

# CENTRAL FLORIDA EXPRESSWAY AUTHORITY

## MINUTES CENTRAL FLORIDA EXPRESSWAY AUTHORITY Right of Way Committee Meeting January 17, 2024

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### **Committee Members Present:**

Mindy Cummings, Orange County Representative, Chairman  
Laurie Botts, City of Orlando Representative  
Tad Calkins, alternate for John Denninghoff, Brevard County Representative  
Juan F. Diaz, Citizen Representative  
Jean Jreij, Seminole County Representative  
Paul Satchfield, Osceola County Representative

### **Committee Members Not Present:**

Brian Sheahan, Lake County Representative  
Christopher Murvin, Citizen Representative

### **CFX Staff Present:**

Michelle Maikisch, Executive Director  
Jo O. Thacker, Nelson, Mullins, Riley & Scarborough LLP, Acting Legal Counsel  
Mimi Lamaute, Recording Secretary/Manager of Executive and Board Services

### **Others Present:**

Laura L. Kelly, Shutts & Bowen LLP

### **Item A: CALL TO ORDER**

The meeting was called to order at 2:00 p.m. by Chairman Cummings. Recording Secretary, Mimi Lamaute, called the roll and announced there was a quorum.

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

There was no public comment.

### **Item C: APPROVAL OF NOVEMBER 15, 2023 RIGHT OF WAY COMMITTEE MEETING MINUTES**

A motion was made by Mr. Satchfield and seconded by Ms. Botts to approve the November 15, 2023 minutes.

**Vote:** The motion carried unanimously with all six (6) Committee members present voting AYE by voice vote. Two (2) Committee Members Mr. Sheahan and Mr. Murvin were not present.

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**Item D.1: CFX-DUKE ENERGY UTILITY RELOCATION AGREEMENT BETWEEN THE CENTRAL FLORIDA EXPRESSWAY AUTHORITY AND DUKE ENERGY FLORIDA, LLC PROJECT NO.: 538-235 POINCIANA PARKWAY EXTENSION**

Mr. Marcos R. Marchena with Marchena and Graham, P.A. explained that in connection with the construction of the Poinciana Parkway SR 538 Extension Project, CFX has identified the need to relocate certain utilities facilities located on parcels that will be needed for the proposed right of way of the SR 538 Extension Project. Duke Energy Florida, LLC ("Duke Energy") owns utilities within the proposed right of way for the SR 538 Extension Project that will need to be relocated.

Duke Energy previously performed an engineering analysis and prepared an estimated budget detailing the costs for the relocation of the transmission lines in accordance with the terms of the Utility Engineering Agreement entered into between Duke Energy and CFX in 2021.

Pursuant to the terms of the proposed agreement, CFX will be responsible for funding the costs of relocation of the utilities, which are currently estimated to be \$7,500,000 ("Estimated Relocation Costs") and shall not exceed 120% of \$7,500,000 without further Board approval. The Estimated Relocation Costs include the cost to finalize the engineering, secure the permits and construct the relocated utilities. CFX will be responsible for securing the easement interests over the relocated utility corridor and granting an easement to Duke Energy prior to Duke Energy's construction of the relocated utilities in the proposed utility corridor.

**A motion was made by Mr. Jreij and seconded by Mr. Satchfield to recommend to the Board, approval of the CFX-Duke Energy Utility Relocation Agreement between CFX and Duke Energy Florida, LLC, subject to any minor modifications or revisions approved by the General Counsel or designee.**

**Vote: The motion carried unanimously with all six (6) Committee members present voting AYE by voice vote. Two (2) Committee Members Mr. Sheahan and Mr. Murvin were not present.**

**Item D.2: RESOLUTION DECLARING PROPERTY AS SURPLUS PROPERTY AND AUTHORIZING THE CONVEYANCE AND SELLING TO THE CITY OF APOPKA, FLORIDA PROJECT NO.: 429-205, PARCEL: 291 (PORTION)**

Ms. Jo O. Thacker, Acting CFX General Counsel explained that the City of Apopka has requested to purchase Parcel 291 (Portion) from CFX for an amount equal to CFX's original costs incurred in acquisition of the property.

Ms. Thacker explained that the property was purchased for \$50,272 per acre ("CFX's Original Investment") and was always intended to be used for conservation purposes. The proposed conveyance to the City would be at a purchase price equal to or greater than the CFX's Original Investment and would be subject to a restriction requiring the subject property be used for conservation purposes. The City is seeking an

appropriation from the State of Florida and intends to use the Property for a passive park with a conservation easement overlay.

The Committee Members asked questions, which were answered by Ms. Thacker and Ms. Maikisch.

**A motion was made by Ms. Botts and seconded by Mr. Calkins to recommend to the Board, approval of the Resolution Declaring the Property as Surplus and authorizing the Property be sold to the City of Apopka for a purchase price no less than CFX's original investment in the acquisition of the Property, subject to a deed restriction restricting the use of the Property to conservation uses, all in accordance with CFX's standard property and disposition procedures and CFX's standard sales agreement as negotiated and finalized by CFX's legal counsel.**

**Vote: The motion carried unanimously with all six (6) Committee members present voting AYE by voice vote. Two (2) Committee Members Mr. Sheahan and Mr. Murvin were not present.**

**Item E: OTHER BUSINESS**

There was no other business.

**Item F: ADJOURNMENT**

Chairman Cummings announced that the next Right of Way Committee meeting is scheduled for February 21, 2024.

Chairman Cummings adjourned the meeting at approximately 2:12 p.m.

**Minutes approved on May 15, 2024**

*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.*