



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: January 27, 2004

SUBJECT: Settlement Authorization - Fees and Costs
East Lake Mary Boulevard, Phase IIB
Parcel Nos.: 203A and 203B
Owners: Leo A. Nordman, Loraine H. Nordman and Sheldon W. Hayes
Seminole County vs. Nordman, et al.
Case No.: 2003-CA-2121-13-L

This Memorandum requests settlement authorization by the Board of County Commissioners (BCC) for attorney fees and costs. The total settlement sum is TWENTY-TWO THOUSAND NINETY-TWO AND NO/100 DOLLARS (\$22,092.00).

I PROPERTY

A. Location Data

Parcel Nos. 203A and 203B are located along Kentucky Street near the intersection with Brisson Avenue. A location map is attached as Exhibit A.

B. Street Address

The property is vacant and has no street address. 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. 203A and 203B, and finding that the East Lake Mary Boulevard, Segment IIB project was necessary and served a public purpose and was in the best interest of the citizens of Seminole County.

III BACKGROUND

The order of take on Parcel Nos. 203A and 203B was denied at hearing on November 14, 2003. The order of take was denied because the County's legal description did not contain a "Point of Beginning". *Section 73.092(2), Florida Statutes*, provides that the County shall pay costs including attorney fees based on reasonable hours and rates for a defeated order of take.

IV FEES AND COST CLAIM

The owners claimed attorney fees and costs totaling \$23,071.10 allocated:

(1)	Attorney Fees (Based upon 86 hours at \$225.00 per hour)	\$19,325.00
(2)	Law Office Costs	\$ 144.10
(3)	Appraisal Costs	\$ 2,272.00
(4)	Planning Costs	<u>\$ 1,330.00</u>
	TOTAL CLAIMED FEES AND COSTS	\$23,071.10

V NEGOTIATION

In negotiation, non-reimbursable office overhead costs were taken out and the attorney's rate slightly reduced. Negotiations resulted in a reduction of 4.2% from \$23,071.10 to \$22,092.00. The amounts are allocated as follows:

(1)	Attorney Fees (Based upon 86 hours at \$215.00 per hour)	\$18,490.00
(2)	Law Office Costs	\$.00
(3)	Appraisal Costs	\$ 2,272.00
(4)	Planning Costs	\$ 1,330.00
TOTAL CLAIMED FEES AND COSTS		\$22,092.00

VI SETTLEMENT ANALYSIS/COST AVOIDANCE

If this matter were taken to hearing, it would be difficult to argue that the costs were unnecessary or excessive because the County's legal description failed to identify the point of beginning that caused the failed order of take. The claimed attorney hourly rate of \$225.00 is probably reflective of the rates in the market. The reduction in hourly rate down to \$215.00 resulted from the reported hours at \$200.00 per hour at the beginning of the time slips to \$225.00 toward the end of the case. The \$215.00 rate is a blend applied to all reported hours.

If any of the costs are further challenged, the County would need to employ three experts to review the claimed costs. Not only would these experts need to be paid, it would appear that their testimony would not be at lower rates. Under the circumstances, it is not expected that a hearing would reduce costs any greater than the negotiated 4.2%.

VII RECOMMENDATION

This office recommends settlement of attorney fee and cost reimbursements at \$22,092.00.

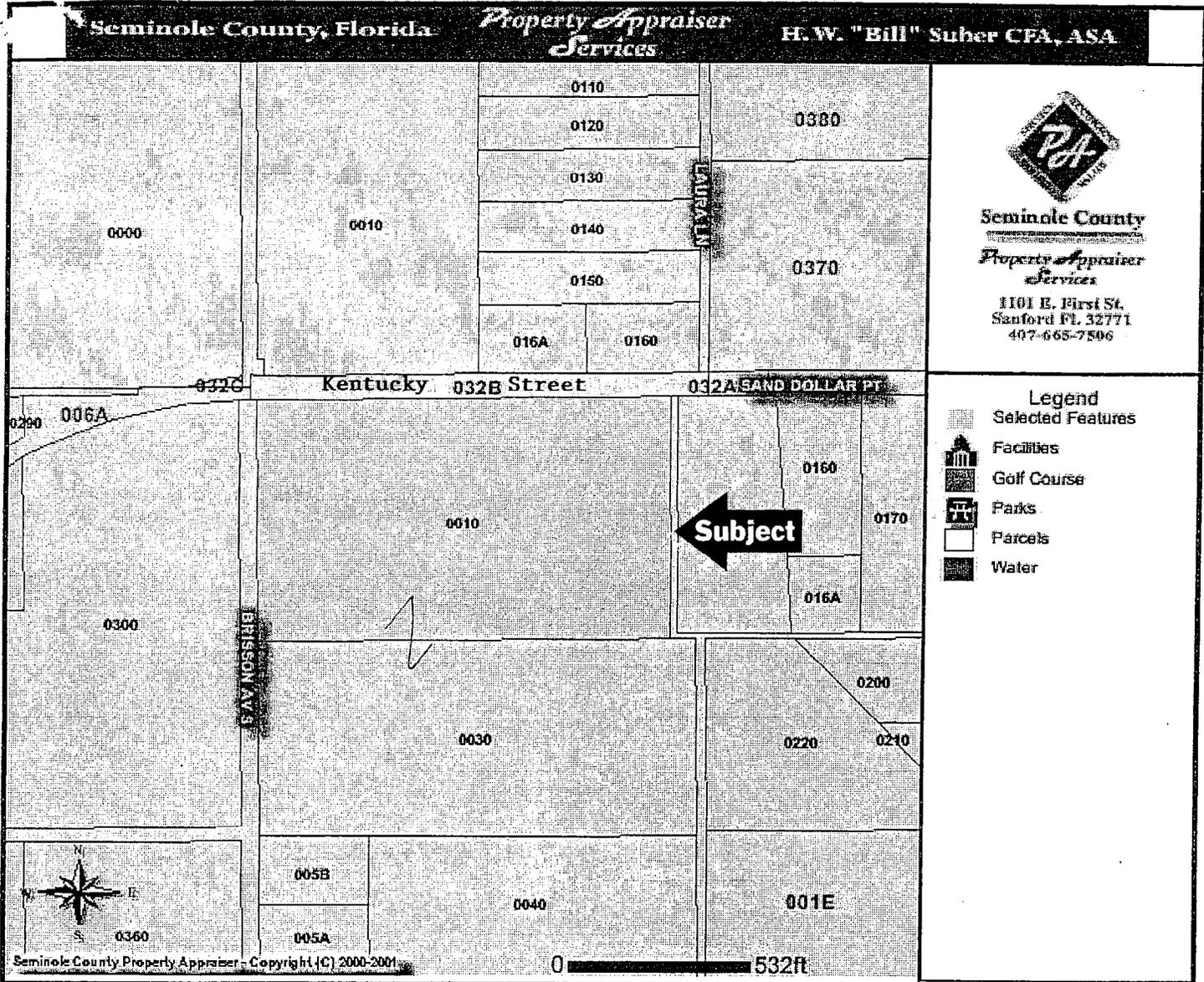
HMB/sb

Attachments:

Exhibit A

Exhibit B

P:\USERS\SBERRIE\MY DOCUMENTS\MEMOAGENDA ITEM ELMB IIB 203 A & B HAYES NORDMAN SETTLEMENT AUTH.DOC



Rec	Parcel	Owner	Street Address
1	17203150100000010	NORDMAN LEO A & LORRAINE H	

EXHIBIT A

EAST LAKE MARY BOULEVARD EXTENSION,
SEMINOLE COUNTY, FLORIDA
PARCEL 203A, 203B & 803 - SKETCH OF PARCELS
AREA OF PARENT TRACT = 19.8698 ACRES
AREA OF TAKING PART A = 3.3604 ACRES
AREA OF DRAINAGE EASEMENT 803 = 14.587.4 SF
AREA OF REMAINDER = 13.6441 ACRES



0 50 100
SCALE: 1" = 100'

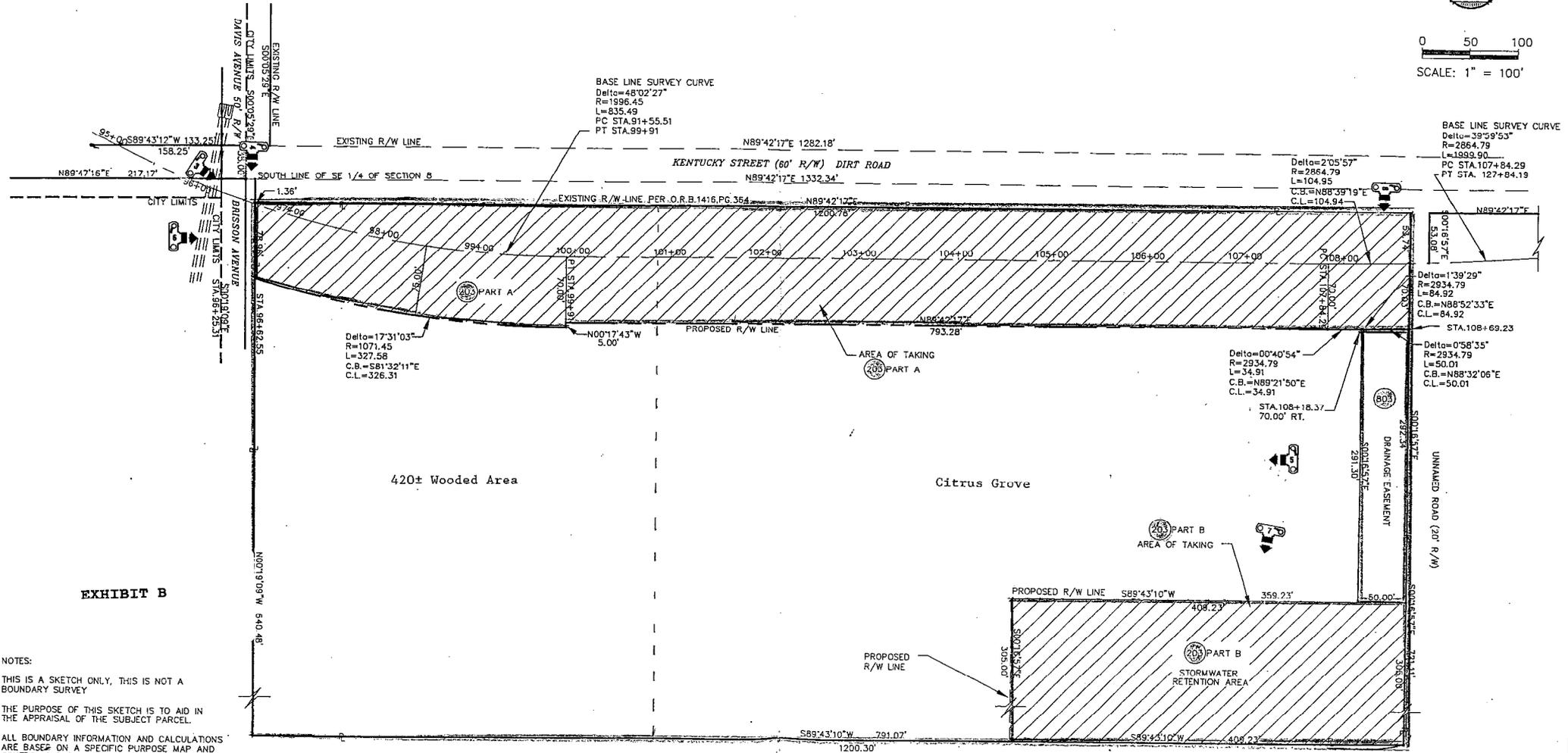


EXHIBIT B

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
	12/19/02	CHANGES PER BOB SIMMONS

SKETCH DATE:	FIELD BOOK/PAGE:
10/25/02	NA

CORNERSTONE
LAND SURVEYING, INC.

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PROJECT	EAST LAKE MARY BOULEVARD EXTENSION PARCELS 203A, 203B & 803
SHEET TITLE	SKETCH OF PARENT TRACT & AREA OF TAKING

CLIENT	THE SPIVEY GROUP, INC.
JOB NO.	TSG02203AB
SHEET NO.	2 of 3