

CENTRAL FLORIDA EXPRESSWAY AUTHORITY

MINUTES CENTRAL FLORIDA EXPRESSWAY AUTHORITY Right of Way Committee Virtual Meeting April 22, 2020

Location: Virtual Meeting
Call (321) 430-0870,
Input Conference ID: 139 339 792#

Committee Members Present:

Christopher Murvin, Citizen Representative, Committee Chairman
Neil Newton, Seminole County, Alternative Representative
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

CFX Staff Present:

Laura Kelley, Executive Director
Glenn Pressimone, Chief of Infrastructure
Diego "Woody" Rodriguez, General Counsel
Laura Newlin Kelly, Associate General Counsel
Mala Iley, Recording Secretary

Item 1: CALL TO ORDER

The meeting was called to order at 2:05 p.m. by Chairman Christopher Murvin.

Recording Secretary called the roll and announced all seven (7) Committee Members were present.

Item 2: PUBLIC COMMENT

There were no public comments.

Item 3: APPROVAL OF MINUTES

A motion was made by Ms. Botts and seconded by Mr. Hudson to approve the January 22, 2020 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: VIRTUAL INTRODUCTION OF NEW ASSOCIATE GENERAL COUNSEL

CFX General Counsel, Woody Rodriguez provided a virtual introduction and to the new Associate General Counsel, Laura Kelly.

**Item 5: BOGGY CREEK ROAD: JURISDICTIONAL TRANSFER BETWEEN ORANGE COUNTY AND CENTRAL FLORIDA EXPRESSWAY AUTHORITY
PROJECT: 417-454, ORANGE COUNTY TO CFX PARCELS: 401 AND 400
CFX TO ORANGE COUNTY PARCELS: 501-A AND 501-B**

Chairman Murvin advised the Committee that this Item has been Withdrawn.

**Item 6: 414 AND 441 INTERCHANGE TRAIL: JURISDICTIONAL TRANSFER BETWEEN ORANGE COUNTY AND CENTRAL FLORIDA EXPRESSWAY AUTHORITY
PROJECT: 411-211, PARCELS: 375-A, PART 3 AND 375-C**

Associate General Counsel, Laura Newlin Kelly requested the Committee's recommendation for Board's approval of a jurisdictional transfer.

Ms. Kelly provided the Committee a brief history on the project.

Pursuant to the terms of the Utility Adjustment Agreement dated September 11, 2007 CFX acquired the Parcel from CSX in order to relocate the existing bike path and County utilities outside of the planned CFX right-of-way and within the Parcel. The relocation of the utilities and bike path was necessary for CFX to proceed with the construction of the Project. The Utility Agreement contemplated that the Parcel will be available for use by the County at the conclusion of the utilities relocation and construction serving the Project

Pursuant to CFX's Property Acquisition, Disposition & Permitting Procedures Manual, CFX staff and CFX's General Engineering Consultant have examined the Trail Parcel and have determined that the Trail Parcel is not needed to support existing Expressway Facilities.

CFX's General Engineering Consultant has certified that the Trail Parcel is not essential for present or future construction, operation or maintenance of an Expressway Facility or for CFX purposes and that the disposition of the Trail Parcel would not impede or restrict the Expressway System. As a result, the Trail Parcel can be declared surplus property in accordance with the terms of the Policy.

Based on the County's intended use of the Trail Parcel as a recreational trail consistent with the terms of the Utility Agreement, it is recommended that the Right of Way Committee recommend that the conveyance of the Trail Parcel is in the best interests of CFX and the public and as such, it is recommended that the Trail Parcel be disposed of pursuant to the proposed Quit Claim Deed, which specifically incorporates a deed

restriction and right of reverter requiring the Trail Parcel be utilized only for pedestrian and recreational purposes by the public.

Discussed ensued.

A motion was made by Mr. Sheahan and seconded by Mr. Denninghoff to recommend to the Board approval of the Resolution Declaring CFX's Interest in Parcels 375A, Part 3 and 375C as Surplus Property and CFX's Board's approval of the Quit Claim Deed from CFX to the County in a form substantially similar to the attached Quit Claim Deed, subject to the approval of the legal descriptions by CFX's General Engineering Consultant and General Counsel or designee.

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

Items 7: PUMP LIFT STATION 3465: JURISDICTIONAL TRANSFER BETWEEN ORANGE COUNTY AND CENTRAL FLORIDA EXPRESSWAY AUTHORITY PROJECT: 414-211, PARCEL 408 PART H

Associate General Counsel, Laura Newlin Kelly requested the Committee's recommendation for Board's approval of a jurisdictional transfer.

Ms. Kelly provided the Committee a brief history on the project. The Lift Station Parcel is currently utilized as an existing lift station identified as Pump Station 3465 operated and maintained by Orange County. In 2019, the County made an application to CFX to request that CFX determine if the lift station be declared surplus and if deemed surplus, to adopt a resolution transferring the Lift Station Parcel to the County.

CFX's General Engineering Consultant has certified that the Lift Station Parcel is not essential for present or future construction, operation or maintenance of the Expressway. The disposition of the Lift Station Parcel would not impede or restrict the Expressway System.

Based on the County's ongoing use, operation and maintenance of the lift station parcel as a pump station, it is recommended that the Right of Way Committee recommend that the conveyance of the Lift Station Parcel is in the best interest of CFX and the public.

A motion was made by Mr. Babcock and seconded by Ms. Botts to recommend to the Board approval of the resolution declaring CFX's Interest in Parcel 408, Part H as Surplus Property and approval of the Quit Claim Deed from CFX to the County subject to the approval of the legal descriptions by CFX's General Engineering Consultants and General Counsel or designee.

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

Item 8: OTHER BUSINESS

Mr. Murvin advised the Committee that next Right of Way Committee Meeting is scheduled for Wednesday, May 27, 2020 at 2:00 p.m.

Item 9: ADJOURNMENT

Chairman Murvin adjourned the meeting at approximately 2:19 p.m.

Minutes approved on 07/22/2020.

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