

CENTRAL FLORIDA EXPRESSWAY AUTHORITY

MINUTES
CENTRAL FLORIDA EXPRESSWAY AUTHORITY
Right of Way Committee Meeting
July 25, 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 Alternative Representative
Frank Raymond, Osceola County Representative
Brian Sheahan, Lake County Representative
John Denninghoff, Brevard County Representative
Neil Newton, Seminole County Alternative Representative
Christopher Murvin, Citizen Representative

CFX Staff Present at Dais:

Joseph L. Passiatore, General Counsel
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 2:07 p.m. by Chairman Botts.

Item 2: PUBLIC COMMENT

Andres Salcedo and Lindy Wolfe, from Orange County, Dan Floberg from Core Spaces, and Bill Hockensmith from Florida Engineering Group submitted public comment cards on items 6 and 7.

Public comments were delayed and addressed during items 6 and 7.

Item 3: APPROVAL OF MINUTES

A motion was made by Mr. Babcock and seconded by Mr. Raymond to approve the April 4, 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.

Committee member Mr. Newton entered at 2:26 p.m.

**Item 4: S.R. 453 WEKIVA PARKWAY PROJECT 429-206, PARCEL 335
OWNERS: ROGER D. AND ALESIA A. REHFELDT**

Mr. David Shontz, Esquire, of Shutts & Bowen is requesting the Committee's recommendation for Board approval of the proposed total settlement of \$349,180.65 in settlement of all claims for compensation, which includes all attorney's fees, and litigation costs, and experts' fees and costs for the acquisition of Parcel 335.

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

The parties reached a resolution of the invoice for attorney's fees, expert fees, and costs for a total amount of \$90,830.650. It is in the best interest of CFX to resolve this matter for the sum of \$349,180.65 as to Parcel 335, including all claims for compensation, attorney's fees, litigation costs, experts' fees and costs.

Discussion ensued.

A motion was made by Mr. Sheahan and seconded by Mr. Murvin to recommend to the Board approval of a proposed settlement agreement in the amount of \$349,180.65 as to all claims for compensation in the acquisition of Parcel 335, and all attorney's fees and litigation costs, and experts' fees and costs.

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

**Item 5: S.R. 429 WEKIVA PARKWAY PROJECT 429-204, PARCEL 275
OWNERS: THOMAS J. HOLDER, SR. AND ADELPHA HOWELL
EASEMENT HOLDER: FLORIDA POWER CORP N/K/A DUKE ENERGY FLORIDA, INC.**

Ms. Brehmer Lanosa is requesting the Committee's recommendation for Board approval of a Subordination of Easement Agreement for Parcel 275.

This eminent domain case involves the acquisition of property encumbered by distribution and transmission power lines owned by Duke Energy. The transmission lines along Plymouth Sorrento road were relocated up and over the Wekiva Parkway.

Ms. Brehmer Lanosa provided the Committee with a PowerPoint presentation describing the background of the parcel.

A motion was made by Mr. Sheahan and seconded by Mr. Murvin to recommend to the Board approval of the Subordination of Easement Agreement for Parcel 275.

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

Items 6 and 7: S.R. 408, PROJECT 305, PARCEL 127 (PARTIAL)
OWNER: CENTRAL FLORIDA EXPRESSWAY AUTHORITY

Public Comment

Mr. Dan Floberg, from Core Spaces, who is the property owner of Hub Apartments, and Mr. Bill Hockensmith from Florida Engineering Group were recognized for public comment.

Mr. Hockensmith provided the Committee with a PowerPoint presentation as to the background and history of the parcel. The location of Hub Apartments is on Woodbury Road, north of Colonial. They are near completion. The move-in date for the students is August 16, 2018, which is approaching rapidly. This is a crowded utility corridor. The design plans showed that the force main would be in the right of way of Woodbury Road. The actual construction of the force main encroached on CFX's right of way.

Since the property owner wanted to get students in there in the next two weeks, Mr. Hockensmith stated that they will relocate the force main out of CFX's right of way and Orange County will no longer need to move forward with the purchase agreement as they have an alternative route.

Mr. Floberg deferred his time to Mr. Hockensmith.

Chairman Botts next recognized Mr. Andres Salcedo and Ms. Lindy Wolfe from Orange County Utilities.

Mr. Salcedo said that they are building the pipeline to Orange County's standards. When they built the pipeline, the pipeline encroached into CFX's right of way. Mr. Salcedo stated that Orange County will relocate the pipeline into Orange County's right of way of Woodbury Road. Orange County will commit to CFX to relocate that pipeline. Mr. Salcedo state that Orange County would need to seek another permit from CFX to enter the property to remove the already constructed pipeline.

Ms. Botts asked about the timing of the situation because of the students moving in and how much time would be needed for the developer to relocate the force main. Per Mr. Salcedo, the developer has requested two months to relocate, but the opening of the apartment is in less than two months. Orange County is securing some sort of escrow from the developer. If the developer does not relocate the utilities in two months, then Orange County will have to relocate the utilities itself and cannot operate with the same expediency. Orange County will have the right to funds in escrow from them and will use those funds to relocate the utilities. Orange County will issue the CO if it gets the escrow. It is a small pipe – a six-inch force main.

Ms. Botts confirmed that Orange County did obtain a permit for the force main, but the pipe went in the wrong location and was placed on CFX property as an accidental encroachment. Mr. Salcedo confirmed same.

Ms. Botts deferred to the General Counsel and Deputy General Counsel.

Ms. Brehmer Lanosa advised that CFX has a process to issue temporary right-of-entry permits and a separate process for utility permits. It is in staff's interest to make sure the permit violation is corrected. There has been discussion about Orange County not issuing the CO until after the permit violation is corrected. If CFX has adequate assurance that the encroaching force main would be removed, then this may be a matter for intergovernmental cooperation.

Mr. Salcedo said that Orange County has a \$750 million five-year capital improvement program and will make that commitment to CFX.

Discussion ensued.

Mr. Passiatore advised the Committee that item 6 and item 7 should be continued until further committee action is necessary recognizing that staff is authorized to approve the necessary permits for the relocation.

Ms. Botts deferred these two items by consensus.

Item 8: OTHER BUSINESS

Ms. Botts announced that Mr. Chris Murvin was nominated for another two-year appointment, which he accepted. He will continue his service on the right of way committee. The Chair also announced that Mr. Dedekind has completed his service with the right of way committee and thanked him for his time.

Mr. Passiatore provided the committee with an update on the Osceola Parkway Extension reimbursement agreement. CFX acquired a small parcel for the potential Osceola Parkway Extension on the north east corner of Boggy Creek and 417. The parcel price was \$84,000.00, Osceola County wired the reimbursement to CFX today. This was the first acquisition. In the future we hope it will be more expedited.

Mr. Passiatore advised the Committee that effective in September the Right of Way Committee will have a new chairman. He thanked Ms. Botts for her service as Chair. Starting in September the Committee will have a new Chairman, Seminole County representative Mr. Jean Jreij.

Ms. Botts advised the Committee that the August 22, 2018 Meeting has been cancelled. The next Committee Meeting will be held on September 26, 2018.

Ms. Botts thanked the committee and staff for all their support for the past year as she served as the right of way Committee Chair. She will be available to assist in anyway she can.

Item 9: ADJOURNMENT

Chairman Botts adjourned the meeting at approximately 2:38 p.m.

Minutes approved on October 24, 2018.

Pursuant to the Florida Public Records Law and CFX Records and Information Management Program Policy, audio tapes of all Board and applicable Committee meetings are maintained and available upon request to the Custodian of Public Records at (407) 690-5326, publicrecords@CFXWay.com or 4974 ORL Tower Road, Orlando, FL 32807.