



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 *[Signature]* HMB
Ext. 5736

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

DATE: December 23, 2003

SUBJECT: Settlement Authorization
East Lake Mary Boulevard, Phase IIB
Parcel Nos.: 207, 707, and 807
Owner: Richard Holcomb, Jr.
Seminole County vs. Simons, et al.
Case No.: 2003-CA-2222-13-K

This Memorandum requests settlement authorization by the Board of County Commissioners (BCC) for Parcel Nos. 207, 707, and 807 on the East Lake Mary Boulevard, Phase IIB project. The recommended settlement is at the sum of FIVE THOUSAND FOUR HUNDRED FORTY-ONE AND NO/100 DOLLARS (\$5,441.00), inclusive of all land value, severance damage, statutory interest, attorney's fees, and cost reimbursements.

I PROPERTY

A. Location Data

Parcel No. 207 is a fee simple taking of 509.7 square feet. Parcel No. 707 is a temporary construction easement of 304.1 square feet. Parcel No. 807 is a permanent drainage easement of 101.4 square feet. A location map is attached as Exhibit A.

B. Street Address

The street address is 3880 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. 207, 707, and 807, 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 509.7 square feet and the permanent drainage easement is 101.4 square feet leaving a remainder of 0.9830 acres encumbered by the easement. The acquisition is from a flag lot driveway so the residential house is not impacted.

IV APPRAISED VALUES

The County's appraisal report was prepared by The Spivey Group, Ted Hastings, MAI. The appraised value was \$500.00 with no severance damages.

The property owner did not have an appraisal performed; however, they would be entitled to one report.

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 driveway constructed at 10% or less grade; (2) the driveway to be constructed as a 24' joint access drive to be shared with the adjacent property.

This is part of a universal settlement with all members of the Holcomb family including these parcels and 737, 219, and 819. 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

This settlement is totally cost avoidance. Here, the owner is entitled to one appraisal report. The cost of the report if performed would exceed the total settlement sum.

VII ANALYSIS

The settlement sum is \$5,441.00 inclusive of all attorney fees and cost reimbursements. By settlement, the cost of an appraisal report is avoided. This cost alone would exceed the settlement sum.

IX RECOMMENDATION

County staff recommends that the BCC approve this settlement in the amount of \$5,441.00 with the design changes provided that parcels 737, 219, and 819 are also settled at the same time. The settlement sum is a totally inclusive cost avoidance settlement inclusive of all attorney fees and costs and concludes all matters in this case.

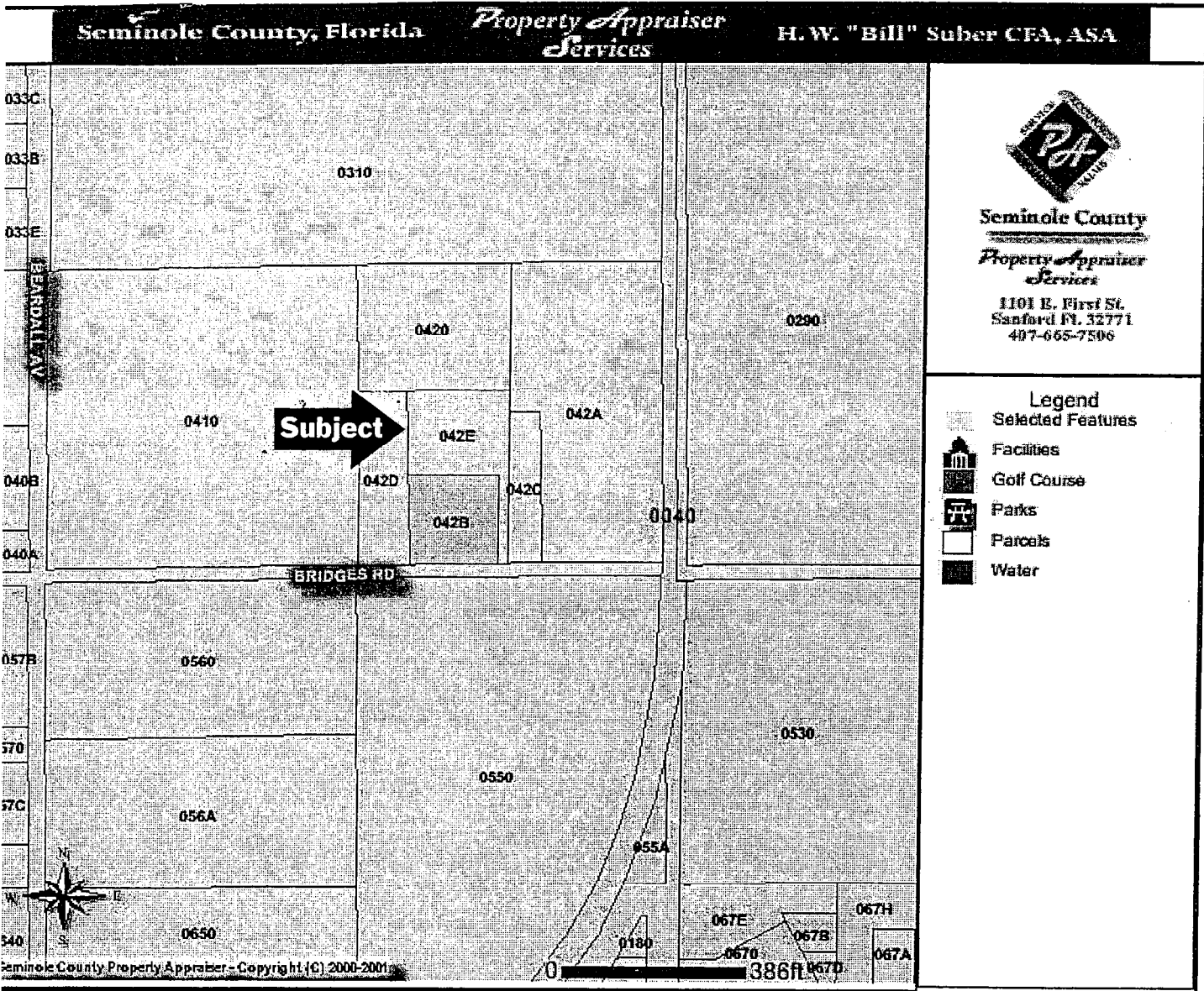
HMB/sb

Attachments:

Exhibit A

Exhibit B

P:\USERS\CASB01\MY DOCUMENTS\MEMAGENDA ITEM ELMB IIB RICHARD HOLCOMB JR 207 707 807 SETTLEMT AUTH.DOC

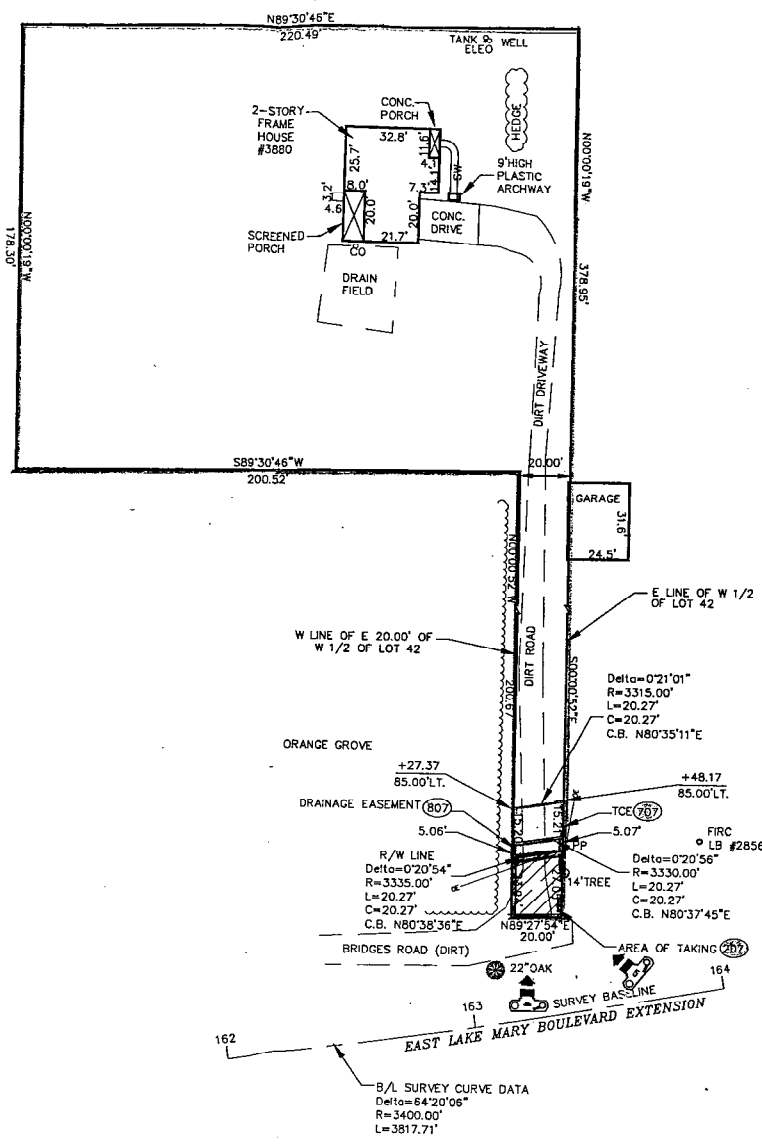


Rec	Parcel	Owner	Street Address
	0320315AY0000042B	HOLCOMB RICHARD J & DORIS L	3874 BRIDGES RD

EAST LAKE MARY BOULEVARD EXTENSION
 SEMINOLE COUNTY, FLORIDA
 PARCEL 207 - SKETCH OF PARCEL
 AREA OF PARENT TRACT = 0.9947 ACRES
 AREA OF TAKING = 509.7 S/F
 AREA OF T.C.E. 707 = 304.1 S/F
 AREA OF DRAINAGE EASEMENT 807 = 101.4 S/F
 AREA OF REMAINDER = 0.8830 ACRES

LEGEND

- UTILITY POLE AND GUY ANCHOR
- PP POWER POLE
- S— SIGN
- W.M. WATER METER
- R/W RIGHT OF WAY
- X— BROKEN SCALE
- EOP EDGE OF PAVEMENT
- FN&C FOUND NAIL AND CAP
- BFP BACKFLOW PREVENTER
- V— WATER VALVE
- D/W DRIVEWAY
- MES MITERED END SECTION
- L— LANDSCAPED AREA
- SV SEWER FORCEMAIN VALVE
- CO SEWER CLEAN OUT
- F— 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



0 25 50
 SCALE: 1" = 50'

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: 10/25/02
 FIELD BOOK/PAGE: 54/PG.45



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PROJECT
 EAST LAKE MARY BOULEVARD EXTENSION - SEMINOLE COUNTY - PARCEL 207
 SHEET TITLE
 SKETCH OF SURVEY
 PARENT TRACT AND AREA OF TAKING

CLIENT
 THE SPIVEY GROUP, INC.
 JOB NO. TSGO2207
 SHEET NO. 2 of 3