



COUNTY ATTORNEY'S OFFICE  
MEMORANDUM

TO: Board of County Commissioners

THROUGH: Robert McMillan, County Attorney

FROM: Al Schwarz, Assistant County Attorney Ext. 5736 *AS for*

CONCUR: Pam Hastings *ph* Administrative Manager/Public Works Department  
David Nichols, Principal Engineer/Engineering Division *DNJ 4/13/06*

DATE: April 6, 2006

SUBJECT: Costs Settlement Authorization  
Lake Drive road improvement project  
Parcel Nos.: 139A and 139B/739  
Owner(s): John Maratta for 139A; Mary Maratta for 139B/739  
*Seminole County v. Suero, et al.*  
Case No.: 2004-CA-2045-13-G

This Memorandum requests settlement authorization by the Board of County Commissioners (BCC) for costs on Parcel Nos. 139A and 139B/739 on the Lake Drive project. The total settlement sum is \$37,879.40 for all expert fees and costs related to the taking.

**I PROPERTY**

**A. Location Data**

Parcel No. 139A is located on the South side of Lake Drive. In the Before, Parcel No. 139A consists of 24,000 square feet and is improved with a single-family residence. See location Map attached as Exhibit A and a property sketch attached as Exhibit B.

Parcel Nos. 139B/739 is located on the South side of Lake Drive. In the Before, Parcel Nos. 139B/739 consist of 3.355 acres (2.6 acres upland) and a 481 square foot temporary construction easement, and is improved with a single-family residence. See Location Map attached as Exhibit C and a property sketch attached as Exhibit D.

**B. Property Address**

The street address for Parcel No. 139A is 1906 Lake Drive, Casselberry, Florida and for Parcel Nos. 139B/739 is 1910 Lake Drive Casselberry, Florida.

**II AUTHORITY TO ACQUIRE**

The BCC adopted Resolution No. 2002-R-70 on April 23, 2002 and Resolution No. 2004-R-75 on April 13, 2004, authorizing the acquisition of Parcel Nos. 139A and 139B/739 and finding that the Lake Drive road improvement project is necessary and serves a public purpose and is in the best interests of the citizens of Seminole County. The Order of Take occurred on December 8, 2004, with title vesting in Seminole County on December 17, 2004, the date of the good faith deposit for these parcels in the amount of \$25,000.00 for Parcel No. 139A and \$28,900.00 for Parcel No. 139B.

**III BACKGROUND**

In February 2006, the BCC approved a settlement at \$111,475.00 for Parcel No. 139A and \$56,736.67 for Parcel No. 139B/739 with statutory attorney fees set at \$18,975.00 for 139A and \$6,137.67 for 139B/739. Expert fees and costs remained outstanding.

**IV COST CLAIM AND NEGOTIATIONS**

The owners claimed costs totaling \$45,332.90. The costs were reported as follows:

(1)	Appraisal services	\$32,215.00
(2)	Land planning services	\$ 9,292.50
(3)	Court reporter services	\$ 3,825.40
	<b>TOTAL</b>	<b><u>\$45,332.90</u></b>

In negotiation, the county challenged the requested hourly rates as too high and fees as being excessive. Further negotiation resulted in a cost settlement of **\$37,879.40**. This negotiation results in a reduction of approximately 16% from \$45,332.90 to \$37,879.40.

**V COST AVOIDANCE**

If this matter goes to hearing, the County would likely need to employ expert witnesses and incur other costs. It is not expected that a hearing would result in net costs below the negotiated amount of \$37,879.40.

## **VI RECOMMENDATION**

This office recommends settlement of cost reimbursements at \$37,879.40.

AHS/dre

Attachments:

Exhibit A

Exhibit B

Exhibit C

Exhibit D

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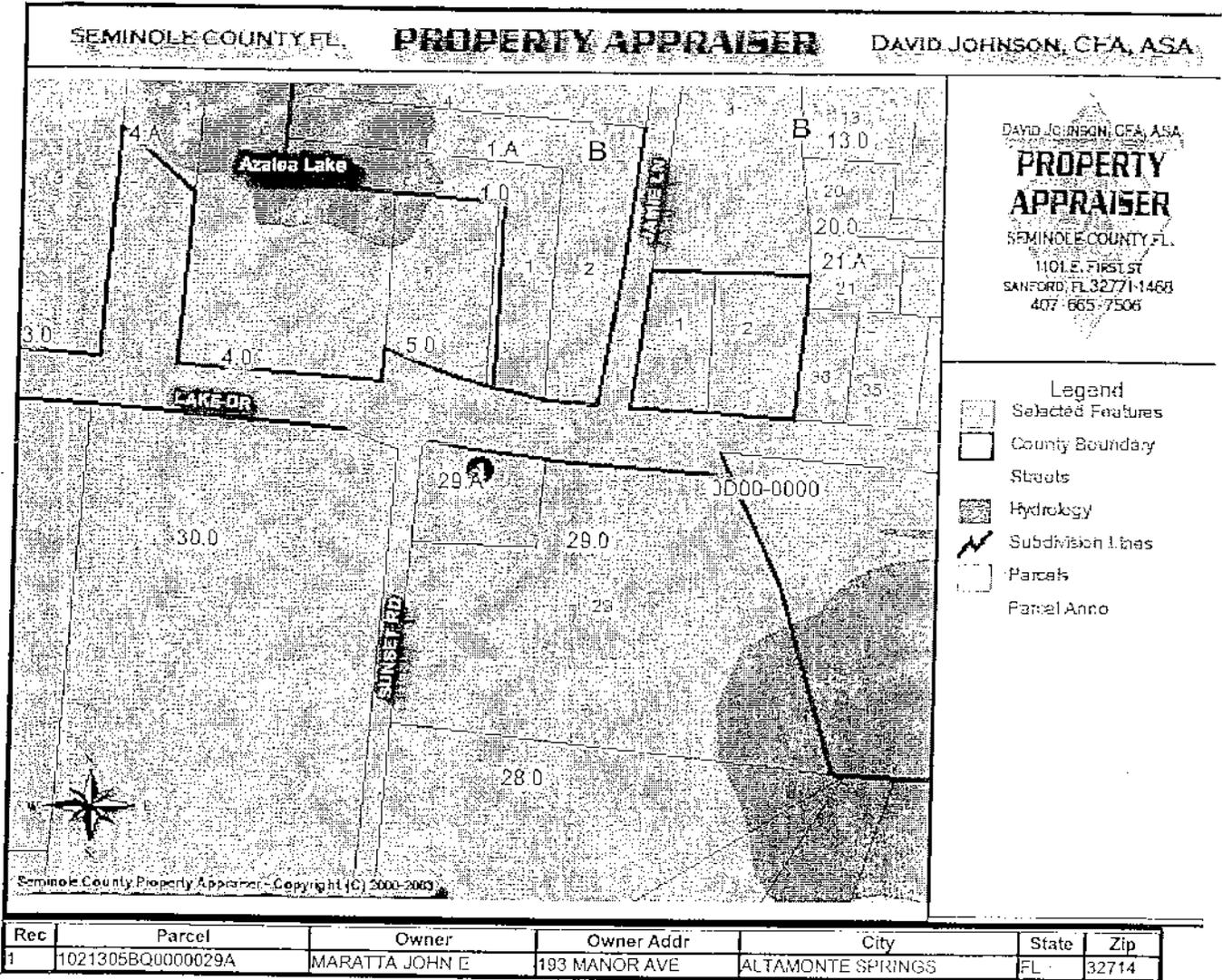


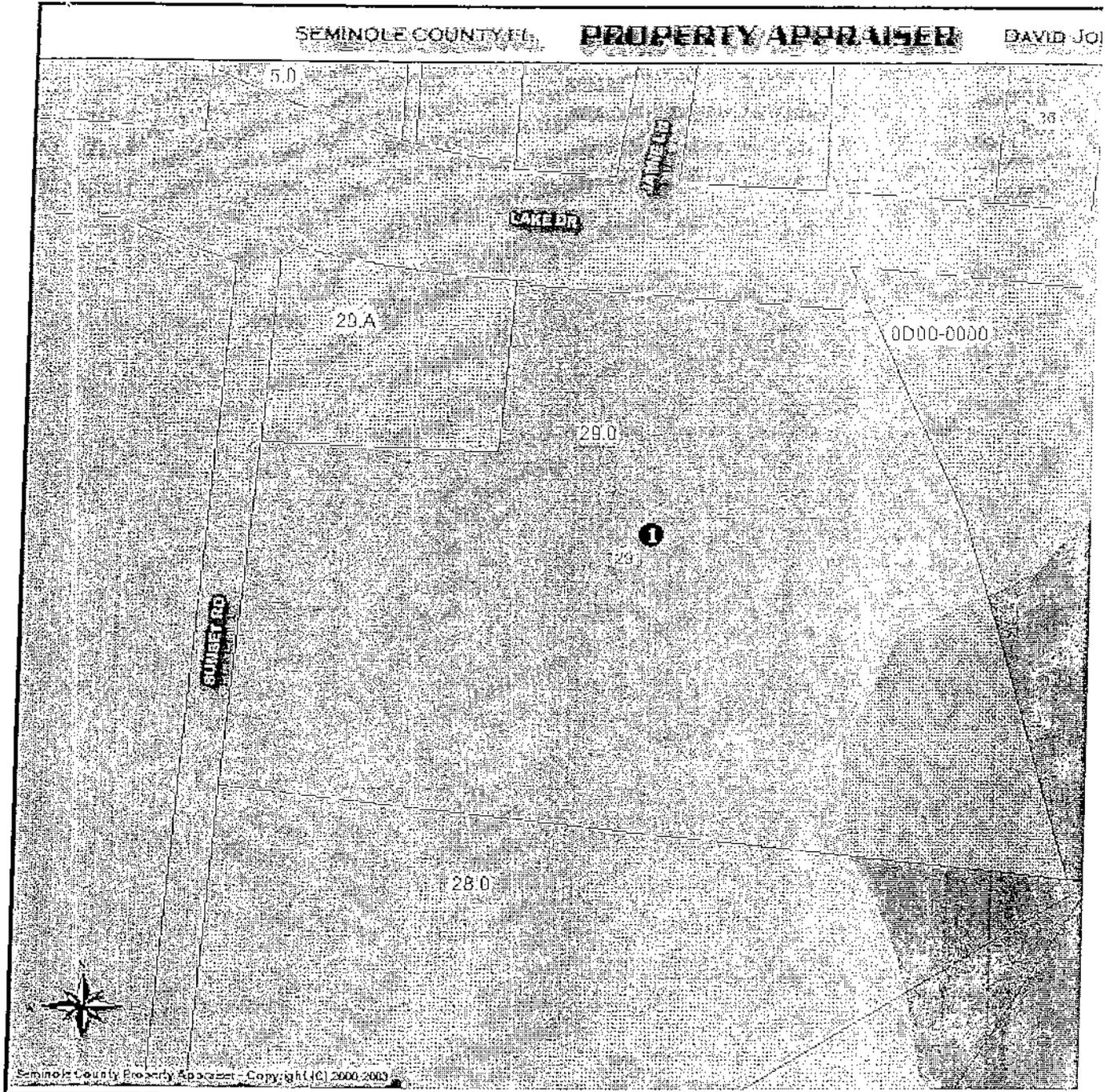
EXHIBIT A



SEMINOLE COUNTY, FL

PROPERTY APPRAISER

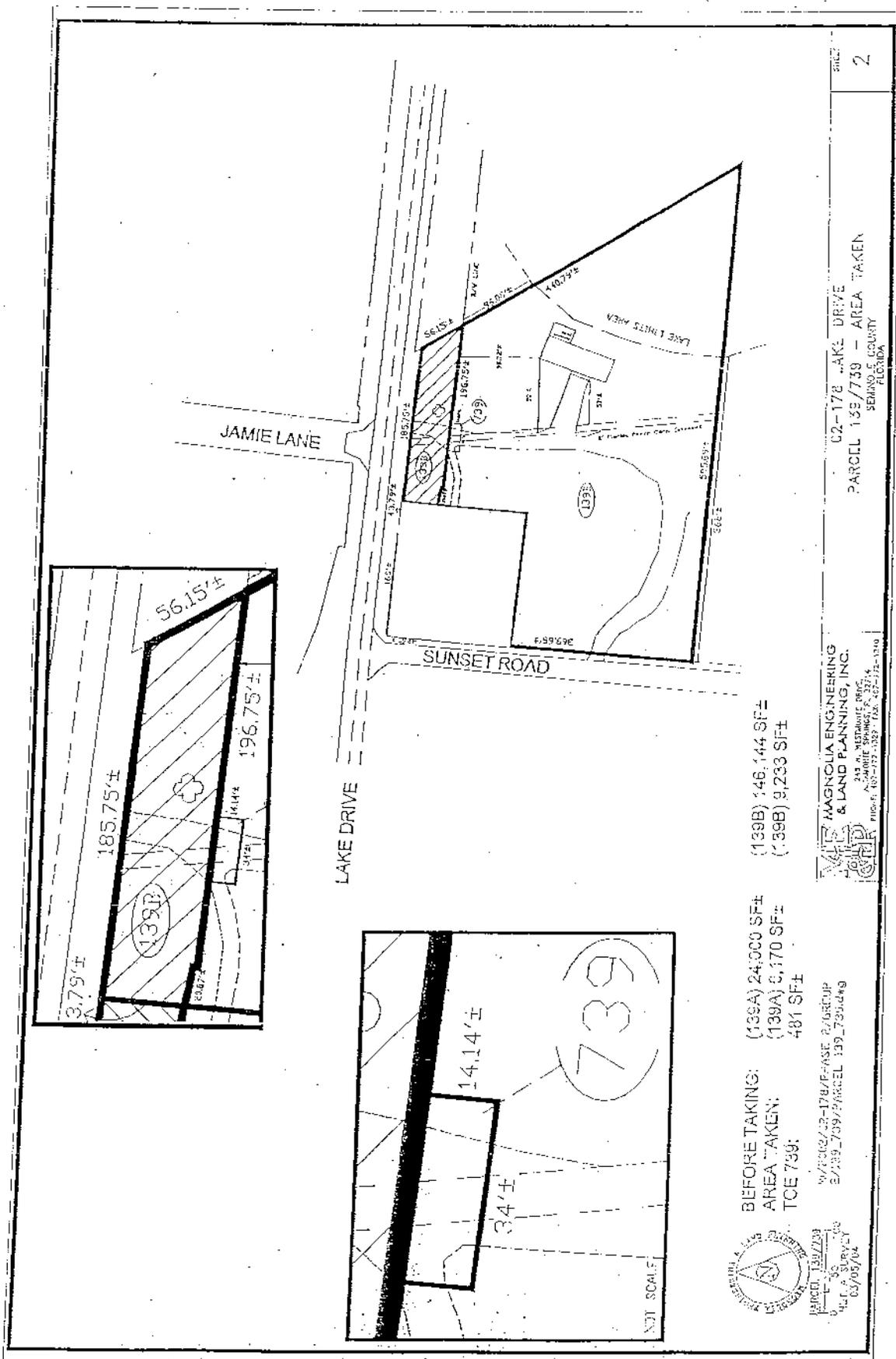
DAVID JOI



Rec	Parcel	Owner	Owner Addr	City	State	Zip
1	1021305BQ00000290	MARATTA MARY E	1910 LAKE DR	CASSELBERRY	FL	32707

EXHIBIT C

SKETCH(S): PROPERTY SKETCH - TAKING



MAGNOLIA ENGINEERING & LAND PLANNING, INC.  
 215 N. WESTLAKE BLVD.  
 WESTLAKE SPRING, FL 32709  
 PHONE: 407-709-7339 FAX: 407-709-7340

C2-17B LAKE DRIVE  
 PARCEL 139/739 - AREA TAKEN  
 SEMINOLE COUNTY  
 FLORIDA

PARCEL 139/739  
 W/7302/13-17B/PE-ASE P.06/04P  
 E/139\_739/PARCEL 139\_739.dwg  
 H.C.P. SURVEY  
 03/05/04