



Interoffice Memorandum

Minutes

East-West Road Jennings Property
Special Roadway Agreement Committee
March 3, 2009

Members Present: Benj Hurt – Real Estate Management Division

County Staff Present: Raymond Williams – Engineering Division
Juan Curi – Engineering Division
Heather Brownlie – Transportation Planning Division
Eva Poss – Engineering Division

For Applicant: Dean Jennings – Property Owner
William Burkett – Burkett Engineering

East-West Road

The meeting was called to order at 3:35 p.m.

Mr. Burkett provided an Exhibit showing the Right-of-Way needed from the Jennings property which is comprised of 4 separate parcels.

Mr. Williams reviewed the parcel numbers which are included in the Legals and Sketches prepared by the County's design consultant for the East-West Road Project.

The County requirements for the road were reviewed and how it will affect the parent tracts and what remainders will be left for the property owner to utilize.

Mr. Hurt explained that Right-of-Way is acquired in one of three ways:

- 1) By Agreement (generally road impact fee credits provided for Right-of-Way)
- 2) Negotiated Settlement Process
- 3) Eminent Domain

Mr. Burkett explained that the owner is seeking to explore the different options and would like additional information on each process.

Mr. Jennings asked if Road Impact Fee Credits could be used by other property owners. Ms. Brownlie explained that Road Impact Fee Credits are fully assignable, but that any transaction would be a private transaction between two private parties and not the County.

Mr. Burkett asked about concurrency issues in the area and whether Mr. Jennings would be able to receive vested trips for this road project.

Mr. Jennings asked about the funding available for Right-of-Way and Construction and asked if there was any possibility of obtaining Federal Stimulus funding to advance this road project.

Mr. Curi stated that there is limited funding for Right-of-Way acquisition and currently no funding programmed for construction. The Federal Stimulus project guidelines do not make this road project a candidate for any federal funding at this time.

Mr. Burkett stated that without vested rights in addition to road impact fee credits there may not be any incentive for entering into an agreement with Orange County at this time.

Mr. Williams asked about the ownership of each of the four parcels. Mr. Jennings responded that all of the properties are owned by Jennings Investments I LLC and Jennings Investments II LLC.

Mr. Williams and Mr. Curi described the easement areas needed in addition to the Road Right-of-Way. An existing easement is planned to be relocated which requires an additional easement.

Mr. Jennings asked Mr. Hurt what the value of the remainder would be if it is unusable. 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”.

Mr. Jennings will review the information provided at the meeting and let the County know if he is interested in pursuing any kind of Road Agreement to dedicate the Right-of-Way.

Meeting adjourned at 4:25 p.m.