

# CENTRAL FLORIDA EXPRESSWAY AUTHORITY

## MINUTES CENTRAL FLORIDA EXPRESSWAY AUTHORITY Right of Way Committee Virtual Meeting January 20, 2021

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### **Committee Members Present:**

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

### **Committee Member Not Present:**

Christopher Murvin, Citizen Representative  
John Denninghoff, Brevard County Representative

### **CFX Staff Present:**

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

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

The meeting was called to order at 2:02 p.m. by Chairman Todd Hudson. Recording Secretary Mala Iley called the roll and announced there was a quorum.

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

There was no public comment.

### **Item 3: APPROVAL OF AUGUST 26, 2020 MEETINGS MINUTES**

A motion was made by ROW Committee Member Botts and seconded by ROW Committee Member Jerji to approve the August 26, 2020 Right of Way Committee meeting minutes as presented.

**Vote:** The motion carried unanimously with five (5) members present and voting AYE by roll call vote.

**Item 4: FIRST AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN FLORIDA DEPARTMENT OF TRANSPORTATION AND THE CENTRAL FLORIDA EXPRESSWAY AUTHORITY FOR THE CONSTRUCTION AND OPERATION OF THE WEKIVA PARKWAY, PROJECT: WEKIVA PARKWAY, PARCEL: SECTION 4A**

Associate General Counsel Kelly requested the Committee's recommendation for Board's approval of the First Amendment between CFX and FDOT.

Associate General Counsel Kelly provided the Committee with a brief history on the project. The First Amendment to Interlocal Agreement between FDOT and CFX For the construction and operation of the Wekiva Parkway ("First Amendment") will amend the terms of the Interlocal Agreement to clarify that 4A Joint Pond shall provide for the stormwater drainage from the Trail as well as the Wekiva Parkway.

The First Amendment will also clarify that CFX will be the fee simple owner of the 4A Joint Pond.

**A motion was made by ROW Committee Member Sheahan and seconded by ROW Committee Member Babcock to recommend to the Board approval of the First Amendment Between CFX and FDOT in a form substantially similar to the attached agreement, subject to receipt of an updated certificate from the GEC when the final location of the easement area is determined and any minor or clerical modifications or revisions approved by GEC and any minor or clerical revisions approved by the General Counsel or designee.**

**Vote: The motion carried unanimously with five (5) members present and voting AYE by roll call vote.**

**Item 5: Amendment and Restatement of Easement and Partial Release of Easement between Duke Energy Florida, LLC ("Duke") and the Central Florida Expressway Authority ("CFX") Project: 528-1240; State Road 528 Portions of Parcel 41-804**

Associate General Counsel Kelly requested the Committee's recommendation for Board's approval of the Amendment and Restatement of Easement and the Partial Release of Easement between Duke and CFX.

Associate General Counsel Kelly provided the Committee with a brief history on the project. The proposed Amendment and Restatement of Easement will relocate the easement area of the Original Easement to a more suitable area outside of the impacts of the proposed rail line. In order to ensure continuity of services for the impacted utility customers, the Original Easement will remain in place until the new utility facilities are completed and the existing utility facilities are removed.

**A motion was made by ROW Committee Member Babcock and seconded by ROW Committee Member Jerji to recommend to the Board approval of the (1) Amendment and Restatement of Easement and (2) Partial Release of Easement, both between CFX and Duke in a form substantially similar to the attached Amended Easement and Partial Release, subject to any minor or clerical revisions approved**

**by the General Counsel or designee, or any revisions to the legal descriptions or exhibits as approved by CFX's General Engineering Consultant.**

**Vote: The motion carried unanimously with five (5) members present and voting AYE by roll call vote.**

**Item 6: Property Exchange Agreement and Resolution Declaring Surplus Property between Avatar Properties Inc. ("Avatar") and the Central Florida Expressway Authority, Project: 538-232; State Road 538 Parcels: 538-100 A, 538-100 B and 538-100 C**

Associate General Counsel Kelly requested the Committee's recommendation for Board's approval of the Resolution Declaring Property as Surplus Property Available for Sale, Authorizing the Transfer of Surplus Property with Avatar and CFX.

Associate General Counsel Kelly provided the Committee with a brief history on the project. Avatar and CFX desire to enter into the proposed Property Exchange Agreement to clarify certain terms of the Development Agreement related to Avatar and CFX's obligations only, and to otherwise effectuate the transfers anticipated to occur in accordance with the terms of the Development Agreement.

Once the final design of the Drainage Ponds is mutually agreed upon between CFX and Avatar and legal descriptions are prepared identifying the final location and configuration of the Drainage Ponds, Avatar will convey the fee simple ownership of the Drainage Ponds to CFX, subject to a drainage easement for joint use and expansion of the Drainage Ponds by a governmental entity.

In order to ensure all real property interests in the Poinciana Parkway are owned by CFX, Avatar will also deliver to Osceola a special warranty deed for the right of way parcel.

CFX will convey the Surplus Property to the Avatar once the legal description and sketch have been finalized in accordance with the terms of the Agreement. The exact location and area of the Surplus Property will be determined when the reconfiguration, reshaping and relocation of the Drainage Ponds is completed.

Committee members asked questions which were answered by Associate General Counsel Kelly.

**A motion was made by ROW Committee Member Botts and seconded by ROW Committee Member Hudson to recommend to the Board approval of the Resolution Declaring Property as Surplus Property Available for Sale, Authorizing the Transfer of Surplus Property with Avatar and Waiver of Section 5-8.04(3) for Longitudinal Lines, and the Approval of the Property Exchange Agreement with CFX and Avatar in a form substantially similar to the attached Agreement, subject to the following: (1) separate notice to the local government in which the Surplus Property is located is not required; (2) waiver of the requirement for an appraisal pursuant to Section 5-4.03 and 5-6.05 and disposition procedures pursuant to 5-6.04; (3) receipt of an updated GEC Certificate from the General Engineering Consultant when the final location of the Surplus Property is determined; (4) approval of the legal descriptions by CFX's General Engineering Consultant; (5) approval of the exhibits to the Agreement**

by CFX's Chief of Infrastructure, and (6) any minor or clerical revisions approved by the General Counsel or designee.

**Vote:** The motion carried unanimously with five (5) members present and voting AYE by roll call vote.

**Item 7: Easement and Maintenance Agreement between City of Orlando ("City") and the Central Florida Expressway Authority ("CFX") Project: State Road 408 Parcels: 3-286, 3-290 and 253A-700**

Associate General Counsel Kelly requested the Committee's recommendation for Board's approval of the Easement and Maintenance Agreement between the City and CFX.

Associate General Counsel Kelly provided the Committee with a brief history on the project. City has requested an easement over a portion of the CFX Parcels for the purpose of designing, constructing, operating, repairing and replacing a multi-purpose recreational trail that will serve the general public in accordance with the terms and conditions of the proposed Easement and Maintenance Agreement. The City will be responsible for the maintenance, repair and replacement of any and all improvements constructed by the City on the CFX Parcels, including, without limitation, the Path and Public Art.

City will, at no cost or expense to CFX, design, permit, and construct a public art display, sculpture, exhibit, installation, or site-integrated aesthetic work recognizing and commemorating the partnership between CFX and the City.

Committee members asked questions which were answered by General Counsel, Woody Rodriguez and Associate General Counsel Kelly.

**A motion was made by ROW Committee Member Sheahan and seconded by ROW Committee Member Jerji to recommend to the Board approval of the Agreement Between CFX and City in a form substantially similar to the attached Agreement, subject to receipt of an updated certificate from the GEC when the final location of the Easement Area is determined and the exhibits are finalized, and any minor or clerical modifications or revisions approved by the GEC, General Counsel or designee.**

**Vote:** The motion carried unanimously with five (5) members present and voting AYE by roll call vote.

**Item 8: OTHER BUSINESS**

Chairman Hudson advised the Committee that next Right of Way Committee Meeting is scheduled for Wednesday, February 24, 2021 at 2:00 p.m.

**Item 9: ADJOURNMENT**

Chairman Hudson adjourned the meeting at approximately 2:28 p.m.

**Minutes approved on 02/24/2021.**

*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](mailto:publicrecords@CFXWay.com) or 4974 ORL Tower Road, Orlando, Florida 32807.*