



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 Ext. 5736 *HMB*

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

DATE: December 22, 2003

SUBJECT: Settlement Authorization
 East Lake Mary Boulevard, Phase IIB
 Parcel Nos.: 219 and 819
 Owner(s): Richard and Doris Holcomb
Seminole County vs. Holcomb, et al.
 Case No.: 2003-CA-2436-13L

This Memorandum requests settlement authorization by the Board of County Commissioners (BCC) for Parcel Nos. 219 and 819 on the East Lake Mary Boulevard, Phase IIB project. The recommended settlement is at the sum of EIGHTEEN THOUSAND SIXTEEN AND NO/100 DOLLARS (\$18,016.00), inclusive of all land value, severance damage, statutory interest, attorney's fees, and cost reimbursements.

I PROPERTY

A. Location Data

Parcel No. 219 is a fee simple acquisition of 2,155.1 square feet. Parcel No. 819 is a permanent drainage easement of 1,011 square feet. The strip acquisitions range in depth from 8 feet to 29 feet across the frontage of the property. A location map is attached as Exhibit A.

B. Street Address

The street address is 3874 Bridges Road, Sanford, Florida 32773. 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. 219 and 819, 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 2,155 square feet and the permanent easement is 1,011 square feet leaving a remainder of 0.8747 acres encumbered by the easement. The residential house is not physically impacted; however, the new roadway will be closer to the house.

IV APPRAISED VALUES

The County's appraisal report was prepared by The Spivey Group, Ted Hastings, MAI. The appraised value was \$3,900.00 with no severance damages.

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

V NEGOTIATION

This settlement was negotiated by the County's acquisition agents with the owner's acceptance following the entry of an order of take. The order of take was based upon the existing plans with no changes.

The negotiated sum includes the following plan changes: (1) a second right in right out drive; (2) piping of the drainage swale across the frontage; (3) construction of the driveways at 10% grade; and, (4) location of one drive to match a planned median opening.

This is part of a universal settlement with all members of the Holcomb family including these parcels and 737, 207, 707, and 807. It is presented as an all or nothing package, i.e., if all parcels are not settled, then we will proceed with the existing plans.

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

VII ANALYSIS

The settlement sum at \$18,016.00 includes all cost reimbursements and attorney fees. The settlement sum is above the appraised value. However, a full appraisal cost by the owner, as well as, the planned severance damage claim is avoided.

IX RECOMMENDATION

County staff recommends that the BCC approve this settlement in the amount of \$18,016.00 with the design changes provided that parcels 737, 207, 707, and 807 are also settled at the same time. 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\MEMOAGENDA ITEM ELMB IIB RICHARD HOLCOMB 219 819 SETTLEMT AUTH.DOC

PARCEL DETAIL	REAL ESTATE PERSONAL PROP TAX ROLL SALES SEARCH																															
<p>Seminole County Property Appraiser Services 1101 E. First St. Sanford FL 32771 407-665-7506</p>																																
<p style="text-align: center;">GENERAL</p> <p>Parcel Id: 03-20-31-5AY-0000-042B Tax District: 01-TX DIST 1 - COUNTY</p> <p>Owner: HOLCOMB RICHARD J & DORIS L Exemptions: 00-HOMESTEAD</p> <p>Address: 3874 BRIDGES RD</p> <p>City,State,ZipCode: SANFORD FL 32773</p> <p>Property Address: 3874 BRIDGES RD SANFORD 32773</p> <p>Subdivision Name: SANFORD CELERY DELTA</p> <p>Dor: 02-MOBILE/MANUFACTURED</p>		<p style="text-align: center;">2003 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 0</p> <p>Depreciated Bldg Value: \$0</p> <p>Depreciated EXFT Value: \$29,801</p> <p>Land Value (Market): \$17,000</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$46,801</p> <p>Assessed Value (SOH): \$20,108</p> <p>Exempt Value: \$20,108</p> <p>Taxable Value: \$0</p>																														
<p style="text-align: center;">SALES</p> <p>Deed Date Book Page Amount Vac/Imp</p> <p>Find Comparable Sales within this Subdivision</p>		<p style="text-align: center;">2002 VALUE SUMMARY</p> <p>2002 Tax Bill Amount: \$0</p> <p>2002 Taxable Value: \$0</p>																														
<p style="text-align: center;">LAND</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Land Assess Method</th> <th>Frontage</th> <th>Depth</th> <th>Land Units</th> <th>Unit Price</th> <th>Land Value</th> </tr> </thead> <tbody> <tr> <td>ACREAGE</td> <td>0</td> <td>0</td> <td>1.000</td> <td>17,000.00</td> <td>\$17,000</td> </tr> </tbody> </table>		Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	ACREAGE	0	0	1.000	17,000.00	\$17,000	<p style="text-align: center;">LEGAL DESCRIPTION</p> <p>W 1/2 OF LOT 42 (LESS N 264 FT & W 109 FT & BEG 20 FT W OF SE COR RUN E 20 FT N TO S LI OF N 264 FT W .</p> <p>TO E LI OF W 109 FT S 178.3 FT E TO A PT N OF BEG S TO BEG) SANFORD CELERY DELTA</p> <p>PB 1 PGS 75 & 76</p>																		
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<p>NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.</p> <p>*** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</p>																																

[BACK](#)
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**EAST LAKE MARY BOULEVARD EXTENSION
SEMINOLE COUNTY, FLORIDA
PARCEL 219 AND 819 - SKETCH OF SURVEYED PARCEL**

AREA OF PARENT TRACT = 0.9242 ACRES
 AREA OF TAKING = 2165.1 SF
 AREA OF REMAINDER = 0.8747 ACRES
 AREA OF DRAINAGE EASEMENT = 1011 SF



0 15 30
 SCALE: 1" = 30'

LEGEND

- UTILITY POLE AND GUY ANCHOR
- PP POWER POLE
- S— SIGN
- W.M. WATER METER
- R/W RIGHT OF WAY
- /— BROKEN SCALE
- EOP 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
- NW MONITORING WELL
- SPRINKLER HEAD
- ELEO ELECTRIC OUTLET
- SHP SHARED UTILITY POLE

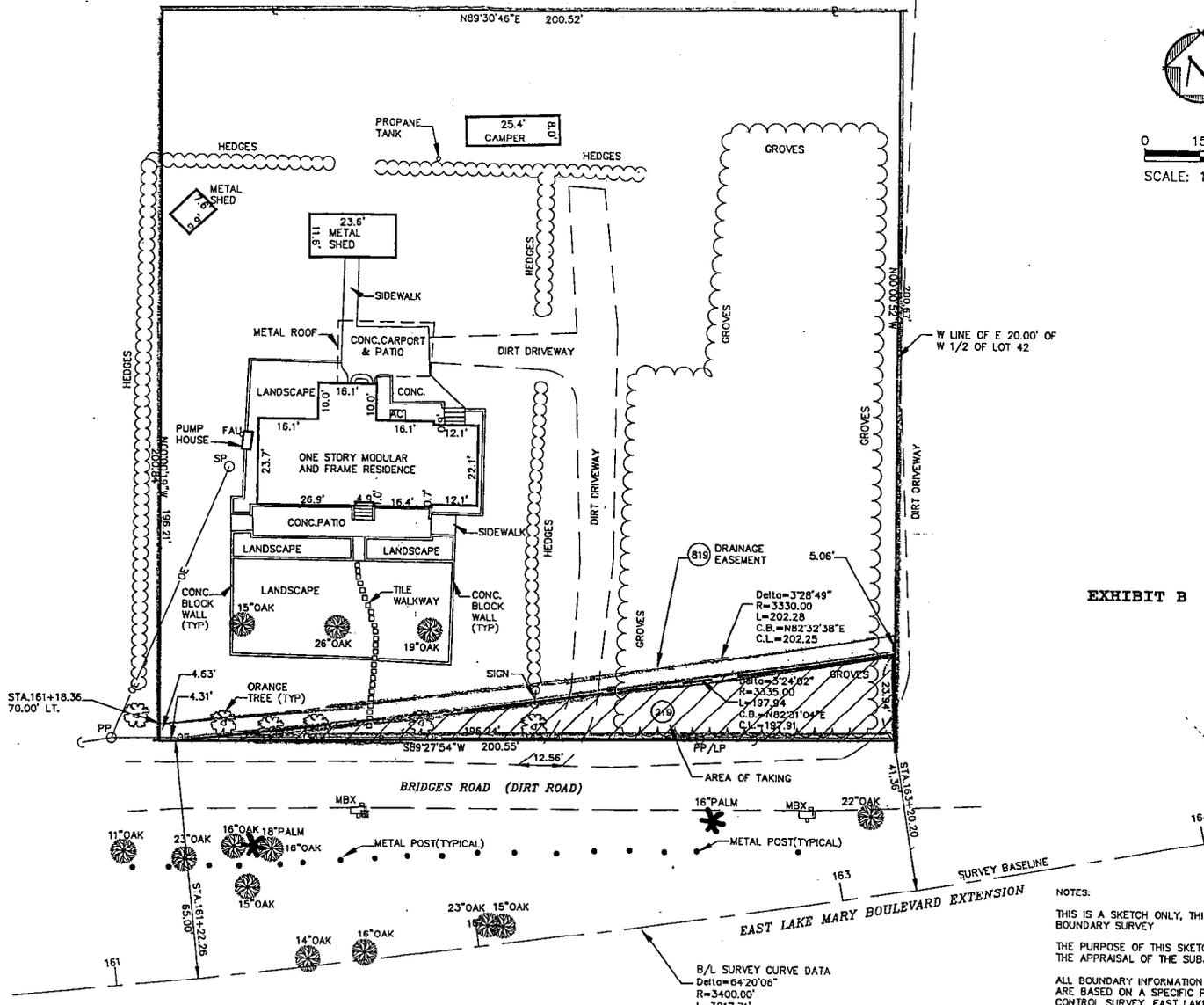


EXHIBIT B

SIGN INFORMATION:

3.0' x 6" WOOD SIGN ON
 4.0' x 2.6' x 3" DIAM. PIPE

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:	FIELD BOOK/PAGE:	PROJECT	CLIENT
	1/30/03	CHANGES PER BOB SIMMONS	11/15/02	F.B. 54/41-43	EAST LAKE MARY BOULEVARD EXTENSION SEMINOLE COUNTY - PARCEL 219 & 819	THE SPIVEY GROUP, INC.
					SHEET TITLE	JOB NO.
					SKETCH OF SURVEY PARENT TRACT AND AREA OF TAKING	TSG02219
						SHEET NO. 2 of 3



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