



INTEROFFICE MEMORANDUM
Minutes
Roadway Agreement Committee
Public Works Main Conference Room
February 2, 2022

Members Present: Jon Weiss – Planning, Environmental & Development Services Department (Chair)
Diana Almodovar – Development Engineering Division (Vice-Chair)
Brian Sanders – Transportation Planning Division
Ghulam Qadir – Public Works Engineering Division
Humberto Castellero – Traffic Engineering Division
Tamara Pelc – Real Estate Management Division
Nicolas Thalmueller – Planning Division

County Staff Present: Roberta Alfonso – County Attorney’s Office
Joy Carmichael – County Attorney’s Office
Susan Martin – Risk Management Division
Jennifer Cummings – Public Works Engineering Division
Yahaira Gines – Public Works Engineering Division
Heather Brownlie – Transportation Planning Division
Tammilea Chami – Transportation Planning Division
Nannette Chiesa – Transportation Planning Division

Mr. Weiss called the meeting to order at 9:06 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 January 19, 2022 Roadway Agreement Committee (RAC) Meeting.

Mr. Castellero made a motion, with a second by Ms. Almodovar, to approve the January 19, 2022 Roadway Agreement Committee Meeting Minutes as presented. Motion carried unanimously.

Activity Summary

Mr. Weiss reviewed the two BCC items scheduled for February 8th and noted the items in Final Review.

Mr. Weiss inquired as to the status of the Second Supplemental to Hartzog Road Right of Way Agreement.

RAC CONSENT AGENDA ITEM:

- None

RAC NON-CONSENT AGENDA ITEM:

- None

RAC AGENDA ITEM:

Proportionate Share Mitigation Memorandum for Orange County Utilities Operation Center East

Discussion: Informational Item Only – No Action Required

Road Affected: Alafaya Trail

Present: Claudia Paz (OCU)

Staff Present: Matthew Ulmer, Jeff Dunn

Mr. Weiss outlined the contents of the memorandum and asked Ms. Alfonso for confirmation. Ms. Alfonso described the process created for an internal memorandum rather than a Proportionate Share Agreement.

The memorandum outlines the process for Orange County Utilities (OCU) to pay the Proportionate Share contribution payment to the Planning, Environmental, and Development Services (PEDS) Department directly.

Mr. Ulmer stated a credit account would be established for OCU to offset the transportation impact fees assessed on their building permit.

The funds would go into the Alafaya Trail accounting line for distribution for upcoming CIP projects in this area.

Mr. Weiss stated a correction is needed to modify the RAC ratification language. Ms. Carmichael to update and circulate.

Ms. Paz asked for the timeframe for getting the Memorandum signed. Mr. Weiss stated that he will execute the memorandum after Ms. Carmichael makes the revision needed.

Prime Logistics Right of Way and First Amendment to Proportionate Share Agreement

Discussion: Informational Item Only – No Action Required

Road Affected: Taft-Vineland Road

Present: Greg Lee, Mohammed Abdallah

Staff Present: Roberto Ng, Matthew Kalus

Mr. Lee is planning to submit an Amended and Restated Proportionate Share Agreement to the Committee for the February 16th RAC Meeting and will submit the required documentation by the deadline of noon on February 7th.

Discussion of credits vs. cash commenced. Mr. Weiss stated that if a payment paid under protest was refunded then Prime Logistics would accept credits for the right of way in lieu of cash. Staff needs to address timing for the refund and how this will work so that the appropriate process can be outlined for the February 16th RAC meeting. Reimbursement of the Proportionate Share Contribution Payment would be after October 1, 2022.

Mr. Ng confirmed that the Legal and Sketches are sufficient for the right of way needed so long as they are adjusted to include the area needed for the mast arm signalization. Mr. Abdallah to provide updated legals and sketches.

Mr. Sanders asked if there had been any discussion with Brightline regarding a future rail corridor. Mr. Lee had been invited to a meeting with Brightline and further coordination is still needed.

Ms. Pelc asked for an updated title commitment to be submitted for review.

COMMITTEE DISCUSSION: HARTZOG ROAD

Discussion: Informational Item Only – No Action Required

Road Affected: Hartzog Road

Present: Greg Lee, Mohammed Abdallah, Paul Sladek, Doug Hoffman (Pulte Homes)

Staff Present: Matthew Kalus

Ms. J. Cummings provided an overview of the issues concerning Hartzog Road and the ongoing Construction:

- 1) 30-foot area between Right-of-way and Conservation Easement not permitted. The Water Management District Permit does not include this 30-foot area which has been constructed upon, so the permit will need to be modified to include this area or the project will be in violation.
- 2) The Slope and Fill area exceeds the 120-feet of Right-of-way proposed. Additional easements will be required to cover the area constructed upon.
- 3) The Reedy Creek Improvement District (RCID) has closed Hartzog Road so there is no access to the north to the Flamingo Crossings Traffic Signal. Additionally, there is a two-lane taper to the intersection of CR 545 without a traffic signal.

Orange County cannot accept the road without the permit modification needed and will need to obtain the additional Right-of-way and easements required also from each property owner.

Discussion of the two-lane versus four-lane issue. The Hartzog Road Agreement allows for the Developer's to construct only two lanes at their option. The Developers did not have an obligation to construct all four lanes. Ms. Alfonso cited the 2004 Amended and Restated Developer's Agreement (OR Book/Page 7720/3015) which provided for the construction of all four lanes.

Mr. Hoffman committed to getting a Surveyor to visit the site and re-draw the easements as necessary. As-Built drawings are expected next week so the drawings may provide clarity also. Mr. Hoffman will set up a meeting with the Water Management District to update the permit.

Ms. Almodovar stated that the RCID road closure will create issues with the intersection at Hartzog Road and Avalon Road and Orange County has no jurisdiction to compel RCID to keep the roadway open. An unsignalized intersection can only accommodate so many cars and there may be a need for a cap on the number of vehicles that the roadway can safely handle. The Hartzog Road Agreement requires a traffic signal to be installed when warranted. No permits can be issued until the signalization is addressed specifically. Mr. Castillero stated traffic signal warrants are being projected for safety concerns and he agrees that there would be a safety issue at this intersection regardless of intersection capacity.

The Hartzog Road Right-of-Way and any associated easements would need to be accepted before the Del Webb Oasis plat can be approved.

Mr. Sladek suggested that the Drainage and Maintenance Easement language could be modified to include Fill/Slope language also.

Mr. Weiss has had discussions with Mark Thomson regarding the Village I Trip Releases, and there could be an opportunity for the Village I Owners to complete the four-laning and install the traffic signal to gain a small number of trips sooner.

Additional Discussion to take place at the next RAC meeting to be held on February 16, 2022.

COMMITTEE DISCUSSION: SUSTANEE TERM SHEET

Discussion: Informational Item Only – No Action Required

Road Affected: Lake Pickett Road

Present: Greg Lee, Mohammed Abdallah, Sean Ells

Staff Present: Matthew Kalus

Mr. Lee introduced the project and stated that a traffic study had been submitted and reviewed by Transportation Planning. There is a Comp Plan Amendment going through the Transmittal process which will be accompanied by the Term Sheet and then a Road Network Agreement will be required by the Adoption Hearing at the BCC.

Current Schedule: Late March 2022 - Community Meeting Scheduled

April 2022 – Local Planning Agency Hearing

Late May 2022 – Transmittal of Comp Plan Amendment BCC Public Hearing

October 2022 – potential BCC Hearing for Adoption of the Comp Plan Amendment

The Sustanee Term Sheet is modeled after the First Amendment to the Grow and provides for a payment of a \$34 Million Dollar payment in 6 installments. The mitigation approach will align with the County's infrastructure priorities moving forward. The project delivery responsibility is shifted to the Orange County CIP.

The Committee reviewed the draft Term Sheet page by page:

Page 1

- Add paragraph with traffic study date, location, and when reviewed/approved by Transportation Planning
- Expand on the mitigation language
- Line 5 needs to change since not just one parcel of land
- Line 24 conflicts with Page 5 in terms of internal capture
- Line 24 change "i.e." to "e.g."
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Mr. Abdallah stated that development program for The Grow at full buildout was accounted for in the Traffic Study

Mr. Sanders stated that Orange County has not yet identified the funding priorities which are the subject of the ongoing North East Orange County Areawide Transportation Study (NEOCATS) and none of the improvements being considered are included in the current CIP program. The NEOCATS Study results will not be available until May 2022 so this will impact the hearing discussion and community meeting messaging which are planned to occur in advance of the priorities list being circulated.

[Mr. Nastasi joined the meeting as a Staff Member at 11:15 a.m.]

Discussion of the County Cost Per Lane Mile utilized to come up with the contribution amount. The cost of materials has increased dramatically since August of 2021 when the County Cost Per Lane Mile was determined. There may need to be a statement to the BCC that the cost calculations are not based on today's dollar values. Mr. Weiss read from the Florida Statutes as to changes to rates at the time of payment.

Page 2

- Section 8 Add a statement that payment required by date certain regardless of whether trips needed or not
- Payment 1 add the word “first” before “Preliminary Subdivision Plan”
- Payment 2 define “first phase” and add “Construction Plan” before “approval”

Discussion of the possibility of Developer to deliver road improvements in addition to a payment only. Timing issues with County being responsible for improvements since CIP projects take 7 years and Sustanee could potentially be built out before improvements able to be constructed through County process.

Ms. Alfonso asked for Clarification on the following topics:

- Need for an Escrow Agent or Lead Entity to handle payments
- Need for one (1) Impact Fee Credit Account to be established and not separate accounts for each owner
- Add provision that Trips are not allowed to be sold outside the Sustanee Development
- Page 2 Section 9 - strike “requirements of the traffic impacts”
- Page 2 Section 9 - define phases
- Sections 10 and 11 - need to change “the rights, if any” for the waiver of rights
- Section 13 - cannot bind future Boards so this language needs to be adjusted
- Exhibit C needs to be revised since the AMA is going away, or delete exhibit end sentence after “Zone 2”.

The need for additional Right-of-way and/or retention pond sites from this project was discussed and needs to know whether those would be donated or if the County would need to purchase in the future through the CIP program.

Page 5

- Line 80 add comma between “34” and “081”
- Replace “size” Heading in the Table and change to “Amount” instead
- Line 81 reference on file with Transportation Planning Division
- Line 83 strike reference to “assumed sizes”

Mr. Lee to submit a revision to Transportation Planning. The Term Sheet may not return to the RAC Committee since only an informational item and no action is required.

COMMITTEE DISCUSSION – RAC TEMPLATES

The Committee Discussion was postponed to a future RAC meeting agenda.

Mr. Weiss adjourned the meeting at 12:17 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.