



**COUNTY ATTORNEY'S OFFICE
MEMORANDUM**

TO: Board of County Commissioners

FROM: Robert A. McMillan, County Attorney

CONCUR: Pam Hastings, Administrative Manager/Public Works Department
 David V. Nichols, P.E., Principal Engineer/Major Projects *DVN 2/14/06*

DATE: February 21, 2006

RE: Lake Emma Road
 Parcel Nos. 134/834; Moreno Valley Investors Four, LLC
 Binding Written Offer/Offer of Judgment

This Memorandum requests authorization by the Seminole County Board of County Commissioners (BCC) to make a binding first written offer/offer of judgment as to the parcels and at the amount set forth below:

I THE PROPERTY

The subject parcels are located at the northwest corner of Lake Emma Road and Sand Pond Road in Seminole County, Florida. See Location Map attached as Composite Exhibit "A".

II AUTHORITY TO ACQUIRE

The BCC adopted Resolution No. 2002-R-56 on April 9, 2002, authorizing the acquisition of the above-referenced properties, and finding that the improvements are necessary and serves a County and public purpose and are in the best interests of the citizens of Seminole County.

A Fifth Amended Resolution is being submitted contemporaneously to the BCC for approval to amend the legal descriptions for Parcel Nos. 134/834.

III ACQUISITIONS AND REMAINDERS

N/A

IV APPRAISED VALUES

The Spivey Group, Inc., completed the appraisal for the below-referenced parcels. The County's staff appraiser reviewed and approved the appraisal.

V PROPERTY OWNERS/APPRaised VALUES

PARCEL NO.	PROPERTY OWNER	PROPERTY TO BE ACQUIRED	COUNTY'S APPRAISED VALUE	PROPOSED OFFER
134	Moreno Valley Investors Four, LLC	7,117 sf (.163 ac)	\$ 37,133.00	\$ 37,133.00
834	Moreno Valley Investors Four, LLC	3.658 acres	\$407,867.00	\$407,867.00
TOTAL			\$445,000.00	\$445,000.00

VI SETTLEMENT ANALYSIS/COST AVOIDANCE

The County is required to extend a written offer/offer of judgment to a property owner prior to filing suit to acquire property through eminent domain. The proposed binding offer/offer of judgment amount is at the appraised value. The written offer/offer of judgment acts as a limitation on attorney's fees if the property owner retains an attorney.

VII RECOMMENDATION

County staff recommends that the BCC authorize a binding written offer/offer of judgment at the amount stated above.

RAM/krc

Attachment:

Location Map – Exhibit A

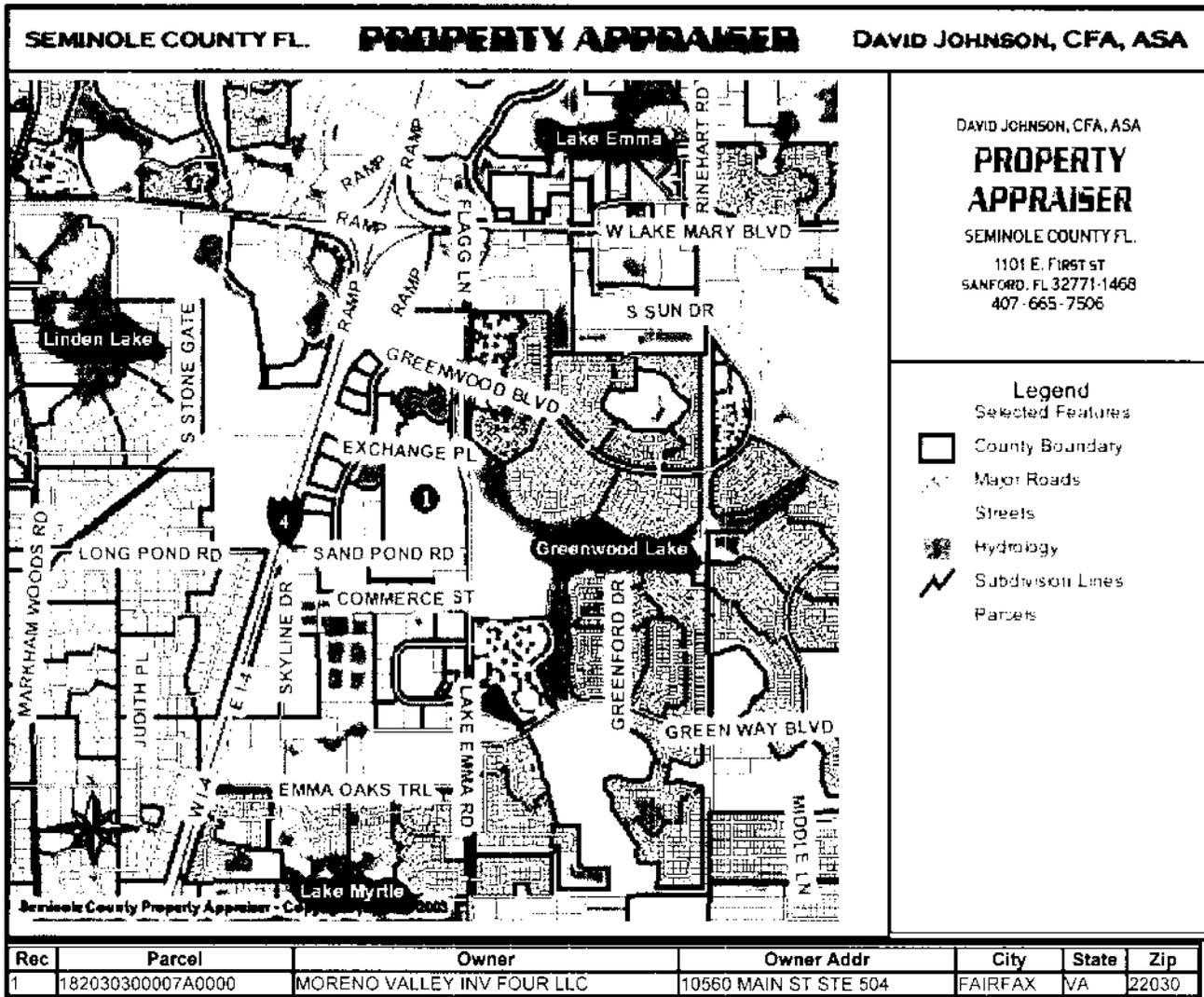


EXHIBIT A