

# CENTRAL FLORIDA EXPRESSWAY AUTHORITY

MINUTES  
CENTRAL FLORIDA EXPRESSWAY AUTHORITY  
Right of Way Committee Meeting  
October 25, 2017

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

---

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  
Brendon Dedekind, Citizen Representative  
Brian Sheahan, Lake County Representative

CFX Staff Present at Dais:

Joseph L. Passiatore, General Counsel  
Lisa Lumbar, Chief Financial Officer  
Linda S. Brehmer Lanosa, Deputy General Counsel  
Mala Iley, Recording Secretary

**Item 1: CALL TO ORDER**

The meeting was called to order at 2:01 p.m. by Chairman Botts.

**Item 2: PUBLIC COMMENT**

Ms. Tucker Mackie and Mr. Don McIntosh from Boggy Creek Improvement District, submitted public comment cards on items 11 and 12. Public comments were delayed and addressed during item 11: S.R. 417 – Declaration of CFX Surplus Parcel.

**Item 3: APPROVAL OF MINUTES**

**Action:** A motion was made by Mr. Raymond and seconded by Mr. Murvin to approve the September 5, 2017 Right of Way Committee meeting minutes as presented.

**Vote:** The motion carried unanimously with seven (7) members present and voting AYE by voice vote.

Item 4: **S.R. 429 (SUMMER LAKE-GRACE GROVES) WEKIVA PARKWAY PROJECT  
(PROJECT 429-206) PARCEL 311/811**

Mr. David Shontz, Esquire, of Shutts & Bowen is requesting the Committee's recommendation for Board approval to serve an offer of judgment to the owners of Summer Lake-Grace Groves, a Florida general partnership, in the amount of \$1,805,000.00. Mr. Shontz detailed the history of the Parcels.

CFX retained the appraisal services of Walter Carpenter of Pinel & Carpenter, Inc., who estimated full compensation at \$825,750.00, based upon \$20,000.00 per acre for residential and \$15,455.00 per acre for office.

Raymer F. Maguire, III, represents the owners. Mr. Maguire retained Gary Pendergast to provide an appraisal report on the behalf of Summer Lake-Grace Groves. Mr. Pendergast opined the value of the property is \$3,238,900.00 based upon \$26,000.00 per acre.

The remaining difference in the appraisal opinions of \$2,103,250.00 is severance damages directly attributable to the property owner's claim of condemnation blight. Discussion ensued.

**Action:** A motion was made by Mr. Sheahan and seconded by Mr. Murvin to recommend to the Board approval to serve an Offer of Judgment in the amount of \$1,805,000.00, plus statutory attorney's fee and experts cost in full settlement of all claims for compensation in the acquisition of parcel 311/811, subject to apportionment, if any.

**Vote:** The motion carried unanimously with seven (7) members present and voting AYE by voice vote.

Item 5: **S.R. 429 (SOLID, LLC) WEKIVA PARKWAY PROJECT (PROJECT 429-206)  
PARCEL 328**

Mr. Shontz is requesting the Committee's recommendation for Board approval of the Proposed Offer of Judgment in full settlement of Parcel 328 which is a whole take.

CFX retained the appraisal services of Walter Carpenter of Pinel & Carpenter, Inc. Mr. Carpenter estimated full compensation at \$367,000.00.

Raymer Maguire, III, counsel for the owner's property, retained the appraisal services of Mr. Dreggors with Calhoun, Dreggors & Associates, Inc. Mr. Dreggors' total valuation of the subject property is \$922,900.00.

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

**Action:** A motion was made by Mr. Sheahan and seconded by Mr. Murvin to recommend to the Board approval to serve an Offer of Judgment in the amount of \$618,000.00, plus statutory attorney's fee and experts cost, in full settlement of all claims for compensation in the acquisition of Parcel 328, subject to apportionment, if any.

**Vote:** The motion carried unanimously with seven (7) members present and voting AYE by voice vote.

**Item 6: S.R. 429 (PINEL & CARPENTER, INC.) WEKIVA PARKWAY PROJECT (PROJECTS 429-203, 429-204, 429-205, and 429-206)**

Mr. Shontz, is recommending and requesting the Committee's recommendation for Board approval for an addendum to the second agreement for appraisal services by Pinel & Carpenter, Inc., to perform appraisal services for the Wekiva Parkway Project Numbers 429-203, 429-204, 429-205, and 429-206. This addendum will allow Mr. Carpenter to continue to provide appraisal services and litigation and trial support services, including testifying at trial for four parcels.

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

**Action:** A motion was made by Mr. Murvin and seconded by Mr. Jreij to recommend to the Board approval of the Addendum to the Second agreement for Appraisal Service by Pinel Carpenter in the amount of \$100,000.00.

**Vote:** The motion carried unanimously with seven (7) members present and voting AYE by voice vote.

**Item 7: 429 (LANDON, MOREE & ASSOCIATES, INC.) WEKIVA PARKWAY PROJECT (Projects 429-203, 429-204, 429-205, and 429-206)**

Mr. Shontz, is recommending and requesting the Committee's recommendation for Board approval of a proposed Addendum to the Second Agreement for Engineering Expert Witness Consulting Services by Landon, Moree & Associates, Inc. "(LMA)" to perform engineering expert consulting services. This will allow LMA to continue to provide engineering services and litigation and trial support services, including testifying at trial for approximately one parcel. He is requesting an additional \$50,000.00.

The Committee asked questions, which were answered By Mr. Shontz.

**Action:** A motion was made by Mr. Raymond and seconded by Mr. Jreij to recommend to the Board approval of the Addendum to the Second Agreement for Engineering Expert Consulting Services by Landon, Moree & Associates in the amount of \$50,000.00.

Vote: The motion carried unanimously with seven (7) members present and voting AYE by voice vote.

Item 8: **S.R. 429 (CONSORTIUM APPRAISAL, INC.) WEKIVA PARKWAY PROJECT (Projects 429-203, 429-204, 429-205, and 429-206)**

Mr. Shontz, is recommending and requesting the Committee's recommendation for Board approval of a Second Agreement for Appraisal Review Services by Consortium Appraisal, Inc. This will allow Consortium to continue to provide appraisal review services, rebuttal expert witness services, and litigation and trial support services, including testifying at trial for three remaining parcels.

Action: A motion was made by Mr. Sladek and seconded by Mr. Sheahan to recommend to the Board approval of the Second Agreement for Appraisal Services by Consortium Appraisal, Inc., in the amount of \$75,000.00.

Vote: The motion carried unanimously with seven (7) members present and voting AYE by voice vote.

Item 9: **S.R. 429 (DURRANCE & ASSOCIATES, P.A.) WEKIVA PARKWAY PROJECT (PROJECTS 429-203, 429-204, 429-205, and 429-206)**

Mr. Shontz, is recommending and requesting the Committee's recommendation for Board approval of an Addendum to the Second Agreement for Appraisal Services by Durrance & Associates, P.A., (Durrance) to perform appraisal services. Durrance will continue to provide appraisal services, litigation and trial support services, including testifying at trial for two remaining parcels in the amount of \$100,000.00.

Action: A motion was made by Mr. Sladek and seconded by Mr. Raymond to recommend to the Board approval for an Addendum to the Second Agreement for Appraisal Services by Durrance & Associates, P.A. in the amount of \$100,000.00.

Vote: The motion carried unanimously with seven (7) members present and voting AYE by voice vote.

Item 10: **S.R. 429 (CHARLES AND KIM CHAPMAN AND CHAPMAN'S ORCHIDS, INC.) WEKIVA PARKWAY PROJECT (PROJECT 429-203) PARCEL 219**

Ms. Brehmer Lanosa presented this item for Ms. Suzanne M. Driscoll. She provided the Committee with a PowerPoint presentation as to the description and background of the parcel.

Following negotiations, the parties reached a resolution on all of the Respondents' expert fees and costs, and litigation expenses. Costs that were not supported by receipts were eliminated.

Ms. Brehmer Lanosa is requesting the Committee's recommendation for Board approval of the proposed settlement agreement for all outstanding expert fees, expert costs and litigation expenses in the amount of \$192,300.00.

**Action:** A motion was made by Mr. Murvin and seconded by Mr. Raymond to recommend to the Board approval of a negotiated settlement between the Respondents and CFX for all outstanding expert fees and costs and litigation expenses for the referenced matter in the amount of \$192,300.00.

**Vote:** The motion carried unanimously with seven (7) members present and voting AYE by voice vote.

**Item 11: S.R. 417 – DECLARATION OF CFX SURPLUS PARCEL**

Ms. Brehmer Lanosa is requesting the Committee's recommendation for Board approval to declare the Parcel as surplus. The Parcel is adjacent to S.R. 417, is south of the Orlando International Airport, west of Narcoossee Road and adjacent to the Lake Nona development of regional impact. Ms. Brehmer Lanosa provided the Committee with photographs, aerials and background information on the parcel. Boggy Creek Improvement District (Special Purpose Government Agency) offered to pay the appraised value for the parcel and has also offered to donate to CFX, by way of assignment, a drainage easement to reroute the existing drainage from CFX's retention pond to the drainage property.

Ms. Brehmer Lanosa then deferred to Ms. Tucker Mackie and Mr. Don McIntosh from Boggy Creek Improvement District, ("BCID") for public comment. Ms. Mackie provided the Committee with an overview of BCID. The BCID was established by the City of Orlando in 2001 with the purpose and goal of financing, operating, and maintaining major public infrastructure improvements within its boundaries, which consist of approximately 1,085 acres. To date BCID's total capital improvement plan consists of \$86.8 million of improvements of which \$50 million consisting of major rights of way within its boundaries has been constructed. She also explained why declaring this parcel and subsequently selling it to BCID is in the public interest.

The Committee asked questions, which were answered by Ms. Mackie and Mr. McIntosh. Mr. McIntosh deferred his time to Ms. Mackie for any questions from the Committee.

Ms. Botts asked if the lift station would be transferred to the City of Orlando. Mr. McIntosh confirmed that the lift station would be transferred to the City of Orlando.

**Action:** A motion was made by Mr. Sheahan and seconded by Mr. Jreij to recommend that the Parcel be declared as Surplus Property by the Board through the adoption of a resolution.

**Vote:** The motion carried unanimously with seven (7) members present and voting AYE by voice vote.

Item 12: **S.R. 417 (CFX) BOGGY CREEK IMPROVEMENT DISTRICT SURPLUS REQUEST –  
PARCEL 45-501**

Ms. Brehmer Lanosa is requesting the Committee's recommendation for Board approval of a resolution authorizing the sale of surplus property "(parcel)" to the Boggy Creek Improvement District for public road right-of-way of way purposes at the appraised value of \$115,000.00 plus the donation of the drainage easement, in accordance with CFX's policy except for the following conditions and modifications: (1) Separate notice to the local government where the Parcel is located is not required and (2) conveyance will be via a Quit Claim Deed, rather than a Special Warranty Deed, with a reverter clause in the event that the use of the parcel for public right-of-way purposes is permanently discontinued on either five percent (5%) of five hundred square feet (500 s.f.) or more of the Parcel.

**Action:** A motion was made by Mr. Jreji and seconded by Mr. Sheahan to recommend to the Board approval of the Resolution Authorizing the Sale of the Surplus Property to the BCID at the appraised value of \$115,000.00 plus the donation of the Drainage Easement via Quit Claim Deed with a Reverter Clause.

**Vote:** The motion carried unanimously with seven (7) members present and voting AYE by voice vote.

Item 13: **OTHER BUSINESS**

This Right of Way Committee discussed rescheduling the November 15, 2017 meeting to December 13, 2017.

**Action:** A motion was made by Mr. Jreji and seconded by Mr. Sheahan to reschedule the November 15, 2017 committee meeting to December 13, 2017.

**Vote:** The motion carried unanimously with seven (7) members present and voting AYE by voice vote

Item 14: **ADJOURNMENT**

Chairman Botts adjourned the meeting at approximately 2:49 p.m.

Minutes approved on 12/13/2017.

*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.*

---