

CENTRAL FLORIDA EXPRESSWAY AUTHORITY

MINUTES CENTRAL FLORIDA EXPRESSWAY AUTHORITY Right of Way Committee Meeting August 16, 2017

Location: CFX Headquarters Boardroom
4974 ORL Tower Road
Orlando, Florida 32807

Committee Members Present:

Bob Babcock, Orange County Representative Alternate, Committee Chairman
Laurie Botts, City of Orlando Representative
Frank Raymond, Osceola County Representative
Neal Newton, Seminole County Representative Alternate
Christopher Murvin, Citizen Representative
Brendon Dedekind, Citizen Representative
Brian Sheahan, 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. Sheahan and seconded by Mr. Raymond to approve the June 28, 2017 Right of Way Committee meeting minutes as presented.

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

Item 4: S.R. 453 (HILLS OF FLORIDA, LLC) WEKIVA PARKWAY PROJECT (PROJECT 429-206) PARCEL 336

Mr. Shontz with Shutts & Bowen, P.A., is requesting the Committee's recommendation for Board approval of a proposed settlement agreement with Hill's of Florida, LLC (the "Owner").

The parent tract consists of 11.087 acres of vacant industrial land, with a remainder of 10.892 acres. CFX's appraisal of the property was prepared by Richard K. MacMillan of The Appraisal Group of Central Florida, Inc. Mr. MacMillan opined the value of the taking of Parcels 336 at \$9,800 with no damages as a result of the taking and no cost to cure for the vacant property.

The Owner was not represented by counsel. After discussions, a settlement was reached in the total of \$14,800, with no attorneys' fees and costs and no experts' fees and costs. Shutts & Bowen will assist the Owner in withdrawing the funds for the court registry.

Action: A motion was made by Ms. Botts and seconded by Mr. Murvin to recommend to the Board approval of the Proposed Settlement Agreement in the amount of \$9,800.00 in settlement of all claims for compensation in the acquisition of Parcel 336.

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

Item 5: S.R. 453 (BRACELAND) WEKIVA PARKWAY PROJECT (PROJECT 429-206) PARCELS 313

Mr. Shontz is requesting the Committee's recommendation for Board approval of the proposed mediated settlement agreement with Deborah Day Braceland (the "Owners").

Prior to the acquisition of Parcel 313, access to Coronado-Somerset Drive was provided at the northwest corner of the property by virtue of a 50-foot wide access easement. Parcel 313 is a fee simple partial taking consisting of 10.956 acres from the parent tract of 38.904 acres. Parcel 313 effectively bisects the property leaving 2 non-contiguous tracts which are irregular in shape. The west remainder tract contains 16.747 acres and retains its access to Coronado-Somerset Drive via the pre-existing 50-foot access easement. Access will be provided to Coronado-Somerset Drive via a 50-foot right of way easement (Parcel 316 Part B) at the northeast corner of the property. While CFX acquired Parcel 316 Part B to provide legal access to the subject east remainder, the construction plans reveal that the access easement will not be improved with a road as part of the Project. Accordingly, it will be incumbent upon the developer of the property to pay for the cost of constructing the access road.

CFX retained the appraisal services of Walter Carpenter of Pinel & Carpenter, Inc. Mr. Carpenter opined the value of compensation at \$219,120.00 and \$60,810 in damages, for a total compensation for Parcel 313 of \$279,930.00.

The Owners retained the appraisal services of Rick Dreggors with Calhoun, Dreggors & Associates, Inc. Mr. Dreggors estimated the total value of the taking at \$1,430,900.00 (\$480,400 land value, \$502,400 in severance damages to the west remainder, and \$448,100 severance damages to east remainder).

The parties reached a proposed all-inclusive settlement in the amount of \$770,000.00.

Action: A motion was made by Mr. Dedekind and seconded by Ms. Murvin to recommend to the Board approval of the proposed all-inclusive mediated settlement agreement in the amount of \$770,000 for full compensation for Parcel 313, including severance 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 seven members present and voting AYE by voice vote.

Item 6: S.R. 429 (DUKE ENERGY FLORIDA, LLC) WEKIVA PARKWAY PROJECT (PROJECT 429-205) PARCELS 287/887, 288, 289 (PARTS A & B), 889 (PARTS A & B), 890 AND 292

Mr. Shontz is requesting the Committee's recommendation for Board approval of the proposed Subordination of Easements Agreement between CFX and Duke Energy Florida ("Duke Energy"). Duke Energy currently holds perpetual easements for the transmission and distribution of electricity encumbering Parcels 287/887, 288, 289 (Parts A & B), 889 (Parts A & B), 890 and 292 in Section 429-205 of the Wekiva Parkway.

Duke Energy will be able to re-establish the distribution lines on these parcels to provide service to the remaining improvements.

Action: A motion was made by Ms. Botts and seconded by Mr. Dedekind to recommend to the Board approval of the proposed Subordination of Easements Agreement as to Parcels 287/887, 288, 289 (Parts A & B), 889 (Parts A & B), 890 and 292, Section 429-205 of the Wekiva Parkway Project.

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

Item 7: S.R. 429 (CARTER) WEKIVA PARKWAY PROJECT (PROJECT 429-204) PARCEL 252

Ms. Brehmer Lanosa is presenting this item for Suzanne Driscoll of Shutts & Bowen, CFX's outside Legal Counsel. She is requesting the Committee's recommendation for Board approval of a proposed settlement for outstanding experts' fees and costs incurred by the Respondent. CFX served an Offer of Judgment in the amount of \$338,150 in May 2017. The Respondent accepted the Offer of Judgment.

Detailed invoices of the services rendered by each of the Respondents' experts and the experts' files were received and reviewed. After negotiations, the parties reached a proposed settlement in the amount of \$56,202.47.

Action: A motion was made by Mr. Raymond and seconded by Mr. Murvin to recommend to the Board approval of the proposed settlement in the amount of \$56,202.47, in full settlement of all expert fees and costs incurred by Respondents for Parcel 252.

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

Item 8: PROPOSED UPDATE TO CFX'S PROPERTY ACQUISITION & DISPOSITION PROCEDURES MANUAL

Ms. Brehmer Lanosa is requesting the Committee's recommendation for Board approval of the proposed Resolution adopting the proposed amendments to CFX's Property Acquisition & Disposition Procedures Manual. The amendments include a change of the title of the manual to "CFX's Property Acquisition, Disposition & Permitting Manual."

The amendments reflect additional policies and procedures to address requests from utility agencies or owners for utility crossings and requests for temporary access through the addition of Parts 8 and 9.

The proposed Part 8 outlines a policy and process for handling requests from utility agencies or owners for perpendicular crossings.

The proposed Part 9 relates to requests for temporary entry or access to CFX's property for purposes that relate to or further CFX's mission.

Ms. Lanosa explained the particulars of Parts 8 and 9 to be added to the manual.

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

Action: A motion was made by Mr. Murvin and seconded by Ms. Botts to recommend to the Board approval of the proposed Resolution adopting the proposed amendments to CFX's Property Acquisition & Disposition Procedures Manual including a change of the title to "CFX's Property Acquisition, Disposition & Permitting Manual."

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

Item 9: COMMITTEE CHAIR ANNUAL ROTATION

Mr. Passiatore explained that per the Right of Way Committee Charter the Chairman will serve on an annual rotating basis. According to the order established in the Charter, Laurie Botts the City of Orlando representative will serve as Chairman beginning in September 2017.

This item was presented for informational purposes. No action was taken.

Item 10: OTHER BUSINESS

Mr. Passiatore introduced the newly appointed Lake County representative, Mr. Brian Sheahan.

Item 11: ADJOURNMENT

Chairman Babcock adjourned the meeting at approximately 2:40 p.m.

Minutes approved on September 5, 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.