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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]*

DATE: March 30, 2004

SUBJECT: Binding Written Offer Authorization  
 Lake Drive road improvement project

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 Lake Drive road improvement project.

**I THE PROPERTY**

The subject parcels are located on Azelea Avenue and Easton Way, in Seminole County. See Location Maps attached as Composite Exhibit "A".

**II AUTHORITY TO ACQUIRE**

The BCC adopted Resolution No. 2002-R-70 on April 23, 2002, First Supplemental and First Amended Resolution No. 2003-R-133 on August 26, 2003, and Second Supplemental and Second Amended Resolution No. 2003-R-201 on November 18, 2003, authorizing the acquisition of the below referenced properties, and finding that the construction of the Lake Drive road improvement project is necessary and serves a county and public purpose and is in the best interest of the citizens of Seminole County.

**III ACQUISITIONS AND REMAINDERS**

Not applicable

**IV APPRAISED VALUES**

Clayton, Roper & Marshall, 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       |
|--------------|--------------------------------|--------------------------------|--------------------------|----------------------|
| 149          | Nova Thompson                  | 418 sq. ft.                    | \$ 6,000.00              | \$ 7,500.00          |
| 151/751      | Daniel and Jacqueline Guenther | 6,410 sq. ft. /<br>272 sq. ft. | \$ 120,000.00            | \$ 140,000.00        |
| 152          | Frank Dietrick                 | 10,785 sq. ft.                 | \$ 144,900.00            | \$ 175,000.00        |
| 170          | Marsha Kennedy                 | 7,176 sq. ft.                  | \$ 47,500.00             | \$ 80,000.00         |
|              |                                |                                |                          |                      |
| <b>TOTAL</b> |                                |                                | <b>\$ 318,400.00</b>     | <b>\$ 402,500.00</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

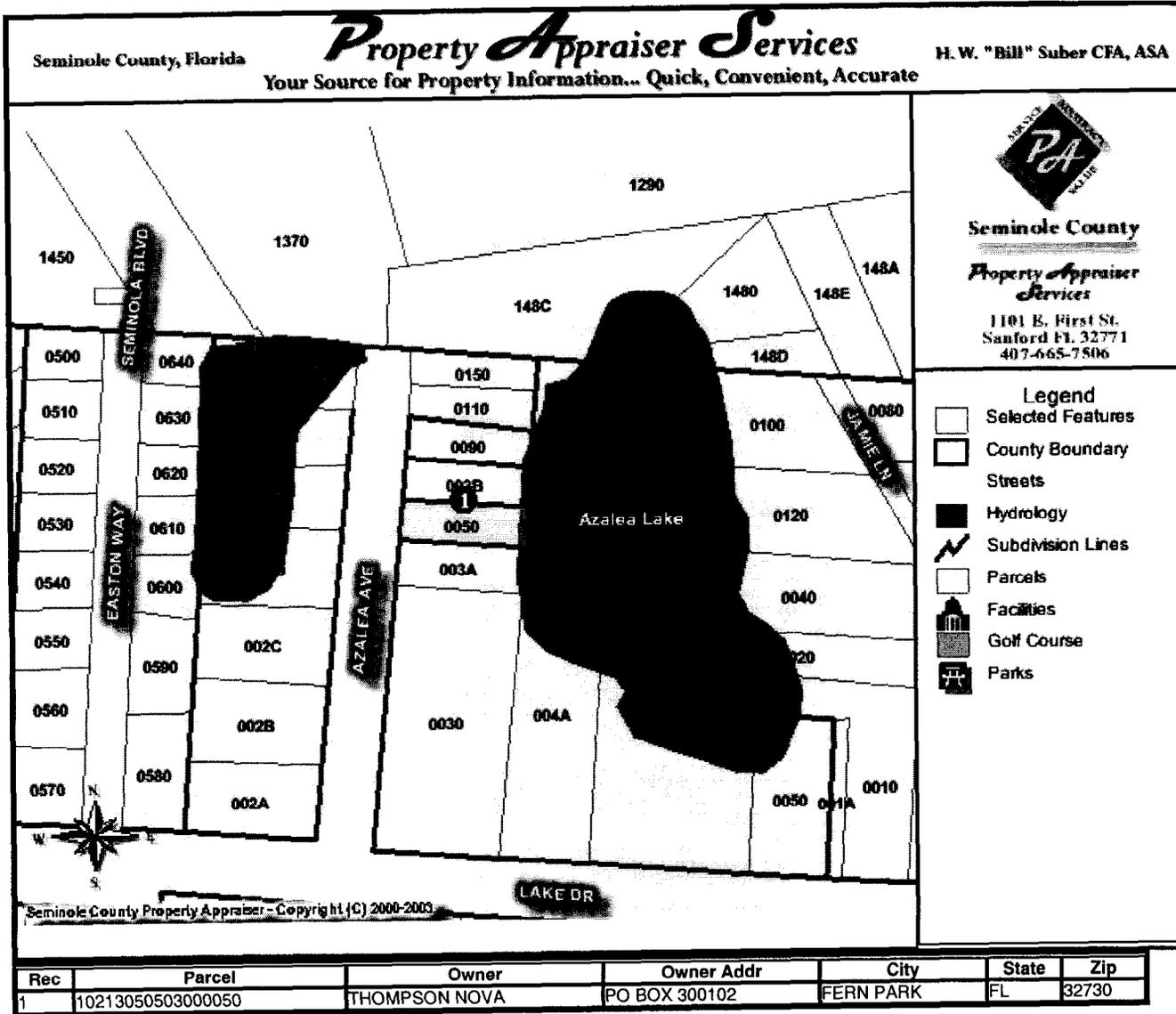
County staff recommends that the BCC authorize extending Binding Written Offers for each of the above listed parcels.

LV/sb

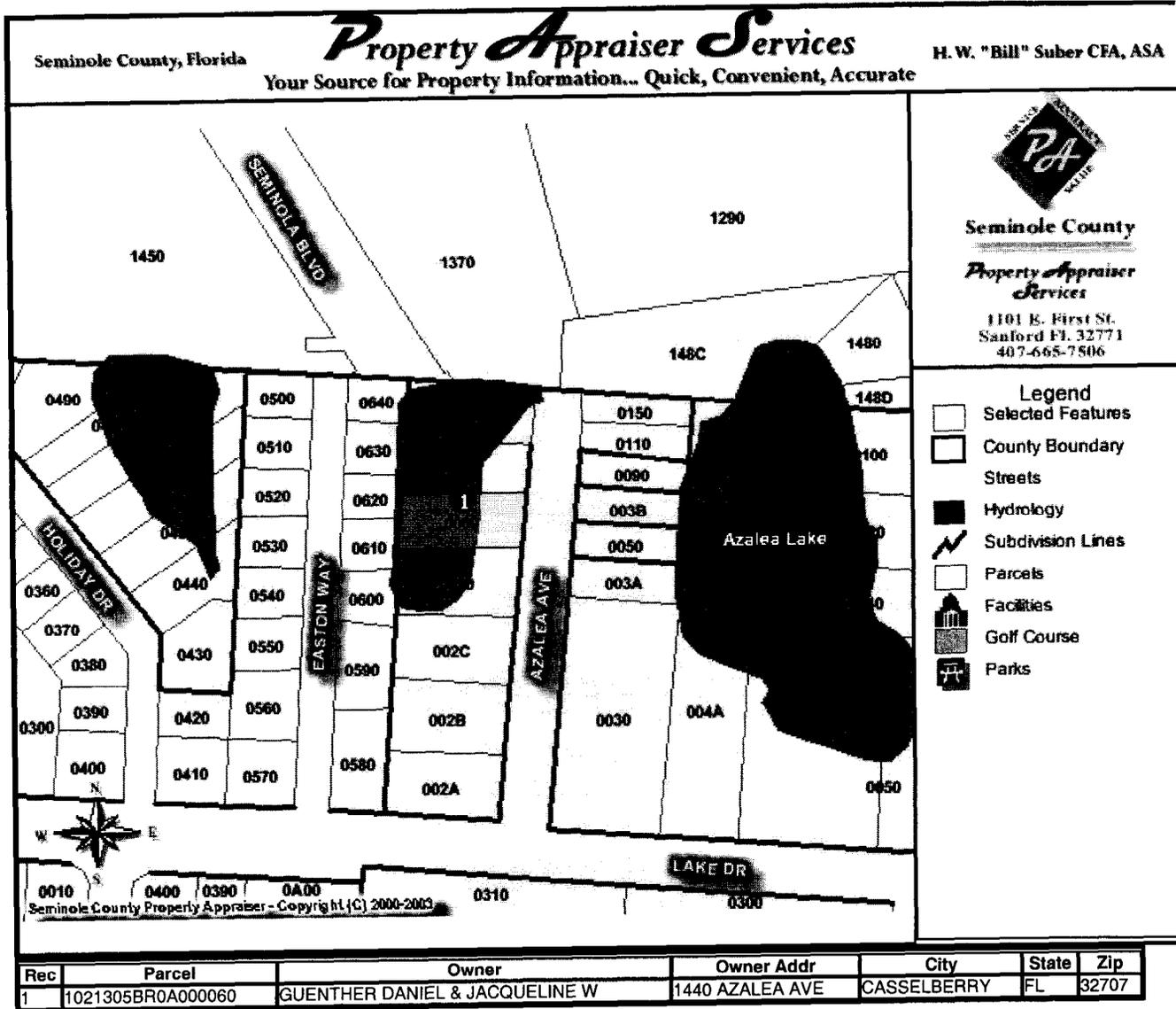
Attachments:

Location maps (Composite Exhibit "A")

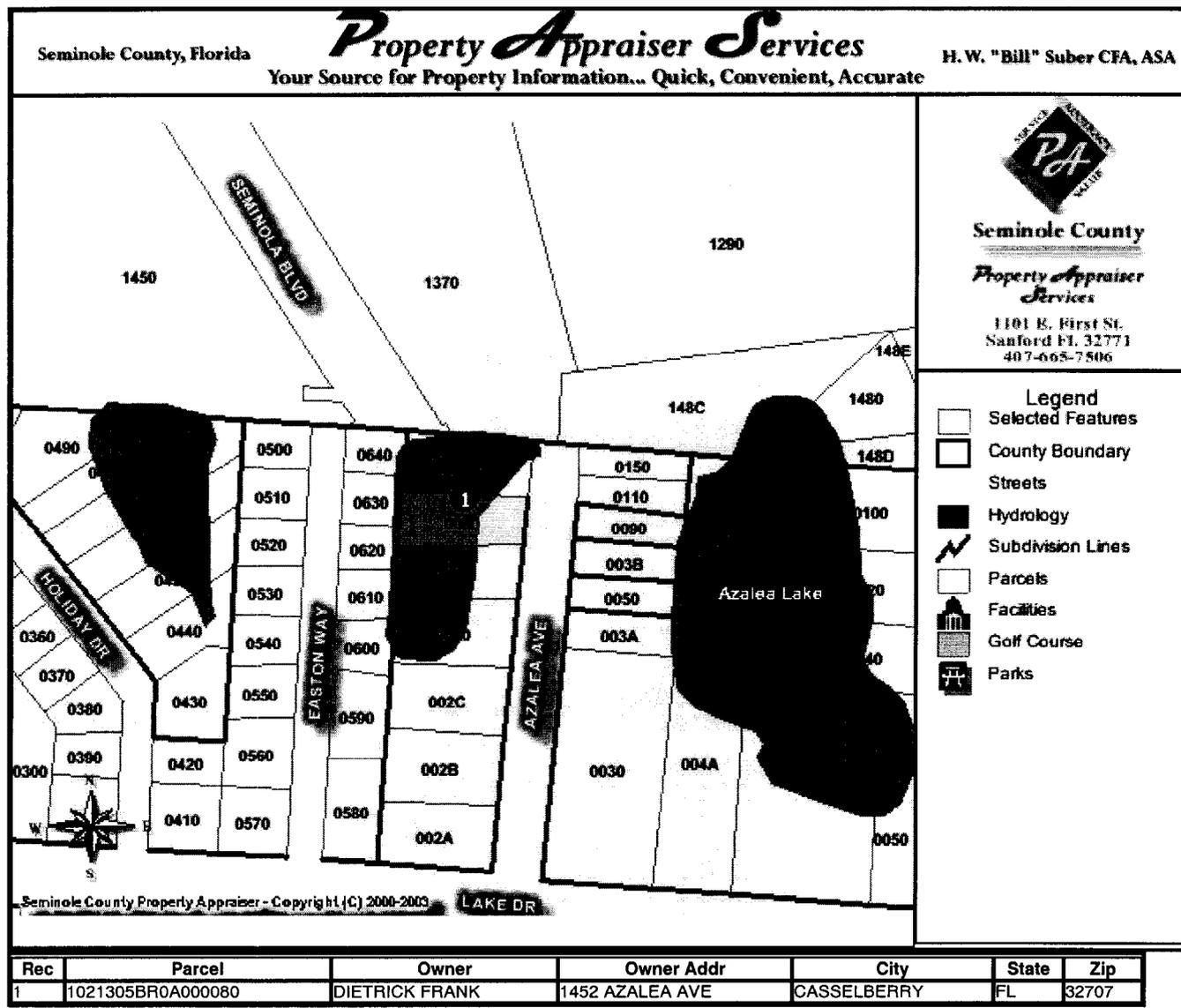
P:\USERS\LV\OUI\S\BINDING WRITTEN OFFERS\AGENDA ITEM LAKE DRIVE BWOS 149 151 751 152 170.DOC



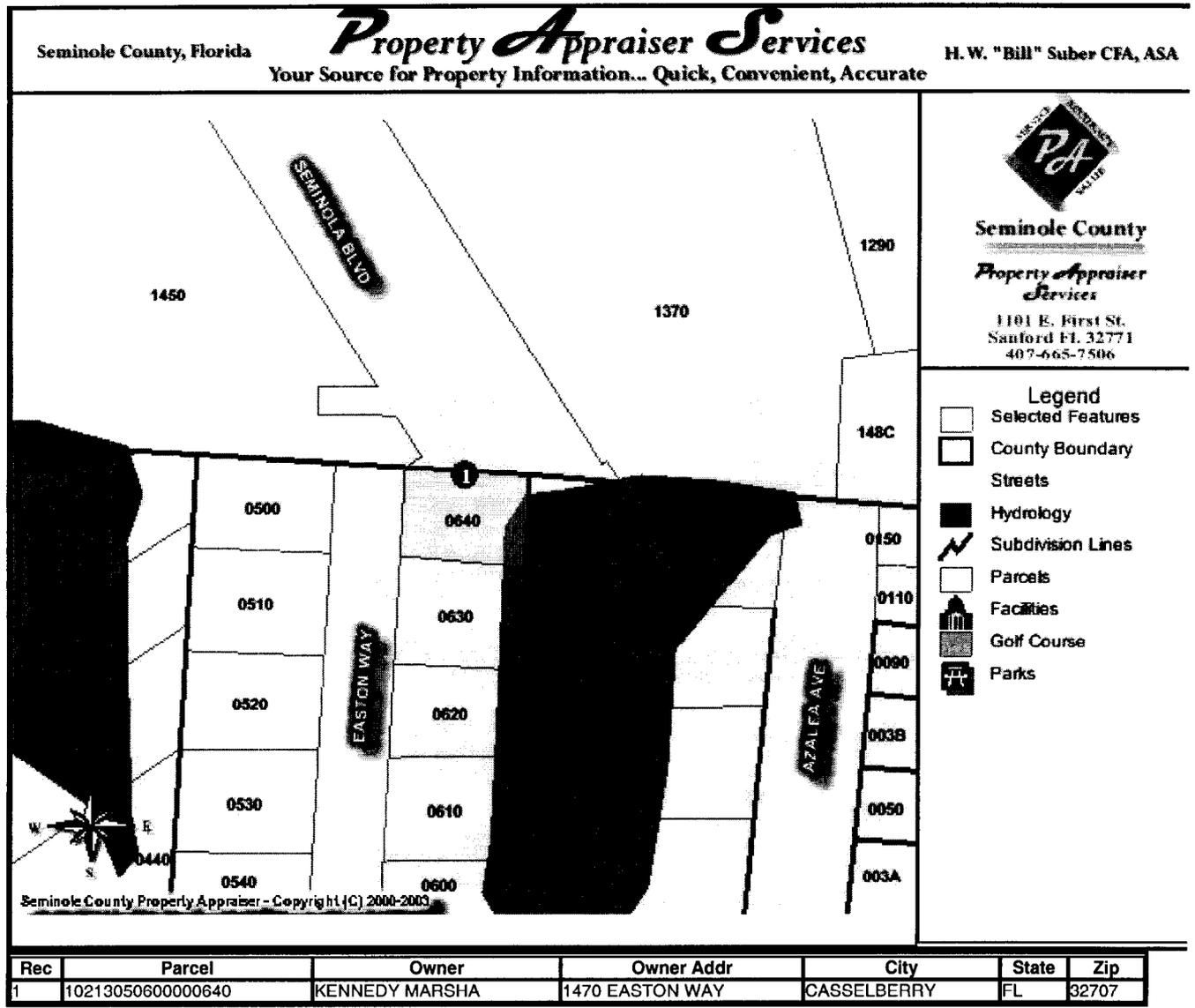
COMPOSITE EXHIBIT "A"



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