



Interoffice Memorandum

January 16, 2018

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: James E. Harrison, Esq., P.E., Chairman
Roadway Agreement Committee

SUBJECT: February 6, 2018 – Consent Item
Termination of Agreement Between Orange County, Florida and
Orlando-Orange County Expressway Authority Regarding New
Independence Parkway Extension

The Board of County Commissioners approved the Agreement between Orange County, Florida and Orlando-Orange County Expressway Authority (OOCEA) regarding New Independence Parkway Extension on December 6, 2011 and the approved agreement was recorded at OR Book/Page 10307/9094. The agreement provided for the construction of the New Independence Parkway extension from Schoolhouse Pond/Tiny Road to the interchange at SR 429 with funding participation by OOCEA (now Central Florida Expressway Authority(CFX)) in the amount of \$750,000. The payment was made by OOCEA to Orange County upon road construction which was completed on November 11, 2013 in partnership between the County, CFX, and SLF IV/Boyd Horizon West JV, LLC via a separate agreement.

Per the terms of Section 4 of that agreement, County and OOCEA may terminate the agreement. A Termination Agreement has been prepared by the CFX under the provisions of Section 4 of the approved agreement since all of the terms of the agreement have been met.

The Specific Project Expenditure Report and Relationship Disclosure Forms are not required for this item.

ACTION REQUESTED: Approval and execution of Termination of Agreement between Orange County, Florida and Orlando-Orange County Expressway Authority regarding New Independence Parkway Extension to terminate the original agreement approved on December 6, 2011 since all terms have been met. District 1.

JEH|HEGB:am

Attachments

**TERMINATION OF AGREEMENT BETWEEN ORANGE COUNTY, FLORIDA AND
ORLANDO-ORANGE COUNTY EXPRESSWAY AUTHORITY REGARDING NEW
INDEPENDENCE PARKWAY EXTENSION**

This TERMINATION OF AGREEMENT BETWEEN ORANGE COUNTY, FLORIDA AND ORLANDO-ORANGE COUNTY EXPRESSWAY AUTHORITY REGARDING NEW INDEPENDENCE PARKWAY EXTENSION (the “**Termination**”) is made and executed effective as of the latest date of execution by the parties (the “**Effective Date**”) by CENTRAL FLORIDA EXPRESSWAY AUTHORITY, a body politic and corporate and an agency of the state, under the laws of the State of Florida, whose address is 4974 ORL Tower Road, Orlando, Florida 32807 (“**CFX**”) and ORANGE COUNTY, a charter county and political subdivision of the State of Florida, whose mailing address is P.O. Box 1393, Orlando, Florida 32802 (“**County**”).

WHEREAS, County and Orlando-Orange County Expressway Authority, (“**OOCEA**”) entered into that certain Agreement Between Orange County, Florida and Orlando-Orange County Expressway Authority Regarding New Independence Parkway Extension (the “**Agreement**”) on December 6, 2011 which was recorded in the Orange County Public Records on December 16, 2011 at O.R. Book 10307, Page 9094, Public Records of Orange County, Florida; and

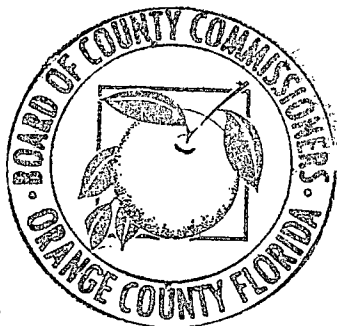
WHEREAS, CFX is the successor of OOCEA; and

WHEREAS, pursuant to Section 4 of the Agreement, County and CFX may terminate the Agreement at such time that the entire OOCEA Contribution, as defined therein, has been paid by CFX to County; and

WHEREAS, the entire OOCEA Contribution has been paid by CFX to County.

NOW THEREFORE, County and CFX do hereby agree that the Agreement has been fulfilled in all respects, shall now be considered terminated and shall no longer be an encumbrance upon the property depicted in Exhibit “A” to the Agreement.

WHEREFORE, County and CFX as set forth below have executed this Termination as of the dates noted below.



ORANGE COUNTY, FLORIDA

By: Board of County Commissioners

By: *Teresa Jacobs*
Teresa Jacobs,
7th Orange County Mayor
Date: 2.6.18

ATTEST: Phil Diamond, CPA, County Comptroller
As Clerk of the Board of County Commissioners

By: *Katie Smith*
Deputy Clerk

Print Name: Katie Smith

**CENTRAL FLORIDA EXPRESSWAY
AUTHORITY**, a body politic and corporate,
and an agency of the state, under the laws of
the State of Florida

Regla Lamaute
Print Name: Regla Lamaute

Print Name: _____

By: [Signature]
Print Name: Laura Kelley
Title: Executive Director
Date: 1/8/18

**APPROVED AS TO FORM FOR
EXECUTION BY A SIGNATORY OF THE
CENTRAL FLORIDA EXPRESSWAY
AUTHORITY**

By: [Signature]
General Counsel

The foregoing instrument was acknowledged and subscribed before me this 11th day of Jan, 2018, by Laura Kelley as Executive Director of the Central Florida Expressway Authority, a body politic and corporate and an agency of the state, under the laws of the State of Florida, as successor to Orlando-Orange County Expressway Authority. He/She is personally known to me or has produced n/a (type of identification) as identification.

 **NOTARY SEAL**
REGLA LAMAUTE
MY COMMISSION # FF 897031
EXPIRES: November 6, 2019
Bonded Thru Budget Notary Services

[Signature]
Notary Public
Print Name: Regla Lamaute

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