



INTEROFFICE MEMORANDUM

Minutes Roadway Agreement Committee Public Works Main Conference Room & Virtual Component via Webex December 9, 2020

Members Present: Jon Weiss – Planning, Environmental & Development Services Department (Chair) (in-person)
Diana Almodovar – Development Engineering Division (Vice-Chair) (in-person)
Renzo Nastasi – Transportation Planning Division (in-person)
Raymond Williams – Engineering Division (virtual)
Humberto Castellero – Traffic Engineering Division (in-person)
Jeff Sponenburg – Real Estate Management Division (virtual)
Eric Raasch – Planning Division (virtual)

County Staff Present: Roberta Alfonso – County Attorney’s Office (virtual)
Stephanie Stone – County Attorney’s Office (virtual)
Gina Segui – Risk Management Division (virtual)
Yahaira Gines-Rios – Public Works Engineering Division (virtual)
Jeff Dunn – Planning, Environmental & Development Services Department (virtual)
Hazem El-Assar – Traffic Engineering Division (virtual)
Brian Sanders – Transportation Planning Division (virtual)
Mirna Barq – Transportation Planning Division (virtual)
Nannette Chiesa – Transportation Planning Division (virtual)
Tammilea Chami – Transportation Planning Division (virtual)
Heather Brownlie – Transportation Planning Division (virtual)

Mr. Weiss called the meeting to order at 1:34 p.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 November 11, 2020 Roadway Agreement Committee (RAC) Meeting.

Mr. Nastasi made a motion, with a second by Ms. Almodovar, to approve the November 11, 2020 Roadway Agreement Committee Meeting Minutes with changes. Motion carried unanimously.

Activity Summary

- Review of BCC items approved.
- Review of Trip Activity including 987 trips for construction completion for Village F.
- Potential First Amendment to Silverleaf to be discussed by RAC in January 2021.

RAC CONSENT AGENDA ITEM:

- None

RAC NON-CONSENT PROPORTIONATE SHARE ITEM:

Hamlin SW Medical Office Agreements for Building C and Building D

Road Affected: Avalon Road

Present: Jim Willard

Previous RAC: None

- Tables updated by Ms. Barq to revise Log of Project contributions formula error.

Ms. Almodovar made a motion, with a second by Mr. Castellero, to approve the Hamlin SW Medical Office Agreements for Building C and Building D with changes discussed. Motion carried unanimously.

[BREAK FROM 1:46P.M. – 2:10P.M.]

RAC AGENDA ITEM:

Village I Horizon West The Withers PD Escrow Agreement

Road Affected: Avalon Road

Present: Chris Roper (virtual), Mark Thomson (virtual)

Previous RAC: None

County Staff Present: None

Chris Roper introduced the project. Withers PD has an approved APF Agreement.

Shutts & Bowen (Mark Thomson) would serve as the Escrow Agent.

School sites not yet needed by OCPS for several years.

BCC approved a Waiver to allow the project to proceed past the 5% of development.

- 1) 5.8 acre Hartzog parcel to be conveyed or Escrowed.
- 2) 5.0 acre Park parcel to be conveyed or Escrowed.
- 3) 1.0 acre APF ROW to be conveyed or placed into Escrow.

First part for Hartzog already put in Escrow so this escrow agreement addresses parts 2 and 3 to escrow with the Park and APF parcels from Withers PD.

Mr. Raasch confirmed the acreages match the Land Use Plan.

Mr. Sponenburg had an issue with the form of Warranty Deed attached.

The Committee commenced their review of the redline version of Village I Horizon West Escrow Agreement Page-by-Page:

Ms. Almodovar questioned whether this document will be recorded.

Page 1 no comments

Page 2 Subsection E “contemplated” misspelled “contempated”

Page 3 no comments

Page 4 Mr. Sponenburg – Withers vs. Columnar ownership definition of “Flemings ROW” needs to be revised.

Pages 5-12 no comments

Pages 13-18 Legal & Sketches reviewed in advance of today’s meeting. Public Works wants to review Legal & Sketches against plans submitted.

Exhibit C and D Form of Warranty Deed – REM has an issue with Restrictions. (i.e. last line pg. 19 add “and for purpose related thereto)

Exhibit D additional language provided by Mr. Sponenburg “and for purpose related thereto including but not limited to sidewalks, bike paths, utilities, transit stops or shelters and other uses typically allowed in the public right-of-way.

Mr. Nastasi made a motion, with a second by Mr. Castellero, to approve the Village I Horizon West Escrow Agreement with changes discussed, subject to final review by the Committee. Motion carried unanimously.

This Escrow Agreement must go to BCC for County to approve. Mr. Weiss to assist with getting this set up for a future BCC agenda.

Mr. Roper would like a letter to the owner confirming they can move past the 5% threshold, upon compliance with the escrow agreement.

Farnsworth Property PD Transportation Agreement

Road Affected: Valencia Parkway Extension and Schofield Road

Present: Tom Sullivan (virtual), Jim Hall (virtual)

Previous RAC: None

County Staff Present: None

Introduction of project provided by Mr. Sullivan within Town Center West Term Sheet area.

Pending Land Use Plan working through the DRC process.

Mr. Sullivan needs to understand the right-of-way needs from this project.

Mr. Hall stated they have gone to TRG and anticipate going to DRC in January 2021.

Property connects to Zanzibar/Hawksmoor in Village H.

Discussion of Valencia Parkway Extension – APF only (not an impact fee credit eligible roadway) remove from title.

Need to include APF provisions in this agreement since it will be in an APF Deficit situation overall.

CFX approved a PD&E study for a new alignment of Schofield Road scheduled for construction in a few years.

Fair Share Contribution required if no construction obligation. A Traffic Study will be required for determining what the Fair Share contribution will be.

Mr. Sullivan will need to be working on the following:

- Traffic Study
- Legals and Sketches
- APF Deficit to be identified and addressed

Mr. Williams asked if Schofield Road has been determined to be impact fee eligible. Mr. Nastasi to research this matter.

Reschedule for future RAC Meeting.

Supplemental to Poinciana Boulevard Extension Agreement

Road Affected: Poinciana Boulevard

Present: Bob Paymayesh (virtual), Mohammed Abdallah (virtual), William Beckett (virtual)

Previous RAC: 10/14/2020, 9/30/2020, 8/5/2020, 2/19/2020, 12/11/2019

County Staff Present: None

Page 1

- Line 12 add Tax Parcels
- Line 33 LBV Acquisitions still inactive in Sunbiz (Mortgage needs to be current with Sunbiz and sign agreement.)

Page 2

- Header dates need to change to 2021

Page 3

- Line 85 delete “PEDS Dept.”

Page 4

- Line 112 remove referenced to landscaping “and landscaping” (Use Agreements not MSBU’s for landscaping requirements.)

Page 5

- Mr. Nastasi asked about the approved costs and whether the County had reviewed the construction contract. Furthermore, Mr. Nastasi asked for an affirmation statement that the County has reviewed and approved the costs.
- Exhibits are not in order. First C then E then D. Re-order or re-label exhibits correctly.
- Need to spell out the additional amounts of credits received.

Page 6

- Line 152 specify how costs arrived at ad show results. Show full cost (100%) and being awarded half (50%).

Mr. Paymayesh to clarify the Exhibit E. Need to delineate all costs within the body of the agreement including right-of-ay/retention pond/50% of design and construction. Pond credits based on percent impervious (22%).

Mr. Bennett will need to revise language and add pond information. Clear subtotals and final total for amount of credits to be awarded needs to be included.

Pages 7 and 8 no comments

Page 9

- Risk Management asked to add back “&E” throughout this paragraph.

Page 10

- Section 8 – Conveyance triggers credits for right-of-way but need to complete construction and get Certificate of Completion for design and construction credits for both once completed to obtain all credits.

Pages 11-18 no changes

Page 19

- Line 526 add Florida Limited Liability Company” after LBV Phase II, LLC

Pages 20-33 no changes

Exhibits need to be in order and relabeled correctly.

Questions from Mr. Paymayesh:

- 1) LBV Mortgage – mortgage terminated – need to provide satisfaction.
- 2) Pond Easements and Right-of-Way Dedication – timing and how to include in the agreement.

Ms. Almodovar made a motion, with a second by Mr. Castellero, to approve the Supplemental to Poinciana Boulevard Extension Agreement with changes discussed, subject to final review of exhibits by County Survey, subject to final review by the Committee. Motion 6-1 with Mr. Williams voting in the negative.

COMMITTEE DISCUSSION: Pond Maintenance

County Staff Present: Daniel Negron, Jeff Charles

Mr. Nastasi asked for clarity on types of pond maintenance.

Joint Use Ponds

Shared Ponds

Commercial Ponds

Roadway Ponds

Distinction between Joint use ponds and Shared Use ponds was discussed.

Village I definition of Joint Use Ponds and Shared Use Ponds:

Joint Use Pond – easement with residential subdivision

Shared Use Pond – easement with commercial subdivision

Horizon Vue is an example of a Shared Use Pond. Chickasaw Creek is an example of a Joint Use Pond.

No Action Taken.

Mr. Weiss adjourned the meeting at 4:35 p.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.