



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]*  
 Kathleen Myer, Principal Engineer/Major Projects *[Signature]*  
 Mark Flomerfelt, Manager, Stormwater Division *[Signature]*

DATE: March 23, 2004

SUBJECT: Binding Written Offer Authorization  
 C- 15 / Elder Creek Regional Stormwater Facility

This Memorandum requests authorization by the Board of County Commissioners (BCC) to make binding written offers to property owners for property to be acquired for the combined C-15 Road Improvement/ Elder Creek Regional Stormwater Facility projects.

**I THE PROPERTY**

The subject parcels are located along the north side of School Street and the southwest border of the Seaboard Coastline Railroad, along the north side of Church Street east of C-15 and on the west side of C-15 near Iowa Avenue right-of-way in a portion of unincorporated Seminole County, Florida.

See Location Maps attached as Composite Exhibit "A".

**II AUTHORITY TO ACQUIRE**

The BCC adopted Resolution No. 2003-R-121 on July 22, 2003 authorizing the acquisition of the below referenced properties, and finding that the construction of the combined C-15 Road Improvement/ Elder Creek Regional Stormwater Facility projects is necessary and serves a county and public purpose and is in the best interest of the citizens of Seminole County. The BCC will be presented with a resolution of necessity for the remainder of the C-15 road improvement project at a later date.

**III ACQUISITIONS AND REMAINDERS**

Not applicable

#### IV APPRAISED VALUES

Florida Realty Analysts, Inc., completed appraisals of the below referenced parcels. The County's staff appraiser reviewed and approved the appraisals.

#### V PROPERTY OWNERS/APPRaised VALUES

PARCEL NOS.	PROPERTY OWNER	PROPERTY TO BE ACQUIRED	COUNTY'S APPRAISED VALUE	PROPOSED OFFER
119	Ellen Schirmer	21,879 SF	\$ 86,800.00	\$ 95,000.00
120	Thuy T. Le	1.263 acres	\$145,100.00	\$155,000.00
131	Robert J. Maksimowicz	3.276 acres	\$249,800.00	\$265,000.00
143	Macel E. Lee, Personal Representative Dianne Gazil	3.256 acres	\$247,700.00	\$263,000.00
16-19-30-5AC-0000-00E0	Seminole County Victim's Rights Coalition, Inc.	225 SF 435 SF	\$ 600.00 \$ 500.00	\$ 2,500.00
16-19-30-5AC-0000-0980	Berkley Jensen's (BJ's) Wholesale Club, Inc.	3600 SF	\$ 3,200.00	\$ 5,000.00
<b>TOTAL</b>			<b>\$733,700.00</b>	<b>\$785,500.00</b>

#### VI SETTLEMENT ANALYSIS/COST AVOIDANCE

The County is required to extend a written offer to a property owner prior to filing suit to acquire property through eminent domain. Generally, offers are made above appraised value to provide the owners incentive to settle prior to the County filing suit. The written offer also acts as a limitation on attorney's fees if the property owner retains an attorney.

#### VII RECOMMENDATION

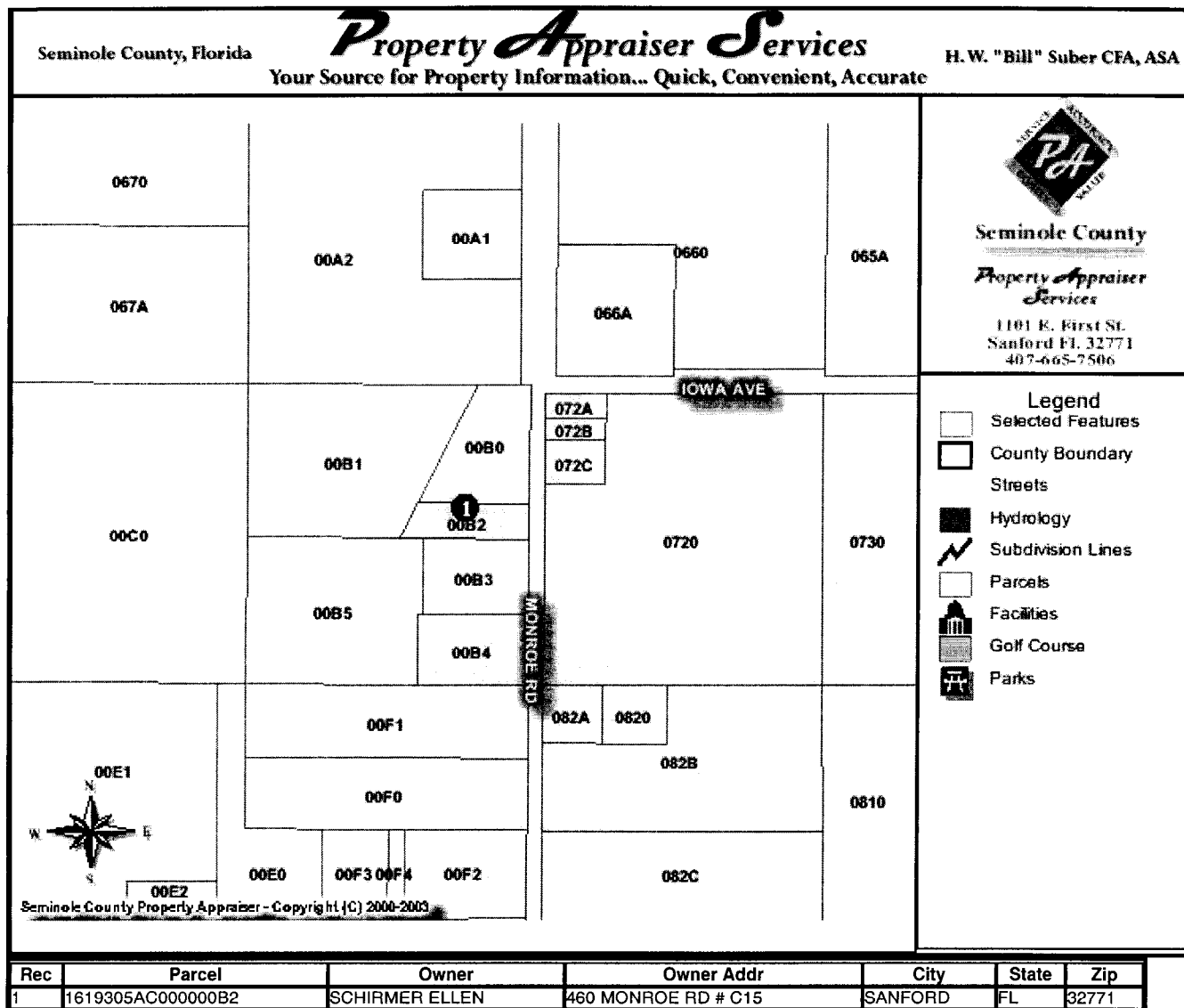
County staff recommends that the BCC authorize extending Binding Written Offers for each of the above listed parcels.

LV/la

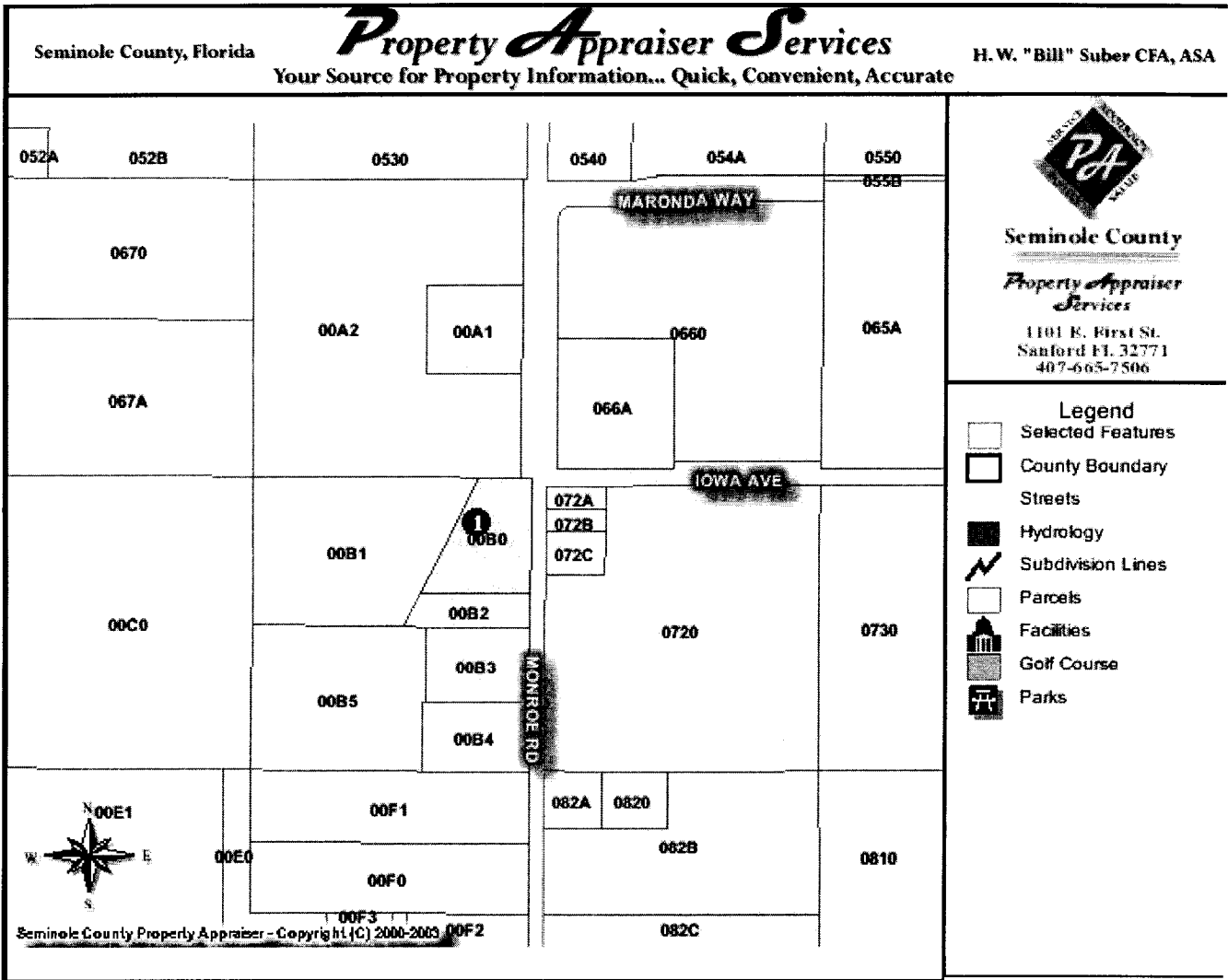
Attachments:

Location maps (Composite Exhibit "A")

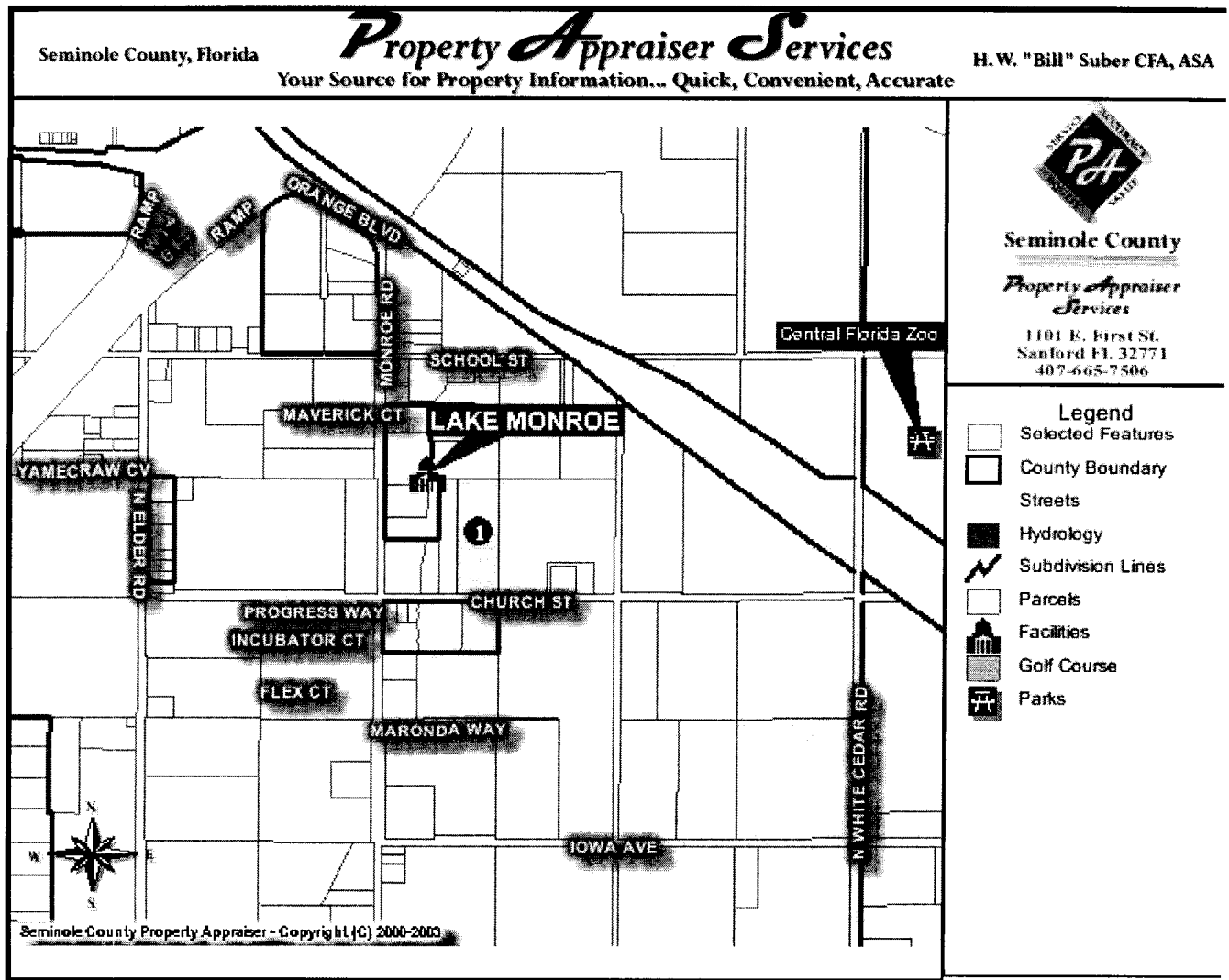
P:\USERS\LVOUIS\BINDING WRITTEN OFFERS\  
AGENDA ITEM ELDER CREEK PONDS BWOS.DOC



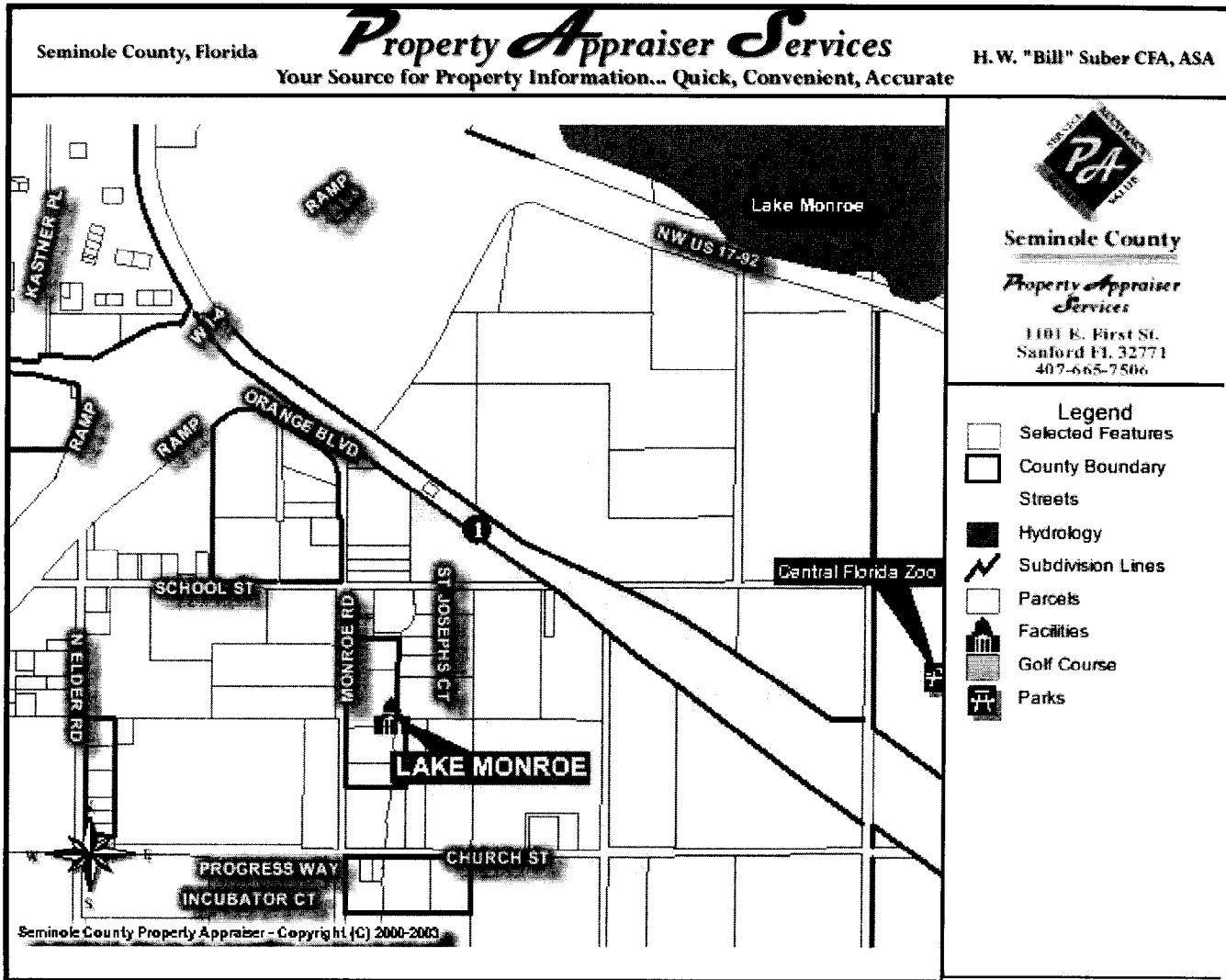
## COMPOSITE EXHIBIT A



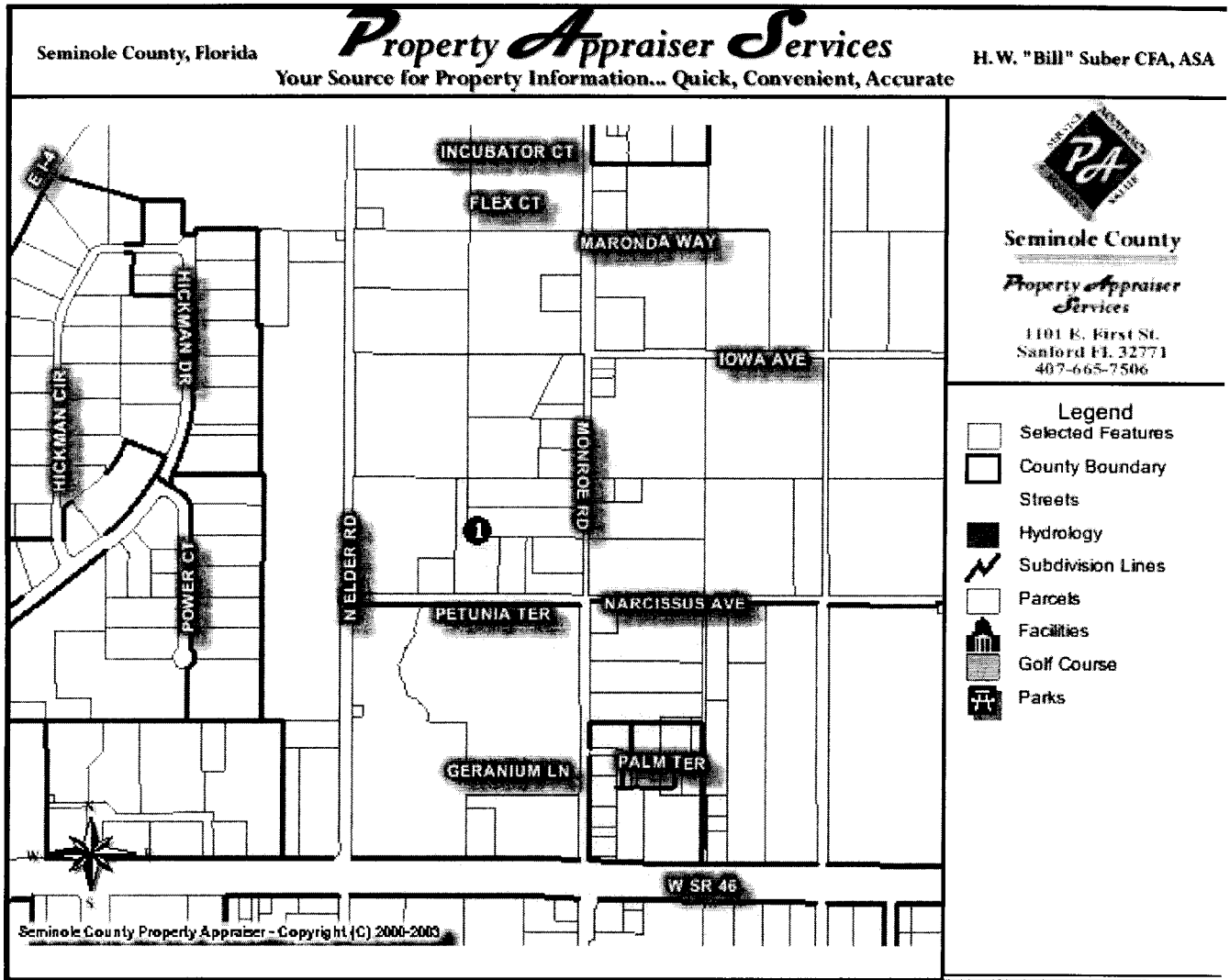
Rec	Parcel	Owner	Owner Addr	City	State	Zip
1	1619305AC000000B0	LE THUY T	31622 BRONSON RD	SORRENTO	FL	32776



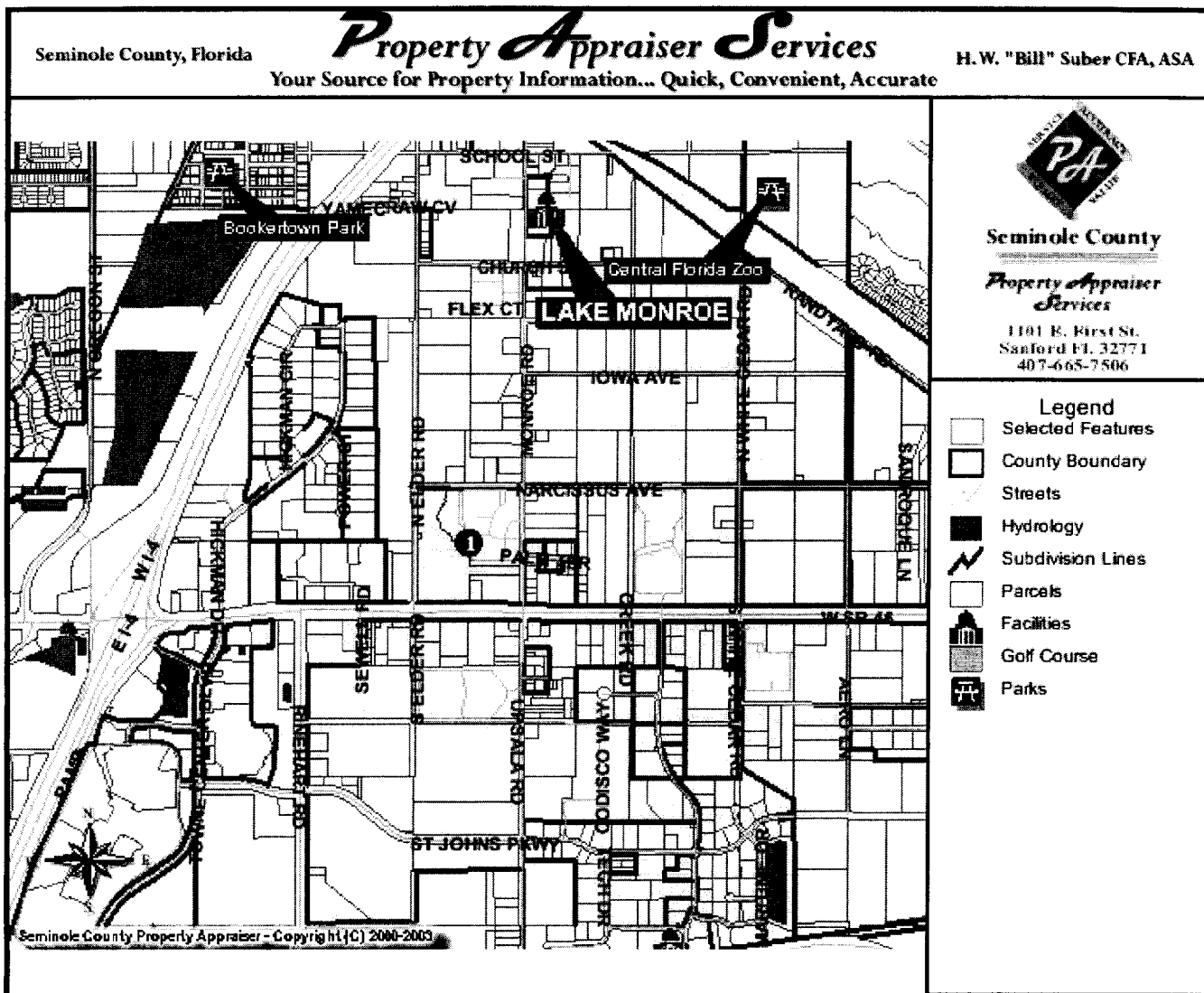
Rec	Parcel	Owner	Owner Addr	City	State	Zip
1	1619305AC00000450	MAKSIMOWICZ ROBERT J	530 S HWY 427 # 116	LONGWOOD	FL	32750



Rec	Parcel	Owner	Owner Addr	City	State	Zip
1	1619305AC00000240	LEE MACEL E &	PO BOX 470118	LAKE MONROE	FL	32747



Rec	Parcel	Owner	Owner Addr	City	State	Zip
1	1619305AC00000E0	SEMINOLE COUNTY VICTIM'S	PO BOX 2921	SANFORD	FL	32772



Rec	Parcel	Owner	Owner Addr	City	State	Zip
1	1619305AC00000980	BJ'S WHOLESALE CLUB INC	ONE MERCER RD	NATICK	MA	01760