



**COUNTY ATTORNEY'S OFFICE
MEMORANDUM**

TO: Board of County Commissioners

THROUGH: *[Signature]* Stephen P. Lee, Deputy County Attorney

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

CONCUR: Pam Hastings, Administrative Manager/Public Works Department
Kathleen Myer, Principal Engineer/Engineering Division *KM*

DATE: December 22, 2004

SUBJECT: Settlement Authorization
Lake Drive road improvement project
Parcel Nos. 116/716A/B; William G. Jenkins and Patricia L. Jenkins
Seminole County v. Jenkins, et al.
Case No. 04-CA-2003-13-W

This Memorandum requests settlement authorization by the Board of County Commissioners (BCC) as to Parcel Nos. 116/716A/B on the Lake Drive Project. The recommended settlement is at the total sum of \$125,000.00 inclusive of all land value, severance damages, statutory interest, attorney's fees and cost reimbursements.

I PROPERTY

A. Location Data

Parcel Nos. 116/716A/B are located along the north side of Lake Drive about ½ mile west of Tuskawilla Road. A parcel sketch is attached as Exhibit A.

B. Street Address

The street address is 4750 East Lake Drive, Winter Springs, Florida. A location map is attached as Exhibit B.

II AUTHORITY TO ACQUIRE

The BCC adopted Resolution No. 2004-R-75 on April 13, 2004, authorizing the acquisition of Parcel Nos. 716A/B and Resolution No. 2004-R-130 on July 13, 2004, authorizing the acquisition of Parcel No. 116. The Lake Drive road improvement project was found to be necessary and serving a public purpose and in the best interests of the citizens of Seminole County.

III ACQUISITIONS AND REMAINDER

The fee simple acquisition consists of 3,992 S.F. from a total parent tract of 5.172± acres. The temporary construction easements (TCE) were at the drive entrances (Parcel No. 716A at 392 S.F.; and, 716B at 170 S.F.). The fee acquisition was at a depth ranging from 19 feet to 10 feet across the frontage.

IV APPRAISED VALUES

The County's original report dated April 14, 2004, was prepared by Clayton, Roper & Marshall, Inc., and reported full compensation to be \$82,200.00. The updated appraisal report dated November 4, 2004, reported full compensation at \$94,800.00 inclusive of land value, the electric powered entrance gate, and severance damages.

V BINDING OFFER/NEGOTIATION

The County's written offer for \$110,000.00 exclusive of costs and fees was instrumental toward achieving an early settlement of this case.

The owners submitted a claim totaling \$143,639.30 allocated: (1) full compensation \$132,463.00; (2) attorney fees \$7,412.79; and (3) costs \$3,763.51.

The settlement at \$125,000.00 inclusive resolves all matters without allocation and controls continuing costs. The driveway at the horse stables will be widened from 12' to 16' to accommodate pick up trucks towing horse trailers. The additional construction cost of the four feet of driveway is estimated to be less than \$500.00.

VI ATTORNEY FEES AND COSTS

The settlement of the case is at \$125,000.00 with attorney fees and cost reimbursements included.

VII ANALYSIS

The early settlement at the total inclusive sum of \$125,000.00 is \$15,000.00 greater than the initial offer, which was exclusive of fees and costs.

VIII COST AVOIDANCE

By this settlement, the County avoids all additional costs associated with litigation.

IX RECOMMENDATION

County staff recommends that the BCC approve this settlement in the total amount of \$125,000.00 inclusive of land value, severance damage, improvements, attorney fees and costs.

HMB/dre

Attachments:

Exhibit A - Location Map

Exhibit B - Sketch

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GENERAL INFORMATION		
ZONING	STANDARD	PROVIDED
ZONED	A1 (AGRICULTURAL)	A1 (AGRICULTURAL)
ACREAGE		
TOTAL PARENT TRACT: 5.72 +/- AC.		
AREA OF TAKING: 3.592 S.F.		
AREA OF REMAINDER: 5.081 +/- AC.		
AREA T.C.E.716A: 392 S.F.		
AREA T.C.E.716B: 170 S.F.		

NO.	REVISION	DATE

PROJECT NUMBER:	02044
DATE:	MAY, 2002
SCALE:	AS SHOWN
PROJ. MGR. W.E.V.	CHECKED: T.O.L.

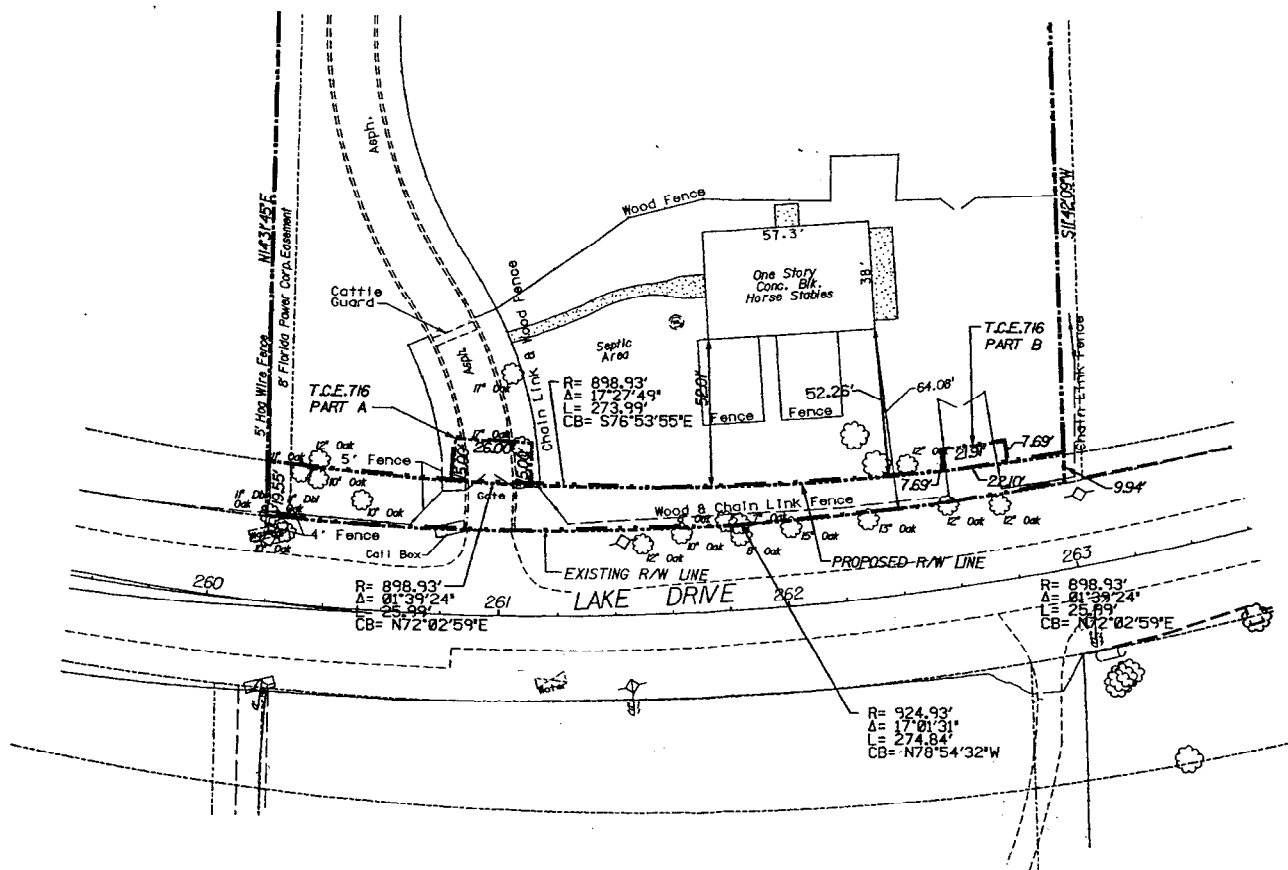
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LAKE DRIVE
FOR
SEMINOLE COUNTY
SEMINOLE COUNTY

PARCEL 116
T.C.E. 716
WITH TAKING

LOCHRANE
ENGINEERS • SURVEYORS
104-4671 104-4672 / 104-4673 104-4674 104-4675 104-4676
OFFICES: 104-4671 104-4672 104-4673 104-4674 104-4675 104-4676

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NOTE:
THIS DRAWING IS BASED ON DATA FROM ELECTRONIC FILES OF LAKE DRIVE CONSTRUCTION
PLANS AND RIGHT-OF-WAY MAPS, SEMINOLE COUNTY PROJECT No. P3351-95/BJC. TOPO
DATA WAS SUPPLEMENTED FROM BOUNDARY & LOCATION SURVEY DONE BY ANDRE M. SPOURSE,
PSM, DATED 6/29/01 AND PROVIDED BY PROPERTY OWNER

EXHIBIT B

