

**COUNTY ATTORNEY'S OFFICE
MEMORANDUM**

TO: Board of County Commissioners

THROUGH: Stephen P. Lee, Deputy County Attorney 

FROM: Lynn Vouis, Assistant County Attorney 
Ext. 5736

CONCUR: Pam Hastings, Administrative Manager/Public Works Department 
Kathleen Myer, Principal Engineer, Major Projects 

DATE: April 29, 2003

SUBJECT: East Lake Mary Boulevard IIB road improvement project
Revised binding written offer for Parcel Nos. 226BD/826CD

This Memorandum requests authorization by the Seminole County Board of County Commissioners (BCC) to make a revised binding written offer as to Parcel Nos. 226BD/826CD at the amount set forth below.

I PROPERTY

The subject parcels are located along East Lake Mary Boulevard (from Ohio Avenue to SR 46/SR 415). See, Location Map attached as Exhibit A.

II AUTHORITY TO ACQUIRE

The BCC adopted Resolution No. 2003-R-47 on February 11, 2003, finding that the widening of East Lake Mary Boulevard is necessary and serves a County and public purpose and is in the best interest of the citizens of Seminole County.

The County is required to extend binding written offers to property owners prior to filing a condemnation action. A binding written offer, once made and timely accepted, binds the County to payment of the offer amount. If any of the binding written offers extended by the County are accepted within the thirty (30) day statutorily required time for acceptance, County staff will proceed directly to closing.

III ACQUISITIONS AND REMAINDERS

Not applicable

IV APPRAISED VALUES

The Spivey Group, Inc., completed an appraisal of Parcel Nos. 226BD/826CD and the appraised value was determined at \$137,800.00 for Parcel Nos. 226BD and \$12,000.00 for Parcel Nos. 826CD for an aggregate sum of \$149,800.00. At its meeting held April 22, 2003, the BCC approved a binding written offer at \$10,000.00. Obviously, a scrivener's error occurred on the agenda item asking for approval at this amount.

V SETTLEMENT ANALYSIS/COST AVOIDANCE

The proposed binding written offer at the County's appraised value of \$149,800.00 set forth above will correct the erroneous amount previously authorized by the BCC. The County's acquisition agent has requested the issuance of binding written offers, since the attorneys representing the property owners have advised that they will not negotiate settlement before receipt of a binding written offer. Given this negotiating posture, staff does not see any benefit to offering above appraised value.

VI RECOMMENDATION

County Staff recommends that the BCC authorize the corrected binding written offer at the amount stated above.

LV/dre

Attachment

Location Map

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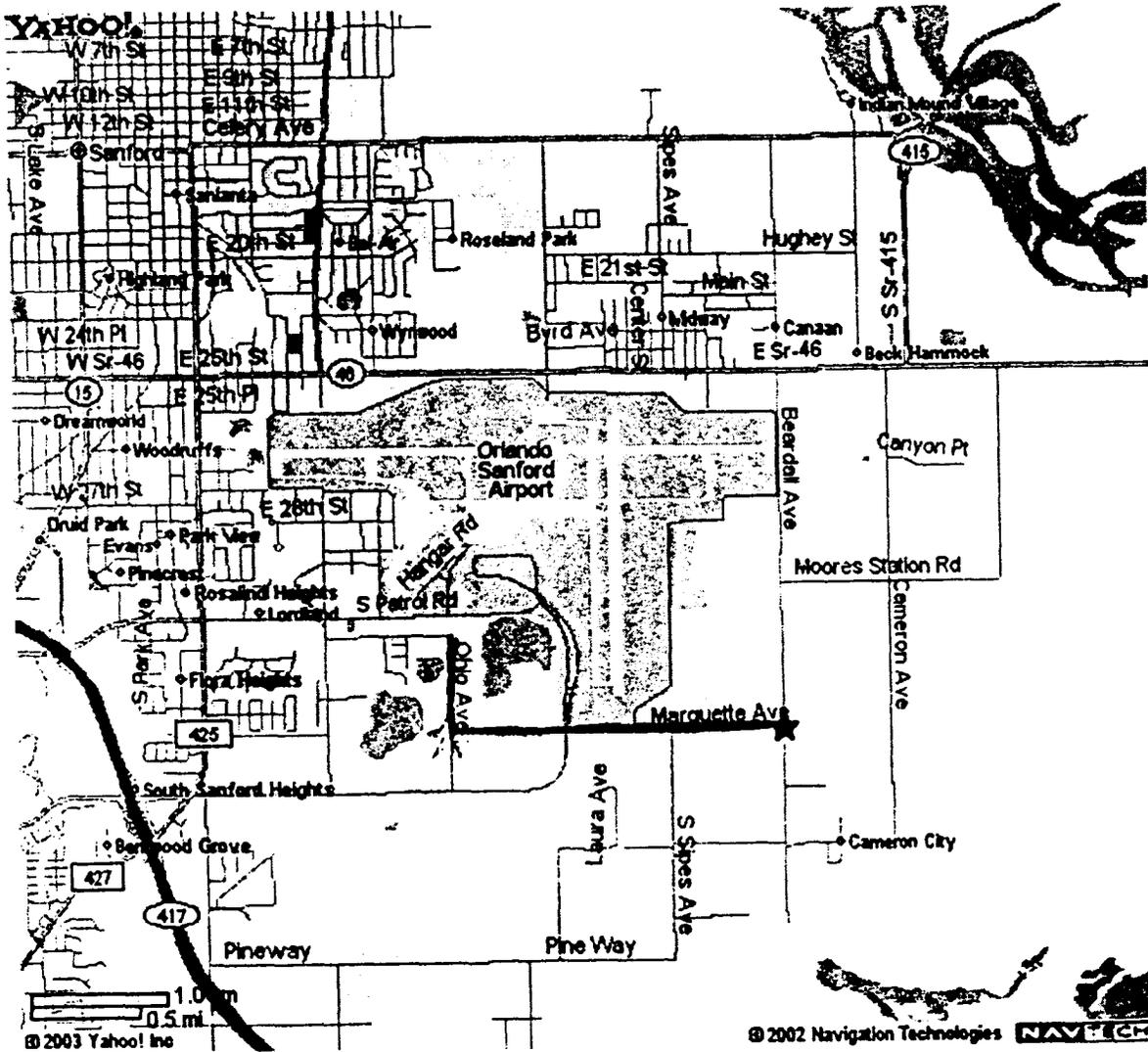


EXHIBIT A