



**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 *KM*

DATE: May 21, 2004

SUBJECT: Settlement Authorization
Lake Emma Road Project
Parcel Nos.: 123 and 133
Seminole County vs. Recoton Corporation, et al.
Case No.: 2003-CA-850-13-K
Owner, Recoton Corporation

This Memorandum requests settlement authorization by the Board of County Commissioners (BCC) for Parcel Nos. 123 and 133 on the Lake Emma Road Project. The recommended mediated settlement is at the total sum of ONE HUNDRED SIXTY THOUSAND AND NO/100 DOLLARS (\$160,000.00), inclusive of all land value, improvements, statutory interest, attorney's fees, and cost. The two parcels are located along Lake Emma Road about ½ mile apart.

I PROPERTY

A. Location Data

Parcel No. 123 is a fee simple acquisition of 6,325 square feet along the Lake Emma frontage. A location map is attached as Exhibit A and a parcel sketch as Exhibit B.

Parcel No. 133 is a fee simple acquisition of 4,934 s.f. along the Lake Emma frontage. A location map is attached as Exhibit C and a parcel sketch as Exhibit D.

B. Street Address

The street address for Parcel No. 123 is 1090 Lake Emma Road and Parcel No. 133 is 2950 Lake Emma Road.

II AUTHORITY TO ACQUIRE

The BCC adopted Resolution No. 98-R-24 dated on November 10, 1998, authorizing the acquisition of Parcel Nos. 123 and 133 and finding that the Lake Emma Road Project was necessary and served a public purpose and was in the best interests of the citizens of Seminole County.

III ACQUISITIONS AND REMAINDER

The fee simple acquisition from Parcel No. 123 totaled 6,325 s.f. or 0.145 acres from a parent tract of 23.726 acres leaving a remainder of 23.581 acres. The fee simple acquisition from parcel No. 133 totaled 4,934 s.f. or 0.113 acres from a parent tract of 9.252 acres leaving a remainder of 8.14 acres.

The buildings and parking areas were not impacted by the strip acquisitions; however, the property acquired contained monument signs and heavy landscaping.

IV APPRAISED VALUES

A. County Appraisals.

The County's appraisal reports were prepared by Hastings and Spivey with full compensation reported as \$59,200.00 for Parcel No. 123 and \$50,100.00 for Parcel No. 133. The total compensation for the two parcels was \$109,300.00 inclusive of land value and improvements.

B. Owner's Appraisals

The owner's appraisals were performed by Gardner Consulting Services, Inc. with full compensation reported as \$108,270.00 for Parcel No. 123 and \$85,705.00 for Parcel No. 133. The total compensation for the two parcels was \$193,975.00.

V NEGOTIATION

At mediation the owner's claim totaled \$193,975.00 plus accrued interest, attorney fees, and costs.

The mediated settlement is at \$160,000.00 total for the two parcels and is inclusive of land value, improvements, statutory interest, attorney fees and cost.

VI ATTORNEY FEES AND COST REIMBURSEMENTS

Attorney fees and costs for both parcels are included in the total settlement sum. No allocation is made.

VII COST AVOIDANCE

By this settlement, the County avoids the following additional costs, beyond those for which it is already liable by law:

- A. A potential jury verdict in excess of the settlement sum;
- B. All statutory interest; and
- C. Attorney fees and costs to proceed further on both parcels.

VIII ANALYSIS

The settlement at \$160,000.00 is above the mid-point between the appraised values. It becomes reasonable because it is inclusive of all attorney fees and costs for both parcels.

IX RECOMMENDATION

County staff recommends that the BCC approve this settlement in the inclusive amount of \$160,000.00.

HMB/sb

Attachments:

Exhibit A

Exhibit B

Exhibit C

Exhibit D

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Parcel No. 133 is a fee simple acquisition of 4,934 s.f. along the Lake Emma frontage. A location map is attached as Exhibit C and a parcel sketch as Exhibit D.

B. Street Address

The street address for Parcel No. 123 is 1090 Lake Emma Road and Parcel No. 133 is 2950 Lake Emma Road.

II AUTHORITY TO ACQUIRE

The BCC adopted Resolution No. 98-R-24 dated on November 10, 1998, authorizing the acquisition of Parcel Nos. 123 and 133 and finding that the Lake Emma Road Project was necessary and served a public purpose and was in the best interests of the citizens of Seminole County.

III ACQUISITIONS AND REMAINDER

The fee simple acquisition from Parcel No. 123 totaled 6,325 s.f. or 0.145 acres from a parent tract of 23.726 acres leaving a remainder of 23.581 acres. The fee simple acquisition from parcel No. 133 totaled 4,934 s.f. or 0.113 acres from a parent tract of 9.252 acres leaving a remainder of 8.14 acres.

The buildings and parking areas were not impacted by the strip acquisitions; however, the property acquired contained monument signs and heavy landscaping.

IV APPRAISED VALUES

A. County Appraisals.

The County's appraisal reports were prepared by Hastings and Spivey with full compensation reported as \$59,200.00 for Parcel No. 123 and \$50,100.00 for Parcel No. 133. The total compensation for the two parcels was \$109,300.00 inclusive of land value and improvements.

B. Owner's Appraisals

The owner's appraisals were performed by Gardner Consulting Services, Inc. with full compensation reported as \$108,270.00 for Parcel No. 123 and \$85,705.00 for Parcel No. 133. The total compensation for the two parcels was \$193,975.00.

V NEGOTIATION

At mediation the owner's claim totaled \$193,975.00 plus accrued interest, attorney fees, and costs.

The mediated settlement is at \$160,000.00 total for the two parcels and is inclusive of land value, improvements, statutory interest, attorney fees and cost.

VI ATTORNEY FEES AND COST REIMBURSEMENTS

Attorney fees and costs for both parcels are included in the total settlement sum. No allocation is made.

VII COST AVOIDANCE

By this settlement, the County avoids the following additional costs, beyond those for which it is already liable by law:

- A. A potential jury verdict in excess of the settlement sum;
- B. All statutory interest; and
- C. Attorney fees and costs to proceed further on both parcels.

VIII ANALYSIS

The settlement at \$160,000.00 is above the mid-point between the appraised values. It becomes reasonable because it is inclusive of all attorney fees and costs for both parcels.

IX RECOMMENDATION

County staff recommends that the BCC approve this settlement in the inclusive amount of \$160,000.00.

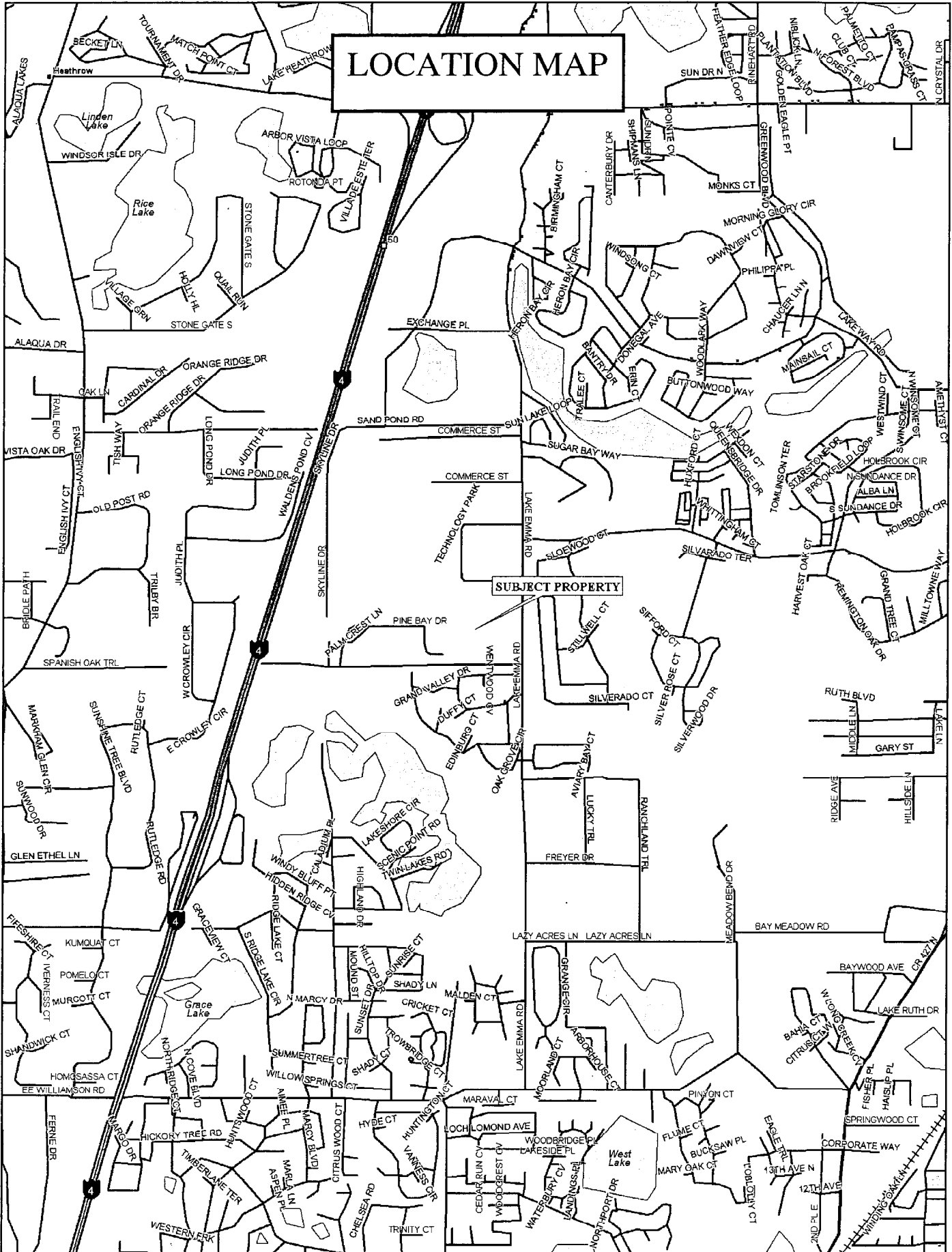
HMB/sb

Attachments:

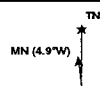
- Exhibit A
- Exhibit B
- Exhibit C
- Exhibit D

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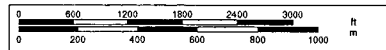
LOCATION MAP



SUBJECT PROPERTY

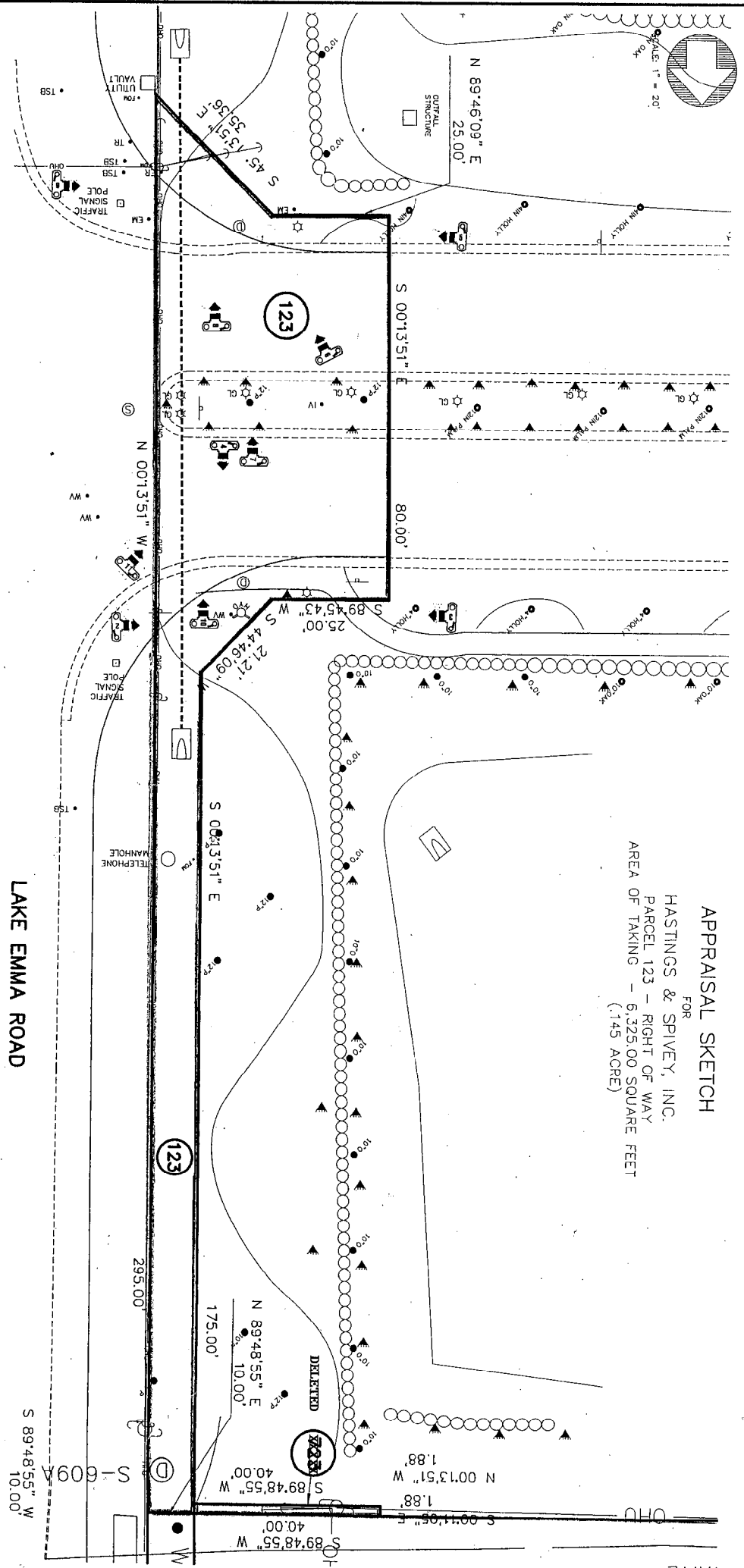


Scale 1 : 25,000



1" = 2080 ft

APPRAISAL SKETCH
 FOR
 HASTINGS & SPIVEY, INC.
 PARCEL 123 - RIGHT OF WAY
 AREA OF TAKING - 6,325.00 SQUARE FEET
 (1.45 ACRE)



LEGEND

- BFP BACKFLOW PREVENTOR
- CANV CABLE TV RISER
- SMM STORM MANHOLE
- SSM SANITARY MANHOLE
- FHP FIRE HYDRANT
- EM ELECTRIC METER
- EFR ELECTRICAL RISER
- FOM FLOW OPTIC MARKER
- GL GROUND LIGHT
- QV QUIET ANCHOR
- IV IRRIGATION VALVE
- LP LIGHT POLE
- FL FENCE LINE
- CHU OVERHEAD UTILITY LINE
- MB MAILBOX
- R/W RECLAIMED WATER VALVE
- SH SPRINKLER HEAD
- TR TELEPHONE RISER
- TSB TELEPHONE SANITARY BOX
- UR UTILITY RISER
- UTL UTILITY POLE
- UTM UNDERGROUND TELEPHONE MARKER
- WM WATER METER
- WTV WATER VALVE
- R/W RIGHT-OF-WAY
- S.F. SQUARE FEET
- CMP CORRUGATED METAL PIPE
- 10\"/>

THIS IS NOT A BOUNDARY SURVEY

SHEET 1 OF 1

DATE: 4/20/01

SCALE: 1" = 20'

APPROVED BY: EAU

JOB NO: A5410166

DRAWN BY: JH

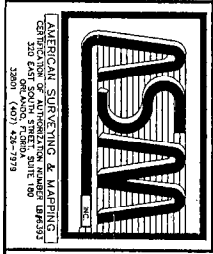


EXHIBIT B

LOCATION MAP

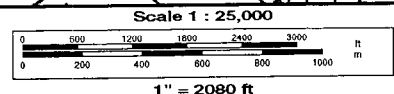
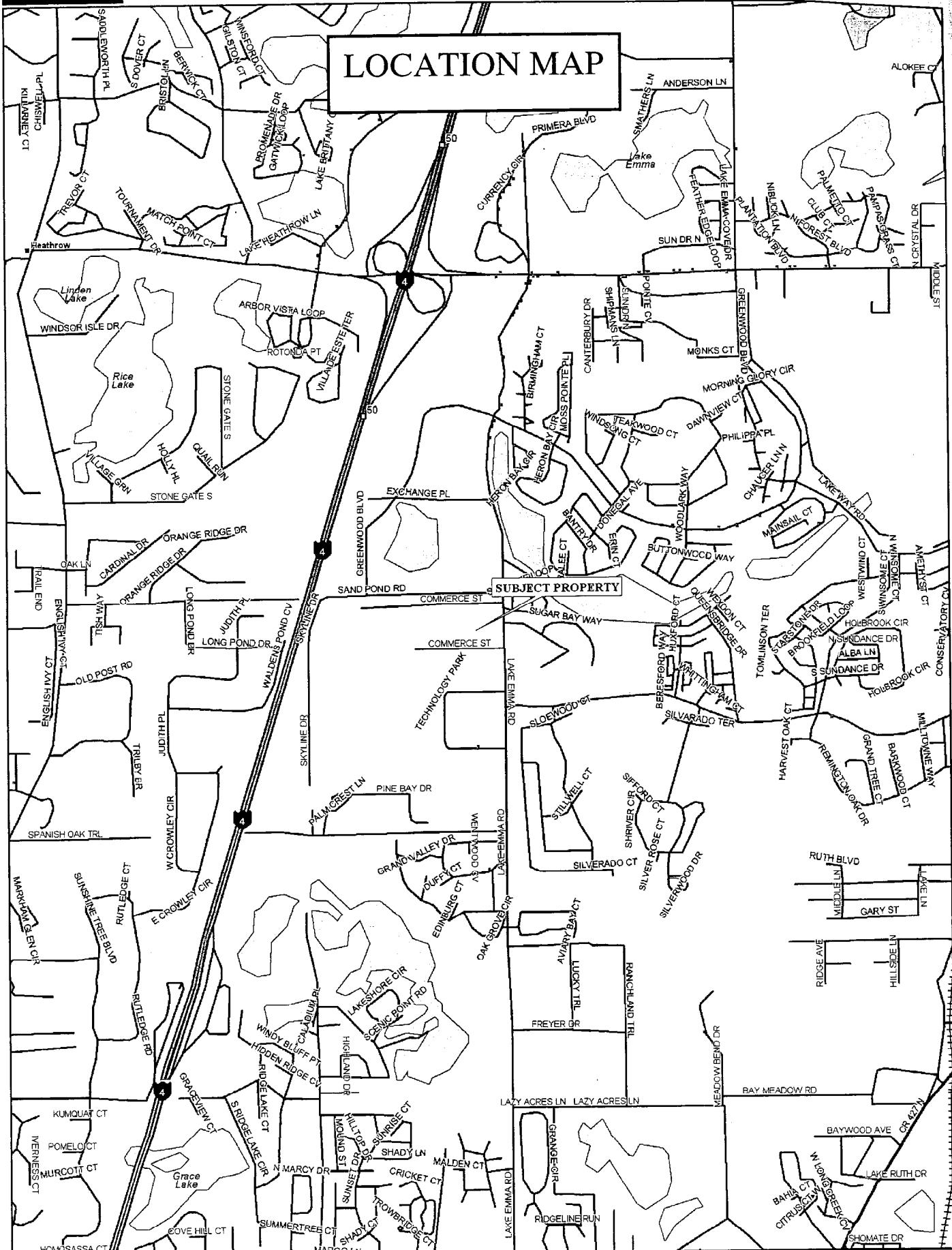
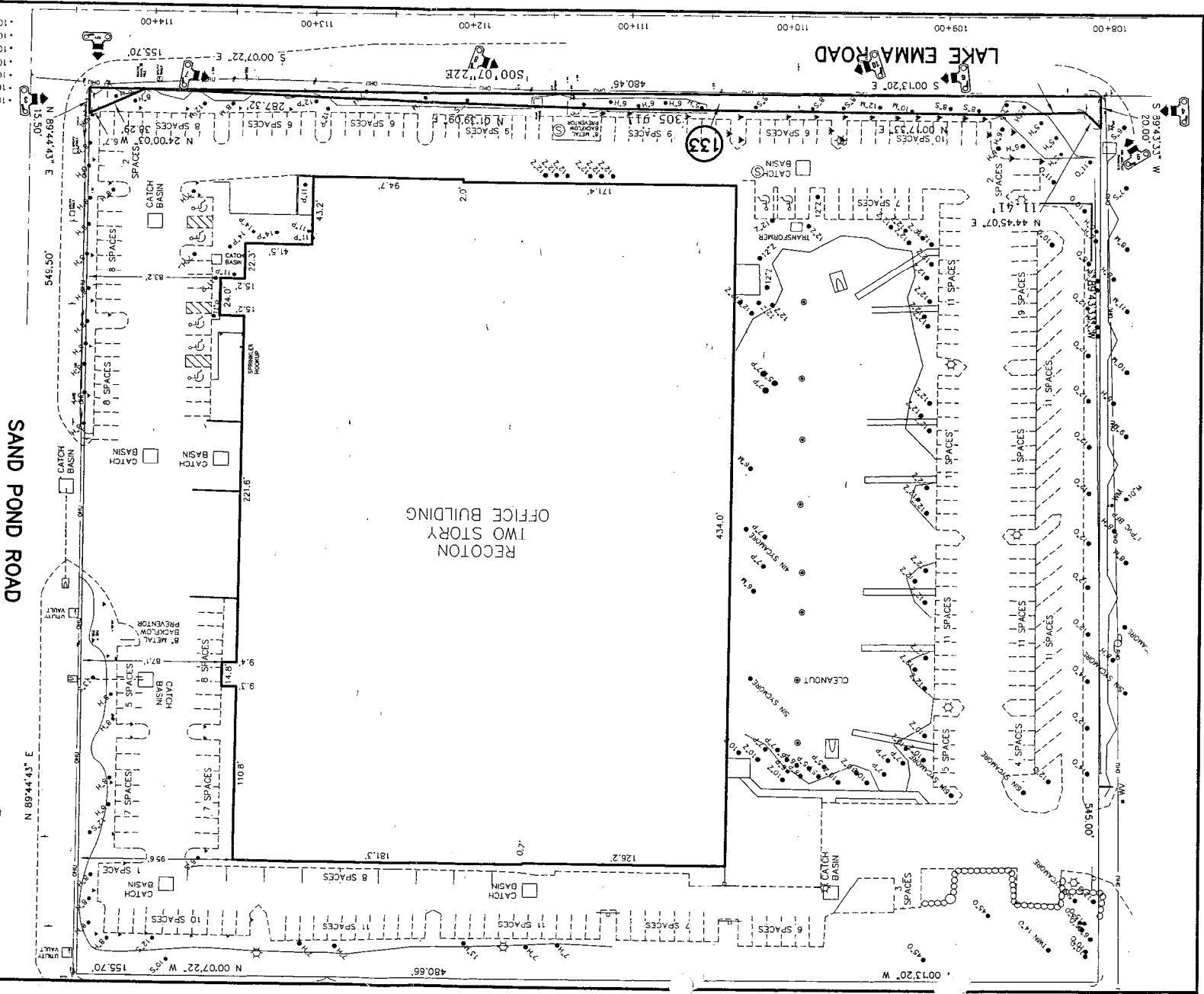
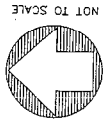


EXHIBIT D



APPRAISAL SKETCH
FOR
HASTINGS & SPIVEY, INC.
PARCEL 133 - RIGHT OF WAY
AREA OF TAKING = 4,934 SQUARE FEET



NOT TO SCALE

- LEGEND
- BFP BACKFLOW PREVENTOR
 - CATV CABLE TV RISER
 - STORM MANHOLE
 - SANITARY MANHOLE
 - FIRE HYDRANT
 - EM ELECTRIC METER
 - ER FIBER OPTIC MARKER
 - FM FLOOR LIGHT
 - GUY ANCHOR
 - IRRIGATION VALVE
 - LIGHT POLE
 - FENCE LINE
 - OHU OVERHEAD UTILITY LINE
 - RWV RECLAIMED WATER VALVE
 - MD MAILBOX
 - TR TELEPHONE RISER
 - TR TELEPHONE SIGNAL BOX
 - UR UTILITY RISER
 - UTM UNDERGROUND TELEPHONE MARKER
 - WM WATER METER
 - R/W RIGHT-OF-WAY
 - W WATER VALVE
 - CWP CORRUGATED METAL PIPE
 - 10P PINE TREE - SIZE AS NOTED
 - 10O OAK TREE - SIZE AS NOTED
 - 10M MAPLE TREE - SIZE AS NOTED
 - 10Z PALM TREE - SIZE AS NOTED
 - 10CB CHINA BERRY TREE - SIZE AS NOTED
 - 10L LAUREL TREE - SIZE AS NOTED
 - 10CA CAMPHOR TREE - SIZE AS NOTED

THIS IS NOT A BOUNDARY SURVEY

SHEET 1 OF 1

DATE: 4/29/01
SCALE: NOT TO SCALE
APPROVED BY: B.M.
JOB NO.: 1531066
DRAWN BY: JLT

