



## INTEROFFICE MEMORANDUM

**Minutes  
Roadway Agreement Committee  
Virtual Meeting via Webex  
October 14, 2020**

Members Present: Jon Weiss – Planning, Environmental & Development Services Department (Chair)  
Diana Almodovar – Development Engineering Division (Vice-Chair)  
Renzo Nastasi – Transportation Planning Division  
Raymond Williams – Engineering Division  
Humberto Castillero – Traffic Engineering Division  
Paul Sladek – Real Estate Management Division  
Eric Raasch – Planning Division

County Staff Present: Roberta Alfonso – County Attorney’s Office  
Stephanie Stone – County Attorney’s Office  
Gina Segui – Risk Management Division  
Yahaira Gines-Rios – Public Works Engineering Division  
Jennifer Cummings – Public Works Engineering Division  
Jeff Dunn – Planning, Environmental & Development Services Department  
Hazem El-Assar – Traffic Engineering Division  
Brian Sanders – Transportation Planning Division  
Mirna Barq – Transportation Planning Division  
Kirsten Warren – Transportation Planning Division  
Nannette Chiesa – Transportation Planning Division  
Tammilea Chami – Transportation Planning Division  
Heather Brownlie – Transportation Planning Division

Mr. Weiss called the meeting to order at 1:37 p.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 September 30, 2020 Roadway Agreement Committee (RAC) Meeting.

*Ms. Almodovar made a motion, with a second by Mr. Williams, to approve the September 30, 2020 Roadway Agreement Committee Meeting Minutes as presented. Motion carried unanimously.*

### **Activity Summary**

No updates.

### **RAC CONSENT AGENDA ITEM:**

#### **Community Health Center Bithlo Proportionate Share Agreement**

Road Affected: Colonial Drive and Chuluota Road

Present: Dave Schmidt, Stuart Buchanan

County Staff Present: None

Previous RAC: None

Mr. Williams had a question on parcel 26-22-32-0800-00-050 which did not appear on the OCPA website when conducting his research. Mr. Sladek did not have an issue with the parcel.

Applicant to strike parcel on the top of page 1 and page 10 (Exhibit B).

*Mr. Raasch made a motion, with a second by Ms. Almodovar, to approve the Community Health Center Bithlo Proportionate Share Agreement with changes discussed. Motion carried unanimously.*

**RAC NON-CONSENT PROPORTIONATE SHARE ITEM:**

- None

**RAC AGENDA ITEM:**

**Chickasaw Creek Right-of-Way Agreement**

Road Affected: Lake Underhill Road

Present: Carolyn Haslam, Mark McIntosh, Rick Baldocchi

Previous RAC: None

County Staff Present: None

Ms. Haslam provided an introduction and overview of the project.

The Committee commenced their review of the redline version of Chickasaw Creek Right-of-Way Agreement Page-by-Page:

Mr. Williams asked about Exhibit C and whether it is possible to resize the pond as necessary at a later date. Ms. Almodovar stated that she has worked with the applicant on the existing RCA Study and the calculations were performed to appropriately size the pond. Mr. Williams asked for the contingency language to be added in the event the pond size needed is larger. The Pond will serve the road only and project retention is contained elsewhere. Mr. Williams asked if the evaluation performed was a conservative approach. Mr. Baldocchi responded that he relied on the drainage basin from the RCA. Mr. Baldocchi calculated the depth of the pond greater than what the RCA proposed. Applicant is not constructing the pond - only dedicating fee simple land. Mr. Nastasi asked if there was a possibility that the County pond could pop off into the Developer's retention in the future. Mr. Williams asked if the fill slope easement could be expanded to include drainage to provide an area for further retention. PSP being scheduled to the BCC in November. Mr. Baldocchi stated the internal subdivision pond and the roadways will be County property moving forward.

The Committee asked the applicant to expand the Fill Slope Easement language to include Access and Drainage.

Specific changes to the agreement were discussed to page 3 lines 70-78. Ms. Haslam to redraft.

Page 3

- Line 79 subsection (b) should be (c) reorder this section and all the sections headings thereafter.

Page 4

- REM has confirmed the value of the appraisal. REM has reviewed the title work and there are several older encumbrances which need to be cleaned up.

Ms. Haslam to make the changes and send back to the Committee for Final Review.

***Ms. Almodovar made a motion, with a second by Mr. Castellero, to approve the Chickasaw Creek Right-of-Way Agreement with changes discussed, subject to final review of exhibits by County Survey, subject to final review by the Committee. Motion carried unanimously.***

[Break 2:35 p.m. – 2:43 p.m.]

**Supplemental to Poinciana Boulevard Extension Agreement**

Road Affected: Poinciana Boulevard

Present: Bob Paymayesh, Mohammed Abdallah, William Beckett

Previous RAC: 9/30/2020, 8/5/2020, 2/19/2020, 12/11/2019

Mr. Abdallah provided an overview of separate meetings held with staff to discuss an alternate approach.

50% credits for Construction/Design is the alternate proposal and would still need an update to current draft.

Concern from Committee Members regarding the 2-lane construction into Osceola County which would not provide the 83.7% in excess capacity.

Ms. Almodovar stated that she had met with Mr. Paymayesh and would support 50% credits for Construction/Design along with the right-of-way dedication.

Mr. Nastasi stated three areas of concern:

1. 50% credits for Construction/Design.
2. Cost not yet finalized with Development Engineering
3. All signatories from the 1999 Agreement must agree to this proposal which does not require connection to this proposal which does not require connection to the North.

Mr. Williams stated this agreement does not alleviate traffic from SR 535 and would not support credits but will support credits provided for right-of-way.

Ms. Alfonso stated she had reviewed the Joinder language and suggested changes. She still needs to confirm all owners included in the new agreement and how to distinguish the condominium owners. Mr. Sladek stated that all owners are included as requested except for the condominium owners. A policy decision is needed for the condominium owners, and how to distinguish them in the legal language needed in the agreement. Perhaps an additional whereas clause to be included in the agreement.

The Committee commenced their review of the redline version of Supplemental to Poinciana Boulevard Extension Agreement Page-by-Page:

Page 1

- Complete “Prepared By” contact information
- Enter the Parcel ID Numbers associated with the agreement
- Line 16 replace “Florida” with “Delaware”
- Lines 26-27 Countyline Properties is no longer active on Sunbiz, Owner to file updated report.

Page 2

- Mr. Abdallah stated only seeking 50% credits and not seeking anything more at a later date.
- Delete Whereas clause lines 50-52
- Update the defined term from “ROW” to “ROW&E”
- Lines 53-57 change “confirm the entitlements” to “address the award of transportation impact fee credits”

Page 3

- Line 65 add the word “are”
- Line 66 add the word “to”
- Update the Whereas Clause to include acknowledge, agree and confirm to match the joinder language.
- Lines 80-106 delete entirely
- Introduce concept of 50% credit for the project reflecting added capacity created for lanes 3 and 4

Page 4

- The Committee discussed Pond Capacity. There is sufficient capacity for roadway retention if the 2-lane section is widened in the future. The Committee asked to include a statement regarding available capacity in the agreement.
- Update all references of 83.7% to 50%.

Page 5

- Update costs and language in Section 4B
- The Committee questioned the word “cooperate” in line 115
- Line 116 remove landscaping requirement per Jennifer Cummings.

Page 7

- Line 181 replace “\$100,000” with “\$500,000”
- Line 169 subsection D may not be relevant but leave in the agreement

Page 9

- Right-of-Way to be conveyed at 100% credits for acreage provided.

Page 10

- Section 8 needs to be updated.

[Mr. Abdallah left the meeting at 4:04 p.m.]

No changes to pages 11-13

Page 14

- Strike Section 13 since credits are allowed to be assigned under 23-95

Page 17

- Lines 438 and following need to be reworked per Ms. Alfonso

Page 20

- Line 519 add “Florida limited liability Company” in the notary block

Page 21

- Line 540 add “Florida limited liability Company” in the Joinder

Page 32

- Joinder Signature change “Florida” to “Delaware”

Exhibit A

- Remove segment labels and enlarge map onto one page

Reschedule to a future meeting after Mr. Beckett has had a chance to redraft and Mr. Paymayesh to meet with Ms. Almodovar.

Mr. Weiss thanked Mr. Sladek for his contributions to RAC and adjourned the meeting at 4:17 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.**

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