



COUNTY ATTORNEY'S OFFICE
MEMORANDUM

TO: Board of County Commissioners

THROUGH: Stephen P. Lee, Deputy County Attorney

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

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

DATE: January 3, 2005

SUBJECT: Settlement Authorization
Lake Drive Project
Parcel No. 132
Owners, Michael R. Kendrick and Rochelle Kendrick
Seminole County v. William G. Jenkins., et al.
Case No.: 2004-CA-2003-13-W

This Memorandum requests settlement authorization by the Board of County Commissioners (BCC) for Parcel No. 132 on the Lake Drive project. The recommended settlement is at the total sum of \$57,000.00 inclusive of land value, severance damage, statutory interest, attorney's fees and cost reimbursements.

I PROPERTY

A. Location Data

Parcel No. 132 is located on the south side of Lake Drive west of Sweetwater Lane. A parcel sketch is attached as Exhibit A.

B. Street Address

The street address is 1998 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 No. 132. The Lake Drive Project was found to be necessary and serves a public purpose and is in the best interests of the citizens of Seminole County.

III ACQUISITION AND REMAINDER

The fee simple acquisition consists of 3,870± s.f. from a parent tract, which totaled 17,280± s.f. leaving a remainder of 13,420± s.f. The fee acquisition was at a depth of 43 feet across the frontage. The acquisition severed the circular drive and consumed the playground area as well as a storage shed.

IV APPRAISED VALUES

A. County Appraisals

The County's original report as of April 2, 2004, was prepared by Clayton, Roper, and Marshall, Inc., and reported full compensation to be \$29,100.00. The appraisal was updated for the order of take hearing and as of October 27, 2004, reported full compensation to be \$34,300.00.

B. Owners' Appraisals

The owners' original report as of September 22, 2004, was prepared by Florida Real Estate Analysts, Inc. and reported full compensation to be \$55,100.00. The owners asserted that if required, the appraiser would be instructed to update the report to the order of take of December 3, 2004 to achieve a value of \$65,000.00.

V BINDING OFFER/NEGOTIATION

The County's written offer served as an offer of judgment at \$50,000.00. It was instrumental toward achieving an early settlement of this case.

The owners submitted a claim totaling \$67,900.00 inclusive of fees and costs. The proposed settlement is at the total sum of \$57,000.00 inclusive of all fees and costs.

VI ATTORNEY FEES AND COSTS

The settlement is inclusive at \$57,000.00 with no allocation. The attorney's fee reimbursement is not a statutory calculation.

The owners have allocated the settlement sum as follows: 1) \$50,000.00 for the land; and 2) \$7,000.00 allocated between the attorney, appraiser and land planner.

VII ANALYSIS

The early settlement at the total inclusive sum of \$57,000.00 is \$7,000.00 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 \$57,000.00 inclusive of land value, severance damage, statutory interest, attorney fees and cost reimbursements.

HMB/sb

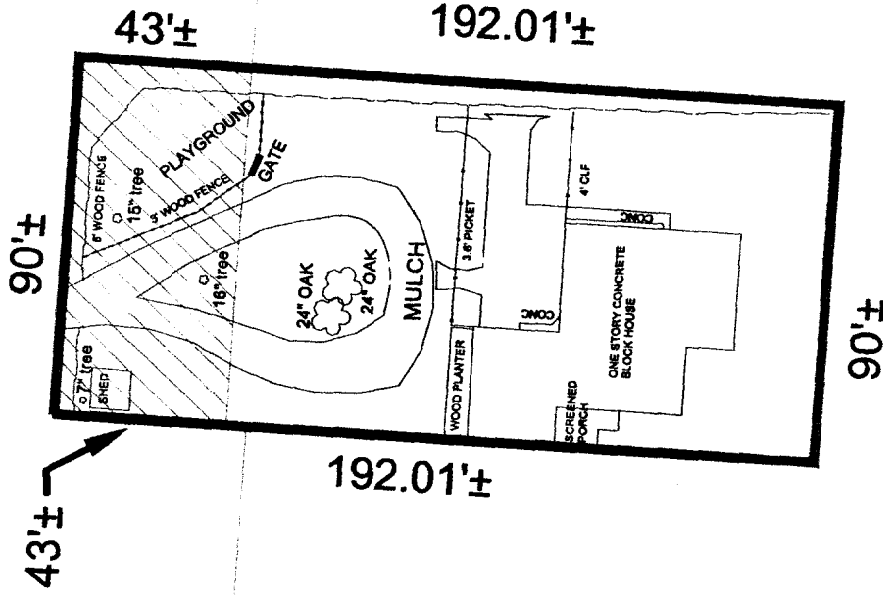
Attachment

Location Map - Exhibit A

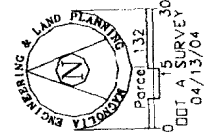
Parcel Sketch - Exhibit B

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LAKE DRIVE

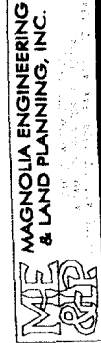


BEFORE TAKING: 17,280 SF±
 AREA TAKEN: 3,870 SF±



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EXHIBIT A



02-178 LAKE DRIVE
 PARCEL 132 - AREA TAKEN
 SEMICOLE COUNTY
 FLORIDA

2
 SHEET

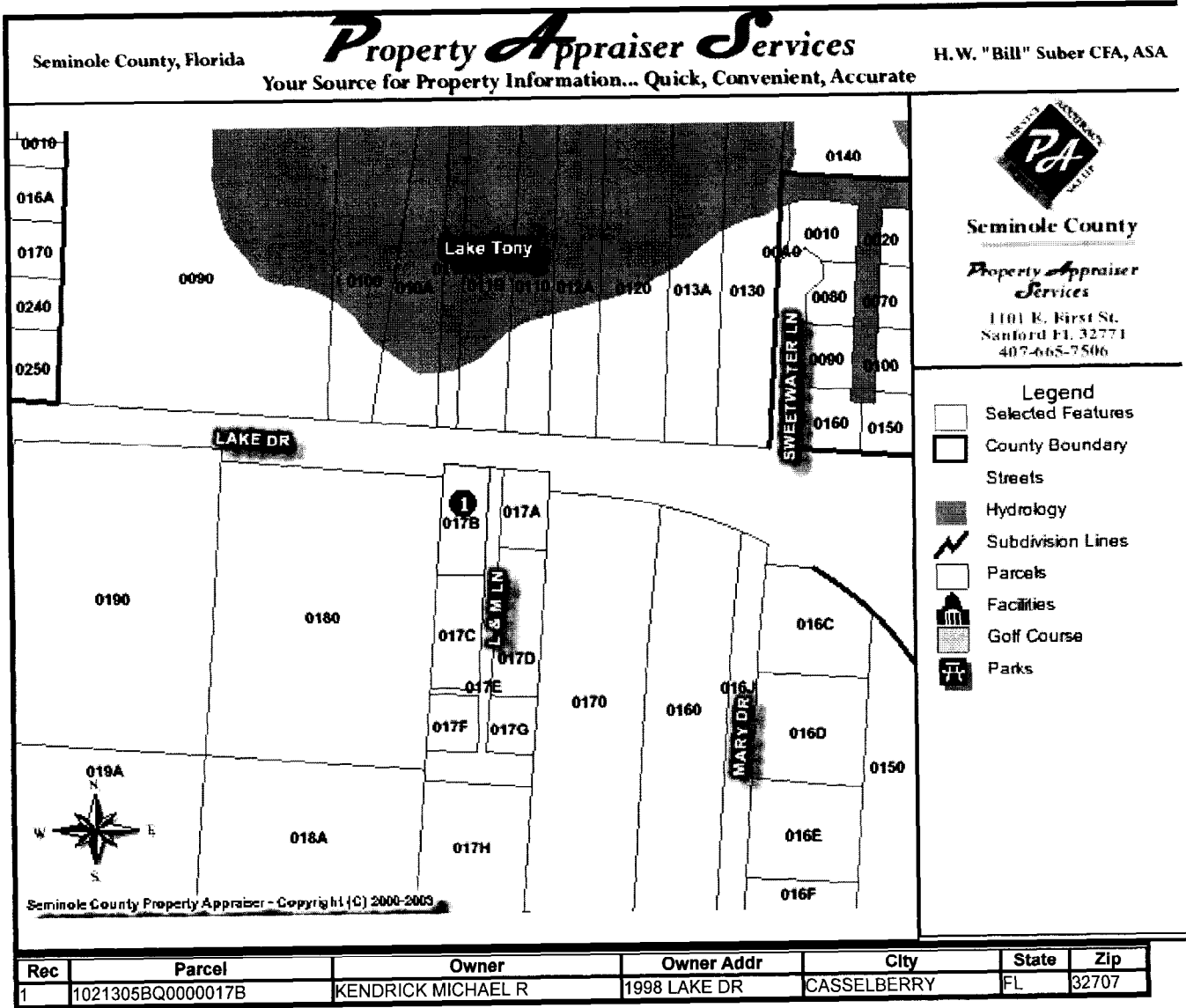


EXHIBIT B