

# CENTRAL FLORIDA EXPRESSWAY AUTHORITY

## MINUTES CENTRAL FLORIDA EXPRESSWAY AUTHORITY Right of Way Committee Meeting September 5, 2017

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

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### Committee Members Present:

Laurie Botts, City of Orlando Representative, Committee Chairman  
Paul Sladek, Orange County Representative  
Frank Raymond, Osceola County Representative  
Jean Jreij, Seminole County Representative  
Christopher Murvin, Citizen Representative

### Committee Members Not Present:

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, Recording Secretary

### Item 1: CALL TO ORDER

The meeting was called to order at 9:30 a.m. by Chairman Botts.

### Item 2: PUBLIC COMMENT

There was no public comment.

### Item 3: APPROVAL OF MINUTES

Action: A motion was made by Mr. Murvin and seconded by Mr. Raymond to approve the August 16, 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. Sheahan were not present.

**Item 4: S.R. 453 (BENNETT) WEKIVA PARKWAY PROJECT (PROJECT 429-204) PARCEL 260**

Ms. Brehmer Lanosa is presenting this item on behalf of Ms. Driscoll. She is requesting the Committee's recommendation for Board approval of a proposed mediated settlement agreement with Williams S. Bennett and Peggy H. Bennett (the "Owners").

CFX's appraisal of the property was prepared by Chad Durrance of Durrance & Associates. Mr. Durrance opined the value of the taking of Parcel 260 at \$325,000 (\$67,000 for the land, \$258,000 for improvements).

Thomas Callan, counsel for the Owners, retained Richard Dreggors of Calhoun, Dreggors & Associates, Inc. Mr. Dreggors provided a preliminary valuation estimate for the taking of \$620,000.

The case was successfully mediated on August 24, 2017. The parties reached a proposed settlement in the amount of \$485,000, plus \$52,800 for statutory attorney's fees and \$7,500 for expert fees and costs for a total of \$545,300 in full compensation for Parcel 260.

**Action:** A motion was made by Mr. Raymond and seconded by Mr. Jreij to recommend to the Board approval of the Proposed Settlement Agreement in the amount of \$545,300 in full settlement of all claims for compensation in the acquisition of Parcel 260.

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

**Item 5: S.R. 453 (RAMLEE HOLDINGS LIMITED PARTNERSHIP) WEKIVA PARKWAY PROJECT (PROJECT 429-206) PARCEL 330 PARTS A, B AND C; PARCEL 730, AND PARCEL 731A AND 731B**

Mr. Shontz is requesting the Committee's recommendation for Board approval of the proposed mediated settlement agreement with Ramlee Holdings Limited Partnership (the "Owner").

CFX retained the appraisal services of Walter Carpenter of Pinel & Carpenter, Inc. Mr. Carpenter opined the value of compensation at \$2,513,201.

Joel Roberts, counsel for the Owner, retained the appraisal services of Rick Dreggors with Calhoun, Dreggors & Associates, Inc. Mr. Dreggors estimated the total value of the taking at \$4,795,455.60 for the land and damages to the remainder.

The parties reached a proposed all-inclusive settlement in the amount of \$3,558,647.75.

**Action:** A motion was made by Mr. Raymond and seconded by Mr. Jreij to recommend to the Board approval of the proposed settlement agreement in the amount of \$3,558,647.75 for full compensation for Parcel 330, Parts A, B and C; Parcel 730; and Parcels 731A and 731B, including all attorneys' fees and costs and experts' fees and costs.

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

**Item 6: S.R. 429 (PROJECT ORLANDO AND PSP/MRC DEBT PORTFOLIO S-1, L.P.) WEKIVA PARKWAY PROJECT (PROJECTS 429-203 AND 429-204) PARCELS 197/897, 230, 257 AND 267**

Jay Small, Esquire of Mateer Harbert, P.A. is recommending and requesting the Committee's recommendation for Board approval of the proposed all-inclusive settlement agreement with Project Orlando, LLC (Respondent) and PSP/MRC Debt Portfolio S-1, L.P. (mortgage holder).

Trial on Parcels 197/897 is scheduled for September 2017. The Court has deferred trial regarding Parcels 230, 257 and 267 pending resolution of the valuation trial regarding Parcels 197/897.

Mr. Small detailed the history of the Parcels. The Mortgage Holder intends to assert a claim against all of the funds deposited. In the Stipulated Final Judgment, the Respondents release CFX from any and all claims. This is a global all-encompassing settlement of all 5 parcels.

The following table summarizes CFX's and the Respondent's appraisers' value of compensation, and Settlement Offer:

	CFX's Appraised Value – Carpenter	Owner's Appraised Value (Cantrell) or Demand	Settlement Offer
Parcels 197/897 (43.8 ac)	\$11,730,000	\$31,145,340	\$18,708,781
Parcel 230 (4.396 ac)	\$19,600	\$88,236	\$53,918
Parcels 257/267 (12.03 ac)	\$484,900	\$1,589,705	\$1,037,301
<b>Subtotal - Appraised Values</b>	<b>\$12,234,500</b>	<b>\$32,823,281</b>	<b>\$19,800,000</b>
Statutory Attorneys' Fees			
• Parcels 197/897		\$3,953,068	\$1,465,756
• Parcel 230		\$22,650	\$11,324.94

• Parcels 257/267		\$271,551	\$133,450.25
Subtotal – Attorneys’ Fees		\$4,247,269	\$1,610,531.39
Owner’s Expert Fees		\$634,817.41	\$545,282.58
Lender’s Trust Account			\$239,534.88
Total		\$37,705,367+	\$22,195,348.85

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

**Action:** A motion was made by Mr. Sladek and seconded by Mr. Murvin to recommend to the Board approval of an all-inclusive settlement in the amount of \$22,195,348.85 and authorization to execute the all-inclusive Stipulated Final Judgment.

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

**Item 7: OTHER BUSINESS**

This Right of Way Committee meeting replaces the September 27, 2017 meeting. The next meeting is scheduled for October 25, 2017.

**Item 8: ADJOURNMENT**

Chairman Botts adjourned the meeting at approximately 10:19 a.m.

Minutes approved on 10/25/2017.

*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.*