AGENDA RIGHT OF WAY COMMITTEE MEETING September 20, 2023 2:00 p.m.

Meeting location: Central Florida Expressway Authority
4974 ORL Tower Road
Orlando, FL 32807
Pelican Conference Room

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 JULY 26, 2023 RIGHT OF WAY COMMITTEE MEETING MINUTES (action item)
- D. AGENDA ITEMS
 - 1. RESOLUTION DECLARING PROPERTY AS SURPLUS PROPERTY AVAILABLE FOR SALE

PROJECT NUMBER: 429-603

PARCELS: 62-161 PART A, PORTION 2 AND 62-161 PART B, PORTION 3

Laura Newlin Kelly. Associate General Counsel (action item)

2. RESOLUTION DECLARING PROPERTY AS SURPLUS PROPERTY AND AUTHORIZING THE TRANSFER OF SURPLUS PROPERTY TO THE CITY OF APOPKA, FLORIDA PROJECT NUMBER: 429-201

PARCEL: 837

Laura Newlin Kelly, Associate General Counsel (action item)

- E. OTHER BUSINESS
- F. ADJOURNMENT

(CONTINUED ON PAGE 2)

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 Lisa.Lumbard@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.

DRAFT

MINUTES CENTRAL FLORIDA EXPRESSWAY AUTHORITY Right of Way Committee Meeting July 26, 2023

Committee Members Present:

Laurie Botts, City of Orlando Representative, Chairman Brian Sheahan, Lake County Representative Christopher Murvin, Citizen Representative Juan Diaz, Citizen Representative Mindy Cummings, Orange County Representative Neil Newton, Seminole County Representative, Alternate Paul Satchfield, 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 Michelle Maikisch, Executive Director Glenn Pressimone, Chief of Infrastructure Mala Iley, Recording Secretary

Item A: CALL TO ORDER

The meeting was called to order at 9:30 a.m. by Chairman Laurie 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: <u>APPROVAL OF MAY 17, 2023 RIGHT OF WAY COMMITTEE MEETING MINUTES</u>

A motion was made by Ms. Cummings and seconded by Mr. Murvin to approve the May 17, 2023 minutes as presented.

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

Item D.1: <u>RIGHT-OF-WAY ACQUISITION AGREEMENT BETWEEN CFX AND EAGLE CREEK</u> DEVELOPMENT CORPORATION PROJECT: STATE ROAD 534 PARCEL NO: 534-243

General Counsel, Diego "Woody" Rodriguez, introduced Attorney Richard N. Milian of Nelson Mullins Riley & Scarborough, LLP, Central Florida Expressway Authority's ("CFX") Right of Way Counsel.

Attorney Richard N. Milian, provided the Committee with an overview of the proposed Right-of-Way Acquisition Agreement between CFX and Eagle Creek Development Corporation ("Eagle Creek"). The subject property is located in the last phase of the development of the Eagle Creek community and consists of approximately 41 acres of property. Eagle Creek has commenced construction on model homes for the last phase of the development within the subject property and is prepared to proceed with the sale of individual lots in this phase of the development. It is necessary for CFX to acquire the subject property to align with right of way already planned and purchased for State Road 534. Acquiring the subject property prior to the sale of lots to individual homeowners will allow CFX to negotiate with one property owner and avoid potentially contentious and costly litigation.

Attorney Milian respectfully requested the Committee make a recommendation for the Board's approval of the Right-of-Way Acquisition Agreement, subject to any minor or clerical modifications or revisions approved by the General Counsel or designee.

A motion was made by Ms. Cummings and seconded by Mr. Satchfield to recommend to the Board, approval of the Right-of-Way Acquisition Agreement, 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

There was no other business. General Counsel Rodriguez advised staff will recirculate the 2024 Right of Way Committee Meeting Dates.

Chairman Botts announced that the next Right of Way Committee meeting is scheduled for Wednesday, September 20, 2023 at 2:00 p.m. in the Pelican Conference Room.

Item F: ADJOURNMENT

Chairman Botts adjourned the meeting at approximately 10:04 a.m.

Minutes approved on , 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, <u>publicrecords@CFXWay.com</u> or 4974 ORL Tower Road, Orlando, Florida 32807.

MEMORANDUM

TO: CFX Right of Way Committee Members

LNK

FROM: Laura Newlin Kelly, Associate General Counsel

DATE: September 11, 2023

SUBJECT: Resolution Declaring Property as Surplus Property Available for Sale

Project: 429-603

Parcel Number: 62-161 Part A, Portion 2 and 62-161 Part B, Portion 3

BACKGROUND

Central Florida Expressway Authority's predecessor in interest (now "CFX") acquired various real properties for the construction of State Road 429 and associated facilities (collectively, the "Expressway Facilities"). In the course of the construction of the Expressway Facilities and related improvements to Clarcona-Ocoee Road and West Road, 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 Expressway System, thus making both the Expressway System and the local road system compatible. As a result of the reconfiguration of the local roadways and substantial nature of the acquisition of the public right-of-way for the Expressway Facilities, when the construction on the local roadway reconfigurations and the Expressway Facilities was complete, CFX retained fee simple ownership of portions of certain local roadways and real property that were not necessary for the Expressway Facilities, including Parcels 62-161 Part A, Portion 2 and 62-161 Part B, Portion 3 (collectively, the "CFX Parcels"). The CFX Parcels are more particularly depicted on the map attached hereto as **Attachment "A"** ("Map").

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

REQUEST

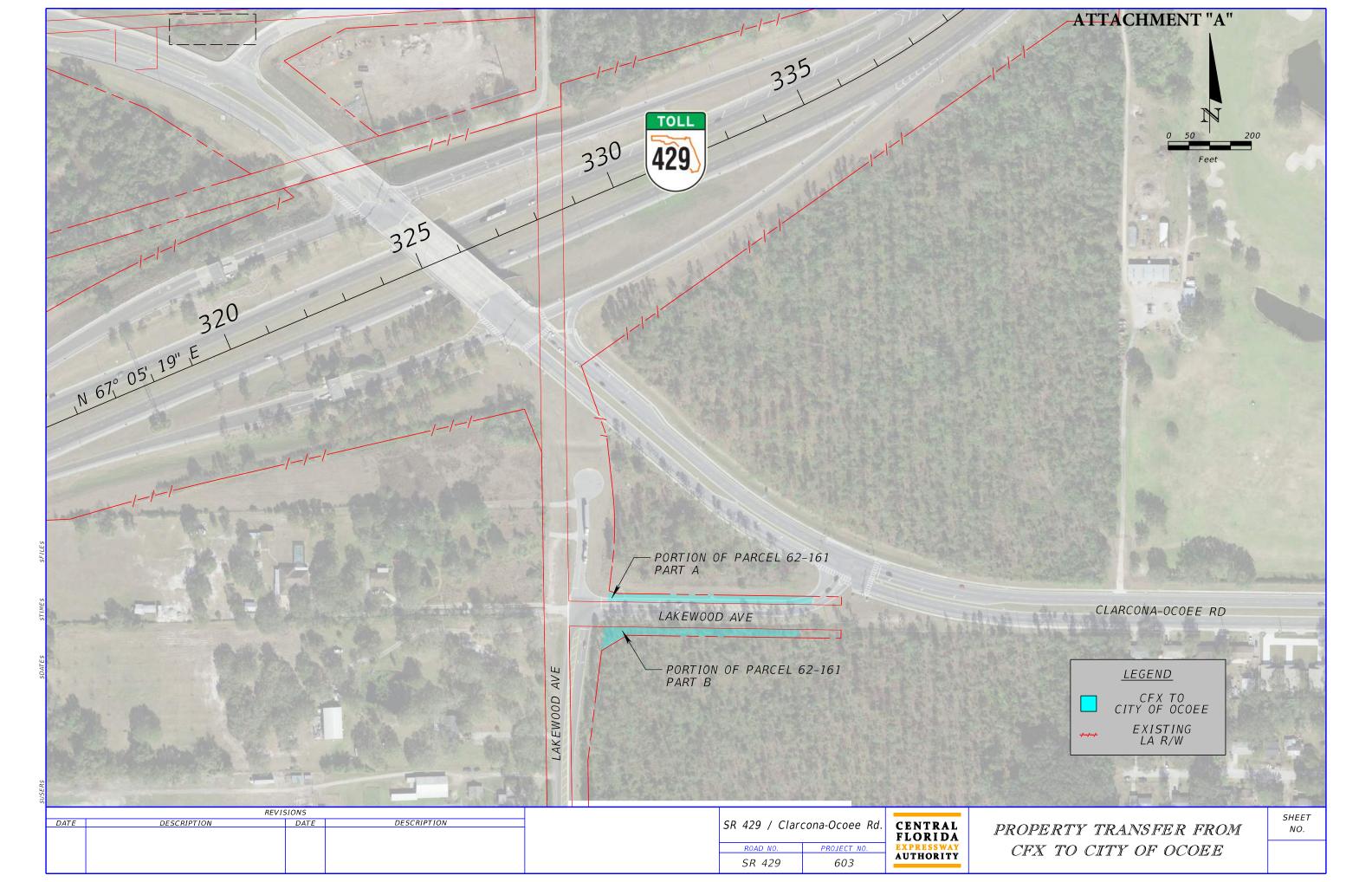
A recommendation by the Right-of-Way Committee for CFX Board's approval of the Resolution Declaring Property as Surplus Property Available for Sale.

4974 ORL TOWER RD. ORLANDO, FL 32807 | PHONE: (407) 690-5000 | FAX: (407) 690-5011



ATTACHMENTS

- A. Map
- B. Certificate from CFX's General Engineering Consultant
- C. Resolution Declaring Property as Surplus Property Available for Sale





Dewberry Engineers Inc. 800 N. Magnolia Ave, Suite 1000 Orlando, FL 32803

407.843.5120 407.649.8664 fax www.dewberry.com

September 20, 2023

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

RE: DISPOSITION OF PROPERTY

SR 429, Project 603

CFX Parcels: 62-161 Part A, Portion 2 and 62-161 Part B, Portion 3

Dear Mr. Pressimone:

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

- 1. We have reviewed the limits of the parcel areas associated with the Lakewood Avenue area shown in Exhibit "A" attached hereto (collectively, the "CFX Parcels"). Project 429-603 has been completed. In our opinion, based on the foregoing, we certify that the conveyance of the above referenced CFX Parcels would not impede or restrict the current or future construction, operation, or maintenance of the CFX Expressway System, and the interest reserved over the CFX Parcels is no longer essential for the current or future construction, operation, or maintenance of the CFX Expressway 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,

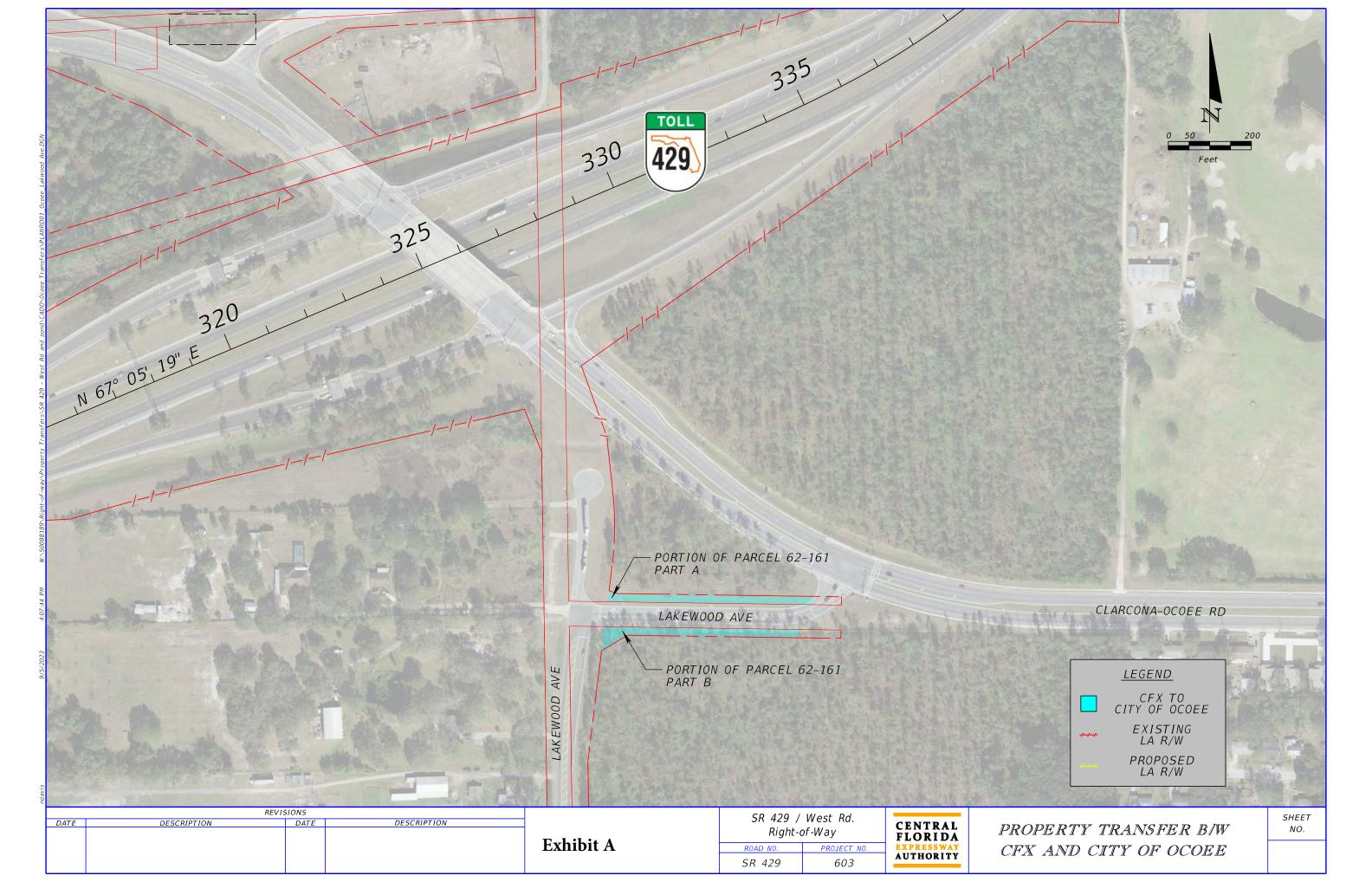
R. Keith Jackson, P.E.

R. Keith Jackson

Program Manager

Attachments

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



ATTACHMENT "C"

Resolution No. 2023-State Road 429, Project No. 429-603 Parcel No. 62-161 Part A, Portion 2 and 62-161 Part B, Portion 3

A RESOLUTION OF THE CENTRAL FLORIDA EXPRESSWAY AUTHORITY DECLARING PROPERTY AS SURPLUS PROPERTY AVAILABLE FOR SALE

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 Property Acquisition, Disposition & Permitting Policy ("ROW Policy") and that certain Property Acquisition, Disposition & Permitting Procedures Manual ("ROW Manual"), which ROW Policy ad ROW Manual provide for the disposal of real property unnecessary or unsuitable for CFX's use; and

WHEREAS, pursuant to the ROW Manual, where real 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 property to be "Surplus Property" through the adoption of a resolution and direct that the Surplus Property be sold; and

WHEREAS, CFX staff and its General Engineering Consultant have examined the Expressway Facilities for State Road ("SR") 429 in the proximity of Lakewood Avenue and determined that the real property referred to Parcels 62-161 Part A, Portion 2 and 62-161, Part B, Portion 3 as more particularly described in Exhibit "A" attached hereto and incorporated herein by reference ("CFX Parcels") is not needed to support existing Expressway Facilities; and

WHEREAS, CFX's General Engineering Consultant has certified that the CFX Parcels are 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 Parcels 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 Parcels as Surplus Property; and

WHEREAS, in light of the foregoing circumstances, CFX's Right of Way Committee has recommended that the CFX Board adopt a resolution declaring the CFX Parcels to be Surplus Property; and

WHEREAS, the CFX Parcels shall be disposed of at a public sale in accordance with the terms of the ROW Policy and ROW Manual.

Resolution No. 2023	
State Road 429, Project	et No. 429-603
Parcel No. 62-161 Part A. Portion 2 and 62-161 Pa	rt B. Portion 3

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.
- 2. CFX hereby finds that it is in the best interest of CFX and the public to declare the CFX Parcels as Surplus Property, and CFX hereby declares the CFX Parcels as Surplus Property available for sale.
- 3. CFX hereby finds that it is in the best interest of CFX to dispose of the Surplus Property at a public sale in accordance with the terms of the ROW Manual.
- 4. This Resolution shall take effect immediately upon adoption by the CFX governing Board.

ADOPTED this day of	2023.
	Mayor Jerry Demings, Chairman
ATTEST: Regla ("Mimi") Lamaute Manger of Board Services	
	Approved as to form and legality for the exclusive use and reliance of CFX.
	Laura Newlin Kelly Associate General Counsel



ENGINEERS, PLANNERS

246 N. WESTMONTE DRIVE ALTAMONTE SPRINGS, FLORIDA 32714 (407) 750-3123

CERTIFICATE OF AUTHORIZATION NO. LB8214

SKETCH AND DESCRIPTION ONLY (NOT A SURVEY)

EXHIBIT 'A'

SURPLUS RIGHT-OF-WAY (N. LAKEWOOD AVE. SPITE STRIPS)

DESCRIPTION:

Portions of Section 5, Township 22 South, Range 28 East, Orange County, Florida, being portions of the Right—of—Way for North Lakewood Avenue more particularly described as follows:

Tract A-1

COMMENCE at the Southwest corner of the Southwest 1/4 of said Section 5; thence North 89°44'04" East along the South line of said Southwest 1/4, a distance of 30.00 feet to the Southwest corner of Parcel 62–161 Right-of-Way 'B' of the Orlando/Orange County Expressway Authority, as described in Stipulated Order of Taking recorded in Official Records Book 5461, Page 2341, of the Public Records of Orange County, Florida; thence North 00°53'06" West along the West boundary of said Parcel 62–161 Right-of-Way 'B' and the Northerly extension thereof, a distance of 1,494.85 feet to the Southwest corner of Parcel 62–161 Right-of-Way 'A' of the Orlando/Orange County Expressway Authority, as described in said Stipulated Order of Taking; thence South 89°10'10" East along the South boundary of said Parcel 62–161 Right-of-Way 'A', a distance of 93.51 feet to the POINT OF BEGINNING; thence departing from said South boundary run North 07°06'16" East, a distance of 26.50 feet, the following two (2) described courses being along the Northerly boundary of said Parcel 62–161 Right-of-Way 'A'; thence South 71°13'20" East, a distance of 20.58 feet; thence South 89°10'10" East, a distance of 473.89 feet; thence departing from said North boundary run South 22°27'30" West, a distance of 21.51 feet; thence

(Continued on Sheet 2 of 4)

NOTES:

- 1. UNLESS IT BEARS THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
- 2. LANDS SHOWN HEREON WERE NOT ABSTRACTED BY WOHLFARTH CONSULTING GROUP LLC FOR EASEMENTS AND RIGHTS-OF-WAY OF RECORD.
- 3. DATA SHOWN HEREON WAS COMPILED FROM OTHER INSTRUMENTS AND DOES NOT CONSTITUTE A FIELD SURVEY.
- 4. BEARINGS ARE BASED ON THE WEST LINE OF THE SOUTHWEST 1/4 OF SECTION 5, TOWNSHIP 22 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA, SAID WEST LINE HAVING AN ASSUMED BEARING OF NORTH 00"53"06" WEST.
- 5. WOHLFARTH CONSULTING GROUP LLC CERTIFICATE OF AUTHORIZATION NO. LB 8214 IS ISSUED BY THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES.

PROJECT NAME: OCOEE VILLAGE CENTER

LOCATION: City of Ocoee, Orange County, Florida.

CERTIFICATION:

I HEREBY CERTIFY THAT THE ATTACHED SKETCH AND DESCRIPTION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT IT MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE.

FOR THE FIRM WOHLFARTH CONSULTING GROUP LLC:

LED 8214 IS ISSUED BY THE FLORIDA DEPARTMENT OF AGRICULTURE

D CONSUMER SERVICES.

WILSON E. WAY, P.S.M.

DROCESSIONAL SUBJECTOR and MADDED #2885 STATE OF

REVISIONS	DATE	BY	PROFESSIONAL SU	JRVETOR and MAPP	ER #2885 STATE OF	- FLORIDA	No.
Revised	11/18/21	BF	DATE: / I	DRAWN	CHECKED	FIELD	
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ENGINEERS, PLANNERS

246 N. WESTMONTE DRIVE ALTAMONTE SPRINGS, FLORIDA 32714 (407) 750-3123

CERTIFICATE OF AUTHORIZATION NO. LB8214

SKETCH AND DESCRIPTION ONLY (NOT A SURVEY)

EXHIBIT 'A'

SURPLUS RIGHT-OF-WAY (N. LAKEWOOD AVE. SPITE STRIPS)

(Continued from Sheet 1 of 4)

DESCRIPTION:

North 89°10'10" West along the South boundary of said Parcel 62–161 Right-of-Way 'A', a distance of 488.44 feet to the POINT OF BEGINNING. Containing 0.227 acres (9,890 square feet), more or less.

TOGETHER WITH:

Tract B−1

COMMENCE at the Southwest corner of the Southwest 1/4 of said Section 5; thence North 89°44'04" East along the South line of said Southwest 1/4, a distance of 30.00 feet to the Southwest corner of Parcel 62-161 Right-of-Way 'B' of the Orlando/Orange County Expressway Authority, as described in Stipulated Order of Taking recorded in Official Records Book 5461, Page 2341, of the Public Records of Orange County, Florida; thence North 00°53'06" West along the West boundary of said Parcel 62-161 Right-of-Way 'B', a distance of 1,434.83 feet to the Northwest corner of said Parcel 62-161 Right-of-Way 'B'; thence South 89°10'10" East along the North boundary of said Parcel 62-161 Right-of-Way 'B', a distance of 85.12 feet to the POINT OF BEGINNING: thence continue South 89°10'10" East along said North boundary, a distance of 471.24 feet; thence departing from said North boundary run South 22°27'30" West, a distance of 21.51 feet, the following two (2) described courses being along the South boundary of said Parcel 62-161 Right-of-Way 'B'; thence North 89°10'10" West, a distance of 408.48 feet; thence South 58°53'01" West, a distance of 72.15 feet; thence departing from said South boundary run North 07°06'16" East, a distance of 58.53 feet to the POINT OF BEGINNING. Containing 0.240 acres (10,456 square feet), more or less.

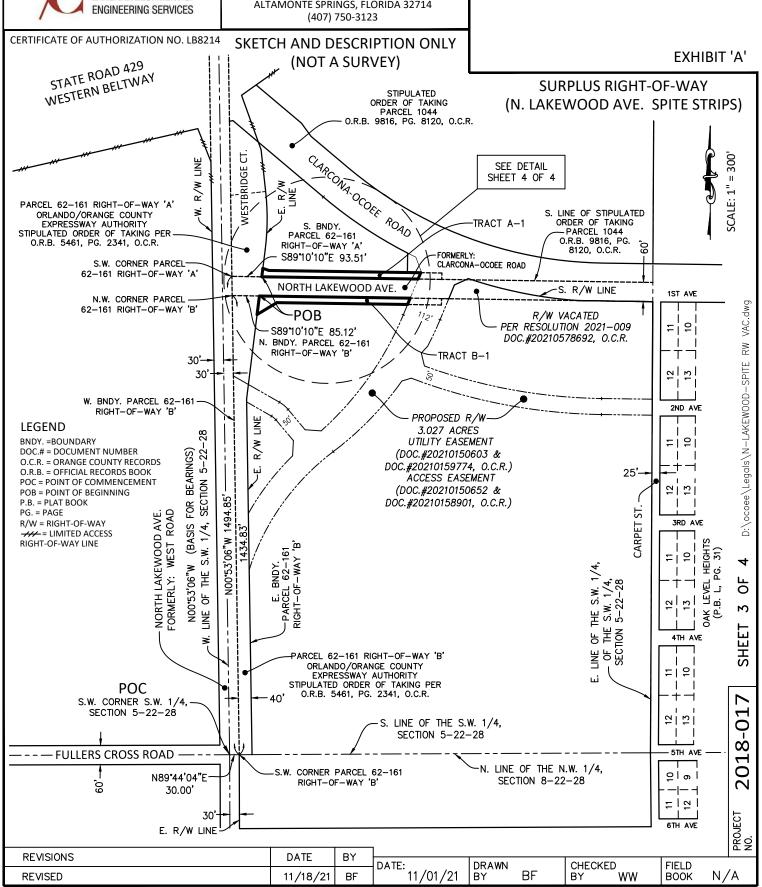
Containing in aggregate 0.467 acres (20,346 square feet), more or less.

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REVISIONS	DATE	ВТ	DATE:	DRAWN	CHECKED	FIELD	
REVISED	11/18/21	BF	11/01/21	BY BF	BY WW	BOOK N	/A



ENGINEERS, PLANNERS

246 N. WESTMONTE DRIVE ALTAMONTE SPRINGS, FLORIDA 32714



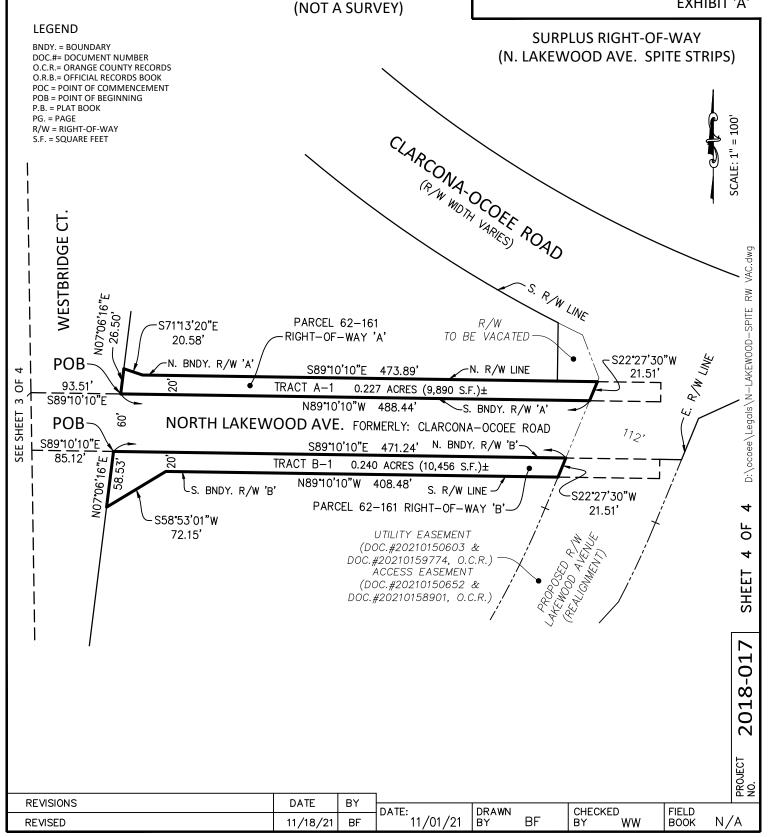


ENGINEERS, PLANNERS

246 N. WESTMONTE DRIVE ALTAMONTE SPRINGS, FLORIDA 32714 (407) 750-3123

CERTIFICATE OF AUTHORIZATION NO. LB8214 SKETCH AND DESCRIPTION ONLY

EXHIBIT 'A'



MEMORANDUM

TO: CFX Right of Way Committee Members

LNK

FROM: Laura Newlin Kelly, Associate General Counsel

DATE: September 11, 2023

SUBJECT: Resolution Declaring Property as Surplus Property Available for Sale and

Authorizing the Transfer of Surplus Property to the City of Apopka, Florida

Project: 429-201 Parcel No: 837

BACKGROUND

Central Florida Expressway Authority's predecessor in interest (now "CFX") acquired various real properties for the construction of State Road 429 and associated facilities (collectively, the "Expressway Facilities"). In the course of the construction of the Expressway Facilities and related improvements to State Road 429, CFX acquired an access easement over certain real property known as Parcel 837 ("CFX Parcel") for the benefit of impacted landowners, D. Wayne Simpson and Susie F. Simpson (collectively, the "Simpsons"), whose access had been severed by construction of the Expressway Facilities. On March 3, 2010, CFX granted an access easement over the CFX Parcel in favor of the Simpsons. The CFX Parcel is more particularly depicted on the map attached hereto as **Attachment "A"** ("Map").

Bluescope Properties Group LLC ("Bluescope") is the successor in interest to the Simpsons. In order to access and develop the real property previously owned by the Simpsons as part of an assemblage with the adjacent properties, Bluescope desires to construct a roadway over real property owned by the City of Apopka ("City Parcel") adjacent to the CFX Parcel. The City of Apopka ("City") has requested CFX 's conveyance of any remaining interest CFX may own in the CFX Parcel to the City to permit the construction of a public roadway over the CFX Parcel and adjacent City Parcel. A copy of the City's request is attached hereto as **Attachment "B"**. A copy of the draft Quit Claim Deed is attached hereto as **Attachment "C"**.

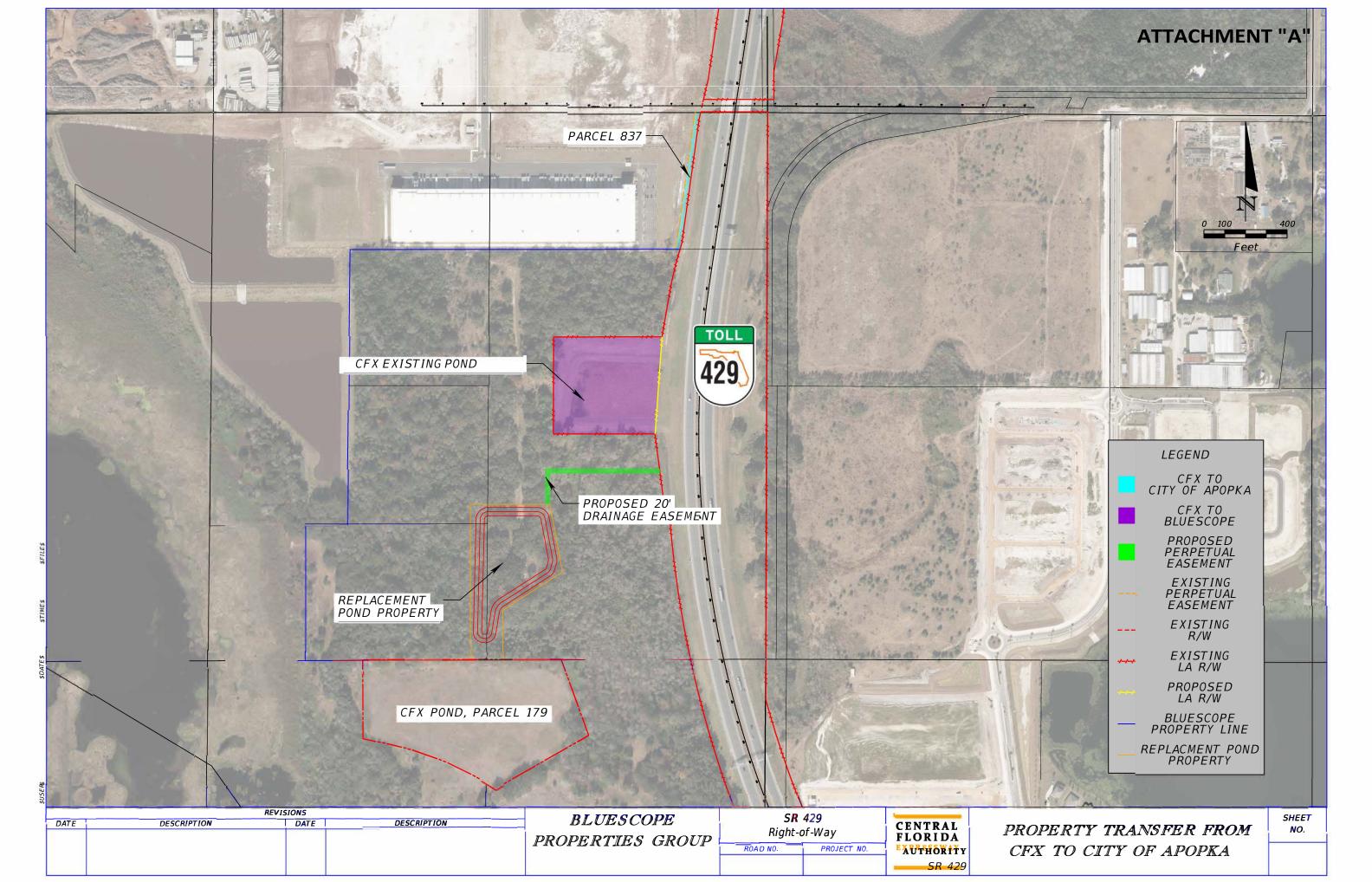
Pursuant to CFX's Property Acquisition, Disposition & Permitting Procedures Manual, CFX staff and CFX's General Engineering Consultant have examined the CFX Parcel and determined that the CFX Parcel is not needed to support existing Expressway Facilities. Accordingly, CFX's General Engineering Consultant has certified that the CFX Parcel is not essential for present or future construction, operation or maintenance of the Expressway Facilities or for CFX purposes and that the disposition of the CFX Parcel 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 is attached hereto as **Attachment "E"**.

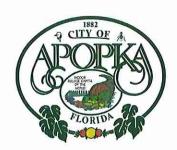
REQUEST

A recommendation by the Right-of-Way Committee for CFX Board's approval of the Resolution Declaring Property as Surplus Property Available for Sale and Authorizing the Transfer of Surplus property to the City of Apopka, Florida.

ATTACHMENTS

- A. Map
- B. Letter from the City of Apopka dated September 11, 2023
- C. Quit Claim Deed from CFX to City of Apopka, Florida
- D. Certificate from CFX's General Engineering Consultant
- E. Resolution Declaring Property as Surplus Property Available for Sale and Authorizing the Transfer of Surplus Property to the City of Apopka, Florida





120 E. Main Street, Apopka, Florida 32703-5346 Phone: 407-703-1700 www.apopka.gov

September 11, 2023

Ms. Michelle Maikisch, Executive Director Central Florida Expressway Authority 4974 ORL Tower Road Orlando, Florida 32807

RE: Request of Quitclaim Deed from the Central Florida Expressway Authority.

Dear Ms. Maikisch,

The City of Apopka (the "City") currently owns fee simple title to that certain real property located in Apopka, Florida legally described on Exhibit "A" attached hereto ("Tract E"). The Central Florida Expressway Authority, a body politic and corporate, and an agency of the state, under the laws of the State of Florida ("CFX"), currently owns fee simple title to that certain real property located in Apopka, Florida known as parcel ID number 01-21-27-5649-00-006 and legally described on Exhibit "B" attached hereto ("Tract F").

As you may be aware, the City desires to construct a public access road over and across portions of Tract E, but the width of Tract E is insufficient to support such access road. Accordingly, the City respectfully requests CFX to consider conveying its interest in and to Tract F to the City via quitclaim deed so that the City can complete the desired access road project, and such quitclaim deed may contain a deed restriction that Tract F shall only be used for public right of way purposes.

The City and CFX have entered into many mutually beneficial agreements in the past and we hope to continue our collaborative relationship with this right-of-way conveyance. We respectfully ask for your consideration of this request.

Sincerely,

Pamela Richmond

Transportation Coordinator

cc:

Bryan Nelson, Mayor James Hitt, City of Apopka Woody Rodriquez, CFX Glenn Pressimone, CFX

husond

EXHIBIT A

PROPERTY OWNED BY THE CITY

TRACT E OF MID-FLORIDA LOGISTICS PARK, ACCORDING TO MAP OR PLAT THEREOF, RECORDED IN PLAT BOOK 99, PAGE 34, OFFICIAL RECORDS OF ORANGE COUNTY, FLORIDA.

EXHIBIT B

PROPERTY OWNED BY CFX

TRACT F OF MID-FLORIDA LOGISTICS PARK, ACCORDING TO MAP OR PLAT THEREOF, RECORDED IN PLAT BOOK 99, PAGE 34, OFFICIAL RECORDS OF ORANGE COUNTY, FLORIDA.

The above-described property being the same property conveyed to CFX (f/k/a as Orlando-Orange County Expressway Authority) pursuant to that certain Special Warranty Deed dated September 30, 2009 and recorded October 1, 2009 in the Official Records of Orange County, Florida, and described therein as follows:

A parcel of land situate in Section 12, Township 21 South, Range 27 East, Orange County, Florida; more particularly described as:

Commencing at a 4 inch by 4 inch concrete monument stamped "F.D.O.T. JWG L.B. No. 1" from C.C.R. No. 0030735 and verified by JWG Records (Job. No. 21606) marking the Northwest corner of the Northeast ¼ of said Section 12; thence South 89°58'55" East 2,318.14 feet along the North line of said Northeast ¼ of Section 12 to POINT OF BEGINNING; thence continue along said North line South 89°58'55" East 25.64 feet; thence departing said North line, South 12°47'53" West 30.76 feet; thence South 07°56'51" West 604.02 feet; thence South 15°56'44"W 29.97 feet to a point on the South line of the North 1/2 of the Northeast 1/4 of the Northeast 1/4 of said Section 12; thence run along said South line, South 89°58'26" West 26.00 feet; thence departing said South line North 15°56'44" East 35.38 feet; thence North 07°56'51" East 603.33 feet; thence North 12°47'53" East 26.15 feet to POINT OF BEGINNING;

Containing 16,620 square feet, more or less.

February 24, 2009

Prepared By:
Laura L. Kelly, Esquire
Central Florida Expressway Authority
4974 ORL Tower Road
Orlando, FL 32807
·

Reserved for Recording

Project Nos. 429-201 Parcel 837

This deed is exempt from Florida documentary stamp tax under Department of Revenue Rules 12B-4.002(4)(a), 12B-4.014(10), F.A.C., and Section 201.02(6), Florida Statutes.

QUIT CLAIM DEED

THIS QUIT CLAIM DEED, dated as of the date of execution below, by CENTRAL FLORIDA EXPRESSWAY AUTHORITY, a body corporate and an agency of the State of Florida, created by Part III of Chapter 348, Florida Statutes, whose address is 4974 ORL Tower Road, Orlando, Florida 32807 ("Grantor"), and CITY OF APOPKA, FLORIDA, a municipality of the State of Florida, whose address is 120 East Main Street, Apopka, Florida 32703-5346 ("Grantee").

WITNESSETH, that the Grantor, for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00) and other valuable considerations, the receipt and sufficiency whereof is hereby acknowledged, does hereby remise, release, and forever quit-claim unto the said Grantee, all the right, title, interest, claim, and demand which the Grantor has in and to the following described real property, situate, lying and being in Orange County, Florida, more particularly described as follows ("Property"):

SEE ATTACHED EXHIBIT "A"

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining and all the estate, right, title, interest, lien, equity, and claim whatsoever of the Grantor, either in law or equity, to the only proper use, benefit, and behoove of the Grantee forever.

SUBJECT TO the covenants, conditions, restrictions, reservations, and easements which are set forth below:

- a) Grantor reserves unto itself, its successors and assigns, all rights of ingress, egress, light, air, and view to, from, or across any State Road (SR) 429 right-of-way property which may otherwise accrue to any portion of the Property abutting said right-of-way. Grantee has no rights of ingress, egress, or access to SR 429 from the Property, nor does Grantee have any rights of light, air or view from SR 429 associated with the Property. Grantor is not conveying or restoring any other abutters' rights, including, without limitation, any claims for ingress, egress, air, light and view between the Property being conveyed, any abutting property, SR 429 and any other remaining property owned by Grantor.
- b) Grantor reserves unto itself, its successors and assigns, all rights of ingress, egress, light, air, and view.
- c) By acceptance of this deed, Grantee expressly agrees for itself, and its successors and assigns, to prevent any use of the Property which would interfere with SR 429 or otherwise constitute a hazard for SR 429 or any related system or structure.
- d) By acceptance of this deed, Grantee acknowledges that portions of the Property may have been acquired via eminent domain and are subject to Section 73.013, Florida Statutes.
- e) By acceptance of this deed, Grantee expressly agrees for itself, and its successors and assigns, that in the event the Grantee no longer uses the Property (or any part thereof) for public right-of-way, then all right, title, and interest to the Property that is not used for public right-of-way shall automatically revert back to Grantor, at Grantor's option and at no cost to Grantor. The conveyance provided herein is made by a governmental entity to a governmental entity and therefore excepted from the provisions of Section 689.18, Florida Statutes, and excluded from the application of the statutory rules against perpetuities as set forth in Section 689.225(2), Florida Statutes. If the Property ceases to be used as public right-of-way, Grantor may elect to pursue any remedies available to the Grantor in law or equity including, without limitation, specific performance, or for all right, title, and interest to the Property that is not used for public right-of-way to automatically revert back to Grantor at no cost to Grantor. In such event, Grantor shall notify Grantee in writing of its intent to exercise its right of reverter with respect to the Property ("Reversion Notice"). Notwithstanding the foregoing, in the event Grantee desires to cease operation of the Property for a public right-of-way or otherwise sell, convey, or transfer the Property to a third party, Grantee shall provide written notice to Grantor of such ("Sale Notice") and in such event, Grantor shall have the right of first refusal and shall have ninety (90) days from Grantor's receipt of the Sale Notice to deliver to Grantee a Reversion Notice.
- f) Easements, covenants, restrictions, agreements, conditions, limitations, reservations and matters of record, if any, provided; however, this reference shall not operate to reimpose the same.

g) Ad valorem real property taxes and assessments, if applicable, for the year 2023 and subsequent years.

The preparer of this deed was neither furnished with, nor requested to review, an abstract of title for the above described Property and therefore expresses no opinion as to the condition of title.

IN WITNESS WHEREOF, said Grantor has caused these presents to be signed in its name by its duly authorized representative.

Signed, sealed, and delivered in the presence of:	"GRANTOR"
in the presence of.	CENTRAL FLORIDA EXPRESSWAY AUTHORITY
Print Name:	- -
	By:
Print Name:	By: Mayor Jerry Demings, its Chairman
	Date:
ATTEST:	
	Approved as to form and legality by legal counsel to the Central Florida Expressway Authority on this day of
	2023 for its exclusive use and reliance.
	By:
	Laura Newlin Kelly Associate General Counsel

STATE OF FLORIDA COUNTY OF)	
or [] online notarization on this	day of Expressway Author	pefore me by means of [] physical presence, 2023, by Mayor Jerry Demings, as rity, on behalf of the organization. He is identification.
	NOTARY	Y PUBLIC
	Print Nan Commiss	

EXHIBIT "A" Legal Description of Property

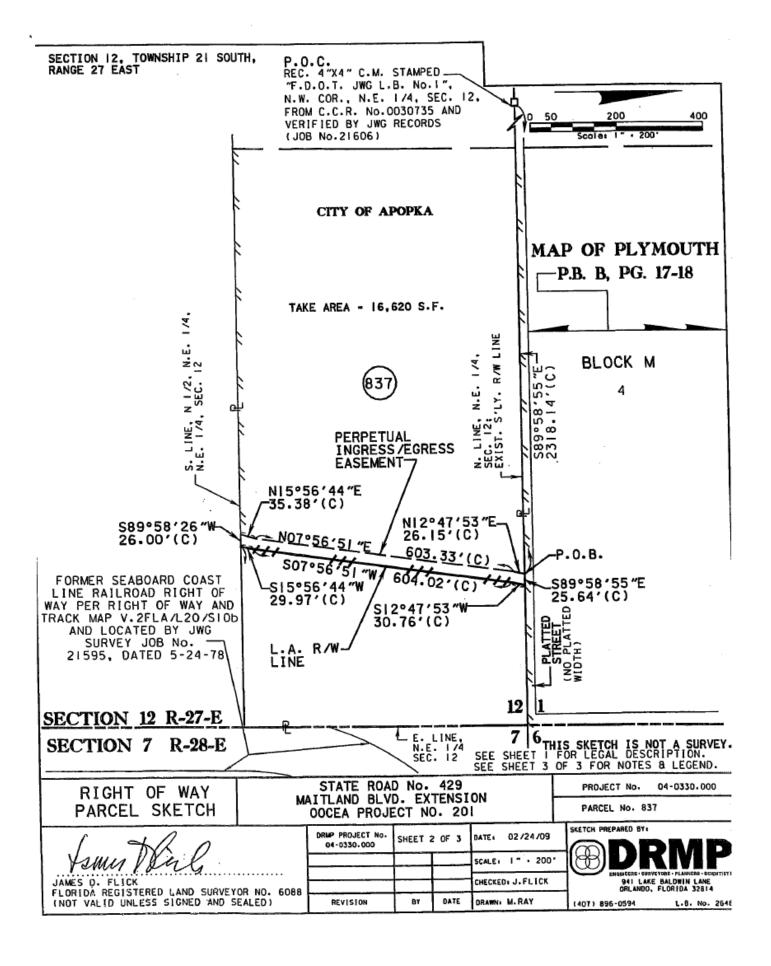
LEGAL DESCRIPTION

A parcel of land situate in Section 12, Township 21 South, Range 27 East, Orange County, Florida; more particularly described as:

Commencing at a 4 inch by 4 inch concrete monument stamped "F.D.O.T. JWG L.B. No. 1" from C.C.R. No. 0030735 and verified by JWG Records (Job. No. 21606) marking the Northwest corner of the Northeast ¼ of said Section 12; thence South 89°58'55" East 2,318.14 feet along the North line of said Northeast ¼ of Section 12 to **POINT OF BEGINNING**; thence continue along said North line South 89°58'55" East 25.64 feet; thence departing said North line, South 12°47'53" West 30.76 feet; thence South 07°56'51" West 604.02 feet; thence South 15°56'44"W 29.97 feet to a point on the South line of the North 1/2 of the Northeast 1/4 of the Northeast 1/4 of said Section 12; thence run along said South line, South 89°58'26" West 26.00 feet; thence departing said South line North 15°56'44" East 35.38 feet; thence North 07°56'51" East 603.33 feet; thence North 12°47'53" East 26.15 feet to **POINT OF BEGINNING**;

Containing 16,620 square feet, more or less.

February 24, 2009



NOTES:

- . SUBJECT TO EASEMENTS AND RIGHTS OF WAY OF RECORD.
- 2. THIS SKETCH IS NOT A SURVEY. NO CORNERS WERE SET OR RECOVERED IN THE FIELD FOR THE PURPOSE OF PREPARING THIS SKETCH.
- 3. NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS WERE LOCATED.
- 4. THIS MAP MAY HAVE BEEN REDUCED IN SIZE BY REPRODUCTION. THIS MUST BE CONSIDERED WHEN OBTAINING SCALED DATA.
- 5. PARCEL INFORMATION SHOWN HEREON IS SUPPORTED BY CERTIFICATE OF TITLE, FILE No. 04.00345/550823, DATED DECEMBER II. 2007.

LEGEND:

AVE. • AVENUE

(C) - CALCULATED DATA

- CENTER LINE

COR. • CORNER

CH. - CHORD

E. • EAST

E'LY. · EASTERLY

EXIST. - EXISTING

FOOT/MINUTE

INCH/SECOND

FND. • FOUND

I.D. - IDENTIFICATION

L.A. . LIMITED ACCESS

L.B. • LICENSED BUSINESS

LK. - LAKE

N. • NORTH

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NAD - NORTH AMERICAN DATUM

No. - NUMBER

PG. - PAGE

(P) - PLAT DATA

P.B. - PLAT BOOK

P.C. - POINT OF CURVATURE P.O.B. - POINT OF BEGINNING

P.O.C. POINT OF COMMENCEMENT

P PROPERTY LINE

R - RANGE

RD. • ROAD

R.R. - RAILROAD

(RT.) · RIGHT

R/W - RIGHT OF WAY

SEC. • SECTION

S. • SOUTH

S'LY. . SOUTHERLY

S.R. - STATE ROAD

T . TOWNSHIP

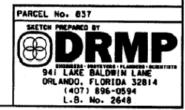
V. • WEST

SEE SHEET I OF 3 FOR LEGAL DESCRIPTION.

SEE SHEET 2 OF 3 FOR SKETCH.

SHEET 3 OF 3

THIS SKETCH IS NOT A SURVEY.





Dewberry Engineers Inc. | 407.843.5120 800 N. Magnolia Ave, Suite 1000 407.649.8664 fax

Orlando, FL 32803 www.dewberry.com

September 20, 2023

ATTACHMENT "D"

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

RE: **DISPOSITION OF PROPERTY**

> SR 429, Project 201 CFX Parcel 837 (Tract F)

Dear Mr. Pressimone:

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

- 1. We have reviewed the limits of the above designated parcel, more particularly depicted in Exhibit "A" attached hereto ("CFX Parcel"). In our opinion, this property interest was acquired to serve as an easement for the benefit of a landlocked owner and was never part of the CFX Expressway System. This property interest is not needed for the operation of the CFX Expressway System. We certify that the transfer, conveyance or release of the above referenced CFX Parcel would not impede or restrict the current or future construction, operation or maintenance of the CFX Expressway System, and any interest CFX may still own over the CFX Parcel is no longer essential for the current or future construction, operation or maintenance of the CFX Expressway 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.

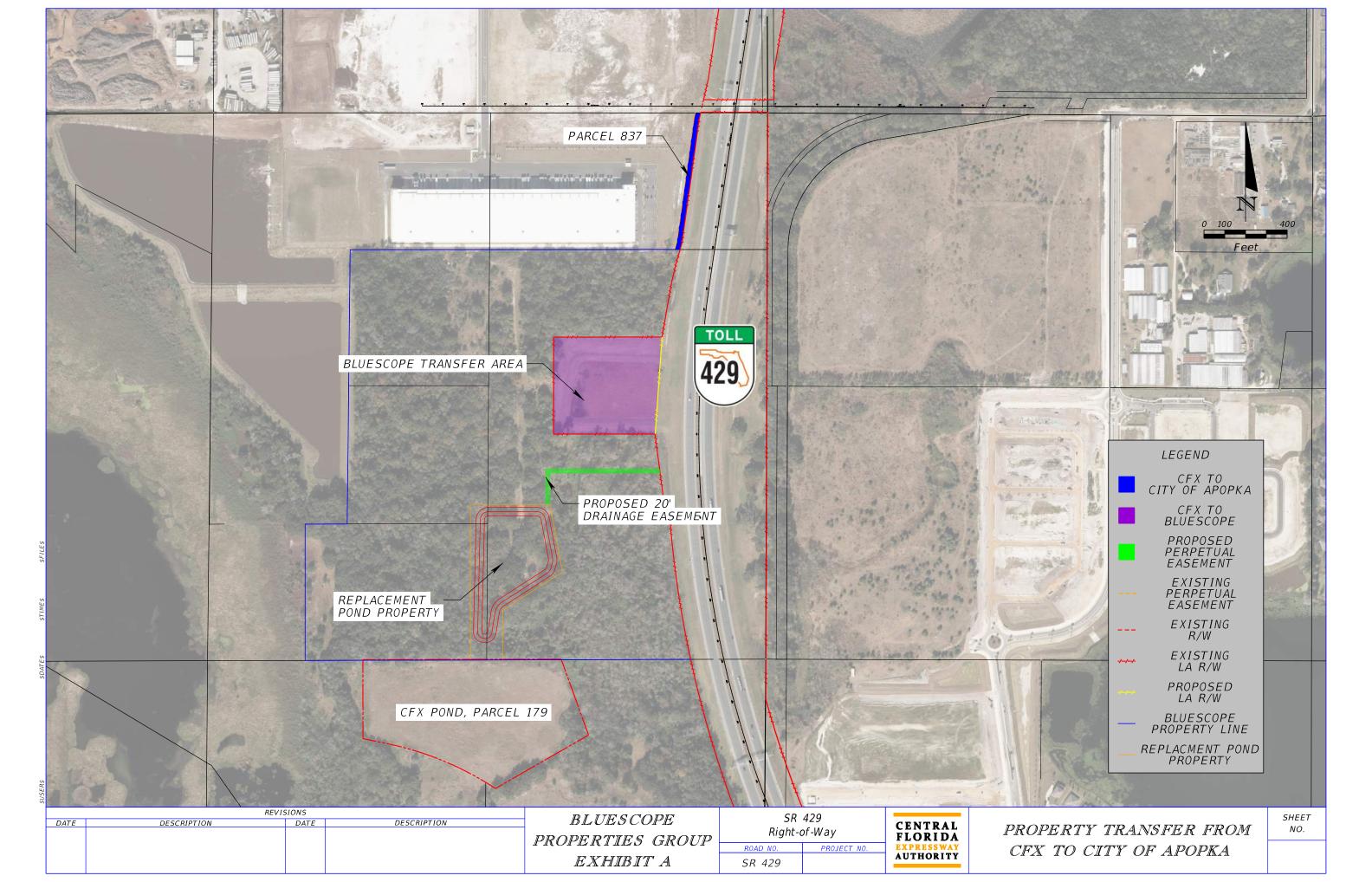
Sincerely,

R. Keith Jackson R. Keith Jackson, P.E.

Program Manager

Attachments

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



Resolution No. 2023-SR 429, Project 429-201 Parcel 837

A RESOLUTION OF THE CENTRAL FLORIDA EXPRESSWAY AUTHORITY DECLARING PROPERTY AS SURPLUS PROPERTY AVAILABLE FOR SALE AND AUTHORIZING THE TRANSFER OF SURPLUS PROPERTY TO THE CITY OF APOPKA, 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 Property Acquisition, Disposition & Permitting Policy ("ROW Policy") and that certain Property Acquisition, Disposition & Permitting Procedures Manual ("ROW Manual"), which ROW Policy and ROW Manual provide for the disposal of real property unnecessary or unsuitable for CFX's use; and

WHEREAS, pursuant to the ROW Manual, where real 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 property to be "Surplus Property" through the adoption of a resolution and direct that the Surplus Property be sold; and

WHEREAS, Section VIII of the ROW Manual 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 have examined the Expressway Facilities for State Road 429 in the proximity of Peterson Road and determined that the real property referred to as Parcel 837, as more particularly described in Exhibit "A" attached hereto and incorporated herein by reference (the "CFX Parcel") is not needed to support the 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 Surplus Property; and

Resolution No. 2023-SR 429, Project 429-201 Parcel 837

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

WHEREAS, City of Apopka, Florida, a municipality of the State of Florida ("City"), has requested a donation of the CFX Parcel from CFX to the City for public purposes; and

WHEREAS, CFX's Right of Way Committee has determined that the transfer of the CFX Parcel to the City for public purposes 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 donated to the City for public purposes, in accordance with CFX's ROW Manual.

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.
- 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 City for public right-of-way.
- 4. Accordingly, CFX hereby declares that the CFX Parcel may be transferred to the City for public purposes, in accordance with CFX's ROW Manual.
- 5. This Resolution shall take effect immediately upon adoption by the CFX governing Board.

 ADOPTED this ______ day of ______ 2023.

		Mayor Jerry Demings, Chairman
ATTEST:		
•	Regla ("Mimi") Lamaute	•
	Manager of Board Services	

Resolution No. 2023
SR 429, Project 429-201
Parcel 837

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

Laura Newlin Kelly Associate General Counsel

EXHIBIT "A" Property

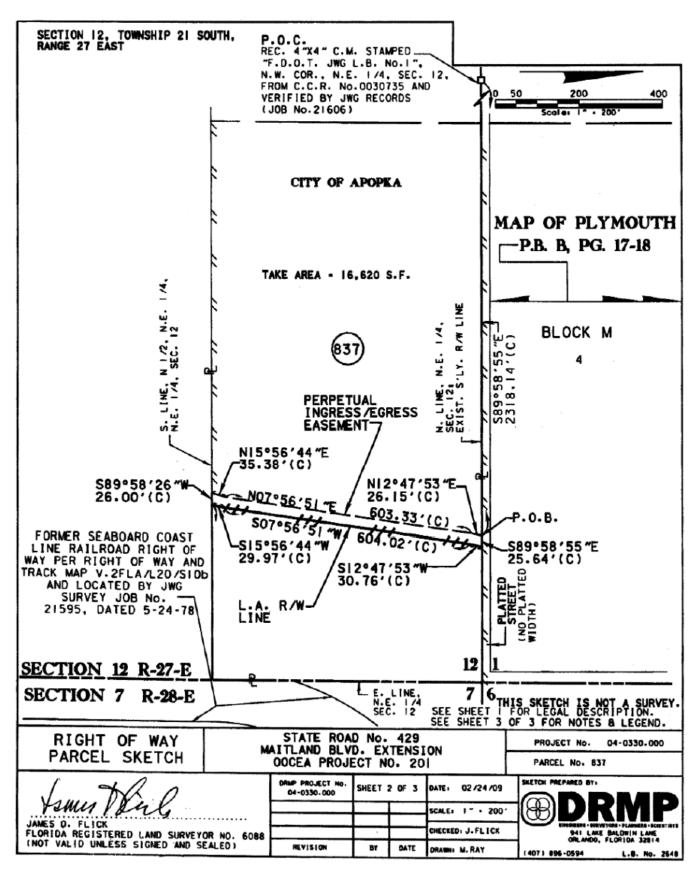
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s. SOUTH

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- WEST

SEE SHEET I OF 3 FOR LEGAL DESCRIPTION.

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SHEET 3 OF 3

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