



Interoffice Memorandum

Minutes

Roadway Agreement Committee

June 17, 2009

Members Present: Jim Harrison – Growth Management (Chairman)
Frank Yokiel – Public Works Department (Vice Chairman)
Renzo Nastasi – Transportation Planning Division
Ann Caswell – Real Estate Management Division
Ruby Rozier – Traffic Engineering Division
John Smogor – Planning Division

County Staff Present: Roberta Alfonso – County Attorney’s Office
Julie Naditz – Highway Construction Division
Susan Martin – Risk Management Division
Jennifer Cummings – Stormwater Management Division
Heather Brownlie – Transportation Planning Division
Rita Gonzalez – Transportation Planning Division

Mr. Harrison called the meeting to order at 8:57 a.m.

Approval of Minutes

The Committee reviewed the minutes from the May 20, 2009 Roadway Agreement Committee Meeting and changes were requested as follows:

Page 1 line 46 and missing quotation mark to “has submitted”.

Page 2 line 50 change “the Sharp owners are” to “Mr. Walker is”

Page 4 line 3 and line 6 change “old Reams Road” to “existing Reams Road”.

Page 4 line 35 identify Ms. Rozier as voting in the negative.

Page 4 line 16 move “the” before “only”.

Page 7 lines 3, 4, 5 add “Million” after each figure.

Page 7 line 8 change “the” to “than”.

Page 7 line 44 change “p.m.” to “a.m.”.

Mr. Smogor made a motion, with a second by Mr. Nastasi to approve the May 20, 2009 Roadway Agreement Committee Meeting minutes as amended. Motion carried unanimously.

Activity Update/Summary/Follow-Up Items List

Mr. Nastasi stated that the Avalon Amendment Road Project has a budget shortfall.

The Avalon Amendment to Road Network Agreement is scheduled for the June 30, 2009 Board of County Commissioners meeting.

Summerlake (Porter Road)

Ms. Alfonso gave an update and stated that the Mediation request was withdrawn and now the developers are making Public Records Requests. This project will have to stay on the Activity Update as an outstanding item pending any litigation.

Friedman Group (Lake Avenue Ext.)

The case was consolidated with the Starkman case, and has been abated since April. They are still negotiating with the Water Management District to try and reach a settlement.

Mr. Harrison asked about the status of OUC. Ms. Brownlie continues to follow up with Callan's Office. This item has not yet gone into Final Review.

Mr. Nastasi raised the issue of CR 535 Segment A and the Winn-Dixie Parcel.

The discussion item for the Letter of Credit versus Cash Escrow was tabled to the next meeting so Mr. Kunkel, Ms. Hammel and Ms. Almodovar could be present.

The discussion of the Clarcona-Ocoee Letter was also tabled until the next meeting so Mr. Kunkel could participate in the discussion.

Ms. Naditz raised an issue with the City of Ocoee regarding dumping and burning debris. She is working the City of Ocoee to resolve the issue.

Mr. Harrison requested a summary of the Ocoee Golf Whispering Pines Agreement for the next meeting.

Turkey Lake Road Mitigation Agreement Supplemental Agreement

Development: Intersection Improvements to Turkey Lake Road/Sand Lake Road Intersection

Developer: Group of 8 Developers

Road Affected: Turkey Lake Road/Sand Lake Road Intersection

Present: Alex Dobrev

Previous RAC: 1/4/2006, 1/18/2006, 4/05/2006, 7/19/2006, 8/16/2006, 9/13/06, 2/7/2007, 4/18/2007, 5/16/2007, 10/10/2007

County Staff Present:

The Committee reviewed the agreement page by page.

Page 1 Ms. Caswell requested a Parcel ID number be added above the title.

Page 1 Ms. Alfonso requested to change "between" to "among" in the first sentence.

Page 3 Section 2 change "(a)" to "(i)"

Page 4 Section 4 delete the last sentence.

Ms. Caswell requested Exhibit A be submitted for review by the County Surveyor and Real Estate Management.

Mr. Nastasi made a motion second by Mr. Smogor to approve the Turkey Lake First Amendment Agreement with aforementioned changes made at today's meeting, subject to final review by the

Committee; confirmation of Exhibit by the Public Works Engineering Division, and subject to review and approval of the Exhibit by the County Surveyor Motion carried unanimously.

Fontana Estates

Development: Fontana Estates
Developer: Q Lake Pickett, LP/ OP Southwest Properties, Inc.
Road Affected: Lake Pickett Road
Present: Ken Fulmer
Previous RIFCC: 4/05/2006, 4/19/2006

Mr. Fulmer explained that the Bank owned the property and needed more time to plat. The previous owners did not finalize the plat and that Mr. Showe in Development Engineering was working on the plat now.

Ms. Caswell stated that the evidence of title provided was an unrecorded deed and the deed was not a standard deed and needs to be reviewed by the County Attorney's Office and Real Estate Management.

Mr. Fulmer stated that the deed was in lieu of existing liens and he is willing to provide any additional information needed on ownership.

Ms. Caswell stated that Real Estate Management would need to review the ownership issues to make sure the agreement can be entered into by the Committee.

It was discussed that this First Amendment needs to get to the Board of County Commissioners before July 31, 2009 to avoid the automatic termination of the existing Agreement.

Ms. Caswell is willing to work on this immediately and requested a copy of the recorded deed.

Mr. Nastasi made a motion second by Mr. Smogor to approve the Fontana Estates First Amendment Agreement with aforementioned changes made at today's meeting, subject to Ms. Caswell and Ms. Alfonso resolving the title and ownership issues, subject to Final Review by the Committee, and subject to review and approval of the Exhibits by the County Surveyor. Motion carried unanimously.

Karl Corporation

Development: Karl Corporation
Developer: Herb Kahlert, Island Tree, LLC
Road Affected: Karl Kahlert Parkway
Present: Miranda Fitzgerald, Marge Tinsley, Herb Kahlert, Hans Kahlert, Rosemary O'Shea, Helene Leiselle
Previous RAC: 8/16/2006, 5/7/2008, 6/18/2008, 7/16/2008
County Staff Present: Juan Curi

Ms. Fitzgerald explained that this is a supplemental agreement for Right-of-Way conveyance to the Valencia Community College (VCC) APF Agreement.

This supplemental document sets everything up so the Right-of-Way can be conveyed to the County with the proper Legals and Sketches attached.

Ms. Caswell requested evidence of title to be submitted for all properties.

Mr. Nastasi questioned Recital K where APF credits and Road Impact Fee credits are both awarded.

Mr. Nastasi stated that only road impact fee eligible roads get transportation road impact fee credits.

Ms. Fitzgerald stated that the underlying ordinances allow for both. The value of road impact fee credits is established in the agreement at \$22,500 per acre and is to be awarded at the time of conveyance.

Mr. Smogor stated that the APF credits are awarded under the APF Ordinance and Impact Fee credits are awarded under the 23-95 Ordinance.

Ms. Fitzgerald agreed to make this change to clarify the difference between the two ordinances.

Ms. Alfonso asked that the first two words of Recital K “The County” be changed to “The Parties” and “agrees” be changed to “agree”.

Mr. Harrison asked Ms. Fitzgerald to change the language in Recital K to not award APF credits at the same time as Road Impact Fee credits.

Page 3 Ms. Caswell asked that the Manager of Real Estate Management be changed to “Director of Administrative Services Department”.

Page 3 Mr. Harrison asked to take out “Public Works Division” from Section 2(a) in the last sentence and replace it with “the County”.

Ms. Fitzgerald stated that the Valencia Community College is a landlocked parcel and the other properties need to provide easements to VCC to access their property.

Page 4 Section 2 (c) Ms. Alfonso asked to change “shall” to “do” in the fourth line from the end of the paragraph.

Page 5 Ms. Alfonso asked to add to Section 3 “partial credit” for each “partial acre” conveyed.

Page 6 Ms. Alfonso asked to add at the end of Section 3 “in accordance with Orange County Ordinance”.

Page 6 Ms. Caswell asked about Section 4(c) which provides for the offset for the request to vacate, and how value of the vacation area would be established.

Mr. Nastasi asked about the vacation Section and suggested that they withhold a percentage rather than going after the owners for a check.

The Committee agreed that the language included in the agreement was acceptable and provided for adequate reimbursement.

Page 8 Ms. Alfonso questioned which entity was receiving the road impact fee credits. Mr. Harrison confirmed that this was the standard procedure of Growth Management for assignments and sub-assignments.

Ms. Alfonso suggested a Whereas Clause stating that Fox Heartland will get all the credits and will sub-assign to the other entities.

Mr. Harrison asked that “Island” be removed from Section 4(a).

Page 9 Ms. Alfonso asked that “Project” and “Property” be defined terms.

Page 10 Ms. Caswell noted that page numbers are not included after page 10.

Page 11 Ms. Caswell asked that all references to 2008 be changed to 2009.

Mr. Harrison asked to reschedule this project for a future Roadway Agreement Committee agenda, to return with a revised draft with the changes made as discussed at today’s meeting.

International Corporate Park
Innovation Way Beachline Interchange

Development: Innovation Way/Beachline Interchange Agreement

Developer: International Corporate Park, OOCEA, Orange County

Road Affected: Innovation Way/Beachline Interchange Agreement

Present: Jim Pratt, John Florio, Lionel Rubio

Previous RIFCC/RAC: 12/14/2005, 2/1/2006, 7/16/2008, 9/17/2008, 10/1/2008, 2/4/2009, 4/1/2009, 5/6/2009, 5/20/2009

Mr. Pratt stated that there is no revised draft. The Orlando Orange County Expressway Authority (OOCEA) is still working out issues with SLR and once all of the issues are resolved and both parties agree to the next draft, then they will return to the Roadway Agreement Committee for the County’s review.

The first issue is whether SLR will have an option to construct.

The second issue is whether the funds will be held in escrow or if OOCEA will hold the funds themselves.

SLR will concede on the construction option if OOCEA concedes on the Escrow Account issue.

The third issue is that additional Right-of-Way may be needed for the Interchange, but no additional Right-of-Way for the Mainline is needed.

Mr. Florio stated that sufficient drainage will be accommodated for an 8-lane mainline and all of the interchange improvements.

Mr. Rubio stated that at some point there will be exhibits to this agreement which define exactly what Right-of-Way will be conveyed for the Interchange.

Mr. Pratt stated that the approaches to the flyover are not included in the Scope of the project. The limits of the project need to be extended to accommodate the approaches. SLR still needs to work out these details with OOCEA.

Mr. Rubio stated that there is a definitional issue of what constitutes the flyover.

Mr. Pratt stated southerly to Aerospace Blvd and northerly to end of Alafaya Trail Extension is not included in the Scope or in the current costs so it would be up to SLR and the County to cover those

costs. The Scope of the project and who will pay the costs are the outstanding issues that need to be resolved.

Mr. Harrison asked how long it will take to get this information.

Mr. Rubio explained that OOCEA needs to meet internally and then meet with SLR and then prepare a revised draft agreement.

Mr. Nastasi asked how the \$12 million cap for OOCEA is defined.

Mr. Nastasi asked if the cap also means that the entire amount is committed to the project.

Mr. Florio stated that the latest cost estimate stands at \$31 million.

Mr. Harrison asked when they would like to return to the Committee. Mr. Pratt responded in 2 weeks for another update.

Mr. Nastasi mentioned that Camino Reale has submitted their second submission for the Development Order and cannot move forward until this agreement gets executed.

Mr. Harrison asked that this project be rescheduled for July 1, 2009 to provide an update again.

Mr. Nastasi reminded the Committee that the ICP Development Order is going to the LPA.

Mr. Harrison adjourned the meeting at 11:10 a.m.