



INTEROFFICE MEMORANDUM

Minutes Roadway Agreement Committee Public Works Main Conference Room & Virtual Component via Webex January 6, 2021

Members Present: Jon Weiss – Planning, Environmental & Development Services Department (Chair) (virtual)
Diana Almodovar – Development Engineering Division (Vice-Chair) (in-person)
Renzo Nastasi – Transportation Planning Division (in-person)
Raymond Williams – Engineering Division (in-person)
Humberto Castellero – Traffic Engineering Division (in-person)
Jeff Sponenburg – Real Estate Management Division (virtual)
Eric Raasch – Planning Division (virtual)

County Staff Present: Roberta Alfonso – County Attorney’s Office (virtual)
Joy Carmichael – County Attorney’s Office (virtual)
Stephanie Stone – County Attorney’s Office (virtual)
Gina Segui – Risk Management Division (virtual)
Susan Martin – Risk Management Division (virtual)
Joe Kunkel – Public Works Department (virtual)
Jennifer Cummings – Public Works Engineering Division (virtual)
Yahaira Gines-Rios – Public Works Engineering Division (virtual)
Jeff Dunn – Planning, Environmental & Development Services Department (virtual)
Brian Sanders – Transportation Planning Division (virtual)
Mirna Barq – Transportation Planning Division (virtual)
William Blackham – Real Estate Management Division (virtual)
Mindy Cummings – Real Estate Management Division (virtual)
Nannette Chiesa – Transportation Planning Division (virtual)
Tammilea Chami – Transportation Planning Division (virtual)
Heather Brownlie – Transportation Planning Division (virtual)

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 December 9, 2020 Roadway Agreement Committee (RAC) Meeting.

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- Line 65 replace “Mark Thomson will” with “Shutts & Bowen (Mark Thomson) would”
- Lines 79, 89, and 97 replace “Sponenberg” with “Sponenburg”
- Line 89 add an “s” to “Fleming”
- Line 106 add “, upon compliance with the escrow agreement”

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- Line 113 change “Tern” to “Term”
- Line 137 add “Mr. Nastasi to research this matter.”
- Line 194 replace “Motion carried unanimously.” with “Motion 6-1 with Mr. Williams voting in the negative.”

Mr. Nastasi made a motion, with a second by Mr. Williams, to approve the December 9, 2020 Roadway Agreement Committee Meeting Minutes with changes. Motion carried unanimously.

Activity Summary

Mr. Weiss reviewed the agreement items going to the BCC.

RAC CONSENT AGENDA ITEM:

University Station Proportionate Share Agreement

Road Affected: University Boulevard / East West Road
Present: Jose Chavez (virtual), Freddy Boulton (virtual)
Previous RAC: 8/19/20, 6/17/20

The Spot @ Silver Lining Proportionate Share Agreement

Road Affected: Winter Garden-Vineland Road
Present: Saleh Parvez (virtual), Russ Cammack (virtual)
Previous RAC: None

Mr. Sponenburg made a motion, with a second by Ms. Almodovar to approve the University Station and The Spot @ Silver Lining Proportionate Share Agreements as presented. Motion carried unanimously.

RAC NON-CONSENT PROPORTIONATE SHARE ITEM:

Reserve at Park Manor Proportionate Share Agreement

Road Affected: Lake Underhill Road
Present: Neil Klaproth (virtual), Jon Bills (virtual)
Previous RAC: None

Mr. Sponenburg requested signatory authorization documents for Aaron Matson.

Ms. Almodovar requested that the notary block on the signature page be updated to reflect “2021” in lieu of “2020”.

Ms. Almodovar made a motion, with a second by Mr. Castellero, to approve the Reserve at Park Manor Proportionate Share Agreement with changes discussed, subject to final review by the Committee. Motion carried unanimously.

RAC AGENDA ITEM:

Horizon West–Town Center Horizon Vue PD Road Network Agreement

Road Affected: Avalon Road
Present: Juli James (virtual), Keith Trace (virtual), Sid Gautam (virtual)
Previous RAC: None

Ms. James introduced the revisions to the project since the last RAC Meeting.

Mr. Stehli indicated that upon communication with County the pond size will be 0.85 acres. Ms. Cummings stated pond size needs to be 0.89 acres.

The Committee commenced their review of the redline version of Horizon West–Town Center Horizon Vue PD Road Network Agreement Page-by-Page:

Page 2

- Line 55 change “BOCC” to “BCC” and throughout the agreement.

Mr. Weiss asked Mr. Raasch to reconfirm APF acreages in Final Review.

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Ms. Barq stated to fill in the blank on line 127 with January 4, 2021. Ms. Barq stated that the cost per lane mile was updated on September 1, 2020. The value of \$595,435 reflected in the agreement is based on the 2019 cost per lane mile.

Therefore, line 136 must be updated by using the new cost per lane mile (\$3,552,347). Table 4 of the Traffic Study must also be updated.

Discussion of whether old cost should be used since in process when rate changed or not. Mr. Nastasi asked for a clarification on the process.

Ms. Barq stated that the traffic study was dated November 2020, well after the September 1, 2020 cutoff date for utilizing the new value. Ms. Barq to update value and calculate final total.

Section 4.2 – Mr. Weiss questioned the transferability of trips. Ms. James responded that this is the same language used in the Hamlin West and Silverleaf agreements.

Ms. Almodovar asked to delete “(other than a mass grading only PSP or DP)” in line 140. Ms. James stated that the language was included in both the Hamlin West and Silverleaf agreements. Committee agreed to leave the language in place.

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Ms. Almodovar asked to revise the pond acreage to 0.89 acres and for that acreage to be finalized by Mr. Stehli and Ms. Cummings. The final value for the pond would change the APF deficit value and the corresponding deficit fee. Mr. Stehli stated 0.85 is the correct acreage, but will follow-up with Ms. Cummings after the meeting.

Mr. Raasch stated that a sheet swap will be required since the DRC plans reflect 0.80 for the pond and needs to be consistent with the DRC item for BCC.

Ms. Alfonso questioned the change from “a condition” to “prior to” in lines 210-213. Ms. Alfonso asked to add “by Owners” in line 208 after “delivered” and in line 212 after “fee”.

Ms. Almodovar requested to change the values on line 194 from “7.96” to “7.76” and “8.18 acres” to “10.71 acres” in line 196.

Page 7

Review of changes made to Section 9.2. Need to clarify that the wall is a separate tract so that the County is not required to maintain.

- Line 252 add “, as applicable” after “the Property)”
- Line 255 add the word “current” before “commitment”

Mr. Williams questioned the language stating no ESA for the pond easement in line 234. Ms. Martin stated an internal meeting had been held and it will not be required to submit an ESA for the pond for this project specifically.

Ms. Almodovar requested to change “may” to “shall” in line 251 to ensure that a POA is created to maintain the pond. Ms. James stated that a POA has already been established.

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Section 11 – Mr. Weiss asked about the timing for conveyance in relation to the award of impact fee credits. Could be an issue if conveyed later. May need the refund similar language from the Waterford Lakes Multifamily Right-of-Way and Proportionate Share Agreement (Document #20200644321).

Mr. Weiss asked Ms. James to delineate the payment being reduced by the value of right-of-way so when the check is delivered Staff understands where the amount derived from.

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Ms. Alfonso felt the “use” language is too broad in line 358 and to delete “use of its portion of”. Ms. Alfonso requested same changes in line 372.

Page 15

Mr. Sponenburg asked for the mortgagee (Jaffers) that holds the mortgage to sign a Joinder.

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- Exhibit A to be revised

Page 19

- Exhibit C Pond Easement pending review and comment by Real Estate Management

Page 20

Mr. Williams had issues with the language in line 698, and requested changes since inconsistent with agreement text.

Mr. Williams requested to change “shall” to “may”. Ms. James would prefer to leave the “shall” language.

Discussion of subordination of other interests so that pond easement is superior to utility and other easements.

Ms. Alfonso suggested adding the word “proposed” or determine specifics and add to exhibit.

Discussion of retention pond functionality and County concerns with other enhanced design features taking away from County use of then pond to drain CR 545/Avalon Road retention.

Ms. Alfonso suggested County review and approval of other uses.

Ms. James seeking to have a final document in advance and not have to go back and revise the pond agreement at a later time.

Ms. Alfonso suggested an exhibit to be included.

- Option 1 use “shall” and add an exhibit
- Option 2 subject to reasonable approval of the County

Ms. James to follow-up with her client as to which option works best. Ms. James asked on the timing for comments from Real Estate Management. Mr. Sponenburg stated by the end of this week.

Ms. Almodovar stated all dates on page 20 need to reflect 2021.

Mr. Weiss asked Ms. Barq for the final value to be included for fair share. Ms. Barq stated the final fair share amount is \$625,755 (\$30,320 increase from original value of \$595,435).

Mr. Weiss reviewed the changes requested at today’s meeting.

Mr. Sponenburg made a motion, and withdrew the motion due to lack of a second motion.

Committee requested to bring back the revisions to the next meeting for additional review since so many technical changes are still being worked out.

[BREAK FROM 10:40 A.M. – 10:50 A.M.]

DISCUSSION ITEM:

Proposed Changes to Hamlin West and Town Center West (Silverleaf) Agreements

Road Affected: Avalon Road

Present: Jim Willard (virtual), Denver Marlow (virtual), Dennis Seliga (virtual), Ken Kupp (virtual), Mark Stehli (virtual)

Mr. Willard introduced the discussion for changes necessitated to add Boyd as a Constructing Owner for advancement of road construction.

Boyd under contract to purchase approximately 200 acres from the Silverleaf property including 545 frontage.

Silverleaf to retain single family property to the west. Wellness Way to connect from CR 545/Avalon Road to US 27 in Lake County and Boyd has been actively working on.

One page Bullet Point Summary provided for Committee review.

Item 2 Hamlin West Road Network Agreement discussed first and remaining funds in Hamlin West Escrow Account.

Proportionate Share payments including Town Center East pipelined into Hamlin West.

Amend Hamlin West Agreement to remove obligation for CR 545/Avalon Road and redirect funds from Hamlin West Escrow Account.

Silverleaf has the existing obligation of improving CR 545/Avalon Road and New Independence Parkway Extension.

Existing fair share obligation of about \$363,000 remaining from Hamlin West Road Network Agreement.

First item on Bullet Point Summary discussed with the Committee. Boyd seeking to construct NIP simultaneously with CR 545 improvements.

January 27th land exchange between Karr and Counties.

Option agreements – 200 ft. of right-of-way in Lake County to tie into Orange County at County Line. Options once exercised allow for purchase of right-of-way for roadway from Conserv in the amount of \$45,000 per acre for 13.2 acres in Orange County. Option agreements should be activated in next several weeks.

Looking for 4-way intersection at CR 545/New Independence Parkway ultimately. Right-of-Way conveyed for CR 545/Avalon Road to County already.

Silverleaf would retain obligation for CR 545. Boyd to be added as a Constructing Owner to undertake Design and Construction of New Independence Parkway/Wellness Way.

Dividing obligations between two entities and allowing simultaneous work on both projects at once.

Original Silverleaf agreement provided for 600 trips in advance for Non-Constructing Owners. Amendment requests 1200 trips to be provided at outset to non-constructing owners since two owners now.

Ms. Almodovar asked who will be completing the PDS for CR 545. Silverleaf (Jen Florida) will remain responsible for PDS underway.

Design of New Independence Parkway in Lake County is underway through Lennar. Discussion of retaining same design engineer for Orange County portion.

Mr. Nastasi asked about timing Mr. Willard stated option agreements must be finalized and then design and construction to proceed.

Developers want to make the connection to US 27 on both sides as do both Counties.

Mr. Nastasi requested an updated traffic analysis to include Lake County traffic and impacts to Orange County network.

Concern if New Independence Parkway Extension completed first could be an issue if CR 545/Avalon Road still under construction. Segment 1 of CR 545 in Village H may be years away still. Submitting 30% plans for first 2 segments of Silverleaf.

Signalization discussed and issues outstanding along CR 545.

Mr. Weiss stated that a Horizon West overview is being provided to incoming District 1 Commissioner (Wilson).

1200 trips in advance represents less than 30% of total trips.

Village F and Village H have clear trip release thresholds however Silverleaf is a funding for trips arrangement.

Mr. Nastasi stated the challenge is at the intersections and a possible solution would be to add a condition to this agreement and install temporary signals at the Developer's cost until such time as permanent signals can be installed. Mr. Willard agreed to look into this concept further with staff.

Coordination between Boyd and Jen Florida on responsibilities underway and would need to be specifically delineated in First Amendment.

Item 1C from Bullet Point Summary – Boyd to fund the purchase of 13.2 acres in Orange County at \$45,000 per acre and seeking reimbursement of \$22,500 per acre.

Item 1D to continue pipelining of transportation impact fees from Town Center East and Town Center West/Hamlin towards these projects but no credits or trips would be available for these dollars (does not decrease obligations).

Discussion of impact fees to be pipelined versus impact fee credits to be obtained.

Example of Impact Fee collection in Village I to the Escrow Agent provided by Mr. Weiss. Mr. Nastasi had some concerns with this approach.

Item 2 – Mr. Willard described Fire Station property to be added into Hamlin West agreement. No additional entitlements for 15 acre Fire Station Parcel. Adding onto Hamlin West for development with existing entitlements.

Deeds for CR 545/Avalon Road have been recorded. Only missing right-of-way is coming from Jaffers (ROW & Pond). Mr. Williams asked if there was any uncontrolled right-of-way for either road project. Mr. Weiss stated Horizon Vue is the last non-controlled parcel needed for CR 545 and that Conserv agreements cover acquisition of Wellness Way. Boyd right-of-way has been dedicated or reserved by plat.

PDS underway however Silverleaf seeking to submit 30% plans.

Direction from Committee for Mr. Willard to draft the proposed amendments for review at a future RAC date.

Mr. Willard to engage a traffic consultant to look at traffic impacts from Lake County and report back.

Mr. Weiss had two final points for the RAC Committee:

1. Bill Blackham to represent Real Estate Management from the next meeting forward.
2. Joy Carmichael to be working with Ms. Alfonso.

Mr. Weiss adjourned the meeting at 12:06 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.

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