

62

27



**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 *[Signature]* HMB  
Ext. 5736

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

DATE: February 7, 2005

SUBJECT: Settlement Authorization  
County Road 427 Phase I road improvement project  
Parcel No. 816; Estate of James Stewart  
*Seminole County v. Doskocz, et al.*  
Case No. 99-CA-775-13-W

This Memorandum requests settlement authorization by the Board of County Commissioners (BCC) as to Parcel No. 816 on the County Road 427 Phase I road improvement project. The recommended settlement is at the total sum of \$1,000.00 inclusive of all land value, severance damages, and statutory interest.

Parcel No. 816 is a permanent easement acquired from the Estates of Lillie Mae Faulkner and James Stewart. Frankie Mae Ferguson, the late Ms. Faulkner's daughter, settled with the County in 1995. Litigation was sought to clear title because of the conflicting claim of the Estate of James Stewart.

The present settlement resolves all remaining known issues.

**I PROPERTY**

**A. Location Data**

Parcel No. 816 is located approximately 161 feet north of Leonard Street, along the east right-of-way of Ronald Reagan Boulevard f/k/a County Road 427 (near Altamonte Springs), within the unincorporated area of Seminole County. A location map is attached as Exhibit A.

**B. Street Address**

The property address is 2651 Ronald Reagan Boulevard. The subject property is vacant residential. A parcel sketch from the Hastings & Spivey report is attached as Exhibit B.

**II AUTHORITY TO ACQUIRE**

The BCC adopted Resolution No. 97-R-95 on April 8, 1997, authorizing the acquisition of Parcel No. 816. The County Road 427 Phase I road improvement project was found to be necessary and serving a public purpose and in the best interests of the citizens of Seminole County. The Order of Take occurred on July 19, 1999 with Seminole County acquiring the right to use Parcel No. 816 on July 28, 1999, the date of the good faith deposit in the amount of \$600.00.

**III ACQUISITIONS AND REMAINDER**

The parent tract contains 9,997 S.F. and is vacant property. Parcel No. 816 is a permanent drainage easement, containing 670 S.F.

**IV APPRAISED VALUES**

The County's initial report prepared by Consortium Research Corporation Inc., and dated June 10, 1994, reported compensation at \$1,285.00. A new report and subsequent update, dated July 23, 1998, and April 30, 1999, respectively, as prepared by Hastings & Spivey, Inc., reported full compensation to be \$600.00.

**V BINDING OFFER/NEGOTIATION**

The Claimants of the Estate of James Stewart, Ashia and Anissa Stewart employed the services of an attorney to assist them. However, due to lack of client contact he withdrew as counsel. After noticing this matter for trial, the representatives of the Stewart Estate who reside in Michigan contacted our offices and agreed to settle all land value issues for \$1,000.00.

**VI ATTORNEY FEES AND COSTS**

Attorney's fees were previously paid to William Reischmann in the amount of \$750.00. No costs were expended.

**VII ANALYSIS**

The settlement for land value at \$1,000.00 is \$400.00 greater than the appraised value reported by Hastings & Spivey, Inc.

## **VIII COST AVOIDANCE**

By this settlement, the County avoids all additional costs associated with litigation.

## **IX RECOMMENDATION**

County staff recommends that the BCC approve this settlement in the total amount of \$1,000.00 inclusive of land value, severance damage, and statutory interest.

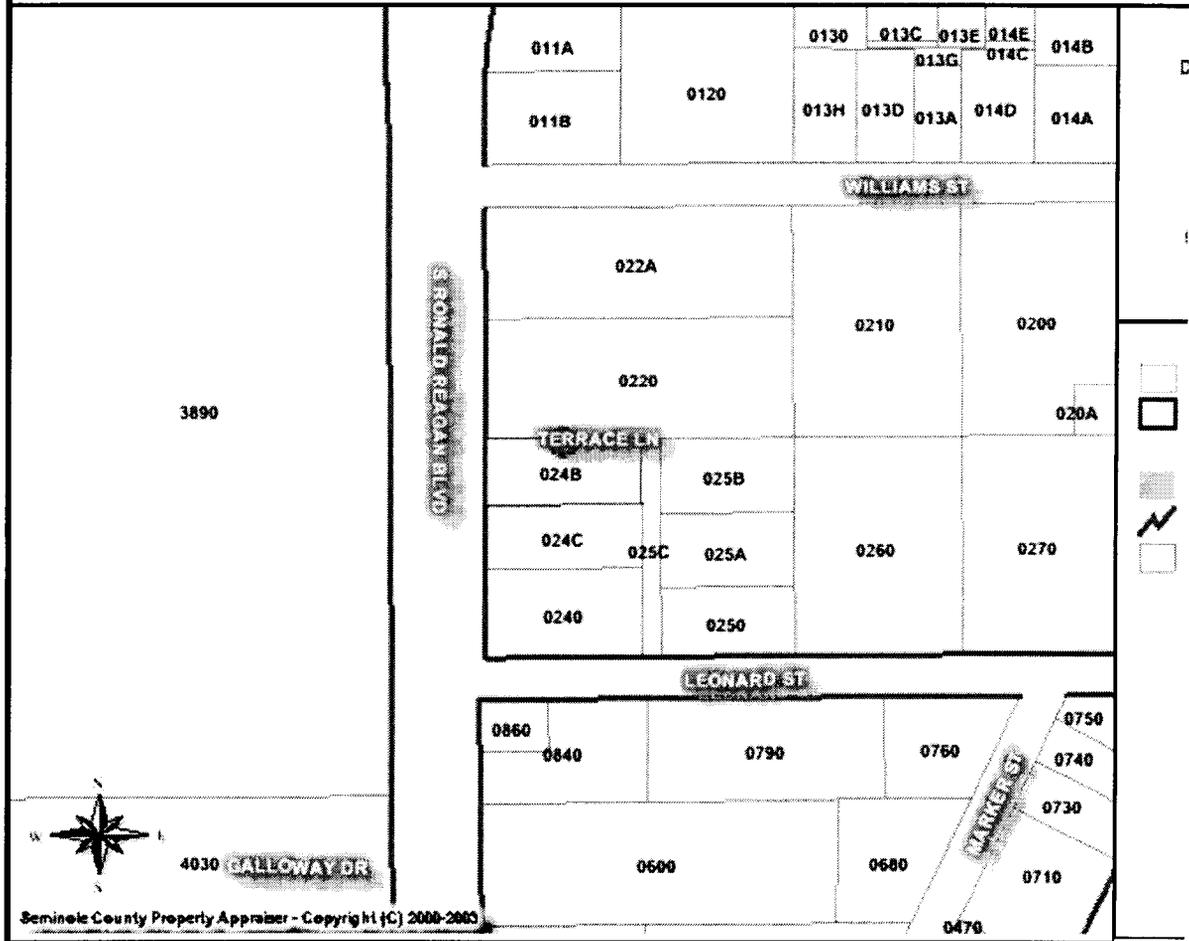
dre

Attachments:

Exhibit A - Location Map

Exhibit B - Sketch

P:\USERS\EDGE\IMY DOCUMENTS\MEMOAGENDA ITEM 427 I ESTATE OF STEWART.DOC



Seminole County Property Appraiser - Copyright (C) 2008-2009

Rec	Parcel	Owner	Owner Addr	City	State
1	182130509000024B	FERGUSON FRANKIE M	25 S 1ST AVE APT 3C	MOUNT VERNON	NY

COUNTY ROAD 427 (SEMINOLE COUNTY, FLORIDA)  
 PARCEL 816 - SKETCH OF PARENT TRACT AND AREA OF TAKING  
 DESCRIPTION: VACANT

SKETCH FOR: HASTINGS & SPIVEY, INC.

AREA OF PARENT TRACT = 9,997 SQUARE FEET  
 AREA OF TAKING = 0 SQUARE FEET  
 AREA OF REMAINDER = 9,997 SQUARE FEET  
 AREA OF PERMANENT EASEMENT = 670 SQUARE FEET

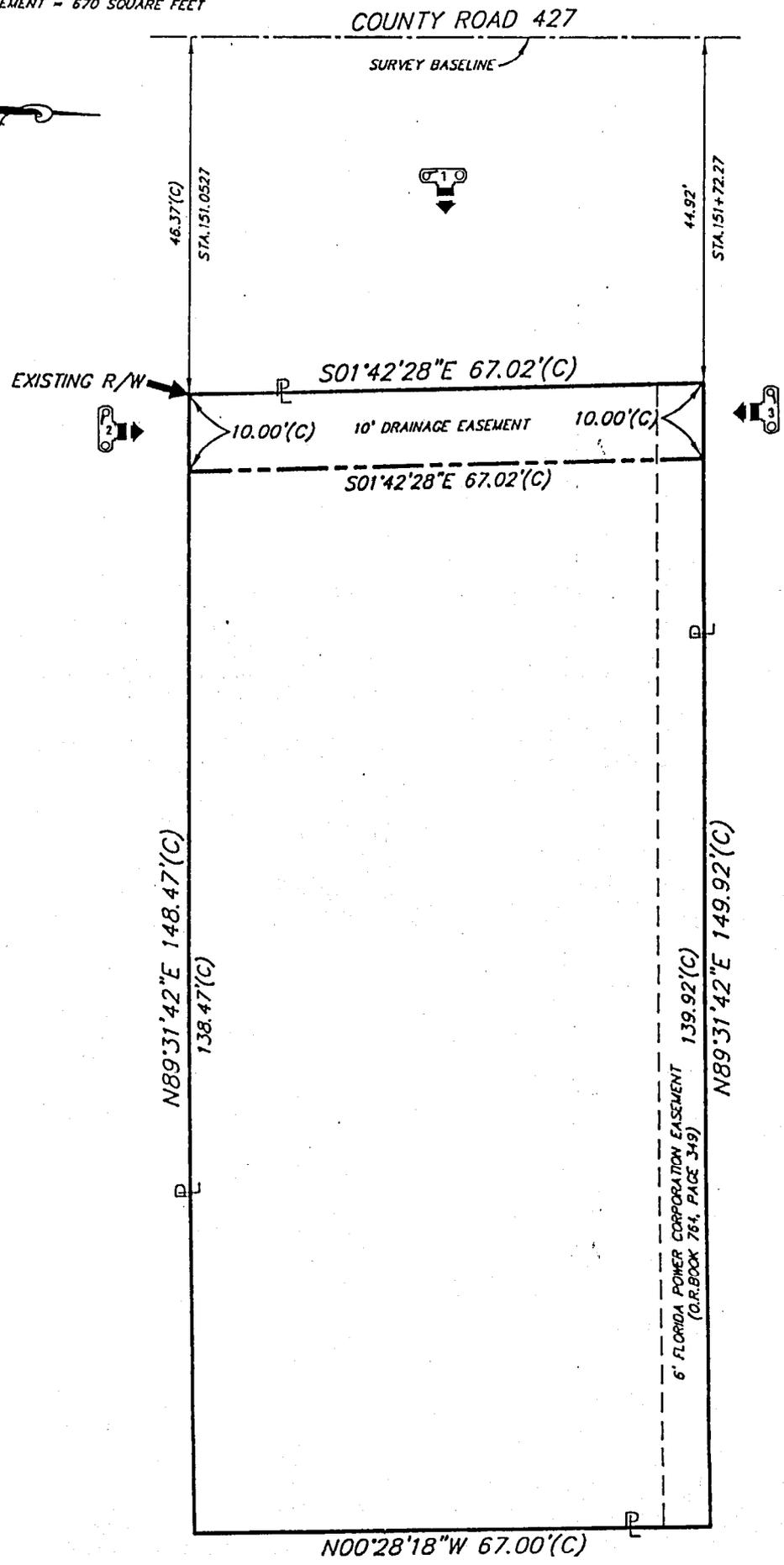
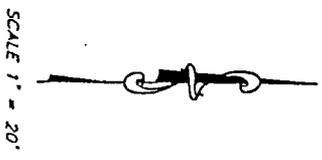


EXHIBIT B