

D3

56



**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 16, 2004

SUBJECT: Settlement Authorization
Wymore Road Project
Parcel No. 127
Owners, Wymore Enterprises, Inc.
Seminole County v. Adams, et al.
Case No.: 2002-CA-2507-13-L

This Memorandum requests settlement authorization by the Board of County Commissioners (BCC) for Parcel No. 127 on the Wymore Road project. The recommended settlement is at the total sum of \$975.00, inclusive of all land value, improvements, attorney's fees, and cost reimbursements.

I PROPERTY

A. Location Data

Parcel No. 127 is a fee simple acquisition of 81 square feet. The corner clip is at the intersection of Westmonte Drive and Wymore Road. A parcel sketch is attached as Exhibit A and a location map is attached as Exhibit B.

B. Street Address

The street address is 252 South Wymore Road, Altamonte Springs, FL 32714.

II AUTHORITY TO ACQUIRE

The BCC adopted Resolution No. 2002-R-134, on August 27, 2002, authorizing the acquisition of Parcel No. 127, and finding that the Wymore Road Project was necessary and served a public purpose and was in the best interest of the citizens of Seminole County.

III ACQUISITION AND REMAINDER

The fee simple acquisition consisted of 81 square feet from the total parcel of 20,250 square feet leaving a remainder of 20,169 square feet. The building and parking areas are not impacted by the acquisition.

IV APPRAISED VALUES

The County's appraisal report was prepared by Clayton, Roper, and Marshall, and reported full compensation to be \$650.00 inclusive of land value and improvements.

The owners did not have an appraisal performed.

V NEGOTIATIONS

The owner demanded \$10,000.00 and continually asserted that he would hire attorneys and experts to run up the bill. The owner failed to appear at mediation. The BCC approved an offer of judgment at \$1,300.00 exclusive of fees and costs. The case was set for trial with the owner not represented by counsel. On the eve of trial the case settled at the total sum of \$975.00 inclusive.

VI COST AVOIDANCE

This is a cost avoidance settlement. It appears that the owner has incurred no attorney fees and costs. Settlement at \$325.00 above appraised value resolves all issues and avoids all costs. An appraisal report alone for the owner would far exceed the \$325.00.

VII RECOMMENDATION

County staff recommends that the BCC approve this settlement in the amount of \$975.00 inclusive.

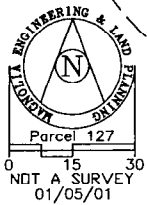
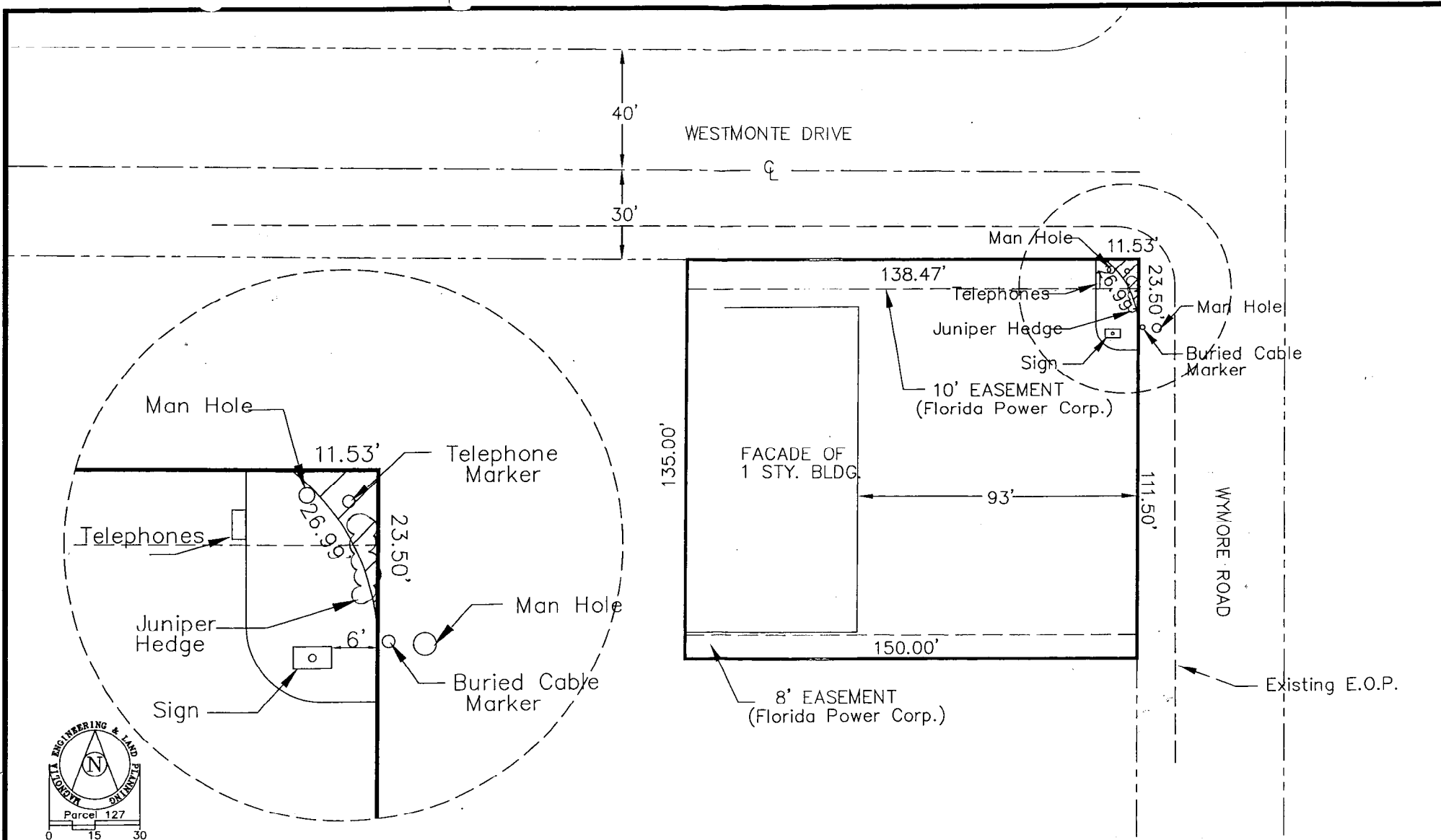
HMB/sb

Attachment

Sketch- Exhibit A

Location Map – Exhibit B

EXHIBIT A



MAGNOLIA ENGINEERING & LAND PLANNING, INC.
 246 N. WESTMONTE DRIVE,
 ALTAMONTE SPRINGS, FL 32714
 PHONE: 407-772-1329 FAX: 407-772-1340

WYMORE ROAD
 TAKING - PARCEL 127
 SEMINOLE COUNTY
 FLORIDA

SHEET

2

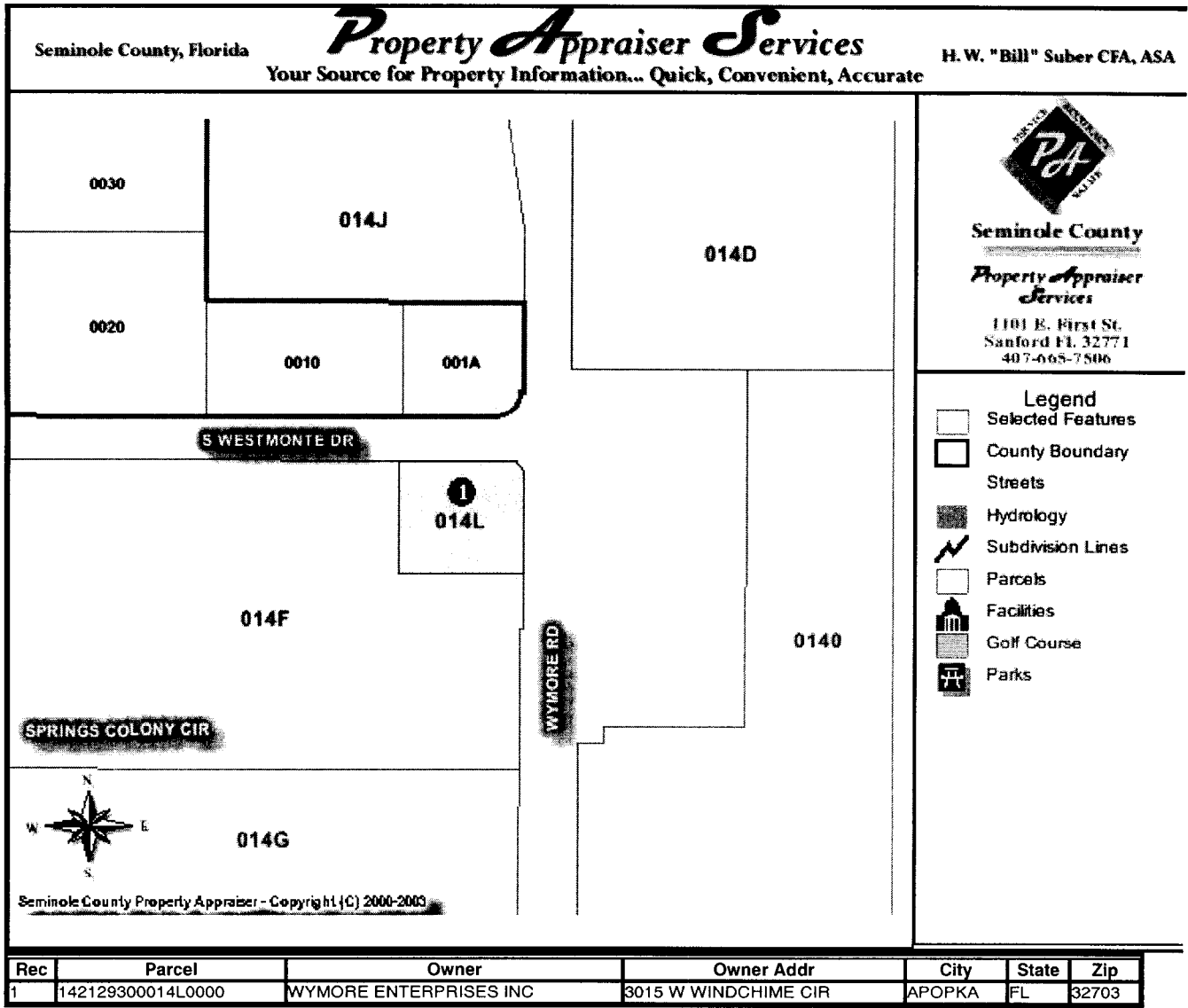


EXHIBIT B