



**COUNTY ATTORNEY'S OFFICE
MEMORANDUM**

TO: Board of County Commissioners

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

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

CONCUR: Pam Hastings, Administrative Manager/Public Works Department *[Signature]*
David V. Nichols, Principal Engineer/Engineering Division *[Signature]*

DATE: April 1, 2005 *[Signature]*

SUBJECT: Settlement Authorization
East Lake Mary Boulevard Phase IIB road improvement project
Parcel No. 123; Florida Land Reserve, Inc.
Seminole County v. King, et al.
Case No. 99-CA-2431-13-K

This Memorandum requests settlement authorization by the Board of County Commissioners (BCC) as to Parcel No. 123 for expert costs in the total sum of \$76,892.86.

I PROPERTY

A. Location Data

Parcel No. 123 is located with frontage on State Road 46 at the State Road 415 intersection. A location map is attached as Exhibit A and a parcel sketch as Exhibit B.

B. Street Address

The street address is 4115 State Road 46 East, Sanford, FL.

II AUTHORITY TO ACQUIRE

The BCC adopted Resolution No. 96-R-188 on November 28, 1996, authorizing the acquisition of Parcel No. 123 and finding that the East Lake Mary Boulevard project was necessary, served a public purpose and was in the best interests of the citizens of Seminole County.

III BACKGROUND

In January, 2005, the case was tried before a jury with full compensation for the value of land determined by a verdict totaling \$286,635.00. The County's trial position was \$151,300.00 and the owner's position was \$510,000.00.

Statutory benefit obtained attorney fees totaled \$38,291.55 based upon a written offer of \$170,000.00.

The jury trial involved land value only subject to apportionment of the land value between the owner, tenant and several lien claimants. The existing business damage claim of the tenant remains unresolved. The business owner and tenant is Aquamarine USA, Inc. The tenant filed for bankruptcy and the automatic stay presently stops the tenant's business damage claim from proceeding.

IV COST CLAIM

The owner claimed costs totaling \$86,977.07 allocated:

(1)	Planning	\$34,193.82
(2)	Appraisal	\$28,968.75
(3)	Engineering	\$17,537.78
(4)	Court Reporter Charges	\$ 1,612.50
(5)	Exhibit Preparation Costs	\$ 3,778.12
(6)	Witness and Service Fees	\$ 100.60
(7)	Miscellaneous Office Overhead	<u>\$ 785.50</u>

TOTAL CLAIMED COSTS **\$86,977.07**

V NEGOTIATION

In negotiation, several non-reimbursable office overhead costs were taken out and some expert claims reduced.

Negotiations resulted in a reduction of 11.6% from \$86,977.07 to \$76,892.86. The amounts are allocated as follows:

(1)	Planning	\$30,891.84
(2)	Appraisal	\$26,112.50
(3)	Engineering	\$14,397.30
(4)	Court Reporter Charges	\$ 1,612.50
(5)	Exhibit Preparation Costs	\$ 3,778.12
(6)	Witness and Service Fees	\$ 100.60
(7)	Miscellaneous Office Overhead	<u>\$ 00.00</u>

TOTAL COSTS REIMBURSEMENTS **\$76,892.86**

VI SETTLEMENT ANALYSIS/COST AVOIDANCE

If this cost matter were taken to hearing, it would be difficult to argue that the costs were unnecessary or excessive because the case actually went to trial and jury verdict.

Additionally, the County would need to employ three experts to review the cost claim and testify as to their reasonableness. Not only would the three experts need to be paid, we cannot say that their testimony would be at lower numbers. With the case having gone to trial, it is not expected that a hearing would reduce costs any greater than the negotiated 11.6%.

VII RECOMMENDATION

This Office recommends settlement of cost reimbursements at \$76,892.86.

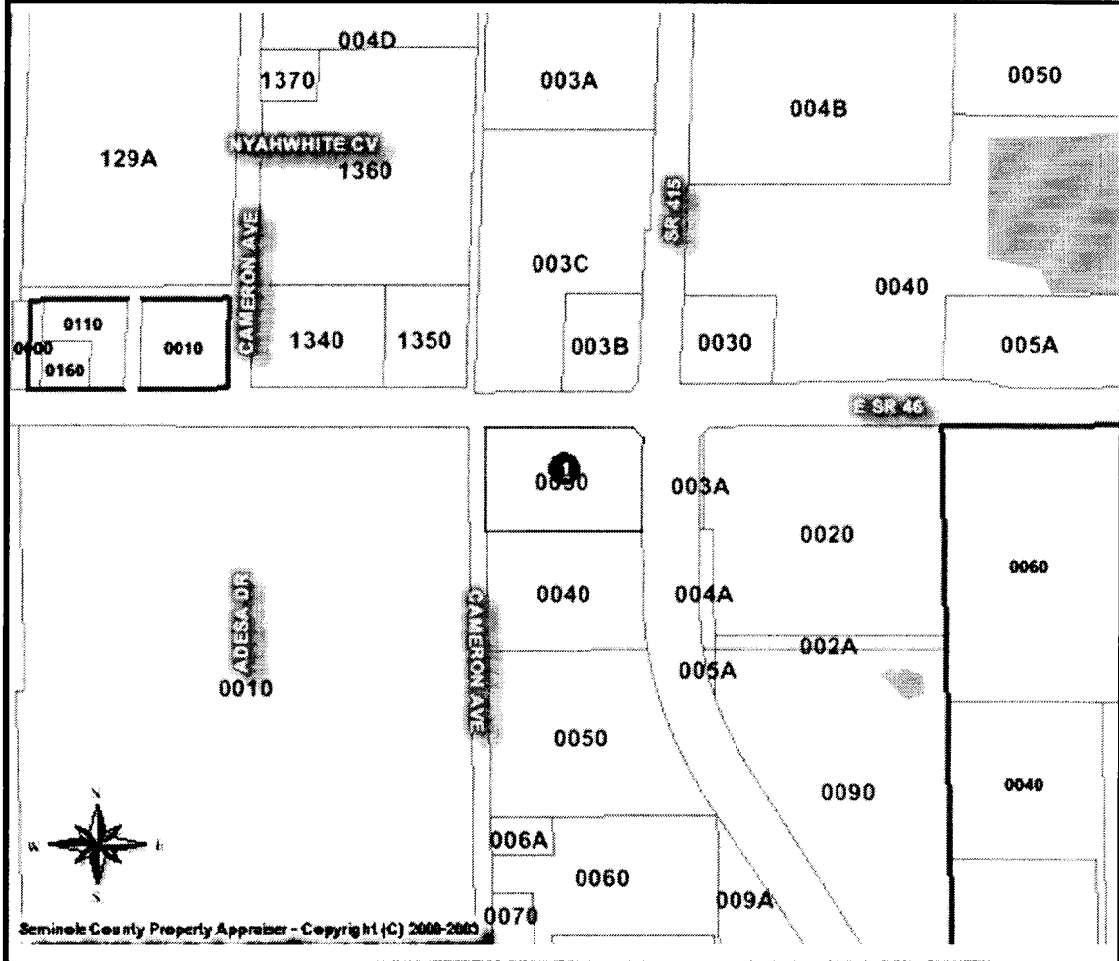
HMB/dre

Attachments:

Exhibit A - Location Map

Exhibit B - Sketch

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Seminole County Property Appraiser - Copyright (C) 2000-2003

Rec	Parcel	Owner	Owner Addr	City	State
1	03203130000300000	FLORIDA LAND RESERVE INC	6075 CR 427	SANFORD	FL

STATE ROAD 46 SEMINOLE COUNTY, FLORIDA
 PARCEL A - SKETCH OF SUBDIVIDED PARCEL
 PARCEL DESCRIPTION: COMMERCIAL
 AQUACULTURE BOAT SALES
 AREA OF PARENT TRACT = 174,225 S/F (4.00 ACRES)
 AREA OF TAKING = 48,167 S/F (1.06 ACRES)
 AREA OF REMAINDER = 126,058 S/F (2.94 ACRES)

STATE ROAD No. 46



LEGEND

- SMALL LANDSCAPE TREE
- PALM TREE
- STAGMURE TREE
- UTILITY POLE AND GUY ANCHOR
- POWER POLE
- W.W. WATER METER
- R/W RIGHT OF WAY
- (C) CALCULATED FROM RECORD (PROVIDED BY F.D.O.I.)
- (S) CALCULATED FROM BOTH F.D.O.I. AND SURVEY DATA
- (D) DEED MEASUREMENT (PROVIDED BY F.D.O.I.)
- ✓ BROKEN SCALE
- EDGE OF PAVEMENT
- BPP BACKFLOW PREVENTER
- WATER VALVE
- D/W DRIVEWAY
- MES LINTED END SECTION
- SEMI-CLEAN OUT
- FIRE HYDRANT
- LIGHT POLE
- POLL BOX
- SIDEWALK
- SIDEWALK SPAN POLE
- TELEPHONE POLE
- OVERHEAD TELEPHONE
- S/V C TRAFFIC SERVICE CABINET
- HAND DRAINAGE MANHOLE
- SANITARY SEWER MANHOLE
- MONITORING WELL
- SPRINKLER HEAD
- ELEC. ELECTRIC OUTLET

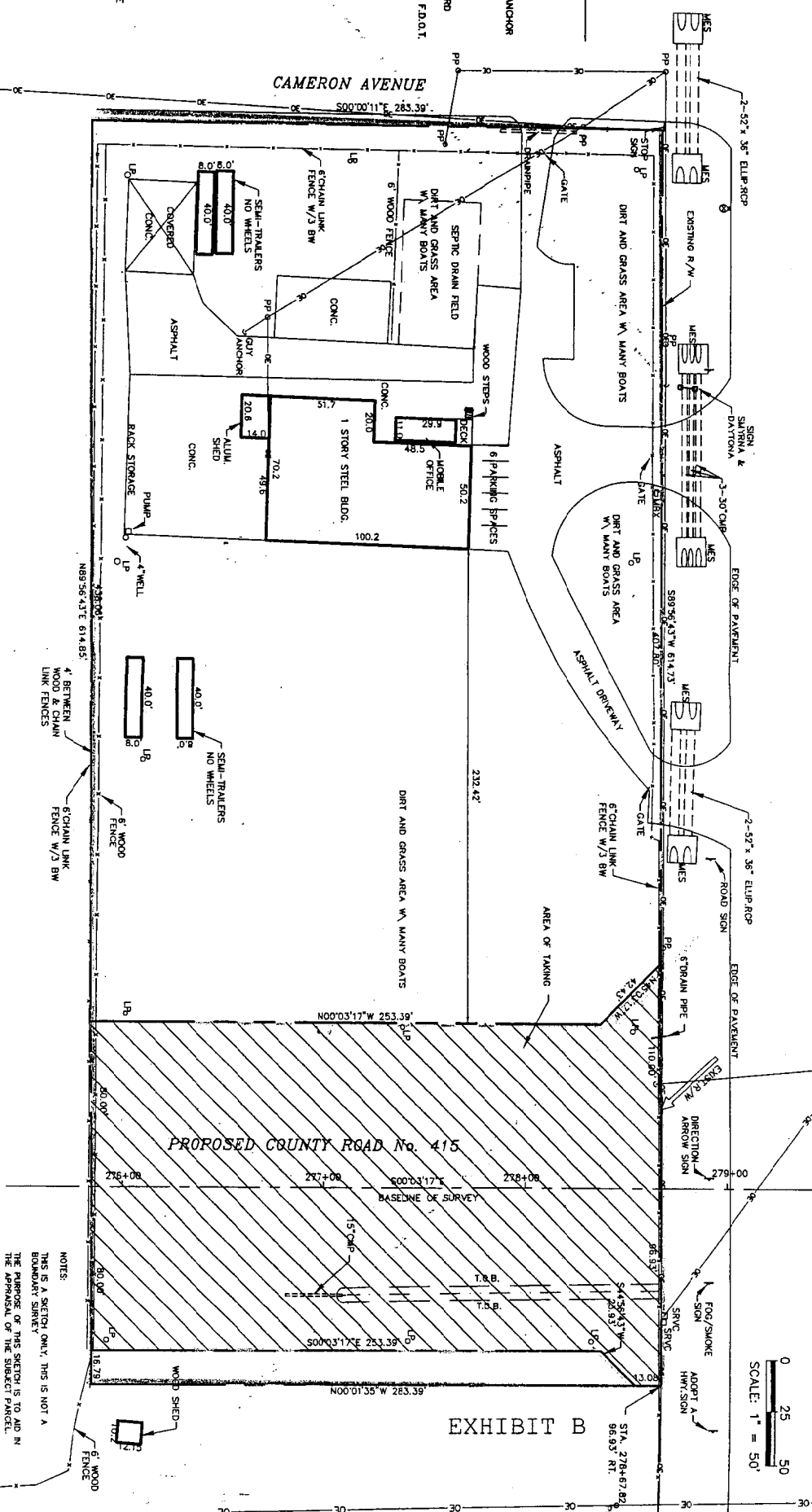


EXHIBIT B

DATE	REVISIONS	SKETCH DATE	FIELD BOOK/PAGE	OFFICE ADDRESS:	PROJECT	SHEET TITLE	CLIENT
10/04/01	REVISED BOUNDARY AND ADDED SURVEY DATA	4/14/01	F.D. 32/29-30	2327 FORECST DRIVE TALLAHASSEE, FLORIDA 32308	CR. 415 - SEMINOLE COUNTY - PARCEL A	SKETCH OF SURVEY PARENT TRACT & AREA OF TAKING	KELLY, COLLINS & GENTRY
10/09/01	REVISED BOUNDARY						
12/19/01	REVISED PER APPRAISER COMMENTS						
2/12/02	REVISED PER APPRAISER COMMENTS (GRP)						

GORNERSTONE
 SURVEYING & ENGINEERING, INC.
 PHONE: (850) 888-2330
 MOBILE: (850) 833-3115
 FAX: (850) 884-8993

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 CALCULATIONS ARE BASED ON SEMINOLE COUNTY AND PUBLIC COUNTY ROAD 415 AND TITLE WORK.