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**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 *[Signature]*
Kathleen Myer, Principal Engineer/Engineering Division *[Signature]*

DATE: February 7, 2003

SUBJECT: Settlement Authorization
Dodd Road Project
Parcel Nos.: 135 and 735
Owner(s): Floyd Property
Seminole County vs. Scott, et al.
Case No.: 01-CA-1901-13-W

This Memorandum requests settlement authorization by the Board of County Commissioners (BCC) for Parcel Nos. 135 and 735 on the Dodd Road Project. The acquisitions were for 1,351 s.f. in fee simple, and a temporary easement of 1553 s.f. The recommended settlement is at the total sum of FIFTEEN THOUSAND AND NO/100 DOLLARS (\$15,000.00) inclusive of all land value, severance damage, and statutory interest. The settlement is exclusive of attorney's fees and costs.

I PROPERTY

Parcel No. 135 is a fee simple acquisition consisting of 1,351 s.f. and Parcel No. 735 is a temporary construction easement consisting of 1,553 s.f.

A sketch depicting the parent tract, Parcel Nos. 135 and 735 is attached as Exhibit A. The street address is 1401 Dodd Road, Winter Park, Florida 32792.

II AUTHORITY TO ACQUIRE

The BCC adopted Resolution No. 95-R-230, on September 26, 1995, authorizing the acquisition of Parcel Nos. 135 and 735 finding that Dodd Road was necessary and served a public purpose and was in the best interest of the citizens of Seminole County.

III ACQUISITIONS AND REMAINDER

The acquisition is a thirty foot deep clip off a 690 foot driveway entrance to a lakefront flag lot. The driveway clip does not impact the utility of the residentially improved lakefront lot.

IV APPRAISED VALUES

The County's appraisal report was prepared by Diversified Property Specialists, Inc. and opined the total compensation to be \$14,700.00 for both parcels.

The owners prepared only an appraisal review.

V NEGOTIATION

The County made an initial offer and offer of judgment at \$15,000.00. This settlement is at \$15,000.00.

The owners initially rejected the \$15,000.00 and after having an appraisal review performed agreed to accept the \$15,000.00.

VI COST AVOIDANCE

By settlement, the County avoids the following additional costs beyond those for which it is already liable by law:

- a. A potential jury verdict in excess of the settlement sum of \$15,000.00.
- b. Statutory interest applicable to a larger jury verdict; and,
- c. Attorney fees and costs to proceed further.

The proposed settlement is exclusive of attorney fees and costs. Costs should not be great since only an appraisal review was performed. Unlike other Dodd Road parcels, it appears that only this one cost item will be claimed. Statutory attorney fees on a percentage basis produces a fee of \$0.00.

VII ANALYSIS

This proposed settlement seems to require little analysis as it is only \$300.00 above our appraisal and at the exact amount of the County's office of judgment, which was approved earlier by the BCC and rejected by the owners.

VIII RECOMMENDATION

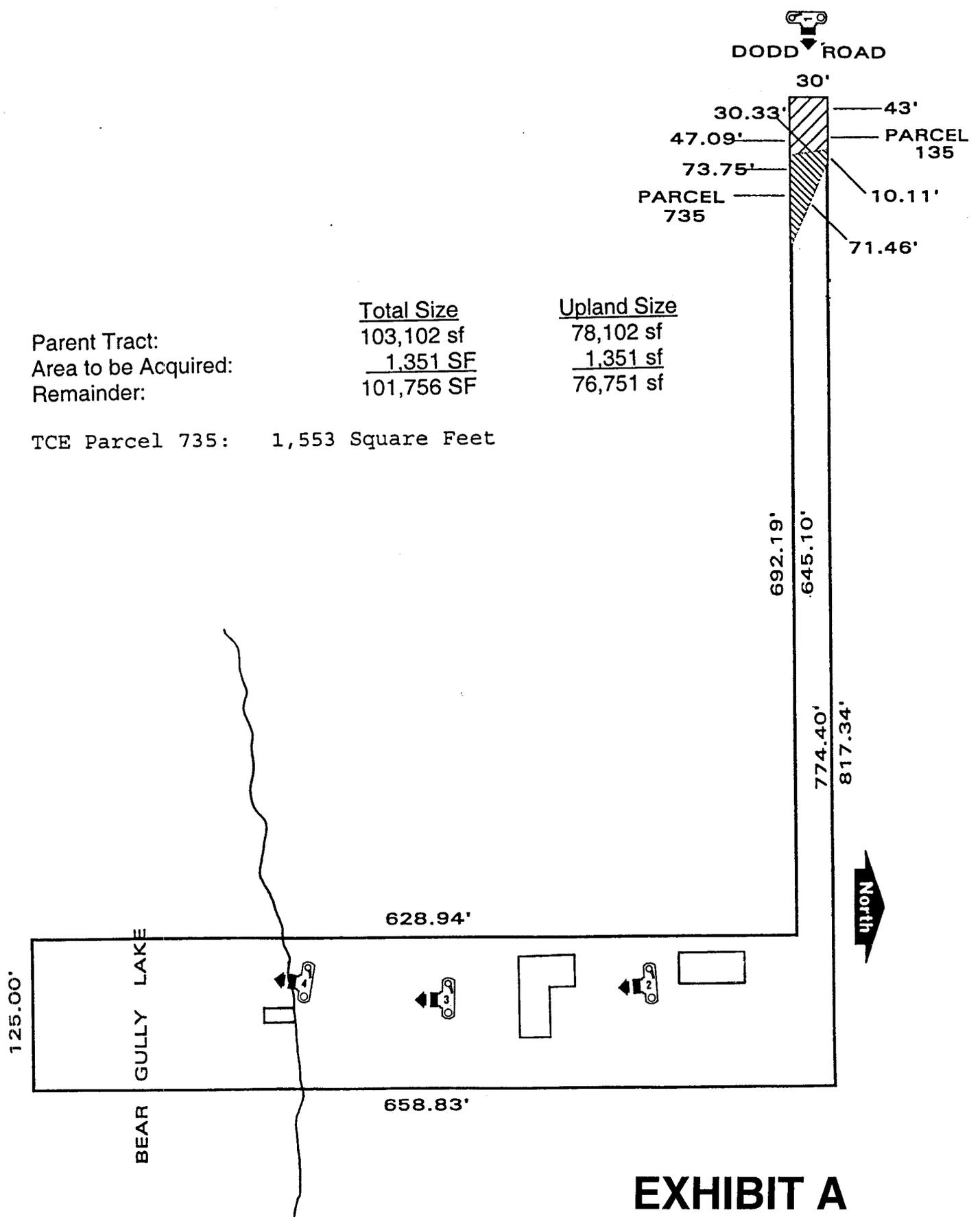
This Office recommends that the BCC approve this settlement at \$15,000.00 inclusive of land value, severance damage and statutory interest.

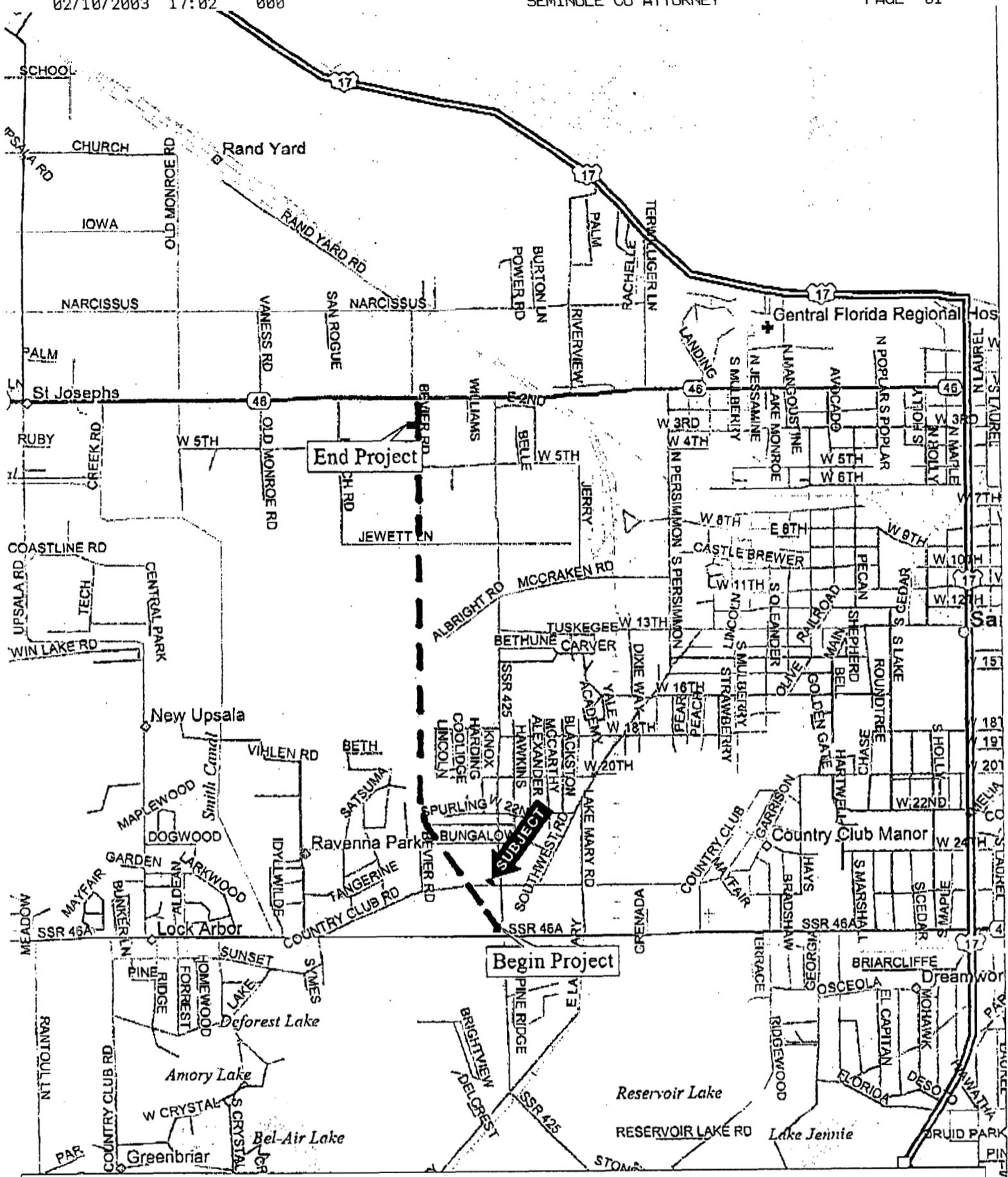
HMB/sb

Attachment

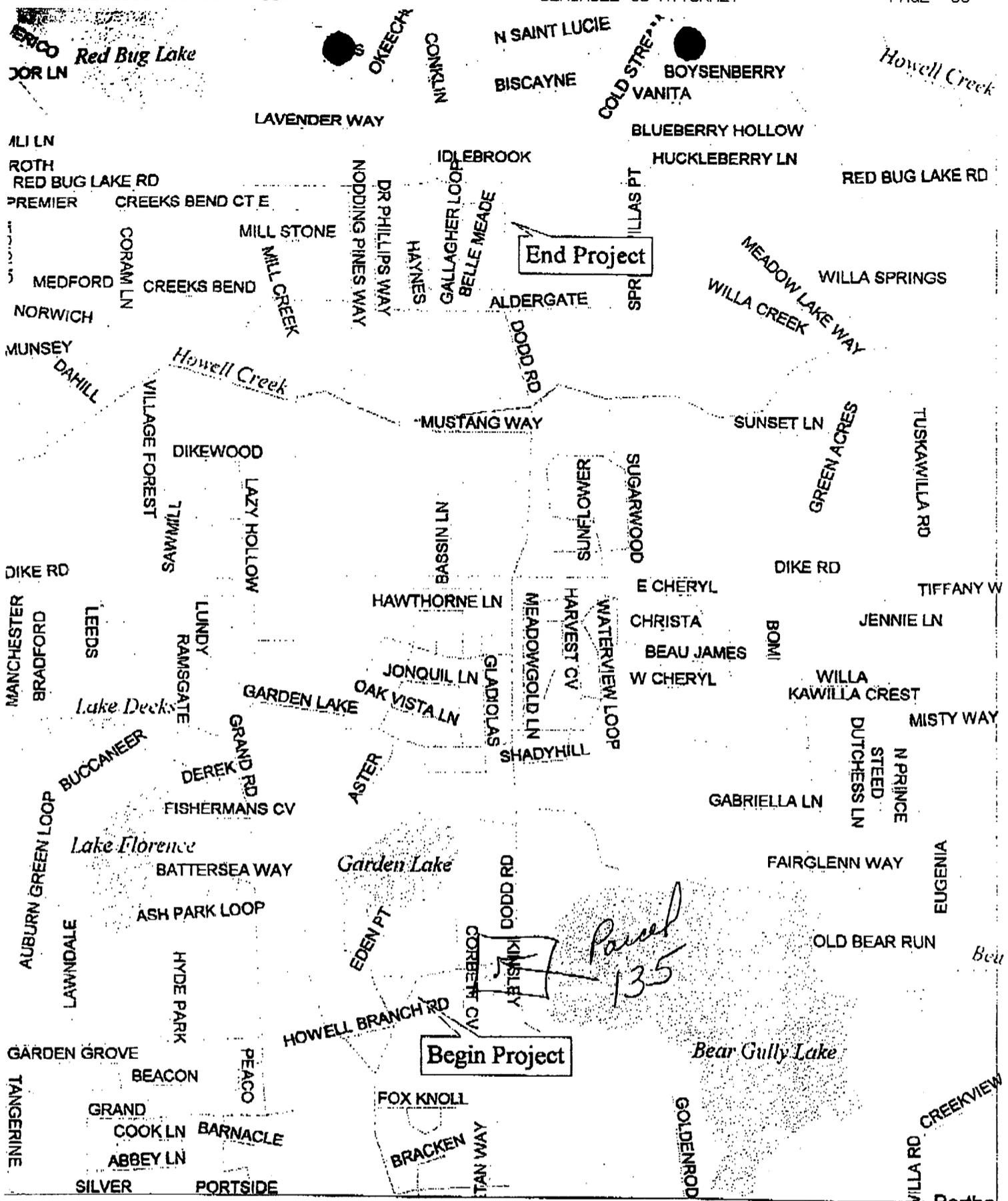
Exhibit A

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LOCATION MAP



PROJECT LOCATION MAP

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Received Time Feb. 11. 9:42AM