



INTEROFFICE MEMORANDUM

Minutes

Roadway Agreement Committee

Public Works Main Conference Room

July 17, 2019

Members Present: Jon Weiss – Planning, Environmental & Development Services Dept. (Chair)
Diana Almodovar – Development Engineering Division (Vice-Chair)
Ghulam Qadir – Engineering Division
Renzo Nastasi – Transportation Planning Division
Hector Bertran – Traffic Engineering Division
Paul Sladek – Real Estate Management Division
Eric Raasch – Planning Division

County Staff Present: Roberta Alfonso – County Attorney’s Office
Susan Martin – Risk Management Division
Jennifer Cummings – Public Works Engineering Division
Yahaira Gines-Rios – Public Works Engineering Division
Brandy Driggers – Planning, Environmental & Development Services Dept.
Heather Brownlie – Transportation Planning Division
Nannette Chiesa – Transportation Planning Division

Mr. Weiss called the meeting to order at 9:07 a.m.

Public Comment

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

Approval of Minutes

The Committee reviewed the minutes from the July 3, 2019 Roadway Agreement Committee (RAC) Meeting.

Mr. Sladek made a motion, with a second by Mr. Qadir, to approve the July 3, 2019 Roadway Agreement Committee Meeting Minutes as presented. Motion carried unanimously.

Activity Summary

Ms. Brownlie informed the Committee that five proportionate share agreements were approved at the July 16th BCC. There is one outstanding final review for the Supplemental Road Agreement to Hartzog Road Right-of-Way Agreement still pending.

RAC CONSENT AGENDA ITEMS:

- None

RAC AGENDA ITEMS:

Adequate Public Facilities Agreement for Withers PD

Road Affected: C.R. 545 (Avalon Road) and Flemings Road

Present: Christopher Roper and Sean Ells

Previous RAC: None

County Staff Present: None

Mr. Roper withdrew the application since no property is adjacent to Avalon Road or Flemings Road, and will bring the APF for schools and parks to DRC prior to BCC.

Adequate Public Facilities Agreement for Lake Mac PD

Road Affected: C.R. 545 (Avalon Road) and Flemings Road

Present: Christopher Roper and Sean Ells

Previous RAC: None

County Staff Present: None

Discussion of whether Flemings Road has been declared Impact Fee eligible by County Engineer.

The Committee commenced their review of the blackline version of the Adequate Public Facilities Agreement for Lake Mac PD Page-by Page:

Page 1

- Add utility site parcel ID above the title
- Recital B, 1st line change “Withers PD” to “Lake Mac PD”
- Reference to Exhibit A needs to be revised to exclude property already conveyed to Orange County

Page 3

- Ms. Almodovar requested a legal & sketch of the property being conveyed.
 - 35ft along Flemings Road & 70ft along C.R. 545/Avalon Road
- Mr. Qadir asked how right-of-way can be known if the PDS has not yet been completed.
 - Mr. Roper stated the language found in paragraph 6 on page 6 allows for an adjustment.

[Mr. Bertran joined the meeting for Traffic Engineering at 9:28a.m.]

Page 4

- Section 4, 2nd line after “obtained” add “or will obtain”
- Section 4, 2nd line change “36.88 surplus” to “34.13 surplus”

Page 5

- Section 5(c), 1st line change “thirty” to “sixty”
- Section 5(c) – replace paragraph with “*Environmental Audit; Due Diligence.* No less than sixty (60) days prior to conveyance, the Conveying Owner shall submit to County a current (within 6 months of conveyance to County) Phase I environmental audit of the areas encompassed by the APF Lands that are the subject of such conveyance. The Phase I environmental audit shall be conducted in accordance with the requirements of the All Appropriate Inquiries Final Rule (AAIFR) and with the standards set forth in the American Society for Testing and Materials (ASTM) E-1527-13. In the event the Phase I environmental audit presents a matter of concern, as determined by County, then prior to the conveyance, the Conveying Owner shall submit to County a Phase II environmental audit. The Phase II environmental audit shall be conducted in accordance with the requirements of the AAIFR and ASTM E-1903-11. If the Phase II environmental audit is performed and reveals the need for remediation to the subject APF Lands, one of the following events shall occur: (i) the Conveying Owner shall remediate the APF Lands to County’s satisfaction prior to the conveyance; or (ii) the Conveying Owner and County shall negotiate and enter into a separate agreement whereby the Conveying Owner shall pay the full cost of remediation; or (iii) County may terminate this Agreement at its option as to such Conveying Owner’s property.”

Page 7

- Section 8, 4th line capitalize “board of county commissioners”
- Section 8, 1st line in 2nd Paragraph delete continuation of use after conveyance language, if wording is accepted it needs to include a different indemnification.
- Section 8, 2nd Paragraph delete owner to continue to use reference, and owner can get right-of-way utilization if desired at a later time
- Section 8, 3rd line in the 3rd Paragraph delete “residential units shown on an”
- Section 8, 5th line in the 3rd Paragraph restore “required”

Page 9

- Section 10, 1st line change “Owner” to “Owners”
- Section 10(a), 1st line change “Owners” to “an Owner”
- Section 10(a)(iii) change “Withers PD” to “Lake Mac PD”

Page 12

- Section 21 replace “both of which” with “all of which”

Page 19

- Add an “s” to “Holding” in the signature block and acknowledgement

Page 21

- For consistency insert the Joinder & Consent from Spring Grove Second Amendment

Mr. Nastasi made a motion, with a second by Mr. Sladek, to approve the Adequate Public Facilities Agreement for Lake Mac PD with changes requested, subject to review of legal & sketches by County Survey, subject to Flemings Road being declared impact fee eligible by the County Engineer, and subject to final review and approval by the RAC Committee before scheduling to BCC.

[BREAK 10:22A.M. – 10:33A.M.]

Fourth Amendment to Village H Roadway Network Agreement

Road Affected: C.R. 545 (Avalon Road)

Present: Miranda Fitzgerald, Jim Cooper, John Prowell, and Paul Rosenthal

Previous RAC: June 19, 2019

County Staff Present: Julie Naditz, Greg Scott

Mr. Cooper started the discussion by stating that design plans were approved with only one signal, no street lighting, and no landscaping.

Ms. Fitzgerald stated Road Segment 1 is taking too long for County to acquire right-of-way. Ms. Fitzgerald is requesting for Threshold 4 trips to be released at Notice of Substantial Completion rather than Certificate of Completion. In addition, an indemnification provision has been added to eliminate individual homeowners from being parties to the agreement.

County has identified 5 signals not yet warranted:

- 1 signal at Seidel Road – identified in plans to be constructed
- 1 signal at Flamingo Crossings Boulevard – needed immediately
- 1 signal at Old YMCA Road – to be added to design and constructed at a later date
- 1 signal Phil Ritson Way – left for County for future construction (Corner-clips to be provided only)
- 1 signal Schofield Road – left for County for future construction (Corner-clips to be provided only)

Further discussion as follows:

- D.R. Horton is Constructing Owner for Flamingo Crossings signal with Segment 1 construction.
- Streetlighting for C.R. 545 should not be subject to an MSBU as it is inappropriate to assess homeowners for an arterial roadway
- Streetlighting as part of the roadway improvement and whether the Constructing Owner needs to address design/installation
- Landscaping – Owners have agreed to \$75,000 per lane mile

The Committee commenced their review of the clean version of the Fourth Amendment to Village H Roadway Network Agreement Page-by Page:

Page 1

- Real Estate Management is waiting for Evidence of Title documentation

- Update location address for Avalon Properties, LTD

Page 2

- Update location address for Spring Grove Properties, LLC

Page 3

- Recital A – remove the comma after “Florida” in the last sentence

Page 4

- Discussion regarding 10 business day review of change orders.
- Section 5.4, 8th line after the word “mean” add “the”
- **Global Comment:** change “Flamingo Crossing Boulevard” to “Flamingo Crossings Boulevard”

Page 5

- A warrant study has not been completed for Flamingo Crossings Boulevard.
- The County will not install stop signs.
- Section 5.4(i), 7th line – after “date” add “of the Fourth Amendment”
- Section 5.4(i), 15th line – after “not” add “deny or”
- Section 5.4(i), 16th line – replace “for any reason pertaining” with “solely due to”
- Section 5.4(i) – strike last sentence
- **Global Comment:** refer to Segment 2, 3, and 4 in lieu of road name, and replace “Segment I” with “Segment 1”

County installed a sign and flashing beacon to alert motorists of the sight-distance issue. Vertical constraints prohibits stop signs being placed.

- A warrant study is not required at this time
- Developer to install signal on flash
- At a later date the County will determine when to activate and will conduct the warrant study

Page 6

- Section 5.4(ii), 5th line strike “although such warrants are not likely to be issued for many years”
- Section 5.4(ii), 11th line strike “utility”, and replace “granted” with “acceptable”
- Section 5.4(ii) strike highlighted note
- Section 5.4(iii), 4th line add “review and” after “County”

Discussion of design for Schofield Road and Phil Ritson Way

- Developers willing to provide corner clips only
- County wants design for these signals
- Develop cannot afford to design signals at this time
- County needs to know what design calls for on Schofield Road before entering into eminent domain
- Mr. Weiss suggested that County cash fund cost of design for these two signals if design is required.
- Mr. Prowell to prepare cost estimate for design

Outstanding Issue – cost of design / how design is funded

Ms. Gines state acquisition cannot proceed without design plans for signal so acquisition will be delayed.

- Add a provision to commence design within 30 days for Old YMCA and Schofield traffic signals

Page 8

- Table 1 – Mr. Sladek requested to amend the table to provide for half the trips in Phases 3A & 3B totaling 359 additional trips for Segment 1 for completion of Segment 3A requirements for Segment 1.
 - The end result is obtaining 359 trips upon completion of funding for Segment 1 (rather than 245)
- Table 1, Segment 3B delete “initiate actions”

Page 9

- Table 1, Segment 3B delete foot note at the end of table
- Pages 9-11 delete paragraph 5 since table is being updated

Page 12

- Section 6 (iii) credits to be awarded to the Escrow Agent who will then award proportionally to Participating Owners

Page 14

- In multiple location add “County approved” before “cost”

Page 16

- Section 8, 3rd line add “Cooperation” before “Agreement”

Mr. Sladek proposed replacing Section 21 including subsection with different language to revise the indemnification clause. Mr. Sladek will forward new language to Ms. Fitzgerald.

Page 18

- Shutts & Bowen Notice section replace “Suite 1000” with “Suite 1600”

Page 21

- Columar Partnership Holdings Notice add “s” to “Holding” and verify address

Page 22

- With a Copy to Notice replace “Community” with “Planning”

Ms. Sladek handed Ms. Fitzgerald changes to signature pages separately.

An MOU is no longer needed for DRC if the Village H Fourth Amendment as agreed upon includes provisions for the Flamingo Crossings signal. Titan can move forward at DRC with a different condition.

Discussion of Parcel Identification Numbers:

- 17-24-27-0000-00-009 does not exist
- Mattamy and Lennar parcels are not reflected
- Suggestion to eliminate all parcel identification numbers on page 1, and add a recital referencing back to all the original parcels.

Title Work Discussion:

- If applicant is not going to provide title work then REM is requesting a warranty that Owners still own all the properties, and have not been sold to third party purchasers.
- Mr. Sladek and Ms. Alfonso will work with Ms. Fitzgerald on language needed.
- Or, list parcel identification numbers, and provide title information.
- Lenders cannot be required to sign Joinder & Consent Forms.
- REM requests title work upfront before applicants come to the RAC Committee.
- If approved without title work then this will be approved as a specific exception for a safety issue at the intersection

Mr. Nastasi made a motion, with a second by Ms. Almodovar, to approve the Fourth Amendment to Village H Roadway Network Agreement subject to changes requested, subject to review of legal & sketches by County Survey, subject to Flemings Road being declared impact fee eligible by the County Engineer, subject to final review and approval by the RAC Committee before scheduling to BCC, and REM validating ownership or language in lieu of title evidence being submitted.

Motion carried 5-1 (Mr. Bertran did not vote), with Mr. Sladek voting in the negative.

Mr. Weiss adjourned the meeting at 1:09 p.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.