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**COUNTY ATTORNEY'S OFFICE
MEMORANDUM**

TO: Board of County Commissioners

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

FROM: Al Schwarz, Assistant County Attorney *AHS*
Ext. 5701

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

DATE: January 18, 2004

SUBJECT: Settlement Authorization
CR 46A, Phase III road improvement project
Parcel No.: 117
Sanford Pine Ridge, Ltd.
Seminole County v. Sanford Pine Ridge, Ltd.
Case No.: 2003-CA-791-13-W

This Memorandum requests settlement authorization by the Board of County Commissioners (BCC) as to Parcel No. 117 on the CR 46A, Phase III Project. The recommended settlement is at the total sum of \$1,400.00 inclusive for all land value, severance damages, statutory interest, benefit obtained attorney's fees and cost reimbursements.

I PROPERTY

A. Location Data

The location of the subject property is on the south side of CR46A (25th Street), over 400 feet west of its intersection with Old Lake Mary Road, within the City of Sanford Corporate limits, Seminole County, Florida. A location map is attached as Exhibit "A" and a parcel sketch as Exhibit "B".

B. Street Address

None. Vacant property.

II AUTHORITY TO ACQUIRE

The BCC adopted Resolution No. 2001-R-30 on February 13, 2001, authorizing the acquisition of Parcel No. 117 and finding that the CR 46A, Phase III road improvement project is necessary and serves a public purpose and is in the best interests of the citizens of Seminole County. The Order of Taking occurred on June 26, 2003, with title vesting in Seminole County on July 8, 2003, the date of the good faith deposit in the amount of \$400.00.

III ACQUISITIONS AND REMAINDER

The fee simple acquisition consists of 1,177 S.F. acquired from a total of 3.35 acre parcel. The remainder will consist of 3.32 acres.

IV APPRAISED VALUES

The County's appraisal report was prepared by Ronald S. Crouse and reported full updated compensation to be \$400.00 (value did not change from the initial appraisal) inclusive of land value, improvements acquired, and severance damage.

The property owner did not have an appraisal performed.

V BINDING OFFER/NEGOTIATION

Prior to settling this case, the County presented the property owner with a written offer in the amount of \$500.00. The negotiated settlement for full compensation including all attorney's fees and cost reimbursements is \$1,400.00. The property owner, represented by counsel, have agreed to settle with the additional \$900.00 rather than to pursue an appraisal.

VI ATTORNEY FEES AND COSTS

Attorney's fees and costs are inclusive of this settlement. As such, this is not a statutory computation and is without specific allocation.

VII ANALYSIS

The early settlement at the total sum of \$1,400.00 is \$900.00 greater than the initial binding written offer including attorney's fees. The alternative, if not settled early, would result in the owner acquiring an appraisal report probably at a cost exceeding the \$900.00 difference.

VIII COST AVOIDANCE

Under this settlement, the County avoids the following additional costs for an owners' appraisal report, increased land values, and statutory attorney's fee based upon greater values.

IX RECOMMENDATION

County staff recommends that the BCC approve this settlement in the total amount of \$1,400.00.

AHS/dre

Attachments:

Exhibit A - Location Map

Exhibit B - Sketch

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EXHIBIT A

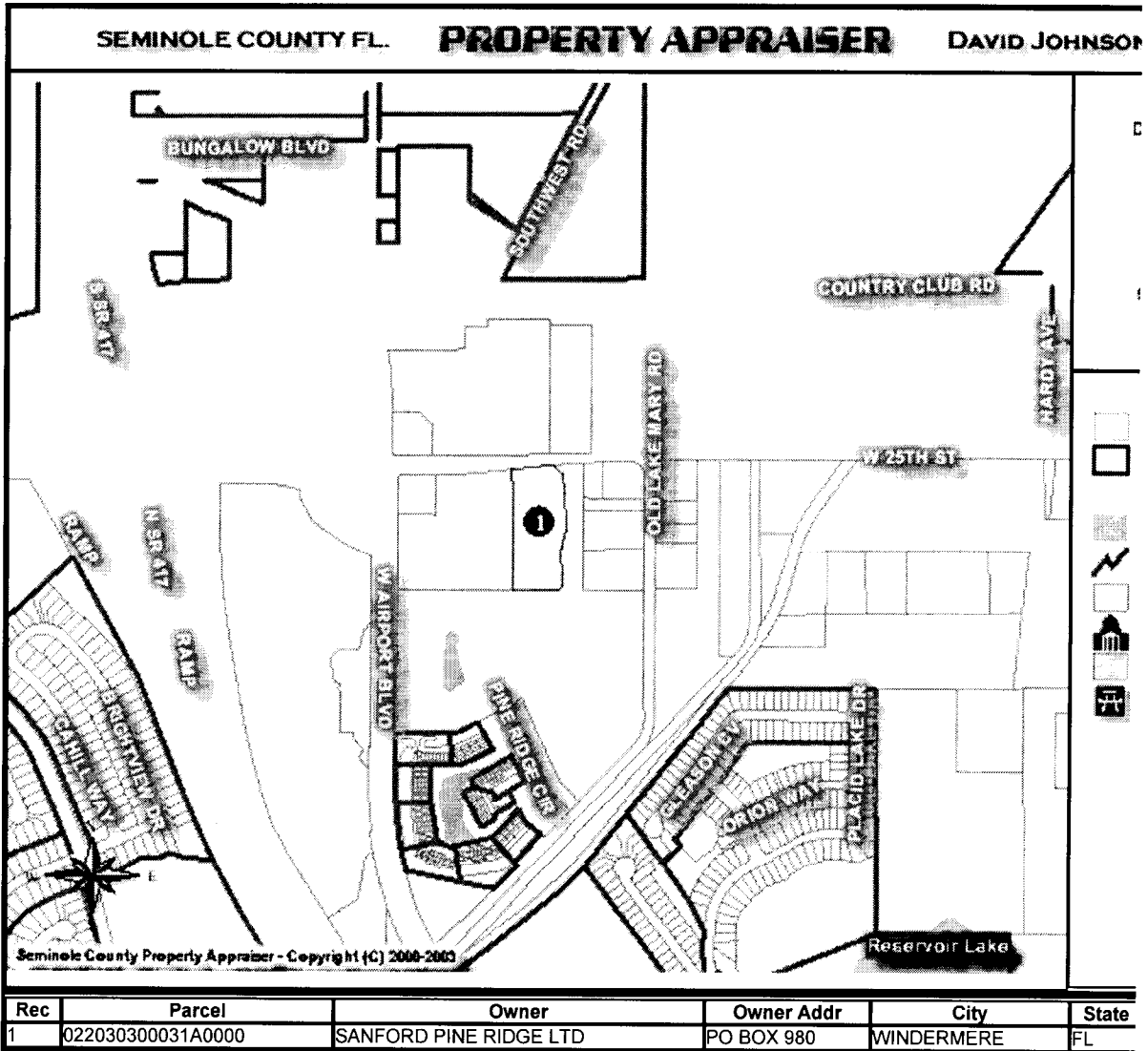


EXHIBIT B

RONALD S. CROUSE, ASA
APPRAISER

AREA OF WHOLE - 144,920 s.f.
AREA OF TAKING 1,177 s.f.
AREA OF REMAINDER 143,743 s.f.

PARCEL NO.: 117

