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COUNTY ATTORNEY'S OFFICE  
MEMORANDUM

TO: Board of County Commissioners

THROUGH: Stephen P. Lee, Deputy County Attorney *[Signature]*

FROM: Lynn Vouis, Assistant County Attorney *[Signature]*

CONCUR: *[Signature]* Pam Hastings, Administrative Manager/Public Works Department  
 Mark Flomerfelt, ~~Manager, Roads Operation/Stormwater~~ *[Signature]*  
*P.E.*

DATE: May 20, 2005

RE: Lockhart-Smith Canal project  
 Binding Written Offer/Offer of Judgment  
 Parcel I.D. No. 16-19-30-5AB-0200-0050  
 Martha Faircloth

This Memorandum requests authorization by the Seminole County Board of County Commissioners (BCC) to make a binding written offer/offer of judgment as to the parcel and at the amount set forth below:

**I THE PROPERTY**

The subject parcel is located on the southeast corner of Orange Boulevard and South Oregon Street, in unincorporated Seminole County Florida. See Location Map attached as Composite Exhibit "A".

**II AUTHORITY TO ACQUIRE**

The BCC adopted Resolution No. 2003-R-98 on May 27, 2003 and Resolution No. 2005-R-68 on April 12, 2005, authorizing the acquisition of the easements, and finding that the improvements are necessary and serve a County and public purpose and are in the best interests of the citizens of Seminole County.

**III ACQUISITIONS AND REMAINDERS**

The parent tract consists of 184,585 square feet of which 17,355 square feet will be used as a permanent drainage easement in order to improve and maintain the Lockhart-Smith Canal. The easement will lie over the Lockhart-Smith Canal on the south end of the property. The remainder will contain the same amount of land as before 184,585 square feet and will exhibit all of the same physical features as before.

**IV APPRAISED VALUES**

Diversified Property Specialists, Inc., completed the appraisal for the below-referenced parcel. The County's staff appraiser has adjusted the appraised value to account for the appreciation of land values because of the passage of time.

**V PROPERTY OWNERS/APPRaised VALUES**

<b>PARCEL I.D. NO.</b>	<b>PROPERTY OWNER</b>	<b>PROPERTY TO BE ACQUIRED</b>	<b>COUNTY'S APPRAISED VALUE</b>	<b>PROPOSED OFFER</b>
16-19-30-5AB-0200-0050	MARTHA FAIRCLOTH	17,355 sf	\$30,900.00	\$35,000.00

**VI SETTLEMENT ANALYSIS/COST AVOIDANCE**

The County is required to extend a written offer/offer of judgment to a property owner prior to filing suit to acquire property through eminent domain. The County previously filed suit to acquire this parcel, however, the order of take was unsuccessful. County staff is continuing to negotiate with the property owner to arrive at a settlement, and is concurrently pursuing acquisition through condemnation. The dual approach is necessary because of timing issues related to the project.

**VII RECOMMENDATION**

County staff recommends that the BCC authorize a binding written offer/offer of judgment at the amount stated above.

LMV/krc

Attachment  
Location Map

