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COUNTY ATTORNEY'S OFFICE
MEMORANDUM

TO: Board of County Commissioners

THROUGH: Stephen P. Lee, Deputy County Attorney

FROM: Henry M. Brown, Assistant County Attorney *HMB*
Ext. 5736

CONCUR: Pam Hastings, *ph* Administrative Manager/Public Works Department
Kathleen Myer, Principal Engineer/Engineering Division *KMyer*

DATE: February 13, 2004

SUBJECT: Binding Offers of Judgment Authorization
Seminole County v. Adams, et al.
Case No.: 2002-CA-2507-13-L
Wymore Road Project
Parcel No. 127

This Memorandum requests authorization by the Seminole County Board of County Commissioners (BCC) to make an offer of judgment on the captioned parcel in an amount determined reasonable by the County Attorney but not in excess of \$1,300.00.

I LOCATION DATA

Parcel No. 127 is located at the intersection of Wymore Road and Westmonte Drive. The street address is 252 South Wymore Road. A parcel sketch is attached as Exhibit A.

II AUTHORITY TO ACQUIRE

The BCC adopted Resolution No. 2001-R-31 on February 13, 2001 authorizing the acquisition of Parcel No. 127 on the Wymore Road Project.

III ACQUISITIONS AND REMAINDERS

Parcel No. 127 is the acquisition of an 81 square foot corner clip from a commercially improved parent tract of 20,250 square feet. The property is improved with a small strip shopping center.

IV APPRAISED VALUES

The County's appraisal for Parcel No. 127 was performed by Clayton, Roper, and Marshall and opined a value of \$650.00.

V PROPERTY OWNERS' VALUES

No appraisal reports have been produced.

VI ANALYSIS

This offer of judgment, if accepted, would conclude the case. Statutory attorney's fees would be set at 33% of the difference between the offer amount and the written offer. Costs, if any, would be outstanding.

If not accepted, the impact is that expert costs are not reimbursed for time expended after rejection of the offer of judgment if a verdict or settlement exceeds the offer of judgment amount.

VII RECOMMENDATION

This office recommends that the BCC authorize the issuance of an offer of judgment at an amount to be determined by the County Attorney, not to exceed \$1,300.00.

HMB/sb

Attachments:

Exhibits A

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