



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, Administrative Manager/Public Works Department *psh*
Kathleen Myer, Principal Engineer/Engineering Division *KM*

DATE: February 9, 2004

SUBJECT: Settlement Authorization
Wymore Road Project
Parcel No. 123
Owners, Francis X. Mendez
Seminole County v. Adams, et al.
Case No.: 2002-CA-2507-13-L

This Memorandum requests settlement authorization by the Board of County Commissioners (BCC) for Parcel No. 123 on the Wymore Road project. The recommended settlement is at the total sum of \$28,750.00, inclusive of all land value, severance damage, statutory interest, attorney's fees, and cost reimbursements.

I PROPERTY

A. Location Data

Parcel No. 123 is a fee simple acquisition of 411 square feet. The strip take is at a depth of 6 feet across the entire frontage of the property. A location map is attached as Exhibit A. A parcel sketch is attached as Exhibit B.

B. Street Address

The street address is 245 Waterford Court, Altamonte Springs, FL 32714-5160.

II AUTHORITY TO ACQUIRE

The BCC adopted Resolution No. 2002-R-134, on August 27, 2002, authorizing the acquisition of Parcel No. 123, and finding that the Wymore Road Project was necessary and served a public purpose and was in the best interest of the citizens of Seminole County.

III ACQUISITION AND REMAINDER

The fee simple acquisition consisted of 411 square feet – a six foot strip across the frontage. The residential improvements were not physically impacted. However, the strip take placed the property into non-conformity as to set back requirements. On these small lots, the six foot loss places the residential improvement considerably closer to the roadway.

IV APPRAISED VALUES

The County's appraisal report was prepared by Clayton, Roper, and Marshall, and reported full compensation to be \$18,750.00 inclusive of land value and severance damage based upon the proximity of the new roadway and non-conformity as to setbacks.

The property owner did not have an appraisal performed.

V NEGOTIATIONS

The negotiated settlement is at \$10,000.00 above appraised value.

The recommended settlement is inclusive of land value, severance damage, interest, attorney's fees, appraisal costs, and mediation costs. This is a cost avoidance settlement. If this case is pursued further, the costs of appraisal, mediation, and attorney's fees would probably exceed the additional amount over the appraised value.

VI ATTORNEY'S FEE REIMBURSEMENT

The settlement is inclusive of all attorneys' fee reimbursements. The statutory calculation is not applicable.

VII COST REIMBURSEMENTS

Statutory cost reimbursements are included.

VIII COST AVOIDANCE

By this settlement, the County avoids the following additional costs, beyond the inclusive amount:

- A. A potential jury verdict in excess of the County's appraised value;
- B. All statutory interest;
- C. Attorney's fees in excess of the inclusive amount;
- D. Cost for appraisal, mediation, and other matters that may exceed the \$10,000.00 above appraised value.

IX ANALYSIS

The settlement sum is inclusive at \$10,000.00 above the County's appraised value. The costs to be incurred to proceed further would probably exceed the \$10,000.00. A cost avoidance settlement is recommended.

X RECOMMENDATION

County staff recommends that the BCC approve this settlement in the amount of \$28,750.00 inclusive of all land value, severance damage, interest, attorney's fees and costs.

HMB/sb

Attachment

Location Map - Exhibit A

Sketch – Exhibit B

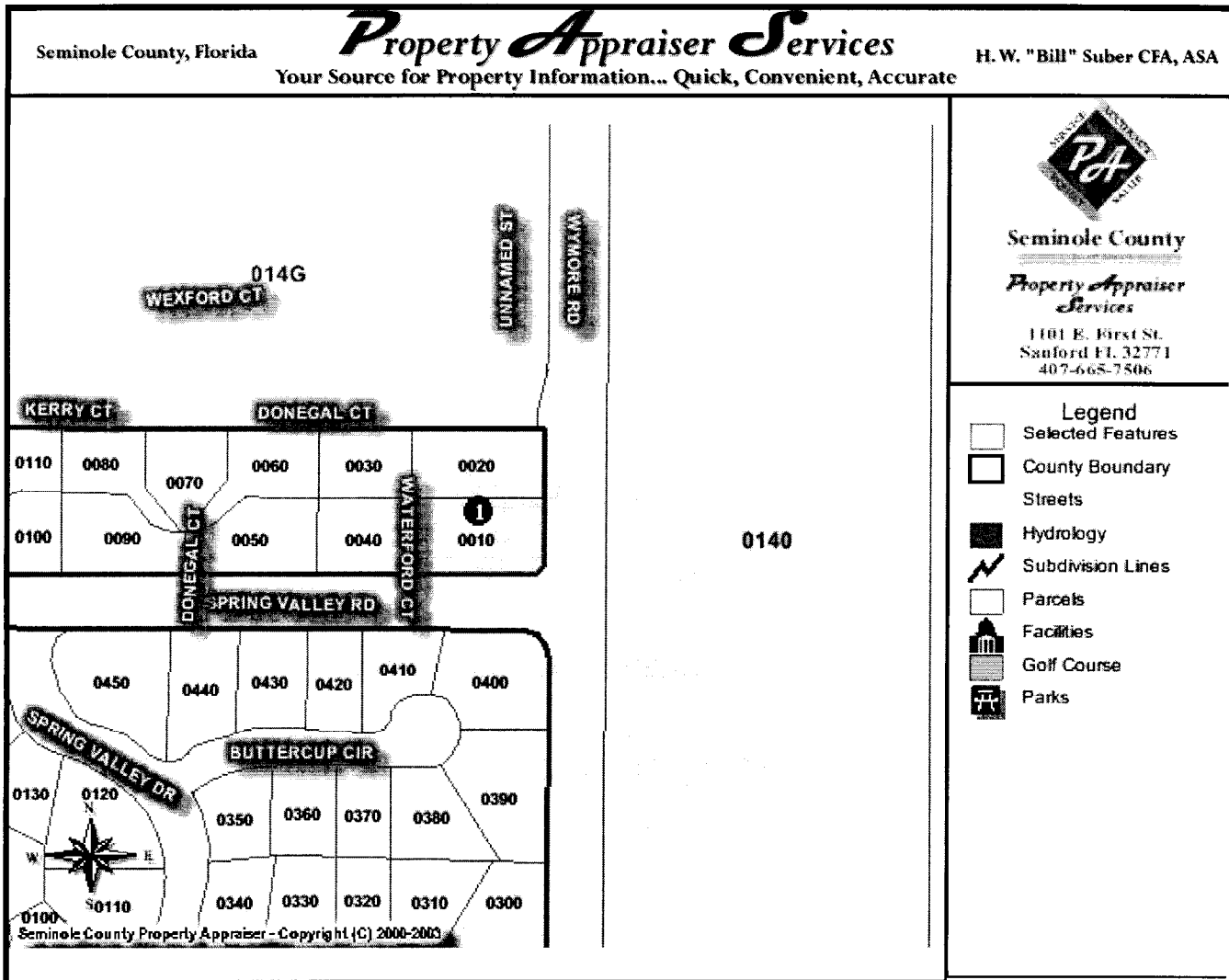


EXHIBIT A

