



COUNTY ATTORNEY'S OFFICE
MEMORANDUM

TO: Board of County Commissioners

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

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

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

DATE: December 24, 2003

SUBJECT: Settlement Authorization
East Lake Mary Boulevard, Phase IIB
Parcel Nos.: 220 and 820
Owner: Elgan A. Stappe, II
Seminole County vs. Nordman, et al.
Case No.: 03-CA-2121-13-L

This Memorandum requests settlement authorization by the Board of County Commissioners (BCC) for Parcel Nos. 220 and 820 on the East Lake Mary Boulevard, Phase IIB project. The recommended settlement is at the total sum of FORTY-FIVE THOUSAND SIXTEEN AND NO/100 DOLLARS (\$45,016.00), inclusive of all land value, severance damage, statutory interest, attorney's fees, and cost reimbursements.

I PROPERTY

A. Location Data

Parcel No. 220 is a fee simple acquisition of 17,079.9 square feet. Parcel No. 820 is a permanent drainage easement of 2,260.9 square feet. The strip acquisitions range in depth from 32 feet to 108 feet across the frontage of the property. A location map is attached as Exhibit A.

B. Street Address

The street address is 3886 Bridges Road, Sanford, Florida. A parcel sketch is attached as Exhibit B.

II AUTHORITY TO ACQUIRE

The BCC adopted Resolution No. 2003-R-47 on February 11, 2003, authorizing the acquisition of Parcel Nos. 220 and 820, and finding that the East Lake Mary Boulevard Project was necessary and served a public purpose and was in the best interest of the citizens of Seminole County.

III ACQUISITIONS AND REMAINDER

The fee simple acquisition consists of 17,079.9 square feet and the permanent easement is 2,260.9 square feet leaving a remainder of 4.1014 acres encumbered by the easement.

IV APPRAISED VALUES

The County's appraisal report was prepared by The Spivey Group, Inc., Ted Hastings, MAI. The appraised value was \$16,100.00.

The property owner did not have an appraisal performed; however, the owner used Calhoun, Dreggors, and Associates for consultation. It was reported that the appraiser would be directed to find significant severance damages.

V NEGOTIATION

This settlement was negotiated by the county's acquisition agents with the owner's acceptance following the order of take,

The negotiated sum includes plan changes including: (1) the construction of a 24' joint use driveway apron on the westerly 12' of the parcel. The other half of the 24' joint use driveway is to be constructed on the easterly 12' of Parcel No. 207; and (2) the driveway apron will be at 10% grade or less.

VI COST AVOIDANCE

By this settlement, the County avoids the following additional costs, beyond those for which it is already liable by law:

- A. A potential jury verdict in excess of the settlement sum;
- B. All statutory interest;

- C. Additional attorney fees; and
- D. Costs to proceed further.

VII ANALYSIS

The settlement sum at \$45,016.00 includes all cost reimbursements and attorney fees. The settlement sum is above appraised value. However, it is inclusive of all attorney fees and costs. Also, a full appraisal cost by the owner, as well as, the planned severance damage claim is avoided.

VIII RECOMMENDATION

County staff recommends that the BCC approve this settlement in the amount of \$45,016.00 with design changes. The settlement sum is totally inclusive of all attorney fees and costs and concludes all matters in this case.

HMB/sb

Attachments:

Exhibit A

Exhibit B

P:\USERS\CASB01\MY DOCUMENTS\MEMAGENDA ITEM ELMB IIB 220 820 STAPPE SETTLEMT AUTH.DOC

Seminole County, Florida

Property Appraiser Services

H. W. "Bill" Suber CFA, ASA



Seminole County

Property Appraiser Services

1101 E. First St.
Sanford FL 32771
407-665-7506

Legend

Selected Features



Facilities



Golf Course



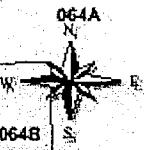
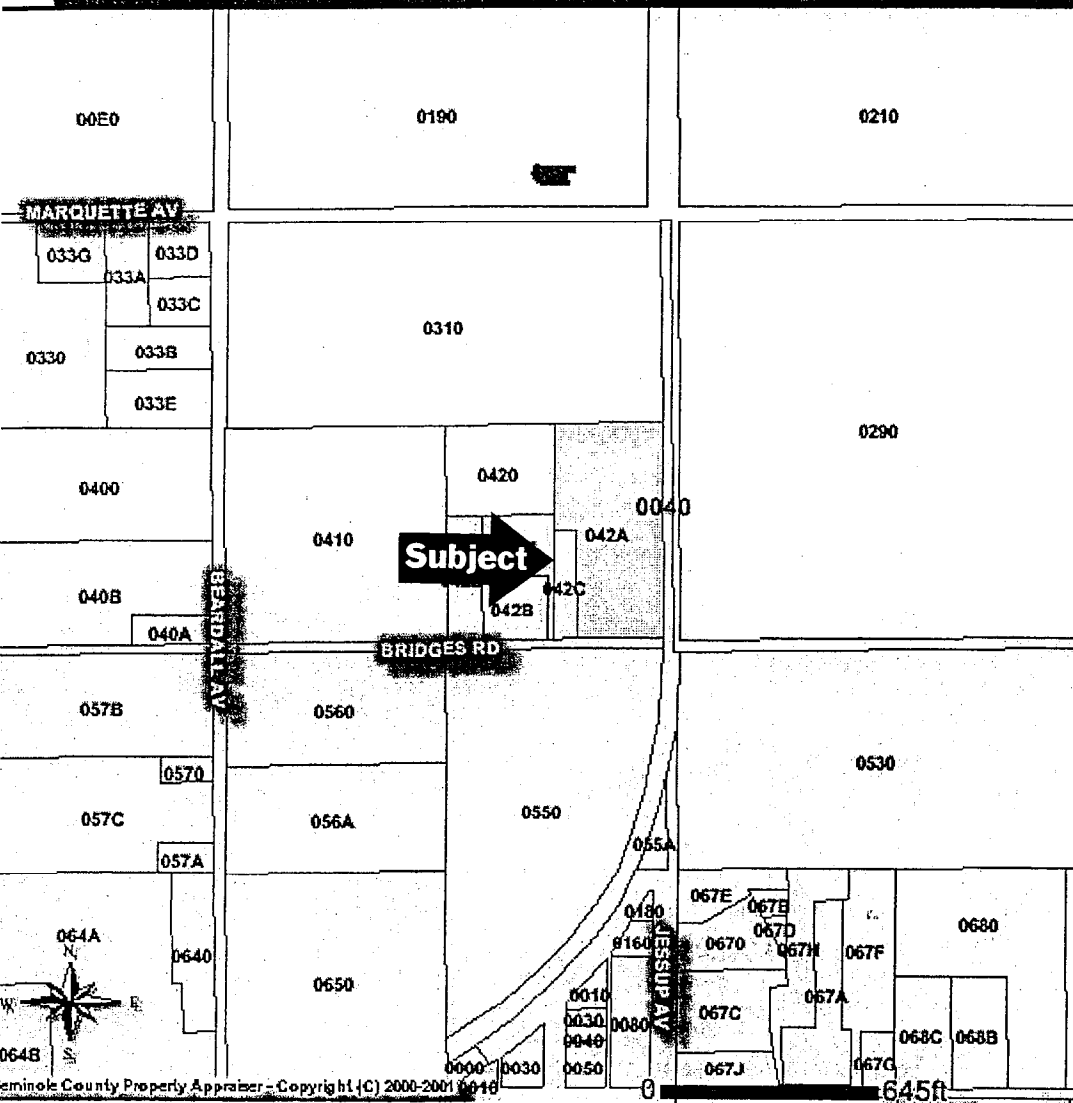
Parks



Parcels



Water



Seminole County Property Appraiser - Copyright (C) 2000-2001 0010

Rec	Parcel	Owner	Street Address
0320315AY0000042A		STAPPE ELGAN A II	BRIDGES RD

EAST LAKE MARY BOULEVARD EXTENSION
 SEMINOLE COUNTY, FLORIDA
 PARCEL 220 - SKETCH OF SURVEYED PARCEL
 AREA OF PARENT TRACT = 4.4935 ACRES
 AREA OF TAKING = 17,079.9 S/F
 AREA OF REMAINDER = 4,101.4 ACRES
 AREA OF DRAINAGE EASEMENT 820 = 2,260.9 S/F

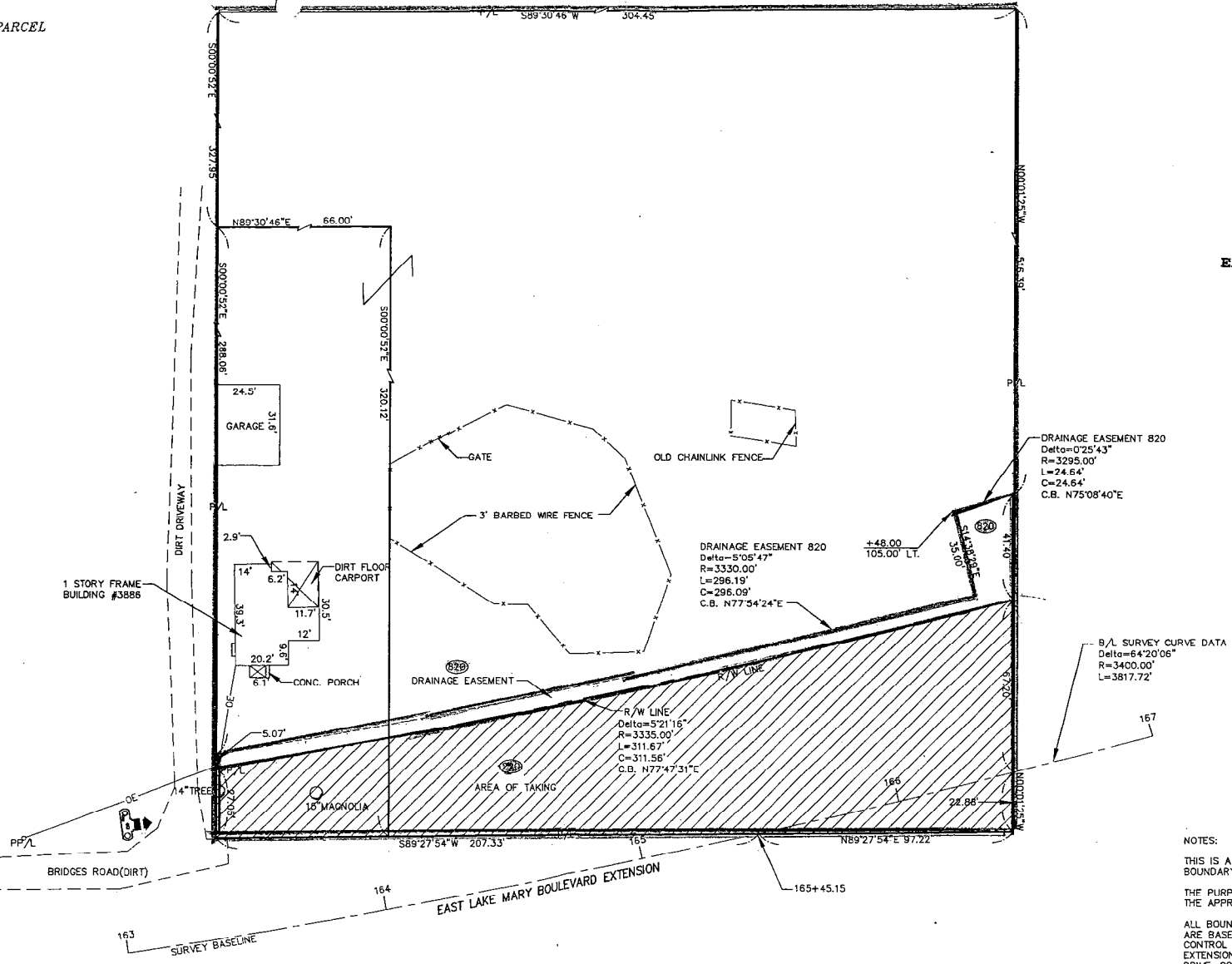


0 20 40
 SCALE: 1" = 40'

LEGEND

- UTILITY POLE AND GUY ANCHOR
- PP POWER POLE
- SIGN
- W.M. WATER METER
- R/W RIGHT OF WAY
- BROKEN SCALE
- EQP EDGE OF PAVEMENT
- FN&C FOUND NAIL AND CAP
- BFP BACKFLOW PREVENTER
- W WATER VALVE
- D/W DRIVEWAY
- MES MITERED END SECTION
- LANDSCAPED AREA
- SV SEWER FORCEMAIN VALVE
- CO SEWER CLEAN OUT
- FIRE HYDRANT
- LP LIGHT POLE
- PB PULL BOX
- S.W. SIDEWALK
- SSP SIGNAL SPAN POLE
- TP TELEPHONE POLE
- OT OVERHEAD TELEPHONE
- SRVC TRAFFIC SERVICE CABINET
- MHD DRAINAGE MANHOLE
- MHS SANITARY SEWER MANHOLE
- MW MONITORING WELL
- SPRINKLER HEAD
- ELEO ELECTRIC OUTLET
- SHP SHARED UTILITY POLE
- PP/L POWER POLE WITH LIGHT
- CONC. CONCRETE
- EO OVERHEAD ELECTRIC LINE

EXHIBIT B



NOTES:
 THIS IS A SKETCH ONLY, THIS IS NOT A BOUNDARY SURVEY
 THE PURPOSE OF THIS SKETCH IS TO AID IN THE APPRAISAL OF THE SUBJECT PARCEL
 ALL BOUNDARY INFORMATION AND CALCULATIONS ARE BASED ON A SPECIFIC PURPOSE MAP AND CONTROL SURVEY, EAST LAKE MARY BOULEVARD EXTENSION, FROM OHIO AVENUE TO SILVER LAKE DRIVE. COUNTY PROJECT: PS-0137

KEY	DATE	REVISIONS

SKETCH DATE: 11/14/02	FIELD BOOK/PAGE: F.B. 54/43
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CORNERSTONE
 LAND SURVEYING, INC.

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 TALLAHASSEE, FLORIDA 32303

PHONE: (850) 888-7330
 MOBILE: (850) 933-7715
 FAX: (850) 894-9693

PROJECT EAST LAKE MARY BOULEVARD EXTENSION - SEMINOLE COUNTY - PARCEL 220	CLIENT THE SPIVEY GROUP, INC.
SHEET TITLE SKETCH OF SURVEY PARENT TRACT AND AREA OF TAKING	JOB NO. TSGO2220
	SHEET NO. 2 of 3