

CENTRAL FLORIDA EXPRESSWAY AUTHORITY

MINUTES CENTRAL FLORIDA EXPRESSWAY AUTHORITY Right of Way Committee Meeting August 28, 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
Christopher Murvin, Citizen Representative

Committee Members Not Present:

Jean Jreij, Seminole County, Committee Chairman
John Denninghoff, Brevard County Representative

CFX Staff Present at Dais:

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 Neil Newton.

Item 2: PUBLIC COMMENT

Chairman Newton recognized Mr. Chris Wilson, Attorney, from Greater Orlando Aviation Authority, who submitted a public comment card on item 5. Public comment was delayed and addressed during item 5.

Item 3: APPROVAL OF MINUTES

A motion was made by Mr. Murvin and seconded by Mr. Botts to approve the May 22, 2019 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: SR 528-436, PROJECT 528-143

AGREEMENT TO RELOCATE POLE SQUARES FOR SIGNAGE ALONG SR 436 (JEFF FUQUA BLVD.) BETWEEN GREATER ORLANDO AVIATION AUTHORITY ("GOAA"), CITY OF ORLANDO ("CITY"), AND CENTRAL FLORIDA EXPRESSWAY AUTHORITY ("CFX")

Ms. Brehmer Lanosa is requesting the Committee's recommendation for Board approval of an agreement between GOAA, City, and CFX to relocate pole squares for signage along SR 436.

CFX intends to improve the interchange of SR 528 and SR 436. This requires the relocation of signage along SR 436. There are three (3) signs will be impacted by the project. The three signs are owned by City and GOAA and are located on six 10' by 10' squares of property (referred to as "Pole Squares").

CFX, City, and GOAA desire to enter into an agreement to exchange four (4) pole squares in return for four (4) easements for pole squares. GOAA will abandon two (2) pole squares based upon the reverter clause in the original deed. CFX will relocate or replace GOAA's existing structures and signage. CFX staff will provide the final legal descriptions and sketches within sixty (60) days to GOAA for approval. The agreement is subject to the receipt of certificates from CFX's general engineering consultant, bond counsel, and the FAA.

CFX will reserve limited access rights.

A motion was made by Mr. Babcock and seconded by Mr. Sheahan to recommend to the Board approval of the attached Agreement to Relocate Pole Squares for Signage along S.R. 436 between Greater Orlando Aviation Authority, City of Orlando, and Central Florida Expressway Authority, subject to minor revisions with the approval of CFX's Executive Director and General Counsel, or their designees, and CFX's General Engineering Consultant and bond counsel.

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

Items 5: SR 528

REQUEST FOR A LIGHT LANE EASEMENT WITHIN SR 528 FROM THE GREATER ORLANDO AVIATION AUTHORITY("GOAA") AND CITY OF ORLANDO ("CITY") FOR APPROACH LIGHTING EQUIPMENT

Ms. Brehmer Lanosa is requesting the Committee's recommendation for Board approval of a directive to staff to proceed with the review and analysis of the request from GOAA and City for an easement across SR 528 for its approach lighting equipment.

Ms. Brehmer Lanosa provided a brief description of the location. GOAA and City have made an application to CFX to obtain an easement on SR 528 for certain equipment and underground utilities for approach lighting for runway 17L. The current approach lighting is located within a portion of SR 528 by virtue of a permit, rather than an easement. GOAA and City have asked for an easement agreement and have agreed to

relocate the easement when the property is needed for the expansion of SR 528 and to pay for the cost of relocation.

Ms. Brehmer Lanosa deferred to Scott Glass for the remainder of the presentation.

Mr. Glass provided the Committee with a brief background on the purpose of the request. The lights are there by permit today. There are three areas where the light stations sit. Because of the train, the lights need to be raised. GOAA has requested an easement, rather than a permit. The airport properties are owned by the City. City and GOAA has offered to relocate the approach lighting. When SR 528 is 8-laned, GOAA would pay for all of the expenses involved in relocation and pay for relocation of the existing utility lines. We recommend going forward with drafting a restrictive easement with the protections and promises in the agreement with ability to enforce the relocation of the lights upon expansion of SR 528.

Mr. Glass deferred to Mr. Chris Wilson for an explanation the need for the easement.

Mr. Chris Wilson, with Marchena and Graham, addressed the Committee. This involves the fourth runway, which was constructed in the early 2000s at a cost of about \$90 million to \$100 million. This approach lighting system is a category 3 needed during low visibility. It is a very technical light system. It is the only category 3 on the north end. There is a category 3 from the south as well. We have had a permit for all these years, but in order to qualify for the FAA's grant assurances, GOAA needs to follow all of the requirements, such as good title and certainty. At Tampa International, there are cantilevers that go over the road with the lights on the cantilevers, which we may have to have here. We understand that everyone needs to grow and we can grow together.

In response to a question from Laurie Botts, Chris Wilson confirmed that this change is to accommodate the rail and responded that the lights must stay at that location. When SR 528 is widened, the lights would be placed on a cantilever system and the easement would become an air rights easement.

In response to questions from Mr. Brian Sheahan, Mr. Glass explained that the proposed easement would only be for the pad areas. The lights will have to stay generally in the same place, but the lights will be elevated onto a cantilever when CFX needs to expand SR 528.

Ms. Botts asked if this was a permanent easement that was revocable. Mr. Glass stated that this would have the same terms as the permit, but it would morph once notice is received that SR 528 will be expanded.

Ms. Botts questioned whether the easement should be terminable when CFX needs to expand. Mr. Wilson said that the parties are agreeing that the lights can stay at that location, but the lights will be elevated onto a cantilever.

Mr. Sheahan stated that the agreement should have a clause that forces the parties to the table. If you cannot reach an agreement, is there something that says that you can go through binding mediation or arbitration? Mr. Glass suggested that there be an escalation process to move the issue up to the executive level, then the Board level, and, if necessary, beyond that.

Mr. Newton asked about the status of the permit after an easement is granted. Mr. Glass responded that the terms would be incorporated into the easement.

Ms. Lanosa discussed CFX's existing permitting processes for utility permits and temporary right of entry permits.

Per Mr. Glass, the legal description would be limited to the pads. Mr. Glass suggested that the utilities be addressed by permit.

Ms. Botts concurred that utilities should be addressed by permit. It would be difficult to do an easement, even a non-exclusive easement, because of the critical operations all along the expressway.

Discussed ensued.

A motion was made by Ms. Botts and seconded by Mr. Babcock to approve a directive to staff to proceed with the review and analysis of the request from GOAA and City for an easement across SR 528 for its approach lighting equipment.

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

Item 7: OTHER BUSINESS

Mr. Newton advised the Committee that next Right of Way Committee Meeting would be Wednesday, September 25, 2019.

Item 8: ADJOURNMENT

Chairman Newton adjourned the meeting at approximately 2:39 p.m.

Minutes approved on 10/23/2019.

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