



INTEROFFICE MEMORANDUM

Minutes Roadway Agreement Committee Stormwater Conference Room 322 June 5, 2019

Members Present: Jon Weiss – Planning, Environmental & Development Services Dept. (Chair)
Diana Almodovar/Luis Alvan– Development Engineering Division (Vice-Chair)
Raymond Williams – Engineering Division
Renzo Nastasi/Brian Sanders – Transportation Planning Division
Christine Lofye – 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
Luis Alvan – Development Engineering
Heather Brownlie – Transportation Planning Division
Nannette Chiesa – Transportation Planning Division
Brian Sanders – Transportation Planning Division

Mr. Weiss called the meeting to order at 9:03 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 May 15, 2019 Roadway Agreement Committee (RAC) Meeting.

- Page 2, line 85 change “per” to “of”
- Page 2, line 64 add “Through the DRC process” at the beginning of the sentence, and add “agreed” after “Raasch”
- Page 2, line 95 change “was” to “included” and strike “County requested additional design.”

Mr. Sladek made a motion, with a second by Mr. Raasch, to approve the May 15, 2019 Roadway Agreement Committee Meeting Minutes with changes discussed. Motion carried unanimously.

Activity Summary

- Mr. Weiss reviewed the scheduled BCC items.
- Ms. Brownlie noted that several credit requests were pending.
- Ms. Lofye reported back on the spacing for C.R. 545 traffic signals and that there would be sufficient space between the proposed signals.

PROP-SHARE PROCESS COMMITTEE DISCUSSION

Mr. Weiss framed the discussion to address Mr. Willard’s request for changes to the RAC Process.

Mr. Sladek delineated between Right-of-way/Road Network Agreements where Right-of-way is being conveyed and Prop-Share Agreements where only a monetary payment is made. The margin of benefit to obtain Joinders is slim for Prop Shares. Prop-Shares should only require current owner to sign and not necessarily any mortgages or lenders etc. to join. Proof of ownership rather than title commitments will be acceptable for Prop Shares, but title commitments are required for all others.

- Committee agreed all agreements are to be recorded.

RAC CONSENT AGENDA ITEM:

- River Run (Dean Road) – Present: Elliot Simmonds
 - Mr. Simmonds stated that perhaps the signature page will be re-signed if no authority to sign.
 - Ms. Alfonso requested an individual’s name in the “Prepared by” section on the top of page 1.
 - Mr. Sladek confirmed that legal description was sufficient for the agreement.

Mr. Sladek made a motion, with a second by Mr. Sanders, to approve the Proportionate Share Agreements for River Run subject to the changes requested. Motion carried unanimously.

RAC AGENDA ITEMS:

Village I - Spring Grove Northeast Planned Development

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

Present: Chris Roper and Sean Ells

Previous RAC: None

County Staff Present: None

Mr. Roper summarized the reason for the Second Amendment for the Spring Grove Northeast PD is to move the school site to the Withers PD resulting in an APF deficit for the Spring Grove Northeast PD.

- The second amendment will go simultaneously with two PD amendments currently in process.

Page 1

- Due to the platting of one neighborhood ten additional parcels #s must be added to the top of Page 1

Page 2

- Header: change “Spring Grove, LLC” to current entity in 3rd line
- Recitals C & D “KHOV” must be capitalized

Page 3

- Section 3 add “less out property platted”
- Global Comment: reference “Original Agreement” in lieu of “Agreement”

Page 5

- Applicant to confirm acreage values are correct and match the Land Use Plan
- Figures in section 7 must be changed from “56.69” to “56.68” to be consistent with the LUP
- figures in section 9 must be changed from “5.55” to “5.56” to be consistent with the LUP

[Mr. Nastasi joined the meeting at 9:32am]

Pages 5 and 6: Add a new section between sections 10 and 11 to include changes for section 2.a) of the original agreement which is currently not reflected in the second amendment.

Page 6

- Section 14 change “have obtained” to “or will obtain”

Page 7

- Subsection b) was intentionally omitted, but must be added back into the agreement
- Subsection d) change “Owner” to “Conveying Owner”

Page 8

- Section 16 No need to state “original agreement” since section 7 was adjusted in the first amendment

Page 9

- Fifth line down change “Commissioner’s” to “Commissioners”

Page 10

- Section 18 change “Owner’s” to “Owners” and in the last sentence add “conveying” in front of “Owners”

Page 14

- Remove Spring Grove, LLC signature page since no longer a party to the agreement

Page 15

- Change entity name to CH Withers, LLC (Mr. Roper and Mr. Sladek with coordinate further)

Page 18

- add “on behalf of” to Joinder and Consent by Withers, LLC, and in the acknowledgment section add “as Manager of Withers, LLC”

Mr. Sladek made a motion, with a second by Mr. Raasch to approve the Second Amendment to Adequate Public Facilities and Right Of Way Agreement for Village I, Spring Grove – Northeast Planned Development (County Road 545), subject to the changes requested, subject to review of the exhibits by County Survey, and subject to final review and approval by the RAC Committee before scheduling to BCC. Motion carried unanimously.

Village I Road Network Agreement

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

Present: Mark Thomson, Lance Bennett, Sean Ells, Mohammed Abdallah, Jose Cantero, Vivien Monaco, and Paul Rosenthal

Previous RAC: April 3, 2019

County Staff Present: Greg Scott (Transportation Planning Division)

Mr. Thomson summarized the changes to the agreement for the Committee:

- Changes to ownership pages, only the participants agreeing to sign are now included
- Added Poulos & Bennett as Engineer
- Added language to list owners with approved CELs
- Expanded concept of trip reduction
- Restructured many of the agreement sections

[Ms. Almodovar joined the meeting at 9:47am]

Mr. Weiss asked if applicants have coordinated with Staff on the PDS and DE&P scopes. Mr. Bennett responded that the PDS scope is almost finalized, but did not want to include a DE&P scope. Mr. Williams requested that the DE&P scope be included

County wants biddable plans for both CR 545 and Flemings Road especially since all ROW is not controlled by participating owners. Mr. Bennett stated certain segments may be fully controlled in which case the applicants would like to submit as an e-project.

The Committee requested that a Map and/or table showing the signatory owners be provided for next mtg.

Traffic signals need to be addressed and additional language needs to be included related to signalization.

Owners that are already entitled need to pay fees and dedicate ROW to Village I escrow agent.

Once a TCA Account has been established for Village I, then any refunds would need to be outlined in the agreement with a specific process.

Changing or reducing density should not impact providing full performance at buildout.

The Committee reviewed the Village I Horizon West Road Network Agreement Page-by Page:

Page 1

- Mr. Sladek reminded applicant that no title work was provided and is required prior to approval.

Page 2

- Uncapitalize “W” in “West Orange County”

Page 3

- Edward G. Milgrim P.A. needs to be vetted as an acceptable candidate for Escrow Agent
- Fifth whereas add “engineering” after “design” and add “as further defined as”
- Last whereas add “substantially” after “manner”

Page 4

- Section 2.1 “public safety sites” need to be defined
- Section 2.1 remove “including any stormwater management area”
- Section 2.2 strike “initially” and add “the form attached here to”
- Section 2.4 need one year surety to be provided if considered an e-project
- Section 2.4 add a defined term for Certificate of Completion
- Section 2.5 letters of credits is an outstanding issue and will be discussed at a later time

Page 5

- Section 2.6 change “to” to “by”
- Section 2.7 in the third sentence add “/or” after “and”
- Section 2.7 strike middle sentence “For the avoidance of doubt, the term “Constructing Owners” as used in Section 5 and Section 6 below, where applicable, shall mean and refer to those Signatory Owners who have become Constructing Owners in accordance with Section 15.2 of this Agreement.”
- Section 2.9 delete and add to Section 2.13
- Section 2.10 add “Flemings Road” to the title, include definition, or as an additional whereas clause
- Section 2.10 combine sections 2.10 and 2.13, and include “any appurtenances”
- Global Comment: strike all “FDEP” reference throughout the agreement, and replace with “DE&P”
- Section 2.11 strike “Final” from the title, and replace “FDEP” with “DE&P”
- Section 2.11 strike “initiatives” from the third sentence, and replace with “including traffic controls and addressing signalization timing”
- Signalization language needs to include definitions and specifically identify locations in the agreement
- Section 2.11 clarify “permitting initiatives as negotiated” and include as a defined term

[Break 10:48am – 10:58am]

Page 6

- Replace “Rad” with “Road” in the first sentence
- Section 2.13 after “approved” add “signalization and all other appurtenances as required by the County,”
- Section 2.14 in the last sentence strike “Signatory”, and replace with “Constructing”
- Section 2.20 add “met” after “be” and strike “undertaken by Signatory Owners”
- Section 2.21 in the second sentence add “as approved by the County” after “Engineer”
- Section 2.21 separate the first sentence from the second and third sentences

Page 7

- Section 2.23 in the fourth sentence strike “by the” and replace with “mutually agreed upon by the County and”
- Section 2.28 Project Engineer should be individually qualified and approved by the County
- Section 2.28 add “may” after “who” in the third sentence and expand definition of “Signatory Owner”
- Need to reconcile Section 2.27 with Section 2.28

Page 8

- Section 3.1 needs to be updated and moved down

Page 9

- Section 3.3 Owner must request to be included in the agreement and an amendment to the agreement will be required

Page 10

- Section 4.1 (a) discussion of timing for improvements
- Section 4.1 (b) Ms. Monaco asked to add “in the PDS” in the third sentence after “study”
- Section 4.1 (b) strike last sentence related to realigning of Segment 6
- Section 4.2 need to define “pace of development”

Page 11

- Section 5.1 add signal language and add “intersection traffic controls”

Agreement Discussion

- The planned Connection to Lake County should be delineated
- Include definition of alignment and profile study to be prepared as part of the PDS
- Mr. Nastasi, Mr. Williams, Ms. Almodovar, and Highway Construction will meet in a special posted RAC Meeting to discuss the e-project issue
- Cooperation agreement not yet finalized

Two Major Outstanding Issues for the Committee

- 1) Need to understand who is signing, and how they correlate to the various road segments
- 2) Outside conversation to be held with staff to discuss e-permit projects and parameters

Significant Outstanding Issues for Real Estate Management

- 1) Blanket easement to County from a multitude of Duke Energy easements
- 2) Appraisals for Flemings Road need to be provided before obtaining agreement approval at RAC
- 3) Owner funding and true up for cost of eminent domain language needs to be included

At the next RAC Meeting, the Committee will start with the review of the requested map (and/or table) of signatory owners. The Committee agreed that at the next RAC Meeting the review will begin on page 11 and that the same version will continue to be reviewed before a new redline is generated with changes requested.

Mr. Weiss adjourned the meeting at 12:03p.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.