



COUNTY ATTORNEY'S OFFICE
MEMORANDUM

To: Board of County Commissioners

Through: Robert A. McMillan, County Attorney

From: Henry M. Brown, Assistant County Attorney *HMB*
Ext. 5736

Concur: Bob Briggs, Administrative Manager, Environmental Services *BB*
Jeff Thompson, P.E., Environmental Services *JT*

Date: December 15, 2005

Subject: Settlement Authorization
Consumers/Lake Hayes Transmission Main Project
Parcel No. 12
Owners: Evans Investments, LLC/B.F. Wheeler, Jr. /Miriam Martin
Seminole County v. Ratcliff, et al.
Case No. 2005-CA-1559-13-L

This memorandum requests settlement authorization by the Board of County Commissioners (BCC) as to Parcel No. 12 on the Consumers/Lake Hayes Transmission Main Project. The recommended settlement is at the total sum of \$18,500.00 inclusive of all land value, severance damage, statutory interest, attorney's fees and cost reimbursements.

I PROPERTY

A. Location Data. Parcel No. 12 is located along the south side of Chapman Road, approximately 1/2 mile west of Alafaya Trail. A location map attached is Exhibit A and a parcel sketch as Exhibit B.

B. Street Address. The property is vacant and, therefore does not have an address assigned.

II AUTHORITY TO ACQUIRE.

The BCC adopted Resolution No. 2003-R-118 on July 22, 2003, authorizing the acquisition of Parcel No. 12 and finding that the Consumers/Lake Hayes project serves a public purpose and is in the best interests of the citizens of Seminole County. The

Order of Take occurred on November 7, 2005, with Seminole County receiving the right to permanently use Parcel No. 12 on November 16, 2005, the date of the good faith deposit.

III ACQUISITIONS AND REMAINDER

Parcel No. 12 is a permanent, perpetual easement of 17,652 square feet. The parent tract consists of 11.97 acres. The easement is at the rear of the property under the Florida Power transmission line easement. The property in the after will remain 11.97 acres encumbered by the 17,652 square foot easement.

IV APPRAISED VALUES

A. County Report. An appraisal report was prepared by HDR Acquisition Services, Inc., and opined full compensation as of December 12, 2003, to be \$3,500.00. The update for the order of take opined full compensation to be \$4,800.00 as of September 1, 2005.

B. Owners' Report. The owners had a preliminary report prepared by Walter Carpenter, MAI to opine full compensation at \$28,500.00. The owners' report contended severance damage resulting from a loss of retention pond area due to the underground transmission pipes.

V BINDING WRITTEN OFFER/NEGOTIATION

The BCC approved written offer was \$3,800.00. The negotiated settlement sum is a cost avoidance settlement.

VI ATTORNEY'S FEES AND COSTS

The negotiated settlement at \$18,500.00 is inclusive of all attorney's fees and cost reimbursements. The owners' claimed appraisal costs totaling \$5,900.00.

VII RATIONALE AND COST CONTROL

The current spread on land value is between \$28,500.00 and \$4,800.00. The settlement sum is close to the mid-point; however, it is inclusive of all attorney's fees and cost reimbursements. Costs are already at \$5,900.00 for appraisal services. The County's exposure in the case is \$28,500.00 for land and \$5,900.00 for appraisal services with attorney's fees and costs continuing.

Considering the exposure, the inclusive settlement makes sense.

VIII RECOMMENDATION

County staff recommends that the BCC approve this settlement in the total amount of \$18,500.00 inclusive of land value, severance damage, statutory interest, statutory attorney's fees and cost reimbursements.

HMB/dre

Attachment

Exhibit A - Location map

Exhibit B – Parcel sketch

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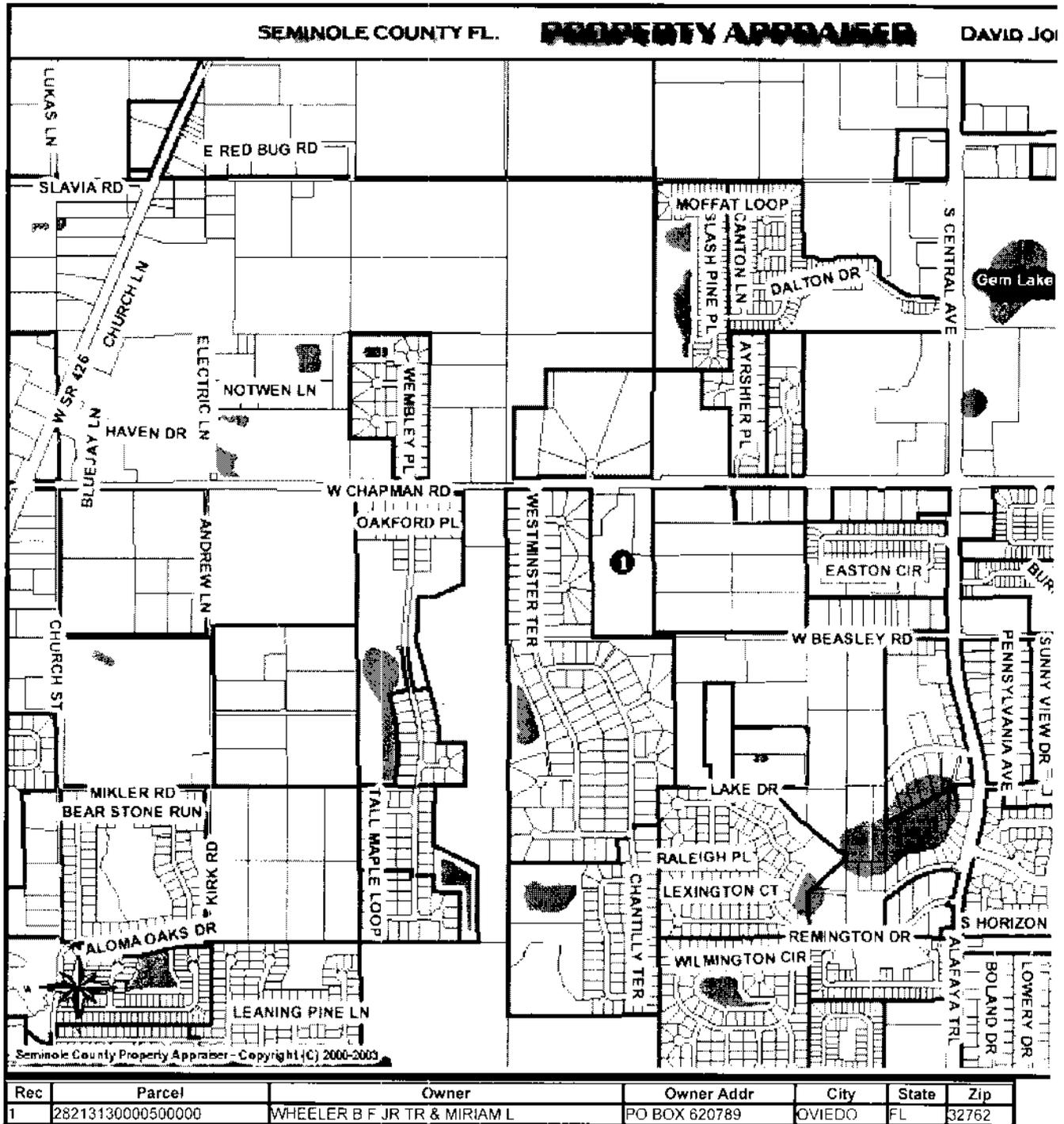


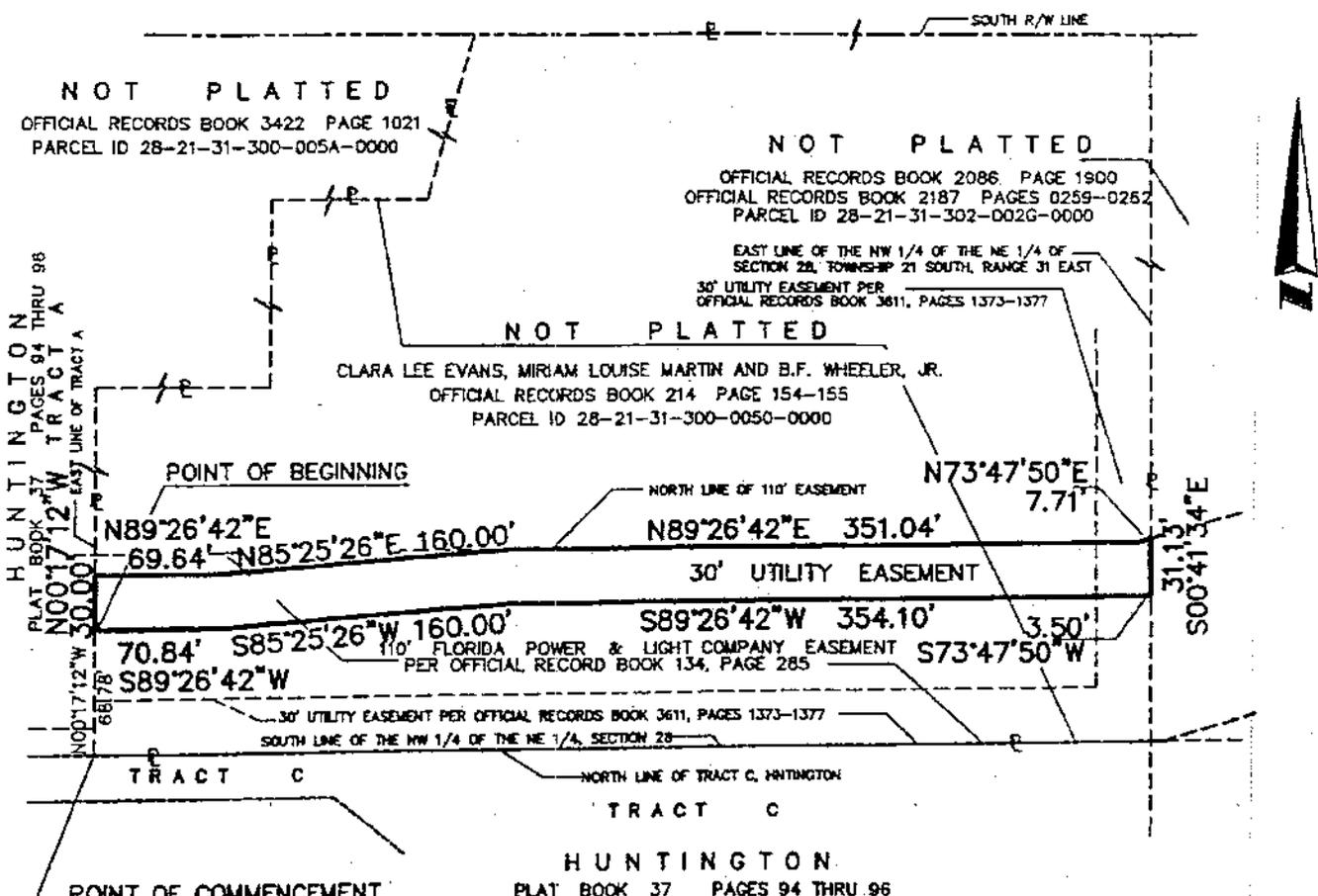
EXHIBIT A

LEGAL DESCRIPTION

Part of Section 28, Township 21 South, Range 31 East, Seminole County, Florida being more particularly described as follows:

Commencing at the Southeast corner of Tract A, HUNTINGTON as recorded in Plat Book 37, Pages 94 thru 96 of the Public Records of Seminole County, Florida; thence run N00°17'12"W along the East line of said Tract A, 68.78 feet to the POINT OF BEGINNING; thence continuing along said East line N00°17'12"W, 30.00 feet; thence N89°26'42"E along a line being south of and parallel with the north line of a 110 foot Florida Power & Light Company Easement per Official Records Book 134, Page 285 of the Public Records of Seminole County, Florida, 69.64 feet; thence N85°25'26"E, 160.00 feet to a point on the north line of aforesaid 110 foot easement; thence N89°26'42"E along said north line 351.04 feet; thence N73°47'50"E, 7.71 feet to a point on the East line of the NW 1/4 of the NE 1/4 of aforesaid Section 28; thence S00°41'34"E along said east line 31.13 feet; thence S73°47'50"W, 3.50 feet to a point on a line 30 feet south of and parallel with the north line of aforesaid 110 foot easement; thence S89°26'42"W along said parallel line 354.10 feet; thence S85°25'26"W, 160.00 feet to a point on a line being south of and parallel with the north line of aforesaid 110 foot easement; thence S89°26'42"W along said parallel line 70.84 feet to the POINT OF BEGINNING. CONTAINING 17,652 square feet or 0.41 acres, more or less.

CHAPMAN ROAD
50' R/W PER DEED BOOK 81, PAGE 130



POINT OF COMMENCEMENT SE CORNER OF TRACT A, HUNTINGTON PLAT BOOK 37, PAGES 94-96

TOTAL PARENT TRACT= 701,294 SQUARE FEET OR 16.10 ACRES, ±

TAKE TRACT= 17,652 SQUARE FEET OR 0.41 ACRES, ±

REMAINING TRACT= 683,642 SQUARE FEET OR 15.69 ACRES, ±

1. The bearings shown hereon are based on the Florida State Plane Coordinate System NAD83/90.
2. There are no gaps or overlaps between adjoining properties according to their recorded descriptions as shown hereon.

SURVEYORS REPORT

<p>Legal Description</p> <p>FOR INWOOD CONSULTING ENGINEERS</p> <p>000016</p>	<p>Date: Feb. 12, 2002 CS</p>	<p>46593064</p> <p>SOUTHEASTERN SURVEYING & MAPPING CORP. 324 North Orlando Avenue Maitland, Florida 32751-4702 (407) 647-8898 CERT. NO. LB2108 e-mail: info@southeasternsurveying.com</p> <p><i>Gary B. Krick</i> GARY B. KRICK REGISTERED LAND SURVEYOR NO. 4245</p>
	<p>Job No.: 48593064</p> <p>Scale: 1" = 100'</p> <p>CH. 61G17-6, Florida Administrative Code requires that a legal description drawing bear the notation that THIS IS NOT A SURVEY.</p> <p>EXHIBIT B</p>	