

# CENTRAL FLORIDA EXPRESSWAY AUTHORITY

## MINUTES CENTRAL FLORIDA EXPRESSWAY AUTHORITY Right of Way Committee Meeting November 20, 2019

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

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### **Committee Members Present:**

Jean Jerji, Seminole County, Representative  
Laurie Botts, City of Orlando Representative  
Bob Babcock, Orange County Alternative Representative  
Todd Hudson, Osceola County Representative- Alternative Chairman  
John Denninghoff, Brevard County Representative  
Brian Sheahan, Lake County Representative

### **Committee Members Not Present:**

Christopher Murvin, Citizen Representative, Committee Chairman

### **CFX Staff Present at Dais:**

Laura Kelley, Executive Director  
Diego "Woody" Rodriguez, General Counsel  
Mala Iley, Recording Secretary

### **Item 1: CALL TO ORDER**

The meeting was called to order at 2:03 p.m. by Chairman Todd Hudson.

### **Item 2: PUBLIC COMMENT**

- James Erwin, Florida League of Women Voters, provided a letter regarding Split Oak. (**Attached as Exhibit A**).
- Kimberly Buchheit, Orlando Resident, commented on the Osceola Parkway Extension Agreement.
- Nicole Wilson, Windemere Resident, commented on Osceola Parkway Extension Agreement.
- Darel Campbell, St. Cloud Resident, commented on Osceola Parkway Extension Agreement.
- Gretchen Robinson, Orlando Resident, commented on the Split Oak Forest.

- Brian Denham, Denham Engineering was here to answer questions that the Right-of-Way Committee may have regarding the last item on the agenda; Agreement for The Donation of Limited Access Rights Along Sr 438 A/K/A Franklin Street.

**Item 3: APPROVAL OF MINUTES**

**A motion was made by Mr. Sheahan and seconded by Mr. Jerji to approve the October 23, 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: RIGHT-OF-WAY ACQUISITION AGREEMENT AND AN AGREEMENT TO CONVEY CONSERVATION LANDS  
PROJECT: OSCEOLA PARKWAY EXTENSION PROJECT 599-2210  
PARTIES: TAVISTOCK AND SUBURBAN LAND RESERVE**

General Counsel advised the Right of Way Committee and the members of the public that CFX outside counsel, Attorney Bob Mallett, was in attendance to provide background information on the two agreements. The Committee was informed that it was not voting on an alignment at this meeting.

Attorney Mallett from Nelson, Mullins, Broad, and Cassel requested the Committee's recommendation for Board approval of the Right of Way Acquisition Agreement between "Suburban Land Reserve and Lake Nona Land Company et al. ("Owners") and the Central Florida Expressway Authority, ("CFX") for the acquisition of 484 acres of right of way as described in the Right of Way Agreement for a value not to exceed \$93 million and contingent upon other conditions as described in the Right of Way Agreement.

CFX and the Owners agree to cooperate in obtaining all approvals required for the project and use of the portion of the Split Oak Property that is being impacted by the proposed right of way. CFX will also support the Owners' efforts to retain certain access points between the owners' adjacent lands and the Conservation Lands to allow construction and maintenance of trails and improvements for hiking, bicycling and other uses consistent with the approvals.

Ms. Botts reiterated General Counsel's comment that the Committee's role is strictly deciding to move on the two agreements and not the decision makers for the alignment.

Discussion ensued.

Mr. Denninghoff believes there may be a possibility he may have a conflict of interest. Mr. Rodriguez advised Mr. Denninghoff to abstain from the vote and would be provided Form 8-B after the meeting should there be a conflict. Mr. Rodriguez further instructed that Mr. Denninghoff indicate his vote for the record.

Ms. Botts restated that the Committee is only approving the transaction before them and not the alignment choice. The not to exceed the 93 million is a wise choice however the final decision is up to the Board.

**A motion was made by Ms. Botts and seconded by Mr. Sheahan to recommend to the Board approval of the Right of Way Acquisition Agreement between Suburban Land Reserve and Lake Nona Land Company et al. and the Central Florida Expressway Authority for the acquisition of 484 acres of right of way as described in the Right of Way Agreement for a value not to exceed \$93 million and contingent upon other conditions as described in the Right of Way Agreement.**

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

**A second motion was made by Mr. Babcock and seconded by Mr. Jerji to recommend to the Board approval of the Conservation Lands Agreement which will result in a donation and conveyance to CFX or its Nominee of over 1,500 acres subject to certain contingencies and conditions as spelled out in the Conservation Agreement, including the necessary approvals from other governmental entities.**

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

**Items 5: AGREEMENT FOR THE DONATION OF LIMITED ACCESS RIGHTS ALONG SR 438 A/K/A FRANKLIN STREET  
OWNER: 501 FRANKLIN LAND TRUST  
PROJECT: 602  
PARCEL: 62-115  
LOCATION: PORTION OF OCOEE VILLAGE LOCATED AT THE NORTHEAST CORNER  
OF SR 429 AND SR 438 A/K/A FRANKLIN STREET**

General Counsel requested the Committee recommend for Board's approval the Agreement for Donation of Limited Access Rights along State Road 438 a/k/a/ Franklin Street.

The owner of the property located at the northeast corner of SR 429 and Franklin Street agreed to donate a 227-foot limited access line to CFX by delivering the attached Quit Claim Deed. The donation of the limited access line to CFX will benefit the health, safety and welfare of the public by prohibiting driveway connections in areas that are too close to expressway ramps. As a condition precedent to the donation, and as consideration for the donation, CFX needs to review and approve the property owner's request for a driveway connection. The driveway connection has also been provided to the Florida Department of Transportation and they have no objections to its designed location.

Discussion ensued.

**A motion was made by Ms. Botts and seconded by Mr. Newton to recommend to the Board approval of the Agreement for the Donation of Limited Access Rights Along State Road 438 (also known as Franklin Street).**

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

**Item 6: SUBORDINATION OF EASEMENT AGREEMENT FOR PARCEL 289 FROM ORANGE COUNTY**  
**PROJECT: 429-205**  
**PARCEL: PARCEL 289, SHOLLENBERGER, ET AL.,**  
**EASEMENT HOLDER: ORANGE COUNTY, FLORIDA**  
**LOCATION: HAAS ROAD**

General Counsel requested the Committee's recommendation for Board approval of a Subordination of Easement Agreement for Parcel 289.

This eminent domain case involved the acquisition of property encumbered by a drainage easement owned by Orange County, Florida, recorded in 1997 at O.R. Book 5203, Page 4002. The drainage easement is adjacent to Haas Road and is only 10 feet by 10 feet. It is located at the southern end of the flagged shaped driveway to Parcel 289.

Orange County has agreed to subordinate its easement interests to CFX. Attached is a proposed Subordination of Easement Agreement between CFX and Orange County. The form of the agreement has been reviewed and approved by both the Orange County Public Works Department and the County Attorney's Office.

Discussed ensued.

**A motion was made by Ms. Botts and seconded by Mr. Sheahan to recommend to the Board approval of the Subordination of Drainage Easement Agreement for Project 429-205.**

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

**Item 8: OTHER BUSINESS**

Mr. Hudson advised the Committee that next Right of Way Committee Meeting would be Wednesday, January 22, 2020 at 2:00 p.m.

**Item 9: ADJOURNMENT**

Chairman Hudson adjourned the meeting at approximately 2:43 p.m.

**Minutes approved on 01/22/2020 .**

*Pursuant to the Florida Public Records Law and Central Florida Expressway Authority Records and Information Management Program Policy, audio tapes of all Board and applicable Committee meetings are*

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*maintained and available upon request to the Custodian of Public Records at (407) 690-5326, [publicrecords@CFXWay.com](mailto:publicrecords@CFXWay.com) or 4974 ORL Tower Road, Orlando, Florida 32807.*