

CENTRAL FLORIDA EXPRESSWAY AUTHORITY

**AGENDA
RIGHT-OF-WAY COMMITTEE MEETING
September 22, 2021
2:00 p.m.**

**Meeting location: Central Florida Expressway Authority
4974 ORL Tower Road
Orlando, FL 32807
Boardroom**

A. CALL TO ORDER

B. PUBLIC COMMENT

Pursuant to Section 286.0114, Florida Statutes and CFX Rule 1-1.011, the Right-of-Way Committee provides for an opportunity for public comment at the beginning of each regular meeting. The Public may address the Committee on any matter of public interest under the Committee's authority and jurisdiction, regardless of whether the matter is on the Committee's agenda but excluding pending procurement issues. Public Comment speakers that are present and have submitted their completed Public Comment form to the Recording Secretary at least 5 minutes prior to the scheduled start of the meeting will be called to speak. Each speaker shall be limited to 3 minutes. Any member of the public may also submit written comments which, if received during regular business hours at least 48 hours in advance of the meeting, will be included as part of the record and distributed to the Committee members in advance of the meeting.

C. APPROVAL OF AUGUST 25, 2021 RIGHT-OF-WAY COMMITTEE MEETING MINUTES (action item)

D. AGENDA ITEMS

- 1. PURCHASE AGREEMENT BETWEEN THE CENTRAL FLORIDA EXPRESSWAY AUTHORITY AND ORANGE COUNTY, FLORIDA (TINY ROAD/TILDEN ROAD) PROJECT NUMBERS: 429-654 AND 429-654A
CFX PARCELS: 64-228, PART C, 64-828, AND 64-829
*Laura N. Kelly, Associate General Counsel (action item)***

E. OTHER BUSINESS

- 1. ADVANCE RIGHT OF WAY ACQUISITION PROCEDURE
*Diego "Woody" Rodriguez, General Counsel (info item)***

F. ADJOURNMENT

(CONTINUED ON PAGE 2)

CENTRAL FLORIDA EXPRESSWAY AUTHORITY

This meeting is open to the public.

Section 286.0105, Florida Statutes states that if a person decides to appeal any decision made by a board, agency, or commission with respect to any matter considered at a meeting or hearing, they will need a record of the proceedings, and that, for such purpose, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Persons who require translation services, which are provided at no cost, should contact CFX at (407) 690-5000 x5316 or by email at Iranetta.Dennis@cfxway.com at least three (3) business days prior to the event.

In accordance with the Americans with Disabilities Act (ADA), if any person with a disability as defined by the ADA needs special accommodations to participate in this proceeding, then they should contact the Central Florida Expressway Authority at (407) 690-5000 no later than two (2) business days prior to the proceeding.

Please note that participants attending meetings held at the CFX Headquarters Building are subject to certain limitations and restrictions in order to adhere to the CDC guidelines and to ensure the safety and welfare of the public.

MINUTES
CENTRAL FLORIDA EXPRESSWAY AUTHORITY
Right of Way Committee
August 25, 2021

Committee Members Present:

Steven Kane, Osceola County Representative Committee Chairman
Laurie Botts, City of Orlando Representative
Mindy Cummings, Orange County Representative
John Denninghoff, Brevard County Representative
Neil Newton, Seminole County, Representative, Alternative
Christopher Murvin, Citizen Representative
Brian Sheahan, Lake 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 A: CALL TO ORDER

The meeting was called to order at 2:00 p.m. by Chairman Kane. Recording Secretary Mala Iley called the roll and announced there was a quorum. Chairman Kane provided the Committee with a brief introduction of himself.

Item B: PUBLIC COMMENT

Pamela Richmond from the City of Apopka advised that she is only here for Item D.1 and D.2 should the Committee have any questions.

There was no other public comment.

Item C: APPROVAL OF APRIL 28, 2021 RIGHT OF WAY COMMITTEE MEETING MINUTES

A motion was made by Laurie Botts and seconded by John Denninghoff to approve the April 28, 2021

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

Item D.1.: PARTIAL RELEASE AND REESTABLISHMENT OF RESTRICTION AND PARTIAL RELEASE OF EASEMENT AND MAINTENANCE AGREEMENT BETWEEN THE CITY OF APOPKA AND THE CENTRAL FLORIDA EXPRESSWAY AUTHORITY (HARMON ROAD)
PROJECT NUMBERS: 429-200 AND 429-604
PORTIONS OF PARCELS: 63-117 POND AND 63-125 POND

Associate General Counsel Laura Kelly requested the Committee's recommendation for Board approval of a Partial Release and Reestablishment of Restriction and Partial Release of Easement and Maintenance Agreement between the Central Florida Expressway Authority ("CFX") and the City of Apopka ("City").

Attorney Kelly provided the Committee with a brief history of the project. Attorney Kelly advised that the City desires to convey certain real property, including portions of the real property previously transferred to the City, to Adventist Health for the development, construction, use, and maintenance of the property as a not-for-profit hospital. Another portion of the real property previously transferred to the City will be used by the City for the development, construction, use and maintenance of a fire station. Since the property is subject to a deed restriction for public right-of-way, the deed restriction will need to be released to permit these uses.

CFX and the City have negotiated the terms of a Partial Release and Reestablishment of Restriction and Partial Release of Easement and Maintenance Agreement to effectuate the release of the deed restriction and easement agreement over the previously transferred property. Only that portion of the previously transferred property that will be conveyed to Adventist Health will be released from the terms of the easement agreement.

A motion was made by Mindy Cummings and seconded by Neil Newton to recommend to the Board approval of a Partial Release and Reestablishment of Restriction and Partial Release of Easement and Maintenance between CFX and the City in a form substantially similar to the agreement attached to the Right of Way Committee agenda package, subject to any minor or clerical modifications or revisions approved by the General Counsel or designee.

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

Item D.2.: RIGHT-OF-WAY TRANSFER AND CONTINUING MAINTENANCE AGREEMENT BETWEEN THE CENTRAL FLORIDA EXPRESSWAY AUTHORITY AND CITY OF APOPKA, FLORIDA (HARMON ROAD) PROJECT NUMBERS: 429-200 AND 429-604 PORTION OF PARCEL: 63-117 AND 63-118

Associate General Counsel Laura Kelly requested the Committee's recommendation for Board approval of a Resolution Declaring Property as Surplus Available for Sale, Authorizing the Transfer of Surplus Property with the City and Release and Reestablishment of Limited Access Lines and the Approval of the Right of Way Transfer and Continuing Maintenance Agreement between CFX and the City.

Attorney Kelly provided the Committee with a brief history of the project. Attorney Kelly advised that the City is currently designing and intends to construct improvements to Harmon Road and has requested CFX dedicate a portion of Parcel 63-118 to the CFX in order to complete the improvements.

CFX and the City desire to enter into a Right-of-Way Transfer and Continuing Maintenance Agreement to effectuate the transfer of ownership interest which is necessary for the improvements to Harmon Road. The proposed agreement will further be memorialized and reiterate the maintenance obligation of CFX and the City regarding local infrastructure and expressway system infrastructure.

A motion was made by Mindy Cummings and seconded by Laurie Botts to recommend to the Board approval of a Resolution Declaring Property as Surplus Available for Sale, Authorizing the Transfer of Surplus Property with the City and Release and Reestablishment of Limited Access Lines and the Approval of the Right of Way Transfer and Continuing Maintenance Agreement CFX and the City in a form substantially similar to the agreement attached to the Right of Way Committee agenda package, subject to any minor or clerical modifications or revisions approved by the General Counsel or designee

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

Item D.3.: RIGHT-OF-WAY TRANSFER AND CONTINUING MAINTENANCE AGREEMENT BETWEEN THE CENTRAL FLORIDA EXPRESSWAY AUTHORITY AND ORANGE COUNTY, FLORIDA (WEKIVA PARKWAY) PROJECT NUMBERS: 429-202, 429-203, 429-204, 429-205 PORTIONS OF PARCELS: 132 PART C, 134 PART C, 156 PARTIAL, 157 PARTIAL, 158 PARTIAL, 169 PART B, 869, 170, 185 PART B, 186 PART B, 188 PART B, 207 PARTIAL, 228, 229, 230, 233, 250 PART B, 252 PART B, 258 PARTIAL, 259 PARTIAL, 260 PARTIAL, 261 PARTIAL, 262 PARTIAL, 264 PARTIAL, 265 PARTIAL, 266 PARTIAL, 275 PARTIAL, AND 291 PARTIAL

Associate General Counsel Laura Kelly requested the Committee's recommendation for Board approval of a Resolution Declaring Property as Surplus Property Available for Sale, Authorizing the Transfer of Surplus Property with Orange County and Release and Reestablishment of Limited Access Lines and the Approval of the Right of Way Transfer and Continuing Maintenance Agreement between CFX and Orange County ("County").

Attorney Kelly provided a brief history on the parcels. Attorney Kelly advised that in order to ensure all local road right-of-way and associated facilities are owned by the County and all right-of-way and associated facilities operated as a part of the expressway system are owned and maintained by CFX, CFX and the County desire to enter into the proposed Right-of-Way Transfer and Continuing Maintenance Agreement to effectuate the transfer to certain ownership interests.

A portion of the parcels being transferred to the County by CFX are encumbered with limited access lines held by CFX running along the boundaries of the parcels. With the transfer of the parcels to the County, it is in the best interest of CFX to relocate and reestablish the location of the existing limited access to align with the boundary lines of the parcels.

Discussion ensued. Committee Member Neil Newton asked Staff if CFX conveys fee simple interest and easement rights in the same way as Seminole County does. Glenn Pressimone, Chief of Infrastructure advised that CFX does not approach projects in the same manner.

A motion was made by Brian Sheahan and seconded by John Denninghoff to recommend to the Board approval of Resolution Declaring Property as Surplus Property Available for Sale, Authorizing the Transfer of Surplus Property with Orange County and Release and Reestablishment of Limited Access Lines and the Approval of the Right of Way Transfer and Continuing Maintenance Agreement between CFX and the County in a form substantially similar to the agreement attached to the Right of Way Committee agenda package, subject to any minor or clerical modifications or revisions approved by the General Counsel or designee

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

Item D.4.: RIGHT-OF-WAY TRANSFER AND CONTINUING MAINTENANCE AGREEMENT BETWEEN THE CENTRAL FLORIDA EXPRESSWAY AUTHORITY AND ORANGE COUNTY, FLORIDA (CLARCONA-OCOEE ROAD/WEST ROAD)
PROJECT NUMBERS: 429-603
PARCELS: 62-100, 62-150, PART A AND B, 62-161 PARTIAL 2, 62-171 PART A, 62-172 PART B, 62-174 PART A AND B, 62-175, 62-176

Associate General Counsel Laura Kelly requested the Committee's recommendation for Board approval of a Resolution Declaring Property as Surplus Property Available for Sale, Authorizing the Transfer of Surplus Property with Orange County, and Release and Reestablishment of Limited Access Lines and the Approval of the Right of Way Transfer and Continuing Maintenance Agreement between CFX and the County.

Attorney Kelly provided the Committee with a brief history of the project. Attorney Kelly advised that in order to ensure all local road right-of-way and associated facilities are owned by the County and all right-of-way and associated facilities operated as part of the expressway system are owned and maintained by CFX, CFX and the County desire to enter into the proposed Right-of-Way Transfer and Continuing Maintenance Agreement to effectuate the transfer of certain ownership interests. In exchange for the transfer, the County will agree to undertake the continuing maintenance of the transferred parcels and to transfer to CFX those portions of the right-of-way currently owned by the County identified as Parcel 62-100 for use as a part of CFX's expressway system.

A portion of the parcels being transferred to the County by CFX is encumbered with limited access lines held by CFX running along the boundaries of those parcels. With the transfer of the parcels from CFX to the County, it is in the best interest of CFX to relocate and reestablish the location of the existing limited access lines to along with the boundary lines of the parcels in accordance with the terms of the Agreement.

Discussion ensued. Committee Member Laurie Botts asked Glenn Pressimone, Chief of Infrastructure to confirm that there will be no need in the future for this property. Executive Director, Laura Kelley and Glenn Pressimone, advised that this parcel is local road right-of-way but that the adjacent property designated on

the map as "excess property" is not being declared surplus and will be held for future use such as signage or solar application.

A motion was made by Chris Murvin and seconded by Steven Kane to recommend to the Board approval of a Resolution Declaring Property as Surplus Property Available for Sale, Authorizing the Transfer of Surplus Property with Orange County, and Release and Reestablishment of Limited Access Lines and the Approval of the Right of Way Transfer and Continuing Maintenance Agreement between CFX and the County in a form substantially similar to the agreement attached to the Right of Way Committee agenda package, subject to any minor or clerical modifications or revisions approved by the General Counsel or designee.

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

Item D.5: AMENDED AND RESTATED RAILROAD REIMBURSEMENT AGREEMENT, GRADE SEPARATION, AND RIGHT OF WAY UTILIZATION AGREEMENT BETWEEN THE CENTRAL FLORIDA EXPRESSWAY AUTHORITY, ORLANDO UTILITIES COMMISSION, AND THE CITY OF ORLANDO PROJECT NUMBER: 417-150

Associate General Counsel Laura Kelly requested the Committee's recommendation for Board approval of the Amended and Restated Railroad Reimbursement Agreement, Grade Separation, and Right of Way Utilization Agreement between CFX, Orlando Utilities Commission ("OUC"), and the City of Orlando ("Orlando").

Attorney Kelly advised the prior agreements with OUC and Orlando from needs to be revised to provide for the expansion of SR 417 over of the OUC and Orlando owned rail corridor.

In order to provide for the expansion of the existing bridge improvements, OUC, Orlando and CFX desire to amend and restate the original agreement in accordance with the terms and conditions of the proposed Amended and Restated Railroad Reimbursement Agreement, Grade Separation, and Right of Way Utilization Agreement.

OUC and Orlando are willing to grant perpetual non-exclusive easements to CFX over the portions of the OUC and Orlando right-of-way for air rights, pier foundations, fill slope, and a retaining wall. Additionally, OUC and Orlando will grant CFX licenses over the OUC right-of-way for temporary construction as well as a permanent access license along an existing OUC owned access road. In exchange for the grant of easements and licenses, CFX is required to ensure that all activities conducted by CFX, or its contractors shall comply with the terms and conditions of the amended agreement. CFX will be responsible, for moving and relocating an existing stabilized pad that was previously constructed by OUC on a small portion of CFX owned right-of-way by.

OUC proposed language seeking an annual payment from CFX in the amount of \$5,000.00 per year for the use of their access road. In lieu of the flat fee, OUC and CFX staff negotiated language whereby CFX will

reimburse OUC on a work order basis for any and all expense incurred by OUC for the coordination for the use of OUC's access road by CFX.

Discussion ensued.

A motion was made by Mindy Cummings and seconded by Brian Sheahan to recommend to the Board approval of the Amended and Restated Railroad Reimbursement Agreement, Grade Separation, and Right of Way Utilization Agreement between CFX, OUC and Orlando in a form substantially similar to the agreement attached to the Right of Way Committee agenda package, subject to any minor or clerical modifications or revisions approved by the General Counsel or designee

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

Item E: OTHER BUSINESS

Chairman Kane advised the Committee that the next Right of Way Committee meeting is scheduled for Wednesday, September 22, 2021 at 2:00 p.m. Lake County Committee Member, Brian Sheahan would take over as Chairman.

Item F: ADJOURNMENT

Chairman Kane adjourned the meeting at approximately 2:32 p.m.

Minutes approved on _____

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.

MEMORANDUM

TO: CFX Right-of-Way Committee Members

FROM: Laura Newlin Kelly, Associate General Counsel *Laura Newlin Kelly*

DATE: September 15, 2021

SUBJECT: Purchase Agreement Between the Central Florida Expressway Authority and Orange County, Florida (Tiny Road/Tilden Road)
Project Numbers 429-654 and 429-654A
CFX Parcels 64-228, Part C, 64-828, and 64-829

BACKGROUND

Central Florida Expressway Authority's predecessor in interest (now "CFX") acquired various real properties for the construction of State Road (S.R.) 429 and associated facilities, including Parcel 64-228, Part C. Parcel 64-228, Part C consisted of approximately 38.2 acres of real property and was acquired from Group 9, Inc., a Florida corporation, as Trustee for \$350,000.00 plus closing costs, pursuant to that certain Warranty Deed dated January 22, 1999 and recorded January 29, 1999 in Official Records Book 5670, Page 4620, Public Records of Orange County, Florida.

Orange County, Florida ("County") is currently designing, and intends to construct, improvements to the intersection of Tiny Road and Tilden Road and has requested CFX sell a portion of Parcel 64-228, Part C consisting of approximately 1.48 acres ("CFX Parcel") to the County to complete the improvements to Tiny Road and Tilden Road and to grant certain easements over a portion of Parcel 64-228, Part C, referred to as CFX Parcels 64-828 and 64-829, for drainage and slope easements (collectively, the "Easement Parcels"). A map depicting the CFX Parcel and Easement Parcels is attached hereto as **Attachment "A"** ("Map"). On or about December 26, 2018, the County initially made application to CFX requesting the sale and conveyance of the CFX Parcel to the County. A copy of the County's request is attached hereto as **Attachment "B"**.

CFX and the County desire to enter into the proposed Purchase Agreement to memorialize the sale of the CFX Parcel and grant of the easement interests over the Easement Parcels to the County. The proposed Purchase Agreement is attached hereto as **Attachment "C"** ("Agreement"). An appraisal was obtained from Pinel & Carpenter, Inc. dated February 25, 2021, with a total appraised value for the CFX Parcel and Easement Parcels in the amount of \$489,700.00. A review appraisal was obtained from The Spivey Group, Inc. dated August 3, 2021, with a total appraised value for the CFX Parcel and Easement Parcels in the amount of \$495,000.00. The purchase price for the CFX Parcel and Easement Parcels reflected in the Agreement is \$495,000.00 plus reimbursement to CFX for the cost of the review appraisal in the amount of \$5,365.00 for a total

purchase price of \$500,365.00. Pursuant to the terms of the proposed Agreement, the conveying instrument will include a deed restriction and reverter in the event the County fails to utilize the CFX Parcel for public purposes.

Pursuant to CFX's Property Acquisition, Disposition & Permitting Procedures Manual, CFX staff and CFX's General Engineering Consultant have examined the CFX Parcel and determined that the CFX Parcel is not needed to support existing Expressway Facilities. Accordingly, CFX's General Engineering Consultant has certified that the CFX 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 CFX Parcel and grant of the Easement Parcels would not impede or restrict the Expressway System. A copy of the certification is attached hereto as **Attachment "D"**. A copy of the draft resolution declaring the CFX Parcel as surplus property is attached hereto as **Attachment "E"**.

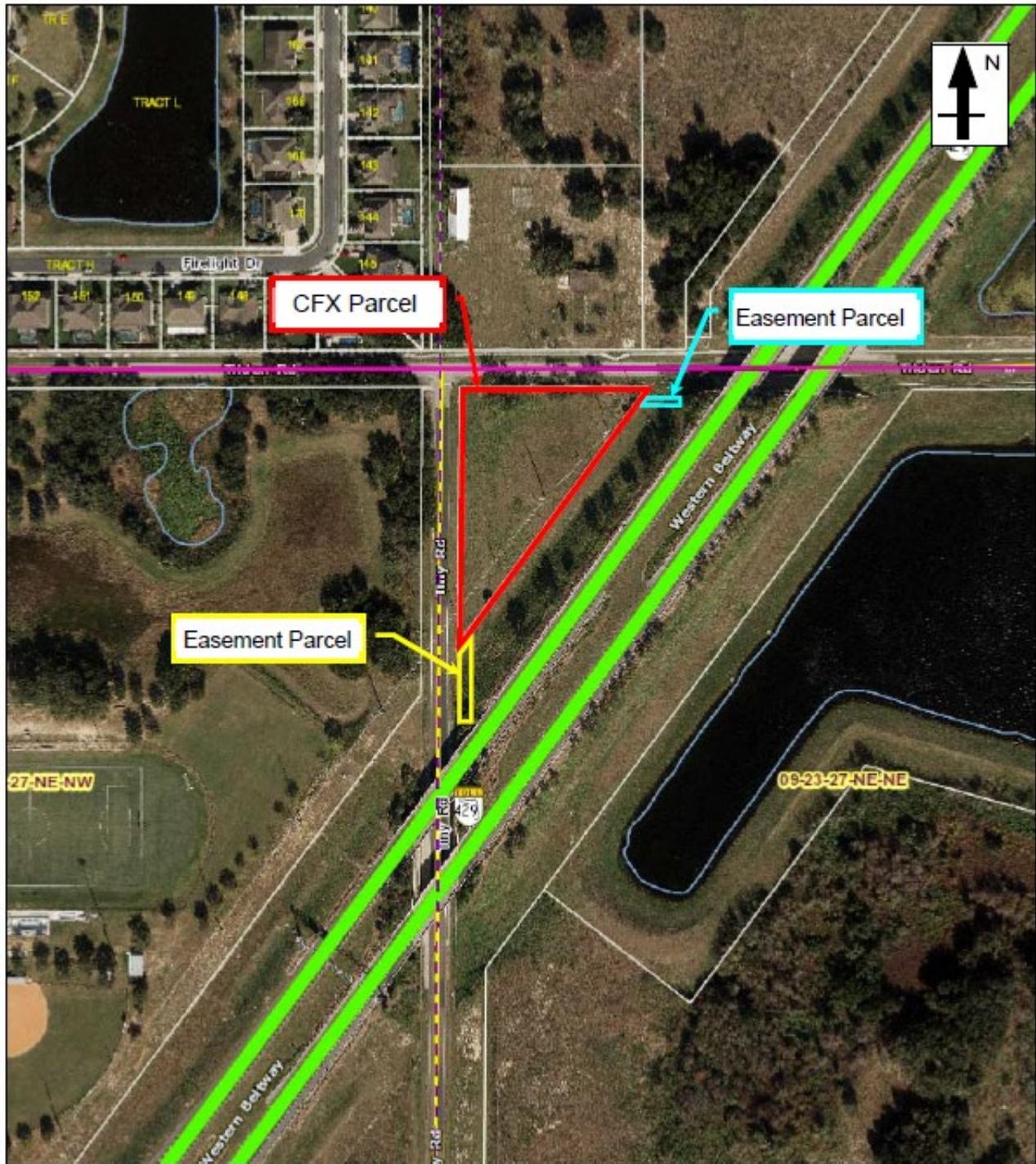
REQUEST

A recommendation by the Right-of-Way Committee for CFX Board's approval of the Purchase Agreement with CFX and County in a form substantially similar to the attached Agreement, subject to the following: (1) separate notice to the local government in which the CFX Parcel and Easement Parcels are located is not required; (2) conveyance of the CFX Parcel will be via a Special Warranty Deed, subject to a deed restriction and right of reverter restricting the use of the CFX Parcel for public purposes; and (3) approval of the legal descriptions, deed and easements, by CFX's General Engineering Consultant and any minor or clerical revisions approved by the General Counsel or designee.

ATTACHMENTS

- A. Map
- B. Application from Orange County, Florida
- C. Purchase Agreement
- D. Certificate from CFX's General Engineering Consultant
- E. Resolution Declaring the Property Surplus

MEMO
ATTACHMENT "A"



Approximate Representation
Source: Orange County Property Appraiser



REAL ESTATE MANAGEMENT DIVISION

400 East South Street, 5th Floor ■ **Reply To:** Post Office Box 1393 ■ Orlando, Florida 32802-1393
407-836-7070 ■ Fax 407-836-5969
www.orangecountyfl.net

MEMO
ATTACHMENT "B"

December 26, 2018

Ms. Laura Kelley, Executive Director
Central Florida Expressway Authority
Administration and Operations Building
4974 ORL Tower Road
Orlando, FL 32807

Re: Tilden Road and Tiny Road Intersection Improvements
Parcel 1001

Dear Ms. Kelley:

The Orange County Public Works Department (the "County") seeks the recommendation of the Right of Way Committee to the CFX Board for approval to acquire the following surplus land owned by the Central Florida Expressway Authority (the "CFX".)

The County respectfully requests the Executive Director to commence process in determining that the following property be considered to be placed on the Surplus Property Lands Available List in order to consider the sale of surplus property per Florida Statutes 125.38, allowing CFX Board to adopt in the form of a Resolution the transfer of the surplus property.

It is the County's understanding that the Right of Way Committee may review and/comment making a recommendation to the future use of the surplus property to its Board making a recommendation of the land transfer and advising the County of the intent of sale of said such land for public use once the property is placed on the Surplus Property Lands Available List.

DESCRIPTION AND BACKGROUND

The property is a triangular piece of property located at the northeasterly corner of Tilden Road and State Road 429 (Daniel Webster Western Beltway) lying in unincorporated Orange County and is comprised of one (1) tax parcel being: 09-23-27-0000-00-014.

The parcel is needed for the Tilden Road and Tiny Road Intersection Improvements and consists of about 64,442 square feet.

The property was conveyed to Orlando-Orange County Expressway Authority by virtue of Warranty Deed in Official Records Book 5670, Page 4620, recorded on January 29, 1999.

PURPOSE

The County requests the said property transfer for the use of a pond site for the Tilden Road and Tiny Road Intersection Improvements Project.

VALUATION

CFX process is to provide an appraisal of value once the land is determined to be surplus and added to the CFX Surplus Property Lands Available List.

REQUESTED ACTION

The County respectfully seeks the Executive Director's assistance and the Right of Way Committee's recommendation regarding the conveyance of the State owned surplus land transfer of the property identified as Property Appraiser Tax ID No.: 09-23-27-0000-0-014 over to the County by virtue of deed per FS 125.38.

Respectfully,

Mark Massaro, Director
Orange County Public Works Department
4200 South John Young Parkway
Orlando, FL 32839

ENCLOSURES

Property Appraiser Tax ID Folio Card
60% Construction Plan Sheet for the Tilden Road and Tiny Road Intersection Improvements project
Warranty Deed recorded in Official Records Book 5670, Page 4620
GIS Map

PURCHASE AGREEMENT

ITEM/SEGMENT NO.: 444788-1-48-01
MANAGING DIST.: 5
F.A.P. NO.: D519 061 B
STATE ROAD NO.: Tiny Road and Tilden Road
COUNTY: Orange
PARCEL NO.: 1001, 8001A, 8001B
PAGE Page 2 of 7

II. PURCHASE PRICE

a. Real Property

	Land	1.	\$491,400.00
	Improvements	2.	\$3,600.00
	Real Estate Damages (Severance Cost-to-Cure)	3.	\$00.00
	Total Real Property	4.	\$495,000

b. Total Personal Property **5.** \$00.00

c. Fees and Costs

	Attorney Fees	6.	\$00.00
	The Spivey Group, Inc., Walter N. Carpenter, Jr., MAI/Appraiser Fees	7.	\$5,365.00

_____	_____	8.	\$00.00
_____	_____ Fee(s)		

Total Fees and Costs **9.** \$00.00

d. Total Business Damages **10.** \$00.00

e. Total of Other Costs/Closing Cost, Title Insurance and Recording Fees to be paid by Orange County Public Works Department **11.** \$To Be Determined

Total Purchase Price (add lines 4, 5, 9, 10 and 11) \$495,000.00

Total Global Settlement Amount

f. Portion of Total Purchase Price or Global Settlement Amount to be paid to Seller by Buyer at Closing \$500,365.00

g. Portion of Total Purchase Price or Global Settlement Amount to be paid to Seller by Buyer upon surrender of passion or \$00.00

PURCHASE AGREEMENT

ITEM/SEGMENT NO.: 444788-1-48-01
MANAGING DIST.: 5
F.A.P. NO.: D519 061 B
STATE ROAD NO.: Tiny Road and Tilden Road
COUNTY: Orange
PARCEL NO.: 1001, 8001A, 8001B
PAGE Page 3 of 7

III. CONDITIONS AND LIMITATIONS

- a. Seller is responsible for all taxes due on the property described in Section I (“Property”) up to, but not including, the day of closing.
- b. Seller is responsible for delivering marketable title to Buyer, subject to the Permitted Exceptions (hereinafter defined). Marketable title shall be determined according to applicable title standards adopted by the Florida Bar in accordance with Florida Law subject only to the Permitted Exceptions. Within fifteen (15) days after the Effective Date (hereinafter defined), Seller shall obtain, at Seller’s expense, and provide to Buyer for review, a current title insurance commitment and a copy of all exceptions referred to therein (the “Title Commitment”). Within fifteen (15) days after the receipt of the Title Commitment, Buyer shall provide Seller with notice of any matters set forth in the Title Commitment which are unacceptable to Buyer (“Title Defects”). Any matters set forth in the Title Commitment to which Buyer does not timely object shall be referred to collectively herein as the “Permitted Exceptions”. Seller, at its election, shall have thirty (30) days after receipt of the aforesaid notice from Buyer (the “Seller’s Cure Period”) within which to use commercially reasonable efforts to cure such Title Defects to the reasonable satisfaction of Buyer. In the event Seller fails or refuses to cure any Title Defect(s) within Seller’s Cure Period, then Buyer may at its option by delivering written notice thereof to Seller within seven (7) days after expiration of the Cure Period (i) terminate this Agreement, whereupon the agreement shall be deemed null and void and of no further force and effect, and no party hereto shall have any further rights, obligations or liability hereunder; or (ii) accept title to the Property subject to such Title Defect(s). Seller shall be liable for any encumbrances not disclosed in the public records or arising after closing as a direct result of actions of the Seller.
- c. Seller shall maintain the Property of this agreement until the day of closing. The property shall be maintained in the same condition existing on the date of this agreement, except for reasonable wear and tear.
- d. Any occupancy of the Property by Seller extending beyond the day of closing must be pursuant to a lease from Buyer to Seller.
- e. The Property is being acquired by Buyer for transportation purposes under threat of condemnation pursuant to **Section 337.25 Florida Statutes**.
- f. Pursuant to **Rule 14-10.004, Florida Administrative Code**, Seller shall deliver completed **Outdoor Advertising Permit Cancellation Form(s), Form Number 575-070-12**, executed by the outdoor advertising permit holder(s) for any outdoor advertising structure(s) described in **Section I** of this agreement and shall surrender, or account for, the outdoor advertising permit tag(s) at closing.

PURCHASE AGREEMENT

ITEM/SEGMENT NO.: 444788-1-48-01
MANAGING DIST.: 5
F.A.P. NO.: D519 061 B
STATE ROAD NO.: Tiny Road and Tilden Road
COUNTY: Orange
PARCEL NO.: 1001, 8001A, 8001B
PAGE Page 4 of 7

- g.** Seller shall execute and deliver to Buyer at the closing a drainage easement and drainage and slope and fill easement to convey to Buyer the easement interests in Parcels 8001A and 8001B, respectively. Seller agrees that fee simple interest in Parcel 1001 shall be conveyed to Buyer by a special warranty deed. Parcel 1001 shall be conveyed to Buyer for public purposes, including, without limitation, public stormwater drainage, utilities, right-of-way, fill and slope improvements, or recreational uses, and the special warranty deed conveying Parcel 1001 to the Buyer shall contain a use restriction consistent with the following (“Use Restriction”):

“By acceptance of this deed, Buyer agrees that the Property shall only be used for public purposes, including, without limitation, public stormwater drainage, utilities, right-of-way, fill and slope improvements, or recreational uses. Further, the foregoing use restriction shall run with title to the Property for a term of the lesser of forty (40) years after the date of recording of this deed or the maximum number of years allowable by law (“Term”). During the Term, if the Property ceases to be used for public uses, Seller may elect to pursue any remedies available to the Seller in law or equity including, without limitation, specific performance, or to exercise Seller’s right to repurchase all or a portion of the Property at the purchase price originally paid by Buyer to Seller. In such event, Seller shall notify Buyer in writing of its intent to exercise its right of repurchase with respect to the Property (“Repurchase Notice”). Notwithstanding the foregoing, in the event Buyer desires to cease operation of the Property for public uses, or otherwise sell, convey, or transfer the Property to a third party, Buyer shall provide written notice to Seller of such (“Sale Notice”) and in such event, Seller shall have the right of first refusal and shall have ninety (90) days from Seller’s receipt of the Sale Notice to deliver to Buyer a Repurchase Notice.”

- h.** Seller and Buyer agree that this agreement represents the full and final agreement for the herein described sale and purchase and no other agreements or representations, unless incorporated into this agreement, shall be binding on the parties.
- i.** Other: N/A
- j.** Seller and Buyer agree that a real estate closing pursuant to the terms of this agreement shall be contingent on delivery by Seller of an executed Public Disclosure Affidavit in accordance with **Section 286.23, Florida Statutes.**
- k.** BUYER ACKNOWLEDGES, UNDERSTANDS AND AGREES THAT, EXCEPT AS SPECIFICALLY SET FORTH IN THIS AGREEMENT TO THE CONTRARY, THE PROPERTY IS BEING SOLD BY SELLER AND PURCHASED BY BUYER IN ITS PRESENT PHYSICAL CONDITION, “AS-IS”, AND THAT SELLER MAKES ABSOLUTELY NO REPRESENTATIONS OR WARRANTIES WHATSOEVER WITH RESPECT TO THE PHYSICAL CONDITION OF THE PROPERTY OR THE SUITABILITY

PURCHASE AGREEMENT

ITEM/SEGMENT NO.: 444788-1-48-01
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PARCEL NO.: 1001, 8001A, 8001B
PAGE Page 5 of 7

OF THE PROPERTY FOR BUYER’S INTENDED USE. BUYER AGREES THAT UPON THE CLOSING, BUYER SHALL BE DEEMED TO HAVE ACCEPTED THE PROPERTY, INCLUDING ANY FAULTS AND/OR PROBLEMS THAT WERE, OR COULD HAVE BEEN, DISCOVERABLE BY BUYER PRIOR TO ENTERING INTO, OR CLOSING ON THIS AGREEMENT. THE PROVISIONS OF THIS SECTION SHALL SURVIVE THE CLOSING.

- 1. Buyer shall pay the following costs associated with closing: (i) all real property transfer and transaction taxes and levies relating to the purchase or sale of the Property, if applicable, (ii) the title insurance premium for the Title Commitment and any title policy issued for the Property, (iii) the cost of recording the closing documents, including the deed and easements, (iv) preparation and recordation of any instruments necessary to correct title, and (v) all of the real estate sales commissions set forth herein, if applicable.

IV. CLOSING DATE

The closing will occur no later than 60 days after Final Agency Acceptance.

V. TYPEWRITTEN OR HANDWRITTEN PROVISIONS

Any typewritten or handwritten provisions inserted into or attached to this agreement as addenda must be initialed by both Seller and Buyer.

- X There is an addendum to this agreement. Eight (8) pages are made a part of this agreement.
Legal and Sketch “Schedule A” for Parcel 1001
Legal and Sketch “Schedule A” for Parcel 8001A and “Schedule B”
Legal and Sketch “Schedule A” for Parcel 8001B and “Schedule B”
There is not an addendum to this agreement.

VI. ACKNOWLEDGEMENT

Seller and Buyer hereby acknowledge and agree that their signatures as Seller and Buyer below constitute their acceptance of this agreement as a binding real estate contract.

It is mutually acknowledged that this Purchase Agreement is subject to Final Agency Acceptance by Buyer pursuant to **Section 119.0711, Florida Statutes**. A closing shall not be conducted prior to 30 days from the date this agreement is signed by Seller and Buyer to allow public review of the transaction. Final Agency Acceptance shall not be withheld by Buyer absent evidence of fraud, coercion, or undue influence involving this agreement. Final Agency Acceptance shall be evidenced by the signature of Buyer in **Section VII** of this agreement. The effective date of this agreement shall be the date upon which the last of the parties hereto provides Final Agency Acceptance (“Effective Date”).

PURCHASE AGREEMENT

ITEM/SEGMENT NO.: 444788-1-48-01
MANAGING DIST.: 5
F.A.P. NO.: D519 061 B
STATE ROAD NO.: Tiny Road and Tilden Road
COUNTY: Orange
PARCEL NO.: 1001, 8001A, 8001B
PAGE Page 6 of 7

VII. SIGNATURES

SELLER - please use the additional signature pages if necessary.

**CENTRAL FLORIDA EXPRESSWAY
AUTHORITY**

Print Name: _____

Print Name: _____

By: _____
Buddy Dyer, Chairman

Date: _____

ATTEST: _____
Regla ("Mimi") Lamaute
Recording Clerk

Approved as to form and legality by legal
counsel to the Central Florida Expressway
Authority on this ___ day of _____,
2021 for its exclusive use and reliance.

By: _____
Diego "Woody" Rodriguez
General Counsel

BUYER:

Presented to Seller on behalf of Orange County by:

Theresa Avery, Acquisition Agent
Orange County Real Estate Management Division
Date:

(mm/dd/yyyy)

PURCHASE AGREEMENT

ITEM/SEGMENT NO.: 444788-1-48-01
MANAGING DIST.: 5
F.A.P. NO.: D519 061 B
STATE ROAD NO.: Tiny Road and Tilden Road
COUNTY: Orange
PARCEL NO.: 1001, 8001A, 8001B
PAGE Page 7 of 7

VII. FINAL AGENCY ACCEPTANCE

The Buyer has granted Final Agency Acceptance as of the date written below.

Orange County Real Estate Management Division

Mindy T. Cummings, Manager

Date:

(mm/dd/yyyy)

Plot Date: Sep 01, 2021 8:55am Tech: jsturjeon
Filename: F:\CIVIL\PROJECTS\2016\2016-17 FEG - Continuing Prof. Engineering\Prof. Engineering\2016-17.2 Tilden Road at Tiny Road.dwg
BNDY S&D-8001 9-1-21.dwg

Schedule "A"
Tilden Road & Tiny Road Intersection Improvements
Parcel 1001
Estate: Fee Simple

Legal Description (Prepared by Surveyor)

A Portion of Lands Described in Official Records Book 5670, Page 4620, of the Public records of Orange County, Florida, and lying in the Northeast 1/4 of Northeast 1/4 of Section 9, Township 23 South, Range 27 East, Orange County, Florida and being more particularly described as follows: Commence at the Northwest Corner of the Northeast 1/4 of Northeast 1/4 of said Section 9; thence, along the West line of the Northeast 1/4 of Northeast 1/4 of Section 9, run South 00°22'56" West, a distance of 30.00 feet; Thence, departing said West line, run North 89°50'16" East, a distance of 30.00 feet to a point on the South Right of Way Line of Tilden Road, as described in Official Records Book 72, page 132, of the Public Records of Orange County, Florida, and to the Point of Beginning; Thence North 89°50'16" East, along said South Right of Way Line, a distance of 307.28 feet; Thence departing said South Right of Way Line, run along the Limited Access Right of Way Line of State Road 429, according to the Orlando-Orange County Expressway Authority, Right of Way Maps, Western Beltway Project #75320-6460-654, South 36°25'02" West, a distance of 522.31 feet to a point on the East Right of Way Line of Tiny Road; thence departing said Limited Access Right of Way Line, run North 00°22'56" East, along said East Right of Way Line, a distance of 419.45 feet to the Point of Beginning.

Said parcel containing 1.48 acres (64,441square feet), more or less.

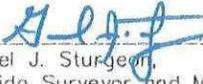
SURVEYOR'S NOTES

1. THIS LEGAL DESCRIPTION IS NOT VALID UNLESS SIGNED AND EMBOSSED WITH THE RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. A TITLE COMMITMENT WAS NOT REVIEWED FOR THIS SURVEY.
3. LANDS SHOWN HEREON WERE NOT RESEARCHED BY THIS FIRM FOR MATTERS SUCH AS OWNERSHIP, EASEMENTS, RIGHT OF WAY OR OTHER MATTERS IN THE PUBLIC RECORDS THAT MAY AFFECT THESE LANDS.
4. BEARINGS ARE BASED ON THE SOUTH RIGHT OF WAY LINE OF TILDEN ROAD, SECTION 9, TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA AS BEING: NORTH 89°50'16" EAST. COORDINATES ARE RELATIVE TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NORTH AMERICAN DATUM OF 1983/ 1990 ADJUSTMENT.
5. GRAPHIC SYMBOLS SHOWN HEREON MAY NOT BE TO SCALE.
6. THE DELINEATION OF LANDS SHOWN HEREON IS AT THE CLIENT'S REQUEST.
7. THIS SKETCH OF DESCRIPTION AND LEGAL DESCRIPTION ARE CERTIFIED TO ORANGE COUNTY PUBLIC WORKS.

Surveyor Certification

This Sketch & Description was prepared under my direction and is true and correct to the best of my knowledge and belief. This Sketch & Description was performed in conformance with the "Standards of Practice" as contained in Chapter 5J-17, Florida Administrative Code, pursuant to Florida Statute 472.

CENTRAL FLORIDA EXPRESSWAY
AUTHORITY
SR 429
PROJECT NO 429-654
PARCEL: 64-228 PART C
PURPOSE: SURPLUS PARCEL SALE
ESTATE: FEE SIMPLE


Date 9-2-21
Genel J. Sturgeon,
Florida Surveyor and Mapper PSM 5866
Barnes Ferland and Associates LB 7774

NOTE: THIS IS NOT A BOUNDARY SURVEY

*NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

BFA Environmental Consultants
Barnes, Ferland and Associates, Inc.
1230 E. Hillcrest Street, Orlando, FL 32803
PH 407-855-5555 FAX 407-855-1555
CERTIFICATE OF AUTHORIZATION: LB7774

SKETCH OF DESCRIPTION
A PORTION OF EXPRESSWAY AUTHORITY RIGHT OF WAY MAPS
WESTERN BELTWAY PROJECT #75320-6460-654 - S9-T23S-R27E

SHEET
1 OF 2

RH 9/9/2021

Plot Date: Sep 01, 2021 8:35am
Tech: Jsturgeon
Filename: F:\CIVIL\PROJECTS\2016\1016-17 FEC - Continuing Prof Engineering\2016-17.2 Tilden Road at Tiny Road\9.6 Drawings\Easements\2016-17.2-Easmt-10' RW-8001A 9-1-21.dwg

Schedule "A"
Tilden Road & Tiny Road Intersection Improvements
Parcel 8001A

Legal Description (Prepared by Surveyor)

A Portion of Lands Described in Expressway Authority Right of Way Maps, Western Beltway Project #75320-6460-654, dated May, 2002 and lying in Section 9, Township 23 South, Range 27 East, Orange County, Florida and being more particularly described as follows;

Commence at the Northwest Corner of the Northeast 1/4 of Northeast 1/4 of said Section 9, Township 23 South, Range 27 East; Thence, along the West line of the Northeast 1/4 of Northeast 1/4 of said Section 9, run South 00°22'56" West, a distance of 30.00 feet; Thence, departing said West line, run North 89°50'16" East, a distance of 30.00 feet to a point on the East Right of Way Line of Tiny Road, as described in Deed Book 844, page 262, of the Public Records of Orange County, Florida; Thence South 00°22'56" West, along said East Right of Way Line a distance of 419.45 feet to the Point of Beginning; Thence departing said East Right of Way Line, North 36°25'02" East, a distance of 17.00 feet; Thence South 00°22'56" West, a distance of 81.75 feet; Thence South 89°37'04" West, a distance of 10.00 feet, to a point on said East Right of Way Line; Thence North 00°22'56" East, along said East Right of Way Line, a distance of 68.00 feet to the Point of Beginning.

Said parcel containing 748 square feet, more or less.

SURVEYOR'S NOTES

1. THIS LEGAL DESCRIPTION IS NOT VALID UNLESS SIGNED AND EMBOSSED WITH THE RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. A TITLE COMMITMENT WAS NOT REVIEWED FOR THIS SURVEY.
3. LANDS SHOWN HEREON WERE NOT RESEARCHED BY THIS FIRM FOR MATTERS SUCH AS OWNERSHIP, EASEMENTS, RIGHT OF WAY OR OTHER MATTERS IN THE PUBLIC RECORDS THAT MAY AFFECT THESE LANDS.
4. BEARINGS ARE BASED ON THE NORTH LINE OF THE NORTHEAST 1/4 OF NORTHEAST 1/4 OF SECTION 9, TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA AS BEING: NORTH 89°50'16" EAST. COORDINATES ARE RELATIVE TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NORTH AMERICAN DATUM OF 1983/ 1990 ADJUSTMENT.
5. GRAPHIC SYMBOLS SHOWN HEREON MAY NOT BE TO SCALE.
6. THE DELINEATION OF LANDS SHOWN HEREON IS AT THE CLIENT'S REQUEST.
7. THIS SKETCH OF DESCRIPTION AND LEGAL DESCRIPTION ARE CERTIFIED TO ORANGE COUNTY PUBLIC WORKS.

Surveyor Certification

This Sketch & Description was prepared under my direction and is true and correct to the best of my knowledge and belief. This Sketch & Description was performed in conformance with the "Standards of Practice" as contained in Chapter 5J-17, Florida Administrative Code, pursuant to Florida Statute 472.


Date 9-2-21
Genel J. Sturgeon,
Florida Surveyor and Mapper PSM 5866
Barnes Ferland and Associates LB 7774

CENTRAL FLORIDA EXPRESSWAY
AUTHORITY
SR 429
PROJECT NO. 429-654
PARCEL: 64-828
PURPOSE: NON-EXCLUSIVE EASEMENT
ESTATE: PERPETUAL EASEMENT

NOTE: THIS IS NOT A BOUNDARY SURVEY

* NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

BFA Environmental Consultants
Barnes, Ferland and Associates, Inc.
1230 E. Hillcrest Street, Orlando, FL 32803
TEL: 407 625-2000 FAX: 407 625-1022
CERTIFICATE OF AUTHORIZATION LB774

SKETCH OF DESCRIPTION
A PORTION OF EXPRESSWAY AUTHORITY RIGHT OF WAY MAPS
WESTERN BELTWAY PROJECT #75320-6460-654 - S9-T23S-R27E

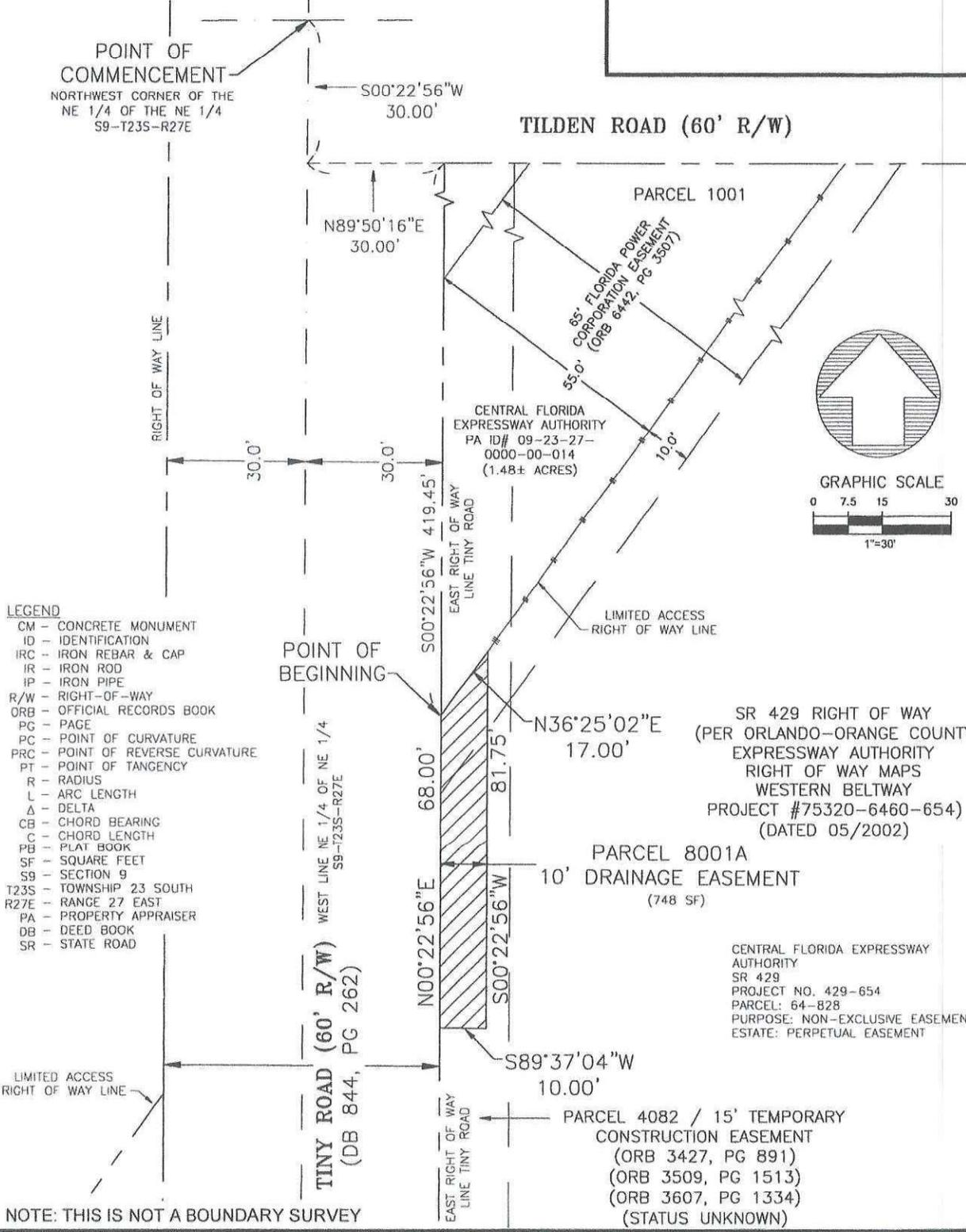
SHEET
1 OF 2

RH 9/9/2021

Plot Date: Sep 01, 2021 9:08am
 Filename: F:\CIVIL\PROJECTS\2016\2016-17 FEG - Continuing Prof. Engineering\2016-17.2 Tilden Road of Tiny Road\9.0 Survey\9.5 Drawings\Easements\2016-17.2-Easmt-10' RW-8001A_9-1-21.dwg
 Tech: Jaturgeon

SKETCH OF DESCRIPTION
Tilden Road & Tiny Road Intersection Improvements
Parcel 8001A

POINT OF COMMENCEMENT
 NORTHWEST CORNER OF THE
 NE 1/4 OF THE NE 1/4
 S9-T23S-R27E



- LEGEND**
- CM - CONCRETE MONUMENT
 - ID - IDENTIFICATION
 - IRC - IRON REBAR & CAP
 - IR - IRON ROD
 - IP - IRON PIPE
 - R/W - RIGHT-OF-WAY
 - ORB - OFFICIAL RECORDS BOOK
 - PG - PAGE
 - PC - POINT OF CURVATURE
 - PRC - POINT OF REVERSE CURVATURE
 - PT - POINT OF TANGENCY
 - R - RADIUS
 - L - ARC LENGTH
 - Δ - DELTA
 - CB - CHORD BEARING
 - C - CHORD LENGTH
 - PB - PLAT BOOK
 - SF - SQUARE FEET
 - S9 - SECTION 9
 - T23S - TOWNSHIP 23 SOUTH
 - R27E - RANGE 27 EAST
 - PA - PROPERTY APPRAISER
 - DB - DEED BOOK
 - SR - STATE ROAD

SR 429 RIGHT OF WAY
 (PER ORLANDO-ORANGE COUNTY
 EXPRESSWAY AUTHORITY
 RIGHT OF WAY MAPS
 WESTERN BELTWAY
 PROJECT #75320-6460-654)
 (DATED 05/2002)

CENTRAL FLORIDA EXPRESSWAY
 AUTHORITY
 SR 429
 PROJECT NO. 429-654
 PARCEL: 64-828
 PURPOSE: NON-EXCLUSIVE EASEMENT
 ESTATE: PERPETUAL EASEMENT

NOTE: THIS IS NOT A BOUNDARY SURVEY

BFA Environmental Consultants
 Barnes, Ferland and Associates, Inc.
 1230 E. Hillcrest Street, Orlando, FL, 32803
 P.O. BOX 855-809 FAX 407/845-1022
 CERTIFICATE OF AUTHORIZATION: LB7774

SKETCH OF DESCRIPTION
 A PORTION OF EXPRESSWAY AUTHORITY RIGHT OF WAY MAPS
 WESTERN BELTWAY PROJECT #75320-6460-654 - S9-T23S-R27E

SHEET
 2 OF 2

PH 9/9/2021

SCHEDULE "B"

2722 TILDEN RD & TINY RD PARCEL 8001A

DRAINAGE EASEMENT

Parcel 8001A is being acquired as a permanent non-exclusive easement for drainage purposes, with full authority to enter upon, construct, operate, and maintain, as the GRANTEE and its assigns may deem necessary, an underground pipe and appurtenant facilities over, under, and upon the following lands as described in Schedule "A".

THE GRANTEE and its assigns shall have the right to clear and keep clear all trees, undergrowth, and other obstructions that may interfere with normal operation or maintenance of the underground pipe and appurtenant facilities out of and away from the granted easement, and the GRANTORS and their heirs, successors and assigns shall not build, construct, or create, nor permit others to build, construct, or create any building, utilities, or other structures on the granted easement that may interfere with the normal operation or maintenance of the underground pipe and appurtenant facilities.

THE GRANTOR may use the granted easement for any use not inconsistent with the GRANTEE'S intended use of the granted easement including, but not limited to, project development, driveways, access, open space, setback area or any activity that will not adversely affect the operation, functionality and structural integrity of the drainage facilities.

This easement is for the purposes noted herein and does not obligate the GRANTEE to perform any right-of-way maintenance or other duties.

Plot Date: Sep 01, 2021 9:00am
Tech: Jshurgson
Filename: F:\CIVIL\PROJECTS\2016\2016-17_FEG - Continuing Prof Engineering\2016-17.2 Tilden Road at Tiny Road\9.0 Survey\9.6 Drawings\Easements\2016-17.2-Emm1-10' D&S-8001B 8-30-21.dwg

Schedule "A"
Tilden Road & Tiny Road Intersection Improvements
Parcel 8001B

Legal Description (Prepared by Surveyor)

A Portion of Lands lying in the Northeast 1/4 of Northeast 1/4 of Section 9, Township 23 South, Range 27 East, Orange County, Florida and being more particularly described as follows: Commence at the Northwest corner of the Northeast 1/4 of Northeast 1/4 of said Section 9; thence, along the West line of the Northeast 1/4 of Northeast 1/4 of Section 9, South 00°22'56" West, a distance of 30.00 feet; Thence departing said West line, North 89°50'16" East, a distance of 30.00 feet to a point on the South Right of Way Line of Tilden Road, as described in Official Records Book 72, page 132, of the Public Records of Orange County, Florida; Thence North 89°50'16" East, along said South Right of Way Line, a distance of 307.28 feet; Thence departing said South Right of Way Line, run along the Westerly Limited Access Right of Way Line of State Road 429, according to the Orlando-Orange County Expressway Authority, Right of Way Maps, Western Beltway Project #75320-6460-654, South 36°25'02" West, a distance of 7.47 feet to the Point of Beginning; Thence departing said Westerly Limited Access Right of Way line, North 89°50'16" East, along the Northerly Limited Access Right of Way Line of State Road 429, according to the Orlando-Orange County Expressway Authority, Right of Way Maps, Western Beltway Project #75320-6460-654, a distance of 60.00 feet; thence South 00°13'54" East, departing said Northerly Limited Access Right of Way Line, a distance of 10.00 feet; thence South 89°50'16" West, a distance of 67.43 feet to a point on said Westerly Limited Access Right of Way line; thence North 36°25'02" East, along said Westerly Limited Access Right of Way line, a distance of 12.45 feet to the Point of Beginning.

Said parcel containing 637 square feet more or less.

SURVEYOR'S NOTES

1. THIS LEGAL DESCRIPTION IS NOT VALID UNLESS SIGNED AND EMBOSSED WITH THE RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. A TITLE COMMITMENT WAS NOT REVIEWED FOR THIS SURVEY.
3. LANDS SHOWN HEREON WERE NOT RESEARCHED BY THIS FIRM FOR MATTERS SUCH AS OWNERSHIP, EASEMENTS, RIGHT OF WAY OR OTHER MATTERS IN THE PUBLIC RECORDS THAT MAY AFFECT THESE LANDS.
4. BEARINGS ARE BASED ON THE SOUTH RIGHT OF WAY LINE OF TILDEN ROAD, SECTION 9, TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA AS BEING: NORTH 89°50'16" EAST. COORDINATES ARE RELATIVE TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NORTH AMERICAN DATUM OF 1983/ 1990 ADJUSTMENT.
5. GRAPHIC SYMBOLS SHOWN HEREON MAY NOT BE TO SCALE.
6. THE DELINEATION OF LANDS SHOWN HEREON IS AT THE CLIENT'S REQUEST.
7. THIS SKETCH OF DESCRIPTION AND LEGAL DESCRIPTION ARE CERTIFIED TO ORANGE COUNTY PUBLIC WORKS.

Surveyor Certification

This Sketch & Description was prepared under my direction and is true and correct to the best of my knowledge and belief. This Sketch & Description was performed in conformance with the "Standards of Practice" as contained in Chapter 5J-17, Florida Administrative Code, pursuant to Florida Statute 472.


Genel J. Sturgeon, Date 9-2-21
Florida Surveyor and Mapper PSM 5866
Barnes Ferland and Associates LB 7774

CENTRAL FLORIDA EXPRESSWAY
AUTHORITY
SR 429
PROJECT NO. 429-654
PARCEL: 64-829
PURPOSE: NON-EXCLUSIVE EASEMENT
ESTATE: PERPETUAL EASEMENT

NOTE: THIS IS NOT A BOUNDARY SURVEY

*NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

BFA Environmental Consultants
Barnes, Ferland and Associates, Inc.
1230 E. Hillcrest Street, Orlando, FL, 32803
PH: (407) 845-8888 FAX: (407) 845-1883
CERTIFICATE OF AUTHORIZATION: LB7774

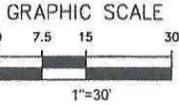
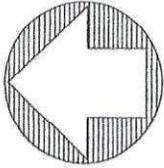
SKETCH OF DESCRIPTION
A PORTION OF EXPRESSWAY AUTHORITY RIGHT OF WAY MAPS
WESTERN BELTWAY PROJECT #75320-6460-654 - S9-T23S-R27E

SHEET
1 OF 2

RH 9/9/2021

Tech: Jhurgson Plot Date: Sep 01, 2021 9:00am File Name: F:\CIVIL\PROJECTS\2016\2016-17 FE - Continuing Prof Engineering\2016-17.2 Tilden Road of Tiny Road\9.0 Survey\9.6 Drawings\Easements\2016-17.2-Emmt-10' D&S-8001B B-30-31.dwg

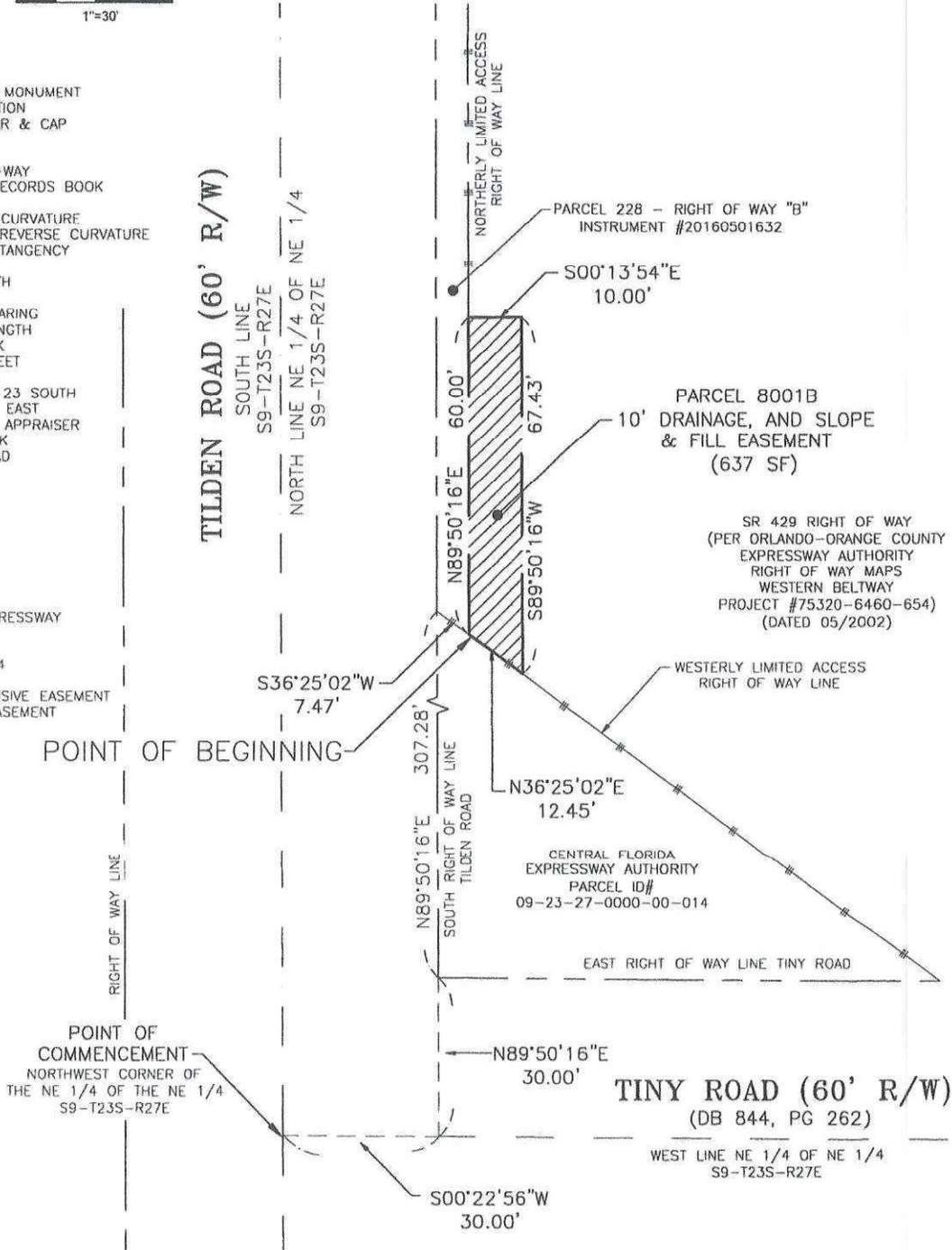
SKETCH OF DESCRIPTION
 Tilden Road & Tiny Road Intersection Improvements
 Parcel 8001B



LEGEND

- CM - CONCRETE MONUMENT
- ID - IDENTIFICATION
- IRC - IRON REBAR & CAP
- IR - IRON ROD
- IP - IRON PIPE
- R/W - RIGHT-OF-WAY
- ORB - OFFICIAL RECORDS BOOK
- PG - PAGE
- PC - POINT OF CURVATURE
- PRC - POINT OF REVERSE CURVATURE
- PT - POINT OF TANGENCY
- R - RADIUS
- L - ARC LENGTH
- Δ - DELTA
- CB - CHORD BEARING
- C - CHORD LENGTH
- PB - PLAT BOOK
- SF - SQUARE FEET
- S9 - SECTION 9
- T23S - TOWNSHIP 23 SOUTH
- R27E - RANGE 27 EAST
- PA - PROPERTY APPRAISER
- DB - DEED BOOK
- SR - STATE ROAD

CENTRAL FLORIDA EXPRESSWAY
 AUTHORITY
 SR 429
 PROJECT NO. 429-654
 PARCEL: 64-829
 PURPOSE: NON-EXCLUSIVE EASEMENT
 ESTATE: PERPETUAL EASEMENT



NOTE: THIS IS NOT A BOUNDARY SURVEY

BFA Environmental Consultants
 Barnes, Farland and Associates, Inc.
 1230 E. Hillcrest Street, Orlando, FL 32803
 PH: (407) 896-8800 FAX: (407) 896-1822
 CERTIFICATE OF AUTHORIZATION: LB7774

SKETCH OF DESCRIPTION
 A PORTION OF EXPRESSWAY AUTHORITY RIGHT OF WAY MAPS
 WESTERN BELTWAY PROJECT #75320-6460-654 - S9-T23S-R27E

SHEET
 2 OF 2

rtt 9/9/2021

SCHEDULE "B"

2722 TILDEN RD & TINY RD PARCEL 8001B

DRAINAGE AND SLOPE AND FILL EASEMENT

Parcel 8001B is being acquired as a permanent non-exclusive easement for drainage purposes, with full authority to enter upon, construct, operate and maintain, as the GRANTEE and its assigns may deem necessary, an underground pipe and appurtenant facilities over, under, and upon the following lands as described in Schedule "A".

The parcel is also being acquired as a permanent non-exclusive slope and fill easement for the purpose of insuring the structural integrity of the roadway facility adjacent to the granted easement. This easement is to allow the GRANTEE to maintain the elevation of the roadway facility, to GRANTEE's specifications, with full authority to enter upon, clear, grade, surcharge, excavate and add or remove fill material to the following lands as described in Schedule "A".

THE GRANTEE and its assigns shall have the right to clear and keep clear all trees, undergrowth, and other obstructions that may interfere with normal operation or maintenance of the underground pipe and appurtenant facilities out of and away from the granted easement, and the GRANTORS and their heirs, successors and assigns shall not build, construct, or create, nor permit others to build, construct, or create any building, utilities, or other structures on the granted easement that may interfere with the normal operation or maintenance of the underground pipe and appurtenant facilities.

THE GRANTOR may use the granted easement for any use not inconsistent with the GRANTEE'S intended use of the granted easement including, but not limited to, project development, driveways, access, open space, setback area or any activity that will not adversely affect the operation, functionality and structural integrity of the drainage facilities. or the adjacent roadway facility.

This easement is for the purposes noted herein and does not obligate the GRANTEE to perform any right-of-way maintenance or other duties.

MEMO
ATTACHMENT "D"



Dewberry Engineers Inc. | 407.843.5120
800 N. Magnolia Ave, Suite 1000 | 407.649.8664 fax
Orlando, FL 32803 | www.dewberry.com

September 22, 2021

Mr. Glenn Pressimone, P.E.
Chief of Infrastructure
Central Florida Expressway Authority
4974 ORL Tower Road
Orlando, FL 32807

RE: SALE OF PROPERTY

SR 429, Projects 429-654 and 429-654A
CFX to Orange County –CFX Parcel 64-228 Part C, 64-828 and 64-829

Dear Mr. Pressimone:

On behalf of Dewberry Engineers, Inc., as Consulting Engineer (the "Consulting Engineer") to the Central Florida Expressway Authority ("CFX") does here by certify as follows:

1. We have reviewed the limits of the parcels referenced above along local right-of-way in the Tiny Road and Tilden Road area shown in Exhibit A attached. Projects 429-654 and 429-654A are completed. The parcels are a part of Orange County Parcel Identification Number 09-23-27-0000-00-014. In our opinion, based upon the foregoing, we certify the CFX Parcel 64-228 Part C is no longer essential for the operation of the CFX system and the transfer or conveyance of CFX Parcel 64-228 Part C and grant of easement interests over CFX Parcel 64-828 and 64-829 would not impede or restrict the current or future construction, operation or maintenance of the CFX System.
2. Furthermore, this certificate is being provided by the Consulting Engineer to CFX solely for the purposes of complying with Section 5.4 of CFX's Amended and Restated Master Bond Resolution and the requirements set forth in CFX's Manual and may not be relied on by any other person or party for any other purpose.

Sincerely,

A handwritten signature in blue ink that reads "R. Keith Jackson".

R. Keith Jackson, P.E.
Program Manager

Attachment

cc: Laura N Kelly, Esq. CFX (w/ enc.)

Exhibit A



Approximate Representation
Source: Orange County Property Appraiser

MEMO
ATTACHMENT "E"

Resolution No. 2021-_____
S.R. 429, Project 429-654
Parcel 64-228 Part C

**A RESOLUTION OF THE
CENTRAL FLORIDA EXPRESSWAY AUTHORITY
DECLARING PROPERTY AS SURPLUS PROPERTY
AVAILABLE FOR SALE AND AUTHORIZING THE
TRANSFER OF SURPLUS PROPERTY WITH ORANGE
COUNTY, FLORIDA**

WHEREAS, the Central Florida Expressway (“CFX”), is empowered by Chapter 348, Part V, Florida Statutes, to acquire, hold, construct, improve, maintain, and operate the Central Florida Expressway System (the “Expressway Facilities”), and is further authorized to sell, lease, transfer or otherwise dispose of any property or interest therein at any time acquired by CFX; and

WHEREAS, CFX has adopted that certain Policy Regarding the Disposition of Excess Lands, section 5-6.01, *et. seq.*, of CFX’s Property Acquisition, Disposition & Permitting Procedures Manual (referred to herein as the “Policy”), which Policy provides for the disposal of real property unnecessary or unsuitable for CFX’s use; and

WHEREAS, pursuant to the Policy, “Excess Property” is “[r]eal property, of any monetary value, located outside of the current operating Right of Way limits of CFX not currently needed to support existing Expressway Facilities as determined by staff;” and

WHEREAS, pursuant to the Policy, where Excess Property is not essential for present or future construction, operation or maintenance of the Expressway Facilities or for CFX purposes, the CFX Board may declare such Excess Property to be “Surplus Property” through the adoption of a resolution and direct that the Surplus Property be sold; and

WHEREAS, section 5-1.01 of the Policy allows CFX to waive the procedures in a particular circumstance where deemed to be in the best interest of CFX and the public, provided that such waiver is not in conflict with state or federal law; and

WHEREAS, CFX staff and its General Engineering Consultant has examined the Expressway Facilities for State Road (“S.R.”) 429 and determined that the real property referred to as portions of Parcel 64-228 Part C, as more particularly described in **Exhibit “A”** attached hereto and incorporated herein by reference (“CFX Parcel”) is not needed to support existing Expressway Facilities; and

WHEREAS, CFX's General Engineering Consultant has certified that the CFX Parcel is not essential for present or future construction, operation or maintenance of the Expressway

Facilities or for CFX purposes and that the disposition of the CFX Parcel would not impede or restrict the Expressway System; and

WHEREAS, CFX’s Right of Way Committee has determined that it is in the best interest of CFX and the public to designate the CFX Parcel as Excess Property; and

WHEREAS, in light of the foregoing circumstances, CFX’s Right of Way Committee has recommended that that the CFX Parcel be designated as Excess Property and that the CFX Board adopt a resolution declaring the CFX Parcel to be Surplus Property; and

WHEREAS, Orange County, a charter county and political subdivision of the State of Florida (“County”), has requested the sale and transfer of the CFX Parcel from CFX to the County for public purposes; and

WHEREAS, CFX’s Right of Way Committee has determined that the transfer of the CFX Parcel to the County for public purposes in accordance with the terms of the Purchase Agreement (“Agreement”) would be in the best interest of CFX and the public; and

WHEREAS, CFX’s Right of Way Committee has recommended that the CFX Parcel be sold to the County for public purposes, in accordance with CFX’s Policy, except for the following conditions or modifications: (1) separate notice to the local government in which the CFX Parcel is located is not required; and (2) conveyance will be via Special Warranty Deed, subject to a deed restriction and right of reverter restricting the use of the CFX Parcel for public right-of-way.

NOW, THEREFORE, BE IT RESOLVED BY THE CENTRAL FLORIDA EXPRESSWAY AUTHORITY AS FOLLOWS:

1. CFX hereby declares that the real property identified in Exhibit “A” attached hereto is not essential for present or future construction, operation or maintenance of the Expressway Facilities or essential for CFX purposes and is Excess Property.

2. CFX hereby finds that it is in the best interest of CFX and the public to declare the CFX Parcel as Surplus Property, and CFX hereby declares the CFX Parcel as Surplus Property available for sale.

3. CFX hereby finds that it is in the interest of both CFX and the public to transfer the CFX Parcel to the County for public purposes in accordance with the terms of the Agreement.

4. Accordingly, CFX hereby declares that the CFX Parcel may be transferred, sold and conveyed to the County for public purposes, in accordance with CFX's Policy, except for the following conditions or modifications: (1) separate notice to the local government in which the CFX Parcel is located is not required; and (2) conveyance will be via Special Warranty Deed, subject to a deed restriction and right of reverter restricting the use of the CFX Parcel for public right-of-way.

5. This Resolution shall take effect immediately upon adoption by the CFX governing Board.

ADOPTED this _____ day of _____ 2021.

Buddy Dyer, Chairman

ATTEST: _____
Regla (“Mimi”) Lamaute
Board Services Coordinator

Approved as to form and legality for the
exclusive use and reliance of CFX.

Diego “Woody” Rodriguez
General Counsel

EXHIBIT "A"

Plot Date: Sep 01, 2021 8:55am Tech: jsturgeon
Filename: F:\CIVIL\PROJECTS\2016\2016-17 FEG - Continuing Prof. Engineering\Prof. Engineering\2016-17.2 Tilden Road at Tiny Road\9.0 Survey\9.5 Drawings\Easements\2016-17.2-Overall BNDY S&B-8001 9-1-21.dwg

Exhibit "A"
Tilden Road & Tiny Road Intersection Improvements
Parcel 1001
Estate: Fee Simple

Legal Description (Prepared by Surveyor)

A Portion of Lands Described in Official Records Book 5670, Page 4620, of the Public records of Orange County, Florida, and lying in the Northeast 1/4 of Northeast 1/4 of Section 9, Township 23 South, Range 27 East, Orange County, Florida and being more particularly described as follows: Commence at the Northwest Corner of the Northeast 1/4 of Northeast 1/4 of said Section 9; thence, along the West line of the Northeast 1/4 of Northeast 1/4 of Section 9, run South 00°22'56" West, a distance of 30.00 feet; Thence, departing said West line, run North 89°50'16" East, a distance of 30.00 feet to a point on the South Right of Way Line of Tilden Road, as described in Official Records Book 72, page 132, of the Public Records of Orange County, Florida, and to the Point of Beginning; Thence North 89°50'16" East, along said South Right of Way Line, a distance of 307.28 feet; Thence departing said South Right of Way Line, run along the Limited Access Right of Way Line of State Road 429, according to the Orlando-Orange County Expressway Authority, Right of Way Maps, Western Beltway Project #75320-6460-654, South 36°25'02" West, a distance of 522.31 feet to a point on the East Right of Way Line of Tiny Road; thence departing said Limited Access Right of Way Line, run North 00°22'56" East, along said East Right of Way Line, a distance of 419.45 feet to the Point of Beginning.

Said parcel containing 1.48 acres (64,441square feet), more or less.

SURVEYOR'S NOTES

1. THIS LEGAL DESCRIPTION IS NOT VALID UNLESS SIGNED AND EMBOSSED WITH THE RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. A TITLE COMMITMENT WAS NOT REVIEWED FOR THIS SURVEY.
3. LANDS SHOWN HEREON WERE NOT RESEARCHED BY THIS FIRM FOR MATTERS SUCH AS OWNERSHIP, EASEMENTS, RIGHT OF WAY OR OTHER MATTERS IN THE PUBLIC RECORDS THAT MAY AFFECT THESE LANDS.
4. BEARINGS ARE BASED ON THE SOUTH RIGHT OF WAY LINE OF TILDEN ROAD, SECTION 9, TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA AS BEING: NORTH 89°50'16" EAST. COORDINATES ARE RELATIVE TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NORTH AMERICAN DATUM OF 1983/ 1990 ADJUSTMENT.
5. GRAPHIC SYMBOLS SHOWN HEREON MAY NOT BE TO SCALE.
6. THE DELINEATION OF LANDS SHOWN HEREON IS AT THE CLIENT'S REQUEST.
7. THIS SKETCH OF DESCRIPTION AND LEGAL DESCRIPTION ARE CERTIFIED TO ORANGE COUNTY PUBLIC WORKS.

Surveyor Certification

This Sketch & Description was prepared under my direction and is true and correct to the best of my knowledge and belief. This Sketch & Description was performed in conformance with the "Standards of Practice" as contained in Chapter 5J-17, Florida Administrative Code, pursuant to Florida Statute 472.

J. Sturgeon 9-2-21

Genel J. Sturgeon, Date
Florida Surveyor and Mapper PSM 5866
Barnes Ferland and Associates LB 7774

CENTRAL FLORIDA EXPRESSWAY
AUTHORITY
SR 429
PROJECT NO. 429-654
PARCEL: 64-228 PART C
PURPOSE: SURPLUS PARCEL SALE
ESTATE: FEE SIMPLE

NOTE: THIS IS NOT A BOUNDARY SURVEY

*NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

BFA Environmental Consultants
Barnes, Ferland and Associates, Inc.
1230 E. Hillcrest Street, Orlando, FL 32803
PH: 407.484.4499 FAX: 407.484.1874
CERTIFICATE OF AUTHORIZATION: LB7774

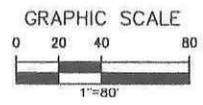
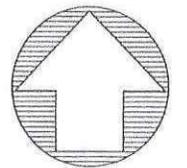
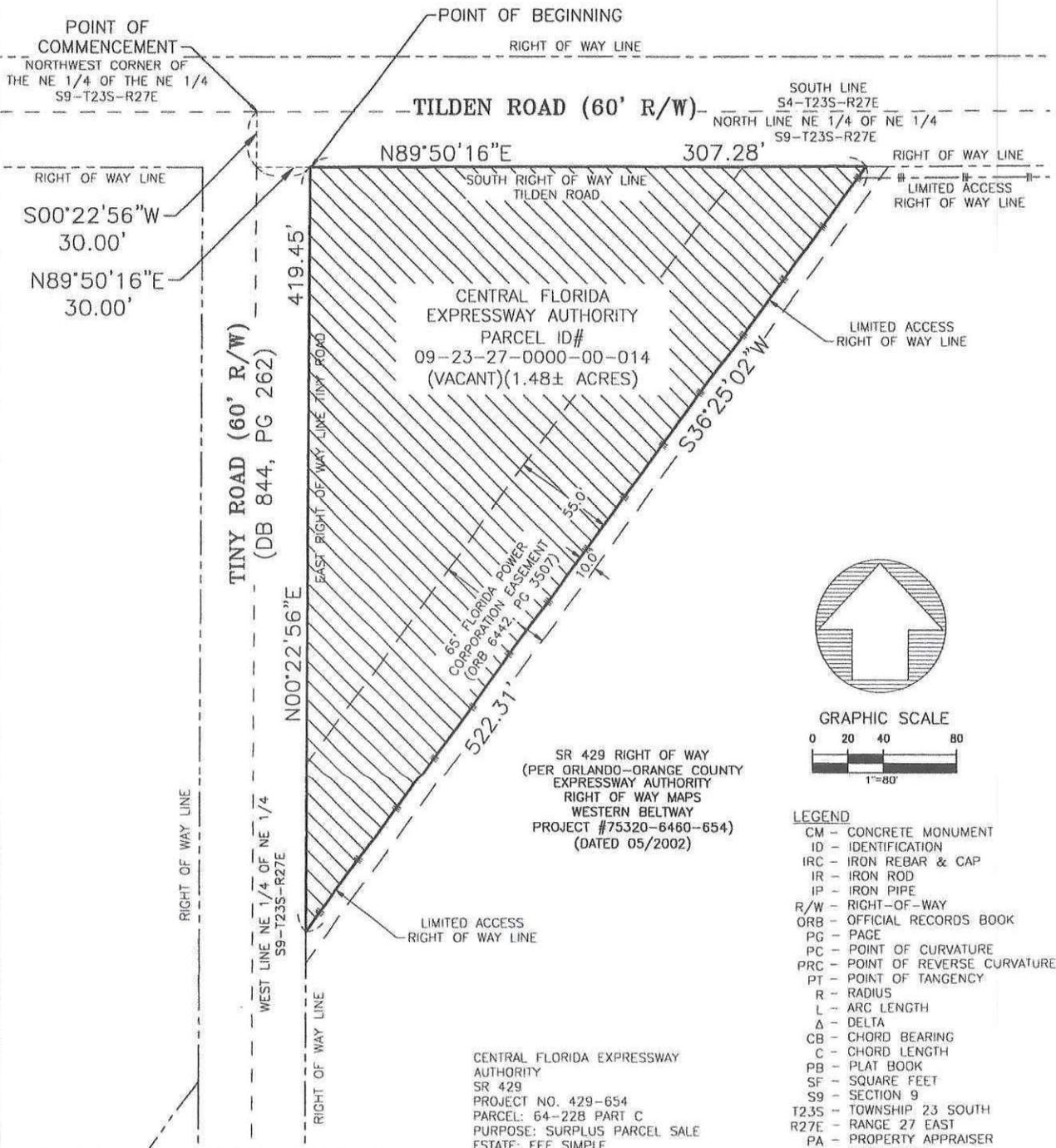
SKETCH OF DESCRIPTION
A PORTION OF EXPRESSWAY AUTHORITY RIGHT OF WAY MAPS
WESTERN BELTWAY PROJECT #75320-6460-654 - S9-T23S-R27E

SHEET
1 OF 2

RH 9/9/2021

Plot Date: Sep 01, 2021 9:05am Filename: F:\CIVIL\PROJECTS\2016\2016-17 FEG - Continuing Prof. Engineering\2016-17.2 Tilden Road at Tiny Road\9.0 Survey\9.6 Drawings\Easements\2016-17.2-Overall BNDY S&D-8001 9-1-21.dwg
 Tech: Jaturgeon

SKETCH OF DESCRIPTION
Tilden Road & Tiny Road Intersection Improvements
Parcel 1001



- LEGEND**
- CM - CONCRETE MONUMENT
 - ID - IDENTIFICATION
 - IRC - IRON REBAR & CAP
 - IR - IRON ROD
 - IP - IRON PIPE
 - R/W - RIGHT-OF-WAY
 - ORB - OFFICIAL RECORDS BOOK
 - PG - PAGE
 - PC - POINT OF CURVATURE
 - PRC - POINT OF REVERSE CURVATURE
 - PT - POINT OF TANGENCY
 - R - RADIUS
 - L - ARC LENGTH
 - Δ - DELTA
 - CB - CHORD BEARING
 - C - CHORD LENGTH
 - PB - PLAT BOOK
 - SF - SQUARE FEET
 - S9 - SECTION 9
 - T23S - TOWNSHIP 23 SOUTH
 - R27E - RANGE 27 EAST
 - PA - PROPERTY APPRAISER
 - DB - DEED BOOK
 - SR - STATE ROAD

NOTE: THIS IS NOT A BOUNDARY SURVEY

BFA Environmental Consultants
 Barnes, Farland and Associates, Inc.
 1230 E. Hillcrest Street, Orlando, FL, 32803
 P: 407 835-8888 FAX: 407 835-1881
 CERTIFICATE OF AUTHORIZATION: LB7774

SKETCH OF DESCRIPTION
A PORTION OF EXPRESSWAY AUTHORITY RIGHT OF WAY MAPS
WESTERN BELTWAY PROJECT #75320-6460-654 - S9-T23S-R27E

SHEET
2 OF 2

2 H 9/9/2021



Advanced Right of Way Acquisition Procedures

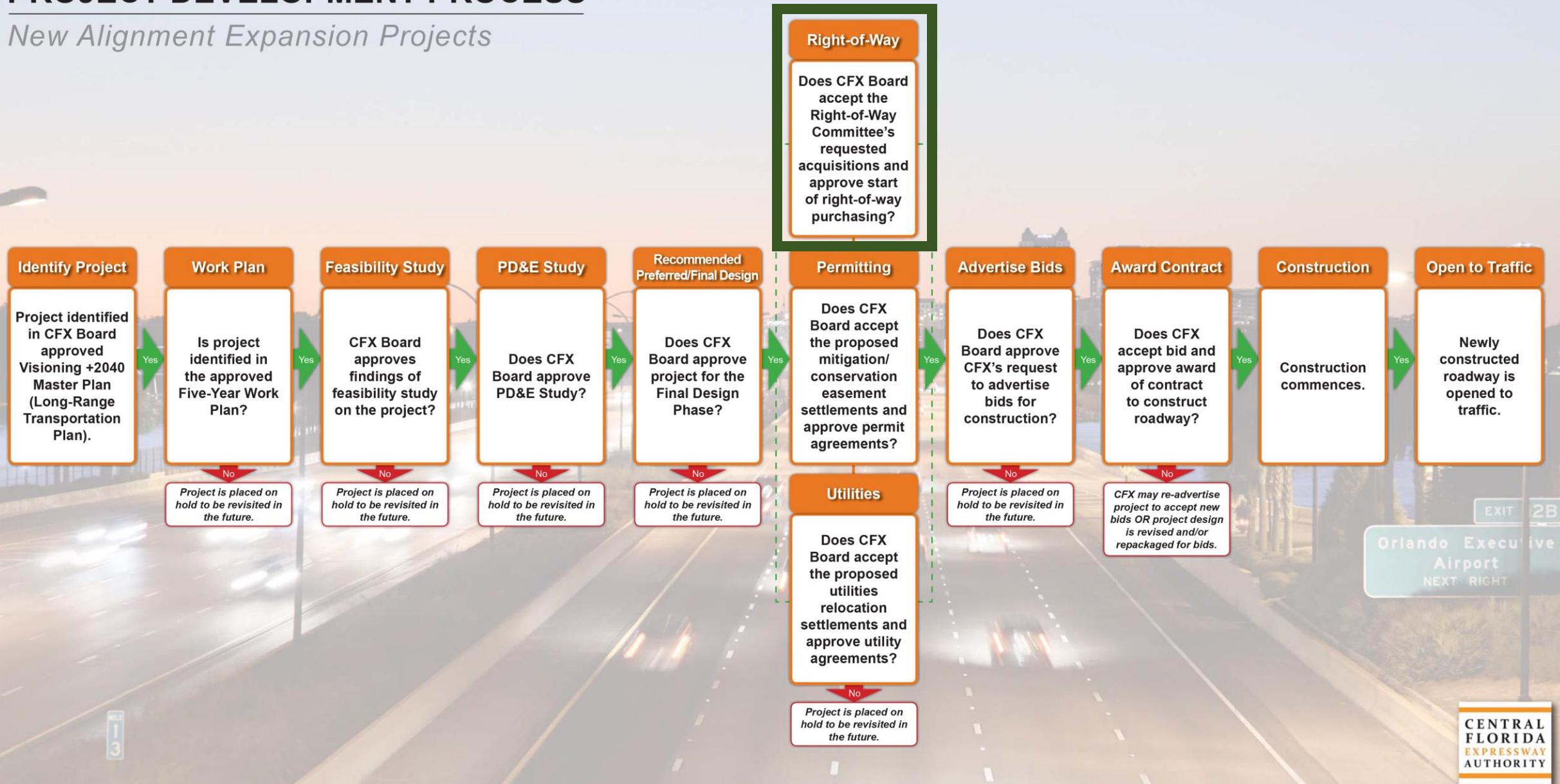
Woody Rodriguez, General Counsel

— September 9, 2021 —



PROJECT DEVELOPMENT PROCESS

New Alignment Expansion Projects



Right Of Way Manual – Advanced Acquisitions



Right of Way Committee and Governing Board Considerations

1. Statutory Requirements
2. Future Development Impacts
3. Current and Future Property Values
4. Environmental Considerations

Right Of Way Manual – Advanced Acquisitions



5. Savings and Planning Efficiencies
6. Corridor Preservation Opportunities
7. Opportunity for Waiver of Federal Requirements
8. Funding Opportunities



CENTRAL
FLORIDA
EXPRESSWAY
AUTHORITY

THANK YOU!