



00CA03

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
Kathleen Myer, Principal Engineer/Engineering Division *KJM*

DATE: February 24, 2003

SUBJECT: Binding Offer of Judgment Authorization
Dodd Road Project
Parcel Nos.: 147 and 947
Owner(s): Adventist Health Systems/Sunbelt Inc.
Seminole County vs Autumn Glen, et al.
Case No.: 01-CA-2264-13-L

This Memorandum requests authorization by the Seminole County Board of County Commissioners (BCC) to make an offer of judgment as to Parcel Nos. 147, and 947 in an amount not to exceed \$350,000.00.

I PROPERTY

Location Data

A. Parcel Nos. 147 and 947 are located along the east side of Dodd Road near the intersection with Red Bug Lake Road. A location map is attached as Exhibit A. A parcel sketch is attached as Exhibit B.

B. Street address:
1111 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 of 38,768 s.f. is along the Dodd Road frontage to a depth of approximately 40 feet. Parcel No. 947 is a permanent stormwater pond easement of 52,185 s.f. placed advantageously at the rear of the 12 acre tract.

IV APPRAISED VALUES

The County's appraisal report was prepared by Pomeroy Appraisal Association of Florida with a value opinion totaling \$249,400.00 allocated: (1) Parcel No. 147, \$124,100.00, and (2) Parcel No. 947, \$125,300.00.

The owner's appraisal was performed by Calhoun, Dreggors and Associates, Inc. and opines full compensation to be \$501,500.00 allocated: (1) Parcel No. 147, \$149,100.00; (2) Parcel No. 947, \$198,300.00; and, (3) Severance Damages, \$154,100.00.

V ANALYSIS

The requested not-to-exceed offer of judgment at \$350,000.00 if accepted would resolve the case with the attorneys fee reimbursement capped at \$11,550.00. 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.

VI RECOMMENDATION

This Office recommends that the BCC authorize the issuance of an offer of judgment not-to-exceed \$350,000.00.

HMB/sb

Attachment

Exhibit A

Exhibit B

P:\USERS\CASB01\MY DOCUMENTS\MEMAGENDA ITEM DODD ADVENTIST HEALTH 147 947.DOC

1 2 3 4 5 6 7 8 9 A B C D E F G H I J K L R O EXIT
 DISPLAY PROJECT STATUS

BOARD OF COUNTY COMMISSIONERS Seminole Cnty
 Maryanne Morse-Clerk 02/21/03 PERIOD 5/03

PROJECT	TASK	DE55012Z	DODD RD (RED BUG LK-HOWEL	PERIOD	ITD	RECEIVABLES	
ACCOUNT	BUDGET	EXP/RECPT	EXP/RECPT	ENCUMBRANCES	BALANCE		
56061000	2473159.00	1620.00	2404979.18	16502.50	51677.32		
56067000	8582067.00	0.00	2113.28	846818.50	7733135.22		
56068000	61810.00	0.00	59440.75	0.00	2369.25		

REVENUE	0.00	0.00	0.00	0.00	0.00		
EXPENSE	11117036.00	1620.00	2466533.21	863321.00	7787181.79		

PRESS ESC OR CONTROL-P TO EXIT/CONTROL-I FOR DETAIL/CONTROL-T FOR TITLE