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

DATE: May 10, 2004

SUBJECT: Cost Settlement Authorization
East Lake Mary Boulevard, Phase III
Parcel No.: 104
Owners: W. Garnett and Paulette C. White
Seminole County vs. W. Garnett White, et al.
Case No.: 2000-CA-1570-13-W

This Memorandum requests settlement authorization by the Board of County Commissioners (BCC) for costs. The total settlement sum is \$117,400.00.

I PROPERTY

A. Location Data

Parcel No. 104 is located at the southwest corner of Lake Mary Boulevard and S. R. 417 (the Greenway). A location map is attached as Exhibit A and a parcel sketch as Exhibit B.

B. Street Address

The property is vacant with no street address.

II AUTHORITY TO ACQUIRE

The BCC adopted Resolution No. 94-R-245, on September 13, 1994, authorizing the acquisition of Parcel No. 104 and finding that Lake Mary Boulevard, Phase III, was necessary and served a public purpose and was in the best interest of the citizens of Seminole County.

III BACKGROUND

In December, 2003, this case went to jury trial. The County's appraised value was \$217,600.00 and the owner's appraised value was \$2,144,500.00. The jury determined full compensation to be \$885,500.00.

IV COST CLAIM

The owners claimed costs totaling \$152,440.51 allocated:

(1)	Appraisal Reports and testimony time	\$52,268.23
(2)	Engineering Reports and testimony time	\$74,091.85
(3)	Land Planning Report and testimony time	<u>\$26,080.43</u>
	Total Costs Claim	\$152,440.51

V NEGOTIATION

In negotiation, several non-reimbursable office overhead costs and travel time were taken out. The result of the deductions and further negotiations is a reduction of 23% from \$152,440.51 to \$117,440.00, allocated as follows:

(1)	Appraisal Reports and testimony time	\$43,400.00
(2)	Engineering Reports and testimony time	\$55,000.00
(3)	Land Planning Report and testimony time	<u>\$19,000.00</u>
	Total Cost Reimbursement	\$117,400.00

VI SETTLEMENT ANALYSIS

Costs are high when jury trials become necessary. The County would need to employ three experts to review the claimed costs and testify as to their reasonableness. We cannot predict that the analysis of cost experts would produce substantially lower costs. Under the circumstances, it is not expected that a hearing would reduce costs any greater than the negotiated 23%.

VII RECOMMENDATION

This office recommends settlement of cost reimbursements at \$117,400.00.

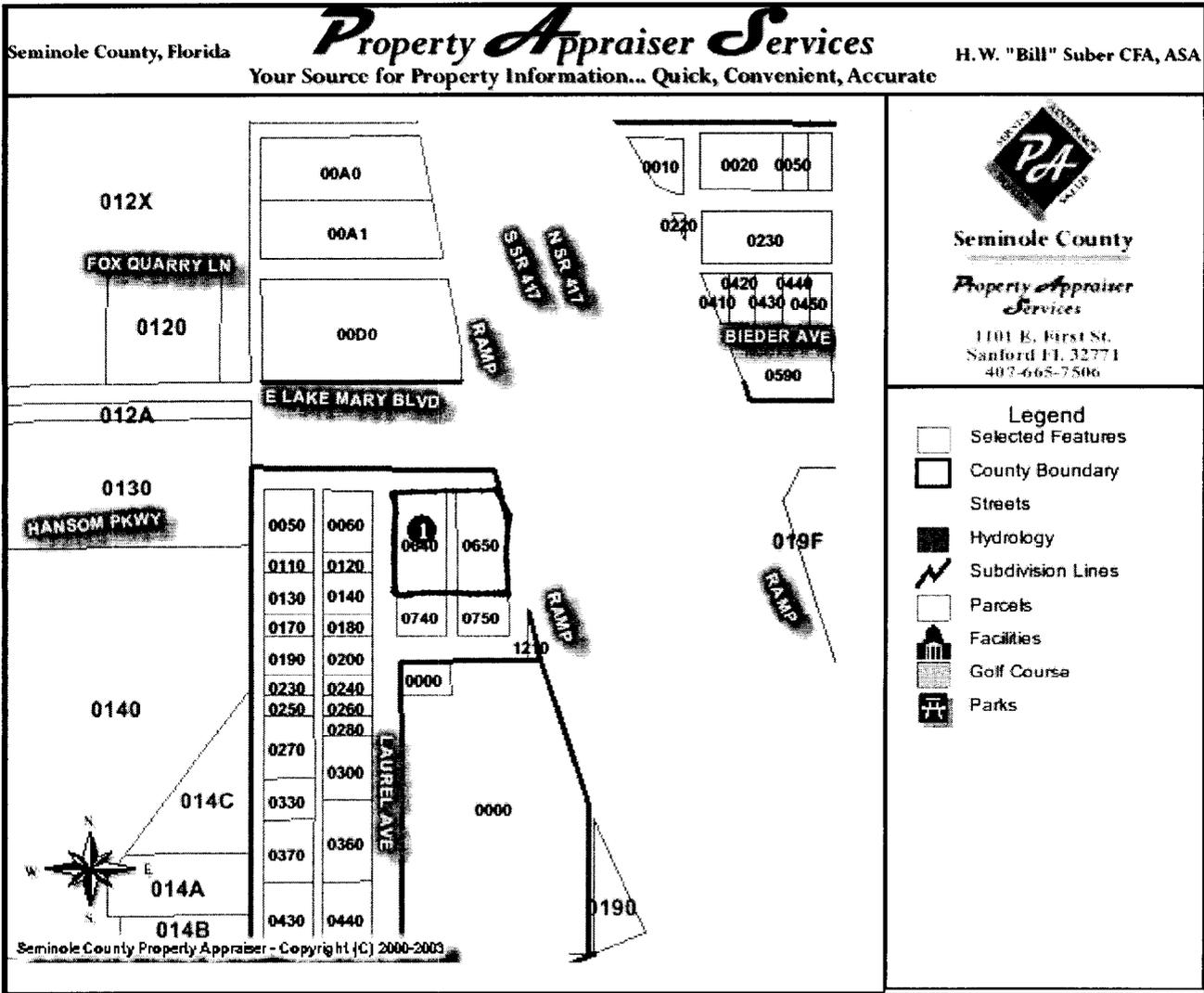
HMB/sb

Attachments:

Exhibit A

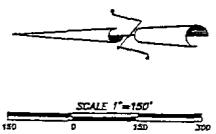
Exhibit B

P:\USERS\SBERRIE\MY DOCUMENTS\MEMOAGENDA ITEM ELMB III COST SETTLEMENT AUTHORIZATION W GARNETT WHITEDOC

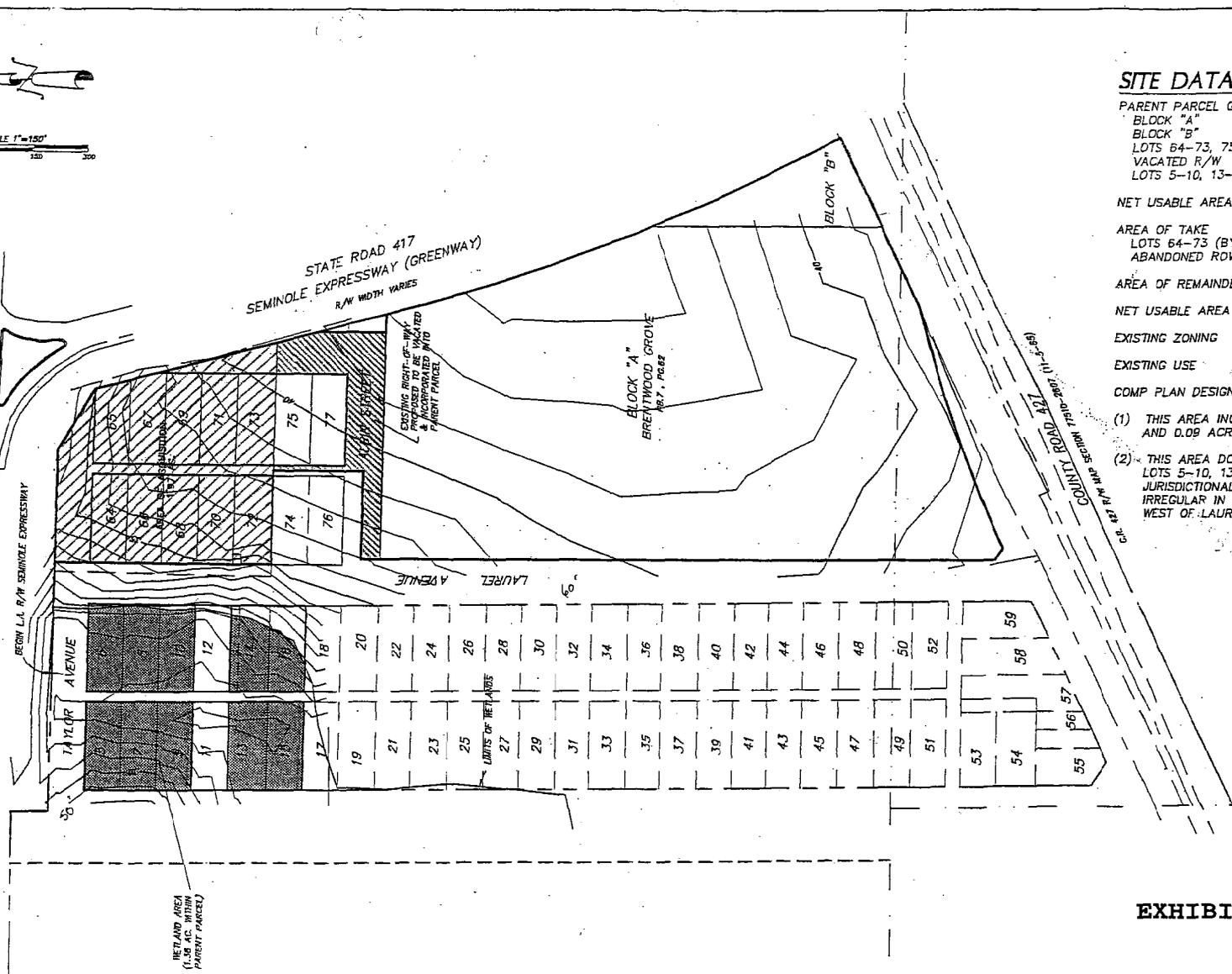


Rec	Parcel	Owner	Owner Addr	City	State	Zip
1	12203050700000640	SEMINOLE B C C	1101 E 1ST ST	SANFORD	FL	32771

EXHIBIT A



LAKE MARY BOULEVARD
 COUNTY OF SEMINOLE ENGINEERING DEPARTMENT
 RIGHT OF WAY MAP
 LAKE MARY BOULEVARD PHASE 3, SHEETS 1-16 DATED 12-83
 R/W WIDTH VARIES



SITE DATA

PARENT PARCEL GROSS ACRES	12.58 AC.
BLOCK "A"	8.05 AC.
BLOCK "B"	0.45 AC.
LOTS 64-73, 75 & 77	1.76 AC.
VACATED R/W	0.85 AC.
LOTS 5-10, 13-16 (1)	1.47 AC.
NET USABLE AREA (2)	11.11 AC.
AREA OF TAKE	1.865 AC.
LOTS 64-73 (BY INSTRUMENT)	1.466 AC.
ABANDONED ROW (VACATED LAND)	0.399 AC.
AREA OF REMAINDER	10.715 AC.
NET USABLE AREA (AFTER TAKE)	9.245 AC.
EXISTING ZONING	A-1
EXISTING USE	VACANT/ORANGE GROVES
COMP PLAN DESIGNATION	LDR

- (1) THIS AREA INCLUDES 1.38 ACRES OF WETLAND AND 0.09 ACRE OF UPLANDS.
- (2) THIS AREA DOES NOT INCLUDE 1.38 ACRES FROM LOTS 5-10, 13-16 THAT IS SUBJECT TO WETLAND JURISDICTIONAL CONCERNS & LAND THAT IS IRREGULAR IN SHAPE THAT IS UNUSABLE LOCATED WEST OF LAUREL AVENUE. (1.47 AC.)

WETLAND AREA
 (1.38 AC. WITHIN
 PARENT PARCEL)

EXHIBIT B

PEC PROFESSIONAL ENGINEERING CONSULTANTS, INC.
 Suite 1550 Eolo Park Centre
 200 East Robinson Street, Orlando, Florida 32801
 407/432-8052

PARCEL 104 LAKE MARY BOULEVARD
 PREPARED FOR
 HASTINGS & SPIVEY, INC.
 SEMINOLE COUNTY FLORIDA
 SECTION: 12 & 13 TOWNSHIP: 20 S RANGE: 30 E

PARENT TRACT & AREA
 OF TAKING SKETCH

DATE 1/20/00
 DRAWN BY: CLV
 CHECKED BY: KTR
 JOB NO. PC-010
 SHEET 1 OF 5