



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

DATE: June 11, 2003

SUBJECT: Settlement Authorization
Dodd Road Project
Parcel Nos. 147 and 947
Owner: Adventist Health System/Sunbelt, Inc.
Seminole County v Autumn Glen, et al.
Case No.: 2001-CA-2264-13-L

This Memorandum requests settlement authorization by the Board of County Commissioners (BCC) for Parcel Nos. 147 and 947 on the Dodd Road project. The recommended settlement is at the sum of \$347,400.00 inclusive of land value, severance damage, and statutory interest. The proposed settlement does not include expert cost reimbursements. The settlement sets statutory attorney fees at \$10,678.80.

I PROPERTY

A. Location Data

Parcel No. 147 is a fee simple strip acquisition of 38,768 s.f. (0.89 acres). The strip is at a depth of approximately 45 feet along the 818 foot Dodd Road frontage. Parcel No. 947 is a permanent stormwater pond easement off the frontage and at the southeast rear corner of the property. Parcel No. 947 is 52,185 s.f. (1.198 acres).

A sketch is attached as Exhibit A.

B. Street Address

The Post Office does not assign street addresses to vacant property. The property is generally located on the east side of Dodd Road, approximately 290 feet south of Red Bug Lake Road.

II AUTHORITY TO ACQUIRE

The BCC adopted Resolution No. 96-R-230 on September 26, 1995, authorizing the acquisition of Parcel Nos. 147 and 947 and finding that the Dodd Road project was necessary and served a public purpose and was in the best interest of the citizens of Seminole County.

III ACQUISITIONS AND REMAINDER

The fee simple acquisition consists of 38,768 s.f. (0.89 acres) leaving a remainder of 11.45 acres which is subject to the retention pond easement which encumbers 1.1998 acres of the remainder.

IV APPRAISED VALUES

The County's appraisal report was prepared by Pomeroy Appraisal Associates of Florida, Inc. and reported full compensation to be \$249,400.00 inclusive of land value, improvements, and severance damages.

The owner's appraisal report was prepared by Calhoun, Dreggors, and Associates, Inc. and reported full compensation to be \$501,500.00 inclusive of land value, improvements, and severance damages.

V NEGOTIATIONS

The owners claimed severance damages related to a loss of depth and altered drainage patterns on the remainder property. The County, in negotiation, challenged the severance damage claims. Other negotiations concerned the comparable sales utilized by the appraisers. The County's engineers did a fine job locating the pond easement off the frontage and at the least developable portion of the property. This reduced the speculative severance damage claim.

The BCC had previously authorized an offer of judgment at \$350,000.00. The negotiated settlement is \$2,600.00 less than the BCC's previously authorized offer of judgment.

The settlement sum is \$154,100.00 less than the owner's appraised value and \$98,000.00 greater than the County's appraised value.

VI ATTORNEYS FEE REIMBURSEMENT

The recommended settlement at \$347,400.00 sets statutory benefit obtained attorneys fees at \$10,678.80 based on the County's first binding offer of \$315,040.00.

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 of \$347,040.00;
- B. All statutory interest;
- C. Mediation costs;
- D. Attorneys fees in excess of the statutory fixed sum of \$10,678.80; and
- E. Costs to proceed further.

VIII ANALYSIS

The settlement sum is less than the county's offer of judgment and caps statutory attorney fees. Mediation costs are also avoided. It does not appear that mediation would improve on this negotiated settlement.

IX RECOMMENDATION

County staff recommends that the BCC approve this settlement in the amount of \$347,400.00 inclusive of all land value, severance damage, and statutory interest. Attorney fees are statutorily set at \$10,678.80; but expert cost reimbursements are not included.

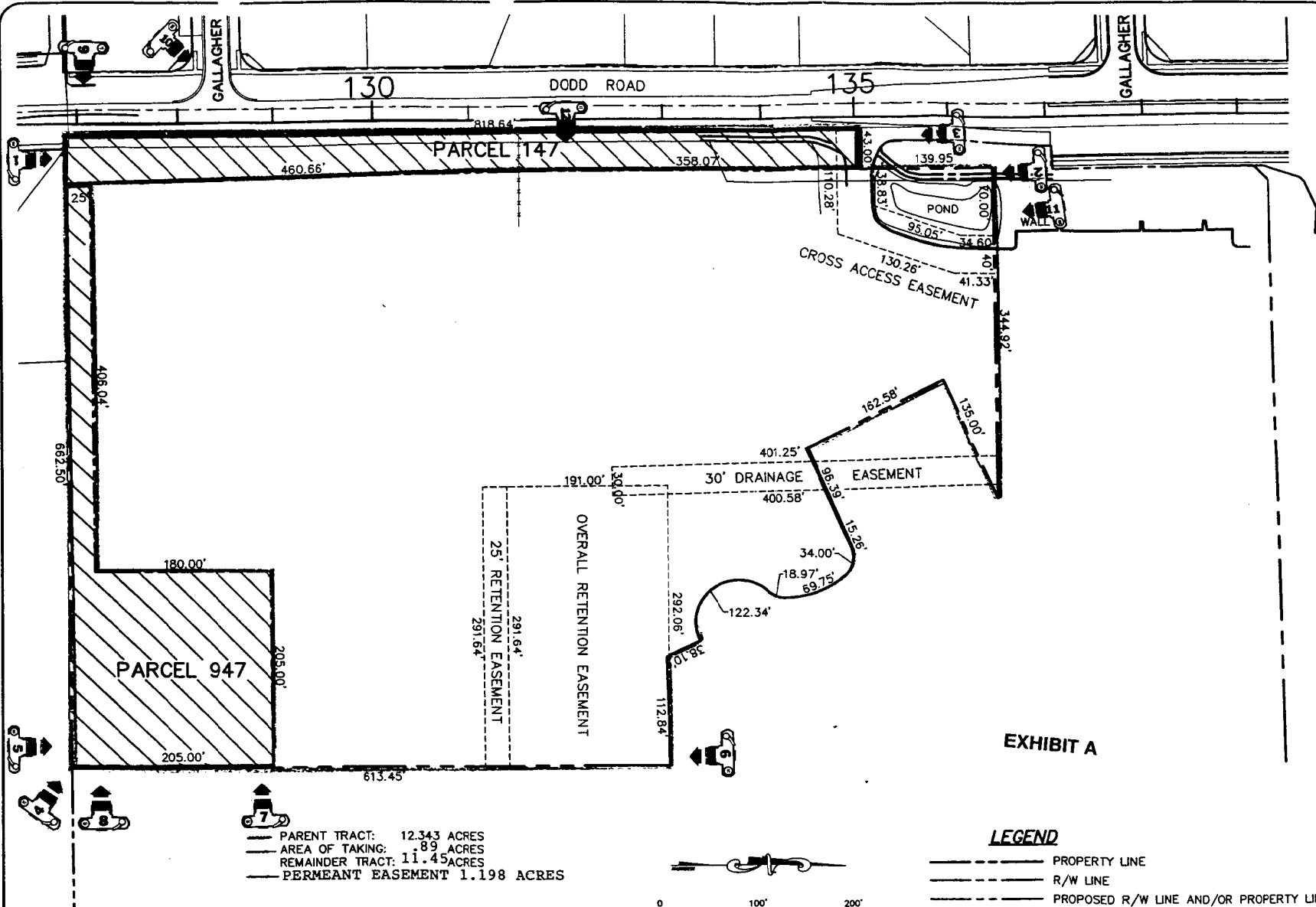
HMB/sb

Attachments:

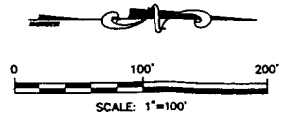
Exhibit A

P:\USERS\CASB01\MY DOCUMENTS\MEMAGENDA ITEM ADVENTISTS HEALTH 147 947.DOC

H:\PROJ\0014800\Fwg\F14751.dwg, layout1, 07/30/2001 08:30:54 AM



- PARENT TRACT: 12.343 ACRES
- AREA OF TAKING: .89 ACRES
- REMAINDER TRACT: 11.45 ACRES
- PERMEANT EASEMENT 1.198 ACRES



- LEGEND**
- PROPERTY LINE
 - - - - - R/W LINE
 - - - - - PROPOSED R/W LINE AND/OR PROPERTY LINE
 - ▨▨▨▨▨▨ AREA OF TAKING

THIS DRAWING IS BASED ON DATA ASSEMBLED FROM ELECTRONIC FILES PROVIDED BY BOWYER-SINGLETON & ASSOCIATES REVISED ON 4/3/01 AND A FIELD SURVEY PERFORMED BY BOWYER-SINGLETON & ASSOCIATES DATED MAY, 1991.

RED BUG LAKE ROAD

EXHIBIT A

REVISIONS	BY	DATE

SCALE: AS SHOWN
DRAWING MADE BY: APPROVED: _____
CHECKED: _____

PARENT TRACT WITH TAKING SHOWN

PARCEL 147/947
DODD ROAD
SEMINOLE COUNTY, FLORIDA

SHEET: 1
PROJECT NUMBER: 0014800
FILE NAME: F14751.DWG