



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
Jeff Thompson, P.E., Environmental Services *JT* *BB*

Date: December 15, 2005

Subject: Settlement Authorization
Consumers/Lake Hayes Transmission Main Project
Parcel No. 14
Owners: Susan B. Holtrey
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. 14 on the Consumers/Lake Hayes Transmission Main Project. The recommended settlement is at the total sum of \$11,881.00 inclusive of all land value, severance damage, statutory interest, attorney's fees and cost reimbursements.

I PROPERTY

A. Location Data. The Holtrey property fronts on Chapman Woods Place with the County's easement at the north end of the four acre parcel. A location map is attached as Exhibit A and a parcel sketch as Exhibit B.

B. Street Address. The street address is 2180 Chapman Woods Place, Oviedo, FL 32765-8611.

II AUTHORITY TO ACQUIRE.

The BCC adopted Resolution No. 2003-R-118 on July 22, 2003, authorizing the acquisition of Parcel No. 14 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. 14 on November 16, 2005, the date of the good faith deposit.

III ACQUISITIONS AND REMAINDER

Parcel No. 14 is a permanent, perpetual easement of 14,706 square feet. The parent tract consists of 198,443 square feet. The easement is at the rear of the property under the Florida Power transmission line easement. The property in the after will remain 198,443 square feet encumbered by the 14,706 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 22, 2003, to be \$4,000.00. The update for the order of take opined full compensation to be \$4,000.00 as of September 1, 2005.

B. Owner's Report. The owner did not produce an appraisal report.

V BINDING WRITTEN OFFER/NEGOTIATION

The BCC approved written offer was \$4,300.00. The negotiated settlement sum is a cost avoidance settlement.

VI ATTORNEY'S FEES AND COSTS

The negotiated settlement at \$11,881.00 is inclusive of all attorney's fees and cost reimbursements. The owner allocated the settlement sum as \$10,000.00 to land and severance damage and \$1,881.00 to statutory attorney's fees.

VII RATIONALE AND COST CONTROL

The proposed settlement is a cost control settlement. To date, the owner has not claimed any costs. An appraisal report alone would cost in excess of \$5,000.00 and if prepared expose the County to a greater land value.

Considering the increased exposure if the owner prepared a report and the cost containment of not costs to date, settlement at the inclusive sum is recommended.

VIII RECOMMENDATION

County staff recommends that the BCC approve this settlement in the total amount of \$11,881.00 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

P:\USERS\DEDGE\MY DOCUMENTS\MEM\AGENDA ITEM HOLTREY CONSUMER LAKE HAYES.DOC

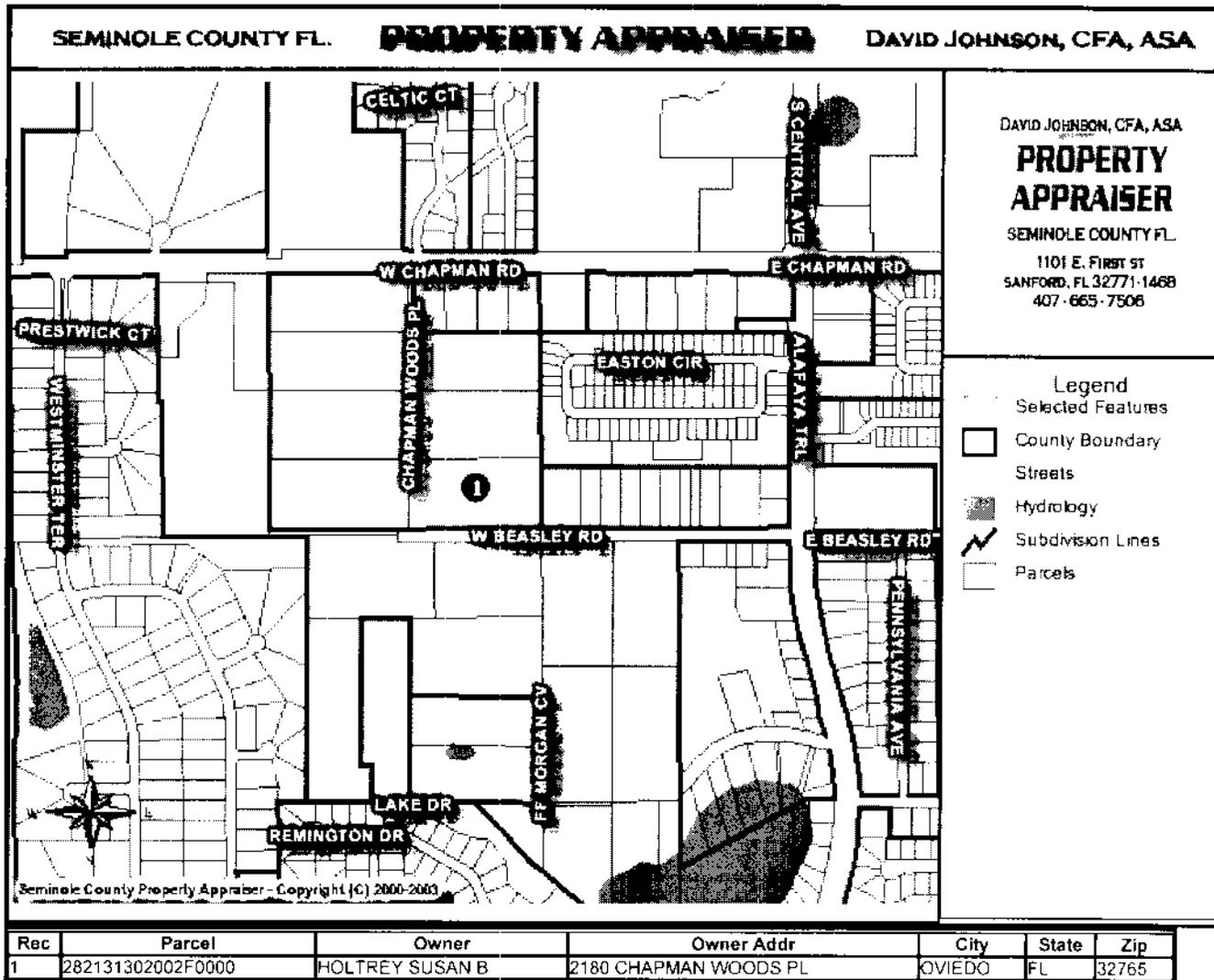
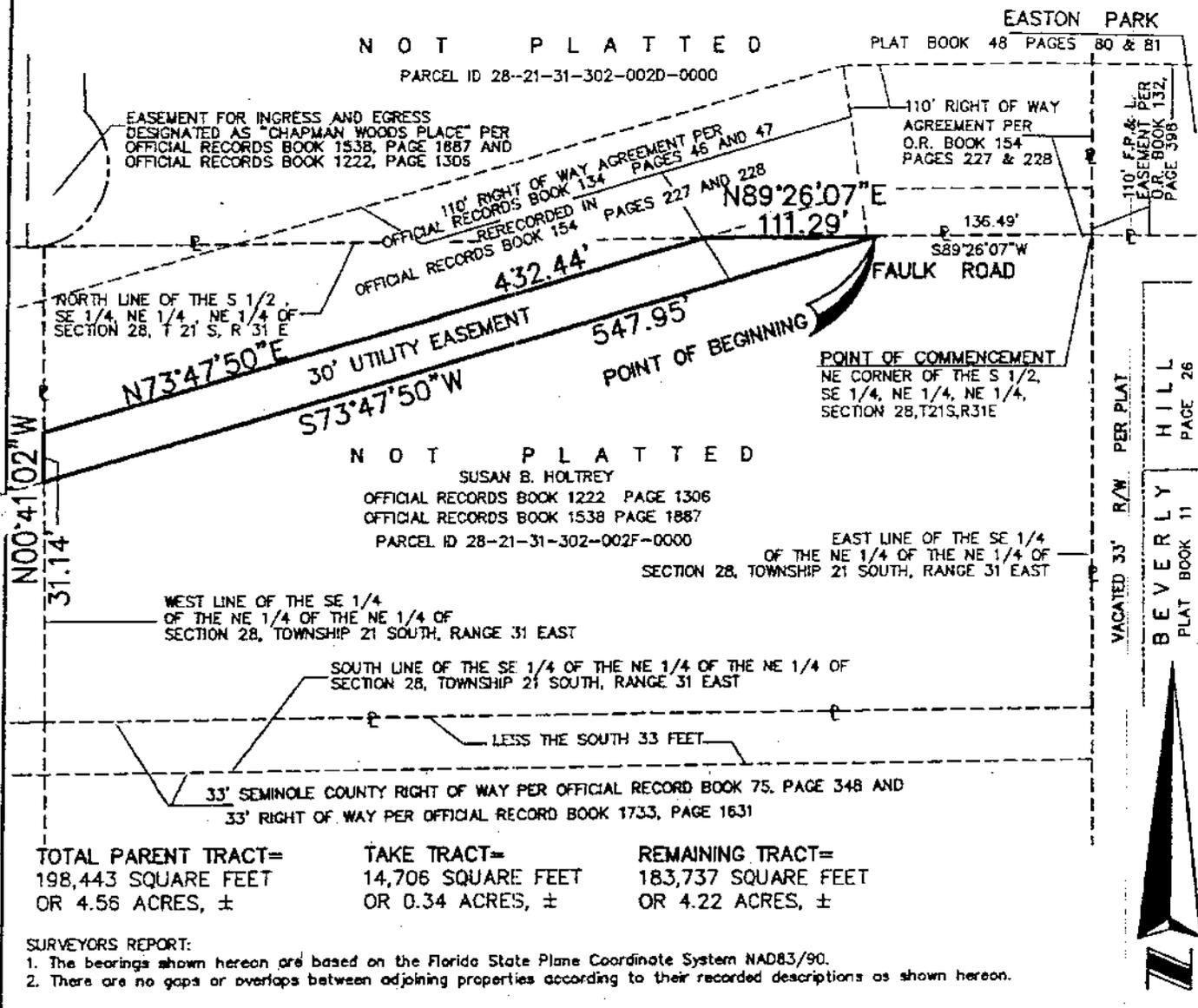


Exhibit A

LEGAL DESCRIPTION

Part of the S 1/2 of the SE 1/4 of the NE 1/4 of the NE 1/4 of Section 28, Township 21 South, Range 31 East, Seminole County, Florida, being more particularly described as follows:

Commencing at the NE corner of the S 1/2 of the SE 1/4 of the NE 1/4 of the NE 1/4 of said Section 28; S89° 26'07"W along the North line of the aforesaid Section 136.49 feet to the POINT OF BEGINNING; thence S73°47'50"W 547.95 feet to a point on the West line of the SE 1/4 of the NE 1/4 of the NE 1/4 of Section 28; thence N00° 41'02"W along said Section line 31.14 feet; thence leaving said Section line N73°47'50"E 432.44 feet to a point on the aforesaid North line of the S 1/2 of the SE 1/4 of the NE 1/4 of the NE 1/4 of Section 28; thence N89°26'07"E along said North line 111.29 feet to the POINT OF BEGINNING.
CONTAINING 14,706 square feet or 0.34 acres, more or less.



TOTAL PARENT TRACT=	TAKE TRACT=	REMAINING TRACT=
198,443 SQUARE FEET	14,706 SQUARE FEET	183,737 SQUARE FEET
OR 4.56 ACRES, ±	OR 0.34 ACRES, ±	OR 4.22 ACRES, ±

SURVEYORS REPORT:
 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.

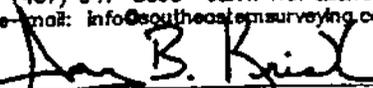
Legal Description FOR INWOOD CONSULTING ENGINEERS 000018	Date: Jan. 30, 2002 CS		46593053
	Job No.: 46593053	Scale: 1" = 100'	
CH. 61G17-8, Florida Administrative Code requires that a legal description drawing bear the notation that THIS IS NOT A SURVEY.		 SOUTHEASTERN SURVEYING & MAPPING CORP. 324 North Orlando Avenue Maitland, Florida 32751-4702 (407) 647-8898 CERT. NO. LB2108 e-mail: info@southeasternsurveying.com  GARY B. CRICK REGISTERED LAND SURVEYOR NO. 4245	

Exhibit B