



INTEROFFICE MEMORANDUM

Minutes Roadway Agreement Committee Virtual Meeting via Webex September 2, 2020

Members Present: Jon Weiss – Planning, Environmental & Development Services Dept. (Chair)
Diana Almodovar – Development Engineering Division (Vice-Chair)
Renzo Nastasi – Transportation Planning Division
Raymond Williams – Engineering Division
Humberto Castillero – Traffic Engineering Division
Paul Sladek – Real Estate Management Division
Eric Raasch – Planning Division

County Staff Present: Roberta Alfonso – County Attorney’s Office
Susan Martin – Risk Management Division
Gina Segui – Risk Management Division
Jeff Dunn – Planning, Environmental & Development Services Dept.
Jennifer Cummings – Public Works Engineering Division
Yahaira Gines-Rios – Public Works Engineering Division
Brian Sanders – Transportation Planning Division
Nannette Chiesa – Transportation Planning Division
Tammilea Chami – Transportation Planning Division
Heather Brownlie – Transportation Planning Division

Mr. Weiss called the meeting to order at 9:02 a.m.

Public Comment

Mr. Weiss inquired as to Public Comment - no members of the public wished to speak.

Approval of Minutes

The Committee reviewed the minutes from the August 19, 2020 Roadway Agreement Committee (RAC) Meeting.

Page 2

- Line 82 replace “University Station” with “Bank & Fast-Food Project”
- Line 103 add “providing impact fee credits for” before “soft costs”

Page 3

- Line 128 add “report cannot be more than 1 year old” at the end of sentence
- Line 156 close parentheses needed at the end

Page 4

- Line 194 Ms. Almodovar asked to further define the distinction between joint use and shared use ponds. No change needed per Mr. Weiss.

Ms. Almodovar made a motion, with a second by Mr. Sladek, to approve the August 19, 2020 Roadway Agreement Committee Meeting Minutes with changes discussed. Motion carried unanimously.

Activity Summary

Mr. Weiss noted the RAC 2021 Calendar was included with the materials.

Mr. Weiss stated that the Silverleaf project was approved at the BCC on 9/1/2020.

RAC CONSENT AGENDA ITEMS

- None

RAC NON-CONSENT PROPORTIONATE SHARE ITEM:

- None

RAC AGENDA ITEM:

Waterford Lakes Multifamily Right-of-Way and Proportionate Share Agreement

Road Affected: Alafaya Trail, Colonial Drive, Woodbury Road

Present: Tom Sullivan, Julie Stephenson, Kamil Salame, Brooks Stickler

County Staff Present: Joe Kunkel

Previous RAC: None

Mr. Sullivan provided an overview of the outstanding items which he still needs to work through with the Committee.

Conveyance at plat is the point for conveyance although cannot convey right-of-way until closing takes place

Appraisal submitted to REM since the last meeting. However, REM has not yet completed their internal review.

Mr. Sullivan stated that if the County cannot agree to soft costs then willing to remove that portion of the request.

The Committee commenced their review of the redline version of Waterford Lakes Multifamily Right-of-Way and Proportionate Share Agreement Page-by-Page:

Page 2

- Add page numbers (only reflected on page 1)

Page 3

- Line 108 Section 2(b) add “fee simple”
- Line 109 need to add boilerplate language after “liens” add “and encumbrances language from template”
- Line 132 include \$15 per sq. ft. instead of value per acre
- Section(e) needs to be deleted (County not supportive of pending credits for soft credits)

Ms. Stephenson discussed title issues with Duke Energy and wanted the County to accept the title commitment as is. Mr. Sladek stated Section(c) language not acceptable and proposed alternative language. In addition, the Title Commitment reviewed was for the buyer provided by seller not a commitment received for the benefit of Orange County. Mr. Sladek outlined Exceptions 6, 7, 9, and 10. Pointing out that 7 and 9 are not applicable for the portion of right-of-way. Items 6 and 10 are Duke easements and require subordination to Orange County. Ms. Stephenson agreed with the concept and offered to re-order title specifically for the right-of-way area for County re-review. She is currently working on amending Duke easements within the property. Mr. Salame asked if the County could assist applicant in working with Duke Energy to obtain subordinations. Mr. Sullivan will reach out to Duke Energy to initiate dialogue.

Page 4

- Section(f) the original report is over a year old so an updated report will not suffice. A brand new ESA report will be required closer to the time of conveyance.
- Line 190 reinstate boilerplate language in the second sentence

Ms. Martin provided an email dated 9/2/20 outlining issues and standards required for ASTM requirements. The language referencing the 2019 report needs to be deleted.

Mr. Salame requested to alert him of any issues regarding the ESA and review of submitted reports.

Mr. Sullivan to work with Ms. Alfonso and Ms. Martin on changes needed to subsection 2(f).

Mr. Sullivan suggested submitting a new report for County review. He will further discuss with his clients.

Page 5

Mr. Weiss requested to add language to Section 3(b) to reduce the proportionate share payment by the value of the right-of-way conveyed.

Mr. Sullivan requested to delay the timeframe of the proportionate share payment.

Discussion commenced regarding offsetting the Proportionate Share Payment by the right-of-way value.

Ms. Alfonso suggested the possibility of a refund given the timing. Timing of the proportionate share payment is generally 90 days from the Effective Date.

Ms. Alfonso stated the other alternative which is making a full proportionate share payment in advance then obtain a refund once the conveyance is completed and only receive partial credits for the delta.

Mr. Sullivan will discuss timing with his clients and impacts to their contract.

Page 6

- Section(a) lines 277-280 needs to change (Mr. Sullivan to work with Ms. Alfonso on replacement language.)
- Section(b) reinstate boilerplate language
- Line 256 add a space after comma after “Section 2”

Page 7

- Add “, LLC” after “Morgan Group Development”

Page 10

- Additional language in Section 18 must be deleted since the County does not issue estoppels.

Ms. Alfonso offered to include a Notice of Satisfaction and/or automatic termination language since an estoppel is not available. Mr. Sullivan to discuss specific language with Ms. Alfonso prior to redrafting.

Signature Page – fill in blank lines (Proof of Signatory Authority needs to be submitted to REM)

Joinder & Consent – additional sentence needed which was inadvertently left out as discussed in prior email

Exhibit C – delete “[see attached _ page(s)]”

Mr. Weiss reviewed the changes discussed at today’s meeting.

This agreement is to be rescheduled to a future RAC Meeting for action. Mr. Sullivan would like to be scheduled on the RAC Agenda for the September 16th Meeting.

Mr. Weiss adjourned the meeting at 10:32 a.m.

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, he or she will need a record of the proceedings, and that, for such purpose, he 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.

In accordance with the Americans with Disabilities Act (ADA), if any person with a disability as defined by the ADA needs special accommodation to participate in this proceeding, then not later than two business days prior to the proceeding, he or she should contact the Orange County Communications Division at (407) 836-5631.

Para mayor información en español, por favor llame al (407) 836-3111.