
CENTRAL FLORIDA EXPRESSWAY AUTHORITY

**PROPERTY ACQUISITION, DISPOSITION
& PERMITTING POLICY**

2023

Approved by CFX Board: April 13, 2023

I.	PURPOSE.....	1
II.	GENERAL POLICY STATEMENT.....	1
III.	CFX ORGANIZATION AND COORDINATION	1
	A. CFX Board Oversight	1
	B. Duties and Responsibilities of Executive Director and General Counsel.....	2
	C. Duties and Responsibilities of Right of Way Committee	2
	D. Use of Consultants	2
	E. Delegation.....	3
IV.	PROPERTY ACQUISITION	3
V.	PROPERTY DISPOSITION	3
VI.	OTHER PROPERTY INTERESTS.....	3
VII.	PROCEDURES	3

I. PURPOSE

The Central Florida Expressway Authority (“CFX”) Property Acquisition, Disposition and Permitting Policy (hereinafter referred to as the “Policy”) is intended to provide governing policies to CFX employees, consultants and the Right of Way Committee for purposes of:

- (i) obtaining necessary rights of way, easements and other property rights for roadway improvement projects and other public purposes for which CFX may be authorized to acquire such property rights;
- (ii) disposing of property rights deemed available for disposal by CFX; and
- (iii) managing and authorizing uses of CFX properties, such as permits, leases, licenses, easements or temporary right of entries.

The Policy is intended for use in which CFX is the acquiring or disposing agency, unless required by law or contract to be governed by Florida Department of Transportation procedures or other procedures. This Policy and the guidelines presented herein are official CFX policy and shall provide the basic structure for conducting right of way and other property acquisition and disposition efforts for CFX. This Policy shall be reviewed and updated by the General Counsel and presented to the CFX Board for approval at a minimum of once every two years.

II. GENERAL POLICY STATEMENT

Chapter 348, Part III, Florida Statutes, along with other provisions of Florida law, provide authority for CFX to acquire property and to exercise the right and power of eminent domain for acquiring rights of way and other properties for CFX purposes and as part of the Central Florida Expressway System (“Expressway System”). The policy of CFX shall be to acquire all properties in fee simple, easement, or other property interest deemed to be necessary for a public purpose. If acquisition of only part of a property would leave its owner with an uneconomic remnant, CFX shall consider acquisition of the entire property. It is further the policy of CFX that every property owner shall receive full, just and adequate compensation for the property, in accordance with the laws of the State of Florida. CFX shall attempt to negotiate in good faith to obtain a voluntary purchase from the property owner which may include providing non-monetary consideration as compensation for the property interests acquired.

III. CFX ORGANIZATION AND COORDINATION

A. CFX Board Oversight

The CFX Board has sole and final responsibility for all decisions related to project approval and authorization, expenditure of funds, consultant selection and contracting, property purchases, settlements, and authorization of eminent domain proceedings. The CFX Board delegates certain authorities and responsibilities to the Executive Director who in turn authorizes various CFX staff or consultants to conduct the day-to-day operations, including right of way acquisition and management of all CFX properties. In relation to right of way acquisition, the CFX Board shall approve and/or authorize the following:

- 1. Approval of preferred alternative/alignment pursuant to a project development and environment study;

2. Initiation of right of way acquisitions; and
3. Initiation of eminent domain proceedings.

B. Duties and Responsibilities of Executive Director and General Counsel

1. Executive Director

The CFX Board delegates authority to the Executive Director to conduct the daily operations of CFX regarding property acquisition, disposition, and management of CFX property. Such delegated duties include the ability to make purchase offers, negotiate settlements, approve mediation and condemnation settlements, execute acquisition or disposition agreements, execute donation agreements, execute applications for annexation or vacation, and decide other matters pertaining to property acquisition, disposition and management of CFX property, subject to approval by the CFX Board as set forth herein and in the procedures. The Executive Director shall be specifically authorized to execute, without prior Board approval, any documents conveying either (a) a temporary property interest for less than one (1) year; or (b) a property interest with a value of \$50,000 or less, as determined in accordance with adopted procedures. Any documents that convey a property interest that is both greater than \$50,000 and conveys a property interest with a duration of one (1) year or longer shall be reviewed by the Right of Way Committee and approved by the CFX Board prior to execution by the Executive Director. Approval of any purchase, donation or other agreements by the CFX Board will confer upon the Executive Director the authority to execute, on behalf of the CFX Board, the agreement and any and all documents reasonably required to effectuate the terms of the agreement, including, without limitation, closing documents, easements, licenses and evidence of any consents, waivers, addendum or any other documents reasonably required pursuant to the terms of the agreement.

2. General Counsel

The CFX General Counsel is responsible for advising and supporting the CFX Board and the Executive Director in the execution of their duties including the supervision of CFX outside counsel, the acquisition coordinator and other consultants retained by CFX. CFX General Counsel shall provide counsel on any proposed settlements and mediations as well as advise the Executive Director on compliance with any applicable state and federal laws.

C. Duties and Responsibilities of the Right of Way Committee

The Right of Way Committee, as established through a charter in CFX policy, shall perform such duties as outlined therein and in this Policy.

D. Use of Consultants

CFX may select the necessary consultants to carry out the various right of way services as required by the complexity and magnitude of the property acquisition program, including, without limitation, right of way legal counsel, an acquisition coordinator, and any other consultants retained by CFX. Such consultants shall provide CFX with the necessary expertise at a reasonable cost. General Counsel may confer with the Right of Way Committee from time to time to determine what type of consultant services are required to accomplish right of way and real property

acquisition and disposition services. Consultants shall be selected in accordance with CFX's Procurement Policy.

E. Delegation

The CFX Executive Director, CFX Chief of Infrastructure or CFX General Counsel may delegate the routine day-to-day functions and responsibilities of the property acquisition and disposition process to CFX staff or consultants, subject to oversight by the individual delegating the authority. Any authority or responsibility specifically attributed to the CFX Executive Director, the CFX Chief of Infrastructure, or the CFX General Counsel implicitly extends to anyone that the employee has explicitly delegated it to.

IV. PROPERTY ACQUISITION

CFX staff shall identify any and all property interests necessary to construct, improve, maintain, operate or expand CFX's Expressway System. The Executive Director with the assistance of General Counsel and Chief of Infrastructure, shall adopt procedures setting forth the requirements to identify, negotiate and acquire the required property interests and ownership interests. In the event CFX is unable to negotiate a voluntary purchase from the property owner, CFX is authorized to institute an action for eminent domain upon a finding by the CFX Board that the subject property is necessary for a public purpose in accordance with Chapters 73 and 74, Florida Statutes.

V. PROPERTY DISPOSITION

CFX may, from time to time, determine that certain properties are no longer needed for the operation of its Expressway System. The CFX Board, upon a recommendation from the Right of Way Committee and CFX staff, may determine that any real property, of any monetary value, located outside of the current operating right of way limits of the Expressway System that is not currently needed to support the existing Expressway System is no longer essential for present or future construction, operation or maintenance of the Expressway System or for essential CFX purposes. CFX may dispose of surplus property by selling it or exchanging it with private entities or persons in accordance with the procedures adopted by the Executive Director.

VI. OTHER PROPERTY INTERESTS

CFX recognizes that there will be situations where CFX or a third-party user needs to acquire, grant, or reserve less than fee simple interest in property. CFX may periodically enter into permits, easements, licenses, leases, releases, or other such agreements with private or public parties to acquire, grant, reserve or release certain other property interests if such agreement is determined to be in the best interest of the public in accordance with CFX's Amended and Restated Master Bond Resolution and the adopted procedures.

VII. PROCEDURES

The Executive Director with the assistance of General Counsel and Chief of Infrastructure shall establish and adopt procedures to implement the provisions set forth in this Policy.