

# CENTRAL FLORIDA EXPRESSWAY AUTHORITY

MINUTES  
CENTRAL FLORIDA EXPRESSWAY AUTHORITY  
Right of Way Committee Meeting  
December 1, 2016  
Location: Pelican Conference Room

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Committee Members Present:

Bob Babcock, Orange County Representative Alternate, Committee Chairman  
Sandy Minkoff, Lake County Representative  
Laurie Botts, City of Orlando Representative  
Frank Raymond, Osceola County Representative  
Christopher Murvin, Citizen Representative  
Neil Newton, Seminole County Representative

Committee Member Not Present:

Brendon Dedekind, 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 10:00 a.m. by Chairman Babcock.

**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 October 26, 2016 Right of Way Committee meeting minutes as presented.

**Vote:** The motion carried unanimously with six (6) members present and voting AYE by voice vote. Mr. Dedekind was not present.

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

Ms. Keeter requested the Committee's recommendation for Board approval for the acceptance of the Special Warranty Deed from Emerson Point Phase II, LLC to CFX. Ms. Keeter reminded the Committee of the specifics of the Marden Road Interchange Agreement which provided for the construction of a half diamond interchange to and from the east on S.R. 414 at Marden Road.

The Developer has acquired additional land adjacent to S.R. 414 and would like to donate a portion to CFX.

**Action: A motion was made by Mr. Minkoff and seconded by Mr. Murvin to recommend to the Board approval for acceptance of the Special Warranty Deed from Emerson Point Phase II, LLC to CFX.**

**Vote: The motion carried unanimously with six (6) members present and voting AYE by voice vote. Mr. Dedekind was not present.**

**Item 5: S.R. 429 (MORRIS) WEKIVA PARKWAY PROJECT (PROJECT 429-205) PARCELS 287 AND 887**

Mr. Shontz presented this item on behalf of Mr. Calloway. He is requesting the Committee's recommendation for Board approval for service of an Offer of Judgment to Kenneth W. Morris and Harvey Lee Morris (the "Owners") for Parcels 287 and 887 in the amount of \$1,442,000.

CFX retained the appraisal services of Christopher D. Starkey and Marti Matonis Hornell of Integra Realty Resources. They estimated the total value of the taking at \$1,030,000 for Parcel 287 and \$3,060 for Parcel 887 for a total of \$1,033,060.

The Owners have not, to date, completed or disclosed any expert reports concerning their opinion on the compensation. The Owners have requested and received court ordered continuances of the previously set trial dates. This case is currently set on the November 20, 2017 trial docket.

The Committee asked questions regarding the location and size of the parcel, and the location of the road. These questions were answered by Mr. Shontz.

Ms. Brehmer Lanosa provided the Committee with the "Status of Recent Offers of Judgment Table," attached as Exhibit "A." The Table lists the Parcels Numbers, the Offer of Judgment amounts and replies received from the property Owners for each Parcel. The Offer of Judgment for Item 1, Parcel 168 on the Table was accepted last night.

Discussion ensued regarding the difference in amounts between the appraisal and the Offer of Judgment.

**Action:** A motion was made by Ms. Botts and seconded by Mr. Murvin to recommend to the Board approval of the Offer of Judgment in the amount of \$1,442,000, plus statutory attorney's fees and experts' costs in full settlement of all claims for compensation in the acquisition of for Parcels 287 and 887.

**Vote:** The motion carried unanimously with six (6) members present and voting AYE by voice vote. Mr. Dedekind was not present.

**Item 6: S.R. 429 (HMF, LLC) WEKIVA PARKWAY PROJECT (PROJECT 429-204) PARCEL 301**

Ms. Brehmer Lanosa is requesting the Committee's recommendation for Board approval of a proposed mediated settlement agreement with HMF, LLC (the "Owners"). CFX's appraisal of the property was prepared by Chad G. Durrance, MAI. Mr. Durrance in his rebuttal report opined the total value for the land at \$628,700 and severance damages at \$100,000 for a total of \$728,700.

The Owners retained both Charles W. Haynes, Jr., GAA, and Richard C. Dreggors, GAA. Mr. Haynes opined the total value for the land taken and the severance damages at \$3,921,500. Mr. Dreggors opined the total value at of the land and severance damages at \$4,819,900. The biggest issue in this case involves severance damages.

The Committee asked questions, which were answered by Ms. Brehmer Lanosa.

Mr. Raymond explained that at Osceola County he is the supervisor of one of the experts hired by the Owners. He asked whether this created a conflict. Mr. Passiatore responded that the expert does not qualify as a business associate under the Statute and therefore it is not a conflict.

**Action:** A motion was made by Mr. Raymond and seconded by Mr. Minkoff to recommend to the Board approval of the mediated settlement agreement in the amount of \$1,845,000 to settle all pending claims for the taking of Parcel 301, including full compensation for the property, severance damages, business damages, tort damages, interest, attorney's fees, attorney's costs, expert fees, expert costs, and any other claim, with the exception of the cost of the deposition transcripts, subject to apportionment.

**Vote:** The motion carried unanimously with six (6) members present and voting AYE by voice vote. Mr. Dedekind was not present.

**Item 7: RIGHT OF WAY LEGAL COUNSEL – RENEWAL OF CONTRACTS**

Mr. Passiatore explained that the Winderweedle Haines, Ward & Woodman, P.A. (“Winderweedle”) and the Shutts & Bowen, LLP (“Shutts”) legal counsel contracts are due to expire on February 27, 2017. Staff is recommending a one year extension to the Shutts contract and a six (6) month extension to the Winderweedle contract, both with no additional funding. Shutts has 33 remaining parcels in litigation and Winderweedle has 8.

The Committee asked questions, which were answered by Mr. Passiatore.

**Action:** A motion was made by Ms. Botts and seconded by Mr. Murvin to recommend to the Board approval of a one year extension to the Shutts & Bowen, LLP Contract No. 000930 until February 28, 2018 and a six month extension to the Winderweedle, Haines, Ward & Woodman, P.A. Contract No. 000427 until August 31, 2017 both with no additional funds, to complete the remaining assigned parcels for the Wekiva Parkway project.

**Vote:** The motion carried unanimously with six (6) members present and voting AYE by voice vote. Mr. Dedekind was not present.

**Item 8: OTHER BUSINESS**

No other business was discussed.

**Item 9: ADJOURNMENT**

Chairman Babcock adjourned the meeting at approximately 10:40 a.m.

Minutes approved on January 26, 2017.

*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.*