

CENTRAL FLORIDA EXPRESSWAY AUTHORITY

MINUTES CENTRAL FLORIDA EXPRESSWAY AUTHORITY Right of Way Committee Meeting February 22, 2017 Location: CFX Boardroom

Committee Members Present:

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

Committee Members Not Present:

Brendon Dedekind, Citizen Representative
Sandy Minkoff, Lake County 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 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 January 25, 2017 Right of Way Committee meeting minutes as presented.

Vote: The motion carried unanimously with five (5) members present and voting AYE by voice vote. Mr. Dedekind and Mr. Minkoff were not present.

Item 4: S.R. 429 (NGUYEN AND HUYNH) WEKIVA PARKWAY PROJECT (PROJECT 429-204) PARCEL 255

Ms. Haylee O'Dowd with Winderweedle Haines Ward & Woodman, P.A., represents CFX as Right of Way Legal Counsel. She is requesting the Committee's recommendation for Board approval of the proposed settlement with Khoi Nguyen and Thuynhan Huynh (the "Owners").

Parcel 255 involves the total taking of a 2.435 acre piece of property. The Owners purchased the property in 2005 for \$269,900. The property has been abandoned, and Nationstar Mortgage Company holds an outstanding mortgage with a payoff amount of \$259,542.59. In addition, Orange County has a special assessment lien in the amount of \$2,892.43. The total amount of the outstanding obligations for the parcel is \$262,435.02.

CFX's appraisal of the property was prepared by David Hall of Bullard, Hall & Adams, Inc. Mr. Hall estimated the value of the taking of Parcel 255 at \$236,600 (\$95,000 for the land taken and \$141,600 for the improvements).

The Owners are represented by Kent Hipp of Gray Robinson, P.A. The Owners retained the appraisal services of Rick Dreggors with Calhoun, Dreggors & Associates, Inc. Although an appraisal has not been completed, the Owners have submitted the preliminary analysis of Mr. Dreggors. The Owners are seeking \$330,350 as total compensation (\$121,750 for the land and \$208,600 improvement value) plus attorney's fees and expert fees.

The parties reached a proposed settlement in the amount of \$310,000 (\$280,000 compensation to the Owner, \$24,000 attorneys' fees and \$6,000 expert fees).

Action: A motion was made by Mr. Murvin and seconded by Mr. Raymond to recommend to the Board approval of the proposed settlement in the amount of \$310,000 in full settlement of all pending matters related to the taking of Parcel 255, including full compensation for the property, attorney's fees and expert fees and costs.

Vote: The motion carried unanimously with five (5) members present and voting AYE by voice vote. Mr. Dedekind and Mr. Minkoff were not present.

Item 5: S.R. 429 (MERRILL AND S&L NURSERIES) WEKIVA PARKWAY PROJECT (PROJECT 429-202) PARCEL 158 PARTS A & B

Ms. Haylee O'Dowd is requesting the Committee's recommendation for Board approval of the proposed settlement with Clifton and Shirley Merrill (the "Owners").

Parcel 158 involves the total taking of 2.558 acres. The Owners purchased the property in 1977, and built and operated a nursery. They rented the single-family home for \$7,200 per year, until the tenant vacated the premises in 2012.

CFX's appraisal of the property was prepared by Chad Durrance with Durrance and Associates. Mr. Durrance opined the value of the taking of Parcel 158 at \$435,000 (\$70,500 for the land taken, \$244,700 for the improvements and \$119,800 for the immovable equipment).

The Owners are represented by Kent Hipp of Gray Robinson, P.A. The Owners retained the appraisal services of Rick Dreggors with Calhoun, Dreggors & Associates, Inc. The Owners have submitted a claim for Special Damages resulting from lost plant inventory suffered as a result of the taking. Mr. Dreggors opined the total compensation for the taking at \$886,900 (\$128,000 for the land, \$558,100 for improvement value, \$130,800 for the immovable equipment and \$70,000 special damages/plant inventory).

This case is set for the July 3, 2017 trial docket. During the mediation on February 2, 2017 the parties reached a settlement in the amount of \$772,250, consisting of \$650,000 compensation to the Owners, subject to apportionment claims, and \$122,250 for attorneys' fees and attorney's costs, and expert fees and expert costs.

Action: A motion was made by Mr. Murvin and seconded by Ms. Botts to recommend to the Board approval of the proposed settlement agreement in the amount of \$772,250.00 in full settlement of all pending claims by Shirley Merrill's and S & L Nursery's interest in this case, including attorney's fees and attorney's costs, and expert fees and expert costs and supplemental attorney's fees and costs related to apportionment.

Vote: The motion carried unanimously with five (5) members present and voting AYE by voice vote. Mr. Dedekind and Mr. Minkoff were not present.

Item 6: S.R. 429 (SIMMONS) WEKIVA PARKWAY PROJECT (PROJECT 429-203) PARCEL 168

Ms. Brehmer Lanosa presented this item for Ms. Driscoll from Shutts and Bowen, P.A. Ms. Brehmer Lanosa is requesting the Committee's recommendation for Board approval of a negotiated settlement agreement with Dennis R. Klepzig and Joann Klepzig, husband and wife, Ellen Christine Potts n/k/a Ellen Christine Klepzig Potts, James Roger Klepzig and Jill Lynette Klepzig n/k/a Jill Lynette Klepzig-Fox (the "Klepzig's"), for the acquisition of their Ingress/Egress Easement held over a portion of Parcel 168. The parent tract was owned by Phillip M. Simmons.

Harold Lassman, of the Maguire Lassman Firm is the attorney for the Klepzig's. The Klepzig's asserted a claim for the value of their easement and on October 3, 2014 served CFX with an Offer of Judgment in the amount of \$10,000. The Offer was rejected by CFX. Following the owner's (Simmons) acceptance of

CFX's Offer of Judgment, the Klepzigs asserted that they had an apportionment claim against the proceeds deposited for the property.

The parties have reached an agreement in the amount of \$2,500.00 which represents \$100.00 for the easement, \$1,400 as full payment for the attorney's fees and attorney's costs, and \$1,000 for expert fees and expert costs.

The Committee asked questions, which were answered by Ms. Keeter from Dewberry and Ms. Lanosa.

Action: A motion was made by Mr. Raymond and seconded by Mr. Newton to recommend to the Board approval of the proposed settlement agreement in the amount of \$2,500.00, in full settlement of all compensation for all claims asserted by Klepzig including attorney's fees and attorney's costs and expert fees and expert costs for the taking of Parcel 186.

Vote: The motion carried unanimously with five (5) members present and voting AYE by voice vote. Mr. Dedekind and Mr. Minkoff were not present.

Item 7: S.R. 429 (ORANGE COUNTY FLORIDA) WEKIVA PARKWAY PROJECT (PROJECT 429-202)
PARCEL 135

Mr. Babcock asked if he should exclude himself from voting on this matter as an Orange County Employee. Ms. Brehmer Lanosa explained that since he has no personal interest in this matter and will not personally benefit, there was no conflict of interest and therefore he was able to vote on this item.

Ms. Brehmer Lanosa explained to the Committee that Parcel 135 is an 8.334 acre taking from a 27.391 acre parent tract that Orange County acquired in 1964 and formally used as a clay pit. The taking bisects the property. The east and west remainders are 8.772 and 10.285 acres. Ms. Brehmer Lanosa displayed the tax map, aerials and photographs of the property in a PowerPoint Presentation.

CFX's appraisal of the property was prepared by Walter Carpenter with Pinel & Carpenter. Mr. Carpenter estimated the value of the taking of Parcel 135 at \$125,000 (\$100,000 for the land taken and \$25,000 for severance damages).

After reviewing the appraisal report and the access, Orange County staff offered to settle this matter for the all-inclusive amount of \$205,000 (\$166,680 for the land taken and \$38,114 for severance damages).

Action: A motion was made by Ms. Botts and seconded by Mr. Newton to recommend to the Board approval of the proposed settlement agreement in the amount of \$205,000, resolving all claims for compensation including severance damages, interest, attorney's fees and attorney's costs, expert fees, and expert costs.

Vote: The motion carried unanimously with five (5) members present and voting AYE by voice vote. Mr. Dedekind and Mr. Minkoff were not present.

Item 8: OTHER BUSINESS

No other business was discussed.

Item 9: ADJOURNMENT

Chairman Babcock adjourned the meeting at approximately 2:30 p.m.

Minutes approved on April 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 or 4974 ORL Tower Road, Orlando, FL 32807.