



Interoffice Memorandum

Minutes

Roadway Agreement Committee

January 21, 2009

Members Present: Jim Harrison – Growth Management (Chairman)
Joe Kunkel – Public Works Department (Vice Chairman)
Benj Hurt – Real Estate Management Division
Renzo Nastasi – Transportation Planning Division
Ruby Rozier – Traffic Engineering Division
Diana Almodovar – Development Engineering Division
John Smogor – Planning Division

County Staff Present: Roberta Alfonso – County Attorney’s Office
Susan Martin – Risk Management Division
Julie Naditz – Highway Construction Division
Frank Yokiel – Public Works Engineering Division
Robin Hammel – Public Works Engineering Division
Gina Sequi – Risk Management Division
Heather Brownlie – Transportation Planning Division
Rita Gonzalez – Transportation Planning Division

Mr. Harrison called the meeting to order at 8:48 a.m.

Approval of Minutes

The Committee reviewed the minutes from the January 7, 2009 Roadway Agreement Committee Meeting and changes were requested as follows:

Page 2 last paragraph change “Section 8” to “Section 12”.

Page 3 second to the last paragraph remove the word “to” in the second line.

Page 3 fourth to the last paragraph change “(i)” to “(a)” and add “time for Orange County review of road plans from” after the word “change”.

Page 4, 5th paragraph down, Ms. Alfonso asked for clarification of the sentence, which may require listening to the recording, to determine content of conversation regarding Section 3 (ii) of the agreement.

Page 5, 10th paragraph down, end sentence with a period after “transmitted map”, and delete the remainder of the sentence.

Page 5, 15th paragraph down, complete the sentence for contingency, and add, “was not acceptable to the County”.

Page 5, 4th sentence from the bottom, need complete sentence referring to Exhibit R, and change “Exhibit R” to “Exhibit F”.

Mr. Smogor made a motion, with a second by Mr. Nastasi to approve the January 7, 2009 Roadway Agreement Committee Meeting minutes with listed changes and other typographical corrections and grammatical omissions. Motion carried unanimously.

Activity Update/Summary/Follow-Up Items List

Morgran – take out the word “Pending” after BCC since it has been approved.

Woodbury Road – College Suites conveyance documents are going to the BCC on February 3, 2009.

Narcoossee Road Discussion

- going to Senior Staff on Thursday, 1/22/2009
- Mr. Nastasi believes it is in the best interest of the County to proceed with the project, even if this requires the County’s monetary participation.
- Mr. Nastasi stated that all the Developers trips to be held until the County is made whole.
- Mr. Nastasi stated that there are two DRI’s dependent on the road improvement.

MPG shortfall and unpaid taxes are the two outstanding issues. A proposal to have Orange County pay the escrow shortfall amount with redemption at a later date with no interest for two years was made.

There was a discussion of the implications of not assisting MPG to perform under the terms of the agreement.

There was discussion of the implications of the loss of TRIP funding.

Mr. Kunkel stated this is a policy decision.

Mr. Smogor is not willing to approve any assistance plan since an agreement is in place.

Mr. Nastasi stated that there are two options - to walk away or to make it work.

Mr. Nastasi provided a history of the Narcoossee Road project and stated that at one point up to \$3 million had been set aside in the CIP to widen Narcoossee Road.

Mr. Kunkel summarized the discussion by stating that the MPG proposal would be considered.

Ms. Alfonso stated that an alternate proposal would be to build the road to 3000 feet short of the Orange County line and operate under a supplemental agreement without MPG.

Mr. Curi stated that the alternate option is included as part of the bid to construct a shorter project.

Semorán Plaza

Road Affected: East-West Road

Present: Brian Heffner

Previous RAC: 8/15/2007, 9/12/2007, 9/26/2007, 1/16/2008

County Staff Present: Juan Curi, Azim Hosein, Emiro Gonzalez

A revised version of the First Amendment has been provided to extend the timeframe for conveyance.

Ms. Alfonso provided an overview of the issues and resolutions.

Two additional easements will need to be released also.

Page 1 Ms. Alfonso add “s” to “No.” under Tax Parcel ID.

Page 3 Ms. Alfonso add “s” to “conveyance” in line 5.

Page 4 Section 4 Ms. Rozier stated the need to change last word from “Developer” to “Owner”.

Page 5 Ms. Alfonso asked to add “s” to “Project” in Section 9(a)(iii).

Page 5 Ms. Rozier asked about Section 9(a)(ii) and asked to change first instance of “Owner” to “Semoran”.

Ms. Almodovar made a motion, with a second by Mr. Smogor, to approve the Semoran Plaza First Amendment with the changes requested at today's meeting, subject to final review and approval by the Committee and Attorneys Office, and subject to final review of the Exhibits by the County Surveyor. Motion carried unanimously.

OUC

Road Affected: Alafaya Trail Widening

Present: Ann Callan, Timothy Dix, Joe Roviario

County Staff Present: Bob Goff, Mirna Barq

Previous RAC: 8/10/2000, 8/30/2000, 10/11/2000, 2/1/2006, 3/15/2006, 4/19/2006, 11/12/2008, 12/10/2008, 1/7/2009

A Third Amendment was presented to discuss the number of trips to be included in return for the conveyance of Right-of-Way.

Ms. Barq stated that the number of trips was agreed upon at 252.

Page 1 Ms. Alfonso stated the need for a joinder if other ownership exists as provided for in the first Whereas. OUC is still working out the property swap with Morgran.

Mr. Kunkel outlined the areas of Right-of-Way to be conveyed.

Page 2 needs to reference the two prior agreements as well in the Whereas section.

Page 2 in the second Whereas need to define the term “Project”.

Page 2 Ms. Alfonso asked to delete “subject to easements of record” from Section 2(a).

Parks requested to add a Whereas clause with additional language at some point in the agreement.

Ms. Hammel stated that this could be a coordination matter between Parks and Public Works rather than outlined in the agreement.

Mr. Harrison stated that the at-grade crossing has nothing to do with OUC since we will be accepting fee simple conveyance. There is no need to add Parks language and no need to add an exhibit for the trail either. The Trail location will be identified on the PD plan.

Page 2 Mr. Kunkel asked that the footer identifier at the bottom of the page be removed from the final draft.

Page 3 the ESA language needs to be boilerplate to include “within 6 months of conveyance”.

Page 3 the number of trips should be 252 net new PM Peak trips per Ms. Barq.

Page 3 Mr. Nastasi asked that “Lake Underhill Road” be changed to “Curry Ford Road” which extends the limits longer than the previous agreements.

Page 4 the last sentence of Section 2(e) starting with “County may terminate” – remove “the Owner or”.

Page 7 the County’s remedies section needs to be boilerplate per Ms. Alfonso to remove added information and insert deleted information.

Page 7 Owner’s remedies – remove added remedy (iv) which is not boilerplate. Need Owner’s remedies to be boilerplate as well.

Page 7 Ms. Alfonso asked to delete Section 11 “Counterparts” since it is no longer part of the boilerplate.

All of the Exhibits still need to be submitted for the County to review.

Mr. Harrison reviewed the outstanding issues and the changes requested.

This project is rescheduled for 9:00 a.m. on February 4, 2009 with deadline to submit by this Friday at 10:00 a.m.

Mr. Harrison adjourned the meeting at 10:36 a.m.