



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

DATE: April 16, 2004

SUBJECT: Settlement Authorization
Lake Drive Project
Parcel No. 775
Seminole County v. Casselberry Investment Properties, Ltd., et al
Case No.: 2004-CA-560-13-K
Owners: Carlos M. and Brunilda Rodriguez

This memorandum requests settlement authorization by the Board of County Commissioners (BCC) for the owner's interest in Parcel No. 775 on the Lake Drive Project. The recommended settlement is at the total sum of \$7,627.50 plus a County commitment to modify the design plans and construct the project as modified. The sum is inclusive of land value, attorney fees, and costs.

I PROPERTY

A. Location Data

Parcel No. 775 as originally designed was an easement of 1,063 s.f. near the drive entrance of the property. A corrected temporary construction easement totals 1,878 s.f.

B. Street Address

The street address is 1490 Seminola Boulevard, Casselberry, Florida 32707. A parcel sketch is attached as Exhibit A and location map as Exhibit B.

II AUTHORITY TO ACQUIRE

The BCC adopted Resolution No. 2003-R-133 on August 26, 2003, authorizing the acquisition of Parcel No. 775, and finding that the Lake Drive project was necessary and served a public purpose and was in the best interest of the citizens of Seminole County.

III ACQUISITION AND REMAINDER

The temporary construction easement as revised will encumber 1,878 s.f. of property for a period of five years. As originally designed, the TCE would sever all six parking spaces with a 1.5 foot grade change rendering all parking spaces unusable. The agreed design correction provides the parking spaces that previously existed.

IV APPRAISED VALUES

The County's appraisal report was prepared by Clayton, Roper, and Marshall and reported full compensation to be \$2,500.00 inclusive of land value and improvements. The report does not value the revised TCE.

The owners had appraisal and engineering reviews completed. The engineering review identified that the County's design plans severed all parking spaces rendering them unusable.

V NEGOTIATIONS

The County's acquisition agents negotiated a settlement at \$4,000.00 plus \$1,500.00 for attorney fees and the review costs. The review identified the problem in the plans. A redesign was prepared by the owners' engineer at a design cost of \$1,727.50 and additional attorney fees of \$400.00.

The negotiated settlement is at \$7,627.50 plus a County commitment to correct the design error and re-construct the parking spaces.

VI ATTORNEYS FEES AND COST REIMBURSEMENT

Attorney fees and costs are included within the above sum at \$3,627.50. The sum of \$1,400.00 is allocated to attorney fees and \$2,227.50 for engineering costs.

VII COST AVOIDANCE

Cost avoidance in this settlement is huge. Fortunately, the owners desire the roadway improvement with the parking spaces physically reconstructed to tie into the proposed roadway and driveway grading.

VIII ANALYSIS

The agreement to pay the additional engineering costs (\$1,727.50) and attorney fees (\$400.00) and re-construct the parking spaces is the proper corrective approach. Since the engineering design plans frame damages in eminent domain, a huge severance damage and perhaps business damages could have been developed.

The owners have agreed to give the County an additional TCE area or right-of-entry to re-construct the parking spaces. No additional construction costs result because the parking spaces and larger TCE should have been part of the design and construction bid to begin with.

IX RECOMMENDATION

County staff recommends that the BCC approve this settlement at the total sum of \$7,627.50 plus a County commitment to modify the design plans and construct the entrance drive and re-establish the parking spaces.

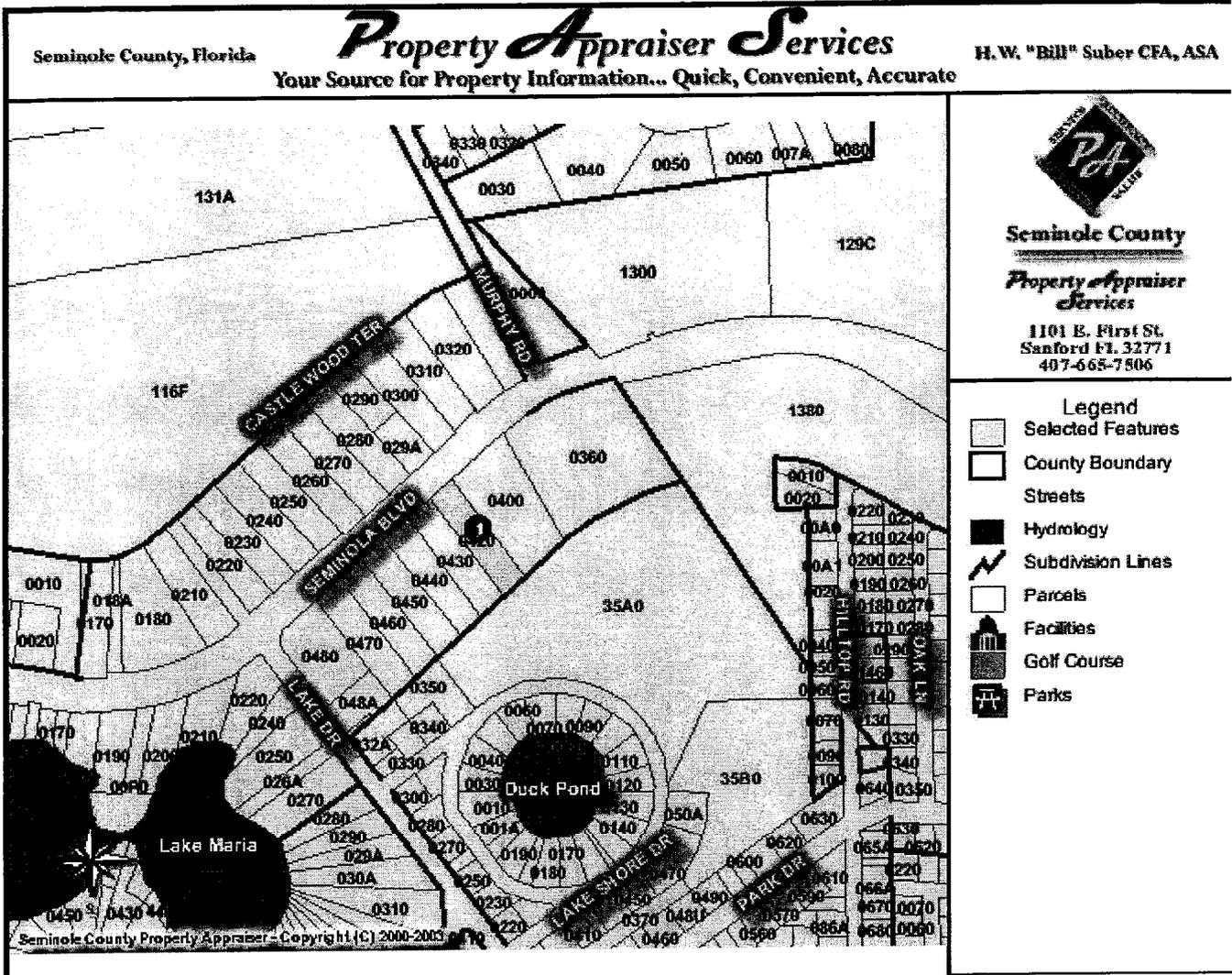
HMB/sb

Attachment:

Exhibit A Sketch

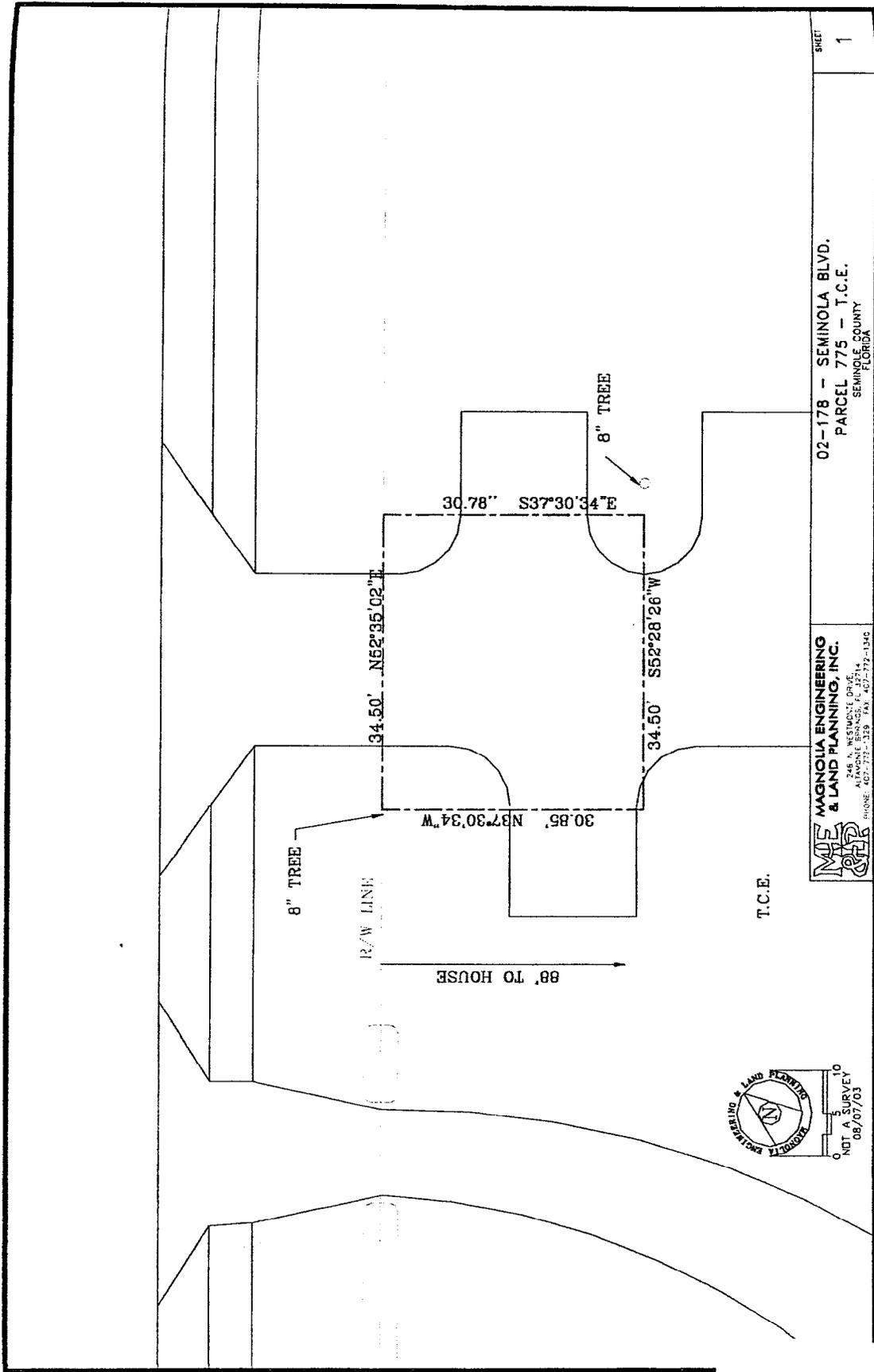
Exhibit B Location Map

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Rec	Parcel	Owner	Owner Addr	City	State	Zip
1	0921305BM0B000420	RODRIGUEZ CARLOS M & BRUNILDA	308 BROADVIEW AVE	ALTAMONTE SPRINGS	FL	32701

EXHIBIT A




M&L
MAGNOLIA ENGINEERING & LAND PLANNING, INC.
 248 N. WESTWYCKE DRIVE,
 ALBUQUERQUE, NEW MEXICO 87105
 PHONE: 505.775.3233 FAX: 505.775.1346

02-178 - SEMINOLA BLVD.
 PARCEL 775 - T.C.E.
 SEMINOLE COUNTY
 FLORIDA

SHEET
 1


 NOT A SURVEY
 08/07/03

EXHIBIT B