




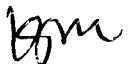


**COUNTY ATTORNEY'S OFFICE
MEMORANDUM**

TO: Board of County Commissioners

THROUGH: Stephen P. Lee, Deputy County Attorney 

FROM: Herbert S. Zischkau III, Assistant County Attorney 
Ext. 5736

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

DATE: May 13, 2003

SUBJECT: Settlement Authorization
Airport Boulevard Phase III
Parcel No. 195
Seminole County v. Harris, et al
Case No.: 03-CA-158-13-W
Owners: Wayne and Grace Childers

This memorandum requests settlement authorization by the Board of County Commissioners (BCC) for Parcel No. 195 on the Airport Boulevard Phase III Project. The recommended settlement is at the total sum of \$705.00.

I PROPERTY

A. Location Data

The vacant parent tract lies on the north side of Bungalow Boulevard, approximately 865 feet west of Airport Boulevard, in Seminole County, Florida. See, Location Map and Sketch attached as Exhibits A and B, respectively.

B. Street Address

Vacant property. No physical address available.

II AUTHORITY TO ACQUIRE

The BCC adopted the First Supplemental and First Amended Resolution No. 2001-R-108 on June 26, 2001, for the Airport Boulevard Phase III road improvement project, authorizing the acquisition of the above-referenced property, and finding that the construction of the Airport Boulevard Phase III road improvement project is necessary and serves a county and public purpose and is in the best interest of the citizens of Seminole County.

III ACQUISITION/REMAINDER

The fee simple acquisition consists of 141 square feet acquired from the total parcel of 3,598 square feet leaving a remainder of 3,457 square feet. The acquisition is a triangular section that includes all of the frontage on Bungalow Boulevard.

IV APPRAISED VALUES

The County's appraisal report was prepared by Diversified Property Specialists, Inc. and reported full compensation to be \$300.00 for land value.

The property owner did not have an appraisal performed.

V BINDING OFFER/NEGOTIATIONS

The County extended a binding written offer to the property owners in the amount of \$250.00. Before litigation, the responsible Assistant County Attorney extended an offer, subject to BCC approval, of \$705.00 inclusive of fees and costs, but the Childers did not respond to the offer until four months later, after litigation had begun. Mr. and Mrs. Childers then accepted the County's offer of \$705.00 for the land.

VI SETTLEMENT ANALYSIS/COST AVOIDANCE

This is a small acquisition, 141 sf, from an undeveloped residential parcel (the "parent tract") that is too small, at 29.99 feet by 119.97 feet, to be developed by itself. Its only economic residential use would be to sell it for combination with the adjoining parcel or parcels, in order to build a single family residence. Though it exceeds the nominal appraised value of \$300.00, the agreed price of \$705.00 saves the County the cost of having to pay the owners' expense in ordering their own appraisal, which by itself would far exceed \$1,000.00. The proposed settlement of \$705.00 is therefore highly beneficial both to the County, which saves eminent domain litigation costs and attorney's fees, and to the property owners, who receive proportionally more than if they sold part or all of the substandard parent tract themselves.

VI RECOMMENDATION

County staff recommends that the BCC approve this settlement in the amount of \$705.00, inclusive of attorney's fees and costs.

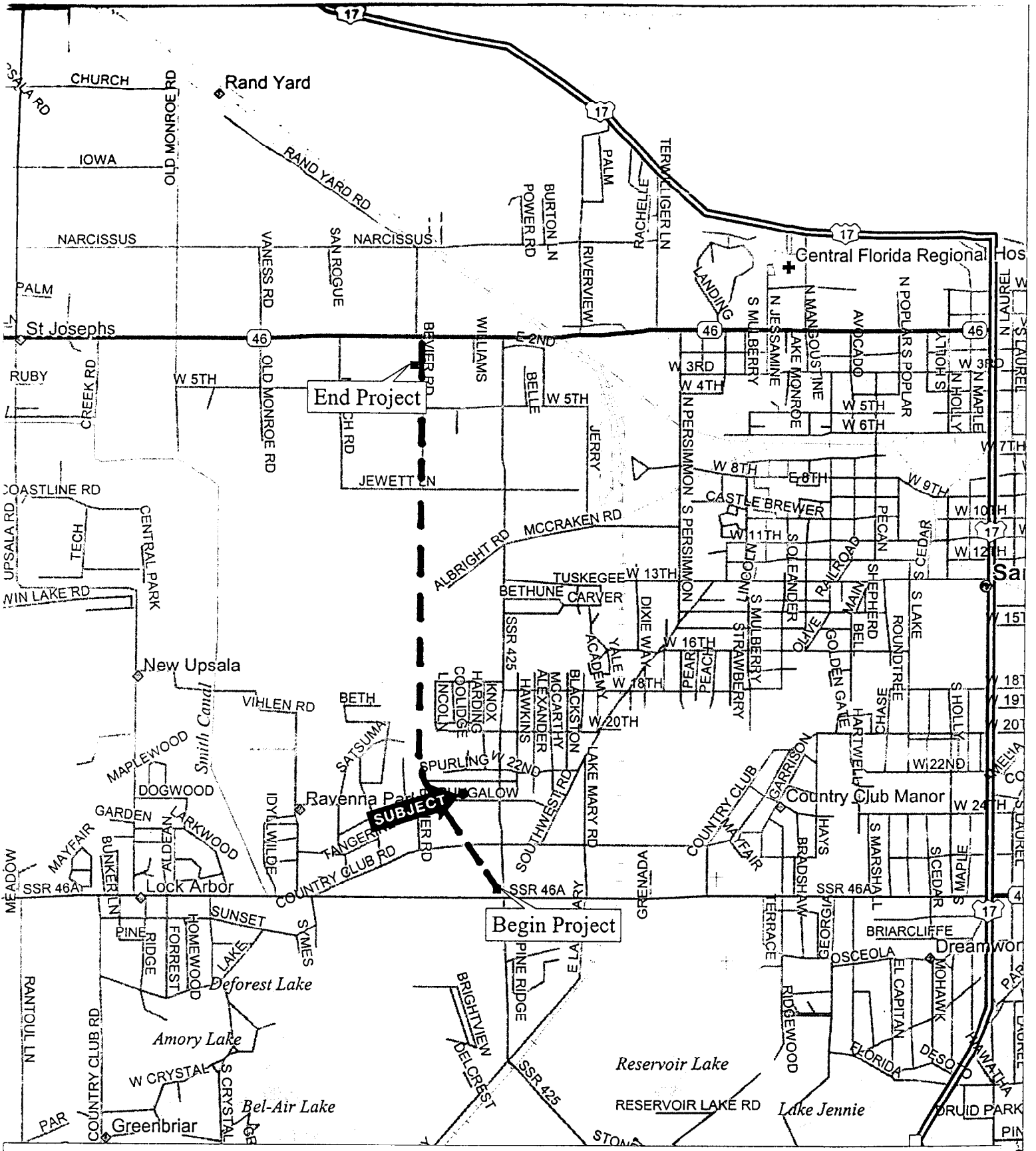
HZ/dre

Attachments:

Exhibit A – Location Map

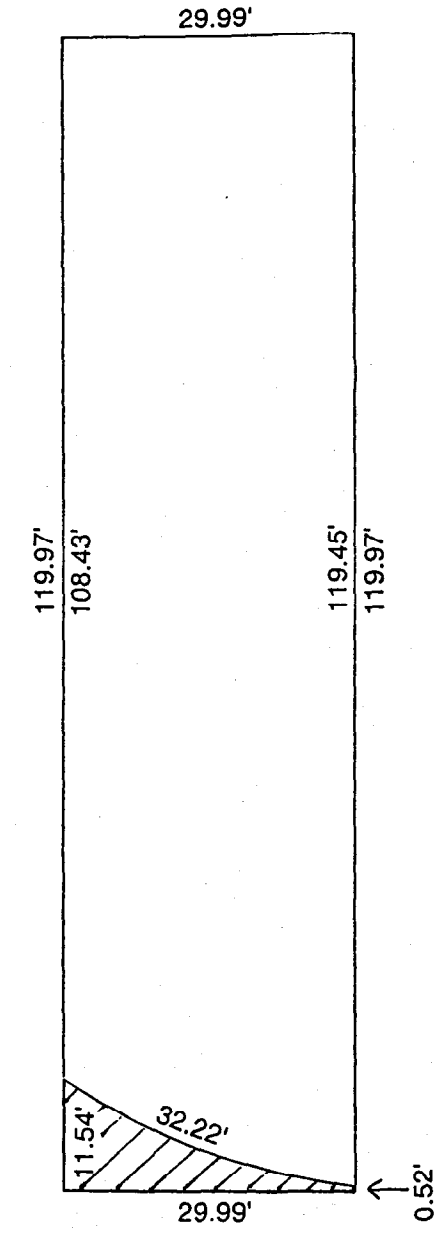
Exhibit B - Sketch

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LOCATION MAP

EXHIBIT B



Bungalow Boulevard


 Sketch Not To Scale

Parent Tract:	3,598 sf	0.083 ac
Part Taken:	<u>141 sf</u>	<u>0.003 ac</u>
Remainder:	3,457 sf	0.080 ac

SKETCH WITH TAKING