

CENTRAL FLORIDA EXPRESSWAY AUTHORITY

MINUTES CENTRAL FLORIDA EXPRESSWAY AUTHORITY Right of Way Committee Meeting March 22, 2023

Committee Members Present:

John Denninghoff, Brevard County Representative, Chairman
Laurie Botts, City of Orlando Representative
Mindy Cummings, Orange County Representative
Jean Jreij, Seminole County Representative
Juan Diaz, Citizen Representative
Ghassan Choueiry, Osceola County Representative, Alternate

Committee Members Not Present:

Christopher Murvin, Citizen Representative
Brian Sheahan, Lake County Representative

CFX Staff Present:

Diego "Woody" Rodriguez, General Counsel
Laura Newlin Kelly, Associate General Counsel
Michelle Maikisch, Executive Director
Glenn Pressimone, Chief of Infrastructure
Sandy Kemraj, Recording Secretary

Item A: CALL TO ORDER

The meeting was called to order at 2:00 p.m. by Chairman John Denninghoff. Recording Secretary, Sandy Kemraj, called the roll and announced there was a quorum.

Item B: PUBLIC COMMENT

There was no public comment.

Item C: APPROVAL OF NOVEMBER 16, 2022 RIGHT OF WAY COMMITTEE MEETING MINUTES

A motion was made by Ms. Botts and seconded by Ms. Cummings to approve the November 16, 2022 minutes as presented.

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

Item D.1: RESOLUTION OF THE CENTRAL FLORIDA EXPRESSWAY AUTHORITY DECLARING PROPERTY AS NECESSARY FOR EXPRESSWAY SYSTEM, STATE ROAD 516 LAKE/ORANGE EXPRESSWAY, STATE ROAD 516-237 and 516-238
PARCEL NUMBERS: 51-131, 51-132A, 51-132B, 51-832, 51-135, 51-137, 51-202, 51-203, 51-204, and 51-208

Attorney David Shontz of Shutts and Bowen LLP provided the Committee with an overview of the SR 516 Lake/Orange Expressway, which is a new four-lane limited access expressway project providing east/west connectivity between US 27 and SR 429. Attorney Shontz provided the Committee with an overview of the parcels in the resolution, including the acreage of each parcel and the proposed purpose of the acquisition. The resolution to declare the subject parcels as necessary for the Lake/Orange Expressway project was presented to the Committee. Certain minor revisions to the legal descriptions of the parcels, as attached to the resolution, were noted.

Attorney Shontz respectfully requested the Committee make a recommendation for the Board's approval of the resolution declaring the subject parcels, as revised, necessary for the Lake/Orange Expressway project.

A motion was made by Ms. Cummings and seconded by Mr. Jreij to recommend to the Board, approval of the resolution of CFX declaring the property necessary for the Lake/Orange Expressway project.

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

Item D.2.: JOINT PARTICIPATION AGREEMENT BETWEEN THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION AND CENTRAL FLORIDA EXPRESSWAY AUTHORITY
PROJECT: STATE ROAD 516 LAKE/ORANGE EXPRESSWAY, 516-236

Associate General Counsel Kelly provided the Committee with a brief overview of the SR 516 Lake/Orange Expressway project. Associate Counsel Kelly indicated that in order to proceed with the project, CFX has coordinated with the Florida Department of Transportation ("FDOT") to plan, design and construct the connection between the Lake/Orange Expressway project and US 27. Since US 27 is currently owned and operated by FDOT, the parties have agreed to enter into the Joint Participation Agreement ("JPA") setting forth the responsibilities of each of the parties for the project. The JPA sets forth the obligations of each party as to the acquisition and conveyance of properties necessary for the project and the relocation of existing utility infrastructure.

A motion was made by Ms. Cummings and seconded by Ms. Botts to recommend to the Board, approval of the Joint Participation Agreement between the Central Florida Expressway Authority and the State of Florida Department of Transportation, subject to any minor or clerical modifications or revisions approved by the General Engineering Consultant, General Counsel or designee.

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

Item D.3.: PROPERTY ACQUISITION, DISPOSITION & PERMITTING POLICY

General Counsel Rodriguez provided the Committee with a summary of the current Property Acquisition, Disposition & Permitting Procedures Manual ("Existing Policy"). The Existing Policy contained both policies and procedures and required Board approval for all acquisitions and dispositions, regardless of the value of the property. General Counsel Rodriguez presented a recap of the November 2022 meeting where CFX auditor, Protiviti Inc., discussed recommended changes to the Existing Policy. The recommendations of the audit were to (1) separate the Existing Policy into two documents- a policy providing guidance and a procedural manual governing the day-to-day activities; (2) to delegate authority to the Executive Director to streamline the right of way process; (3) to revise criteria for appraisals; and (4) to revise the requirements for other property interests, including licenses, easements and permits.

General Counsel Rodriguez detailed the proposed revisions to the Property Acquisition, Disposition & Permitting Policy incorporated the recommendations from the audit. General Counsel Rodriguez requested the Committee's recommendation to the Board for approval of the revised Property Acquisition, Disposition & Permitting Policy.

A motion was made by Ms. Cummings and seconded by Mr. Jreij to recommend to the Board, approval of the revised Property Acquisition, Disposition and Permitting Policy, subject to any minor or clerical modifications or revisions approved by General Counsel or designee.

Item D.4: BOARD APPROVED ITEM: RIGHT-OF-WAY ACQUISITION AGREEMENT BETWEEN SUBURBAN LAND RESERVE, INC. AND CENTRAL FLORIDA EXPRESSWAY AUTHORITY
PROJECT: NORTHEAST CONNECTOR EXPRESSWAY

General Counsel Rodriguez advised the Committee that Suburban Land Reserve, Inc. ("SLR") agreed to donate approximately 260 acres of real property to CFX for use in connection with the Northeast Connector Expressway project. The donation was accepted by the Board for approval. The SLR donation is scheduled to close in less than 5 years.

Item E1: OTHER BUSINESS

In other business, General Counsel Rodriguez requested a volunteer to serve on the evaluation committee for CFX's Request for Proposals for Right of Way Counsel. Ms. Mindy Cummings volunteered to serve on the evaluation committee.

In other business, CFX newly appointed Executive Director introduced herself to the Committee and thanked them for their services.

Chairman Denninghoff announced that the next Right of Way Committee meeting is scheduled for Wednesday, April 19, 2023 at 2:00 p.m. and future right of way meetings will be in the Pelican room.

Item F: ADJOURNMENT

Chairman Denninghoff adjourned the meeting at approximately 2:33 p.m.

Minutes approved on May 17, 2023.

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.