



**COUNTY ATTORNEY'S OFFICE  
MEMORANDUM**

TO: Board of County Commissioners

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

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

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

DATE: April 2, 2003

SUBJECT: Settlement Authorization  
Dodd Road  
Parcel Nos.: 108, 708 and 808  
Owner: Mary E. Dodd  
*Seminole County vs. Mary D. Scott, et al.*  
Case No.: 01-CA-1901-13-W

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This Memorandum requests settlement authorization by the Board of County Commissioners (BCC) for costs. The total settlement sum is \$62,132.36.

**I PROPERTY**

**A. Location data**

Parcel Nos. 108, 708, and 808 are located on Dodd Road at the 90 degree turn just north of Howell Branch Road. A sketch is attached as Exhibit A.

**B. Street Address**

The street address is 1412 Dodd Road.

## II AUTHORITY TO ACQUIRE

The BCC adopted Resolution No. 95-R-230, on September 26, 1995, authorizing the acquisition of Parcel Nos. 108, 708, and 808 finding that Dodd Road was necessary and served a public purpose and was in the best interest of the citizens of Seminole County.

## III BACKGROUND

In September, 2002, the BCC approved a mediated settlement in the amount of \$840,000.00, exclusive of fees and costs, for the property taken from these parcels. At that time we advised: "Costs will be significant as a result of the delays. The project was stopped twice and later restarted twice. Each time, including the original start of the project, the owners incurred appraisal costs, all of which will be claimed for reimbursement. The owners responded with three sets of costs."

## IV COST CLAIM

The owners claimed costs totaling \$66,617.72 allocated:

(1)	Survey Costs	\$ 5,375.00
(2)	Appraisal	\$24,208.00
(3)	Engineering	\$ 8,930.17
(4)	Planning	\$22,252.01
(5)	Landscape Architect	\$ 3,256.63
(6)	Court Reporters	\$ 1,140.25
(7)	Exhibit Costs	\$ 308.99
(8)	Miscellaneous Costs	\$ 1,146.67
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	TOTAL COSTS CLAIM	\$66,617.72

## V NEGOTIATION

In negotiation, several non-reimbursable office overhead costs were taken out and a few expert claims were reduced. However, the County had little room to negotiate as it is clear that the claimed costs resulted from the repeated starting and stopping of the project.

Negotiations resulted in a reduction of 9.33% from \$66,617.72 to \$62,132.36. The amounts are allocated as follows:

(1)	Survey Costs	\$ 5,375.00
(2)	Appraisal	\$22,500.00
(3)	Engineering	\$ 8,524.10
(4)	Planning	\$21,000.00
(5)	Landscape Architect	\$ 3,218.75

(6)	Court Reporters	\$ 1,140.25
(7)	Exhibit Costs	\$ 308.99
(8)	Miscellaneous Costs	\$ 65.27

TOTAL COST REIMBURSEMENTS      **\$62,132.36**

**VI SETTLEMENT ANALYSIS/COST AVOIDANCE**

If this matter were taken to hearing, it would be difficult to argue that the costs were unnecessary or excessive because of the project delays and errors in the plans. Additionally, the County would need to employ five experts to review the claimed costs and testify as to their reasonableness. Not only would these new experts need to be paid, we cannot say with any certainty that their testimony would be at substantially lower numbers. Under the circumstances, it is not expected that a hearing would reduce costs any greater than the negotiated 9.33 %.

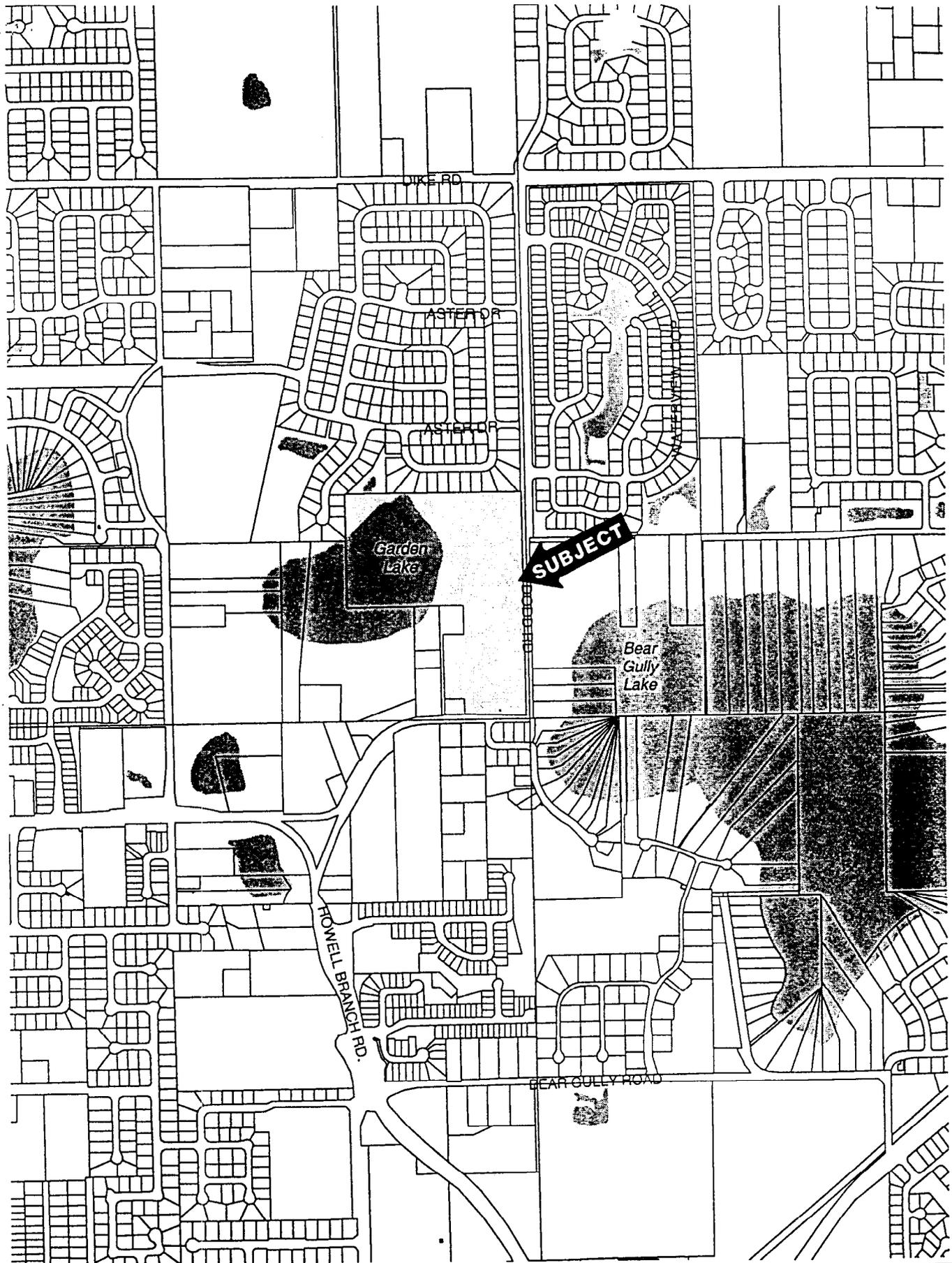
**VII RECOMMENDATION**

This office recommends settlement of cost reimbursements at \$62,132.36. Should the Board approve this payment, these parcels will not come before the Board again as the owners and their representatives will have been paid and the case closed.

HMB/sb

Attachment:

Sketch Exhibit A



**SUBJECT**



500' 0 1,000'

SCALE:  
1"=1,000'  
NOT A SURVEY

# DODD ROAD EXPANSION PROJECT

## LOCATION MAP