



Interoffice Memorandum

Minutes

Boggy Creek Bridge Agreement Special Roadway Agreement Committee August 20, 2009

Members Present: Renzo Nastasi – Transportation Planning Division
Robin Hammel – Engineering Division

County Staff Present: Damian Czapka – Engineering Division
Esther Fernandez – Engineering Division
Heather Brownlie – Transportation Planning Division
Roberta Alfonso – County Attorney’s Office
Jennifer Cummings – Stormwater Division

Other Attendees: Steve Kros – AMB
John Morgan – AMB
Jason Lewis – Kimley-Horn & Associates
Craig Langley – Broad & Cassel
Matt Smith – Crockett Development
Kevin Knudsen – Bowyer-Singleton & Associates

Boggy Creek Bridge Agreement

The meeting was called to order at 11:03 a.m.

Mr. Nastasi made introductions around the table.

Mr. Nastasi provided an overview of the purpose of today’s meeting to bring everyone together to discuss the status of the bridge project and work out a future timetable.

Mr. Morgan stated that AMB is doing what they can to meet the terms of the agreement as written and move forward to construction of the Phase I Bridge Improvement as quickly as possible.

Mr. Knudsen stated that the Engineering plans are completed and that Phase I and Phase II 100% plans have been submitted. Permitting is the only item outstanding along with obtaining the necessary Right-of-Way for the project.

Mr. Knudsen discussed the permitting issue. The South Florida Water Management District will not allow a conceptual permit for the full four-lanes of the bridge as is required under the terms of the Boggy Creek Road Bridge Agreement. The Water Management District will only permit the two-lane Phase I improvement currently. The phase II future improvement for the second two lanes of the bridge will not be able to be permitted without at least 30% design plans for the Boggy Creek Widening from Wetherbee Road to SR 417 which would need to include a stormwater retention plan.

Mr. Knudsen described the two phases of the project. Phase I constructs a new bridge parallel to the existing bridge. Phase II tears down the old bridge and constructs two additional lanes to complete the four-lanes of the bridge project at some point in the future.

Mr. Knudsen stated that all of the Right-of-Way for both phases has been identified in the design and that there are two right-of-way parcels and two pond drainage easements needed for the bridge.

The Right-of-Way parcels are required for Phase I improvements and the pond locations will be utilized for Phase II of the project.

Ms. Hammel explained that the Delivery Date as defined in the Boggy Creek Bridge Agreement requires permitting for both phases prior to the commencement of construction. The Agreement does provide that the delivery of the Approved Plans and Specifications can be directed otherwise by the Public Works Director in writing to the Project Engineer. Ms. Hammel proposed a solution to the Permitting Issue whereby the Public Works Director would write a letter to the Project Engineer requesting a permit for the two-lane bridge Phase I improvements now and the 4-lane permit to be obtained in the future when construction of Phase II is contemplated.

Ms. Hammel stated that, since there are no 30% Design Plans for the Boggy Creek Road 4-lane widening from Wetherbee Road to SR 417, a conceptual permit could not be obtained.

Mr. Kros explained that the only reason the bridge project was 4-lanes was to create additional capacity in order to obtain road impact fee credits.

Ms. Hammel stated that a change in the timing of the permitting requirement does not release any of the obligations under the terms of the Agreement.

Mr. Nastasi re-iterated that the goal is not to re-open the terms of the Agreement and that Ms. Hammel is proposing to change the timing of one requirement and not the terms of the Agreement.

Ms. Hammel discussed the Phase I contributions and that the County is contributing \$578,016.00 plus 50% of any cost overruns.

Ms. Cummings discussed the Mitigation for the future four-lane roadway stating that no in-basin mitigation will be available at the time the four-laning of Boggy Creek Road from Wetherbee Road to SR 417 occurs. The Water Management District requires in-basin mitigation. In order to utilize any other mitigation a Basin Study would need to be performed at some expense.

Ms. Hammel explained that the County also needs a ½ credit for Mitigation for the Boggy Creek Road Widening Project from SR 417 to the Osceola County Line. This is a separate request unrelated to the terms of the Boggy Creek Bridge Agreement. The County is asking Crockett if they would be willing to sell a ½ credit to Orange County for Mitigation for the widening of Boggy Creek Road from SR 417 to the Osceola County Line.

Mr. Smith stated he would need to research further and make a decision. Crockett only pays costs for Phase II so the permitting item does not impact their obligations for payment.

Mr. Kros stated that AMB would be willing to separate the Permitting requirement and stands ready to fund the Phase I construction costs according to the terms of the Agreement.

There was discussion of how the Road Impact Fee Credits would be credited once the Delivery Date is met.

Mr. Nastasi stated that he was looking for a general consensus from the parties in order to move forward with meeting the Delivery Date and constructing the Phase I improvements.

Mr. Nastasi said that the Minutes from today's meeting would be distributed to the parties with a letter requesting each party to agree to the items discussed.

Once the parties agree, then the Public Works Director will send a letter stating that the Permitting requirements will be separated so that the Permitting of Phase I for the two-lane bridge will be required now and the permitting of the four-lane bridge will be required in the future with Phase II.

Mr. Knudsen discussed the Right-of-Way needs for the project to meet the Delivery Date. There are two parcels of fee simple Right-of-Way required by the County along with two pond drainage easements. The Right-of-Way serves Phase I to tie-in the new bridge to the existing roadway. The ponds serve Phase II and are not needed until Phase II, but need to be dedicated now in order to meet the Delivery Date requirements. The ponds are Joint Use Ponds and will be maintained by the Developer.

Mr. Nastasi asked what needs to happen to get the Right-of-Way conveyed for the project.

Ms. Hammel stated that all of the Right-of-Way needs to be conveyed as soon as possible in order to meet the Delivery Date requirements, even though the pond easements are not needed until the Phase II improvements are constructed.

Mr. Smith asked what the expected start date was for construction of the Phase I improvements.

Mr. Knudsen responded that all of the plans are completed and have been submitted, the permit needs to be finalized and then all the Right-of-Way conveyances completed in order to finalize the submissions to meet the Delivery Date.

Mr. Czapka added that the bid process will take 4 months after the Delivery Date. Then the Agreement provides fifteen months for Construction, however, the actual construction timeframe may only take 10-12 months.

Ms. Hammel discussed the construction timeframe for the Boggy Creek Road widening project from SR 417 south to the Osceola County Line. The Boggy Creek Road project is included in the CIP and Construction can commence once the Mitigation has been secured. The County is requesting to obtain ½ credit of Mitigation from Crockett if they would be willing to do so.

The parties discussed why the Boggy Creek Road widening from SR 417 south to the Osceola County Line was occurring before the widening of Boggy Creek Road from SR 417 to Wetherbee Road.

Mr. Czapka provided an overview of the Boggy Creek Road widening project from SR 417 to the Osceola County Line.

Mr. Nastasi concluded the meeting by asking each party to respond in writing by letter agreeing to separate the Permitting requirements for Phase I and Phase II and to address the Mitigation request and the time schedule for the conveyance of the Right-of-Way needed.

Mr. Nastasi instructed Ms. Brownlie to distribute the Minutes with a request to each party to respond in writing to the issues discussed at today's meeting.

Mr. Czapka asked if funding for post-design services was included in the Design scope. Mr. Knudsen responded that Post-Design Services were included for Phase I.

The meeting adjourned at 12:00 p.m.