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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: June 3, 2004

SUBJECT: Settlement Authorization
East Lake Mary Boulevard Phase IIB Project
Parcel Nos.: 228, 828A and 828B
Hewitt Olson Asset Recovery Group, II, Inc.
Seminole County v. Hewitt Olson Asset Recovery Group, II, Inc.
Case No.: 2003-CA-2335-13-G

This Memorandum requests settlement authorization by the Board of County Commissioners (BCC) for Parcel Nos. 228, 828A and 828B on the East Lake Mary Boulevard Phase IIB project. The recommended settlement is at the total sum of \$139,662.19 inclusive of land value, severance damage, statutory interest, attorney fees, and cost reimbursements. In addition, the County will receive the East Remainder (1.017 acres) by warranty deed from the owner.

I PROPERTY

A. Location Data

Parcel No. 228 is a fee simple acquisition of 2.2418 acres which severs the property into two remainders (the East Remainder and the West Remainder). Parcel Nos. 828A (49.4 S.F.) and 828B (2,935.5 S.F.) are permanent drainage easements.

B. Street Address

The property is vacant and therefore no street address exists. A location map is attached as Exhibit A and a parcel sketch is attached as Exhibit B.

II AUTHORITY TO ACQUIRE

The BCC adopted Resolution No. 2003-R-47 on February 11, 2003, authorizing the acquisition of Parcel Nos. 228, 828A and 828B and finding that the East Lake Mary Boulevard Phase IIB is necessary and serves a public purpose and is in the best interests of the citizens of Seminole County.

III ACQUISITION AND REMAINDER

The fee simple acquisition consists of a total of 2.2418 acres acquired from the total parcel of 4.998 acres. The acquisition leaves two highly irregular shaped parcels: (1) the West Remainder totaling 1.740 acres encumbered by drainage easement No. 828A; and (2) the East Remainder totaling 1.017 acres encumbered by drainage easement No. 828B.

IV APPRAISED VALUES

The County's appraisal report was prepared by The Spivey Group, Inc., and reported full compensation to be \$64,600.00 inclusive of land value, severance damage, and improvements.

The owner's appraisal report was prepared by Pinel & Carpenter and reported full compensation to be \$125,000.00 inclusive of land value, severance damage, and improvements.

VI NEGOTIATIONS

The negotiated settlement for land value and severance damage is at \$110,000.00 with the owner conveying the East Remainder (1.017 acres) in fee to the County.

VI EAST REMAINDER PROPERTY

The East Remainder property consists of 1.017 acres of land area. A pond covers about 1/3 of the property. The East Remainder is highly irregular in shape. See, attached Exhibit B. The County's appraisal report opined the after value of this parcel to be \$11,696.00.

The property has value to the County in that it can be used during construction as a staging area for construction materials. Following construction, it could be surplus. The property would have value to the adjacent owners in assemblage.

VII ATTORNEY FEES AND COST REIMBURSEMENTS

The recommended settlement establishes a statutory attorney fee of \$14,850.00. Cost reimbursements have been negotiated and total \$14,812.19 (appraisal fees - \$8,023.50; engineering fees - \$6,788.69).

VIII 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; and
- B. Attorney fees and costs to proceed further.

IX

RECOMMENDATION

County staff recommends that the BCC approve this settlement at the total sum of \$139,662.19 and acceptance of a Warranty Deed for the East Remainder.

HMB/dre

Attachments:

Exhibit A

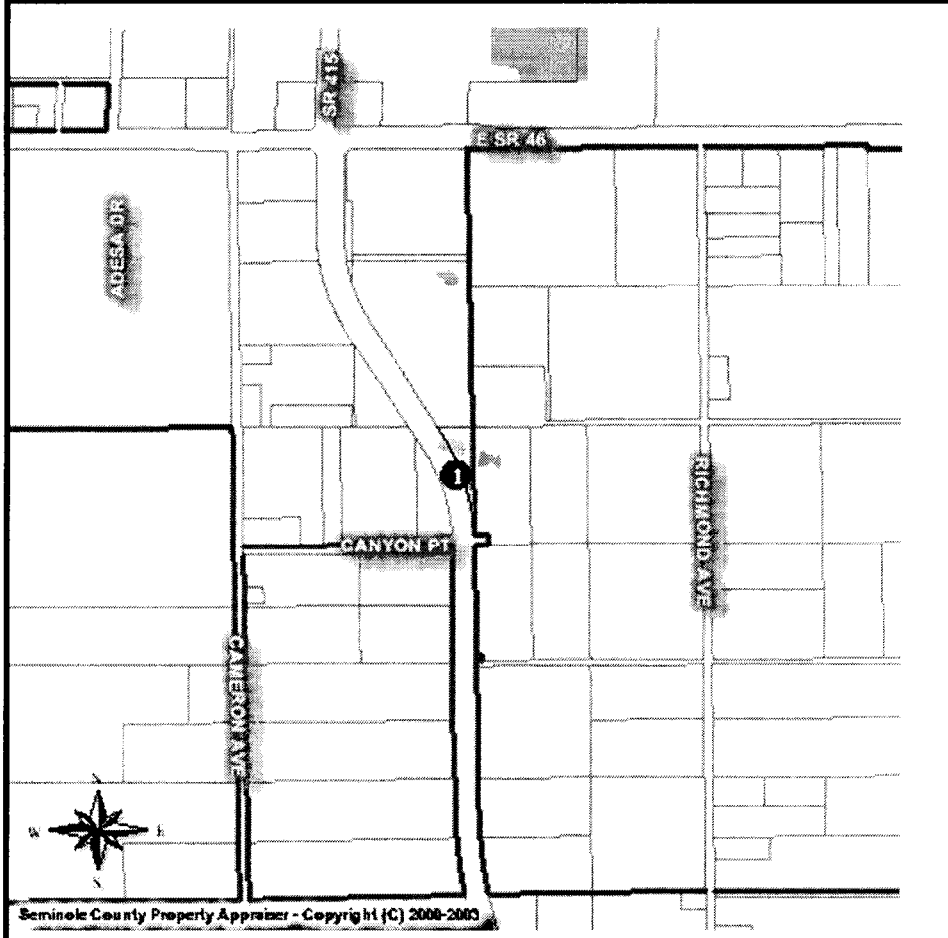
Exhibit B

Seminole County, Florida

Property Appraiser Services

Your Source for Property Information... Quick, Convenient, Accurate

H. W. "Bill" Sube



Seminole County

Property Appraiser Services

1101 E. First St
 Sanford FL 3277
 407-665-7506

Legend

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

Seminole County Property Appraiser - Copyright (C) 2008-2009

Rec	Parcel	Owner	Owner Addr	City	Stat
1	032031300008D0000	HEWITT OLSON ASSET RECOVERY	PO BOX 460546	FORT LAUDERDALE	FL

