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**COUNTY ATTORNEY'S OFFICE
MEMORANDUM**

TO: Board of County Commissioners

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

FROM: Herbert S. Zischkau III, Assistant County Attorney *[Signature]*
Ext. 5736

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

DATE: March 22, 2004

SUBJECT: Settlement Authorization
Airport Boulevard Phase III, Parcel No. 129
Seminole County v. Ila J. Harris, et al.
Case No.: 03-CA-158-13-W
Owners: Joyce Wilson, Willis Johnson, Theresa Rhaming and
Gwendolyn Johnson-Thompson

This memorandum seeks Board of County Commissioners (BCC) approval of a proposed settlement related to Parcel No. 129 on the Airport Boulevard Phase III road improvement project (the "Project"). This is a total acquisition of a vacant, rectangular, residential parcel on the north side of Bungalow Boulevard. The recommended settlement is for the total sum of \$12,500.00, inclusive of attorney's fees and costs.

I PROPERTY

A. Location Data

The vacant parent tract lies on the north side of Bungalow Boulevard, approximately 1,115 feet west of Airport Boulevard, in unincorporated Seminole County.

See Location Map and Sketch attached as Exhibits A and B, respectively.

B. Street Address

Vacant property. No physical address available.

II AUTHORITY TO ACQUIRE

The BCC adopted the First Supplemental and First Amended Resolution No. 2001-R-108 on June 26, 2001, for the Airport Boulevard Phase III road improvement project, authorizing the acquisition of the above-referenced property, and finding that the construction of the Airport Boulevard Phase III road improvement project is necessary and serves a county and public purpose and is in the best interests of the citizens of Seminole County.

III ACQUISITION AND REMAINDER

The parent tract contains a total of 3,598 square feet or 0.083 acres. The County acquired the whole property in fee simple by an Order of Taking, dated April 21, 2003. It is rectangular, with 29.99 feet of frontage on Bungalow Boulevard. There is no remainder.

IV APPRAISED VALUES

The County's initial appraisal report in October, 2001, was prepared by Diversified Property Specialists, Inc., and reported a value of \$5,000.00 for the vacant land. An updated appraisal was done in March, 2003, for the Order of Taking, finding the value had increased to \$5,500.00.

The property owners have not obtained an appraisal.

V BINDING OFFERS AND NEGOTIATIONS

The County's binding first written offer was in the amount of \$6,250.00, based on the first appraisal of \$5,000.00. Three of the four heirs of the deceased Ellie Johnson entered into a purchase agreement at that price with Seminole County, but that purchase agreement never closed, and the parcel was assigned within the County Attorney's Office for litigation on December 4, 2003. In preparing for suit contact was made with all four heirs, Joyce Wilson, Willis Johnson, Theresa Rhaming, and Gwendolyn Johnson-Thompson, and documentation of their relationship to the deceased title owner was obtained. The responsible Assistant County Attorney put them in contact with each other for the purpose of moving the case forward. The four heirs eventually hired the same law firm and presented an offer to accept \$12,500.00, inclusive of attorney's fees and costs, which staff accepted subject to BCC approval.

VI SETTLEMENT ANALYSIS AND COST AVOIDANCE

Merely for the owners to order their own appraisal, which would become an obligation of Seminole County to pay if the bill were reasonable, could cost \$6,300.00 or more. Therefore, the proposed settlement of \$12,500.00, inclusive of attorney's fees and costs, is more favorable to Seminole County than the sum of our first written offer, \$6,250.00, exclusive of fees and costs, and the hypothetical, but still probable, \$6,300.00 cost for an owners' appraisal. There are possible scenarios in which the owners' attorney's fees could add thousands more to that liability of the County. Settling now for \$12,500.00, inclusive, avoids these risks.

VII RECOMMENDATION

Staff recommends that the BCC approve the proposed settlement of \$12,500.00, inclusive of attorney's fees and costs, for Parcel No. 129.

HZ/sb

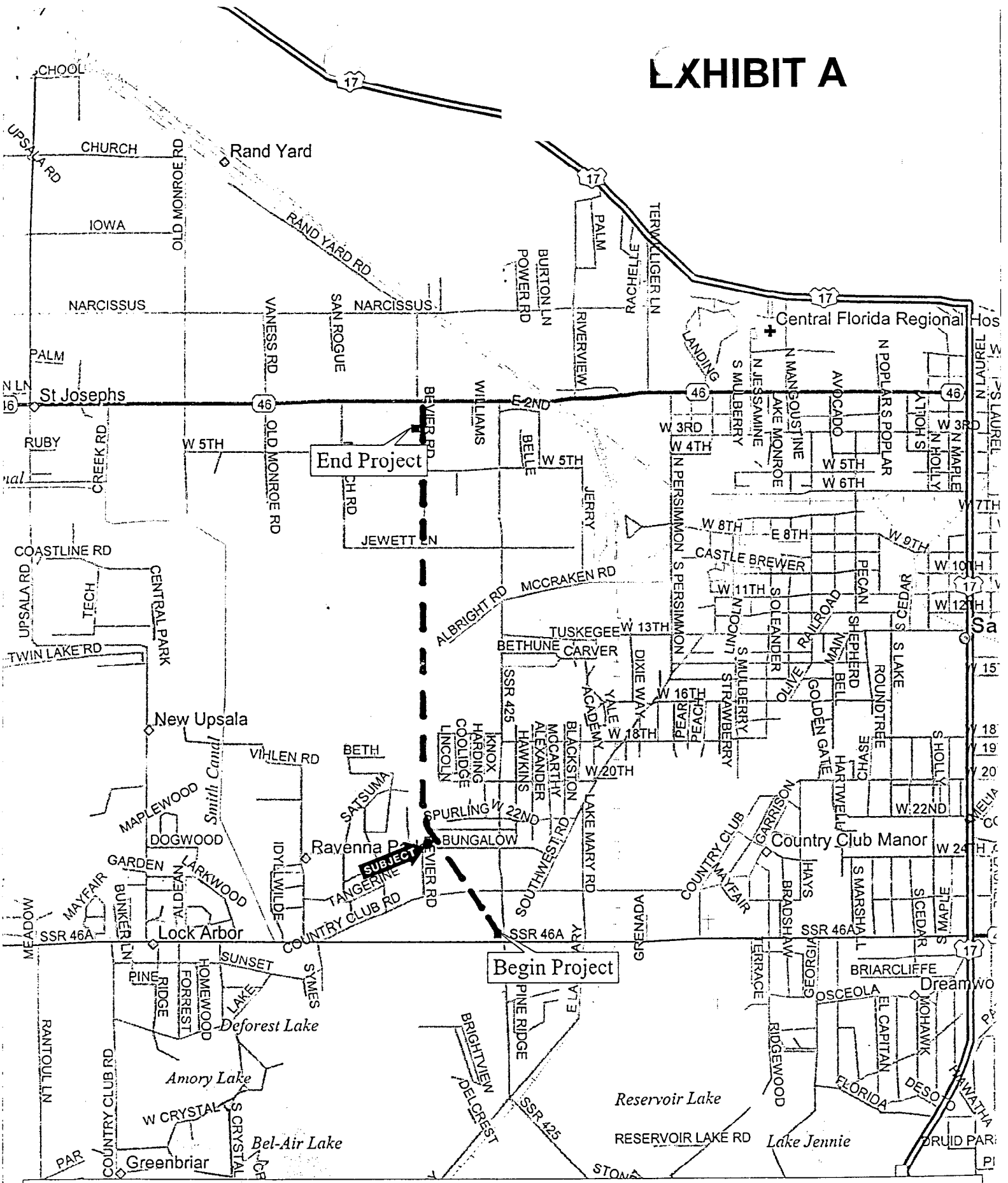
Attachments

Exhibit A – Location Map

Exhibit B - Sketch

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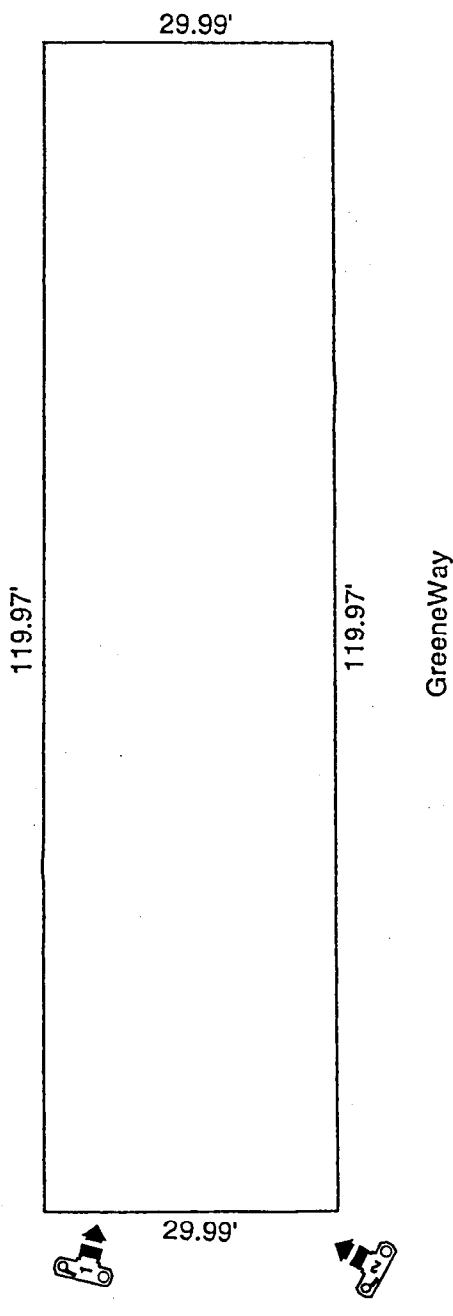
EXHIBIT A



LOCATION MAP

EXHIBIT B

Bungalow Boulevard



Parent Tract:	3,598 sf	0.083 ac
Part Taken:	<u>3,598 sf</u>	<u>0.083 ac</u>
Remainder:	0 sf	0 ac

PARCEL SKETCH