



## Interoffice Memorandum

### Minutes

### Innovation Place

September 30, 2009

Members Present: Renzo Nastasi – Transportation Planning Division

County Staff Present: Heather Brownlie – Transportation Planning Division  
Brian Sanders – Transportation Planning Division  
Jennifer Cummings – Stormwater Division  
Roberta Alfonso – County Attorney’s Office  
Jonathan Fong – Public Works Engineering Division

For Applicant: Dwight Saathoff – Project Finance and Development, LLC  
Nina DeMartino – SC Advisors  
Todd Gregory – SC Advisors  
Lance Bennett – MSCW

### Innovation Place

The meeting opened at approximately 10:45 a.m.

Mr. Bennett and Ms. DeMartino met with Transportation Planning staff on September 21, 2009 and determined that a 136-foot wide Right-of-Way section for Moss Park Road Extension with two 10-foot easements on either side was the cross section to be utilized.

The First Amendment will need to include an updated exhibit showing the changes made to the Cross Section.

On Page 5 the Moss Park Road Landscaping Requirements in Section 3(C)(ii)(a) and (b) should be replaced with the language in Section 3(C)(1)(a) and (b) except for the change in easement size from 15-feet to 10-feet.

On Page 8 the reference to 120 feet should now read 156 feet (which is the 136-foot ROW plus the two 10-foot easements for a total of 156 feet).

A new cross section exhibit for Moss Park Road Extension will be provided by Mr. Bennett.

On Page 6 The Additional Requirements Section in Section 3(C)(v) needs to be updated also. Section 3(C)(v)(b) needs to be replaced with the same language in 3(C)(v)(a).

Mr. Nastasi pointed out that MSCW Inc. is designing the roadway to cover three separate properties with three different property owners and that must be considered. All of the property owners must be in agreement and not just the Innovation Place owners.

Mr. Nastasi would like to see three separate agreements (one for each property owner) plus the Utility Agreement move forward to the BCC together.

Mr. Gary Randall is one of the other property owners and CNL is the third owner.

Mr. Bennett has been in communication with Mr. Randall's attorney.

Mr. Nastasi explained that the cross-section re-definition needs to be consistent throughout all of the three properties so the other owners must agree to what is being proposed.

Mr. Saathoff asked about the delay to the Moss Park Properties owners if they are required to wait for agreements with the other parties to be prepared and negotiated.

Mr. Nastasi asked to get all of the parties together and then determine how to proceed.

Mr. Nastasi asked about retention areas and whether all of the retention would be handled by Moss Park Properties.

Mr. Bennett responded that under the terms of the Innovation Place Agreement Moss Park Properties will handle their retention for their property.

Mr. Bennett stated that CNL has reserved a corridor for the road but have no obligation to build the road.

Mr. Saathoff offered to set a meeting involving all parties to discuss and help to coordinate.

Mr. Nastasi needs for the County to be aware of the position of all parties involved in these issues.

Orange County Utilities Agreement will address the design and specifics for all three property owners.

Ms. Alfonso asked about Exhibit K, the Scope of Services Agreement.

Mr. Saathoff stated that to the extent that the Scope of Services Agreement gets modified going outside the boundaries of the Innovation Place property could be an issue.

Mr. Bennett explained that since the Scope would be consistent it should not be an issue.

MSCW will contract with OC Utilities to design the road to the 60% plans to be able to locate the Utilities.

Utilities will then obtain or condemn the necessary Right-of-Way from all property owners to be able to install the Utilities needed for the area.

Mr. Bennett stated that no draft agreement had been provided by Utilities as of yet.

Ms. Alfonso stated that Utilities needs to meet with MSCW to work on the Utilities Agreement.

Mr. Nastasi wants to make sure everyone is on the same page including Orange County Utilities. Mr. Saathoff offered to put together a critical path of items needed to proceed.

Mr. Bennett has spoken with Mr. Randall's attorney to try to set up a meeting and he has yet to commit to a meeting date.

Mr. Bennett spoke to CNL about ten days ago and they have not yet gotten back to him.

Mr. Saathoff pointed out that the Legals and Sketches will not be available until the 60% plans have been completed so these cannot be included in the First Amendment since they will not be available for 18 months.

Exhibit K, the Scope of Services Agreement, will need to change to reflect the revision to the cross-section.

Mr. Nastasi asked for temporary easements before the final Right-of-Way can be conveyed.

Mr. Saathoff asked Ms. Alfonso to remove the boilerplate sections which duplicate sections in the Original Agreement. Ms. Alfonso responded that these provisions do need to be included and are part of the County Boilerplate and included in all Amendment documents.

The Innovation Place First Amendment is scheduled for the October 14, 2009 Roadway Agreement Committee. Ms. Alfonso and Mr. Saathoff will work to finalize a draft First Amendment and the changes to the exhibits before then.

Ms. DeMartino stated that if the First Amendment is not ready then the RAC meeting appearance should be postponed to the October 28, 2009 RAC Meeting.

Mr. Bennett and Mr. Saathoff will work on a revised Scope of Services for Exhibit K.

Mr. Saathoff will make changes to the First Amendment draft and provide these to Ms. Alfonso.

Mr. Saathoff stated that he referenced in Section 6(b) of the Original Agreement two parts to the Scope of Services Agreement, Part A and Part B, and there was only one Scope so this reference can be removed.

Mr. Nastasi suggested that the reference not be changed and that Part A represent the 60% design plans and Part B represent the 100% design plans instead.

Ms. Alfonso asked whether the design speed would be 40 m.p.h. or 45 m.p.h.

Mr. Bennett stated that the design speed for the road would be 40 m.p.h. for both Moss Park Road Extension and Innovation Way.

The meeting was adjourned at 11:55 a.m.