



CCAO 2

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 Ext. 5736 *HMB*

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

DATE: February 17, 2003

SUBJECT: Binding Offer of Judgment Authorization
Dodd Road Project
Parcel Nos.: 156, 756, and 856
Owner(s): David F. Sumner and Odette I. Nimmo Property
Seminole County vs Erdman, et al.
Case No.: 01-CA-1900-13-K

This Memorandum requests authorization by the Seminole County Board of County Commissioners (BCC) to make an offer of judgment as to Parcel Nos. 156, 756, and 856 in an amount not to exceed \$22,000.00.

I PROPERTY

Location Data

A. The parcels are located along the west side of Dodd Road. The property is improved with a residential unit. See, Location Map attached as Exhibit A.

B. Address:
1146 Dodd Road
Winter Park, FL 32792

II AUTHORITY TO ACQUIRE

The BCC adopted Resolution 95-R-230 on September 26, 1995, finding that the Dodd Road project was necessary and serves a County and public purpose and is in the best interest of the citizens of Seminole County.

III ACQUISITIONS AND REMAINDERS

The fee simple acquisition is a ten foot strip along the frontage totaling 1,010 s.f. The easements are along the frontage and provide for a reconstruction of a subdivision wall and frontage road.

IV APPRAISED VALUES

The County's appraisal report was prepared by Diversified Property Specialists, Inc. and opines full compensation to be \$12,100.00 allocated: (1) Parcel 156 - \$3,500.00; (2) Parcel 756 - \$7,500.00; and (3) Parcel 856 - \$1,100.00.

V PROPERTY OWNERS VALUES

No appraisal reports have been produced; the owners are claiming the sum of \$40,000.00 plus attorneys fees and costs.

VI ANALYSIS

The requested not-to-exceed offer of judgment at \$22,000.00 if accepted would resolve the case with the attorneys fee reimbursement capped at \$3,300.00. Costs would still be outstanding.

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

VIII RECOMMENDATION

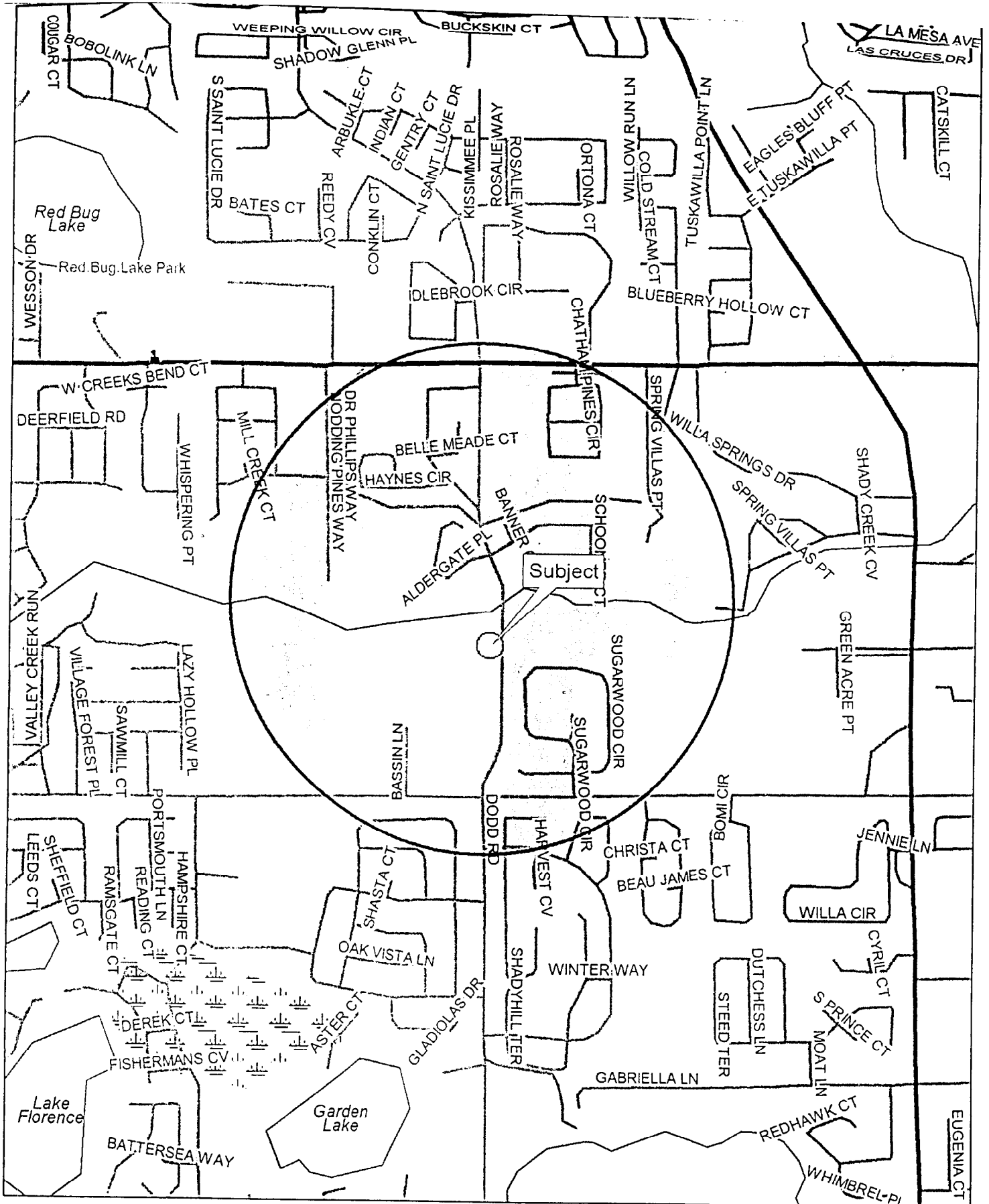
This Office recommends that the BCC authorize the issuance of an offer of judgment not-to-exceed \$22,000.00.

HMB/lpk

Attachment

Exhibit A

P:\Users\Casb01\My Documents\MEM\AGENDA ITEM DODD SUMNER NIMMO 156 176 856.doc



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Scale: 1 : 14,400 Zoom Level: 13-0 Datum: WGS84

NEIGHBORHOOD LOCATION MAP