



Interoffice Memorandum

Minutes

Roadway Agreement Committee

August 6, 2008

Members Present: Jim Harrison – Growth Management (Chairman)
Joe Kunkel – Public Works Department (Vice Chairman)
Vince Randazza – 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: Julie Naditz – Highway Construction Division
Roberta Alfonso – County Attorney's Office
Joe Perez – Highway Construction Division
Heather Brownlie – Transportation Planning Division
Susan Martin – Risk Management Division
Robin Hammel – Public Works Engineering Division
Frank Yokiel – Public Works Engineering Division
Jennifer Cummings – Stormwater Management Division
Rita Gonzalez – Transportation Planning Division
Matt Bilskie – Transportation Planning Division

Mr. Harrison called the meeting to order at 8:42 a.m.

Approval of Minutes

The Committee reviewed the minutes from the July 16, 2008 Roadway Agreement Committee Meeting and changes were requested as follows:

Page 2 line 45 Mr. Randazza asked to change "real" to "estimate of the current fair market".

Page 3 line 19 change "not happy with" to "opposes" and capitalize "Most Favored Nations Clause".

Page 3 line 22 change "argued" to "stated".

Page 3 line 31 change "land" to "Right-of-Way".

Page 4 line 45 remove the word "attorney" after OOCEA.

Page 6 line 4 change "stand for" to "accept" and "request" to "requirement".

Page 6 strike lines 11 and 12.

Page 7 reformat lines 2 – 12 as a list of items.

Page 8 line 7 remove the end of the sentence; end sentence at "Development Review Committee".

Page 8 lines 10 – 16 Mr. Kunkel asked for revision by adding bullet points to include":

- wetland mitigation
- 45 mph posted speeds
- other design issues

Page 8 Mr. Perez wants lines 31-34 expanded and will send an email with his comments.

Page 8 line 31 add “s” to “suggestion”.

Page 8 line 39 DRI/DO issues need to be discussed separately.

Mr. Smogor made a motion, with a second by Mr. Kunkel to approve the July 16, 2008 Roadway Agreement Committee Meeting minutes with listed changes and other typographical corrections and grammatical omissions. Motion carried unanimously.

Activity Update/Summary

Windermere Gardens will be going to the Board of County Commissioners on August 26, 2008.

Pavilion was continued to the September 9, 2008 Board of County Commissioners meeting.

Park Plaza agreement is not going to P & Z in August.

BCC Ordinance

Effective immediately all agreements must include an additional form “Project Expenditure Report”, executed. We should not advise them, they can call Charles Hawkins in the County Attorneys Office.

Summerlake PD – Porter Road

Development: Summerlake PD

Developer: Summerlake Development LLC

Road Affected: Porter Road

Present: R. Duke Woodson, Sam Evans, Gina Steffens

Previous RIFCC: 3/2/2005, 3/16/2005, 4/6/2005, 4/20/2005, 9/14/2005, 9/28/2005, 6/7/06, 1/16/2008, 1/30/2008

County Staff Present: Brian Sanders, Juan Curi, Dann McKee

The Agreement was reviewed page by page.

Page 2 Ms. Alfonso explained that Section 2.2(I) does not show in Exhibit B.

Ms. Steffens stated that the Exhibit A replaces Exhibit B of the 2006 Agreement which shows the area to be conveyed in Sections J and K.

Exhibit B Parcel 3 is being replaced by 2008 Exhibit A.

Ms. Alfonso asked staff that they review the 2006 agreement to make sure it includes all areas needed to be conveyed.

Mr. Perez asked which curve had been changed and the reason why.

Mr. Kunkel asked Mr. McKee to confirm the current Legal and Sketch (L&S) match the Plat.

Mr. McKee confirmed he had reviewed the L&S and they do match the Plat as it exists today.

Ms. Steffens stated the amendment was just replacing Parcel 3 of Exhibit B.

Mr. Smogor suggested revising the entire Exhibit B and adding that as the Exhibit to the First Amendment.

Paragraph 3 of the First Amendment deletes Segment K Parcel 1. Ms. Steffens feels it does not need to be deleted since it is part of the road and will be conveyed just not by Summerlake.

Mr. Smogor asked how this would be conveyed and by whom. Mr. Smogor stated that this would be an internal discussion.

Leaving in the Parcel they do not own.

Paragraph 3 needs to come out.

Paragraph 4 modified to replace the entire Exhibit B.

Page 2 Section 8 Mr. Randazza asked to add “within 30 days of the effective date” for recording.

Mr. Smogor made a motion, with a second by Ms. Almodovar, to approve the B/W Summerlake First Amendment with the changes requested at today’s meeting, subject to final review and approval by the Committee, and subject to final review of the Exhibits by the County Surveyor. Motion carried unanimously.

Mr. Evans asked additional questions regarding the plan review with Development Engineering and how to get costs approved for road impact fee credits.

Mr. Nastasi stated that if plans show the four-lane ultimate capacity then they can get credits for excess capacity created.

Mr. Evans will need to provide calculations on excess capacity items.

Mr. Woodson stated that MSCW would need to provide certification.

Mr. Kunkel asked that they provide the County with costs and then the Committee would review it.

Nadeen/Tanmore

Development: Nadeen/Tanmore II

Developer: Sierra International Drive, LLC

Road Affected: Lake Avenue Extension (now known as Lake Bryan Beach Boulevard)

Present: Grant Downing, Randi Fitzgerald, Keith Ray

Previous RAC: 6/15/2006, 8/2/2006, 8/16/2006, 9/13/2006, 1/3/2007, 9/12/2007, 10/10/2007

County Staff Present: Miguel Tamayo

Mr. Downing explained that Section 5 on Page 6 is impossible to complete since the Water Management District (WMD) would not allow any improvements or fill to improve the roadway.

Mr. Ortiz explained that the WMD would require secondary impacts for the entire road segment.

Mr. Tamayo provided a sample of Geogrid Reinforcement Mesh, which could be laid down to stabilize the sugar sand base of the access road and provide some improvements, but would not require bringing in fill.

Mr. Downing asked if the agreement can be rewritten to change Section 5.

Mr. Kunkel stated that the idea was to provide access to the adjacent property owners.

Mr. Nastasi said that the original agreement contemplated this road to become public access.

Mr. Kunkel stated that we would need to modify Section 5 to remove the obligation to meet unpaved County standards.

Ms. Almodovar asked that this be maintained by the Developer and provide for a Non-Maintenance Agreement.

Ms. Alfonso stated the need to draft an amendment.

Ms. Alfonso asked that on Page 2 the fourth Whereas needs to be amended also.

The Non-Maintenance Agreement needs to be attached as an Exhibit.

Page 4 Ms. Alfonso noted additional references to unpaved roadway.

Mr. Downing will revise the Temporary Easement which has been recorded.

Page 6 Section 5(b) the Letter of Credit needs to come out.

Mr. Downing will re-draft the agreement and return to the Committee in 2 weeks.

Lakeside Village – Royal Estates

Development: Royal Estates

Developer: Houshang Sabeti

Road Affected: Reams Road

Present: Paul Chipok, Mark Sabeti, Momtaz Barq

Previous RIFCC: 5/4/2005, 6/29/2005, 7/20/2005, 3/21/2007

County Staff Present: Kirsten Warren, Christina Crosby, Brian Sanders

Mr. Chipok explained that on Page 4 in Section 2.1 the new acreages are shown.

Right-of-Way Agreement

Page 1 Mr. Randazza asked that “Developer’s” be changed to “Right-of-Way”.

Page 2 Mr. Smogor asked that Section 3 refer back to Section 2(c) rather than reference to the Impact Fee Ordinance.

Page 4 Mr. Randazza asked that they add “within 30 days of effective date” in the recording statement.

Page 5 Mr. Smogor asked that they add remedy (iv) to read: “any combination of the foregoing”.

Ms. Alfonso requested each signature be placed on a separate page.

APF Agreement

Page 1 Mr. Randazza asked that “Development” be changed to “APF Agreement” in the first paragraph of the agreement.

Page 3 Mr. Barq needs to provide a Legal and Sketch for the 1.67 acres for Road Right-of-Way.

Will need acquisition for retention at a later date when Reams Road is widened.

Mr. Kunkel will verify the acreage numbers.

Mr. Barq will send an AutoCAD file for aid in review.

Ms. Warren from Parks reviewed the 14 foot trail, but generally Parks needs a 25-foot tract to place a 14 ft trail within.

Mr. Smogor and Ms. Warren will review the location of the trail and interconnection with neighboring properties.

Mr. Nastasi stated that if any changes are made then the Committee would need to re-review the agreement again.

Page 3 change “satisfying” to “creating a deficit” in Section N.

Mr. Nastasi asked Ms. Warren to write a memo or to send an email to Mr. Harrison to approve the park trail acreage.

Page 4 Section 3 change “even” to “event”.

Page 7 Mr. Smogor asked that Section 4.2 be changed to “APF Deficit”.

Page 7 Ms. Alfonso asked that they add the 30 day recording provision.

Page 8 add (iv) to the County’s Remedies.

Page 9 Section 10 Ms. Alfonso suggested deleting this section entirely.

Page 9 add Transportation Planning Manager to the “With copies to” section.

Mr. Smogor made a motion, with a second by Mr. Kunkel, to approve both Royal Estates Agreements with the changes requested at today’s meeting, subject to final review and approval

by the Committee, and subject to final review of the Exhibits by the County Surveyor. Motion carried unanimously.

Pavilion at Sand Lake PD/Mandarin Drive Extension

Development: Pavilion at Sand Lake PD

Developer: Fourth Quarter Properties, 124 LLC

Road Affected: Sand Lake Road, Mandarin Court Extension

Present: Brad Goeb, Craig Langley, Ted Edwards, Steve Kreidt

Previous RAC: 1/17/2007, 6/6/2007, 6/20/2007, 4/2/2008, 4/16/2008, 5/21/2008, 6/4/2008

County Staff Present: Christine Crosby, Roberto Ng, Brian Sanders

Mr. Langley advised the Committee that the Pavilion Agreement for Mandarin was previously approved.

Mr. Edwards would like to discuss security provisions needed for Lockheed Martin Corporation (LMC) in the Mandarin Drive proposed typical section.

There is a concern with the road separation for two roads – Mandarin Drive and Lockheed Martin road perimeter. There are 15 feet of separation between the two roads and LMC wants to put up a barrier in between the two roads.

No sidewalk on the LMC side but will put a 10-foot sidewalk on the other side.

Mr. Nastasi noted that sidewalks are needed on both sides to provide access to school site.

Mr. Nastasi stated a minimum of 10 ft sidewalk on the other side; the buffer should be the Right-of-Way line.

Mr. Edwards stated that the edge of the road is the edge of the Right-of-Way.

Mr. Nastasi stated that the County would not be able to maintain the road, nor would LMC be able to maintain the fence.

Mr. Kreidt stated that the minimum shoulder width would be 6-feet.

Mr. Nastasi suggested a Type F curb.

Mr. Kunkel suggested bringing the Right-of-Way outside the fence line.

Mr. Edwards asked if they could reduce the Right-of-Way to 90 feet in this area.

Ms. Almodovar stated to set the typical section by stationing, not by Phase.

Ms. Almodovar stated that the LMC property needs a security fence.

Mr. Harrison asked Mr. Kunkel and Mr. Nastasi to speak to Mr. Kreidt and work out the parameters for a typical section.

Mr. Kunkel stated that the construction cost estimate received went from \$8 million to \$17.6 million and that it would be difficult to support. Also, Mandarin Drive would not be eligible for road impact fee credits until the road connects to Universal Blvd.

Mr. Harrison stressed that this project like all other projects need to go to Senior Staff.

Mr. Nastasi asked to add a provision for review of plans by Engineering. The applicant will also need to attach a Scope of Services.

Mr. Nastasi questioned if Right-of-Way will not be conveyed until the Road is completed, this could be a problem and will review with Ms. Alfonso.

Ms. Hammel asked about inspections, bonding, indemnification and insurance, and who would handle these.

Page 8 Ms. Crosby identified language which needs to come out of the Utilities Section.

Mr. Langley stated that this had been corrected in the final form.

Page 3 Section 4 Mr. Ng stated that there is no need for sidewalk easements.

Page 12 Mr. Ng asked they strike irrigation since the County does not pay for irrigation.

Mr. Harrison asked that this project be scheduled to Senior Staff for further discussion.

Mr. Kunkel and Mr. Nastasi will work out the Cross Section information with the applicant.

The project will return to the Roadway Agreement Committee after the Senior Staff Meeting.

Mr. Harrison adjourned the meeting at 11:50 a.m.