

CENTRAL FLORIDA EXPRESSWAY AUTHORITY

MINUTES
CENTRAL FLORIDA EXPRESSWAY AUTHORITY
Right of Way Committee Meeting
April 4, 2018

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

Committee Members Present:

Laurie Botts, City of Orlando Representative, Committee Chairman
Bob Babcock, Orange County Representative Alternative
Frank Raymond, Osceola County Representative
Jean Jreij, Seminole County Representative
Brian Sheahan, Lake County Representative
John Denninghoff, Brevard County Representative

Committee Members Not Present:

Paul Sladek, Orange County Representative
Brendon Dedekind, Citizen Representative
Christopher Murvin, Citizen Representative
Neil Newton, Seminole County Representative

CFX Staff Present at Dais:

Joseph L. Passiatore, General Counsel
Joseph Berenis, Chief of Infrastructure for Laura Kelley, Executive Director
Linda S. Brehmer Lanosa, Deputy General Counsel
Mala Iley, Recording Secretary

Item 1: CALL TO ORDER

The meeting was called to order at 2:02 p.m. by Chairman Botts.

Item 2: PUBLIC COMMENT

There was no public comment.

Item 3: APPROVAL OF MINUTES

A motion was made by Mr. Raymond and seconded by Mr. Sheahan to approve the March 28, 2018 Right of Way Committee meeting minutes as presented.

Vote: The motion carried unanimously with six (6) members present and voting AYE by voice vote.

**Item 4: PROJECT 599-2260, PARCEL 112 A LAKE NONA LAND COMPANY, LLC.
PURCHASE AGREEMENT**

Mr. Jay Small, Esquire, of Mateer Harbert is requesting the Committee's recommendation for Board approval for a negotiated a real estate acquisition agreement with Lake Nona Company, LLC ("Lake Nona") to purchase Parcel 112A for \$83,400.00.

The property was appraised by Harry W. Collison, Jr., with the Real Estate Consortium. His estimate of value is \$200,000.00

Mr. Small detailed the historical background related to this agreement. Funds for the acquisition of Parcel 112A are available from third-party sources pursuant to a series of previous agreements. On February 20, 2018, Osceola County and CFX entered into an Interlocal Agreement for Third-Party Funding, "Funding Agreement" which was joined for limited purposes by First American Title Company.

Section 3 of the Funding Agreement provides for the availability of third-party funds for right of way acquisition purposed pursuant to agreements among Osceola County, CFX, the Florida of Department of Transportation, Farmland Reserve, Inc., and All Aboard Florida Corporation, Inc., for the design and acquisition of right-of-way for the Osceola Parkway Extension.

Under the Funding Agreement, the acquisition of Parcel 112A is subject to approval by the Osceola County Board of Commissioners. After approval, Osceola County will notify CFX of the closing date, the total amount required to satisfy the County's obligations under the Acquisition Agreement, deliver a special warranty deed conveying Parcel 112A to CFX, and requisition funds from FDOT and FRI/AFF for their share of the right of way acquisition costs. After receipt of the requisitioned amount, Osceola County shall remit the sums received to CFX.

Mr. Small advised that there are some concerns since this is an acquisition by a governmental agency that there is an implied threat of condemnation wording will be incorporated into the final agreement that will prohibit others from treating this agreement as comparable sales for the Expressway Authority.

There are no construction plans, Right-of-way maps or PD & E plans currently. This property does not affect the ultimate alignment of the east side of Narcoossee. This has nothing to do with Split Oak as this is the far western end of the project by Boggy Creek. This acquisition will jumpstart the FDOT funding.

A motion was made by Mr. Babcock and seconded by Mr. Jreij to recommend to the Board approval of the acquisition agreement in substantially the same form as Exhibit 5 to the initial memorandum but reflecting a purchase price of \$83,400.00 and 1.668 acres. Adopt a motion authorizing CFX Staff to negotiate a purchase agreement of \$83,400.00, a purchase agreement for 1.668 acres and recommend that the Board consider the individual merits of the financial terms of any additional

acquisitions for this project and that the financial terms of this purchase agreement should not be deemed a precedent for further acquisitions.

Vote: The motions carried unanimously with six (6) members present and voting AYE by voice vote.

Item 5: S.R. 429 WEKIVA PARKWAY PROJECT 429-204, PARCEL 251 (AMERICAN FINANCE)
TENANT: RICHARD CRABB

Mr. David Shontz, Esquire, of Shutts & Bowen is requesting the Committee's recommendation for Board approval of the settlement agreement as to claims for compensation and all attorney's fees and litigation costs of Mr. Crabb's leasehold interest claim in Parcel 251.

Mr. Shontz detailed the history of the parcel and the issues.

The parties reached a resolution of the invoice for supplemental attorney's fees and costs for a total amount of \$15,000.00. It is reasonable and in the best interest for CFX to resolve this matter for the sum of \$15,000.00 for Mr. Maxwell's leasehold claim as to Parcel 166 and for all claims for compensation and all attorney's fees and litigation costs.

A motion was made by Mr. Sheahan and seconded by Mr. Babcock to recommend to the Board approval of the proposed total settlement of \$15,000.00 as to all claims for compensation and all attorney's fees and litigation costs in the resolution of Mr. Crabb's leasehold interest claim as to Parcel 251.

Vote: The motion carried unanimously with six (6) members present and voting AYE by voice vote.

Item 6: S.R. 429 WEKIVA PARKWAY PROJECT 429-202, PARCELS 112 (A & B), 712
OWNERS: ROBERT AND CYNTHIA HENDERSON; EXPERT: POWER ACOUSTICS

Ms. Brehmer Lanosa is requesting the Committee's recommendation for Board approval of the payment of reasonable expert fees and costs as to Parcels 112 (Part A & B) and 712 in the amount of 8,900.00 excluding invoices submitted by Juris Corporation. This resolves all remaining claims whatsoever, except for the claim related to the one remaining expert, Juris Corporation.

Ms. Brehmer Lanosa provided the Committee with a PowerPoint presentation as to the description and background of the parcels.

On March 21, 2018, the trial court started a fee hearing with respect to the expert fee of Juris Corporation. The trial court terminated the hearing because the hearing could not be concluded within the allotted timeframe.

A motion was made by Mr. Babcock and seconded by Mr. Jreij to recommend to the Board approval approve the payment of reasonable expert fees and costs as to Parcels 112 (Parts A & B) and 712 in the amount of \$8,900.00 to resolve all remaining claims whatsoever, including claims of compensation arising from the taking of Parcels 112 (Parts A & B) and 712, severance damages, business damages, tort damages, interest, attorney's fees, attorney's costs, expert costs, and any other claim, with the exception of the expert fees and costs of Juris Corporation in the amount of \$63,142.50 and supplemental attorney's fees incurred in connection with a fee hearing.

Vote: The motion carried unanimously with six (6) members present and voting AYE by voice vote.

Item 7: S.R. 417, DYNAMIC MESSAGE SIGN ON JEFF FUQUA BOULEVARD
OWNER: GREATER ORLANDO AVIATION AUTHORITY ("GOAA")

Ms. Linda Lanosa and Mr. Bryan Homayouni are seeking Board approval of a License Agreement with Greater Orlando Aviation Authority ("GOAA") for the construction, operation and maintenance of the facilities, subject to minor changes.

Mr. Homayouni presented and provide a detailed technical explanation for the request. The Dynamic Message Sign, "DMS" will be located on South Jeff Fuqua Blvd. near S.R. 417. The DMS will provide real-time traffic information to assist the travelling public.

A motion was made by Mr. Sheahan seconded by Mr. Jreij to recommend to the Board approval of the License Agreement with GOAA for the construction, operation and maintenance of the Facilities, subject to minor changes with the approval of the Executive Director and General Counsel or their designees.

Vote: The motion carried unanimously with six (6) members present and voting AYE by voice vote.

Item 8: OTHER BUSINESS

Ms. Botts advised the Committee that the April 25, 2018 Meeting has been cancelled. The next Right of Way Committee Meeting will be held on May 23, 2018.

Mr. Passiatore advised the Committee that the Legal Department provides a quarterly report to the Board regarding updates on contracts and real estate acquisitions. At the last Board Meeting, there were a lot of public comments about the Osceola Parkway Extension and several challenges or issues were raised at that time. Some of the Board members requested a legal assessment of some of the legal challenges regarding the different alignments. This quarter's report reflects the legal assessments and the ROW Committee members will be copied on that report.

Item 9: ADJOURNMENT

Chairman Botts adjourned the meeting at approximately 2:36 p.m.

Minutes approved on 07/25, 2018.

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.