

CENTRAL FLORIDA EXPRESSWAY AUTHORITY

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

Committee Members Present:

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

Committee Members Not Present:

Christopher Murvin, Citizen Representative

CFX Staff Present at Dais:

Joseph L. Passiatore, General Counsel
Laura Kelley, Executive Director
Linda S. Brehmer Lanosa, Deputy 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.

Item 3: APPROVAL OF MINUTES

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

Vote: The motion carried unanimously with six members present and voting AYE by voice vote, Mr. Murvin was not present.

**Item 4: S.R. 414 (CFX) MAITLAND BOULEVARD EXTENSION PROJECT / PHASE 2
(PROJECT 429-200) PARCEL 229A - PART A**

Ms. Keeter with Atkins stated that this matter was before the Committee at the July Committee meeting. The City of Apopka has requested that roundabouts be constructed along Marden Road at each ramp. This would necessitate both Emerson and CFX conveying small parcels of right-of-way to the City of Apopka.

The CFX General Engineering Consultant, Atkins has reviewed the plans to the extent necessary to determine the right-of-way requirements as well as the legal descriptions and has opined that conveyance of the roundabout property to the City, retaining the right to re-acquire the property and a first right of refusal (at no cost) should the property cease to be used as public right-of-way, will not detrimentally affect the Expressway System.

Ms. Botts commented on first right of refusal versus a reverter clause. She is in favor of a reverter clause as this would ensure the property would come back to CFX in the event the improvements were never built or no longer used for the intended purpose. She suggested that the reverter clause contain a timeframe of 2 to 3 years to ensure they have plenty of time for construction.

Mr. Passiatore opined that CFX is adequately protected with the language currently in the agreement. He pointed out possible reasons why CFX may not want to take the property back in the future without first reviewing the condition of the property.

As proposed by Mr. Passiatore as an additional safeguard, the Mayor of Apopka stipulated for the record that in the event the parcel being donated by CFX is not used by the City of Apopka for the purpose stated in the agreement, the City of Apopka will abide by the deed and provide CFX with written notice, so that CFX can exercise the Right of First Refusal.

Mr. Dedekind suggested that the documents be held in escrow until the project has been built.

Action: A motion was made by Ms. Caswell and seconded by Mr. Raymond to recommend to the Board approval of the acceptance of the Special Warranty deed and conveyance of the Quitclaim deed to the City of Apopka.

Vote: The motion carried unanimously with six members present and voting AYE by voice vote, Mr. Murvin was not present.

Item 5: S.R. 453 (CSX) WEKIVA PARKWAY PROJECT (PROJECT 429-206) PARCELS 827/727

Ms. Brehmer Lanosa described the subject property located in Lake County. CFX is acquiring two parcels from CSX Transportation. Parcel 827 is an irregularly shaped, non-exclusive permanent easement to

construct and maintain support columns for the overhead roadway, excluding the right to cross the railroad tracks at grade. Parcel 827 is 0.649 acres and extends across the 100-foot width of the parent tract. Michael A. McElveen, MAI, CCIM, appraised the property on behalf of CFX. Mr. McElveen estimated the total value of Parcel 827 and 727 at \$28,300.

CFX and CSX Transportation's tenant, the Florida Central Railroad Company, previously entered into an agreement to pay flagging fees and costs arising out of the acquisition of parcels 827 and 727.

After the claim by the tenant was resolved, Ms. Keeter from Atkins was able to negotiate a resolution with the owner of the property, CSX Transportation, for the additional sum of \$1,180, which sum includes the payment of attorney's fees, expert fees, and costs, for a total of \$29,480 as full compensation for the taking of Parcels 827 and 727.

Action: A motion was made by Ms. Botts and seconded by Mr. Raymond to recommend to the Board approval of the proposed Joint Motion for Stipulated Final Judgment in the amount of \$29,480, resolving all claims for compensation for the taking of Parcels 827 and 727, 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.

Vote: The motion carried unanimously with six members present and voting AYE by voice vote, Mr. Murvin was not present.

Item 6: COMMITTEE CHAIR ANNUAL ROTATION

Mr. Minkoff announced that according to the Right of Way Committee Charter, Orange County representative, Ann Caswell will serve as chairman beginning next month.

Mr. Minkoff stated that the Right of Way Committee Charter requires the Right of Way Committee Chairman to attend the monthly Board meetings. However, he has confirmed with the Board Chairman, Mr. Cadwell that the Right of Way Committee Chairman does not have to attend the Board meetings unless there was a specific item requiring further clarification. He suggested contacting Mr. Cadwell to confirm.

Item 7: OTHER BUSINESS

By consensus the Committee agreed that due to the holidays, the November meeting will be incorporated with the December meeting and held in the early part of December.

Mr. Raymond thanked Mr. Minkoff for his outstanding service as Chairman.

Item 8: ADJOURNMENT

Chairman Minkoff adjourned the meeting at approximately 2:23 p.m.

Minutes approved on September 28, 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.