



Interoffice Memorandum

Minutes

Roadway Agreement Committee

March 18, 2009

Members Present: Jim Harrison – Growth Management (Chairman)
Robin Hammel – Public Works Department (Vice Chairman)
Ann Caswell – Real Estate Management Division
Brian Sanders – 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
Julie Naditz – Highway Construction Division
Heather Brownlie – Transportation Planning Division
Rita Gonzalez – Transportation Planning Division
Marc Buonanni – Transportation Planning Division

Mr. Harrison called the meeting to order at 8:45 a.m.

Approval of Minutes

The Committee reviewed the minutes from the March 4, 2009 Roadway Agreement Committee Meeting and changes were requested as follows:

Page 3 line 31 add the word “incurred” (within the quotes) and add “actual and reasonable in reference to all mention of costs”.

Page 3 line 31 add “stated that” after “Ms. Alfonso” in the beginning of the sentence.

Page 3 line 38 “hereinbelow” stays in the sentence, it is not deleted.

Page 4 line 39 change “on” to “one”.

Page 5 line 43 change “states” to “stated”.

Mr. Smogor made a motion, with a second by Ms. Hammel to approve the March 4, 2009 Roadway Agreement Committee Meeting minutes with corrections. Motion carried unanimously.

East-West Road Jennings Property Special RAC March 3, 2009 Meeting

Page 1 line 53 change “mae” to “make”.

Ms. Hammel made a motion, with a second by Mr. Smogor to approve the March 3, 2009 Special East-West Rd RAC Meeting minutes with corrections. Motion carried unanimously.

Activity Update/Summary/Follow-Up Items List

Woodbury Church Land Use Plan has been scheduled for the March 24, 2009 Board of County Commissioners meeting.

Mr. Smogor gave an update on the meeting with the Clerk's Office to discuss new recording procedures and procedures implemented by Growth Management for the recording of RAC Agreements.

OOCEA

Ms. Hammel provided an update to address the OOCEA Northern Pond conveyance status.

Re-review of the March 3, 2009 East-West Road Special Meeting Minutes

Ms. Caswell provided the Committee with changes requested by Mr. Hurt who attended the meeting.

Page 1 line 20 change "Florida Mall" to "East-West Road".

Page 2 line 15 revise sentence to read "Mr. Hurt stated that an appraisal performed for negotiation purposes would address the remainder of the property and account for any loss of value that occurred. However, an appraisal performed for road impact fee credits is governed by Ordinance 98-27, Section 23-95, which requires an analysis of the parent parcel only, but not the remainder".

Ms. Hammel made a motion, with a second by Mr. Smogor to accept the changes incorporated by Mr. Hurt to the March 3, 2009 Special East-West Rd RAC Meeting. Motion carried unanimously

Lakeside Village - Sharp PD

Development: Lake Reams Neighborhood PD – Sharp Property

Developer: KB Home Orlando LLC

Road Affected: Reams Road

Present: Jim Fox, Don Huber, Ron Campbell, Mohammed Abdallah

Previous RAC: 4/17/2004, 3/16/2005, 6/15/2005, 10/25/2006, 1/3/2007, 1/17/2007, 3/21/2007

County Staff Present: Laura Woodbury, Juan Curi

Mr. Smogor raised a concern that there is a lawsuit with Sharp in a different area.

Mr. Harrison provided an overview of the realignment of Reams Road through the Sharp Property.

Mr. Huber is developing the Frye PD just north of the Sharp Property.

KB Homes had a contract to purchase the property from Berry Walker. Currently, the Fifth Third Bank holds the Deed.

The proposed tenants for the Frye PD Commercial sites want to see the realigned Reams Road constructed through the Sharp property in order to have better access.

Mr. Huber would like to request permission to proceed with the construction of the Reams Road realignment through the Frye PD and the Sharp PD for 100% impact fee credits for construction of the road except for Utilities.

The Project will generate approximately \$3 million dollars in transportation impact fees. The Developer is seeking approximately \$3 million dollars in road impact fee credits for building the road.

Mr. Sanders asked about the plans for the existing Reams Road. Mr. Huber indicated that this road segment would be abandoned.

Reams road will be widened to four (4) lanes through the realigned section.

Mr. Sanders explained that the realignment is part of the SAP for Lakeside Village.

Ashton Woods was the original owner of Sharp PD.

Mr. Huber will pay for all of the Right-of-Way. The design of the realigned Reams Road through the Sharp property was completed and permits should be in place.

Mr. Sanders stated that the County has not reviewed the design as of yet for the design through the Frye PD.

Mr. Huber is willing to run Utility lines at their expense.

There are no County requirements that the Frye PD build the road through the Sharp PD.

The PD would still have to go through Development Review Committee for Development Plan approval.

Deal Points reviewed by Mr. Harrison:

- Frye to acquire Right-of-Way at their cost
- Frye to finalize design at their cost
- Frye to pay for permitting and mitigation at their costs
- Frye to construct 4-lane road for 100% road impact fee credits for actual costs from Frye Property south into Phase II of Sharp but not as far south as original Sharp Agreement went

Mr. Harrison asked Ms. Hammel if the pipelining of \$3 million dollars in road impact fee credits would impact the CIP. Ms. Hammel responded since it was Zone 4 it was not as much of an impact as other areas could be.

Mr. Sanders asked about the connection from Frye to CR 535 and how the lanes would connect and if the connection would be signalized.

Mr. Abdallah plans to have signalized intersections every quarter mile.

The final Traffic Study information is not yet available.

Ms. Rozier stated that signals can only be installed when warranted.

Mr. Harrison explained that the Committee is agreeable with the general concept.

Need to modify the boilerplate agreement to reflect the new terms.

Mr. Huber will go back to Fifth Third Bank to let them know he is working with the County on the Road Agreement.

The Counsel for GS Development will work on modifying the boilerplate agreement to outline the terms as discussed at today's meeting.

Ms. Hammel asked if another agreement can supersede an existing agreement or if the original agreement needs to be terminated.

Mr. Harrison asked if construction could include the last remaining section of road through the Sharp property, so there are no gaps.

Mr. Huber offered to complete the roadway to the edge of the Sharp Property, if needed as long as he gets credits for doing so.

Ms. Caswell asked for Evidence of Title.

This project will be rescheduled to the April 1, 2009 Roadway Agreement Committee meeting.

OUC

Road Affected: Alafaya Trail Widening

Present: Tom Callan

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, 1/21/2009, 2/4/2009, 3/4/2009

The Committee reviewed the Agreement page by page.

Mr. Callan stated that he added a footer with description of the Agreement.

Ms. Alfonso will again PDF her previous comments to Mr. Callan.

Page 2 Ms. Alfonso requested reference as to where the unrecorded documents are kept on file.

Page 3 Ms. Rozier asked that the "If by plat dedication..." language be taken out.

Page 4 the trip number is 252 and Mr. Callan will provide a revised Exhibit D to reflect this number.

Page 7 Ms. Caswell has an issue with part of the standard boilerplate language in Section 9 Further Documentation. She stated that the Clerk to the Board of County Commissioners will not approve the language and this will have an affect in executing future documents.

Mr. Callan will add additional language to Section 9.

Page 6 Mr. Callan will be obtaining additional property from Morgran and will need to add.

Ms. Caswell suggested adding legal descriptions.

Mr. Callan will provide an Exhibit showing all parcels owned by OUC.

Ms. Caswell asked that Exhibit A be revised to remove the listed owner as Morgran Company.

Ms. Caswell asked that they revise Exhibit C to show fee simple, and need to have Parcel #102 on the description and sketch. Mr. Callan offered to remove the parcel numbers altogether.

Ms. Caswell asked to incorporate easements into Page 3 language in Section 2(a).

Mr. Callan will split up the exhibits into C-1 and C-2.

Ms. Hammel asked for a Utility/Slope and Drainage Easement. Mr. Callan will provide for non-exclusive easements.

Remove Parcel and purpose from Exhibit C-2.

Mr. Harrison asked that if the agreement is okay, then the exhibits can be reviewed by County Staff afterwards.

Mr. Harrison summarized the changes requested to the agreement:

- Page 1 change footer to remove item # and date
- Page 3 strike plat language
- Page 3 add easements language to 2 sections
- Page 4 modify exhibit D to reflect 252
- Page 5 no changes
- Page 6 add tax parcel ID for additional property
- Page 7 add language at end of Section 9
- Page 8 no changes
- Exhibits to be revised as discussed and reviewed

Ms. Hammel made a motion, with a second by Mr. Smogor, to approve the OUC Alafaya Trail Agreement with the changes requested at today's meeting, subject to final review and approval by the Committee and the County Attorneys Office, and subject to final review of the Exhibits by the County Surveyor and staff. Motion carried unanimously.

Village F – APF Road

Development: Bridgewater

Developer: Summerlake Development LLC

Road Affected: APF Road

Present: Juli James, Olan Hill, Joe Tramell

Previous RAC: 6/4/2008; 10/1/2008, 10/15/2008

County Staff Present: Bill Thomas, Parks Department

Ms. James explained that these are the 12 actual agreements based on the two form documents previously approved.

Ms. Hammel had questions regarding the templates.

Ms. Hammel asked how the stormwater acreages were arrived at?

Mr. Hill stated that it was assumed at 15% of the total Right-of-Way to be provided.

At PSP these numbers will be finalized and the Legals and Sketches will be prepared for final conveyance.

Ms. Hammel asked to review the exhibits showing where these acreages are located.

Ms. Hammel also questioned the easement documents attached to the agreements.

Mr. Smogor asked why it was not one agreement instead of 12 since it was only one PD.

Ms. Almodovar asked for one exhibit for easements incorporating language from both documents.

Exhibit D was added after Final Review, so not everyone has seen the Exhibits in their final form.

Ms. Caswell suggested adding language to state these easements are temporary until-such time as dedicated by plat in permanent configuration.

Ms. Hammel questioned the language in Exhibit C and D. Ms. Hammel requested that the word “Easement” near the end of the 3rd paragraph be changed to “pond and roadway construction”. Ms. Hammel requested that the following phrase be added to the end of 3rd paragraph: “provided that the Grantor shall acquire a permit for the storage of the fill material in a timely manner”.

Ms. Alfonso asked to take the word “replacement” out of Exhibit D.

Ms. Caswell asked to change the easement to Temporary Easement but need a mechanism to cover the County.

Ms. James stated that she would change the documents to read zero (00) acres for Parks and Schools, this way all agreements are the same.

Mr. Smogor said he needs to look more closely at the acreages provided.

Ms. Caswell asked for Evidence of Title for all 12 property owners.

Page 1 needs Joinder of Owners for Diamond Bay Investments, Inc. per Ms. Alfonso.

Ms. Almodovar requested the footer on each page.

Ms. Alfonso stated that Panther and Seidel Hickory are zero acre items and asked why they even have agreements.

Ms. James stated that Panther and Seidel Hickory could end up dedicating property at some point in the future.

Mr. Thomas asked about the Park acreage since a 0.94 acre Park does nothing for Parks.

Mr. Harrison asked for a matrix to be attached to all agreements as an Exhibit.

MSCW has all of the footnotes in their matrix and will add this as Exhibit B rather than just a list of property owners.

Mr. Smogor made a motion, with a second by Mr. Sanders, to approve the Agreement with the changes requested at today’s meeting, subject to review and sign off on matrix exhibit subject to final review and approval by the Committee and the County Attorneys Office, and subject to final review of the Exhibits by the County Surveyor and staff. Motion carried unanimously.

Mr. Harrison adjourned the meeting at 11:00 a.m.