

CENTRAL FLORIDA EXPRESSWAY AUTHORITY

MINUTES CENTRAL FLORIDA EXPRESSWAY AUTHORITY BOARD WORKSHOP July 14, 2016

Location: Central Florida Expressway Authority
Pelican Room #107

Board Members Present:

Commissioner Welton G. Cadwell, Lake County (Chairman)
Commissioner S. Scott Boyd, Orange County (Vice Chairman)
Commissioner Brenda Carey, Seminole County (Treasurer)
Mayor Buddy Dyer, City of Orlando
Commissioner Fred Hawkins, Jr., Osceola County
Andria Herr, Gubernatorial Appointment
Jay Madara, Gubernatorial Appointment
S. Michael Scheeringa, Gubernatorial Appointment

Board Members Not Present:

Mayor Teresa Jacobs, Orange County

Non-Voting Advisor Not Present:

Diane Gutierrez-Scaccetti, Florida's Turnpike Enterprise

Staff Present at Dais:

Laura Kelley, Executive Director
Joseph L. Passiatore, General Counsel
Darleen Mazzillo, Assistant Secretary/Executive Assistant

A. CALL TO ORDER

The meeting was called to order at 9:50 a.m. by Chairman Welton Cadwell.

B. PUBLIC COMMENT

There was no public comment.

C. PRESENTATION ON EMINENT DOMAIN PROCESS

General Counsel Joseph Passiatore gave the Board a presentation on right of way acquisition/eminent domain process (presentation attached as Exhibit "A").

Maps were also provided showing the acquisition status of the Wekiva Parkway parcels (Exhibit B).

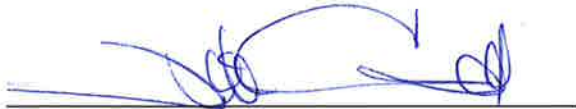
The Board members provided comments and asked questions.

D. BOARD MEMBER COMMENT

There were no Board Member comments.

E. ADJOURNMENT

Chairman Cadwell adjourned the meeting at 10:45 a.m.



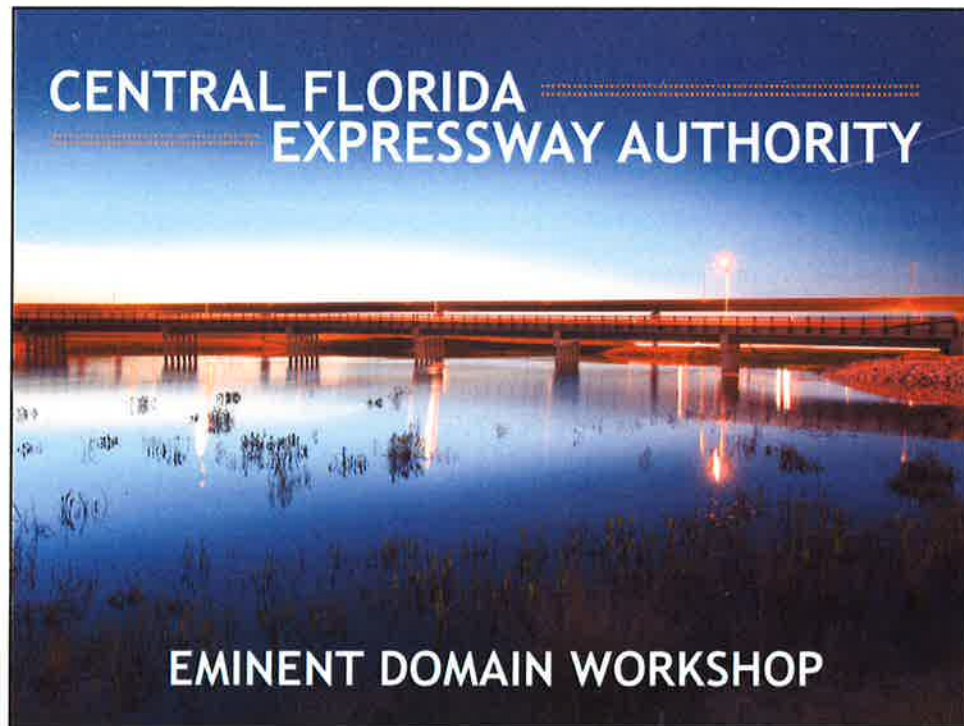
Commissioner Welton G. Cadwell
Chairman
Central Florida Expressway Authority



Darleen Mazziello
Recording Secretary/Executive Assistant
Central Florida Expressway Authority

Minutes approved on Aug. 11, 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. Additionally, video tapes of Board meetings commencing July 25, 2012 are available at the CFX website, www.expresswayauthority.com



TYPES OF RIGHT OF WAY ACQUISITION

- Voluntary Acquisition (*Preferred*)
- Involuntary Acquisition through Eminent Domain (*Last Resort*)

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TYPES OF VOLUNTARY ACQUISITION

Donation

- No parcels were donated for Wekiva Parkway
- Legislation required CFX to act as third-party acquisition agent for environmental parcels

Purchase Agreement and real estate closing

Example: Beachline Super Corridor

- 516.35 acres of right of way acquired through purchase agreements
- Total Cost of \$39,860,584.52
- Property Owner Attorneys' Fees and Expert Costs were \$410,000
- Willing Sellers

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ADVANTAGES OF VOLUNTARY ACQUISITION

- Secures title earlier than an Order of Taking
- Eliminates risk of trial
- Reduces or eliminates condemning authority's exposure for:
 - Property owner expert witnesses and attorneys' fees
 - Court costs
 - CFX staff time

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THE EVOLUTION OF THE CONDEMNATION PROCESS

- Project Planning
 - Wekiva River Protection Act enacted in 1988
 - PD&E Study for Wekiva Parkway began in 2005
 - FONSI issued by FHWA in May 2012 after 7 years of review
- Decision to federalize made jointly with FDOT to preserve eligibility for federal funding
- Parcel legal descriptions generated at 60% design engineering with survey
- Resolution addressing Public Purpose, Public Necessity, and Legal Description

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APPRAISAL PROCESS

- Complete legal descriptions
- Assign Parcels to an appraiser
- Complete Appraisal
- Complete Review Appraisal by a separate review appraiser
- Certified Report is delivered to CFX's acquisition agent and legal counsel

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PRESUIT NEGOTIATION PER F.S. 73.015

- Condemnor must attempt to negotiate in good faith with the fee owner
- CFX must notify the fee owners of the property to be taken of the following:
 - That all or a portion of his/her property is necessary for a project
 - The nature of the project and the parcel designation
 - That the appraisal and right of way maps and construction plans will be provided within 15 days of a request by fee owner
 - The fee owner's statutory rights under F.S. 73.091 and 73.092
- CFX must provide a first written offer as to value of property taken and severance damages
- Sets floor for computation of attorney's fees

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PRESUIT NOTICE TO BUSINESS

- CFX must notify the business owners, including lessees, who operate a business on the property to be acquired of:
 - Necessity
 - Project
 - Right of obtain copies
 - Statutory Rights
- Condition Precedent to filing suit
- If qualified, business owner must submit a good faith written offer to settle the business damage claim within 180 days of notice, Authority: F.S. 73.015(2)

CENTRAL FLORIDA EXPRESSWAY AUTHORITY



EXAMPLE OF CFX 1ST WRITTEN OFFER LETTER

STATEMENT OF OFFER
PAGE 1/2

| | |
|-------------------------|---------------|
| Land | 550,200.00 |
| Improvements | \$ 0.00 |
| Real Estate Description | |
| Net Cost to CFX | \$ 550,200.00 |

This Statement of Offer is a written offer to accept the above property. You will be required to obtain a purchase agreement. Any additional information you may require can be obtained by contacting your assigned appraiser, Jeffrey S. Bender, at 888-478-4786 or 888-478-4787.

Jeffrey S. Bender, Esq.
 Director, Real Estate
 Central Florida Expressway Authority

As Appraisal Required:

Jeffrey S. Bender
 1/23/15

ACKNOWLEDGMENT OF RECEIPT

Daryl A. Alderman
 1/23/15

CENTRAL FLORIDA EXPRESSWAY AUTHORITY



EXAMPLE OF NOTICE OF TAKING

ATKINS

Atkins North America, Inc.
 600 S. State Road
 Orlando, Florida 32810
 Telephone: +1 407 487 1376
 Fax: +1 407 488 4500
www.atkins-na.com/cfa/noticeoftaking

January 23, 2015

Daryl A. & Laura L. Alderman
 3252 Chisholm Road
 Apopka, Florida 32712

RE: PROJECT: 438-204
 STATE ROAD NO.: 438
 PROJECT NAME: Wakiva Parkway
 COUNTY: Orange
 PARCEL NO.: 241

Dear Mr. & Mrs. Alderman:

Atkins North America, Inc. is under contract with the Central Florida Expressway Authority ("Expressway Authority") to assist them with the acquisition of right-of-way regarding the above-referenced project. The Expressway Authority will need all or a portion of your property for the road project. The Expressway Authority now has its own possession on approved recorded report. This offer package represents the Expressway Authority's offer to you for the purchase of your property as described in the enclosed documents. Enclosed please find the following:

- (1) **Appraisal Report** - A copy of the Expressway Authority's approved appraisal report for your property is being provided for your use. The purpose of this appraisal is to determine the market value of the property being acquired. The appraisal is for land and affected improvements only, if any. But not including acquired. Please sign and date the enclosed receipt and return to us.
- (2) **Statement of Offer** - This provides an explanation of the real property and affected improvements, if any, to be acquired. The summary of value is based on the approved appraisal. Please sign and return one copy of this letter to acknowledge receipt of this offer. This is not an agreement and in no way will bind you to a sale.
- (3) **Donation Letter** - In the event you wish to donate the needed property to the Expressway Authority, please sign, date, and return to us.

CENTRAL FLORIDA EXPRESSWAY AUTHORITY



EXAMPLE OF NOTICE OF TAKING

January 23, 2015

Page 2:

Dani A. & Laura L. Alderman
3252 Orchid Road
Naples, Florida 34112

(4) Hazardous Substances Letter - This provides an explanation regarding the Expressway Authority's position as it relates to hazardous substances which may be classified as hazardous and/or of environmental concern.

(5) Parcel Legal Description and Sketch - Provides a written legal description and drawing of the property to be acquired.

Please review the enclosed documents carefully, and if you have any questions regarding this offer or any of the enclosed documents, please feel free to contact me at the number listed below.

I sincerely believe that we can reach an amicable and mutually satisfactory agreement and look forward to working with you. Any additional information you may require can be obtained by contacting your assigned agent, Jeffrey A. Bender, at 407-806-4348 or 407-802-5937.

Sincerely,

Deborah S. Pridemore
407-925-2418

Enclosures (as attached above)

CC: Tom Callan, Esquire

CENTRAL FLORIDA EXPRESSWAY AUTHORITY



FILING OF PETITION IN EMINENT DOMAIN

The owner must be given thirty (30) days after receipt of notice before a condemning authority files a condemnation proceeding for the parcel identified in the offer.

F.S. 73.015(4) If a settlement is reached between condemning authority and a property or business owner prior to a lawsuit being filed, the property or business owner who settles compensation claims in lieu of condemnation shall be entitled to recover costs and attorney fees.

Condemnor can scuttle the project and avoid attorney and expert fees if no suit is filed. Calhoun, Dreggors & Associates v. Volusia County, 26 So.3d 624 (Fla. 5th DCA 2010)

CENTRAL FLORIDA EXPRESSWAY AUTHORITY



EXAMPLES OF ATTORNEY'S SOLICITATION TO PROPERTY OWNER



Central Florida Expressway Authority September 14, 2015

Property Owner
4971 Ed Tower Rd
Orlando, FL 32807

Re: Richard County Parkway East West Segment 2
Condemnation or Acquisition of Property 102217000001164

Dear Property Owner:

If you have already retained an attorney for this matter, please disregard this letter. The public records of Orange County indicate that it is my understanding that all of your property for the Richard County Parkway East West Segment 2 project, this process is known as condemnation or eminent domain. This process can be complicated and adversarial.

The government will assemble attorneys and experts to represent them. You should not. Florida law requires Orange County to pay for your defense including your attorney fees and expert costs. Should you choose to retain our firm, the representation is **not** for fee. As a result, you should retain legal counsel to defend your interests as well as possible.

The attorneys of Callan Law Firm, P.A., have over 30 years of experience representing businesses and individuals. We have a proven track record and solid track record. We employ state of the art technology and the services of qualified experts in many fields such as appraisal, civil engineering and accounting. We will analyze the taking for you, valuable your claim and vigorously represent you throughout this process. We will also advise you throughout as to what the all latest legal and non-legal are allowed.

There is no greater or best interest right than the right to own property; it is one of our fundamental rights. Since the government is required to pay for your defense, there is no risk in retaining our firm to represent you. We would be your partner. You may contact our Project Coordinator, Katherine Long at 407-426-9141 or toll free at 1-877-476-9141.

Sincerely,

Thomas J. Callan

921 Bradford Terrace • Orlando, Florida 32806
407-426-9141 • Fax 407-426-9142 • Email: info@callanlaw.com

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CENTRAL FLORIDA EXPRESSWAY AUTHORITY



EXAMPLES OF ATTORNEY'S SOLICITATION TO PROPERTY OWNER



Central Florida Expressway Authority
Property Owner
4971 Ed Tower Rd
Orlando, FL 32807

Re: Property located in Orange County
Project: Richard County Parkway East West Segment 2
Parcel #: 307713000001169

Dear Property Owner:

If you have already retained an attorney for this matter, please disregard this letter.

Enclosed in my first package which contains information about my firm and the eminent domain process. This package is being sent to you because we identified your all existing property along the Orange County project known as Richard County Parkway East West Segment 2. We have a proven track record and solid track record. We employ state of the art technology and the services of qualified experts in many fields such as appraisal, civil engineering and accounting. We will analyze the taking for you, valuable your claim and vigorously represent you throughout this process. We will also advise you throughout as to what the all latest legal and non-legal are allowed.

My firm has been awarded a set of vested right of way rights from Orange County. These maps show the amount of property Orange County claims it needs to construct the project. We have the your information and references to a satisfied who showing the proposed taking from your property.

Property owners who property located along projects that we have retained our services to assist them with important pre-condemnation planning steps many owners need to take to protect their interests. We use state of the art technology and the services of qualified experts in many fields such as appraisal, civil engineering and accounting. We will analyze the taking for you, valuable your claim and vigorously represent you throughout this process. We will also advise you throughout as to what the all latest legal and non-legal are allowed.

We will get to work to establish a relationship with you at a time convenient to discuss your parcel(s) in more detail including the potential negative aspects that may result in your remaining property. The government will be an attorney and experts to represent them. Florida law requires Orange County to pay for your defense including your attorney fees and expert costs. Whether you like it or not, there will be no change in you for the defense representation to our entire representation of you. Our firm will represent you as a judge for Orange County to pay over and above the compensation owed to you.

Since the government is required to pay for your defense, there is no risk to you in retaining our firm to represent you. Should you decide to telephone immediately, please call my assistant for more information. We are happy to schedule a time to discuss your property.

Sincerely,

Thomas J. Callan

Callan Law Firm

Enclosure

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921 Bradford Terrace • Orlando, Florida 32806

CENTRAL FLORIDA EXPRESSWAY AUTHORITY



UNITED STATES CONSTITUTION

Amendment V

- “No person shall be . . . deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.”
- Just compensation “is for the property, and not to the owner.” U.S. Supreme Court in 1893.
- “Attorney’s fees and expenses are not embraced within just compensation.” Donahy v. Rogers, 50 S. Ct. 299 (1930).
- Appraisal fees are not recoverable, “such compensation is a matter of legislative grace rather than constitutional command. The respondent’s appraisal expenses were not part of the “just compensation” required by the Fifth Amendment. United States v. Bodcaw Company, 99 S. Ct. 1066 (1979).

Slide 10: Introduction to the Fifth Amendment, Just Compensation, and the Takings Clause. This slide discusses the Fifth Amendment's requirement of just compensation for the taking of private property for public use. It highlights the importance of fair market value and the role of the courts in determining compensation. The slide also mentions the Central Florida Expressway Authority's involvement in the process.

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FLORIDA CONSTITUTION

Article X, Section 6. Eminent Domain

- (a) No private property shall be taken except for a public purpose and with full compensation therefor paid to each owner or secured by deposit in the registry of the court and available to the owner.
- “Full compensation” has been interpreted by the Florida Supreme Court to include the property owner’s expert witness fees. Dade County v. Briqham, 47 So. 2d 602 (Fla. 1950).
- “He does not want to sell. The property is taken from him through the exertion of the high powers of the state and the spirit of the Constitution clearly requires that he shall not be thus compelled to part with what belongs to him without the payment, not alone of the abstract value of the property, but of all the necessary expenses he incurred in fixing that value.”
- The term “full compensation” also includes the owner’s attorney fees. Breibart v. State Road Department, 116 So.2d 458 (Fla. 3d DCA 1959.)

CENTRAL FLORIDA EXPRESSWAY AUTHORITY



ELEMENTS OF FULL COMPENSATION

- Land
- Improvements Taken
- Cost to Cure
- Severance Damages
- Business Damages
- Attorney's Fees and Costs
- Expert Fees and Costs
- Interest

CENTRAL FLORIDA EXPRESSWAY AUTHORITY



COMPARISON CHART BETWEEN FL & US

| ITEM | FLORIDA | FEDERAL |
|---------------------------|----------------|--------------------|
| Pay for Part Taken | X | X |
| Pay for Severance Damages | X | X |
| Pay for Business Damages | X | X |
| Attorney Fees | X | |
| Expert Fees | X | |
| Relocation Benefits | * | X |
| Trial | 12 person jury | Jury or Commission |

*For federalized projects i.e. Wekiva Parkway Project

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TEXAS COST SHIFTING STATUTE 21.047

(a) Special commissioners may adjudge the costs of an eminent domain proceeding against any party. If the commissioners award greater damages than the condemnor offered to pay before the proceedings began or if the decision of the commissioners is appealed and a court awards greater damages than the commissioners awarded, the condemnor shall pay all costs. If the commissioners' award or the courts determination of the damages is less than or equal to the amount the condemnor offered before the proceedings began, ***the property owner shall pay the costs.***

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INDIANA FEE STATUTE I.C. 32-24-1-14

Sec 14. (b) If there is a trial, the additional costs caused by the trial shall be paid as ordered by the court. However, if there is a trial and the amount of damages awarded to the defendant by the judgment, exclusive of interest and costs, is greater than the amount specified in the last offer of settlement made by the plaintiff . . . the court shall allow the defendant the defendant's litigation expenses, including reasonable attorney's fees, in an amount not to exceed the lesser of:

- (1) twenty-five thousand dollars (\$25,000);
- (2) the fair market value of the defendant's property or easement as determined under this chapter.

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FLORIDA'S ATTORNEY FEE STATUTE

Pursuant to Section 73.092, Florida Statutes, the owner's attorney is entitled to a fee based upon:

- 33% of any benefit up to \$250,000
- 25% of any benefit between \$250,000 and \$1,000,000
- 20% of any benefit above \$1,000,000

"Benefit" is defined as the difference between the final judgment and the last written offer made by the condemning authority before the owner hires an attorney.

The Court may also consider non-monetary benefits if identified and quantified, F.S. 73.092(1)(b).

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FLORIDA'S STATUTE ON EXPERT FEES AND COSTS

Section 73.091, Florida Statutes, requires the condemning authority to pay "all reasonable costs incurred in the defense of the proceedings."

Types of Experts

- Appraiser
- Planner
- Engineer
- General Contractor
- CPA

CENTRAL FLORIDA EXPRESSWAY AUTHORITY



REPORT TO FLORIDA TRANSPORTATION COMMISSION

Expressway Authorities report Operating Indicators for Property Acquisition.

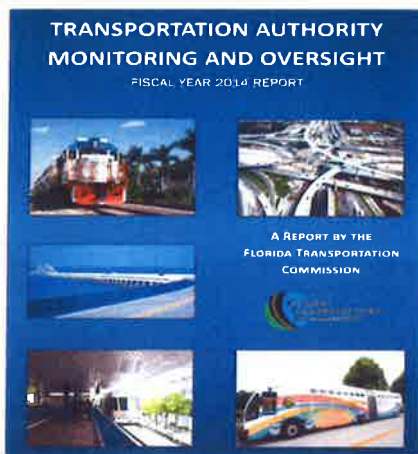
These are:

- Amount of Agency Appraisals
- Amount of Initial Offers
- Amount of Owner's Appraisals
- Amount of Final Settlements

CENTRAL FLORIDA EXPRESSWAY AUTHORITY



REPORT TO FLORIDA TRANSPORTATION COMMISSION



CENTRAL FLORIDA EXPRESSWAY AUTHORITY



REPORT TO FLORIDA TRANSPORTATION COMMISSION

Miami-Dade Expressway Authority (MDX)

Table 1
Miami-Dade Expressway Authority
Summary of Operating Indicators (in millions)
FY 2013 through FY 2015

| Category | Indicator | FY 2013 Actual | FY 2014 Actual | FY 2015 Actual |
|----------------------|---|-------------------|-------------------|-------------------|
| Operating Indicators | Operating Revenue | 1,752.1 | 1,856.9 | 1,856.9 |
| | Operating Expenses | 1,856.9 | 1,856.9 | 1,856.9 |
| | Operating Income | 0.0 | 0.0 | 0.0 |
| | Operating Margin | 0.0% | 0.0% | 0.0% |
| | Operating Ratio | 1.00 | 1.00 | 1.00 |
| Capital Expenditures | Capital Expenditures | 50.0 | 50.0 | 50.0 |
| | Capital Expenditures as % of Operating Revenue | 2.85% | 2.70% | 2.70% |
| | Capital Expenditures as % of Operating Expenses | 2.70% | 2.70% | 2.70% |
| | Capital Expenditures as % of Operating Income | 0.0% | 0.0% | 0.0% |
| | Capital Expenditures as % of Operating Ratio | 0.0% | 0.0% | 0.0% |
| Debt Service | Debt Service | 0.0 | 0.0 | 0.0 |
| | Debt Service as % of Operating Revenue | 0.0% | 0.0% | 0.0% |
| | Debt Service as % of Operating Expenses | 0.0% | 0.0% | 0.0% |
| | Debt Service as % of Operating Income | 0.0% | 0.0% | 0.0% |
| | Debt Service as % of Operating Ratio | 0.0% | 0.0% | 0.0% |

The current approved FY 2015-2016 Work Program (BFRP) includes a plan to improve and optimize operations for existing construction in progress, prospects, identified projects, MDX's planning efforts continue with the intent of a continuing study for extending SD 836 to the existing state road, and planning for extending SD 124 for the state road and MDX continues the study of the construction of the existing Miami-Dade Transit busway along US 1 from Fawcett Memorial

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REPORT TO FLORIDA TRANSPORTATION COMMISSION

Central Florida Expressway Authority (CFX)

Table 2
Central Florida Expressway Authority
Summary of Operating Indicators (in millions)
FY 2013 through FY 2015

| Category | Indicator | FY 2013 Actual | FY 2014 Actual | FY 2015 Actual |
|----------------------|---|-------------------|-------------------|-------------------|
| Operating Indicators | Operating Revenue | 1,752.1 | 1,856.9 | 1,856.9 |
| | Operating Expenses | 1,856.9 | 1,856.9 | 1,856.9 |
| | Operating Income | 0.0 | 0.0 | 0.0 |
| | Operating Margin | 0.0% | 0.0% | 0.0% |
| | Operating Ratio | 1.00 | 1.00 | 1.00 |
| Capital Expenditures | Capital Expenditures | 50.0 | 50.0 | 50.0 |
| | Capital Expenditures as % of Operating Revenue | 2.85% | 2.70% | 2.70% |
| | Capital Expenditures as % of Operating Expenses | 2.70% | 2.70% | 2.70% |
| | Capital Expenditures as % of Operating Income | 0.0% | 0.0% | 0.0% |
| | Capital Expenditures as % of Operating Ratio | 0.0% | 0.0% | 0.0% |
| Debt Service | Debt Service | 0.0 | 0.0 | 0.0 |
| | Debt Service as % of Operating Revenue | 0.0% | 0.0% | 0.0% |
| | Debt Service as % of Operating Expenses | 0.0% | 0.0% | 0.0% |
| | Debt Service as % of Operating Income | 0.0% | 0.0% | 0.0% |
| | Debt Service as % of Operating Ratio | 0.0% | 0.0% | 0.0% |

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CENTRAL FLORIDA EXPRESSWAY AUTHORITY



REPORT TO FLORIDA TRANSPORTATION COMMISSION

Central Florida Expressway Authority (CFX)

Table 17
Summary of Operating Performance (in millions)
FY 2015 through FY 2015

| Category | Item | Actual 2015 (Actual) | Actual 2014 (Actual) | Actual 2013 (Actual) |
|-----------------------|----------------------|-------------------------|-------------------------|-------------------------|
| Operating Performance | Operating Revenue | \$555.5 | \$555.5 | \$555.5 |
| | Operating Expenses | \$555.5 | \$555.5 | \$555.5 |
| | Operating Profit | \$0.0 | \$0.0 | \$0.0 |
| | Operating Loss | \$0.0 | \$0.0 | \$0.0 |
| Capital Expenditures | Capital Expenditures | \$555.5 | \$555.5 | \$555.5 |
| | Capital Expenditures | \$555.5 | \$555.5 | \$555.5 |
| | Capital Expenditures | \$555.5 | \$555.5 | \$555.5 |
| | Capital Expenditures | \$555.5 | \$555.5 | \$555.5 |
| Debt Service | Debt Service | \$555.5 | \$555.5 | \$555.5 |
| | Debt Service | \$555.5 | \$555.5 | \$555.5 |
| | Debt Service | \$555.5 | \$555.5 | \$555.5 |
| | Debt Service | \$555.5 | \$555.5 | \$555.5 |

CFX received approximately \$20 million and \$0.1 million, respectively. Major capital asset expenditures in FY 2015 included the development of the SR 528 and the SR 528 interchange. Construction of the SR 528 interchange and the bridge deck improvements on SR 528 west of the Airport Road interchange are currently reported as dollar amounts in four areas (agency appraisals, initial offers, owners appraisals, and final settlements). CFX proposes to change the reporting categories to five areas (# of projects requiring ROW acquisition, # of parcels needed to be acquired for projects, # of parcels acquired via negotiations, # of parcels acquired via condemnation, and # of parcels acquired with final judgments at or less than one-half the range of values). The proposed indicators are associated with parcel quantities rather than dollar expenditures and would serve as better gauges, representing volume of ROW project and parcel activities rather than dollars expended. See the CFX handout for a detailed write-up.

Fiscal Year 2014 Annual Report

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CENTRAL FLORIDA EXPRESSWAY AUTHORITY



NEW PERFORMANCE MEASURES PROPOSED BY CFX (as of June 13, 2016)

Right-of-Way (ROW) acquisition activities are currently reported as dollar amounts in four areas (agency appraisals, initial offers, owners appraisals, and final settlements). CFX proposes to change the reporting categories to five areas (# of projects requiring ROW acquisition, # of parcels needed to be acquired for projects, # of parcels acquired via negotiations, # of parcels acquired via condemnation, and # of parcels acquired with final judgments at or less than one-half the range of values). The proposed indicators are associated with parcel quantities rather than dollar expenditures and would serve as better gauges, representing volume of ROW project and parcel activities rather than dollars expended. See the CFX handout for a detailed write-up.

CENTRAL FLORIDA EXPRESSWAY AUTHORITY



FDOT REPORTS SECONDARY MEASURES TO THE FLORIDA TRANSPORTATION COMMISSION

- Number of parcels successfully acquired via negotiation
- Number of parcels negotiated within 20% of appraised value
- Percentage of condemned parcels acquired with final judgments equal to or less than one-half the range
- Amount of money spent for land compared to amounts for ancillary ROW expenditures. Goal is Land not less than 75%

CENTRAL FLORIDA EXPRESSWAY AUTHORITY



FDOT'S PRIMARY REPORTING MEASURE

- The Department's only Primary reporting measure is the percentage of ROW projects certified (all parcels acquired per FHWA guidelines) compared to the number of projects scheduled for certification during the reporting period.
- CFX was able to "certify" the acquisition of all of 151 parcels necessary to commence each of the five phases of the Wekiva Parkway as scheduled in the CFX's work plan.

CENTRAL FLORIDA EXPRESSWAY AUTHORITY



CFX PERFORMANCE

CFX is performing well on Wekiva when using the FDOT secondary measure for monies spent for land vs. ancillary expenses.

- \$27,538,061 for settlements; \$3,911,946 for owner's experts and attorney's fees
- CFX is paying 88% of settlements towards land value, business damages and relocation benefits.
- The remaining 12% is allocated to landowner attorney fees and expert costs.

CENTRAL FLORIDA EXPRESSWAY AUTHORITY



CFX TRIALS

| CASE | CFX APPRAISAL | OWNER APPRAISAL | OWNER TESTIMONY | JURY VERDICT |
|---------|---------------|-----------------|---------------------|--------------|
| Kelly | \$719,000 | \$4.2M | \$5.1M | \$2,634,000 |
| Hatcher | \$81,000 | \$782,000 | Declined Testifying | \$260,000 |

CENTRAL FLORIDA EXPRESSWAY AUTHORITY

LINDA'S REPORT ON THE HATCHER TRIAL

Joe Paolozzi

From: joepaolozzi@gmail.com
Sent: Friday, April 27, 2018, 2:11 PM
To: Mike.Melanson@LincolnU.edu and Paolozzi@LincolnU.edu
Subject: Re: Thesis

Hiya Jack! Glad to hear you had some great writing sessions on Higgs and Higgs boson events. Higgs would be another great target for a solid (perhaps) article with a little twist for individuals interested that not just physics, but also

Silly me! Had something else on my mind. I'll do it when I get a chance. Hope I don't forget you, but not feeling a little shy. Glad you're thriving! Appreciate you can reach out.

See you in 7/18.

Send. Thanks and love!

On Apr 27, 2018, at 11:57 AM, Mike, Melanson Lincoln U <Mike.Melanson@LincolnU.edu> wrote:

Do you have a date on the Higgs?

Mike Melanson
Paralegal

More LincolnU
Paralegal
Central Lincoln University, Lincoln
417-4103, Texas Road • (Lincoln, NE 68503)
457.901.5165 • www.lincoln.edu
13300g.com

Dr. A. J. Smith, President of a very broad public service firm (U.S. & Abroad)
Smith's broad firm (U.S. & Abroad) would have a great
connections, including your central college, to be checked in
the public, but not in the same way.

Thank you for sharing this page.

CENTRAL FLORIDA EXPRESSWAY AUTHORITY

HATCHER TRIAL: SITE VISIT



CENTRAL FLORIDA EXPRESSWAY AUTHORITY



KELLY CASE: ATTORNEY FEE ORDER

and hereby awarded attorney's fees in the amount of Fourteen Thousand One Hundred Ninety and 00/100 Dollars (\$14,190.00), and it is further:

ORDERED and ADJUDGED

5. Within twenty (20) days of the entry of this order, Petitioner, CENTRAL FLORIDA EXPRESSWAY AUTHORITY, shall forthwith pay to BRIGHAM PROPERTY RIGHTS LAW FIRM, PLLC, the total combined sum of Four Hundred Fifty Eight Thousand Five Hundred Ninety and 00/100 Dollars (\$488,690.00) on and for Defendants' attorneys' fees incurred in the instant eminent domain taking of Parcel 221 and 209 by Petitioner, CENTRAL FLORIDA EXPRESSWAY AUTHORITY, and further, Petitioner, Central Florida Expressway Authority shall forthwith forward said payment by U. S. Mail to Andrew Prince Brigham, BRIGHAM PROPERTY RIGHTS LAW FIRM, PLLC, 2863 Dupont Avenue, Suite 83, Jacksonville, Florida 32217-0740.

6. Upon Petitioner's payment of the amount set forth in paragraph 5 of this Order, Defendants shall make nor be entitled to any additional monies from Petitioner, excepting (including experts fees and costs) incurred in accordance with section 73.061, Florida Statute, said for such attorneys' fees and costs, if any, as may have been incurred in any subsequent or supplemental proceedings to this case.

7. The Court hereby reserves jurisdiction to enforce the terms of the Order and such other matters as may arise in accordance with paragraph 8 of this Order.

DONE and ORDERED in Chambers, in Orange County, Florida, this 14th day of April, 2016.


JAMES W. HARRIS
Clerk of Court

CENTRAL FLORIDA EXPRESSWAY AUTHORITY



KELLY CASE: COSTS REQUESTED BY OWNER

| | |
|---|-------------------------|
| Appraisal Fee | \$176,069 |
| Engineer | \$19,868 |
| Planner | \$26,101 |
| Subtotal | <u>\$222,038</u> |
| Grand Total (including court reporters, exhibits, etc.) | \$260,242 |

CENTRAL FLORIDA EXPRESSWAY AUTHORITY



ATTORNEY'S FEES FOR SUPPLEMENTAL PROCEEDINGS

- Allowed
 - To defeat an Order of Taking
 - For apportionment
 - For supplemental proceedings
- Lodestar Method
 - Novelty, Difficulty, Importance of Questions
 - Skill
 - Amount
 - Responsibility
 - Time and Labor
 - Rate Customarily charged
 - Award Under F.S. 73.092(1)

CENTRAL FLORIDA EXPRESSWAY AUTHORITY



PROBABILITY OF REZONING JURY INSTRUCTION

In determining full compensation, you are permitted to:

- Weigh the effect of a zoning restriction against a prospective use that the restriction currently prohibits; and
- To weigh the question as to whether there is a reasonable probability that the parcel will be rezoned within the reasonable future to make it available for a use over that which is limited by the ordinance.

CENTRAL FLORIDA EXPRESSWAY AUTHORITY



MAPS OF RESERVATION

- We hold that when a governmental entity, by use of a recorded reservation map, attempts to “land bank” private property in a thinly veiled attempt to acquire such property by avoiding constitutionally and legislatively mandated procedural and substantive protections, and in the process freezes property and depresses land values in anticipation of eminent domain proceedings, such action constitutes a taking of property and an inverse condemnation action will lie.” Orange County Expressway Authority v. W & F Agrigrowth-Fernfield, LTD., 582 So.2d 790 (Fla 5th DCA 1991).
- Right of Way reservation maps were held unconstitutional. Tampa-Hillsborough Expressway Authority v. A.G.W.S. Corporation, 640 So.2d 54 (Fla. 1994).

CENTRAL FLORIDA EXPRESSWAY AUTHORITY



ASSIGNMENT OF WEKIVA PARCELS

| RIGHT OF WAY LEGAL COUNSEL | # OF PARCELS ASSIGNED | # OF PARCELS CLOSED |
|---|--------------------------|------------------------|
| Shutts & Bowen, LLP | 89 | 32 |
| Winderweede, Haines, Ward & Woodman, P.A. | 46 | 33 |
| Lowndes, Drosdick, Doster, Kantor & Reed, P.A. | 4 | 0 |
| Linda Brehmer Lanosa | 12 | 9 |

CENTRAL FLORIDA EXPRESSWAY AUTHORITY



CFX RIGHT OF WAY ACQUISITION TEAM

- Atkins
- Shutts & Bowen, LLP
- Winderweede, Haines, Ward & Woodman, P.A.
- CFX Staff
- CFX Right-of-Way Committee

CENTRAL FLORIDA EXPRESSWAY AUTHORITY



FUTURE CONSIDERATIONS

- Should CFX federalize future projects?
 - Federal process is time consuming and highly regulatory
 - TIFIA loan will yield \$150M in present value interest savings
- Encourage donations of Right-of-Way for Interchange Locations
- Retain Real Estate Acquisition Firms to Negotiate Presuit
- Incentivize First Written Offers
- Encourage early mediations, settlement discussions and Offers of Judgment
- Foster empathetic culture for displaced property owners

CENTRAL FLORIDA EXPRESSWAY AUTHORITY



WILD RIVER

Wild River (film)

From Wikipedia, the free encyclopedia

See also: U.S. National Wild and Scenic Rivers Act, and the conflict with the River Haul.

Wild River is a 1960 American drama film directed by Clint Eastwood, and stars Montgomery Clift, Faye Dunaway, Jo Van Fleet, Albert Salmi and Jay C. Flippen. The film was shot on location in the Tennessee Valley, and was adapted by Paul Osborn from the novel by William Bradford Huie, and the screenplay by William Bradford Huie. The film depicts the story of a battle of wills between the state of Tennessee Valley Authority and a group of landowners, and the film's story of a small Southern town which finds its identity and their mission in the construction of the land. It marked Bruce Denison's film debut.

In 2007, the film was selected for preservation in the United States National Film Registry by the Library of Congress as being "culturally, historically, or aesthetically significant".

Contents

- 1 Plot
- 2 Cast
- 3 Production
- 4 References
- 5 External links

Plot

In the early 1930s, Chuck Clever (Montgomery Clift) arrives in Cambridge, Tennessee, to work as a newly appointed hydroelectric dam of the Tennessee Valley Authority, to head the TVA's land purchasing office after his previous supervisor's death. He has the responsibility for supervising the clearing of land to be flooded but must first acquire land from the Tennessee River land group of property yet to be sold to the government. The previous supervisor was unable to acquire the property of the Van Fleet, maintain a large family that has lived on the land for decades, but the government, which is in need



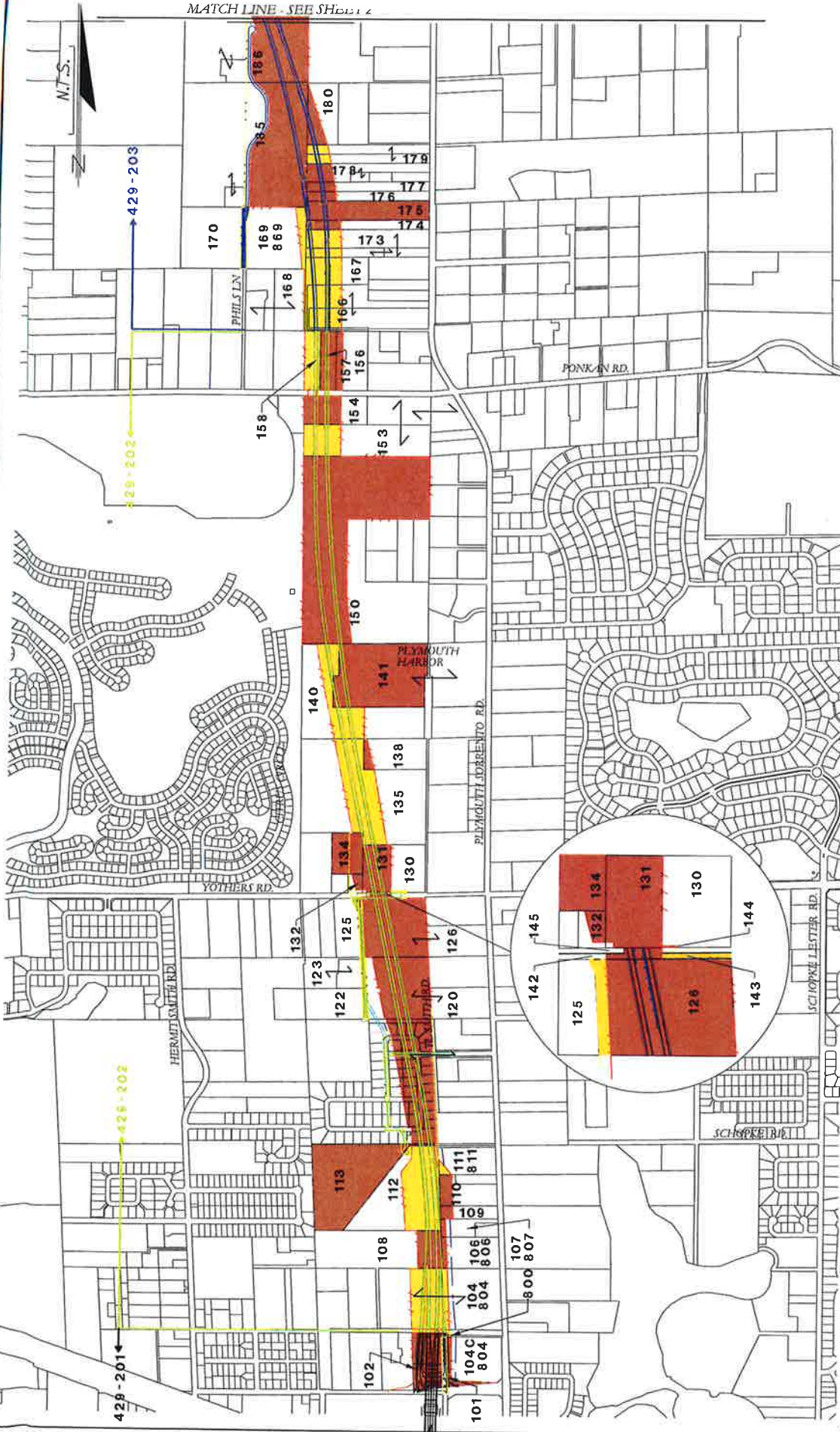
The movie poster.

Directed by Clint Eastwood
Produced by Clint Eastwood
Screenplay by William Bradford Huie
Based on Wild River by William Bradford Huie
Starring Montgomery Clift, Faye Dunaway, Jo Van Fleet, Albert Salmi, Jay C. Flippen
Music by Elia Kazan
Cinematography William H. Brounstein
Edited by William H. Brounstein
Distributed by United Artists
Release date May 10, 1960
Running time 110 minutes
Country United States
Language English
Budget \$1.4 million
Box office \$1,000,000 (U.S. and Canada)

CENTRAL FLORIDA EXPRESSWAY AUTHORITY

EXHIBIT B

MATCH LINE - SEE SHEET 4



1 OF 5

RIGHT-OF-WAY EXHIBIT

June 22, 2016

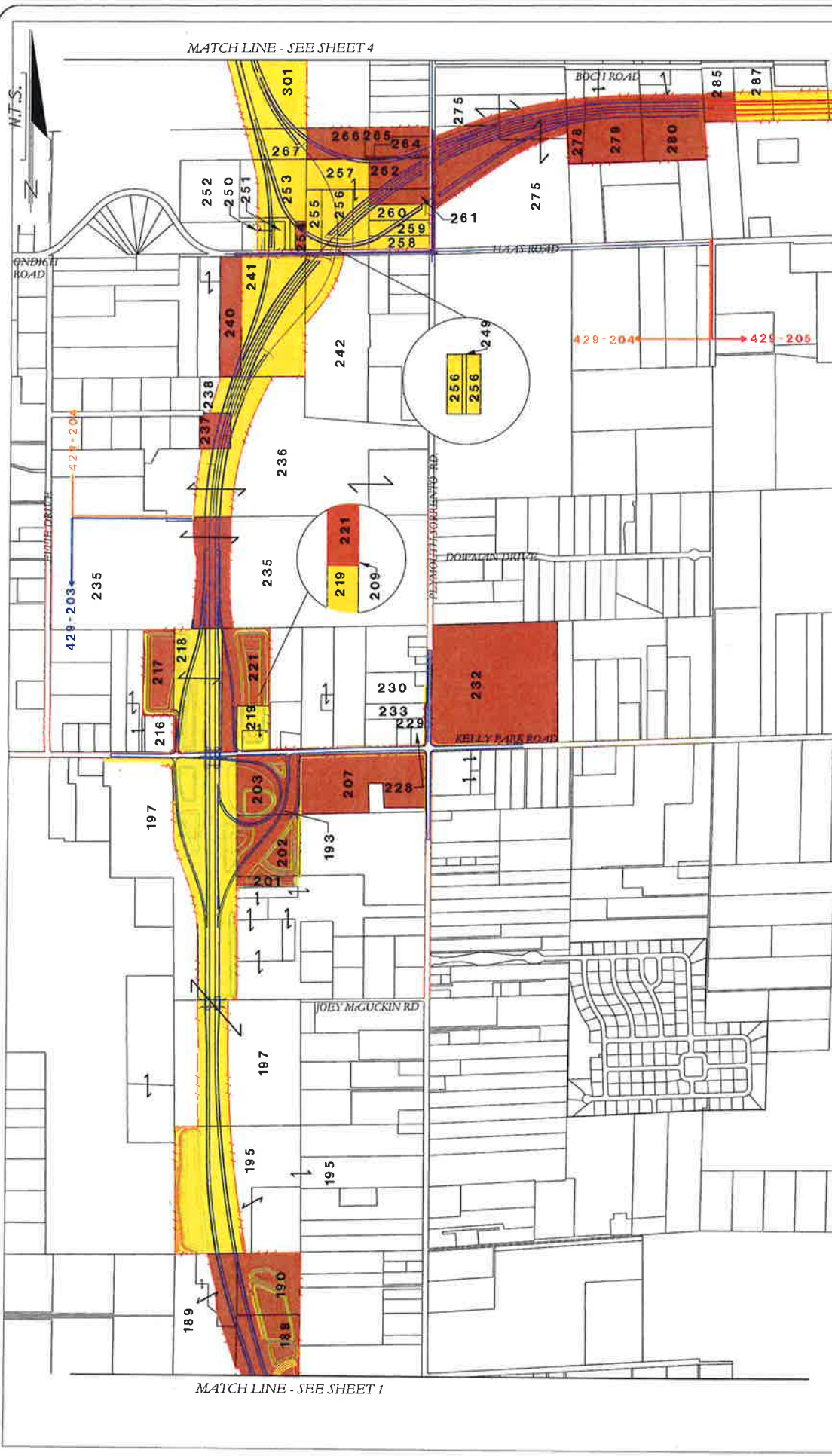
SUBJECT TO CHANGE

Legend

- ACQUIRED/COMPLETE
- ACQUIRED/PENDING LITIGATION
- ACQUIRED/PENDING FEES & COSTS

WEKIVA PARKWAY

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AUTHORITY



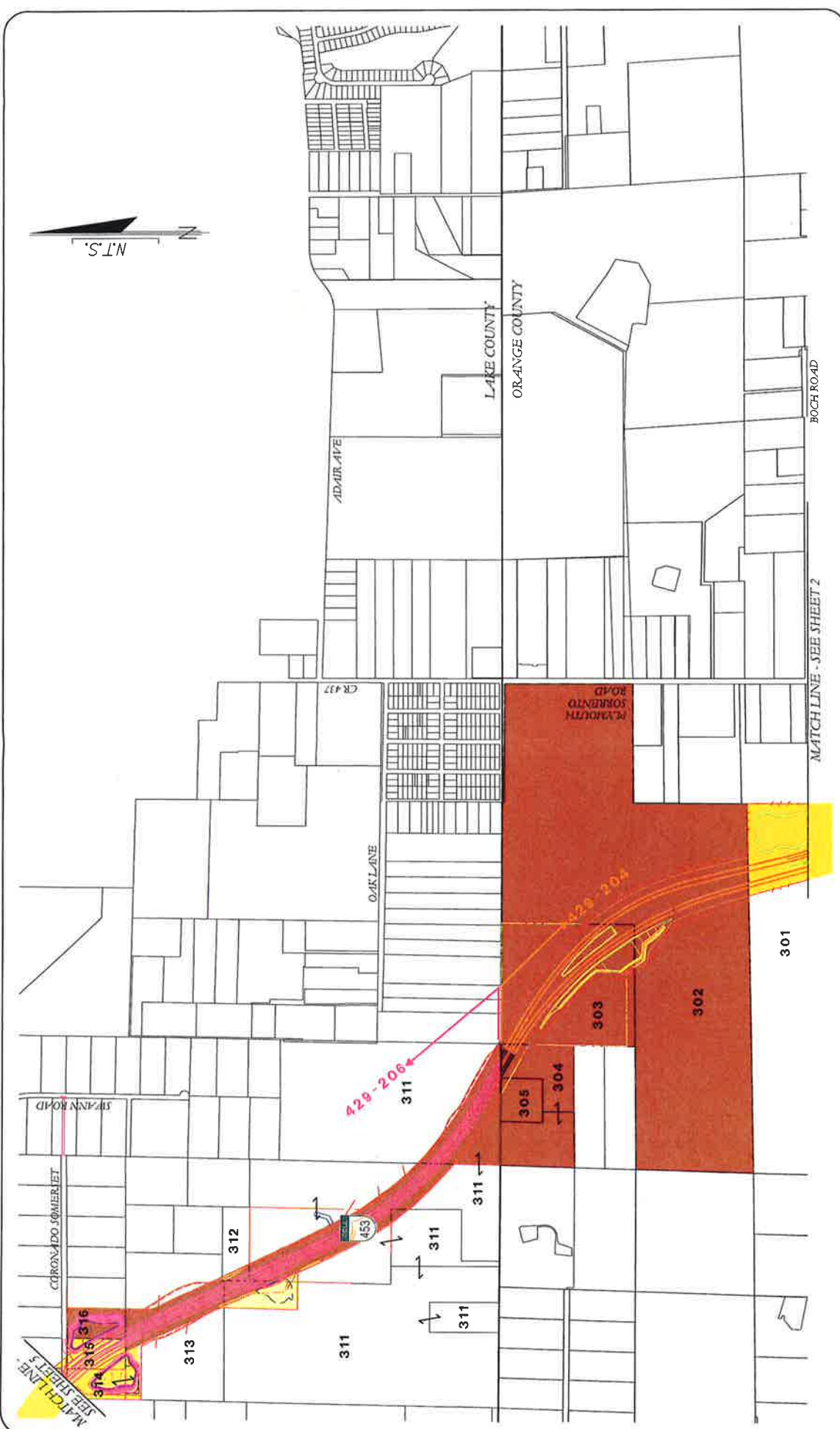


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