

CENTRAL FLORIDA EXPRESSWAY AUTHORITY

MINUTES CENTRAL FLORIDA EXPRESSWAY AUTHORITY Right of Way Committee Meeting March 27, 2019

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

Committee Members Present:

Neil Newton, Seminole County, Alternative Committee Chairman
Laurie Botts, City of Orlando Representative
Bob Babcock, Orange County Alternative Representative
Todd Hudson, Osceola County Representative
Brian Sheahan, Lake County Representative
John Denninghoff, Brevard County 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 2:00 p.m. by Chairman Newton.

Item 2: PUBLIC COMMENT

Joseph Byrd and Pam Richmond, from City of Apopka submitted public comment cards on item 5.

Public comment was delayed and addressed during item 5.

Item 3: APPROVAL OF MINUTES

A motion was made by Ms. Botts and seconded by Mr. Murvin to approve the March 27, 2019 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. 528, WEKIVA PARKWAY PROJECT 429-204, PARCEL 209/221
OWNER: WILLIAM H. KELLY

Mr. David Shontz, Esquire, of Shutts & Bowen is seeking the Committee's recommendation for Board approval of the last outstanding expert fee and attorney's fees and cost between William H. Kelley ("Respondent") and the Central Florida Expressway Authority ("CFX") regarding Parcel 209/221.

Mr. Shontz detailed the history of the parcels and the issues. Respondents incurred fees and costs in the amount of \$200,4471.41. Mr. Shontz was able to reach a settlement of the expert fee for Franklin Street as well as the supplemental attorneys' fees.

Mr. Shontz negotiated the total amount down to \$157,000.00. This includes a full release by the Respondents and extinguishes any apportionment claims as to Parcel 289.

A motion was made by Ms. Botts and seconded by Mr. Hudson to recommend to the Board approval of the last remaining outstanding expert fee and supplemental attorneys' fees and cost in the amount of \$157,000.00.

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

Public Comment

Chairman Newton next recognized Mr. Joseph Byrd, City Attorney and Ms. Pam Richmond from City of Apopka, "City".

Mr. Byrd addressed the Committee. On behalf of Mayor Nelson and the City of Apopka, we are here to present the issue of Irmalee Lane. It is the City's position that it should maintain and manage Iramlee Lane. The City has prepared and approved a Resolution that if a Jurisdictional Transfer of Iramlee Lane is approved, the City would accept responsibility for maintenance and management of Irmalee Lane.

Mr. Byrd thanked CFX General Counsel and Deputy Counsel for their professionalism and working relationship with the City for the betterment of their citizens.

Ms. Richmond deferred her time to Mr. Byrd.

Items 5: S.R. 429-604, IRMALEE LANE, EAST OF S.R. 429, NORTH OF MCCORMICK ROAD, SOUTH OF WEST KEENE ROAD
OWNER: CENTRAL FLORIDA EXPRESSWAY AUTHORITY

Ms. Brehmer Lanosa is requesting the Committee's recommendation for Board approval of a Right of Way Transfer Agreement between CFX and the City of Apopka ("the City").

Ms. Brehmer Lanosa provided a brief history of Irmalee Lane. Three parcels comprise Irmalee Lane. There is a house at the end of Irmalee Lane that needed access after property was taken for State Road 429.

The City of Apopka has indicated that Irmalee Lane would be used as a local road and for utilities. As stated by Mr. Byrd, the City would assume the responsibility for the maintenance and management of Irmalee Lane.

A standard jurisdictional transfer agreement was prepared that requires the City to maintain and manage Irmalee Lane. The agreement includes a Quit Claim Deed conveying the property "as is" with a reservation of limited-access rights subject to a reverter clause in the event the property is no longer used for public right-of-way purposes.

Ms. Kelley asked if this was for public roadway purposes and Ms. Brehmer Lanosa confirmed.

Discussion ensued.

A motion was made by Mr. Sheahan and seconded by Mr. Babcock to recommend to the Board approval of a Right of Way Transfer Agreement with the City of Apopka in a form substantially similar to the Agreement in the back-up, subject to confirmation of the legal description and a certificate from CFX's General Engineering Consultant.

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

Item 6: OTHER BUSINESS

Mr. Newton advised the Committee that next Right of Way Committee Meeting would be Wednesday April 24, 2019.

Item 7: ADJOURNMENT

Chairman Newton adjourned the meeting at approximately 2:14 p.m.

Minutes approved on 05/22/2019.

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