



COUNTY ATTORNEY'S OFFICE
MEMORANDUM

To: Board of County Commissioners

Through: Robert A. McMillan, County Attorney

From: David G. Shields, Assistant County Attorney *DGS*
Ext. 5736

Concur: Pam Hastings, Administrative Manager/Public Works Department
David V. Nichols, P.E., Principal Engineer/Engineering Division *DVN* 4/19/06

Date: April 18, 2006

Subject: Settlement Authorization
Bunnell Road
Parcel No. 115
Owner: Johnnie F. Murray
Seminole County v. Garcia, et al
Case No. 2005-CA-1123-13-G

This memorandum requests settlement authorization by the Board of County Commissioners (BCC) as to Parcel No. 115 on the Bunnell Road project. The proposed negotiated settlement is \$58,147.67. The total sum is allocated as follows:

\$39,999.00	land value, severance damage, and statutory interest
\$ 8,183.67	statutory attorney's fee; and
\$ 9,965.00	experts' fee and cost reimbursements

I PROPERTY

A. Location Data. Parcel No. 115 is located on the north side of Bunnell Road approximately 393.82 feet west of First Avenue in unincorporated Seminole County. A location map depicting the location of the parcel is attached as Exhibit A.

B. Street Address. The street address of the property is 1193 Bunnell Road, Altamonte Springs, Florida. A Parcel sketch is attached as Exhibit B.

II AUTHORITY TO ACQUIRE.

The BCC adopted Resolution No. 2004-R-72 on April 13, 2004, authorizing the acquisition of Parcel No. 115. The Bunnell Road improvement project was found to be necessary and serving a public purpose and in the best interests of the citizens of Seminole County. The Order of Take occurred on August 4, 2005, with title vesting in Seminole County on August 15, 2005, the date of the good faith deposit.

III ACQUISITIONS AND REMAINDER

The fee acquisition of Parcel No. 115 totaled 3,216 square feet from a parent tract of 63,596 square feet leaving a remainder of 60,380 square feet.

IV APPRAISED VALUES

A. County Reports. Clayton, Roper and Marshall, Inc., performed the County reports.

Parcel No. 115. The initial appraisal reported full compensation as of November 16, 2004, at \$15,200.00. The update appraisal opined the value as of June 24, 2005, to be \$17,000.00. An appraisal for trial purposes was not prepared.

B. Owner's Report. The owner's report was prepared by Calhoun, Dreggors & Associates, Inc., as of August 15, 2005 (the date of the good faith deposit), and reported full compensation at \$59,100.00.

V BINDING OFFERS/NEGOTIATION

The Board approved a first written offer of \$15,200.00. As stated previously, the owner's appraised value was \$59,100.00 and the County's updated appraised value was \$17,000.00.

Through negotiations, the parties agreed to compensation of \$39,999.00 for all land value, severance damages, and statutory interest.

The difference between the County's \$17,000.00 appraisal value and the owner's \$59,100.00 appraisal value is \$42,100.00. Both appraisals appear to represent good faith efforts to arrive at a fair valuation. When faced with two "reasonable," but differing appraisals, juries tend to return a verdict around midpoint. The midpoint of the two appraisals is \$38,050.00. A settlement at \$39,999.00 is slightly above midpoint and reasonable under the circumstances of the case.

VI ATTORNEY'S FEES AND COSTS

A. Attorney's Fees. The statutory attorney's fee reimbursement totals \$8,183.67. The sum is statutorily computed based upon a settlement sum of \$39,999.00 less the written offer of \$15,200.00 to produce a benefit of \$24,799.00.

B. Cost Reimbursements. The owner's cost claim, after negotiation, of \$9,965.00 for experts' fees and costs is reasonable.

VII COST AVOIDANCE

By this settlement, the County avoids all additional costs associated with litigation.

VIII RECOMMENDATION

County staff recommends that the BCC approve this negotiated settlement in the total sum of \$58,147.67 inclusive of land value, improvements, cost to cure, severance damage, statutory interest, and total statutory attorney's fees and expert fees and cost reimbursements.

DGS/dre

Attachments

Exhibit A - Location map

Exhibit B - Parcel sketch

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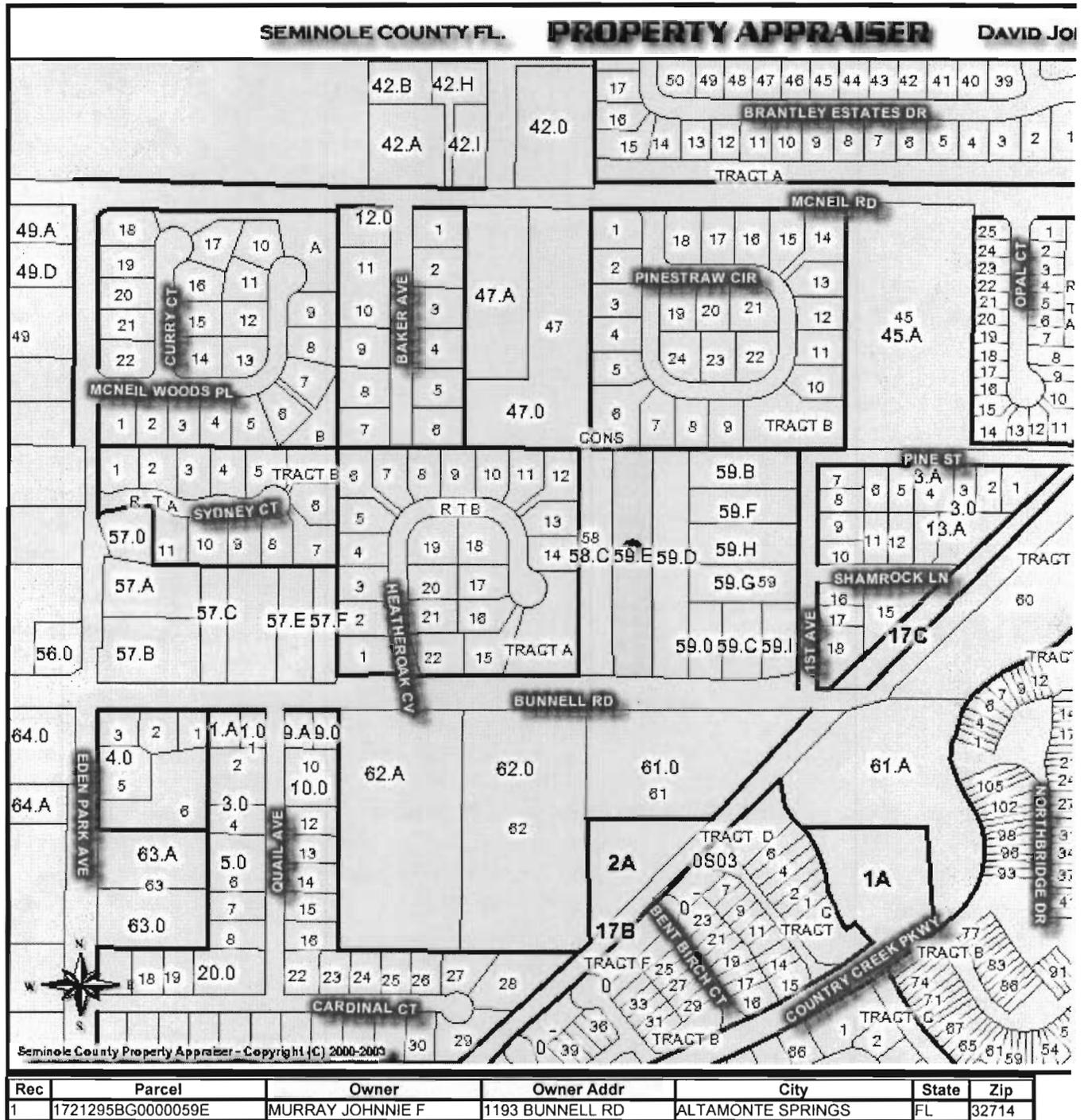
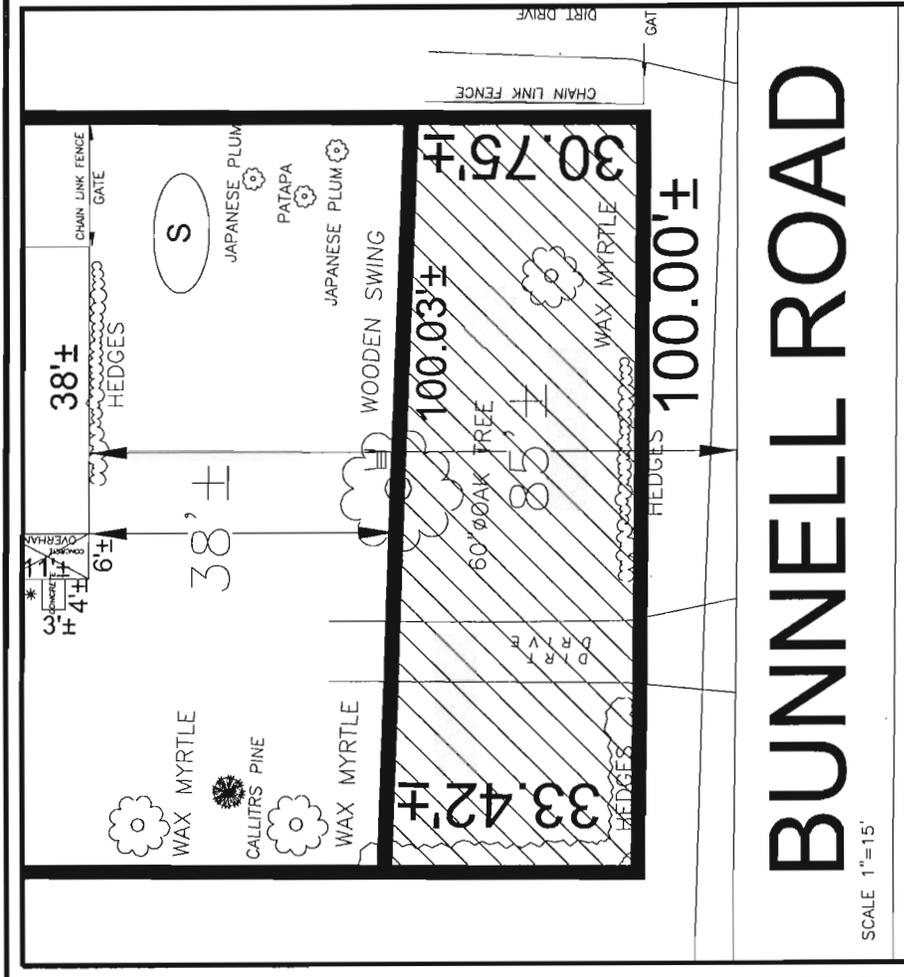


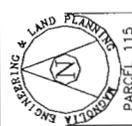
EXHIBIT A

PROPERTY SKETCH - TAKING



BUNNELL ROAD

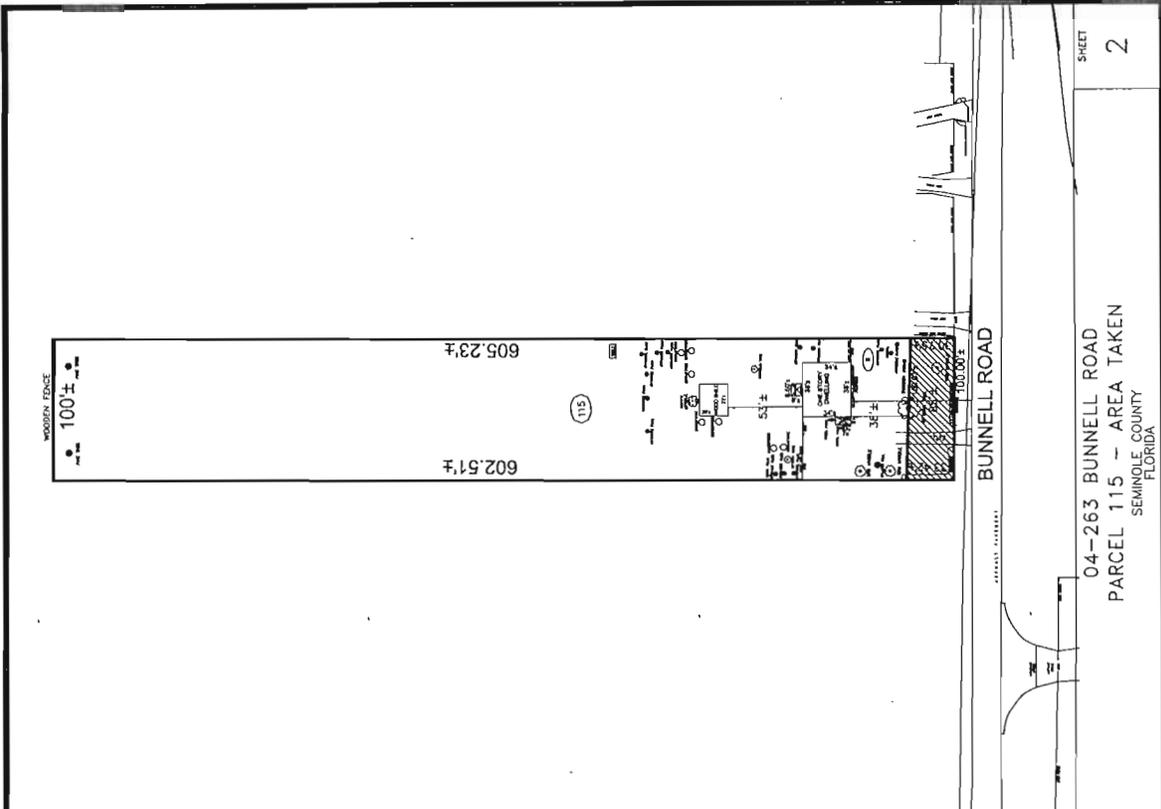
SCALE 1" = 15'



BEFORE TAKING: 63,596 SF±
 AREA TAKEN: 3,216 SF±

NOT A SURVEY
 11/19/04

M:\2004\04-263 Bunnell\115\PARCEL 115.DWG



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 246 N. WESTMONTE DRIVE,
 ALTAMONTE SPRINGS, FL 32714
 PHONE: 407-772-1328 FAX: 407-772-1340

04-263 BUNNELL ROAD
 PARCEL 115 - AREA TAKEN
 SEMINOLE COUNTY
 FLORIDA

SHEET
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