

CCA02



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, *[Signature]* Administrative Manager/Public Works Department
Kathleen Myer, Principal Engineer/Engineering Division *[Signature]*

DATE: March 11, 1003

SUBJECT: Settlement Authorization
East Lake Mary Boulevard, Segment I
Parcel No.: 106
Owners: Abdulhusein Family L. P.
Seminole County vs. Abdulhusein Family L. P., et al.
Case No.: 00-CA-1876-13-W

This Memorandum requests settlement authorization by the Board of County Commissioners (BCC) for costs. The total settlement sum is \$7,850.00.

I PROPERTY

A. Location data

Parcel No. 106 is a fee simple acquisition consisting of 0.79 ACRES. The taking was a strip of about 45 feet in depth along the 750 foot, frontage. The property is located in the northeast corner of the intersection of East Lake Mary Boulevard, Segment 1 and Mellonville Road. A sketch is attached as Exhibit A.

B. Street Address

N/A. The property is vacant.

II AUTHORITY TO ACQUIRE

The BCC adopted Resolution No. 96-R-187, on September 10, 1996, authorizing the acquisition of Parcel No. 106, and finding that East Lake Mary Boulevard, Segment 1 is necessary, serves a public purpose and is in the best interest of the citizens of Seminole County,

III BACKGROUND

In November, 2002, the BCC approved the acceptance of the Owner’s Offer To Have Judgment Entered (reverse offer of judgment) at \$84,000.00. This acceptance also established the statutory attorney’s fee reimbursement at \$7,301.25. Cost reimbursements are not resolved by the acceptance of a reverse offer of judgment.

IV COST CLAIM

The owners claimed costs totaling \$9,085.30. The costs were reported as follows:

(1)	Engineering Expert	\$2,304.30
(2)	Appraisal Expert	\$5,401.00
(3)	Planning Expert	<u>\$1,380.00</u>
	TOTAL COSTS	\$9,085.30

V NEGOTIATION

In negotiation, the County challenged the requested hourly rates as too high.

VI SETTLEMENT ANALYSIS/COST AVOIDANCE

Under negotiation, the costs are as follows:

(1)	Engineering Expert	\$1,900.00
(2)	Appraisal Expert	\$4,800.00
(3)	Planning Expert	<u>\$1,150.00</u>
	NEGOTIATED REIMBURSEMENT	\$7,850.00

Negotiation results in a reduction of approximately 14% from \$9,085.30 to \$7,850.00.

If this matter goes to hearing, the County will need to employ three expert witnesses and incur other costs. it is not expected that a hearing would reduce costs any greater than the negotiation 14%.

VII RECOMMENDATION

This office recommends settlement of cost reimbursements at \$7,850.00

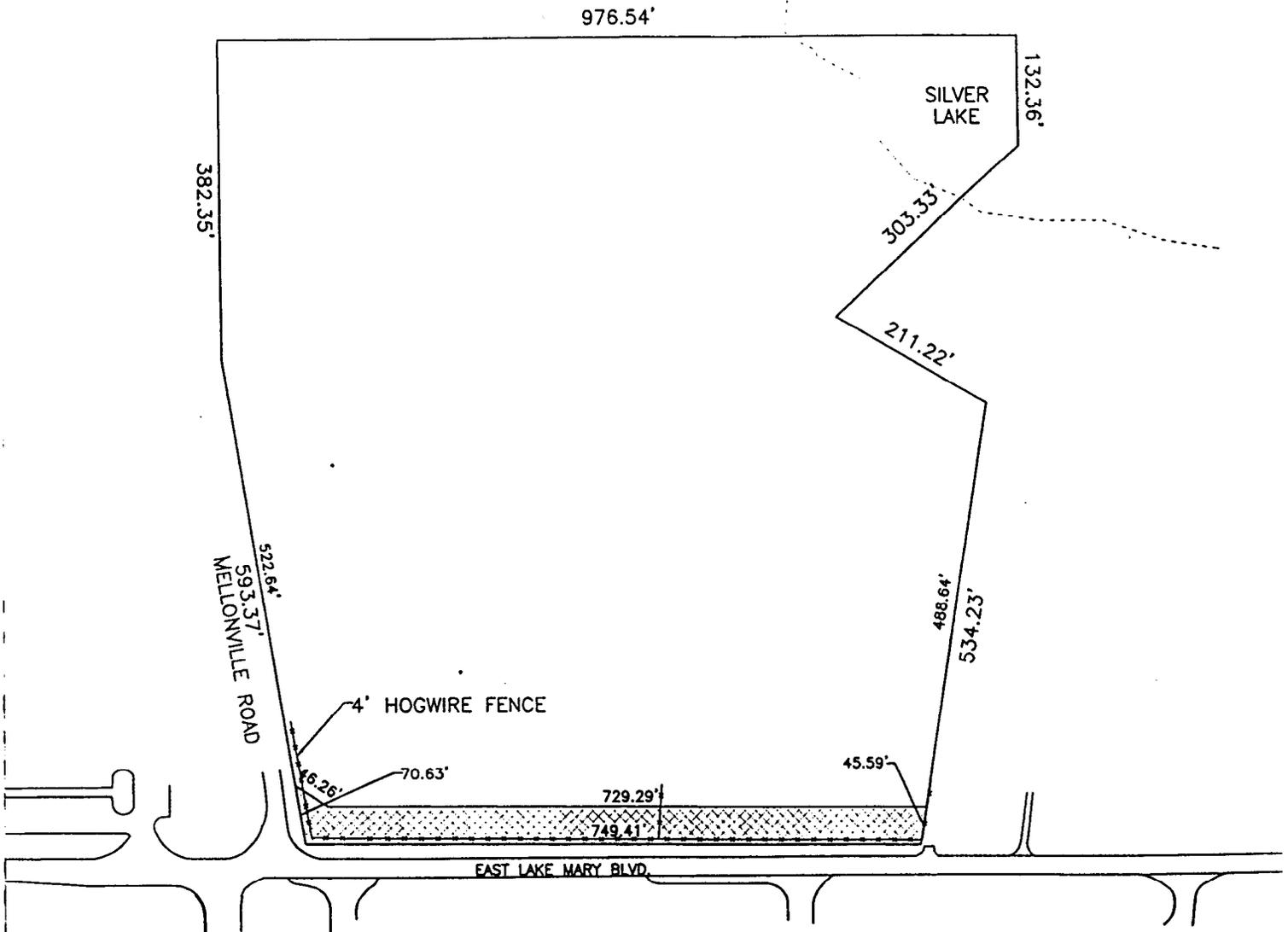
HMB/sb

Attachment:

Sketch Exhibit A

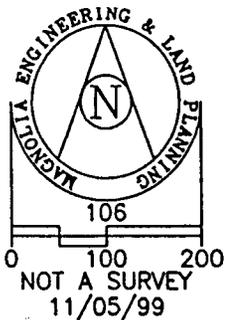
P:\USERS\CASB01\MY DOCUMENTS\MEMAGENDA ITEM ELMB 1 EXPERT COSTS ADBULHUSSEIN.DOC

EXHIBIT A



 FEE TAKING (106)

AREA OF WHOLE: 19.13 ACRES
 AREA OF TAKING: 0.79 ACRES
 AREA OF REMAINDER: 18.34 ACRES



<p>MAGNOLIA Engineering & Land Planning, Inc. 246 N. WESTMONTE DRIVE - ALTAMONTE SPRINGS, FL 32714 PHONE: (407) 772-1329 FAX: (407) 772-1340</p>	<p>PARCEL 106 SITE SKETCH SEMINOLE COUNTY FLORIDA</p>	<p>SHEET 1</p>
--	--	-----------------------------