

Attachment 1
CFX CODE OF POLICIES
Chapter 13: Real Property

EFFECTIVE DATES

Art.	Title	Adopted By	Last Revision	Version Date
1	Property Acquisition, Disposition, and Permitting Policy	Res. 2024-442	Res. 2025- <u>453</u>	<u>Aug. 14, 2025</u>

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CHAPTER 10: REAL PROPERTY
**ARTICLE 1: PROPERTY ACQUISITION,
DISPOSITION, AND PERMITTING POLICY**

Adopted By: Res. 2024-444
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Division I: General Provisions

Section 13.1 Title

The provisions of this Article shall be known and cited as the “**Property Acquisition, Disposition, and Permitting Policy**”.

Section 13.2 Authority

- 13.2.1 Section 348.759, Florida Statutes, authorizes the Central Florida Expressway Authority (“**CFX**”) to acquire private or public property and property rights by gift, devise, purchase, or condemnation by eminent domain proceedings, as CFX deems necessary for any of the purposes of Chapter 348, Part III, Florida Statutes.
- 13.2.2 Section 348.754(2)(j), Florida Statutes, grants the power of eminent domain to CFX, including the procedural powers granted under both Chapters 73 and 74, Florida Statutes.
- 13.2.3 Section 348.754(2)(c), Florida Statutes, authorizes CFX to acquire, purchase, hold, lease as lessee, and use any franchise or property, real, personal, or mixed, tangible or intangible, or any interest therein necessary or desirable for carrying out CFX’s purposes and to sell, lease as lessor, transfer, and dispose of any property or interest therein at any time acquired by it.

Adopted: 2024-442

Section 13.3 Statement of Policy

- 13.3.1 The Governing Board (“**Board**”) of CFX hereby adopts this Property Acquisition, Disposition, and Permitting Policy with the intent of providing governing policies to CFX employees, consultants, and the Right of Way Committee (“**ROW Committee**”) for purposes of acquisition, disposition, use, and management of real property interests by CFX.
- 13.3.2 This policy is intended for use when CFX is the acquiring or disposing agency, except in such circumstances where such activities by CFX are otherwise required by rule, regulation, or law to be governed otherwise.
- 13.3.3 **Limited Delegations of Authority**
 - (A) Throughout this Policy, the Board has granted various authorities to the Executive Director, Chief of Infrastructure, and General Counsel. Any such grant or delegation of authority shall except actions taken thereunder from the general ROW review and Board Approval requirements.
 - (B) Additionally, the Board hereby additionally delegates to such individuals the authority to subdelegate certain authorities granted to them as follows:

- (1) The Executive Director may subdelegate the authorities granted to them in **Section 13.8: Duties and Responsibilities of Executive Director**, **Section 13.11: Settlements and Offers**, **Section 13.12: Post Resolution of Necessity**, and **Division IV: Other Real Property Interests**, and **Division V: Permits and Licenses** to any Chief Officer.
 - (2) The Chief of Infrastructure may subdelegate the authorities granted to them in **Division V: Permits and Licenses** to the Director of Engineering, or to any Project Manager employed by the Engineering Department.
 - (3) The General Counsel may subdelegate the authorities granted to them in **Section 13.9: Duties and Responsibilities of General Counsel**, **Section 13.11: Settlements and Offers**, and **Section 13.12: Post Resolution of Necessity** to another in-house attorney or outside right of way counsel.
 - (C) The performance of any sub-delegee of the above-identified individuals shall remain subject to the oversight of the applicable delegating individual.
 - (D) Any such subdelegation by the Executive Director, Chief of Infrastructure, or General Counsel must be made in writing, filed with the General Counsel's Office, with a copy to the Public Records Department.
- 13.3.4 Nothing in this policy may be interpreted as restricting or placing any conditions or limitations on the Board's authority to approve the acquisition or conveyance of any real property interest should the Board make a finding that such acquisition or conveyance would be in CFX's best interest.

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Section 13.4 Real Property Procedures Manual

- 13.4.1 The Executive Director shall, in coordination with the Chief of Infrastructure and General Counsel develop, maintain, review, and, when prudent or necessary, revise the Real Property Procedures Manual in a manner consistent with this Article.
- 13.4.2 Such Real Property Procedures Manual shall include, at minimum, procedures setting forth:
- (A) The guidelines staff shall use to identify, negotiate, and acquire any real property interests, as discussed in **Division II: Real Property Acquisition** of this Article; and
 - (B) The process staff shall follow to dispose of surplus property, as discussed in **Division III: Real Property Disposition** of this Article.

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Division II: Real Property Acquisition

Section 13.5 General Acquisition Guidelines

- 13.5.1 CFX shall acquire any real property interest (e.g., fee-simple, easement, etc.) deemed to be necessary for an authorized public purpose.

13.5.2 The Board hereby provides the following real property acquisition guidelines:

- (A) If CFX's acquisition of a real property interest would leave an impacted property owner with an uneconomic remnant, acquisition of the entire property will be considered.
- (B) Every owner of a real property interest being acquired by CFX shall receive full and just compensation for such interest in accordance with the laws of the State of Florida.
- (C) When practicable, CFX will attempt to negotiate in good faith to obtain a voluntary purchase from property owners, which may include providing non-monetary consideration as compensation for the property interests acquired.

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Section 13.6 Board Oversight

13.6.1 Unless otherwise expressly provided by the Board, the Board has sole and final responsibility for all decisions related to the acquisition of real property interests and authorization of eminent domain proceedings.

13.6.2 More specifically, the Board shall:

- (A) Approve preferred alternative alignments pursuant to Project Development and Environment ("PD&E") studies;
- (B) Approve and adopt Resolutions of Necessity; and
- (C) Authorize eminent domain proceedings.

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Section 13.7 Right-of-Way Committee Oversight

13.7.1 The ROW Committee, as established through its Board-approved charter, shall perform such duties as outlined in its charter and this Article.

13.7.2 Unless otherwise expressly provided by the Board, any acquisitions of real property interest by CFX that are required to be placed before the Board for its consideration and approval shall first be reviewed by the ROW Committee for its consideration and recommendation.

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Section 13.8 Duties and Responsibilities of Executive Director

13.8.1 Approvals of real property interest acquisitions by the Board will confer upon the Executive Director the authority to execute any documents reasonably required to effectuate such acquisitions by CFX (e.g., purchase and sale agreement, closing documents, easements, licenses, and evidence of any consents, waivers, addendums, etc.). This shall include the authority to approve any additional standard closing costs associated with such acquisitions.

13.8.2 Limited Delegation to Executive Director

- (A) In addition to the settlement authority delegated in **Section 13.12: Post Resolution of Necessity** below, the Board hereby delegates to the Executive Director the authority to:
- (1) Approve acquisitions of real property interests where the global amount of the acquisition (i.e., inclusive of all fees and costs) does not exceed \$500,000.00, so long as such global acquisition amount is no more than 125% of the established value of the real property interest being acquired;
 - (2) Execute, on behalf of CFX, any documents reasonably required to effectuate such acquisitions (e.g., purchase and sale agreement, closing documents, easements, licenses, waivers, addendums, etc.); and
 - (3) Approve additional payment of any standard closing costs.
- (B) The “established value” of a real property interest shall be determined as provided in the Real Property Procedures Manual and **Subsections 13.10.2 and 13.10.3** below.

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Section 13.9 Duties and Responsibilities of General Counsel

- 13.9.1 General Counsel is responsible for advising and supporting the Board, the ROW Committee, and the Executive Director in the execution of their duties, including the supervision of all outside counsel, the acquisition coordinator, and other consultants retained by CFX for acquisition of any real property interest by CFX.
- 13.9.2 General Counsel shall provide counsel on any proposed settlements and mediations and advise the Board, the ROW Committee, and Executive Director on compliance with any applicable state and federal laws.

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Section 13.10 Use of Consultants

- 13.10.1 CFX may retain the services of and utilize consultants necessary to carry out the various real property acquisition services as required by the complexity and magnitude of the property acquisition program (e.g., outside legal counsel services, land planning services, appraisal services, title services, acquisition coordinator services, etc.).
- 13.10.2 Professional and licensed appraisal services must be retained by CFX for:
- (A) All real property interests that are the subject of an eminent domain action; and
 - (B) All real property interests with an established value greater than \$300,000.00. The “established value” of a real property interest shall be determined as provided in the Real Property Procedures Manual.
- 13.10.3 In the event a real property interest is being purchased by CFX for mitigation or conservation purposes, the mitigation and/or conservation value of such interest as determined by the general engineering consultant or other qualified expert may be used in place of an appraisal, so long as such expert’s determination complies with the Real Property Procedures Manual.

- 13.10.4 Such consultants shall provide CFX with the necessary expertise at a reasonable cost and shall be selected in accordance with the Board's most recently adopted Procurement Policy.
- 13.10.5 General Counsel may confer with the ROW Committee from time to time to determine what type of consultant services are required to accomplish right of way and real property acquisition services.

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Section 13.11 Settlements and Offers

13.11.1 Settlements

- (A) Contingent settlements of compensation in any amount may be jointly made, approved, and executed by the Executive Director and General Counsel. Any contingent settlement shall include a provision providing that such settlement is contingent upon ROW Committee review and Board approval.
- (B) Settlements made within the monetary threshold of an applicable authority herein delegated to the Executive Director shall not require ROW Committee review or Board approval and are therefore not required to be contingent.

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 individuals believe such an "enhanced offer" will best serve CFX's interests.

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Section 13.12 Post Resolution of Necessity

13.12.1 Limited Delegation of Authority

- (A) Once the Board has approved and adopted a Resolution of Necessity regarding a particular property or real property interest therein, the Executive Director is hereby delegated the authority to:

- (1) Approve settlements for the acquisition of real property interests where the total global amount of the acquisition (i.e., inclusive of all fees and costs) does not exceed \$500,000.00, regardless as to the established value of the property;
 - (2) Execute any documents reasonably required to effectuate such settlements and related acquisitions by CFX (e.g., purchase and sale agreement, closing documents, easements, licenses, waivers, addendums, etc.); and
 - (3) Approve additional payment of any associated standard closing costs.
- (B) Global settlements that do not meet the criteria provided in **Subsection 13.12.1** above and any settlements that are not global in nature shall require prior ROW Committee review and Board approval, after which the Executive Director shall be authorized to execute all related documents.
- (C) Nothing in this Section shall be construed as preventing the Executive Director or their designee from bringing a settlement within the authority granted herein before the ROW Committee for review and/or the Board for approval should, using their discretion, the Executive Director or their designee, with consult of the General Counsel, determine that so-doing would be in the best interest of CFX.

13.12.2 Good Faith Deposits. The Executive Director and General Counsel are hereby jointly authorized to, under the advisement of outside right of way counsel (when applicable), approve negotiated good faith deposit amounts to be deposited into the court registry in accordance with Chapter 73 and 74, Florida Statutes, so long as such good faith deposit amount is within 110% of the associated initial offer made in compliance with **Subsection 13.11.2** above.

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Section 13.13 Real Property Acquisition Reports

13.13.1 The Executive Director or designee thereof shall, on a no-less-than quarterly basis and in a manner compliant with the Real Property Procedures Manual, submit a report to both the ROW Committee and Board reflecting all finalized acquisitions of permanent real property interests.

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Division III: Real Property Disposition

Section 13.14 Determination of Surplus Real Property

13.14.1 CFX may, from time to time, determine that certain real property is no longer needed for the operation of its facilities. The Board may determine that any real property located outside of the current operating right of way limits of the Expressway System 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 and thereafter declare such real property to be surplus real property.

Adopted: 2024-442

Section 13.15 Disposition of Surplus Real Property

- 13.15.1 CFX may dispose of surplus real property by selling it or exchanging it with private or public entities or persons in accordance with the procedures established in accordance with both CFX's Amended and Restated Master Bond Resolution and the Real Property Procedures Manual.

Adopted: 2024-442

Division IV: Other Real Property Interests

Section 13.16 Less Than Fee-Simple Interests

- 13.16.1 The Board recognizes that there will be circumstances where another person or entity seeks to acquire, grant, or reserve certain "less than fee-simple" (e.g., easements, leases, releases, etc.) real property interests in CFX's property.
- 13.16.2 The Board may periodically convey "less than fee-simple" interests in CFX-owned real property to private or public parties if such conveyances are in accordance with both CFX's Amended and Restated Master Bond Resolution and the Real Property Procedures Manual.

Adopted 2024-442

Section 13.17 Limited Delegation of Authority to Executive Director

- 13.17.1 The Executive Director is hereby delegated the authority to approve and execute conveyances and documents related to such conveyances of any such "less than fee-simple" real property interest, whether temporary or permanent in nature, to or from private or public parties so long as:
- (A) The established value, as determined in accordance with the Real Property Procedures Manual and **Subsections 13.10.2 and 13.10.3** above, of any such "less than fee-simple" property interest conveyed does not exceed the Informal Procurement Threshold, as set and adjusted in accordance with the Board's most recently adopted Procurement Policy;
 - (B) If a temporary property interest, the duration of such interest does not exceed one year; and
 - (C) Such conveyance is in the best interest of the public in accordance with CFX's Amended and Restated Master Bond Resolution and the Real Property Procedures Manual.

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Division V: Permits and Licenses

Section 13.18 Access and Use Permits/Licenses

13.18.1 Permits/Licenses Issued by CFX

- (A) The Board recognizes that there will be circumstances where another person or entity seeks to access, enter, or otherwise be present on or maintain a permitted presence on

real property owned by CFX with permission but without obtaining a permanent real property interest in such CFX-owned property.

- (B) **Delegation of Authority.** The Executive Director and the Chief of Infrastructure are hereby individually delegated the authority to approve and execute permits, licenses, and other related documents granting public or private persons or entities permission to use, access, enter, or otherwise be present on or maintain a presence on CFX-owned property. Such authorization includes without limitation the authority to approve and execute temporary rights of entry, utility permits, and temporary construction easements.

13.18.2 Permits/Licenses Issued to CFX

- (A) The Board recognizes that there will be circumstances where CFX will need to access, enter, or otherwise be present on or maintain a presence on real property owned by another person or entity with permission and without obtaining a real property interest in such real property.
- (B) **Limited Delegation of Authority.** The Executive Director and the Chief of Infrastructure are hereby each individually delegated the authority to approve and execute applications, permits, licenses, agreements, and related documents required to access, enter, or otherwise be present or maintain a presence on real property owned by another person or entity so long as the total cost associated with such application, permit, license, and/or agreement does not exceed the Informal Procurement Threshold, as set and adjusted in accordance with the Board's most recently adopted Procurement Policy.

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Section 13.19 Regulatory Permits

- 13.19.1 The Board recognizes that there will be circumstances where CFX will need permission from a regulatory agency (e.g., the Army Corps of Engineers, the Environmental Protection Agency, the Florida Department of Environmental Protection, applicable water management districts, etc.) to complete a certain task, objective, or project.
- 13.19.2 **Limited Delegation of Authority.** The Executive Director and the Chief of Infrastructure are hereby each individually delegated the authority to approve and execute applications and related documents required to request and obtain any such permissions or permits required by any applicable regulatory authority, regardless of the cost associated with applying for or obtaining such permission or permit.

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END OF ARTICLE 1