

22

01



COUNTY ATTORNEY'S OFFICE
MEMORANDUM

TO: Board of County Commissioners

THROUGH: Stephen P. Lee, Deputy County Attorney *[Signature]*

FROM: Lynn Vouis, Assistant County Attorney *[Signature]*

CONCUR: Pam Hastings, Administrative Manager/Public Works Department *[Signature]*
 Antoine Khoury, Principal Engineer/Minor Projects *[Signature]*

DATE: February 28, 2005

SUBJECT: Litigation Settlement Authorization
 Owner: The Crossings Master Community Association, Inc.
 Parcel No. 103
 Lake Emma Road (Minor) Improvement Project
Seminole County v. The Crossings Master Community Assoc., Inc., et al.
 Case No. : 2004-CA-2284-13-G

This Memorandum requests settlement authorization by the Board of County Commissioners (BCC) as to Parcel No. 103 on the Lake Emma Road (Minor) Project. The recommended settlement is for the total sum of \$16,000.00 inclusive of all land value, severance damages, statutory interest, attorney's fees and cost reimbursements.

I THE PROPERTY

A. Location Data

Parcel No. 103 is located on the east side of Lake Emma Road, south of Greenwood Boulevard, within the city limits of Lake Mary. A location map is attached as Exhibit "A".

B. Address

The property is common area for "The Crossings" development and does not have a street address. A parcel sketch is attached as Exhibit "B".

C. Description

The parent tract contains 3.85 acres of land that is part of the Crossings PUD common area.

II AUTHORITY TO ACQUIRE

The BCC adopted Resolution No. 2004-R-128 on July 13, 2004, authorizing the acquisition of Parcel No. 103 and finding that the Lake Emma Road (Minor) improvement project is necessary and serves a county and public purpose and is in the best interests of the citizens of Seminole County. The Order of Take hearing occurred on January 18, 2005, with title vesting in Seminole County on January 27, 2005, the date of the good faith deposit in the amount of \$8,800.00.

III ACQUISITION/REMAINDER

The fee simple acquisition consists of 37,462 S.F. acquired from a total of 3.85 acre parcel. The remainder will consist of 2.99 acres.

IV APPRAISED VALUE

The County's appraisal was prepared by Robert R. Risner, MAI of Seminole County Attorney's Office, and reported full compensation in the amount of \$8,800.00.

V BINDING OFFER/NEGOTIATIONS

On August 10, 2004, the BCC authorized a binding written offer in the amount of \$8,800.00. Thereafter, County staff negotiated this contingent settlement agreement with the property owner and their attorney in the amount of \$16,000.00, inclusive of all fees and costs.

VI ATTORNEY FEES AND COSTS

The settlement at \$16,000.00 is inclusive of attorney fees and costs, without specific allocation.

VII SETTLEMENT ANALYSIS/COST AVOIDANCE

This settlement makes sense primarily on the basis of cost avoidance. The settlement includes all attorney's fees and engineering costs incurred by the owners to review the proposed project. Also included in the settlement is the agreement by the parties that the owner sign a right of entry agreement which will allow the County to relocate sidewalk onto County right-of-way. If this case proceeds to a valuation trial, the additional \$7,200.00 requested to settle will be spent quickly on employing experts on both sides, and the final amount paid by the County will be much greater than \$7,200.00.

VIII RECOMMENDATION

County staff recommends that the BCC authorize settlement in the amount of \$16,000.00, inclusive of all fees and costs.

LV/kc

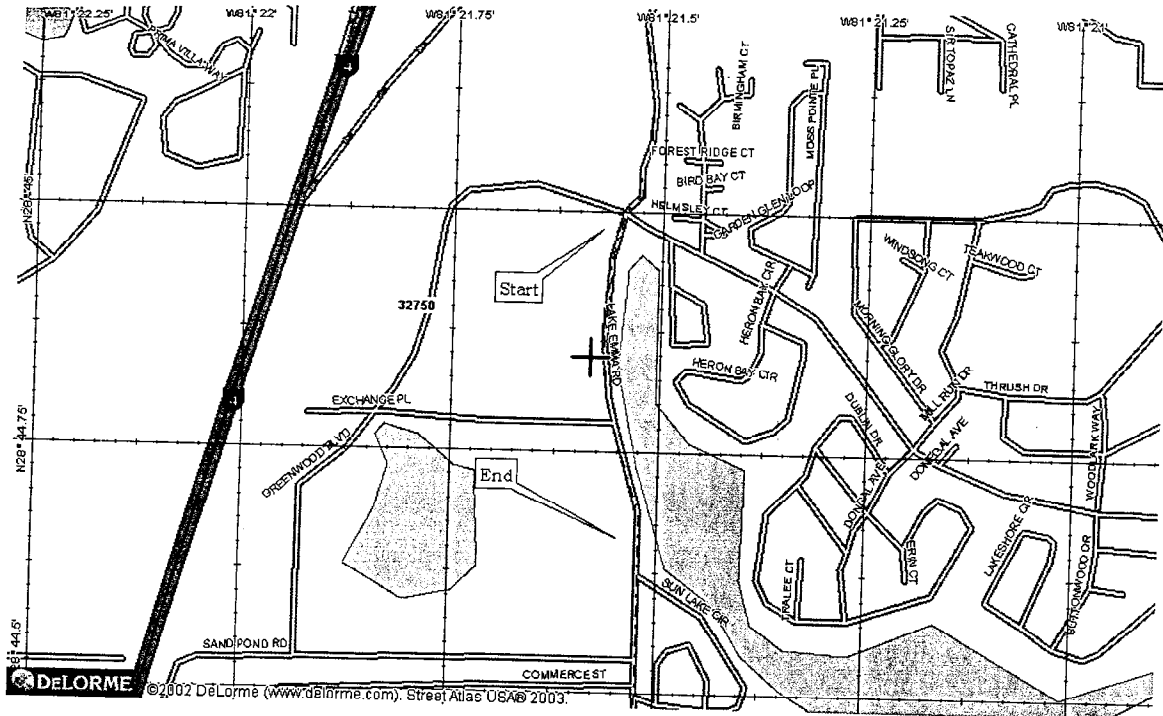
Attachments:

Location Map (Exhibit A)

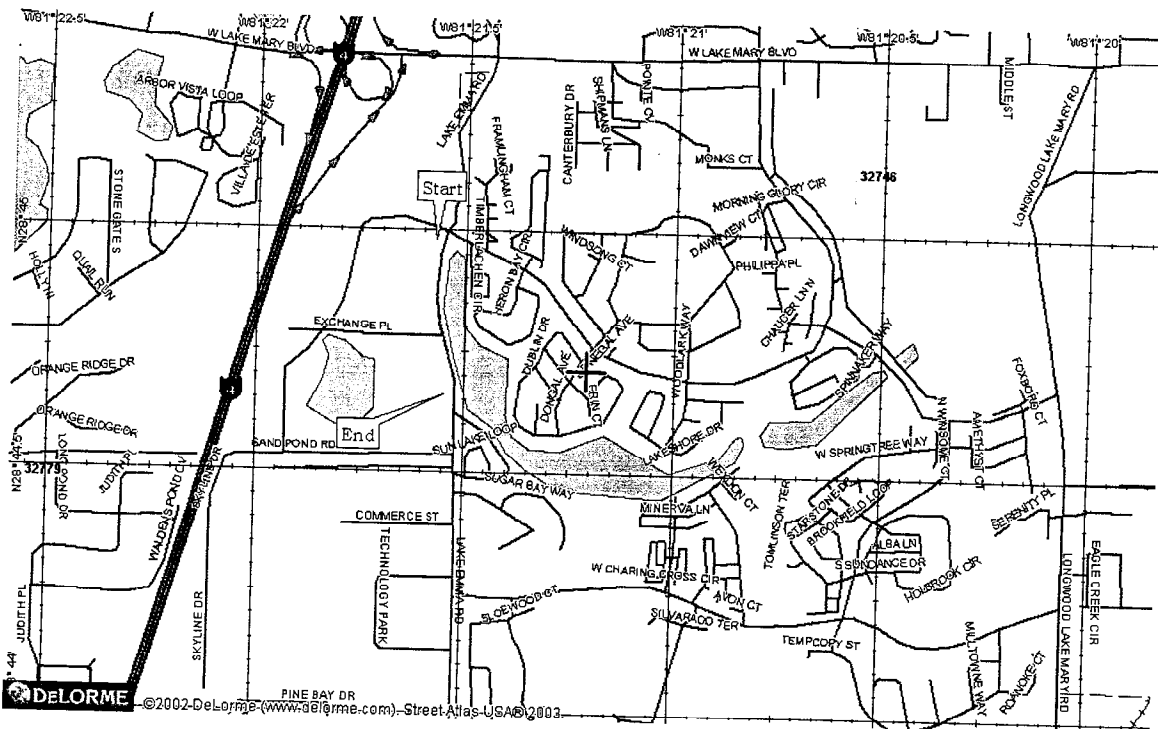
Sketch (Exhibit B)

P:\USERS\ILVOUIS\SETTLEMENT MEMOS\AGENDA ITEM LAKE EMMA MINOR 103 SETTLEMENT AGREEMENT.DOC

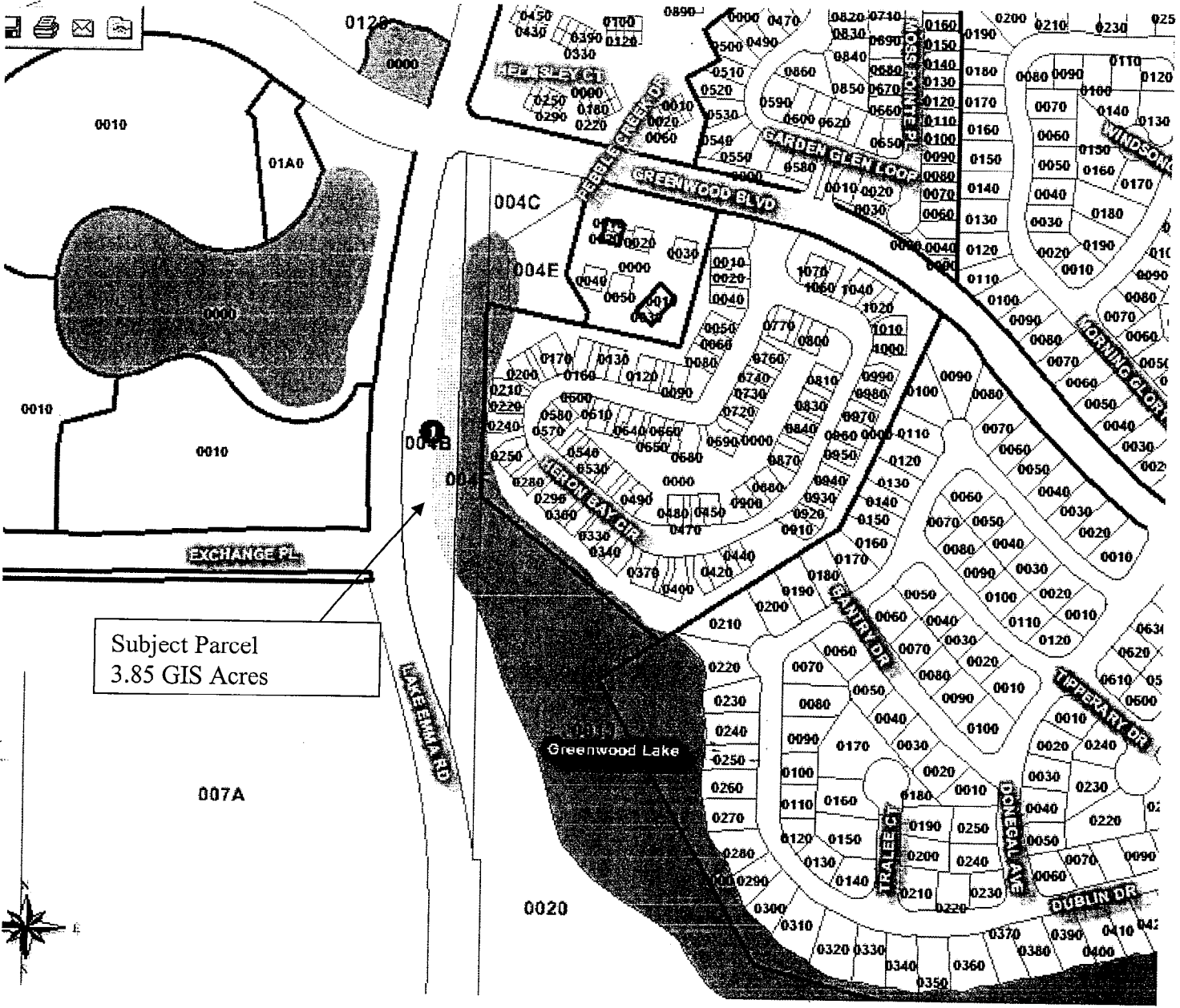
Location map



Neighborhood Map



Plat Map



Subject Parcel
3.85 GIS Acres

007A

