

MINUTES
CENTRAL FLORIDA EXPRESSWAY AUTHORITY
Right of Way Committee Meeting
January 19, 2022

Committee Members Present:

Steven Kane, Osceola County Representative
Laurie Botts, City of Orlando Representative, Acting Committee Chairman
Mindy Cummings, Orange County Representative
John Denninghoff, Brevard County Representative
Neil Newton, Seminole County, Representative, Alternate
Christopher Murvin, Citizen Representative

Committee Member Not Present:

Brian Sheahan, Lake County Representative, Committee Chairman

CFX Staff Present:

Diego "Woody" Rodriguez, General Counsel
Will Hawthorne, Director of Engineering
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 Acting Chairman Botts. Recording Secretary Mala Iley called the roll and announced there was a quorum.

Item B: PUBLIC COMMENT

There was no public comment.

Item C: APPROVAL OF DECEMBER 2, 2021 RIGHT OF WAY COMMITTEE MEETING MINUTES

A motion was made by Christopher Murvin and seconded by Steven Kane to approve the December 2, 2021 minutes.

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

Item D.1.: RIGHT OF WAY TRANSFER AND CONTINUING MAINTENANCE AGREEMENT BETWEEN THE CENTRAL FLORIDA EXPRESSWAY AUTHORITY AND CITY OF OCOEE, FLORIDA PROJECT NUMBER: 429-603, PARCEL NUMBERS: PARCELS 62-161 PART A, PORTION 3 (TRACT 3), 62-161 PART B, PORTION 1 (TRACT 1), AND 62-161 PART B, PORTION 4 (TRACT 2)

General Counsel Woody Rodriguez requested the Committee's recommendation for Board approval of a Right of Way Transfer and Continuing Maintenance Agreement between the Central Florida Expressway Authority ("CFX") and City of Ocoee ("City").

General Counsel Rodriguez provided the Committee with a brief history of the project. CFX acquired certain real property for the benefit of the local jurisdictions and constructed thereon certain roadways and other improvements and relocated, reconfigured and realigned local roadways to ensure a minimal disruption of traffic to the citizens and to provide for a smooth transition to the Central Florida Expressway System, thus making both the Central Florida Expressway System and the local road system compatible.

General Counsel Rodriguez advised that the City desires to enter into the proposed Right of Way Transfer and Continuing Maintenance Agreement to ensure all local road right of way and associated facilities are owned by the City and all right of way and associated facilities operated as a part of the Central Florida Expressway System are owned and maintained by CFX.

Pursuant to the terms of the proposed Agreement, the conveying instrument will include a deed restriction and reverter in the event the City fails to utilize the subject property for public purposes. The City will agree to undertake the continuing maintenance of the subject property.

A motion was made by Mindy Cummings and seconded by Neil Newton to recommend to the Board approval of the Resolution Declaring Property as Surplus Property Available for Sale, Authorizing the Transfer of Surplus Property with City of Ocoee and the Approval of the Right of Way Transfer and Continuing Maintenance Agreement between CFX and the City in a form substantially similar to the agreement attached to the Right of Way Committee agenda package, subject to the following: (1) separate notice to the local government in which the subject property is located is not required; (2) conveyance of the subject property will be via Quit Claim Deed, rather than Special Warranty Deed, subject to a deed restriction and right of reverter restricting the use of the subject property for public purposes; and subject to any minor or clerical modifications or revisions approved by the General Counsel or designee.

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

Item D.2.: DECLARATION OF PROPERTY AS SURPLUS PROPERTY AVAILABLE FOR SALE
PROJECT NUMBER: 429-603, PARCEL NUMBER: 62-161 PART B

General Counsel Woody Rodriguez requested the Committee's recommendation for Board approval of a Resolution Declaring Property as Surplus Property Available for Sale.

Pursuant to CFX's Property Acquisition, Disposition & Permitting Procedures Manual, CFX staff and CFX's General Engineering Consultant have examined the subject property and determined that the subject property is not needed to support existing Central Florida Expressway System.

Accordingly, CFX's General Engineering Consultant has certified that the subject property is not essential for present or future construction, operation or maintenance of the Central Florida Expressway System or for CFX's purposes and that the disposition of the subject property would not impede or restrict the Central Florida Expressway System.

A motion was made by Steven Kane and seconded by Christopher Murvin to recommend to the Board approval the Resolution Declaring Property as Surplus Property Available for Sale 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 six (6) members present voting AYE by voice vote.

Item E: OTHER BUSINESS

Acting Chairman Botts advised the Committee that the next Right of Way Committee meeting is scheduled for Wednesday, February 16, 2022 at 2:00 p.m.

Item F: ADJOURNMENT

Acting Chairman Botts adjourned the meeting at approximately 2:13 p.m.

Minutes approved on May 25, 2022.

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.