

CENTRAL FLORIDA EXPRESSWAY AUTHORITY

**AGENDA
RIGHT OF WAY COMMITTEE MEETING
September 24, 2025
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 Section 2.14, CFX Code, 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 23, 2025, RIGHT OF WAY COMMITTEE MEETING MINUTES (action item)

D. AGENDA ITEM

**1. PROPOSED RESOLUTION OF CENTRAL FLORIDA EXPRESSWAY AUTHORITY ("CFX")
DECLARING PROPERTY AS NECESSARY FOR ACQUISITION FOR EXPRESSWAY SYSTEM
PROJECT: SR 408 WIDENING PROJECT, SEGMENT 408-315**

PARCEL: 31-805

David A. Shontz, Partner, Shutts & Bowen, LLP (action item)

**2. PROPOSED SETTLEMENT AGREEMENT BETWEEN THE CENTRAL FLORIDA
EXPRESSWAY AUTHORITY ("CFX") AND DAVIDSON KEG, LLC, DAVIDSON CRUISER, LLC,
AND DAVIDSON HARVEST, LLC IN THE MATTER OF CENTRAL FLORIDA EXPRESSWAY
AUTHORITY V. CRA-MAR GROVES, INC., ET AL., CASE NO.: 2023-CA-002713 FOR ALL
CLAIMS RELATED TO PARCELS 51-132A-C AND 51-832, INCLUSIVE OF ALL ATTORNEYS'
FEES AND OWNER'S EXPERT COSTS, PROJECT: SR 516 LAKE/ORANGE EXPRESSWAY
PARCELS: 51-132 A-C AND 51-832**

David A. Shontz, Partner, Shutts & Bowen, LLP (action item)

E. OTHER BUSINESS

F. ADJOURNMENT

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 Malaya.Bryan@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.

C.

**APPROVAL OF
COMMITTEE
MEETING MINUTES**

CENTRAL FLORIDA EXPRESSWAY AUTHORITY

MINUTES CENTRAL FLORIDA EXPRESSWAY AUTHORITY RIGHT OF WAY COMMITTEE MEETING July 23, 2025

Location: Central Florida Expressway Authority
4974 ORL Tower Road
Orlando, FL 32807
Boardroom

Committee Members Present:

Laura F. Carroll, City of Orlando Representative, Chairman
Tad Calkins, Brevard County Representative
Shane Fischer, Seminole County Representative
Anita Geraci-Carver, Lake County Representative
Christopher Murvin, Citizen Representative
Aida T. Ortiz, Orange County Representative
Paul Satchfield, Osceola County Representative

Committee Member Not Present:

Juan F. Diaz, Citizen Representative

CFX Staff Present:

Michelle Maikisch, Executive Director
Mimi Lamaute, Recording Secretary/Manager of Executive and Board Services
Cristina T. Berrios, Deputy General Counsel
Glenn Pressimone, Chief of Infrastructure

A. CALL TO ORDER

The meeting was called to order at 2:00 p.m. by Chairman Carroll.

B. PUBLIC COMMENT

There were no public comments or written public comments received by the deadline.

C. APPROVAL OF MAY 28, 2025 RIGHT OF WAY COMMITTEE MEETING MINUTES

A motion was made by Mr. Satchfield and seconded by Mr. Calkins to approve the May 28, 2025 Right of Way Committee meeting minutes. The motion carried unanimously with all seven (7) Committee members present voting AYE by voice vote. One (1) Committee member, Mr. Diaz was not present.

D. AGENDA ITEMS

D.1. RESOLUTION OF CENTRAL FLORIDA EXPRESSWAY AUTHORITY DECLARING PROPERTY AS NECESSARY FOR ACQUISITION FOR EXPRESSWAY SYSTEM - PROJECT: SR 408 WIDENING PROJECT, SEGMENT 408-315, PARCELS: 31-205 and 31-705

Ms. Michelle Maikisch, Executive Director, noted a map has been distributed to the Committee members, illustrating the locations of the various projects under discussion today. This map is attached hereto as **Exhibit "A."**

Mr. David Shontz with Shutts and Bowen, LLP, stated as part of the right-of-way acquisition required for the SR 408 Widening project, CFX needs to acquire certain parcels identified as 31-205 and 31-705. These parcels are located within Segment 408-315, specifically the Tampa Avenue interchange. Parcel 31-205 involves a fee-simple right-of-way acquisition of 1.302 acres to be used for a stormwater retention system constructed as an underground vault. Parcel 31-705 consists of a 0.496-acre for a temporary non-exclusive construction easement for access and construction lay-down related to the storm chamber.

A motion was made by Mr. Satchfield and seconded by Mr. Murvin for recommendation of Board approval and adoption of the Resolution Declaring Property as Necessary for Parcels 31-205 and 31-705 for the SR 408 Widening Project, subject to any minor or clerical revisions by legal counsel, General Engineering Consultant, or designee. The motion carried unanimously with all seven (7) Committee members present voting AYE by voice vote. One (1) Committee member, Mr. Diaz was not present.

D.2. RESOLUTION OF CENTRAL FLORIDA EXPRESSWAY AUTHORITY DECLARING PROPERTY AS NECESSARY FOR ACQUISITION FOR THE EXPRESSWAY PROJECT: SR 534, SEGMENT 534-244 PARCELS: 534-244, 534-267, 534-268, 534-269A-E, 534-271, 534-272, 534-273, 534-274, 534-770A-B, 534-776A-B, 534-866, 534-868, 534-870 and 534-877

Mr. Jay Small with Dinsmore & Shohl, introduced his colleague, Chip Skambis. Mr. Small requested approval for a resolution declaring property necessary for the SR 534 project. He noted that the project includes a total of 15 parcels, comprising of full and partial fee-simple acquisitions, temporary construction easements, and permanent easements for various uses such as slope and air rights.

He described the general location of the parcels, which are situated east of Narcoossee Road, extending from parcel 534-776A on the east to several parcels on the west side, including 534-870, 534-770B, 534-269 Part A and E, and 534-770A.

A motion was made by Mr. Satchfield and seconded by Mr. Murvin for recommendation of Board approval and adoption of the Resolution Declaring Property as Necessary for the Expressway System for Parcels 534-244, 534-268, 534-267, 534-269 A-E, 534-271, 534-272, 534-273, 534-274, 534-770 A & B, 534-776 A & B, 534-866, 534-868, 534-870, & 534-877 for the SR 534 Project, subject to any minor or clerical revisions by legal counsel, General Engineering Consultant, or designee. The motion carried with six (6) Committee members present voting AYE by voice vote. One (1) Committee member, Aida Ortiz voting NAY. One (1) Committee member, Mr. Diaz was not present.

D.3. SETTLEMENT AGREEMENT BETWEEN CENTRAL FLORIDA EXPRESSWAY AUTHORITY AND ROBERT MICHAEL COX AND ADRIENNE SUSANNE JOHNSON IN THE MATTER OF CENTRAL FLORIDA EXPRESSWAY AUTHORITY V. W.T. PAUL LIAU TRUSTEE, ET AL., PROJECT: SR 538-235, PARCEL: 53-211 A-C

Mr. Marcos Marchena with Marchena and Graham, P.A. appeared before the committee regarding the Poinciana Parkway Extension Project (parcels 53-211A-C, located in Polk County). He requested a recommendation for approval for a settlement agreement in an eminent domain case involving property owners Robert Michael Cox and Adrienne Suzanne Johnson. The original CFX appraisal valued the total-take parcel at \$400,000 (as of June 12, 2023). Following negotiations, including consideration of time, market conditions, and property improvements, a final settlement of \$560,715, inclusive of all statutory fees, attorney's fees, and expert costs, was reached.

A motion was made by Ms. Geraci-Carver and seconded by Mr. Murvin for recommendation of Board approval of the Settlement Agreement between CFX and Robert Michael Cox and Adrienne Susanne Johnson for a negotiated total compensation in the amount of \$560,715.00 for all claims related to Parcel 53-211 A-C, inclusive of all attorneys' fees and owner's expert costs, and authorization to the Executive Director or designee to execute all documents necessary to complete the transaction, with the authority to approve any non-substantial changes by legal counsel. The motion carried unanimously with all seven (7) Committee members present voting AYE by voice vote. One (1) Committee member, Mr. Diaz was not present.

D.4. RESOLUTION OF CENTRAL FLORIDA EXPRESSWAY AUTHORITY AMENDING ARTICLE 1 ("PROPERTY ACQUISITION, DISPOSITION, AND PERMITTING POLICY") OF CHAPTER 13 ("REAL PROPERTY") OF THE CFX CODE

Ms. Cristina T. Berrios, Deputy General Counsel, described the proposed amendments and revisions to Article 1 of the Property Acquisition, Disposition, and Permitting Policy of Chapter 13 "Real Property" of the CFX Code. She explained that the last revision to the Policy was in 2024. The purpose of the amendments and revisions are to clarify language and better facilitate CFX's acquisition, disposition, use, and management of its real property interests.

Ms. Berrios distributed a "ROW Committee Agenda Packet Slipsheet" to the Committee, attached hereto as **Exhibit "B,"** which reflects updated language differing from the version included in the agenda packet previously provided to the Committee. The revision addresses the policy on first written offers in eminent domain matters.

The Committee members ask questions which were answered by Ms. Berrios.

A motion was made by Ms. Geraci-Carver and seconded by Mr. Murvin for a recommendation for Board approval and adoption of the Resolution of the Central Florida Expressway Authority amending Article 1 ("Property Acquisition, Disposition, and Permitting Policy") of Chapter 13 ("Real Property") of the CFX Code, with the language found in Subsection 13.11.2 of "Attachment 1" thereto substituted and fully replaced with the language reflected in the ROW Committee Agenda Packet Slipsheet provided to the ROW Committee at its meeting on July 23, 2025, and subject to any minor or clerical revisions approved by legal counsel, or designee. The motion carried unanimously with all seven (7) Committee members present voting AYE by voice vote. One (1) Committee member, Mr. Diaz was not present.

E. OTHER BUSINESS

There was no other business discussed.

Chairman Carroll stated that the next Right of Way Committee Meeting is scheduled for September 24, 2025.

F. ADJOURNMENT

Chairman Carroll adjourned the meeting at 2:30 p.m.

Minutes approved on _____, 2025.

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.

Exhibit "A"

LEGEND

Existing CFX System

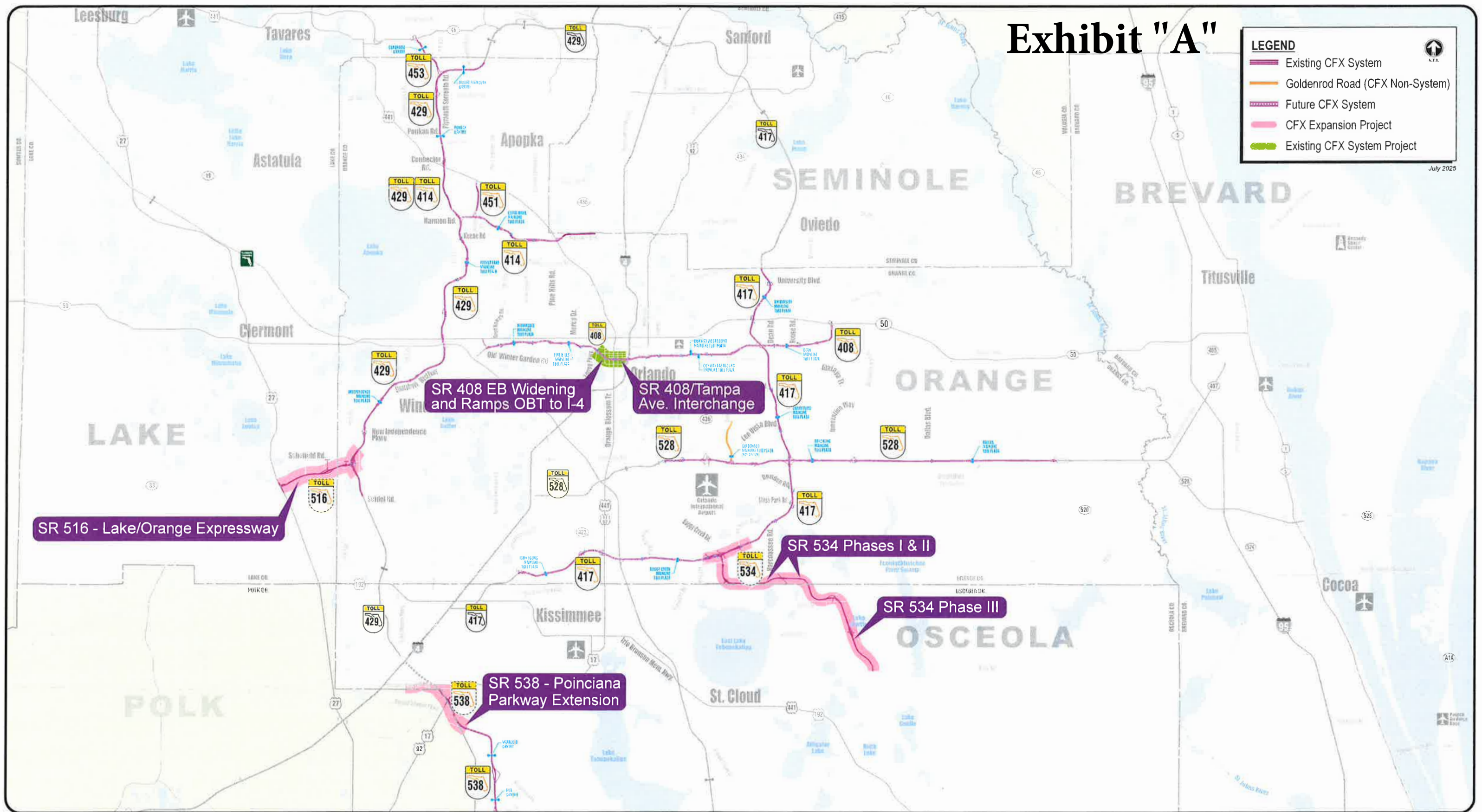
Goldenrod Road (CFX Non-System)

Future CFX System

CFX Expansion Project

Existing CFX System Project

July 2025



ROW COMMITTEE AGENDA PACKET SLIPSHEET

It is requested that when the ROW Committee reviews the proposed revisions to the Real Property Policy, that **Subsection 13.11.2** therein be substituted with the following:

13.11.2 First Written Offers

- (A) First written offers made in accordance with Chapter 73, Florida Statutes, shall only require ROW Committee review and Board approval if the amount offered exceeds both:
 - (1) The monetary value of the Executive Director's approval and execution authority set forth in **Section 13.12: Post Resolution of Necessity** below; and
 - (2) 125% of the appraised value of the subject parcel.
- (B) **Limited Delegation of Authority.** The Executive Director and General Counsel are hereby delegated the authority to approve, execute, issue, and make first written offers:
 - (1) Individually, if the offer matches the appraised value of the subject parcel; and
 - (2) Jointly, if the offer exceeds the appraised value of the subject parcel, so long as:
 - (a) the offer does not require ROW review and Board approval under **Subsection 13.11.2(A)** above; and (b) both such individuals believe such an "enhanced offer" will best serve CFX's interests.

This language substitution is requested with the intent of facilitating the acquisition process by permitting staff to quickly make first written offers that either align with the appraised value of the property, or are enhanced within the above-prescribed limits, primarily for the purposes of cost-avoidance and encouraging timely acquisitions and settlements.

REVISED REQUESTED ACTION

A recommendation for Board approval and adoption of the Resolution of the Central Florida Expressway Authority amending Article 1 ("Property Acquisition, Disposition, and Permitting Policy") of Chapter 13 ("Real Property") of the CFX Code, with the language found in Subsection 13.11.2 of "Attachment 1" thereto substituted and fully replaced with the language reflected in the ROW Committee Agenda Packet Slipsheet provided to the ROW Committee at its meeting on July 23, 2025, and subject to any minor or clerical revisions approved by legal counsel, or designee.

D.

Agenda

Items


D.1



DAVID A. SHONTZ
PARTNER
Shutts & Bowen LLP
300 SOUTH ORANGE AVENUE
SUITE 1600
ORLANDO, FL 32801
DIRECT (407) 835-6722
EMAIL DShontz@shutts.com

MEMORANDUM

TO: CFX Right of Way Committee Members

FROM: David A. Shontz, Esq.
Right of Way Counsel
Shutts & Bowen LLP 

DATE: September 10, 2025

SUBJECT: Resolution of Central Florida Expressway Authority ("CFX") Declaring Property as Necessary for Acquisition for Expressway System Project: State Road 408 Widening Project, Segment 408-315

BACKGROUND AND DESCRIPTION

As part of the right of way acquisition required for the State Road 408 Widening project (the "Project"), CFX needs to acquire the right-of-way and property interests depicted on **Attachment "A"** attached hereto (collectively, the "Parcels"). Shutts & Bowen LLP, as Right-of-Way Counsel submits the Resolution of Central Florida Expressway Authority ("CFX") Declaring Property as Necessary for Acquisition for Expressway System ("Resolution") attached hereto as **Attachment "B"** and is seeking the Right of Way Committee's recommendation for Board approval of the Resolution. The Resolution is being submitted in accordance with applicable Florida law governing eminent domain and acquisition of property interests by public bodies having eminent domain authority. The Resolution is also being sought as a step in the process of acquisition of real property interests consistent with the CFX Property Acquisition and Disposition Manual.

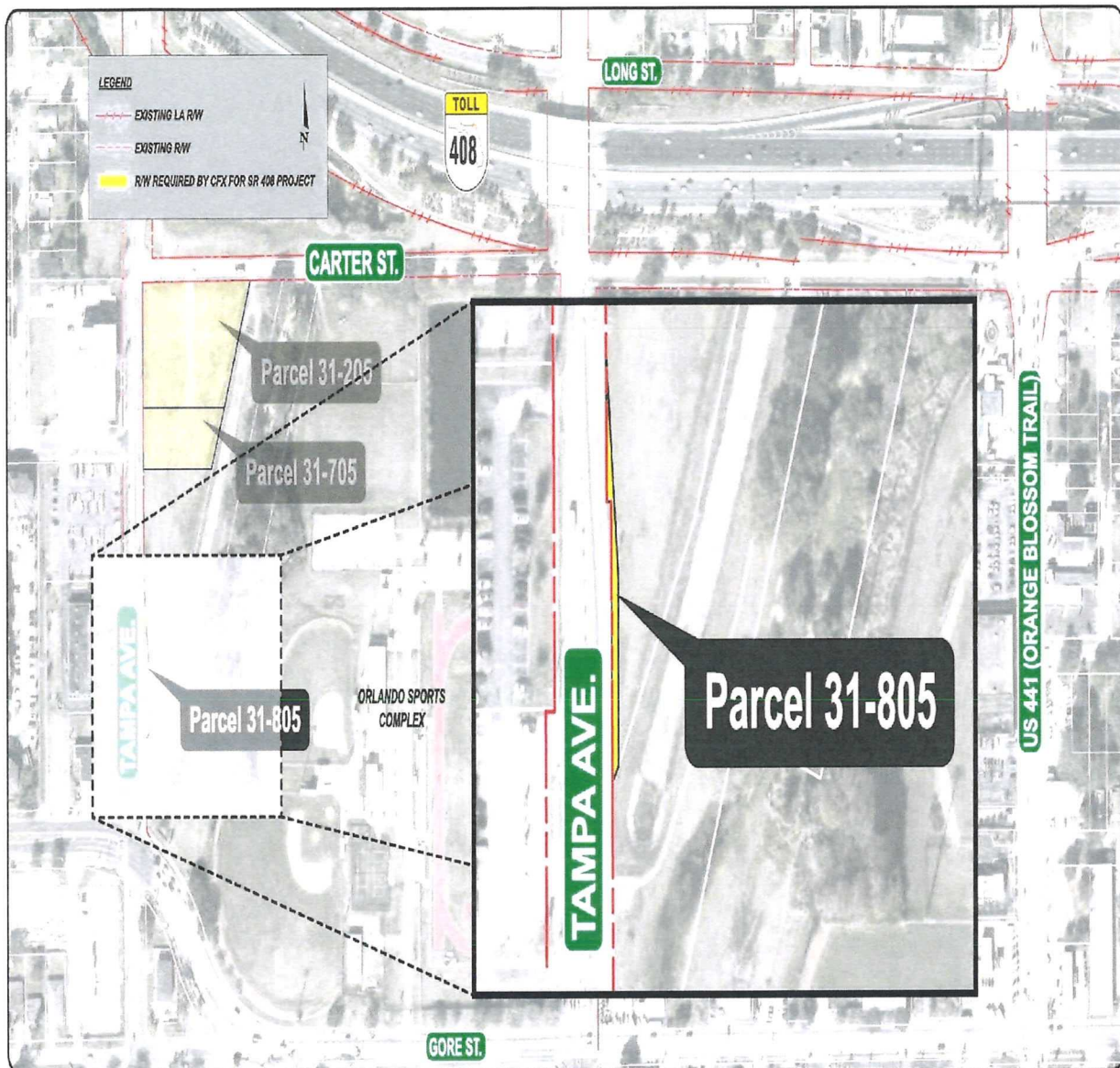
REQUEST

A recommendation by the Right of Way Committee for CFX Board's approval and adoption of the attached Resolution for acquisition of real property interests for State Road 408 Widening project, Segment 408-315, subject to any minor modifications or revisions approved by CFX's Deputy General Counsel and general engineering consultant.

ATTACHMENTS

- A. Map of Parcel
- B. Resolution and Legal Description of parcel

ATTACHMENT A



CENTRAL
FLORIDA
AUTHORITY

SR 408-315: Parcel 31-805

ATTACHMENT B

Resolution No. 2025 - _____
Project No. 408-315
Parcel 31-805

A RESOLUTION OF THE CENTRAL FLORIDA EXPRESSWAY AUTHORITY DECLARING PROPERTY AS NECESSARY FOR THE EXPRESSWAY SYSTEM

WHEREAS, the Central Florida Expressway Authority (“CFX”), is empowered by Chapter 348, Part III, Florida Statutes, to acquire, hold, construct, improve, maintain, and operate the Central Florida Expressway System (the “Expressway System”), and is further authorized to construct any extensions, additions or improvements to the Expressway System or appurtenant facilities, including all necessary approaches, roads, bridges and avenues of access, with such changes, modifications, or revisions of the project as shall be deemed desirable and proper; and

WHEREAS, the Expressway System is defined under Section 348.752(5), Florida Statutes, as any and all expressways and appurtenant facilities thereto, but not limited to, all approaches, roads, bridges, and avenues of access for the expressway or expressways. Furthermore, Section 348.759(1), Florida Statutes, empowers CFX to acquire private or public property and property rights as CFX may deem necessary for any purpose, including, but not limited to, areas necessary for management of access and water retention areas. Section 348.754(1)(b), Florida Statutes, also empowers CFX to construct any extensions, additions or improvements to the Expressway System or appurtenant facilities, including all necessary approaches, roads, bridges, and avenues of access, with such changes, modifications or revisions of the project as shall be deemed desirable and proper; and

WHEREAS, in furtherance of such authorization, CFX has been granted the right to acquire private and public property and property rights, including rights of access, air, view, and light, by gift, devise, purchase, or condemnation by eminent domain proceedings; and

WHEREAS, CFX has determined that it is necessary and in the public interest to make certain additions, extensions and improvements to the Expressway System, including the State Road 408 Widening Project, 408-315, and CFX has determined that to do so it is necessary and in the public interest that CFX obtain a certain parcel of land in Orange County, Florida for a perpetual easement as listed in **Exhibit “A”** and **Exhibit “B”** (“Property”).

NOW, THEREFORE, BE IT RESOLVED BY THE CENTRAL FLORIDA EXPRESSWAY AUTHORITY AS FOLLOWS:

Section 1. That for the above reasons, CFX hereby declares it is reasonably necessary, practical and in the best interest of the public and CFX that the perpetual easement, and such other property interests as may be within the scope of the descriptions set forth in **Exhibit “A”** and **Exhibit “B”** attached hereto be acquired in the name of CFX by gift, devise, purchase, eminent domain proceedings, or otherwise over and upon those certain parcels or tracts of land, situated, lying and being in Orange County, Florida heretofore as described in the **Exhibit “A”** and **Exhibit “B”** attached hereto and incorporated herein by reference.

Section 2. CFX, its officers, employees, agents, and attorneys are hereby authorized and directed to proceed to take the necessary steps to institute and prosecute such necessary actions and proceedings as may be proper for the acquisition of the perpetual easement and such other property interests as described in the attached **Exhibit "A"** and **Exhibit "B"** by gift, devise, purchase, eminent domain proceedings or otherwise, and to prepare, sign, execute, serve, publish, and file in the name of CFX all eminent domain papers, affidavits and pleadings, and its attorneys are authorized to have prepared such other instruments and documents as may be necessary in connection herewith.

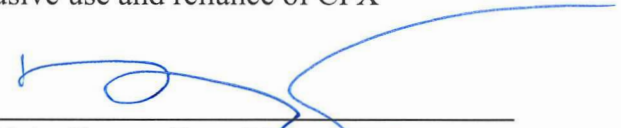
Section 3. This Resolution shall take effect immediately upon adoption by the CFX governing Board.

ADOPTED this _____ day of _____, 2025.

Christopher Maier, Chairman

ATTEST: _____
Regla ("Mimi") Lamaute
Manager of Board Services

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



David A. Shontz, Esq., Right of Way Counsel

EXHIBIT "A"

CENTRAL FLORIDA EXPRESSWAY AUTHORITY
STATE ROAD 408
PROJECT NO. 408-315
PARCEL NO. 31-805
PURPOSE: PERPETUAL EASEMENT
ESTATE: EASEMENT

LEGAL DESCRIPTION:

A parcel of land lying in the Southeast 1/4 of the Northwest 1/4 of Section 34, Township 22 South, Range 29 East, Orange County, Florida, being a portion of lots 10 and 11, Block 4, White's Addition to Orlando according to the plat thereof as recorded in Plat Book A, Page 139 of the Public Records of Orange County, Florida, also being a portion of the lands described in Deed Book 851, Page 259 and re-recorded in Deed Book 865, Page 363 of the Public Records of Orange County, Florida and being more particularly described as follows:

Commence at a found 1/2-inch iron rod with no identification in an asphalt cut-out marking the Northeast corner of the Northwest 1/4 of Section 34, Township 22 South, Range 29 East, Orange County, Florida; thence run South 00°05'37" East along the East line of said Northwest 1/4, a distance of 1356.38 feet to the Easterly extension of the existing South Right of Way line of Carter Street as shown on the Florida Department of Transportation Right of Way Map Section 75280, Financial Project number 242484-2; thence departing said East line, run South 89°28'33" West along said Easterly extension and along the South Right of Way line of said Carter Street, a distance of 1287.23 feet to the existing East Right of Way line of Tampa Avenue as shown on Florida Department of Transportation Right of Way Map Section 75010-2513 and the West line of aforesaid Block 4 according to said Plat and as shown on said Right of Way Map; thence departing said South Right of Way line, run South 00°18'50" East along said East Right of Way line and along said West line, a distance of 471.68 feet to the POINT OF BEGINNING; thence departing said East Right of Way line and said West line of Block 4, run South 05°01'13" East, a distance of 154.82 feet; thence South 00°11'51" East, a distance of 117.35 feet to the Westerly line of lands described in Official Records Book 4427, Page 2254 of the Public Records of Orange County, Florida; thence run South 28°05'25" West along said Westerly line, a distance of 15.69 feet to the existing East Right of Way line of Tampa Avenue as shown on aforesaid Right of Way Map and described in Official Records Book 2764, Page 555 of said Public Records; thence departing said Westerly line run along said East Right of Way line the following two (2) courses: thence North 00°18'50" West, a distance of 184.74 feet; thence South 89°41'10" West, a distance of 5.00 feet to aforesaid East Right of Way line of Tampa Avenue as shown on said Right of Way Map and the West line of aforesaid Block 4 according to said Plat and as shown on said Right of Way Map; thence run North 00°18'50" West along said East Right of Way line and along said West line, a distance of 100.71 feet to the POINT OF BEGINNING.

Containing 1653 square feet, more or less.

NOTES:

- THIS SKETCH OF DESCRIPTION WAS PREPARED WITH THE BENEFIT OF PROPERTY INFORMATION REPORT PREPARED BY AMERICAN GOVERNMENT SERVICES CORPORATION FILE NUMBER 33405 DATED 11/19/2024 AT 8:00 AM.
- BEARINGS SHOWN HEREON ARE ASSUMED AND BASED ON THE EAST LINE OF THE NW 1/4 OF SECTION 34, TOWNSHIP 22 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA, AS BEING SOUTH 00°05'37" EAST.
- THE ELECTRONIC SIGNATURE HEREON IS IN COMPLIANCE WITH FLORIDA ADMINISTRATIVE CODE (FAC) 5J-17.062(3).
- THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY SHEILA A. WARE, PSM NO. 5529, ON 07/29/2025 PER FAC 5J-17.062(2).

I HEREBY CERTIFY THIS SKETCH OF DESCRIPTION IS IN ACCORDANCE WITH THE STANDARDS OF PRACTICE AS REQUIRED BY CHAPTER 5J-17 FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027, FLORIDA STATUTES.


THIS DOCUMENT HAS BEEN DIGITALLY SIGNED AND SEALED BY:

Sheila A Ware 2025.08.22
13:57:11 -04'00'

SHEILA A. WARE, PSM
LICENSE NO. 5529



SEE SHEET 2 FOR LEGEND SEE SHEETS 2 & 3 FOR SKETCH OF DESCRIPTION.

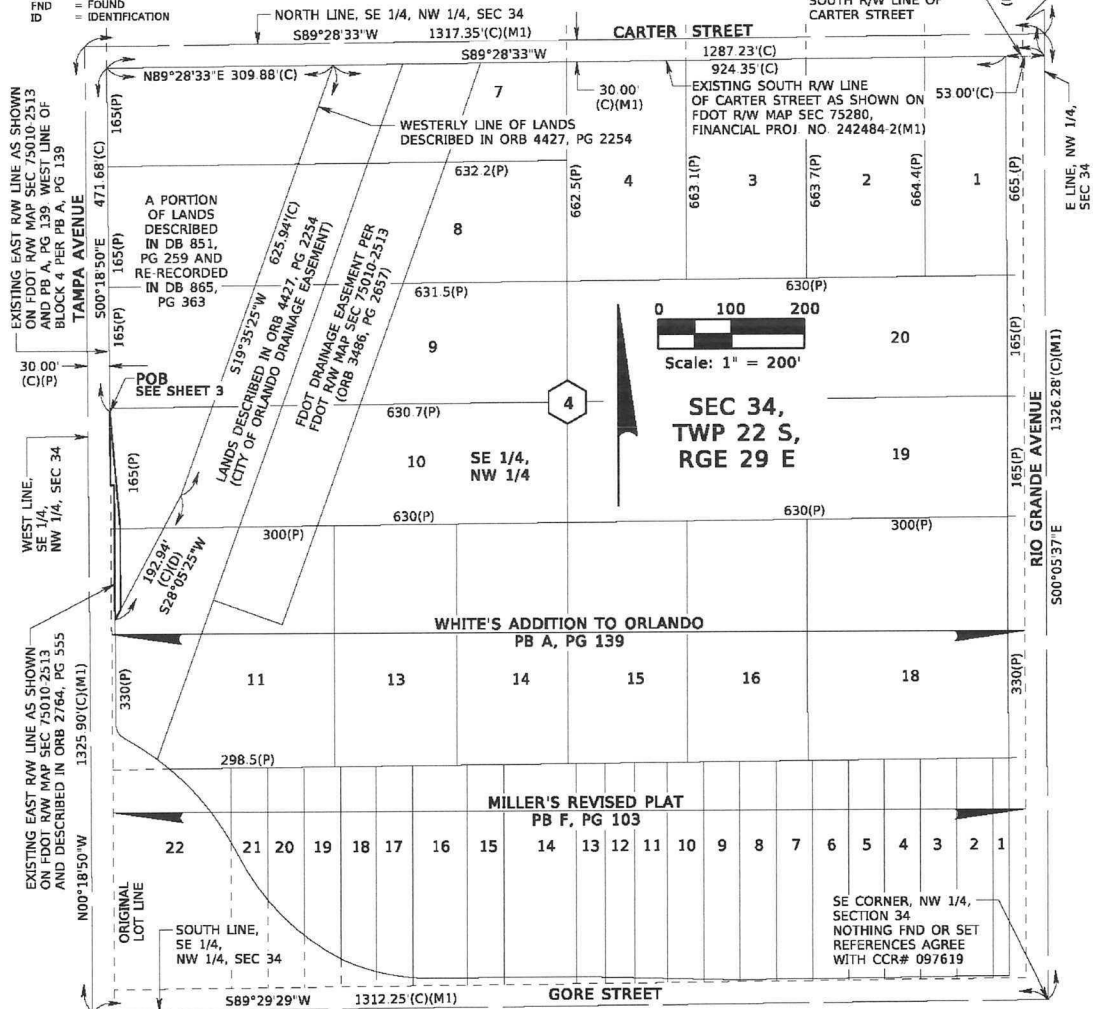
DATE	JULY 29, 2025	CERTIFICATION OF AUTHORIZATION NO. LS 8011	SKETCH OF DESCRIPTION (THIS IS NOT A SURVEY)	PARCEL 31-805
DRAWN BY	M. ROLINS			
CHECKED BY	S. WARE	 Dewberry	STATE ROAD 408 CENTRAL FLORIDA EXPRESSWAY AUTHORITY ORANGE COUNTY, FLORIDA	SCALE: N/A
DEWBERRY PROJECT NO.	50088264			
LEGAL	MLR	800 NORTH MAGNOLIA AVENUE SUITE 1000 ORLANDO, FLORIDA 32803 (407) 843-5120		SHEET 1 OF 3
REVISION	BY			

CENTRAL FLORIDA EXPRESSWAY AUTHORITY
STATE ROAD 408
PROJECT NO. 408-315
PARCEL NO. 31-805
PURPOSE: PERPETUAL EASEMENT
ESTATE: EASEMENT

LEGEND & ABBREVIATIONS

AC	= ACRES	LB	= LICENSED SURVEY BUSINESS	PSM	= PROFESSIONAL SURVEYOR
CCR#	= CERTIFIED CORNER	NO	= NUMBER	RGE	= RANGE
(C)	= CALCULATED DATA	ORB	= OFFICIAL RECORDS BOOK	R/W	= RIGHT OF WAY
(D)	= DEED DATA	(P)	= PLAT DATA	SEC	= SECTION
DB	= DEED BOOK	PB	= PLAT BOOK	TWP	= TOWNSHIP
ESMT	= EASEMENT	PG/PGS	= PAGE / PAGES	*	= MORE OR LESS
FDOT	= FLORIDA DEPARTMENT OF TRANSPORTATION	POB	= POINT OF BEGINNING	⊙	= CHANGE IN DIRECTION
FND	= FOUND	POC	= POINT OF COMMENCEMENT	—	= PERPETUAL EASEMENT LINE
ID	= IDENTIFICATION	PROJ	= PROJECT		

POC
NE CORNER, NW 1/4,
SECTION 34
FND 1/2" IRON ROD,
NO ID IN ASPHALT
CUT-OUT
CCR# 96674



SEE SHEET 1 FOR LEGAL DESCRIPTION

DATE	JULY 29, 2025	
DRAWN BY	M ROLINS	
CHECKED BY	S WARE	
DEWBERRY PROJECT NO	50088264	
PARCEL	MLR	08/21/2025
REVISION	BY	DATE

CERTIFICATION OF
AUTHORIZATION NO. LB 8011

Dewberry

800 NORTH MAGNOLIA AVENUE
SUITE 1000
ORLANDO, FLORIDA 32803
(407) 843-5120

SKETCH OF DESCRIPTION
(THIS IS NOT A SURVEY)

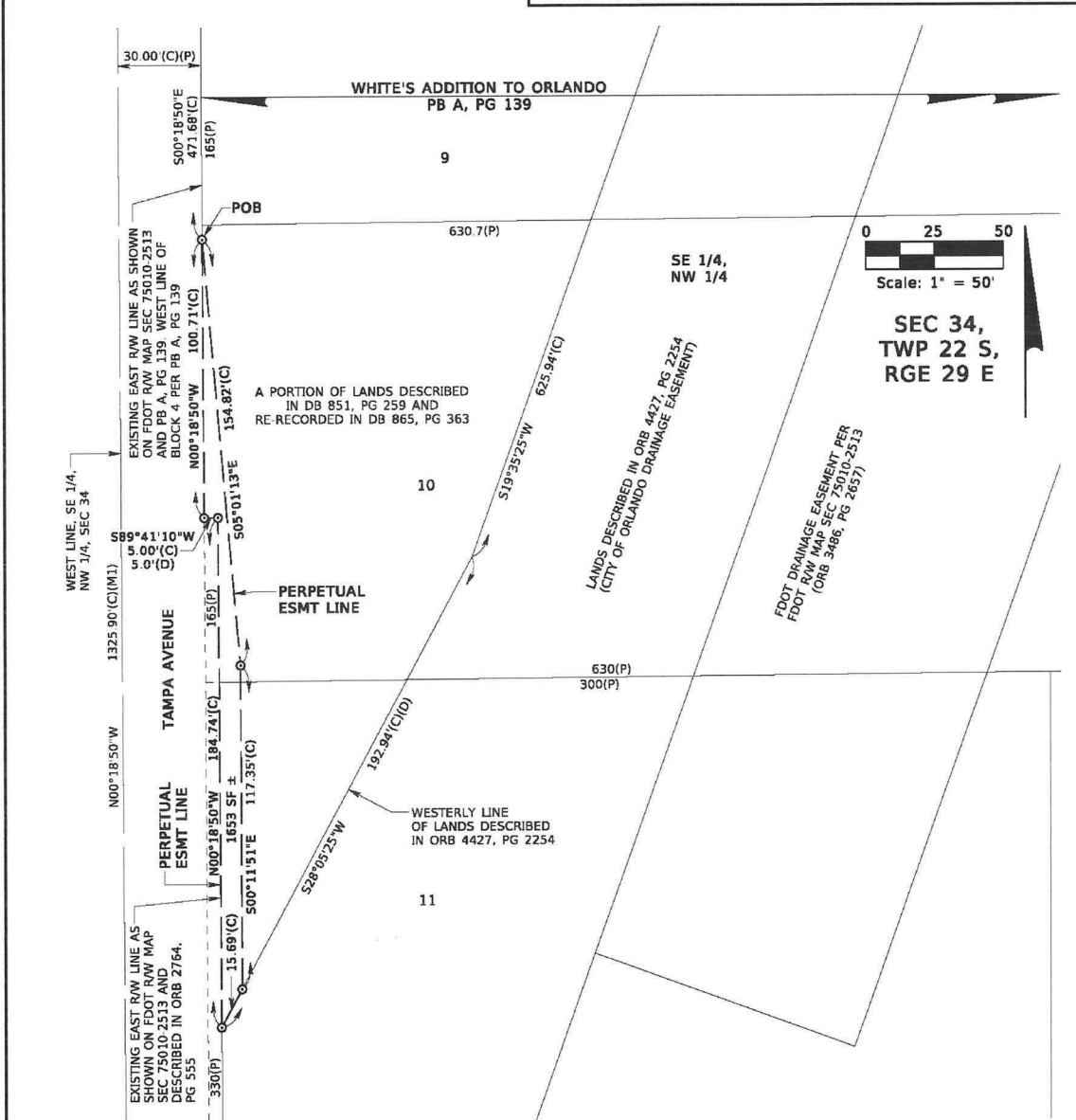
STATE ROAD 408
CENTRAL FLORIDA
EXPRESSWAY AUTHORITY
ORANGE COUNTY, FLORIDA

PARCEL
31-805

SCALE: 1"=200'

SHEET 2 OF 3

CENTRAL FLORIDA EXPRESSWAY AUTHORITY
 STATE ROAD 408
 PROJECT NO. 408-315
 PARCEL NO. 31-805
 PURPOSE: PERPETUAL EASEMENT
 ESTATE: EASEMENT



SEE SHEET 1 FOR LEGAL DESCRIPTION. SEE SHEET 2 FOR LEGEND


DATE	JULY 29, 2025	CERTIFICATION OF AUTHORIZATION NO. LB 8011 	SKETCH OF DESCRIPTION (THIS IS NOT A SURVEY) STATE ROAD 408 CENTRAL FLORIDA EXPRESSWAY AUTHORITY ORANGE COUNTY, FLORIDA	PARCEL 31-805 SCALE: 1"=50' SHEET 3 OF 3
DRAWN BY	M.ROLINS			
CHECKED BY	S.WARE	800 NORTH MAGNOLIA AVENUE SUITE 1000 ORLANDO, FLORIDA 32803 (407) 843-5120		
DEWBERRY PROJECT NO.	50088264			
ADDED DETAIL SHEET	MLR			
REVISION	BY			

EXHIBIT “B” TO PARCEL RESOLUTION

PARCEL 31-805

PERPETUAL EASEMENT

A perpetual easement for the construction of a sidewalk and associated improvements, together with rights to inspect, repair and maintain said improvements.

ORLDOCS 23095081 1

D.2



DAVID A. SHONTZ
PARTNER
Shutts & Bowen LLP
300 SOUTH ORANGE AVENUE
SUITE 1600
ORLANDO, FL 32801
DIRECT (407) 835-6722
EMAIL DShontz@shutts.com

MEMORANDUM

TO: CFX Right of Way Committee Members

FROM: David A. Shontz, Esq.
Right-of-Way Counsel
Shutts & Bowen LLP 

DATE: September 14, 2025

SUBJECT: State Road 516 Lake/Orange Expressway, Project 516-237; Parcels 51-132A, 51-132B, 51-832 and 51-132C (Davidson Keg, LLC; Davidson Cruiser, LLC; and Davidson Harvest, LLC)
Proposed Settlement Agreement

Shutts & Bowen LLP, Right of Way Counsel, seeks the recommendation of the Right of Way Committee for approval by the CFX Board of a proposed settlement between Davidson Keg, LLC; Davidson Cruiser, LLC; and Davidson Harvest, LLC (the "Owner") and the Central Florida Expressway Authority (the "CFX") for the acquisition of Parcels 51-132A, 51-132B, 51-832 and 51-132C (the "Taking" or "Property") for the construction of State Road 516 Lake/Orange Expressway, Project 516-237, in Lake County, Florida.

BACKGROUND AND DESCRIPTION

State Road 516 Lake/Orange Expressway is a new four-lane limited access expressway from US 27 to SR 429. The SR 516 Project is divided into three segments for design and construction purposes. The subject property is within segment 2 or 516-237, a 1.9 mile stretch between the Lake/Orange County line and CR 455 which features a new interchange with the proposed extension of County Road 455.

On April 13, 2023, the CFX Board adopted a resolution authorizing the acquisition of Parcels 51-132A, 51-132B and 51-832.

Parcels 51-132A and 51-132B are fee simple partial takings containing 260.941 acres for limited access right of way purposes. Parcel 51-832 is a permanent easement required to construct, access and maintain drainage containing 1.223 acres. The property is located along the south side of Schofield Road, about 1.5 miles west of the State Road 419 interchange, the Wellness Way area of Lake County, Florida. Please see the subject parcels depicted on **Attachment "A"**.

On September 8, 2023, counsel for CFX initiated an eminent domain action in the Circuit Court of the Fifth Judicial Circuit, in and for Lake County, Florida to acquire Parcels 51-132A, 51-132B and 51-832 for the SR 516 Lake/Orange Expressway Project, styled *Central Florida Expressway Authority v. Cra-Mar Groves, Inc., et al.*, Case No. 2023-CA-2713.

On November 28, 2023, the Court entered a Stipulated Order of Taking by and between CFX and Owner as to Parcels 51-132A, 51-132B and 51-832. On December 12, 2023, CFX pursuant to the Stipulated Order of Taking deposited into the Court registry the good faith estimate of value totaling **\$30,045,700**.

Subsequent to the entry of the Stipulated Order of Taking for Parcels 51-132A, 51-132B and 51-832, it was determined that an additional parcel was needed as a result of the trail being moved from the south side to the north side of SR 516. Accordingly, on June 12, 2025, the CFX Board adopted a resolution for the acquisition of Parcel 51-132C containing 1.285 acres for right of way purposes. Please see Parcel 51-132C depicted on **Attachment "A"**. CFX was in the process of appraising Parcel 51-132C and initiating a new Eminent Domain suit to acquire this additional parcel, when the Parties entered into the Proposed Settlement Agreement referenced herein.

The parent tract comprises one (1) mile of the 1.9-mile segment and consists of 537.345 acres, with 370.75 acres of developable uplands. The subject is improved with pastureland, fencing/gates, an older residence and related agricultural improvements, which related to the historical agricultural use of the property. The property is zoned A, Agricultural, by Lake County, an interim zoning, with a future land use designation of Multi-Use L, by Lake County. The subject property lies within the Wellness Way Overlay District.

The taking reduces the overall size of the subject property to a remainder of 276.404 acres, of which 234.01 acres are developable upland area. As a result of the taking, the remainder will be bifurcated into an eastern remainder with 85.466 upland acres and a western remainder with 148.544 upland acres. This is further reduced by the additional taking of 1.285 acres for Parcel 51-132C, as it was not part of the original taking or part of CFX's appraisal report set forth below.

CFX APPRAISAL REPORT

Chad G. Durrance of Durrance & Associates appraised the property on behalf of the Central Florida Expressway Authority. Mr. Durrance opined the highest and best use of the property is for Industrial Development.

Mr. Durrance used five (5) land sales with similar highest and best uses. These sales ranged in price from \$3.79 to \$6.09 per sf. Mr. Durrance reconciled the value of the property at \$5.00 sf. Mr. Durrance concluded that the market value for the taking of Parcels 51-132A, 51-132B and 51-832 to be **\$30,045,700**. As noted herein, the Parcel Resolution for 51-132C was subsequently approved by the CFX Board on June 12, 2025 to acquire an additional 1.285 acres for the trail being moved to the north side of SR 516. The valuation of Parcel 51-132C is not included in the

appraisal report prepared by Mr. Durrance. Notwithstanding, applying a valuation of \$5.00 sf to the 1.285 acre taking totals \$279,873 for the taking of Parcel 51-132C. Accordingly, the total market value for the taking of all parcels 51-132A, 51-132B, 51-832 and 51-132C is **\$30,325,573**.

OWNER APPRAISAL REPORT

The Owner is represented by Kurt Bauerle, Esq. with Harris Harris Bauerle Lopez. Richard H. Parham of Calhoun, Collister & Parham, Inc. appraised the property on behalf of the Owner. Mr. Parham relied upon information provided by engineer Paul Sherma with Professional Engineering Resources, Inc., environmental expert Amy Daly with CPH Consulting, LLC, and land planner Jim Hall with Hall Development Services, Inc. Mr. Parham agreed the zoning and land use of the Subject Property is A, Agricultural and Multi-Use L by Lake County, and that the property is located within the Wellness Way Area Plan for Lake County. Mr. Parham opined that the highest and best use of the property was for intense industrial use.

Mr. Parham used five (5) land sales with similar highest and best use to the subject property ranging in value from \$4.88 to \$10.33 per sf, arriving at a value of \$7.00 sf or \$45,975,800. In addition to the land value, Mr. Parham found significant severance damages to the remainder. Mr. Parham indicated that as part of the road project, CFX is constructing CR 455 from Schofield Rd. to SR 516 and according to CFX construction plans, two additional lanes with a grass median are planned for the future CR 455. In addition, the taking bifurcates the subject property and created two non-contiguous remainder properties. The taking also includes a stormwater pond at the southeast corner of Schofield Road and CR 455.

Mr. Parham states that the remainder property will be significantly different than in the before, including: (1) the takings bifurcate the subject property creating an eastern and western remainder, (2) the parent tract benefitted from over one-half of a mile of direct frontage on Schofield Rd., however as a result of CFX's takings and constructing a pond at the SE corner of Schofield Rd. and CR 455, the eastern remainder will no longer have direct road frontage along Schofield Rd., (3) the CR 455 right-of-way is in place, but the road will not be constructed and opened until 2028, leaving the eastern remainder with no access until 2028, or a period of 4 years, (4) due to the location of the permanent easement and the cross drains and spreaders conveying stormwater across CR 455 ROW from the eastern to the western remainder, 10.83 acres of the western remainder will be less efficient and more difficult to site plan, (5) per Lake County Access Management Regulations there is insufficient distance between SR 516 and Schofield Rd. to allow a full or directional median on CR 455. After the takings, the eastern and western remainders will be limited to right-in and right-out turning movements as a result due to the construction of a median in the part taken, and (6) as a result of the median built in the part taken a truck attempting to access the eastern remainder from Schofield Rd. would have no ability to access the eastern remainder except to get on the east bound SR 516 ramp to travel to the next interchange to head westbound on SR 516 to exit the ramps at CR 455. In addition to severance damages, Mr. Parham also provides a cost to cure to replace fencing in the after condition totaling \$97,000.

As a result of the impacts to the eastern remainder referenced above, Mr. Parham concluded an after value for the eastern remainder of \$5.25 sf or a loss of \$1.75 sf. Additionally, as a result of the impacts to the western remainder referenced above, Mr. Parham concluded an after value for the western remainder of \$6.00 sf or a loss of \$1.00 sf.

Accordingly, Mr. Parham concluded a land value of \$45,975,800, severance damages (including interim and permanent) totaling \$14,620,400 and a cost to cure of \$97,000 for a total appraised value of **\$60,693,200**.

Subsequent to receipt of the Owners appraisal report and prior to the Mediation held on December 10, 2024, counsel for the Owners asserted an additional claim for flooding. Owners Counsel argued that CFX through its takings acquired the weir that was located on the subject property and through its plan revision, CFX has reduced the weir's final elevation from approximately 106' to 102.8'. As a result, an estimated 35.5 acres of additional land flooded as a result of the weir being lower due to the CFX design height after Hurricane Ian, resulting in additional damages totaling \$10,824,660.

Accordingly, Owner's total claim asserted against CFX for the taking of Parcels 51-132A, 51-132B and 51-832 totals **\$71,517,860**.

The Parties held a full day mediation on December 10, 2024 and a half-day settlement conference on March 21, 2025 without resolution. The Parties have continued to negotiate in good faith and work through the various issues related to the taking. As a result, CFX and the Owner have reached a Settlement Agreement in the amount of **\$44,835,860** in full payment for the property designated as Parcels 51-132A, 51-132B, 51-832 and the new trail parcel 51-132C, including any and all attorney's fees and costs and expert's fees and costs.

For the above-cited reasons, Right of Way Counsel requests the Right of Way Committee recommend to the CFX Board the settlement of the underlying property owner's compensation, all attorney's fees and litigation costs, and experts' fees and costs in the total amount of **\$44,835,860**, less the **\$30,045,700** previously deposited. Settlement of any and all claims for Parcels 51-132A, 51-132B, 51-832 and 51-132C will eliminate further risk and unnecessary expenses that the CFX will ultimately incur with further litigation of the condemnation action. It also obviates the need to complete the appraisal report and file suit to acquire Parcel 51-132C.

REQUESTED ACTION

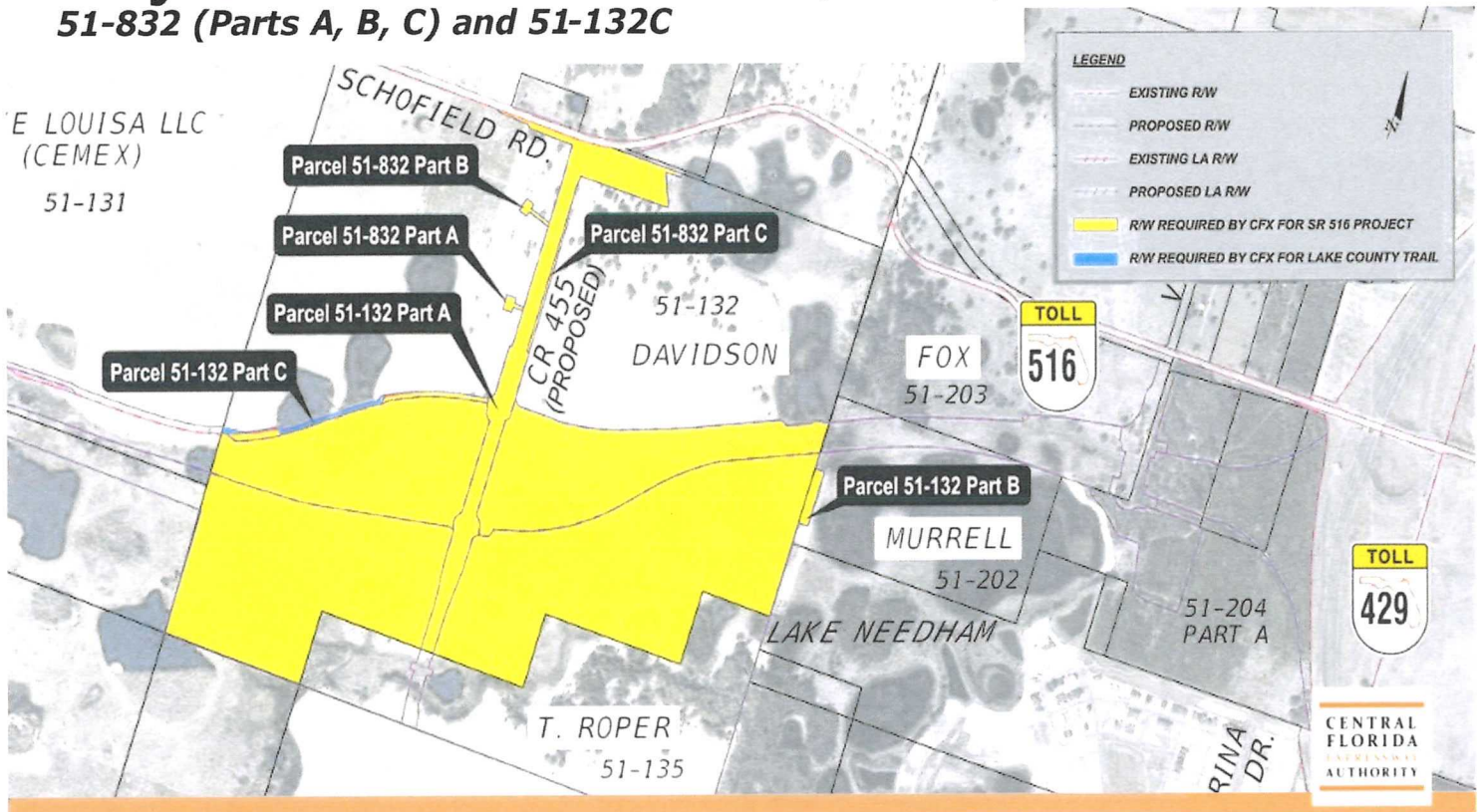
We respectfully request that the Right of Way Committee recommend that the CFX Board approve the proposed total settlement of **\$44,835,860** in settlement of all claims for compensation, which includes all attorney's fees and litigation costs, and experts' fees and costs for the acquisition of Parcel 51-132A, 51-132B, 51-832 and 51-132C.

ATTACHMENTS

- A. Sketch of the taking of Parcels 51-132A, 51-132B, 51-832 and 51-132C
- B. Settlement Agreement

ATTACHMENT A

Project 516-237: *Parcels 51-132A, 51-132B, 51-832 (Parts A, B, C) and 51-132C*



ATTACHMENT B

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT IN AND FOR LAKE COUNTY, FLORIDA

CENTRAL FLORIDA EXPRESSWAY
AUTHORITY, a body politic and corporate,
and an agency of the state under the laws of the
State of Florida,

CASE NO.: 2023 CA 002713 AXXX XX

PARCELS: 51-132A, 51-132B, 51-832,
51-132C

Petitioner,

v.

CRA-MAR GROVES, INC., a Florida
corporation, et. al.,

Respondents.

SETTLEMENT AGREEMENT

Counsel for the Petitioner, **CENTRAL FLORIDA EXPRESSWAY AUTHORITY** ("CFX"), and for Respondents, **DAVIDSON KEG, LLC; DAVIDSON CRUISER, LLC; and DAVIDSON HARVEST, LLC**, ("Respondents") have reached the following negotiated settlement of Parcels 51-132A, 51-132B, 51-832 and 51-132C:

1. Respondents, Davidson Keg, LLC; Davidson Cruiser, LLC; and Davidson Harvest LLC, shall have and recover from the Petitioner the sum of **FORTY-FOUR MILLION EIGHT HUNDRED THIRTY FIVE THOUSAND EIGHT HUNDRED SIXTY AND NO/100 DOLLARS (\$44,835,860.00)** in full payment for the property designated as Parcels 51-132A, 51-132B, 51-832 and 51-132C herein taken, severance damages, business damages, tort damages, if any, flooding claims¹ and all other damages and claims, including any and all attorney's fees and costs, including but not limited to, apportionment fees, supplementary fees, non-monetary benefit fees, or fees related to 51-132C rendered on behalf of Respondents by the Harris Harris Bauerle Lopez firm in this cause, pursuant to Chapters 73 and 74, *Florida Statutes* (2025), including any and all expert's fees and costs rendered on behalf of Respondents including but not limited to, Calhoun Collister & Parham – Appraisers, Professional Engineering Resources, Inc. – Engineer,

¹ This term does not limit any related or similar flooding claims that Respondents in the case styled *Central Florida Expressway Authority v. Murrell Investments, LLLP*; Orange County, 2023-CA-014850-O may have for the flooding of the real estate at issue in that case

CPH Corp. – Environmental, Hall Development Services – Land Planner, subject to apportionment, if any.

2. Respondents agree to enter into a Stipulated Order of Taking Nunc Pro Tunc/Stipulated Final Judgment to convey 51-132C with an agreed upon deposit and settlement amount of **THREE HUNDRED FORTY THOUSAND EIGHT HUNDRED EIGHTY-FIVE AND 32/100 DOLLARS (\$340,885.32)** (said amount is included in the settlement amount set forth in paragraph 1 herein) to be paid by the clerk of the court to Respondents and/or another procedural manner that facilitates the conveyance of 51-132C from Respondents to CFX.

3. CFX agrees that the intake easement along the western boundary of the NE remainder and the spreader easements extending westward in the NW remainder shall be vacated by CFX for the benefit of Respondents, upon Respondents and Lake County confirming the permitted pre-development surface flow facilitated by those easements has been accounted for in an alternative manner satisfactory to them that is compliant with all required permits.

4. CFX shall incorporate into its bid set of construction plans, two (2) driveways as set forth in Plan and Cross-section sheets to be mutually agreed to by the parties and attached to the Stipulated Final Judgment. As to the two (2) driveways, the western remainder driveway will be paved, 70' wide with 50' radius for the curb returns. The driveway on the east side of CR 455 will be graded, stabilized, and sodded from the roadway shoulder to the ROW line instead of being fully paved. The driveway width will be 70' to match the future driveway width. The two side drainage culverts will be extended to accommodate the future driveway width.

5. Respondents shall provide CFX with a right-of-entry to allow construction of the two (2) driveways set forth in paragraph no. 4.

6. The SR 516-237 Project will be constructed in accordance with the construction plans identified as the 100% resubmittal plans dated August 2025.

7. As part of the SR 516 Project, CFX agrees to require its 516-237 contractor to complete the CR 455 Segment within 12 months from the Notice to Proceed ("NTP"). CFX anticipates issuing the NTP in or around April to June 2026. The CR 455 Segment is defined as the 100% Resubmittal dated August 2025 plan sheets to be mutually agreed to by the parties and attached to the Stipulated Final Judgment. CFX hereby agrees to Substantial Completion of the CR 455 Segment on or before June 30, 2027. Substantial Completion is defined as the stage in the progress of the construction of the CR 455 Segment when the CR 455 Segment is sufficiently complete in accordance with the 516-237 Plans so that it is open for public use as a roadway.

8. If CFX fails to achieve Substantial Completion by September 30, 2027, CFX shall pay to Davidson or its successors and assigns (hereinafter "Davidson"), *FIFTY THOUSAND AND 00/100 DOLLARS* (\$50,000) on the first of each month thereafter until substantial completion is achieved up to a maximum of ONE HUNDRED FIFTY THOUSAND AND 00/100 (\$150,000.00). This shall be the exclusive remedy for Davidson.

9. If CFX has failed to commence construction of the CR 455 Segment by December 31, 2027, Davidson shall have the right but not the obligation to, at their sole cost and expense, construct the CR 455 Segment from Station +132+50 to and including the CR 455 intersection with Schofield Road, in substantial conformity with the design plans applicable as of that date, which CFX shall provide upon request. Alternatively, Davidson may elect to pave only that portion of the CR 455 right of way necessary for commercial traffic to cross the right of way at the driveways depicted on CFX plans. The parties agree this settlement resolves a pending eminent domain case and the only purpose of this provision is to ensure Davidson has a failsafe way to reconnect its property to public roads in a commercially viable way. To the extent required by Florida law, any work provided by or on behalf of Davidson shall be competitively solicited and procured in compliance with applicable Florida law. Davidson shall not commence until CFX is provided performance and payment bonds as required by CFX's standard construction contracts; and CFX is provided proof of insurance and indemnification consistent with that required of contractors under CFX's standard construction contracts.

10. Petitioner is entitled to a credit in the amount of **THIRTY MILLION FORTY-FIVE THOUSAND SEVEN HUNDRED AND 00/100 DOLLARS (\$30,045,700.00)** previously deposited into the Registry of the Court in this case by Petitioner.

11. This Settlement Agreement will be placed on the agendas for the CFX Right of Way Committee meeting and the CFX Board, and is conditioned upon final approval by the CFX Board.

12. Upon approval of this Settlement Agreement by the CFX Board, Counsel for Petitioner and Counsel for Respondents shall jointly submit to the Court for entry a Stipulated Final Judgment as to 51-132A, 51-132B, 51-832 and Stipulated Order of Taking Nunc Pro Tunc/Stipulated Final Judgment as to 51-132C in this matter as soon as practical.

13. Within thirty (20) days from the date of receipt by Petitioner's Counsel of a conformed copy of the Stipulated Final Judgment, Petitioner will pay to Respondents, via check made payable to Harris Harris Bauerle Lopez Trust Account and delivered to 222 S. Pennsylvania


Ave., Suite 100, Winter Park, FL 32789, the balance due of **FOURTEEN MILLION FOUR HUNDRED FORTY NINE THOUSAND TWO HUNDRED SEVENTY FOUR AND 70/100 DOLLARS (\$14,449,274.70)**, this sum being the difference between the Petitioner's initial deposit, the deposit for 51-132C set forth in paragraph 2, and the final agreed settlement amount.

14. Within thirty (20) days from the date of receipt by Petitioner's Counsel of a conformed copy of the Stipulated Order of Taking Nunc Pro Tunc/Stipulated Final Judgment, Petitioner will pay to Respondents, by deposit into the Registry of the Court the balance due of **THREE HUNDRED FORTY-ONE THOUSAND FIFTY-FIVE AND 32/100 DOLLARS (\$341,055.32)**, this sum being the deposit for 51-132C set forth in paragraph 2, which amount includes a \$170.00 Clerk's fee.

15. This Settlement Agreement, executed by the respective counsel on behalf of the parties, contains all of the agreements of the parties.

**CENTRAL FLORIDA EXPRESSWAY
AUTHORITY, PETITIONER**

**DAVIDSON KEG, LLC; DAVIDSON
CRUISER, LLC; AND DAVIDSON
HARVEST, LLC, RESPONDENTS**



David A. Shontz, Esq.
Attorney for Petitioner

/s/ Kurtis T. Bauerle, Esq.
Kurtis T. Bauerle, Esq.
Attorney for Respondents

Dated: September 12, 2025

Dated: September 12, 2025

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