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**COUNTY ATTORNEY'S OFFICE
MEMORANDUM**

TO: Board of County Commissioners

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

FROM: Lynn Vouis, Assistant County Attorney *[Signature]*

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

DATE: February 2, 2005

RE: Bunnell Road Improvement Project
 Binding Written Offers/Offers of Judgment

This Memorandum requests authorization by the Seminole County Board of County Commissioners (BCC) to make binding first written offers/offers of judgment as to the parcels and at the amounts set forth below:

I THE PROPERTY

The subject parcels are located on Bunnell Road from west of Eden Park Avenue to West Towne Parkway. See Location Map attached as Exhibit "A".

II AUTHORITY TO ACQUIRE

The BCC adopted Resolution No. 2004-R-72 on April 13, 2004, authorizing the acquisition of the above-referenced properties, and finding that the improvements are necessary and serve a County and public purpose and are in the best interests of the citizens of Seminole County.

III ACQUISITIONS AND REMAINDERS

N/A

IV APPRAISED VALUES

Clayton, Roper & Marshall, Inc., completed appraisals for the below-referenced parcels. The County's staff appraiser reviewed and approved the appraisals.

V PROPERTY OWNERS/APPRaised VALUES

PARCEL NOS.	PROPERTY OWNER	PROPERTY TO BE ACQUIRED	COUNTY'S APPRAISED VALUE	PROPOSED OFFER
114	MARK SANVILLE	2,910 sq. ft.	\$14,200.00	\$14,200.00
115	JOHNNIE F. MURRAY	3,216 sq. ft.	15,200.00	15,200.00
728	RUTH CREAMER	231 sq. ft.	300.00	300.00
736 and 737	FLORIDA CONFERENCE ASSN. OF SEVENTH- DAY ADVENTISTS	203 sq. ft. 913 sq. ft.	1,200.00	1,200.00
140	LOYLESS DAGG & LISA D. ACTON	645 sq. ft.	9,700.00	9,700.00
145	THE PANTRY (F.K.A. LIL CHAMP FOOD STORES, INC.)	2001	52,900.00	70,000.00
745	THE PANTRY (F.K.A. LIL CHAMP FOOD STORES, INC.)	652	3,500.00	5,000.00
TOTAL			\$97,000.00	\$115,600.00

VI SETTLEMENT ANALYSIS/COST AVOIDANCE

The County is required to extend a written offer/offer of judgment to a property owner prior to filing suit to acquire property through eminent domain. The proposed binding offer amounts are at the appraised values, with the exception of Parcel Nos. 145/745. That offer is above the appraised value as part of the County's litigation strategy. The written offer/offer of judgment acts as a limitation on attorney's fees if the property owner retains an attorney.

VII RECOMMENDATION

County staff recommends that the BCC authorize binding written offers/offers of judgment at the amounts stated above.

LMV/krc

Attachment
Location Map



Project Limits		Widen (Lanes)		Distance (Miles)
From	To	From	To	
Eden Park Avenue	West Town Parkway	2	3	0.9

EXHIBIT "A"