



**COUNTY ATTORNEY'S OFFICE
MEMORANDUM**

TO: Board of County Commissioners

THROUGH: Stephen P. Lee, Deputy County Attorney

FROM: Henry M. Brown, Assistant County Attorney *HMB*
Ext. 5736

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

DATE: May 20, 2004

SUBJECT: Settlement Authorization
Lake Emma Road Project
Parcel Nos.: 118, 119, 121, and 122
Huntington Pointe Homeowners Association, Inc. ("HPHOA")
Seminole County v. Danbury Mill Homeowners Association, Inc.
Case No.: 2003-CA-326-13-K

This Memorandum requests settlement authorization by the Board of County Commissioners (BCC) for Parcel Nos. 121 and 122 in fee and HPHOA's easement interest in Parcel Nos. 118 and 119. The recommended settlement is at the total sum of \$27,801.61 inclusive of land value, improvements, easement interest, attorney's fees and costs.

I BACKGROUND

Previously purchase agreements were approved and warranty deeds were issued to the County by the subdivision developers as to Parcel Nos. 118 and 119. The agreements were for the land value only excluding the landscape improvements which were owned and maintained by the HPHOA. Thus, HPHOA's landscaping and easement interests are included in this settlement.

As to Parcel Nos. 121 and 122, these are fee simple parcels owned by the HPHOA and include the landscape improvements.

II PROPERTY

A. Location Data

Parcel No. 121 (167± S.F.) and Parcel No. 122 (108± S.F.) are fee simple corner clips at the Huntington Pointe Subdivision entrance. Parcel sketches are attached as Exhibits A and B.

B. Street Address

Subdivision common areas are not assigned street addresses. The subdivision entrance is at the intersection of Hanging Moss Circle and Lake Emma Road.

C. Parcel Nos. 118 and 119

Parcel Nos. 118 and 119 are corner clips at the intersection of Oak Grove Circle and Lake Emma Road. HPHOA claimed easement interests over this second entrance to the subdivision. The subdivision entrances are heavily landscaped.

III AUTHORITY TO ACQUIRE

The BCC adopted Resolution No. 98-R-24 dated November 10, 1998, authorizing the acquisition of Parcel Nos. 118, 119, 121, and 122 and finding that the Lake Emma Road Project was necessary and served a public purpose and was in the best interest of the citizens of Seminole County.

IV ACQUISITIONS AND REMAINDER

The fee simple acquisition consists of a total of 275± S.F. from the HPHOA common area. The common area subdivision entrances were improved with significant landscaping features.

V APPRAISED VALUES

A. County Appraisers.

The County's appraisal report for Parcel Nos. 121 and 122 was prepared by Hastings and Spivey, Inc., and opined full compensation to be \$6,600.00. The landscape improvements for Parcel Nos. 118 and 119 totaled \$9,639.66. The County's total valuation was \$16,239.66.

B. Owner's Appraisals

The owner's appraisal review was performed by Clayton, Roper, and Marshall and opined full compensation to be \$24,152.00. The owner's review included easement interests in Parcel Nos. 118 and 119 and related landscaping improvements.

VI NEGOTIATION

The negotiated settlement is at \$27,801.61 and is a cost avoidance settlement. The sum is allocated: (1) \$24,152.00 for land and improvements value; (2) statutory attorney fees \$1,606.61; and, (3) appraisal costs \$2,043.00.

The land value in this settlement is of minor importance. The significant feature was the landscaping. The settlement accepts the owner's appraised value and caps attorney fees and costs.

VII ATTORNEY FEES AND COST REIMBURSEMENTS

Attorney fees are capped in the inclusive settlement at \$1,606.61 and costs at \$2,043.00.

VIII COST AVOIDANCE

By this settlement, the County avoids the cost of having full appraisals performed by the owners and the cost of updates for the County.

IX RECOMMENDATION

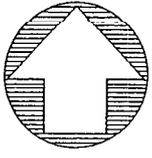
County staff recommends that the BCC approve this settlement in the amount of \$27,801.61 inclusive of land value, improvements, attorney fees and costs.

HMB/sb

Attachments:

Exhibit A

Exhibit B



SCALE: 1" = 20'

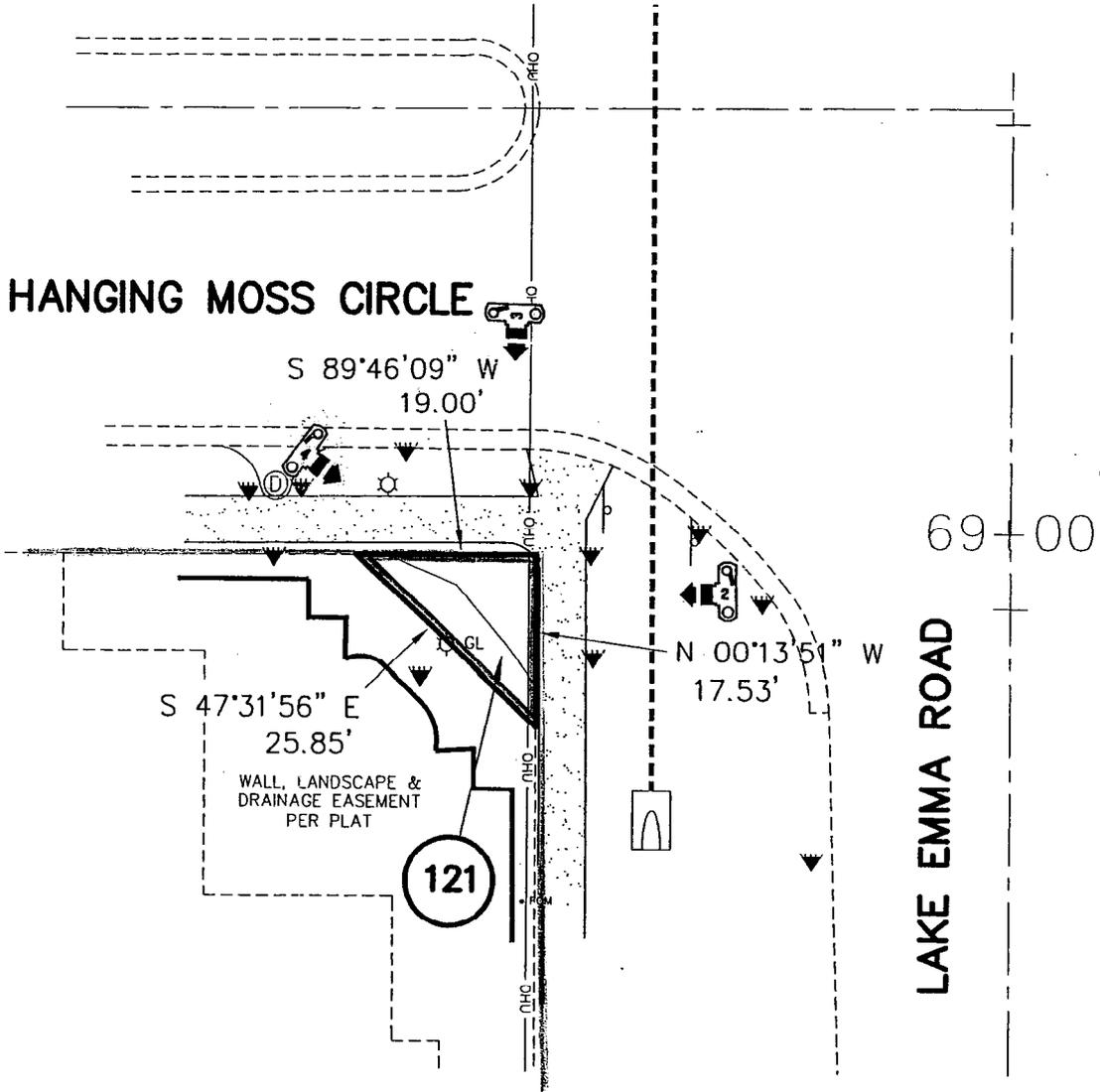
APPRAISAL SKETCH

FOR

HASTINGS & SPIVEY, INC.

PARCEL 121 - RIGHT OF WAY TAKING PARCEL
 AREA OF TAKING = 167 SQUARE FEET (0.004 ACRES)

EXHIBIT A



- 10" P PINE TREE - SIZE AS NOTED
- 10" O OAK TREE - SIZE AS NOTED
- 10" M MAPLE TREE - SIZE AS NOTED
- 10" Z PALM TREE - SIZE AS NOTED
- 10" CB CHINABERRY TREE - SIZE AS NOTED
- 10" L LAUREL TREE - SIZE AS NOTED

LEGEND

- | | | | |
|--------|-----------------------|-------|------------------------------|
| • BFP | BACKFLOW PREVENTOR | • MB | MAILBOX |
| • CATV | CABLE TV RISER | • RWV | RECLAIMED WATER VALVE |
| ⊙ | STORM MANHOLE | ⚡ | SPRINKLER HEAD SIGN |
| ⊙ | SANITARY MANHOLE | • TR | TELEPHONE RISER |
| ⚡ | FIRE HYDRANT | • TSB | TRAFFIC SIGNAL BOX |
| • EM | ELECTRIC METER | ⊙ | UTILITY POLE |
| • ER | ELECTRIC RISER | • UR | UTILITY RISER |
| • FOM | FIBER OPTIC MARKER | • UTM | UNDERGROUND TELEPHONE MARKER |
| ⊙ GL | GROUND LIGHT | • WM | WATER METER |
| ← | GUY ANCHOR | • WV | WATER VALVE |
| • IV | IRRIGATION VALVE | R/W | RIGHT-OF-WAY |
| ⊙ | LIGHT POLE | S.F. | SQUARE FEET |
| —○— | FENCE LINE | CMP | CORRUGATED METAL PIPE |
| —OHU— | OVERHEAD UTILITY LINE | | |

THIS IS NOT A BOUNDARY SURVEY

SHEET 1 OF 1



AMERICAN SURVEYING & MAPPING
 CERTIFICATION OF AUTHORIZATION NUMBER LB#6393
 320 EAST SOUTH STREET, SUITE 180
 ORLANDO, FLORIDA
 32801 (407) 426-7979

DATE: 4/20/01

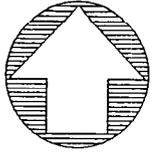
REVISED:

SCALE: 1" = 20'

APPROVED BY: BAM

JOB NO. ASM31066

DRAWN BY: J.H.

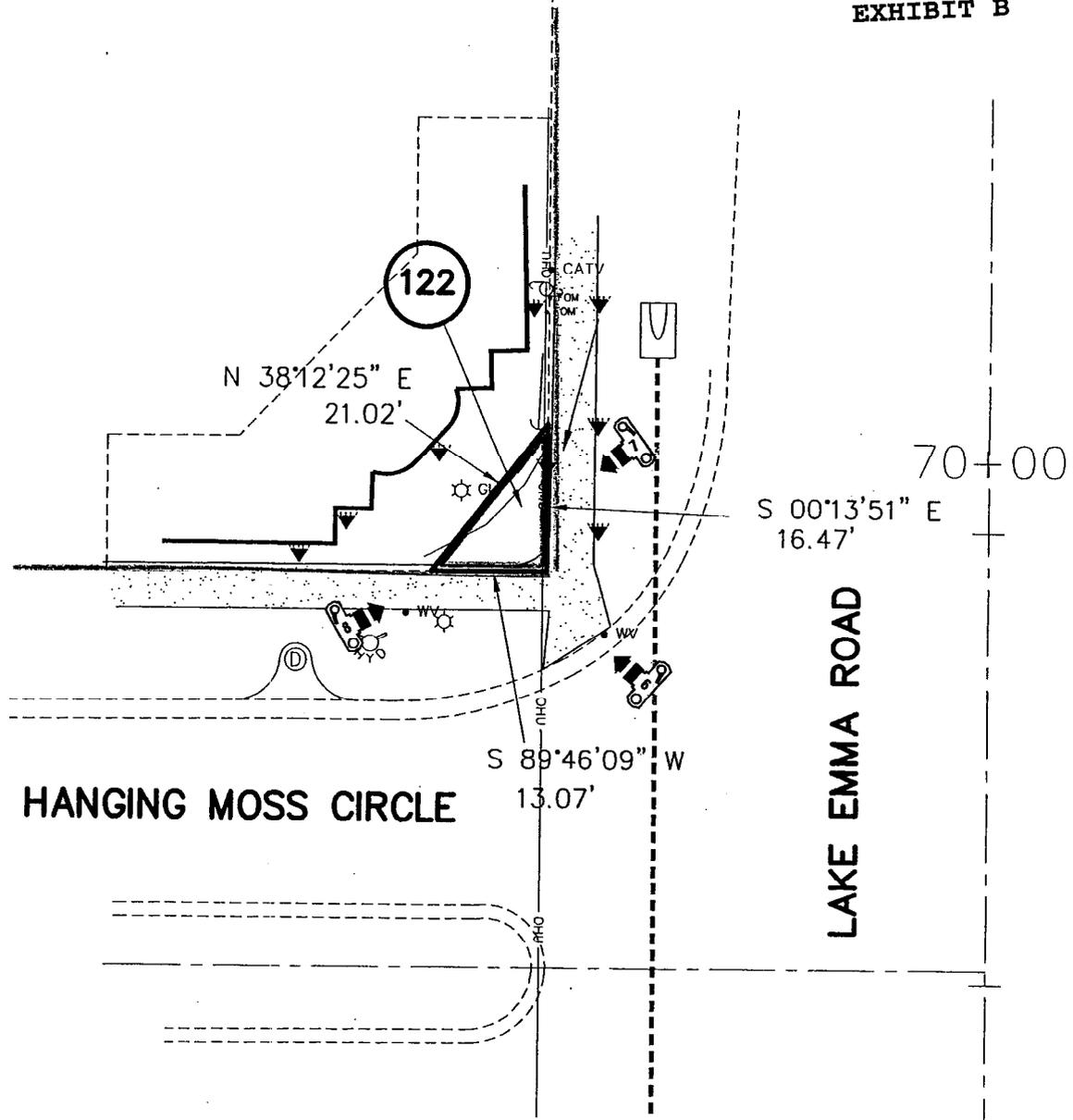


SCALE: 1" = 20'

APPRAISAL SKETCH

FOR
HASTINGS & SPIVEY, INC.
 PARCEL 122 - RIGHT OF WAY TAKING PARCEL
 AREA OF TAKING = 108 SQUARE FEET
 (.002 ACRES)

EXHIBIT B



- 10" P PINE TREE - SIZE AS NOTED
- 10" O OAK TREE - SIZE AS NOTED
- 10" M MAPLE TREE - SIZE AS NOTED
- 10" Z PALM TREE - SIZE AS NOTED
- 10" CB CHINABERRY TREE - SIZE AS NOTED
- 10" L LAUREL TREE - SIZE AS NOTED

LEGEND

- | | | | |
|---------|-----------------------|-------|------------------------------|
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