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**COUNTY ATTORNEY'S OFFICE
MEMORANDUM**

TO: Board of County Commissioners

THROUGH: Stephen P. Lee, Deputy County Attorney *SL*

FROM: Henry M. Brown, Assistant County Attorney *MB*
Ext. 5736

CONCUR: Pam Hastings, Administrative Manager/Public Works Department *PH*
Kathleen Myer, Principal Engineer/Engineering Division *KM*

DATE: March 23, 2004

SUBJECT: Settlement Authorization
East Lake Mary Boulevard, Phase IIB
Parcel No.: 215 and 715
Owner(s): Deonarine Persaud
Seminole County vs Fernandez, et al.
Case No.: 2003-CA-2040-13-W

This Memorandum requests settlement authorization by the Board of County Commissioners (BCC) for Parcel Nos. 215 and 715 on the East Lake Mary Boulevard, Phase IIB project. The recommended settlement is at the total sum of SIXTY-TWO THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$62,500.00), inclusive of all land value, severance damage, statutory interest, attorney's fees, and costs.

I PROPERTY

A. Location Data

Parcel No. 215 is a fee simple acquisition of 1.4191 acres. Parcel No. 715 is a temporary construction easement of 1,001.9 square feet. The acquisition is a large strip of 70' in depth perpendicular to the present frontage on Beardall Avenue and along Bridges Road (dirt road) and what will be the new East Lake Mary Boulevard, Phase IIB frontage.

B. Street Address

The street address is 3590 Beardall Avenue. A location map is attached as Exhibit A and a parcel sketch as Exhibit B.

II AUTHORITY TO ACQUIRE

The BCC adopted Resolution No. 2003-R-47 on February 11, 2003, authorizing the acquisition of Parcel Nos. 215 and 715, and finding that the East Lake Mary Boulevard Project was necessary and served a public purpose and was in the best interest of the citizens of Seminole County.

III ACQUISITIONS AND REMAINDER

The fee simple acquisition consists of 1.4191 acres acquired from the total parcel of 4.4040 acres leaving a remainder of 2.9849 acres. The property is vacant as to structures and presently used for limited agricultural purposes.

IV APPRAISED VALUES

The County's appraisal report was prepared by The Spivey Group, Inc., and opined full compensation to be \$42,100.00 inclusive of land value, improvements acquired, severance damage, and the temporary construction easement value.

The property owner did not have an appraisal performed; however, the owners used Calhoun, Dreggor, and Associates for consultation, reporting that a significant severance damage claim would be asserted.

V NEGOTIATION

The recommended settlement is totally inclusive at \$62,500.00. The negotiated settlement is greater than the County's appraised value. However, with the loss of 70' in depth, an appraiser instructed to find significant severance damage could do so. The costs of a severance claim, engineering report, appraisal report, and attorney fees would exceed the amount above the County's appraised value.

VI ATTORNEY FEE AND COST REIMBURSEMENTS

The settlement is inclusive of all attorney fees and costs. Appraisal review costs have been incurred. No invoices have been produced and no allocations made.

VII COST AVOIDANCE

By this settlement, the County avoids the following additional costs, beyond those for which it is already liable by law:

- A. A potential jury verdict in a greater amount;
- B. All statutory interest; and,
- C. All mediation costs; and,
- D. Attorney's fees and costs to proceed further.

VIII ANALYSIS

The proposed settlement is totally inclusive resolving all claims. The County's report finds little severance damage due to the additional frontage after construction. However, the depth of a 70' acquisition from a parent tract with a 193' total depth is significant and provides an opportunity for this assertion of severance damages, as well as, significant engineering and appraisal costs. The \$20,400.00 above appraised value would be quickly consumed.

IX RECOMMENDATION

County staff recommends that the BCC approve this settlement in the amount of \$62,500.00 inclusive of all land value, severance damage, statutory interest attorney's fees and costs.

HMB/sb

Attachments:

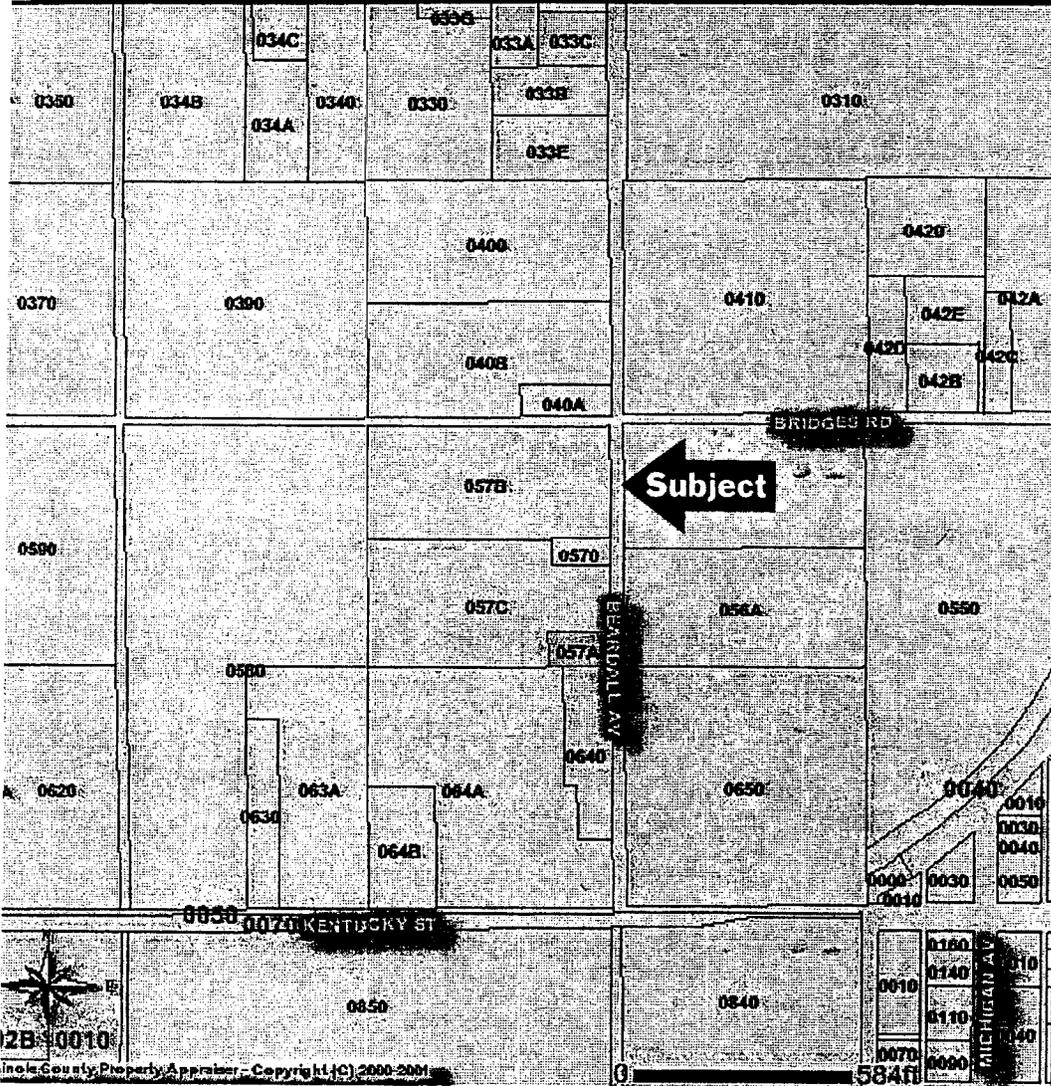
Exhibit A

Exhibit B

Seminole County, Florida

Property Appraiser
Services

H. W. "Bill" Suber CEA, ASA



Seminole County
Property Appraiser
Services
1101 E. First St.
Sanford FL 32771
407-665-7596

- Legend**
Selected Features
- Facilities
 - Golf Course
 - Parks
 - Parcels
 - Water

Seminole County Property Appraiser - Copyright (C) 2000-2001

Parcel	Owner	Street Address
0320315AY000057A	PERSAUD DEONARINE	3590 BEARDALL

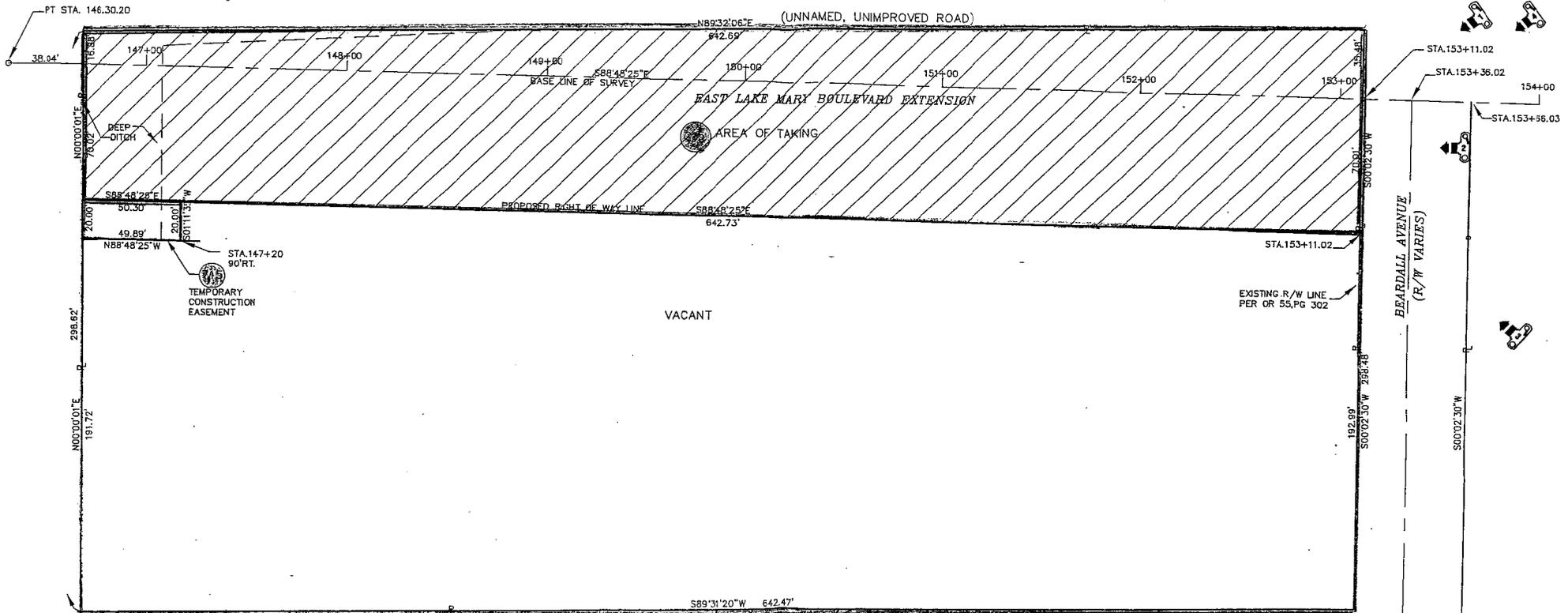
EXHIBIT A

EAST LAKE MARY BOULEVARD EXTENSION
 SEMINOLE COUNTY, FLORIDA
 PARCEL 215 & TCE 715 - SKETCH OF PARCELS
 TOTAL PARCEL AREA = 4.4040 ACRES
 AREA OF TAKING PARCEL 215 = 1.4191 ACRES
 TEMPORARY CONSTRUCTION EASEMENT 715 = 1001.9 SF (0.023 AC)
 AREA OF REMAINDER = 2.9849 ACRES



0 25 50

SCALE: 1" = 50'



NOTES:
 THIS IS A SKETCH ONLY, THIS IS NOT A BOUNDARY SURVEY

THE PURPOSE OF THIS SKETCH IS TO AID IN THE APPRAISAL OF THE SUBJECT PARCEL

ALL BOUNDARY INFORMATION AND CALCULATION ARE BASED ON A SPECIFIC PURPOSE MAP AND CONTROL SURVEY, EAST LAKE MARY BOULEVARD EXTENSION, FROM OHIO AVENUE TO SILVER LAKE DRIVE. COUNTY PROJECT: PS-0137

EXHIBIT B

KEY	DATE	REVISIONS

SKETCH DATE: 10/7/02	FIELD BOOK/PAGE: NA
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CORNERSTONE
LAND SURVEYING, INC.

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MOBILE: (850) 833-7115
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PROJECT EAST LAKE MARY BOULEVARD EXTENSION - SEMINOLE COUNTY - PARCEL 215	CLIENT THE SPIVEY GROUP, INC.
SHEET TITLE SKETCH OF PARCEL PARENT TRACT & AREA OF TAKING	JOB NO. TSG02215

SHEET NO. 2 of 2
