

# CENTRAL FLORIDA EXPRESSWAY AUTHORITY

## MINUTES CENTRAL FLORIDA EXPRESSWAY AUTHORITY Right of Way Committee Meeting September 21, 2022

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### **Committee Members Present:**

Laurie Botts, City of Orlando Representative, Committee Acting Chairman  
Brian Sheahan, Lake County Representative  
Christopher Murvin, Citizen Representative  
Jean Jrejj, Seminole County Representative  
Juan Diaz, Citizen Representative  
Mindy Cummings, Orange County Representative  
Steven Kane, Osceola County Representative

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

John Denninghoff, Brevard County Representative

### **CFX Staff Present:**

Diego "Woody" Rodriguez, General Counsel  
Laura Newlin Kelly, Associate General Counsel  
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 acting Chairman Laurie Botts. Recording Secretary Sandy Kemraj called the roll and announced there was a quorum.

Mindy Cummings introduced new alternate member for Orange County, Nemesie Esteves, who was in attendance in the audience.

### **Item B: PUBLIC COMMENT**

There was no public comment.

### **Item C: APPROVAL OF MAY 25, 2022 RIGHT OF WAY COMMITTEE MEETING MINUTES**

A motion was made by Ms. Cummings and seconded by Mr. Kane to approve the May 25, 2022 minutes as presented.

**Vote:** The motion carried unanimously with all seven (7) members present voting AYE by voice vote. Mr. Denninghoff was not present.

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**Item D.1: NOTICE OF EXTENSION BETWEEN THE CENTRAL FLORIDA EXPRESSWAY AUTHORITY AND ORANGE COUNTY, FLORIDA, PROJECT: STATE ROAD 429**

Associate General Counsel Laura Newlin Kelly requested the Committee's recommendation for Board approval of the Notice of Extension between Central Florida Expressway Authority ("CFX") and Orange County, Florida ("Orange County").

Associate General Counsel Kelly provided the Committee with a brief history of the project. Pursuant to the terms of a 2001 agreement with Orange County and Florida Power Cooperation, CFX conveyed property to Orange County for the construction, operation, and maintenance of a bike path. In the event Orange County failed to construct the bike path by January 16, 2024, CFX has the right, to require Orange County to reconvey the property to CFX. Orange County has not been able to construct the bike path due to financial constraints and has asked CFX for an extension of the requirement for an additional ten (10) years. CFX staff is in support of the extension to enable Orange County the additional time to construct the proposed bike path.

**A motion was made by Mr. Jreij and seconded by Mr. Murvin to recommend to the Board, approval of the Notice of Extension between CFX and Orange County, subject to any minor or clerical modifications approved by the GEC, General Counsel Rodriguez or Executive Director Kelley.**

**Vote: The motion carried unanimously with all seven (7) members present voting AYE by voice vote. Mr. Denninghoff was not present.**

**Item D.2.: REPLACEMENT TEMPORARY ACCESS EASEMENT BETWEEN THE CENTRAL FLORIDA EXPRESSWAY AUTHORITY, BRIGHTLINE TRAINS FLORIDA, LLC, AND WHARTON ORLANDO 7707, LLC - PROJECT: 528-1240, PARCEL: 528-708**

Associate General Counsel Kelly provided the Committee with a brief history of the project. She explained that CFX and Neo Land, LLC ("Neo Land") entered into a Temporary Construction Easement in October 2015 whereby Neo Land granted CFX a temporary construction easement over real property owned by Neo Land for the construction of a proposed passenger rail project between Miami and Orlando by Brightline Trains Florida, LLC ("Brightline"). The existing easement was set to expire on December 31, 2026.

Wharton Orlando 7707, LLC ("Wharton"), the successor-in-interest to Neo Land requested that CFX terminate the Temporary Construction Easement. CFX reached out to Brightline and Brightline advised that they do not anticipate any further work in this location but requested that they retain a 12-foot temporary access easement until March 31, 2023. The proposed Replacement Temporary Access Easement will terminate all of CFX's rights in the temporary construction easement and will grant a temporary replacement access easement to Brightline. Brightline is in agreement with the terms and location of the Replacement Temporary Access Easement. Additionally, CFX's General Engineering Consultant has reviewed the existing easement and determined CFX has no future need for the temporary construction easement.

CFX recently received notification from the current property owner, Wharton, that they are in the process of selling the property to RLP III BEACHLINE LOGISTICS OWNER, LLC. General Counsel Rodriguez advised that the proposed motion should reflect that the proposed agreement will be with Wharton or any successors.

**A motion was made by Ms. Cummings and seconded by Mr. Kane to recommend to the Board, approval of the agreement between CFX, Brightline and Wharton, or successor-in-interest, 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 seven (7) members present voting AYE by voice vote. Mr. Denninghoff was not present.**

**Item E: OTHER BUSINESS**

Chief of Infrastructure Glenn Pressimone presented a review of two projects currently in the design stage, which will eventually make it to the Right of Way Committee.

Chief of Infrastructure Pressimone advised that the Lake-Orange Expressway project will be a 4 miles long east-west connection between US 27 in Lake County to SR 429 in Orange County. Chief of Infrastructure Pressimone advised that the project will be split into three distinct stages. The project will be initially constructed with four lanes but is being designed for 6-8 lanes in the future. Chief of Infrastructure Pressimone showed maps of the projects and advised that there is also an opportunity for a partnership with Lake County and SECO for a multi-use trail.

Chief of Infrastructure Pressimone also gave an overview of the second project called the Poinciana Parkway Extension. Approximately 142 parcels will need to be acquired for the project as well as the relocation of three major utility lines. Chief of Infrastructure Pressimone advised the Committee that the ROW Committee should begin seeing requests for approval of parcel acquisitions on this project in the next 6 months.

In other business, General Counsel Rodriguez advised that the contracts for outside Right of Way Counsel are set to expire in February 2023. CFX will advertise and select counsel for new projects. CFX anticipates hiring 2 to 3 firms for these projects. These recommendations will be going to the Board in early 2023.

Acting Chairman Botts announced that the next Right of Way Committee meeting is scheduled for Wednesday, October 19, 2022 at 2:00 p.m.

**Item F: ADJOURNMENT**

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

**Minutes approved on November 16, 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](mailto:publicrecords@CFXWay.com) or 4974 ORL Tower Road, Orlando, Florida 32807.*