



INTEROFFICE MEMORANDUM
Minutes
Roadway Agreement Committee
Public Works Main Conference Room
February 16, 2022

Members Present: Jon Weiss – Planning, Environmental & Development Services Department (Chair)
Diana Almodovar – Development Engineering Division (Vice-Chair)
Renzo Nastasi/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
Matthew Kalus – Development Engineering Division
Heather Brownlie – Transportation Planning Division
Tammilea Chami – Transportation Planning Division

Mr. Weiss called the meeting to order at 9:04 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 February 2, 2022 Roadway Agreement Committee (RAC) Meeting.

Ms. Almodovar made a motion, with a second by Mr. Castellero, to approve the February 2, 2022 Roadway Agreement Committee Meeting Minutes as presented. Motion carried unanimously.

Activity Summary

Mr. Weiss noted the two BCC items scheduled for February 8th were approved by the BCC.

Mr. Weiss provided an update on the progress of the PDS Studies for Silverleaf and Village I moving forward.

RAC CONSENT AGENDA ITEMS:

[Red Lobster was pulled off Consent for additional discussion.]

Vaishnav Sangh Proportionate Share Agreement

Road Affected: Dean Road
Previous RAC: None

Waterstar Orlando Proportionate Share Agreement

Road Affected: Avalon Road and U.S. 192
Previous RAC: None

Ms. Almodovar made a motion, with a second by Mr. Nastasi, to approve the Proportionate Share Agreements for both Vaishnav Sangh and Waterstar Orlando as presented. Motion carried unanimously.

RAC NON-CONSENT PROPORTIONATE SHARE ITEM:

Red Lobster Proportionate Share Agreement

Road Affected: Vineland Avenue and Winter-Garden Vineland Road
Previous RAC: None

A discrepancy was noted between the text on Page 2 with the Road Segment and the cost sheet at Exhibit C which was for a different road segment. Staff will need to determine which is the correct road segment so a revision can be requested.

[Motion deferred to later in the agenda to determine if the table is correct or the text in the body of the agreement.]

RAC AGENDA ITEMS:

First Amendment to Avalon Pointe Right-of-Way and Proportionate Share Agreement

Road Affected: Avalon Road (C.R. 545)
Present: McGregor Love

Mr. Weiss asked why the client is asking to remove the request for Transportation Impact Fee Credits. Mr. Love responded that the client was not specific as to the reason for this change.

The Committee reviewed the draft First Amendment page by page:

Ms. Alfonso and Ms. Carmichael have several non-substantive clean up items they will send to Mr. Love/Ms. Wilson.

Page 2 Line 7 change “in” to “of”
Page 3 Missing template language regarding conveyance to be added back in
Page 11 Request a better clearer exhibit to be provided
Page 18 Remove footer at end of document

Ms. Pelc asked for signatory authority to be provided for the names listed in the signature blocks.

Ms. Almodovar made a motion, with a second by Mr. Castellero, to approve the First Amendment to Avalon Pointe Right-of-Way and Proportionate Share Agreement with changes as discussed, subject to review and approval of the exhibits by Survey and subject to final review by the RAC Committee. Motion carried unanimously.

First Amendment to Avalon Groves PD – South Parcel Right-of-Way Agreement

Road Affected: Avalon Road (C.R. 545)
Present: McGregor Love

The Committee reviewed the draft First Amendment page by page:

Page 2 change the First Whereas to reflect the correct date of the original agreement and correct recording information Change “July 27, 2021” to “December 14, 2021”/Doc. Number to “20220013091”/Recording date to “January 6, 2022”
Page 2 Line 7 change “in” to “of”
Page 2 Line 8 change Second Whereas to state that Avalon Prose Horizons West Venture LP is a successor in interest
Page 3 Missing template language regarding conveyance to be added back in
Page 9 Ms. Pelc asked for signatory authority to be provided for the names listed in the signature blocks.
Page 11 Request a better clearer exhibit be provided

Ms. Almodovar made a motion, with a second by Mr. Castellero, to approve the First Amendment to Avalon Groves PD – South Parcel Right-of-Way Agreement with changes as discussed, subject to review and approval of the exhibits by Survey and subject to final review by the RAC Committee. Motion carried unanimously.

Red Lobster Proportionate Share Agreement

(Reconsideration)

The Table (Page 15 of 15) has the correct road segment listed, but Page 2 of the agreement needs to be updated to change the language in the Second Whereas clause from “Apopka-Vineland Road to Buena Vista Drive” to “I-4 to Apopka-Vineland Road” to match the heading in the Exhibit.

Ms. Almodovar made a motion, with a second by Ms. Pelc, to approve the Proportionate Share Agreement for Red Lobster with changes discussed. Motion carried unanimously.

[BREAK 9:36 a.m. to 10:04 a.m.]

[Mr. Sanders replaced Mr. Nastasi at the table and Mr. Nastasi remained in the room as a staff member.]

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

Road Affected: Taft-Vineland Road

Present: Greg Lee,

Staff Present: Roberto Ng, Ken Leeming

Mr. Lee stated the First Amendment is needed due to the change in size of the development from 830,000 square feet to 840,000 square feet which requires a larger Proportionate Share Payment.

Discussion of the amount being requested as a refund for \$856,096.00 rather than both amounts.

Discussion of the Right Rail project along Taft-Vineland and how that will impact the corridor and roadway project.

Mr. Nastasi stated that Orange County cannot acquire right-of-way on behalf of the rail project, only what is needed for Road right-of-way.

Discussion of the need for a left turn lane in the interim condition and whether or not this would be required for the ultimate configuration. The County Design Engineer is performing a plan update which could change the ROW needs for the roadway. There may also need to be a re-evaluation of the pond size and location needed from this property.

Discussion of whether it would be advisable/feasible to separate the First Amendment to the Proportionate Share Agreement from the Right-of-Way component.

[Mr. Nastasi left the meeting at 10:30 a.m.]

Mr. Castellero asked for a copy of the Traffic Study for Prime Logistics.

Rescheduled to a future RAC Agenda for further discussion once Owners have met with the Right Rail representatives.

COMMITTEE DISCUSSION: HARTZOG ROAD

Discussion: Informational Item Only – No Action Required

Road Affected: Hartzog Road

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

Mr. Hoffman provided an update as to a meeting held on Monday Morning with Orange County staff and acknowledged there are several areas where the slope exceeds the right-of-way limits. Staff are still evaluating if additional environmental impacts occurred and are looking at the various permits to see which (if any) need to be modified.

Discussion of the need for different type(s) and different size(s) of easements which would then need to be captured in the language of the Second Supplemental Agreement to Hartzog Road Right-of-Way Agreement.

Discussion of the 2-lane road versus the 4-lane road. Mr. Sladek stated that the 2004 Amended and Restated Hartzog Agreement obligates the Developer to design to 4-lanes and convey ROW for 4-lanes, but only to Construct to 2-lanes. There are several options for how the additional two lanes could be constructed.

Ms. Almodovar stated that a traffic signal warrant should be undertaken at the expense of the Developer to determine if a traffic signal is required at the intersection of Hartzog Road and Avalon Road. This requirement is in Section 4 of the

2008 Hartzog Road Agreement. Mr. Sanders stated there is a Preliminary Design Study underway for Avalon Road in this area and the traffic will be reviewed as part of that study also.

Second Supplemental to Hartzog Road Right-of-Way Agreement

Road Affected: Hartzog Road

Present: Greg Lee, Paul Sladek, Doug Hoffman

A list of outstanding items from the Final Review was provided for discussion.

Page 22 Lines 465-467 need to be adjusted to change the tense. The ROW will have been conveyed before the Shared Use Agreement is entered into. Mr. Lee to make this change.

Page 32 Exhibit C Ms. Almodovar asked for clarification of the exhibit to separate the ROW from the drainage area and clean up some of the line work. Mr. Lee to revise the exhibit accordingly.

Page 6 Section 2(h) Lines 143-146 Mr. Sladek to add a subsection (iv) to include slope easements (which would be temporary in nature but would not expire until surrounding areas built up so in essence permanent in wetland areas).

Page 7 Line 150 Change “will” to “may” Mr. Sladek asked to re-draft instead to state if constructed to final configuration.

Page 1 Revise Parcel ID #s as some parcel numbers may have changed recently.

Page 23 Line 522 Ms. Cummings asked to have the permit number corrected to read “4801794-P”.

Ms. Almodovar made a motion, with a second by Mr. Castellero, to re-approve the Second Supplemental to Hartzog Road Agreement with changes as discussed, subject to review and approval of the exhibits by Survey and subject to final review by the RAC Committee. Motion carried unanimously.

COMMITTEE DISCUSSION – RAC TEMPLATES

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

Mr. Weiss adjourned the meeting at 11:56 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.