




Interoffice Memorandum

July 15, 2020

TO: Mayor Jerry L. Demings  
and Board of County Commissioners

FROM: Joseph C. Kunkel, P. E., Director, Public Works Department 

CONTACT PERSON: Raymond L.A. Williams, P. E., Manager  
Engineering Division, Public Works Department 

PHONE NUMBER: (407) 836-7909

SUBJ: Northerly Extension of Hamlin Groves Trail – Amendment #5 from New Independence Parkway to Tiny Road

Orange County entered into a Road Network Agreement with SLF IV/Boyd Horizon West JV, LLC for the Northerly Extension of Hamlin Groves Trail from New Independence Parkway to Tiny Road, recorded as Document #20150101060, Book 10881, Page 2327 in the public records of Orange County. The agreement provided for the design, engineering, permitting, and construction of an approximately two-mile extension of Hamlin Groves Trail in two phases. The first phase of the roadway has been constructed. The second phase which is the northerly extension of the roadway to Tiny Road through Conserve II property is under construction and nearing completion.

Per the Agreement, the developer is responsible for paying 25% of the cost of the design and County pays 75% of the design and 100% of the mitigation costs. The purpose of this amendment is to provide sand skink mitigation, geotechnical exploration for mast arm at Tiny Road intersection, and gopher tortoise permitting as detailed on the attached funding request #3 from the developer. The total amount for this amendment is \$213,467.19.

The following are the previous contract actions:

**Original Contract: Board Approval: 2/24/15 Amount: \$622,910**

Orange County entered into a Road Network Agreement with SLF IV/Boyd Horizon West JV, LLC for the Northerly Extension of Hamlin Groves Trail from New Independence Parkway to Tiny Road. The agreement included design of roadway, drainage, and signalization for the Northerly Extension of Hamlin Groves Trail, survey, geotech, environmental, and construction plan preparation.

**Amendment No. 1: Board Approval: N/A Executed: 7/05/16 Amount: \$9,000**

Amendment #1 included additional survey of wetland area, and getting cross sections of lands under water. It also included additional borings in the same low areas. This amendment was below the cost increase threshold required for Board approval.

July 15, 2020

**Hamlin Groves Trail – Amendment #5**

Page 2

**Amendment No. 2: Board Approval: N/A Executed: 09/12/16 Amount: \$12,000**

Amendment #2 included additional survey to set benchmarks for construction and preparation of survey control sheets, which are County requirements. This amendment was below the cost increase threshold required for Board approval.

**Amendment No. 3: Board Approval: 06/20/17 Executed: 06/20/17 Amount: \$329,293.86**

Amendment #3 included additional survey information, and incorporate additional historical groundwater data from the Conserve II property into the drainage and roadway design. This amendment exceeded the cost increase threshold and required Board approval.

**Amendment No. 4: Board Approval: N/A Executed: 09/28/17 Amount: \$6,960**

Amendment #4 included archeological survey in accordance to the Florida Chapter 1A-46 F.A.C. This amendment was below the cost increase threshold required for Board approval.

**Action Requested: Approval of Amendment No. 5 to the Road Network Agreement with SLF IV/Boyd Horizon West JV, LLC for the northerly extension of Hamlin Groves Trail from New Independence Parkway to Tiny Road in the amount of \$213,467.19, for a revised total contract amount of \$1,193,631.05. District 1.**

**District 1.**

JCK/RLAW/RNG/ilc

Attachment

**SLF IV / Boyd Horizon West JV, LLC**  
**14422 Shoreside Way, Suite 130, Winter Garden, FL 34787**  
**407/352-5858**

December 20, 2019  
Revised February 26, 2020  
**Revised May 29, 2020**

Heather Brownlie  
Orange County Public Works Department  
4200 S. John Young Parkway  
Orlando, FL 32839

---

Reference: Funding Request #3 – Review and Approvals  
Hamlin Groves Trail Extension & Tiny Road – Road Design DEP Costs (Softs Costs)  
Under the Road Network Agreement (Northerly Extension of Hamlin Groves Trail from NIP to Tiny Road)  
by and between SLF IV/Boyd Horizon West JV, LLC and Orange County

Dear Heather,

Earlier this year we requested input on how to request reimbursement for work performed under the above-referenced agreement but previously denied as submitted in our previous Funding Requests #1 and #2. In previous conversations, we have been pointed to the Agreement, Section 6.5.1 stating that "Any changes or additions to such approved DEP costs shall require prior County review and approval. Any change order for an amount of more than ten percent (10%) of the estimate, alone or in the aggregate, shall require approval by County's Board of County Commissioners."

Therefore, we hereby submit the following paid invoices for review and approval, or for submittal to the Board of County Commissioners to be approved as Amendment No. 5 to the Agreement.

**1. Skink Mitigation: \$199,700.00 (100% of cost)**

The permittee was required to purchase 10 mitigation credits from an approved Fish and Wildlife Service sand skink bank as required in Condition G of Permit TE02053C-0. Boyd Development Corporation purchased 40 skink mitigation bank credits at \$19,970 each, totaling \$798,800 from TCP II Scrub Bank. An addendum to the contract was issued selling 30 skink mitigation credits to CHM, LLC for \$19,970 each totaling \$599,100. **This left 10 skink mitigation bank credits remaining, totaling \$199,700** of which \$79,880 was already paid for with the initial deposit. The balance due of \$119,820 was paid by SLF-IV/Boyd Horizon West JV, LLC (a Boyd Development subsidiary) by check no. 1498 for \$79,880, and an electronic funds transfer of \$39,940. We are presenting correspondence supporting payment and receipt by TCP II Scrub Bank to the Board of County Commissioners for approval under Amendment No. 5 for the full amount of \$199,700. (Note: To be reimbursed at 100% of cost as opposed to 75% for design expenses).

**2. Supplemental Tiny Road & Signal Mast Arms: \$3,450.00 (100% of cost)**

Terracon contracted in the amount of \$10,500.00 for Supplemental Tiny Road & Signal Master Arms, approved by Joe Kunkel on 2-10-15. The County previously reimbursed Terracon invoice T685710 in the amount of \$7,500 (100%) on Invoice No. 1. The total amount currently owed is \$3,450.00 for **Terracon Invoice No. T896337** (removed from Invoice No. 2 per the County's instruction). We are resubmitting the invoice for submittal to the Board of County Commissioners for approval under Amendment No. 5 reimbursable at 100% of the cost.

**3. Additional Gopher Tortoise Remediation and Project Coordination: \$10,317.19 (75% of the \$13,756.25 overage)**

The original approved contract for Gopher Tortoise Remediation was \$51,800.00. After the initial permitting work was complete for the removal of 24 gopher tortoise, it was discovered that an additional 4 needed to be removed. The permit was approved as amended specifically for this work and Bio Tech contracted in the amount of \$11,580 for the additional removal of 4 Tortoises. The attached invoices from BTC to Boyd (Inv. 146302 & 147323) show the deposit for mitigation fees and recipient site reservation for the initial 24 gopher tortoise. **Bio-Tech Invoice 147328** documents the relocation of the 4 additional adult tortoises along with the increased fees. The Recipient site invoice to BTC (Ecological Consulting Solutions Inv. 3099) is provided to show the final total of 28 relocated adult tortoises along with 16 hatchlings and juveniles.

In addition, General Project Coordination charges were to be billed hourly per the approved contract. The following invoices (paid under Invoice No. 2) had General Project Coordination hours billed, totaling \$2,936.25. The detail of the hours billed is below:

1. Inv. 144012-Coordination with KCG (Steve Kreidt and Scott Gentry) on plan changes, responses for SFWMD, status meeting with Boyd Development
2. Inv. 144172-Coordination with Jenn Cummings (mitigation), Coordination with KCG (Scott Gentry) site plan discussions, status meeting with Boyd Development, coordination with Robert Hunt (KCG)
3. Inv. 144765-coordination with Jenn Cummings (mitigation), Dennis Seliga, Robert Hunt (KCG) and Scott Gentry (KCG) for accounting and schedule updates
4. Inv. 145458-coordination with Jenn Cummings (accounting/mitigation), Dennis Seliga, meeting with the SFWMD
5. Inv. 145747-coordination and meetings with Robert Hunt (KCG) for SFWMD permitting/schedule, coordination with SFWMD staff, coordination with mitigation banks for pricing

The total spent on remediation was \$65,556.25. Therefore, we are providing the backup for submittal to the Board of County Commissioners for approval under Amendment No. 5 for the additional \$13,756.25 (to be reimbursed at 75% of cost or \$10,317.19).

Note, that as of this writing \$51,800 of expense has been reimbursed by the County at 75% of the cost, or \$38,850. **Bio-Tech invoice 147323** was reduced on Invoice No. 2 per the County's instruction. Therefore, in addition to Bio-Tech Invoice 147328 above (for the 4 additional gopher tortoises), we are resubmitting Invoice 147323 for the 75% balance due of \$1,632.19 for the combined total of \$10,317.19.

The total amounts requested above total **\$213,467.19**. As some of these costs date back to 2016, we would appreciate any assistance in expediting the review/approval process. Please let us know which items can be submitted immediately under the previously established funding request process, and which items will require an amendment to the Agreement.

In addition, per Section 4.1(i) of the Agreement ("Transportation Impact Fee Credits"), we will soon be submitting a request for Transportation Impact Fee Credits for our portion of the DEP costs we are eligible to receive under the Agreement.

Sincerely,



Dennis Seliga  
Development Manager