



COUNTY ATTORNEY'S OFFICE  
MEMORANDUM

TO: Board of County Commissioners

THROUGH: Robert McMillan, County Attorney

FROM: Al Schwarz, Assistant County Attorney AHS  
Ext. 5736

CONCUR: Pam Hastings, Administrative Manager/Public Works Department  
David Nichols, Principal Engineer/Engineering Division

DATE: March 2, 2006

SUBJECT: Costs Settlement Authorization  
Eden Park Avenue road improvement project  
Parcel Nos. 109; James and Anna Kligopoulos  
*Seminole County v. Novoa, et al.*  
Case No. 05-CA-1237-13-G

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This Memorandum requests settlement authorization by the Board of County Commissioners (BCC) for costs on Parcel No. 109 on the Eden Park Avenue project. The total settlement sum is \$10,700.00 for all expert fees and costs related to this taking.

**I PROPERTY**

**A. Location Data**

Parcel No. 109 is located along the west side of Eden Park Avenue, 110 +/- feet north of Cub Lake Road, in unincorporated Seminole County, Florida. A location map is attached as Exhibit A.

**B. Property Address**

The property address is 624 Eden Park Avenue, Altamonte Springs, Florida.

**II AUTHORITY TO ACQUIRE**

The BCC adopted Resolution No. 2004-R-73 on April 13, 2004, authorizing the acquisition of Parcel No. 109. The Eden Park Avenue road improvement project was found to be necessary and serves a public purpose and is in the best interests of the citizens of Seminole County. The Order of Take occurred on August 31, 2005, with title vesting in Seminole County on September, 7, 2005, the date of the good faith deposit in the amount of \$60,800.00.

**III BACKGROUND**

In January, 2006, the BCC approved a settlement at \$75,000.00 with statutory attorney fees set at \$5,676.00. Expert fees and costs remained outstanding.

**IV COST CLAIM AND NEGOTIATIONS**

The owners claimed costs totaling \$12,041.00. The costs were reported as follows:

(1)	Appraisal Expert	\$ 7,570.00
(2)	Engineering Expert	\$ 2,002.50
(3)	Improvement Expert	\$ 593.50
(4)	Landscape Expert	<u>\$ 1,875.00</u>
	<b>TOTAL</b>	<b><u>\$12,041.00</u></b>

In negotiation, the county challenged the requested hourly rates as too high and fees as being excessive. Further negotiation resulted in a cost settlement of **\$10,700.00**. This negotiation results in a reduction of approximately 11% from \$12,041.00 to \$10,700.00.

**V COST AVOIDANCE**

If this matter goes to hearing, the County would likely need to employ expert witnesses and incur other costs. It is not expected that a hearing would reduce costs greater than the negotiated amount of \$10,700.00.

**VII RECOMMENDATION**

This office recommends settlement of cost reimbursements at \$10,700.00.

AHS/dre  
Attachments:  
Exhibit A

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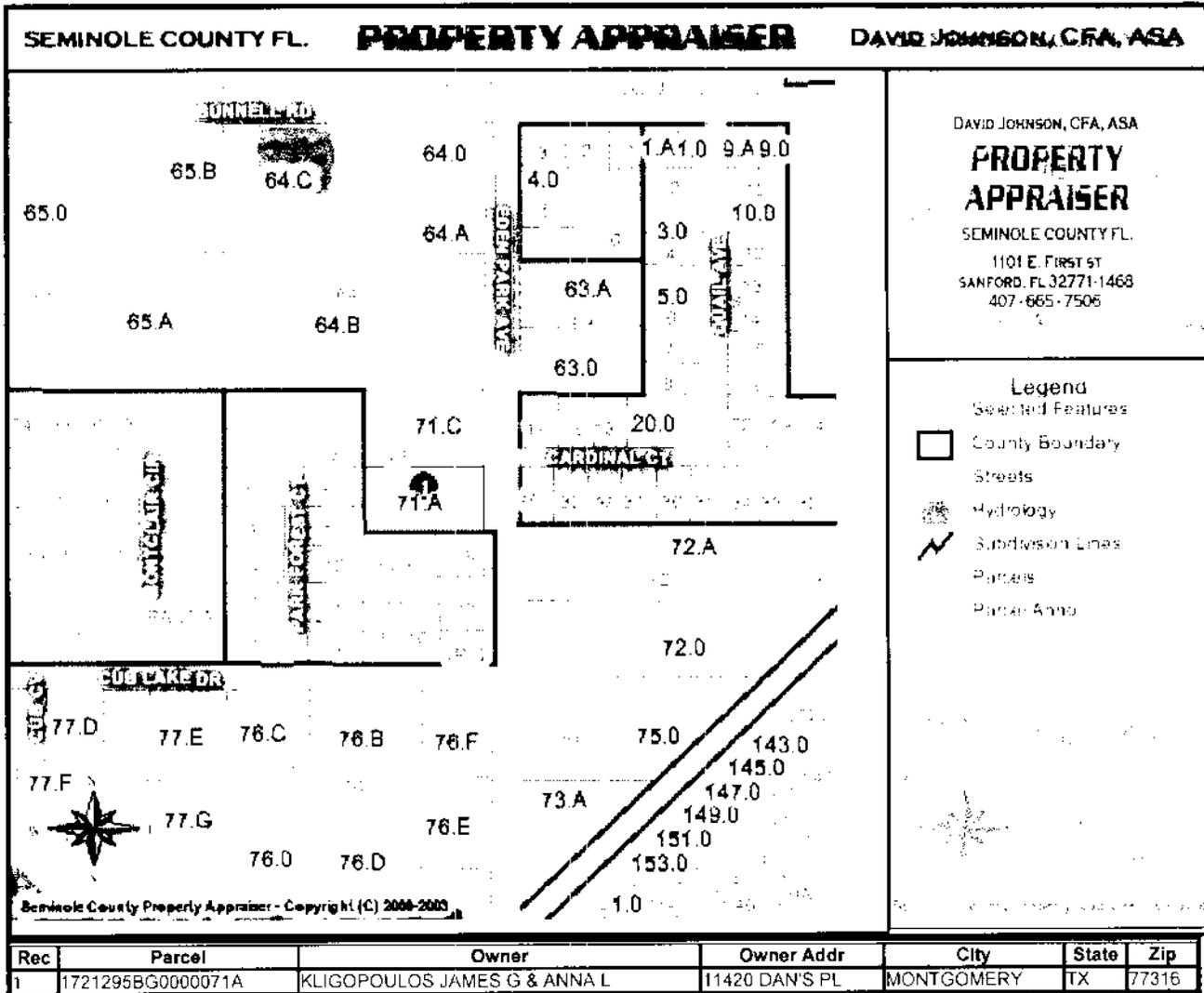


EXHIBIT A