

CENTRAL FLORIDA EXPRESSWAY AUTHORITY

**AGENDA
RIGHT OF WAY COMMITTEE MEETING
July 26, 2023
9:30 a.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 MAY 17, 2023 RIGHT OF WAY COMMITTEE MEETING MINUTES (action item)

D. AGENDA ITEMS

- 1. RIGHT-OF-WAY ACQUISITION AGREEMENT BETWEEN CFX AND EAGLE CREEK
DEVELOPMENT CORPORATION
PROJECT: STATE ROAD 534
PARCEL NO: 534-243**

*Richard N. Milian, Esq., Right-of-Way Counsel, Nelson Mullins Riley & Scarborough, LLP
Diego "Woody" Rodriguez, General Counsel (info item)*

E. OTHER BUSINESS

F. ADJOURNMENT

(CONTINUED ON PAGE 2)

CENTRAL FLORIDA EXPRESSWAY AUTHORITY

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 Iranetta.Dennis@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
MAY 17, 2023
RIGHT OF WAY
COMMITTEE
MEETING MINUTES

MINUTES
CENTRAL FLORIDA EXPRESSWAY AUTHORITY
Right of Way Committee Meeting
May 17, 2023

Committee Members Present:

John Denninghoff, Brevard County Representative, Chairman
Brian Sheahan, Lake County Representative
Christopher Murvin, Citizen Representative
Juan Diaz, Citizen Representative
Laura Carroll, City of Orlando Representative, Alternate
Mindy Cummings, Orange County Representative
Neil Newton, Seminole County Representative, Alternate
Paul Satchfield, Osceola County Representative

Committee Members Not Present:

N/A

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 2:00 p.m. by Chairman John Denninghoff. Recording Secretary, Mala Iley, called the roll and announced there was a quorum.

Item B: PUBLIC COMMENT

There was no public comment.

Item C: APPROVAL OF MARCH 22, 2023 RIGHT OF WAY COMMITTEE MEETING MINUTES

A motion was made by Ms. Cummings and seconded by Ms. Carroll to approve the March 22, 2023 minutes as presented.

Vote: The motion carried unanimously with all eight (8) members present voting AYE by voice vote.

Item D.1: RESOLUTION OF THE CENTRAL FLORIDA EXPRESSWAY AUTHORITY DECLARING PROPERTY AS NECESSARY FOR EXPRESSWAY SYSTEM, STATE ROAD 516 LAKE/ORANGE EXPRESSWAY, STATE ROAD 516-236 and 516-237
PARCEL NUMBERS: 51-112A, 51-112B, 51-112C, 51-114A, 51-114B, 51-120A, 51-120B, 51-122A, 51-122B, 51-124, 51-127A, 51-127B, 51-128A, 51-128B, 51-130, 51-730 and 51-830

General Counsel, Diego “Woody” Rodriguez provided a recap of the prior resolution presented by attorney David Shontz of the Shutts & Bowen in March 2023 and advised the Committee of the need for the second resolution. General Counsel Rodriguez introduced Attorneys Brendan Lynch and Brian Smith of Lowndes, Drosdick, Doster, Kantor & Reed, P.A. (“Lowndes”) as counsel handling the second resolution declaring the remaining parcels as necessary for the State Road 516 Lake/Orange Expressway project.

Attorney Lynch provided the Committee with an overview of the Lowndes portion of the SR 516 Lake/Orange Expressway project, which is a new four-lane limited access expressway project providing east/west connectivity between US 27 and SR 429. Attorney Lynch also provided the Committee with an overview of the parcels in the resolution, including the acreage of each parcel and the proposed purpose of the acquisition. The resolution to declare the subject parcels as necessary for the Lake/Orange Expressway project was presented to the Committee.

Attorney Lynch respectfully requested the Committee make a recommendation for the Board’s approval of the resolution declaring the subject parcels necessary for the Lake/Orange Expressway project.

A motion was made by Ms. Cummings and seconded by Mr. Sheahan to recommend to the Board, approval of the resolution of CFX declaring the property necessary for the Lake/Orange Expressway project.

Vote: The motion carried unanimously with all eight (8) members present voting AYE by voice vote.

Item D.2.: LICENSE AGREEMENT BETWEEN THE CENTRAL FLORIDA EXPRESSWAY AUTHORITY, CENTRAL FLORIDA PROPERTY HOLDINGS 600 LLC, CENTRAL FLORIDA PROPERTY HOLDINGS 500 LLC AND ORLANDO UTILITIES COMMISSION
PROJECT: STATE ROAD 534; PARCEL NUMBERS: 534-843 AND 534-844

Associate General Counsel Kelly provided the Committee with a brief overview of Orlando Utilities Commission (“OUC”) request from the Central Florida Expressway Authority (“CFX”) and Central Florida Property Holdings 500 LLC and Central Florida Property Holdings 600 LLC (collectively, “CFPH”) for license agreement granting to OUC (1) a non-exclusive temporary, construction license and access license over portions of the subject parcels in order for OUC to install, construct, and complete certain utility improvements on real property located adjacent to the subject parcels; and (2) a license, terminable with due notice from CFX, to provide ingress and egress for inspection and emergency maintenance and repair of the OUC utility improvements.

Associate General Counsel Kelly respectfully requested the Committee make a recommendation for the Board's approval of the License Agreement.

A motion was made by Ms. Carroll and seconded by Ms. Cummings to recommend to the Board, approval of the License Agreement between CFX, CFPH and OUC, subject to any minor or clerical modifications or revisions approved by the General Engineering Consultant, General Counsel or designee.

Vote: The motion carried unanimously with all eight (8) members present voting AYE by voice vote.

Item D.3.: UPDATE ON SELECTION OF OUTSIDE COUNSEL FOR RIGHT OF WAY ACQUISITION

General Counsel Rodriguez provided the Committee with an overview of the current status of CFX's Request for Proposal for Right of Way Counsel. General Counsel Rodriguez advised that CFX received three solicitations from the following law firms: (1) Mateer & Harbert, (2) Nelson Mullins and (3) Shutts & Bowen. CFX scored the three bids and recommended to the Committee that all three bids be awarded contracts. General Counsel advised that there will be no preference in allocating work among the three firms. The bids will be going to the Board for approval.

General Counsel Rodriguez also acknowledged Ms. Cummings for her role assisting in the scoring of the three firms.

Item D.4: PROPERTY ACQUISITION, DISPOSITION & PERMITTING POLICY

General Counsel Rodriguez provided a recap of the November 2022 meeting where CFX auditor, Protiviti Inc., discussed recommended changes to the Existing Policy. The recommendations of the audit were to (1) separate the Existing Policy into two documents- a policy providing guidance and a procedural manual governing the day-to-day activities; (2) to delegate authority to the Executive Director to streamline the right of way process; (3) to revise criteria for appraisals; and (4) to revise the requirements for other property interests, including licenses, easements and permits. General Counsel Rodriguez provided an overview of the proposed revisions to the Property Acquisition, Disposition & Permitting Procedures which incorporated the recommendations from the Auditor.

Item E1: OTHER BUSINESS

There was no other business. General Counsel Rodriguez advised that there will be no June meeting.

Chairman Denninghoff announced that the next Right of Way Committee meeting is scheduled for Wednesday, July 19, 2023 at 2:00 p.m. in the Pelican Conference Room.

Item F: ADJOURNMENT

Chairman Denninghoff adjourned the meeting at approximately 2:35 p.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, publicrecords@CFXWay.com or 4974 ORL Tower Road, Orlando, Florida 32807.

D.1

**PURCHASE AGREEMENT
BETWEEN CENTRAL
FLORIDA EXPRESSWAY
AND EAGLE CREEK**

PROJECT: STATE ROAD 534

PARCEL NO: 534-244

**THE BACKUP FOR
THIS ITEM WILL BE
PROVIDED AT A
LATER DATE**