

07

41



**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]*
 Mark Flomerfelt, Manager, Roads Operations and Stormwater *[Signature]*

DATE: April 8, 2004

SUBJECT: Binding Written Offer Authorization
 Elder Creek/C-15 (Ponds) 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 Elder Creek/C-15 (Ponds) road improvement and stormwater retrofit projects.

I THE PROPERTY

The subject parcels are located on Elder Road near the intersection of Narcissus Avenue.

See Location Maps attached as Composite Exhibit "A".

II AUTHORITY TO ACQUIRE

The BCC adopted Resolution No. 2003-R-121 on July 22, 2003 authorizing the acquisition of the below referenced properties, and finding that the construction of the Elder Creek/C-15 (Ponds) 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
16-19-30-5AC-0000-00E1 16-19-30-5AC-0000-00E2	Joseph F. & Rosemary M. Cepuran	8.570 ac	\$650,000.00	\$700,000.00
16-19-30-5AC-0000-00B1 16-19-30-5AC-0000-00B5 16-19-30-5AC-0000-00C0	Lewis M. & Carolyn R. Durak	15.820 ac	\$950,000.00	\$1,000,000.00
TOTAL			\$1,600,000.00	\$1,700,000.00

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

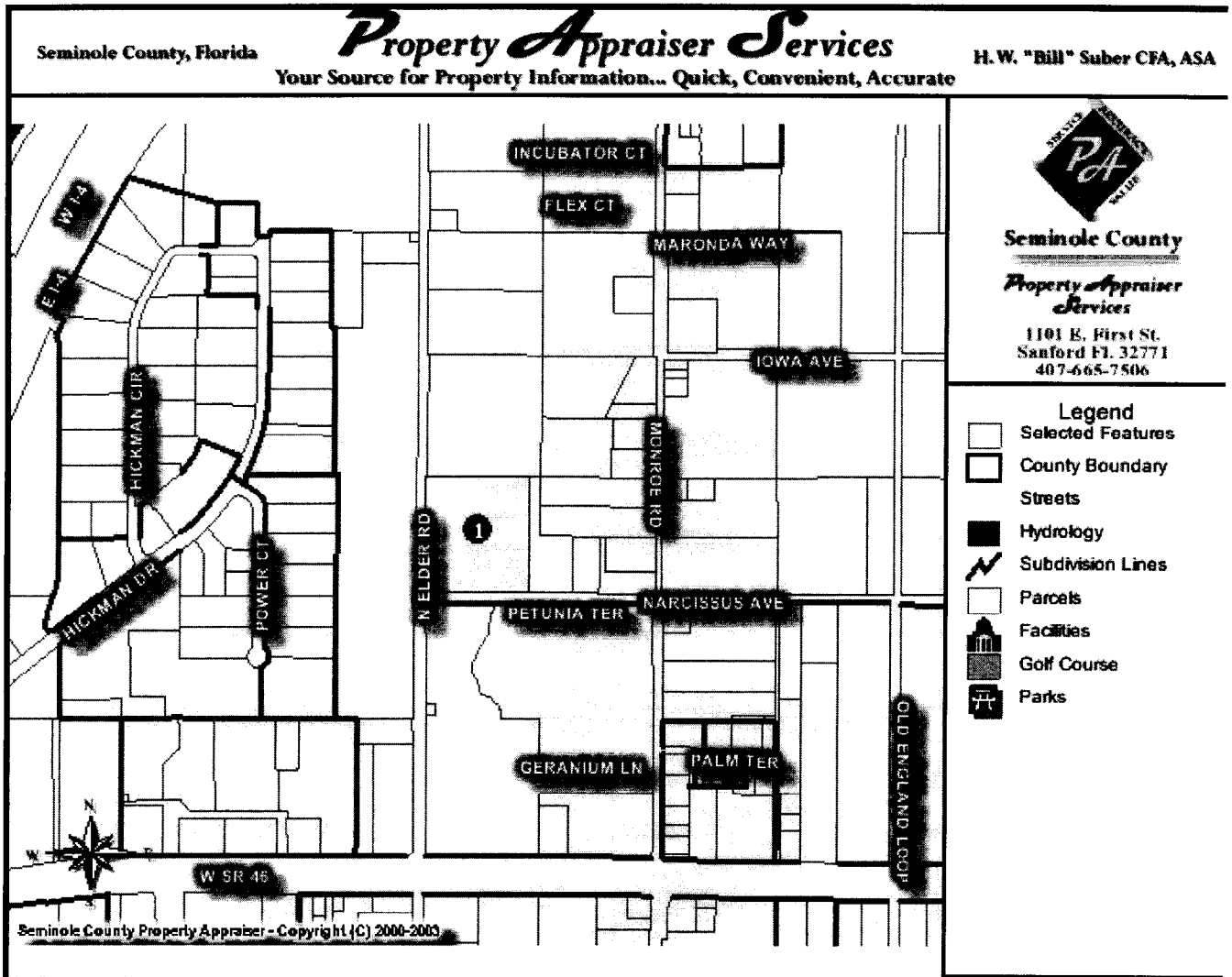
County staff recommends that the BCC authorize extending binding written offers for each of the above listed parcels.

LV/sb

Attachments:

Location maps (Composite Exhibit "A")

P:\USERS\LV\OUI\S\BINDING WRITTEN OFFERS\AGENDA ITEM ELDER CREEK C-15 (PONDS) BWOS CEPURAN DURAK.DOC



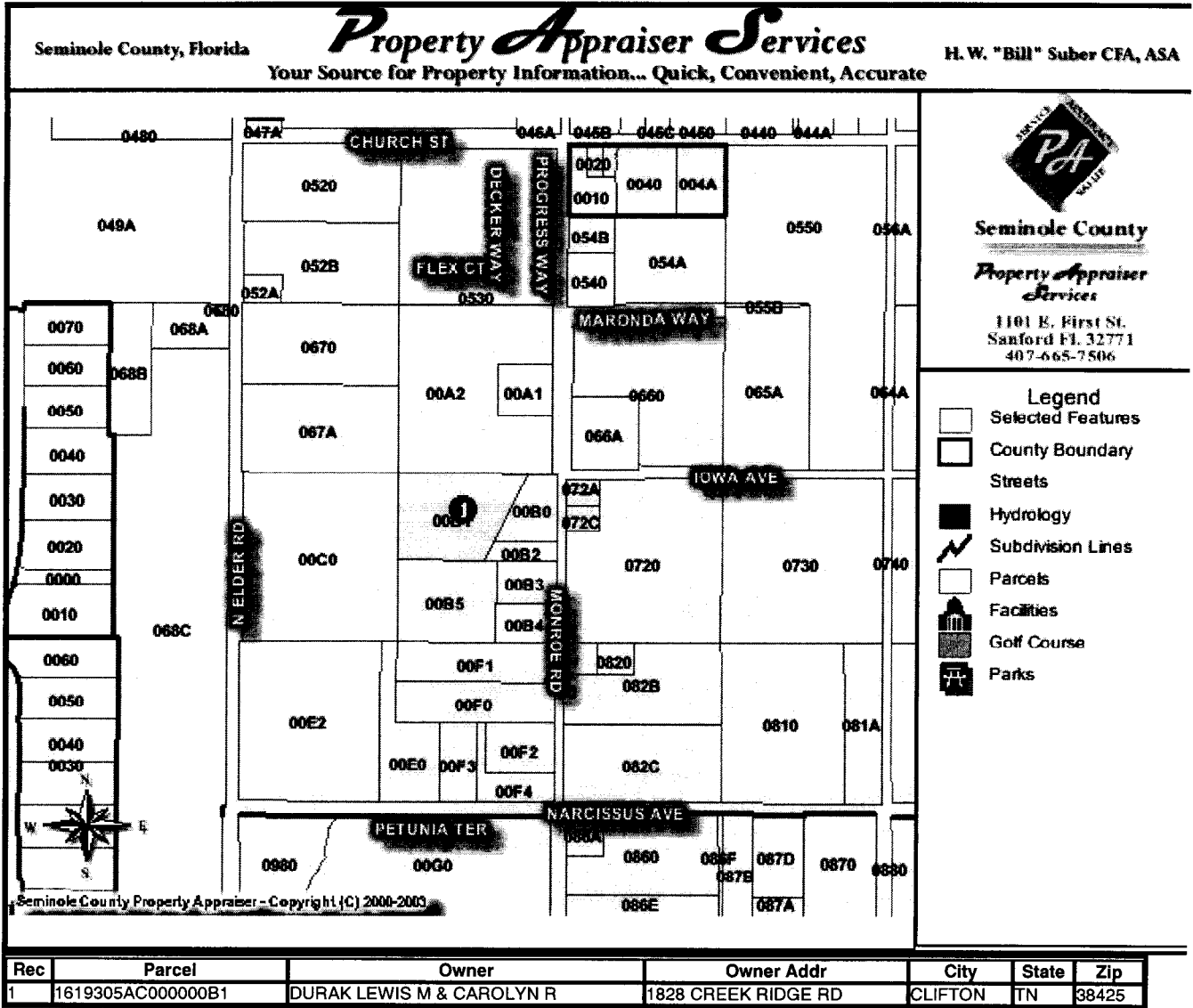
Seminole County
Property Appraiser Services
 1101 E. First St.
 Sanford FL 32771
 407-665-7506

Legend

- Selected Features
- County Boundary
- Streets
- Hydrology
- Subdivision Lines
- Parcels
- Facilities
- Golf Course
- Parks

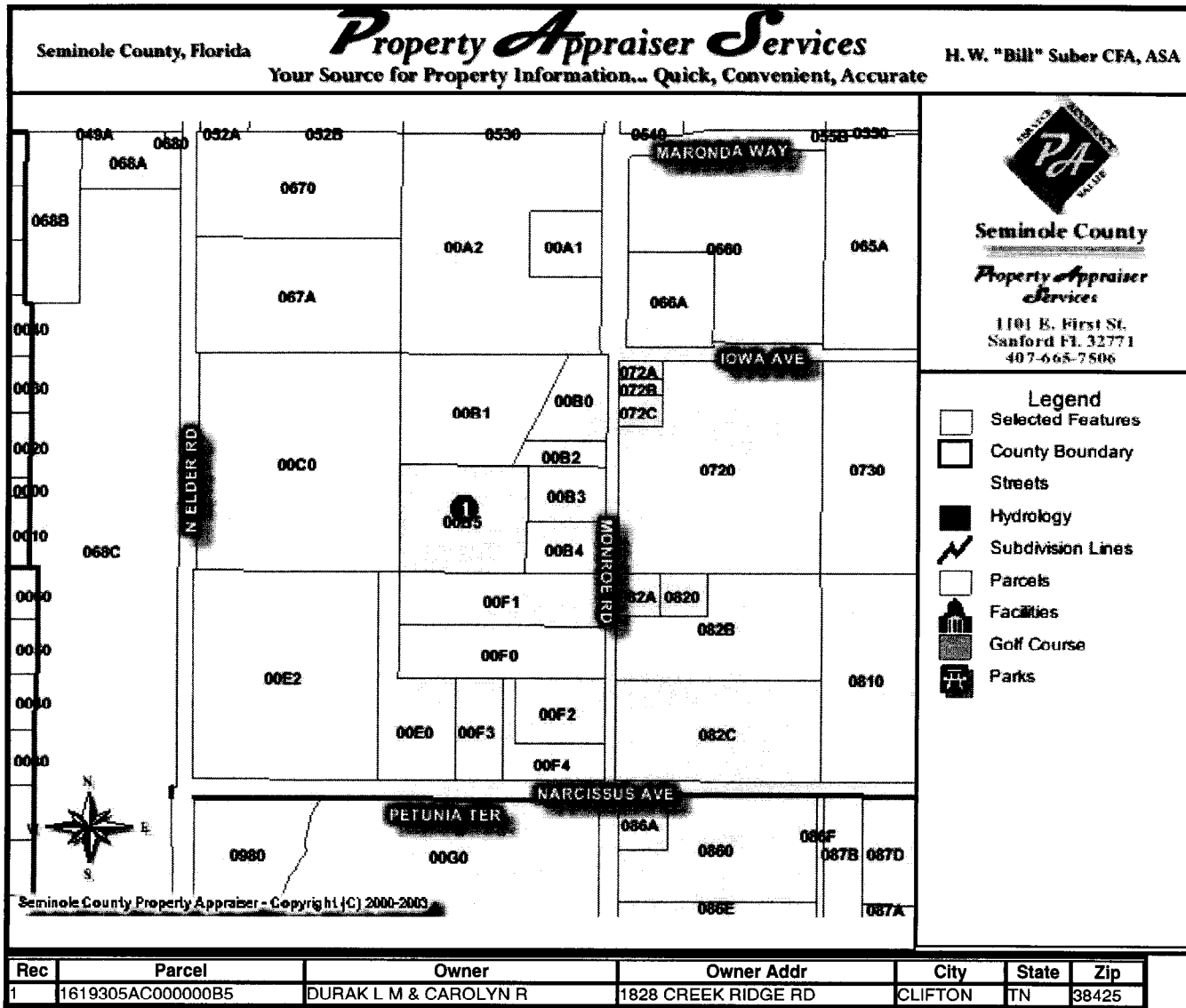
Rec	Parcel	Owner	Owner Addr	City	State	Zip
1	1619305AC000000E2	CEPURAN JOSEPH F & ROSEMARY M	395 N ELDER RD	SANFORD	FL	32771

COMPOSITE EXHIBIT "A"



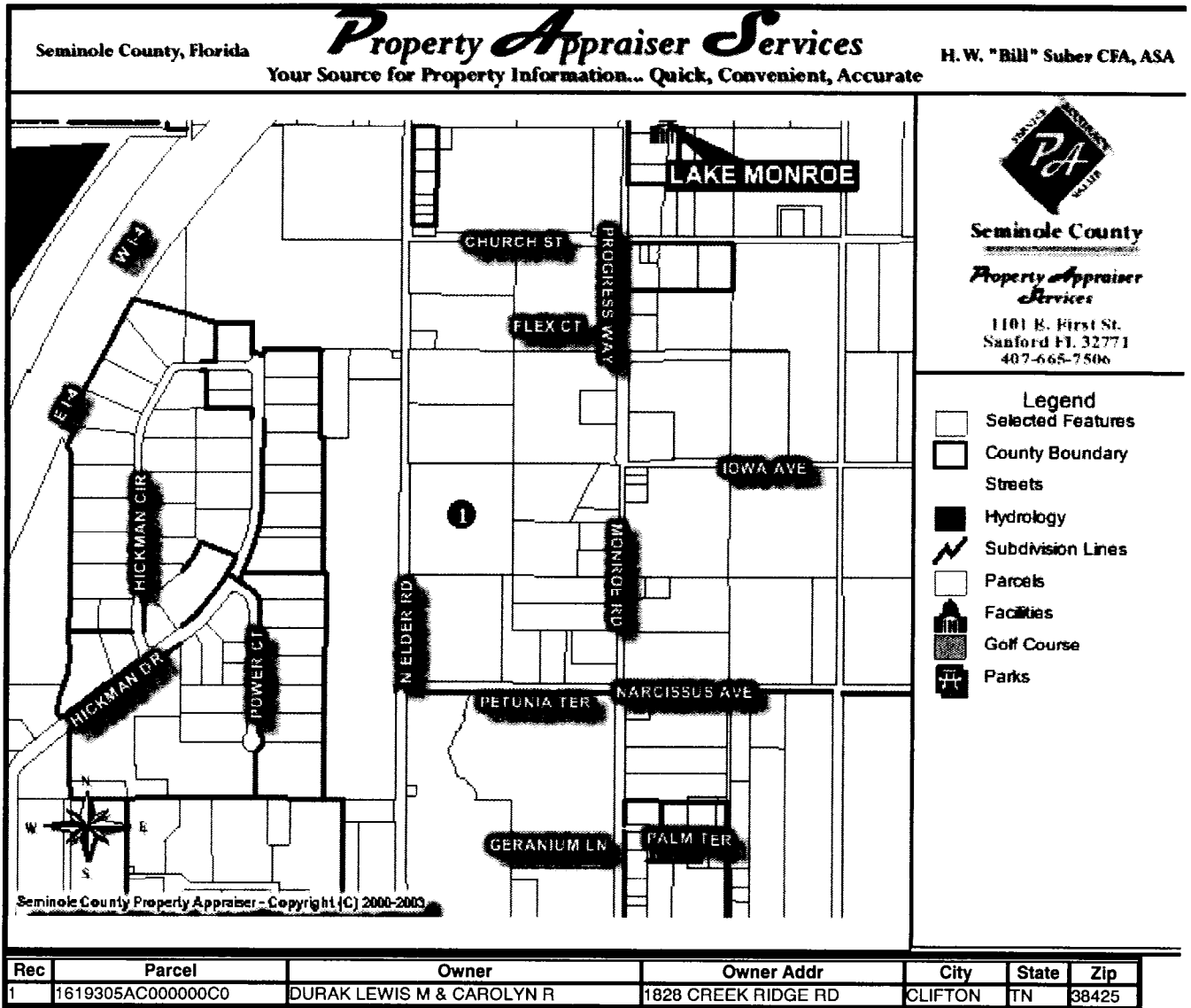
Seminole County Property Appraiser - Copyright (C) 2000-2003

COMPOSITE EXHIBIT "A"



Rec	Parcel	Owner	Owner Addr	City	State	Zip
1	1619305AC000000B5	DURAK L M & CAROLYN R	1828 CREEK RIDGE RD	CLIFTON	TN	38425

COMPOSITE EXHIBIT "A"



COMPOSITE EXHIBIT "A"