, Jr., Mediator