



**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 *[Signature]*

DATE: May 27, 2004

SUBJECT: Settlement Authorization
Lake Drive road improvement project
Parcel No.: 765
Canterbury Enterprises, Inc.
Seminole County v. Elliott et al.
Case No.: 2004-CA-561-13-W

This Memorandum requests settlement authorization by the Board of County Commissioners (BCC) as to Parcel No. 765. The recommended settlement is at the total sum of \$5,000.00 for the use of the temporary construction easement only.

I PROPERTY

A. Location Data

Parcel No. 765 is a temporary construction easement (TCE) of 1,498 square feet (S.F.) at the driveway to the parent tract.

B. Street Address

The street address is 1495 Seminola Boulevard, Casselberry, Florida 32707. A parcel sketch is attached as Exhibit "A" and location map as Exhibit "B".

II AUTHORITY TO ACQUIRE

The BCC adopted Resolution No. 2003-R-133 on August 26, 2003, authorizing the acquisition of Parcel No. 765 and finding that the Lake Drive road improvement project is necessary and serves a public purpose and is in the best interests of the citizens of Seminole County.

III ACQUISITIONS AND REMAINDER

The TCE consists of 1,498 S.F. across the drive entrance to the property and extends 35'± into the property to allow transition of the drive entrance as a result of a change in grade on the new roadway.

IV APPRAISED VALUES

The County's appraisal report for Parcel No. 765 was prepared by Clayton, Roper & Marshall, Inc., and reported full compensation to be \$3,600.00,

The owner did not have an appraisal report prepared.

V BINDING OFFER/NEGOTIATION

The settlement at \$5,000.00 was negotiation by the County's acquisition agents with the owner executing a purchase agreement for the owner's interest. However, the fifteen (15) tenants were not included and the purchase agreement did not close. This settlement will be implemented by filing a joint stipulation in the court proceedings and entry of a final judgment.

The settlement sum is \$1,400.00 above the County's appraised value and is subject to apportionment. The settlement sum is a good settlement from a cost avoidance analysis because all owner appraisal costs and monetary benefit attorney fees are avoided.

VI ATTORNEY FEES AND COSTS

Under this settlement no costs will be incurred. Additionally, no monetary benefit attorney fees will be incurred. However, because the case was filed and the purchase agreement did not close, attorney fees for apportionment as between the owner and the fifteen (15) tenants will occur. The County remains liable for apportionment attorney fees.

VII COST AVOIDANCE

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

- A. A potential verdict at a greater amount;
- B. All monetary benefit attorneys fees; and
- C. All owner appraisal costs.

VIII RECOMMENDATION

County staff recommends that the BCC approve this settlement in the amount of \$5,000.00 for the use of the temporary construction easement only.

HMB/dre

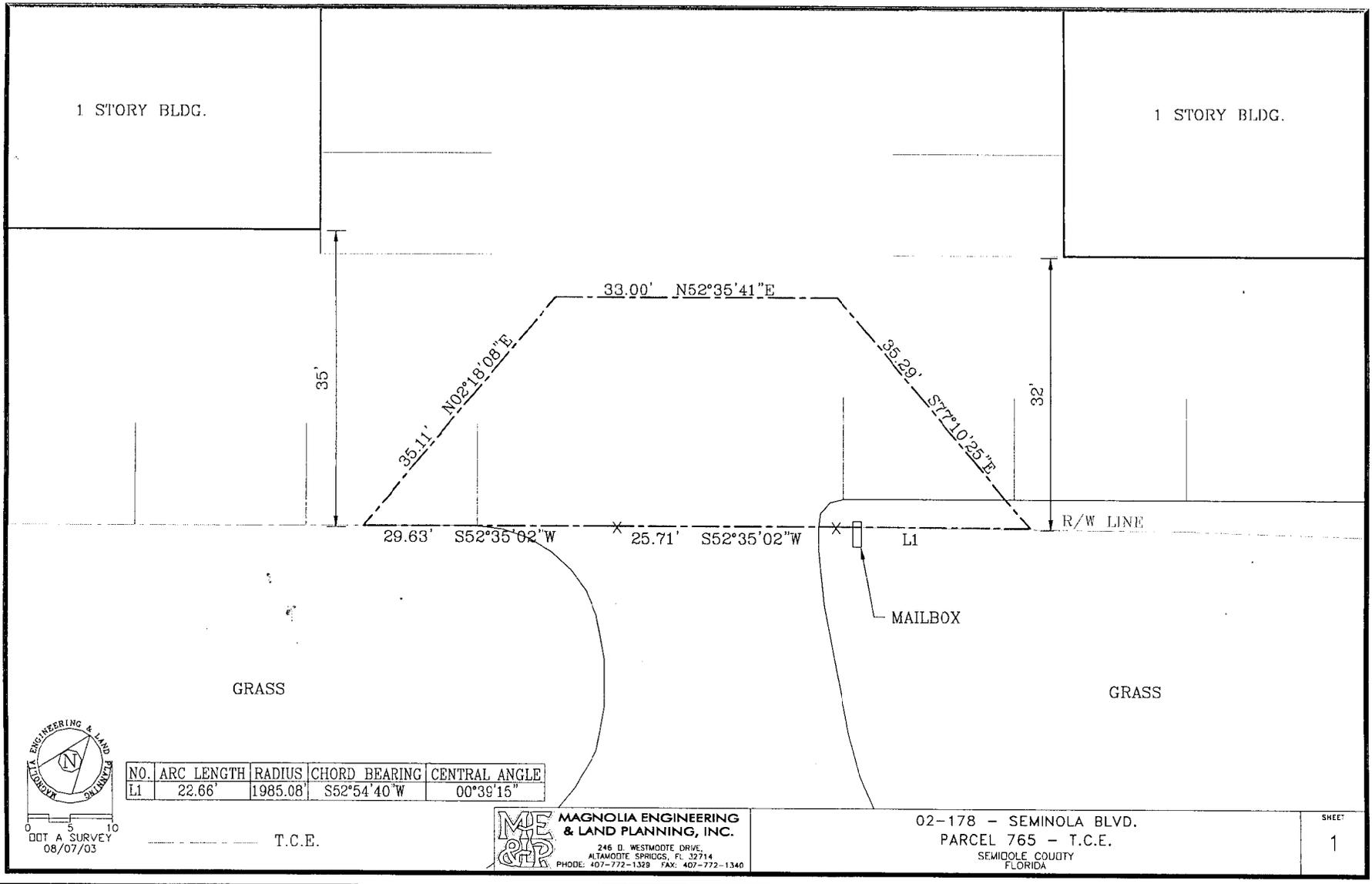
Attachments:

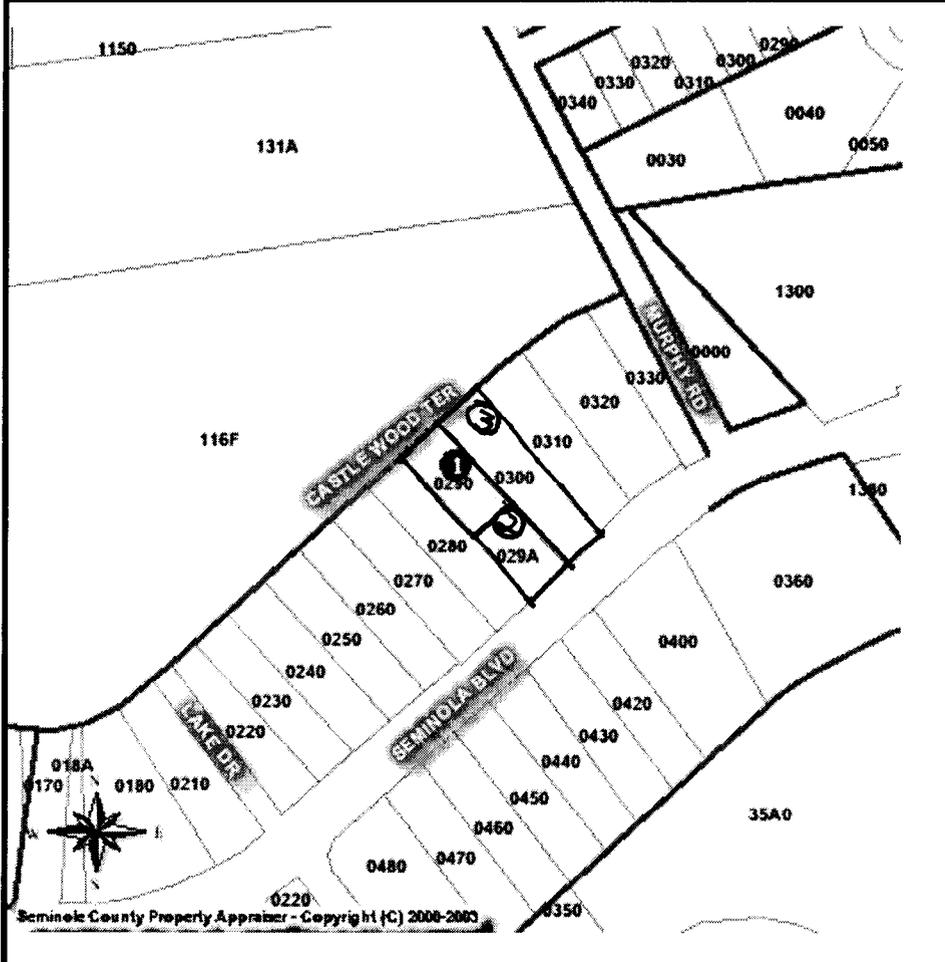
Exhibit A - Parcel Sketch

Exhibit B - Location Map

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EXHIBIT "A"






Seminole County
 Property Appraiser Services
 1101 E. First St
 Sanford FL 32771
 407-665-7506

Legend

-  Selected Feature
-  County Boundary
-  Streets
-  Hydrology
-  Subdivision Line
-  Parcels
-  Facilities
-  Golf Course
-  Parks

Rec	Parcel	Owner	Owner Addr	City	Stat
1	0921305BM0B000290	CANTERBURY ENTERPRISES INC	1425 S SUMMERLIN AVE	ORLANDO	FL

2 0921305BM0B00029A
 3 0921305BM0B000300