



INTEROFFICE MEMORANDUM

Minutes Roadway Agreement Committee Public Works Main Conference Room & Virtual Component via Webex August 18, 2021

Members Present: Jon Weiss – Planning, Environmental & Development Services Department (Chair) (virtual)
Diana Almodovar – Development Engineering Division (Vice-Chair) (in-person)
Brian Sanders/Renzo Nastasi – Transportation Planning Division (in-person)
Ghulam Qadir – Public Work Engineering Division (in-person)
Humberto Castellero – Traffic Engineering Division (in-person)
Mindy Cummings – Real Estate Management Division (virtual)
Eric Raasch – Planning Division (virtual)

County Staff Present: Roberta Alfonso – County Attorney’s Office (virtual)
Stephanie Stone – County Attorney’s Office (virtual)
Susan Martin – Risk Management Division (virtual)
Gina Segui – Risk Management Division (virtual)
Jennifer Cummings – Public Works Engineering Division (virtual)
Tamara Pelc – Real Estate Management Division (virtual)
Jeff Dunn – Planning, Environmental & Development Services Department (virtual)
Heather Brownlie – Transportation Planning Division (virtual)
Tammilea Chami – Transportation Planning Division (virtual)
Nannette Chiesa – Transportation Planning Division (virtual)
Blanche Hardy – Transportation Planning Division (virtual)

Mr. Weiss called the meeting to order at 9:01 a.m.

Public Comment

Mr. Weiss inquired as to Public Comment – no members of the public wished to speak.

[Mr. Nastasi joined the meeting at 9:03 a.m.]

Approval of Minutes

The Committee reviewed the minutes from the July 21, 2021 Roadway Agreement Committee (RAC) Meeting.

Page 3, line 137 delete second sentence

Page 4, line 170-171 delete entire line

Ms. Almodovar made a motion, with a second by Ms. M. Cummings, to approve the July 21, 2021 Roadway Agreement Committee Meeting Minutes with changes discussed. Motion carried unanimously.

Activity Summary

Mr. Weiss reviewed the upcoming BCC items.

RAC CONSENT AGENDA ITEM:

Buena Vista Commons Building #4 Proportionate Share Agreement

Road Affected: Winter Garden-Vineland Road

Present: Nadine Abu-Jubara (virtual)

Previous RAC: None

County Staff Present: Mirna Barq (virtual)

Mr. Nastasi requested a legible Exhibit A.

Ms. Almodovar made a motion, with a second by Mr. Nastasi, to approve the Proportionate Share Agreement for Buena Vista Commons Building #4 with changes discussed. Motion carried unanimously.

RAC NON-CONSENT PROPORTIONATE SHARE ITEM:

Hamlin AutoZone Proportionate Share Agreement

Road Affected: Avalon Road/CR 545
Present: Jim Willard (virtual)
Previous RAC: None
County Staff Present: Mirna Barq (virtual)

Hamlin Ace Hardware Proportionate Share Agreement

Road Affected: Avalon Road/CR 545
Present: Jim Willard (virtual)
Previous RAC: None
County Staff Present: Mirna Barq (virtual)

Hamlin SWQ Retail Building G Proportionate Share Agreement

Road Affected: Avalon Road/CR 545
Present: Jim Willard (virtual)
Previous RAC: None
County Staff Present: Mirna Barq (virtual)

Mr. Willard informed the Committee that new language will be added to subsection 2(b) on page 3 due to the recent amendments to the Hamlin West Road Network Agreement and the Hamlin West Escrow Agreement which now allows funds to be processed into the Silverleaf Escrow Account.

The Committee requested to include the recordation information in the new language and to update the tables in Exhibit C to landscape orientation to reflect legible data.

Ms. M. Cummings made a motion, with a second by Ms. Almodovar, to approve the Proportionate Share Agreements for Hamlin AutoZone, Hamlin Ace Hardware, and Hamlin SWQ Retail Building G with changes discussed. Motion carried unanimously.

RAC AGENDA ITEM:

Second Supplemental Road Agreement to Hartzog Road Right-Of-Way Agreement

Road Affected: Hartzog Road
Present: Greg Lee (virtual), Angela Shaw (virtual), Randy June (virtual),
Others Present: Chris New (virtual)
Previous RAC: None
County Staff Present: None

Mr. Lee provided the following background to the Committee. The original concept was to have the owners maintain ponds three and four. The County has recently requested ownership of ponds three and four allowing for the owners to drain into the ponds which will then be owned by the County.

Ms. Almodovar informed the Committee that the location of the two ponds are on the east side of Hartzog Road. Ponds three and four are roadway ponds that were originally to be conveyed to the County by easement. Pond three has mostly roadway drainage but now it will also have multifamily drainage flowing through the County pond discharging out. Some of the water discharging through the County pond can be addressed through a Use Agreement for the discharge pipe. Pond four has a very small parcel which is seeking a small percentage (0.44 acres) of drainage. The County is willing to allow for joint use, but did not anticipate granting an easement.

Mr. Nastasi stated the agreement should clarify which ponds are maintained by the developer and which ponds will be maintained by the County. The County does not generally grant easements over ponds which are County owned.

Ms. M. Cummings stated that a fee simple ownership requires valuation, title commitment, ESA Phase 1, etc.

Ms. J. Cummings raised the issue of Permitting and what needs to happen if County wants to own pond areas in fee simple, since the County would need to be the applicant on the permits with the Water Management District.

Mr. Weiss asked Ms. Almodovar if the County still wanted ownership of ponds three and four. Ms. Almodovar responded, yes, especially if there is multifamily drainage flow into the pond with out-of-state owners. Pond four is surrounded by conservation area and the County prefers to maintain.

Ms. M. Cummings stated that she, the County's Attorney's Office, and the County Engineer would need to work with the applicant to reformat the amendment to include additional language. Ms. Alfonso to work with Mr. Lee on the Supplemental Agreement layout which needs to be revised.

Ms. Martin had issues with indemnification language included in the draft easements.

Mr. Lee agreed that further discussion as to the format is needed for moving forward as long as the owners have a right to drain and an opportunity to come back to the next RAC meeting.

Ms. M. Cummings stated it will take some time to rework the language so it is not feasible to expect it will return on the September 1st RAC meeting.

Mr. Weiss outlined the two outstanding issues.

1. Issue of Ownership – title work/valuation/type of documents/L&S
2. Agreement Layout and Documents to be attached for processing

Ms. Almodovar stated that the ponds are constructed and functioning so it is a matter of finalizing infrastructure and not conceptual. Owners are currently constructing and maintaining.

There is an existing Public Agreement and a Private Agreement (amongst the owners) to place deeds and easements into escrow. Mr. Lee has the documents in escrow with his firm at BakerHostetler.

Mr. Weiss asked for SFWMD documents to be provided also for review by Public Works Team.

Next Steps: Mr. Lee to work with Ms. M. Cummings and Ms. Alfonso on revised documents needed with staff input.

COMMITTEE DISCUSSIONS:

1. Changes to Agreement Templates Due to Legislation:

Mr. Weiss spoke to 2020 legislation: holder of impact fee credit entitled to same density/intensity. Will be an issue once impact fee increase takes effect. The new language will provide specificity as to when legislation: is applicable. Ms. Alfonso stated the language is more like a disclaimer.

2. 2022 RAC Schedule:

Ms. M. Cummings stated some of the 2022 RAC dates may possibly conflict with some of the CFX Right-of-Way meetings in which case she will need to send the REM delegate.

3. September 15, 2021 RAC Meeting:

Announcement that the September 15th RAC meeting will be held in the afternoon in lieu of the morning.

Mr. Weiss adjourned the meeting at 10:15 a.m.

Section 286.0105, Florida Statutes states that if a person decides to appeal any decision made by a board, agency, or commission with respect to any matter considered at a meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act (ADA), if any person with a disability as defined by the ADA needs special accommodation to participate in this proceeding, then not later than two business days prior to the proceeding, he or she should contact the Orange County Communications Division at (407) 836-5631. Para mayor información en español, por favor llame al (407) 836-3111.