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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 *[Signature]* **HMB**  
Ext. 5736

CONCUR: Pam Hastings, Administrative Manager/Public Works Department *[Signature]*  
David V. Nichols, P.E./Principal Engineer/Major Projects *[Signature]* **DVN**

DATE: July 29, 2005

SUBJECT: Offers of Judgment Authorization  
East Lake Mary Boulevard Phase IIB  
Parcel Nos.: 213A/713/813, 213B and 213C  
Owners: S. Theodore and Ann Takvorian  
*Seminole County v. Fernandez, et al.*  
Case No.: 2003-CA-2040-13-W

This Memorandum requests authorization by the Board of County Commissioners (BCC) to issue offers of judgment in the following amounts:

Parcel Nos. 213A/713/813	\$66,020.00;
Parcel No. 213B	\$95,142.00; and
Parcel No. 213C	\$10,418.00.

**I PROPERTY**

**A. Location Data**

Parcel Nos. 213A/713/813; 213B and 213C are located along East Lake Mary Boulevard, Phase IIB. See, location maps attached as Exhibits A, B and C, and parcel sketches attached as Exhibits D, E, and F.

**B. Street Address**

The properties are vacant and therefore have no assigned street addresses.

**II AUTHORITY TO ACQUIRE**

The BCC adopted Resolution No. 2003-R-47 on February 11, 2003, authorizing the acquisition of Parcel Nos. 213A/713/813, 213B and 213C and finding that the East Lake Mary Boulevard Phase IIB road improvement project is necessary and serves a

public purpose and is in the best interests of the citizens of Seminole County. The Order of Take occurred on September 4, 2003, with title vesting in Seminole County on September 9, 2003, the date of the good faith deposit in the following amounts:

Parcel Nos. 213A/713/813	\$45,600.00;
Parcel No. 213B	\$56,100.00; and,
Parcel No. 213C	\$ 9,400.00.

### III ACQUISITIONS AND REMAINDER

A. Parcel No. 213A/713/813. Parcel No. 213 is an acquisition that totals 1.578 acres in fee from a parent tract of 13.74 acres leaving a remainder of 12.163 acres. Parcel No. 813 is a permanent easement that totals 2,230 square feet. Parcel No. 713 is a temporary construction easement that totals 598 square feet.

B. Parcel No. 213B. The acquisition totals 1.8109 acres in fee from a parent tract of 4.87 acres leaving a remainder of 3.059 acres.

C. Parcel No. 213C. The acquisition totals 2,673 square feet from a parent tract of 6.5711 acres leaving a remainder of 6.5098 acres.

### IV APPRAISED VALUES

A. County Reports. The Spivey Group, Inc., Ted Hastings, III, MAI, (hereinafter "Hastings") prepared the County's appraisal reports:

1. **Parcel Nos. 213A/713/813.** The original report by Hastings as of December 30, 2002, reported full compensation to be \$45,600.00 for the three parcels. The updated appraisal report as of September 9, 2003, reported full compensation for Parcel No. 213A at \$46,000.00, Parcel No. 813 at \$1,100.00, and Parcel No. 713 at \$200.00 for an aggregate value of \$47,300.00.

2. **Parcel No. 213B.** The original report by Hastings as of December 30, 2002, reported full compensation to be \$56,100.00. The updated appraisal report as of September 9, 2003, reported full compensation of \$62,200.00.

3. **Parcel No. 213C.** The original report by Hastings as of December 30, 2002, reported full compensation to be \$9,400.00. The updated appraisal report as of September 9, 2003, reported full compensation of \$9,400.00.

B. Owner's Reports. The Owner's reports prepared by Calhoun, Dreggors and Associates, Inc., as of September 9, 2003, and reports full compensation as follows:

1.	<b>Parcel Nos. 213A/713/813</b>	\$109,700.00;
2.	<b>Parcel No. 213B</b>	\$183,500.00; and
3.	<b>Parcel No. 213C</b>	\$ 13,400.00.

## V BINDING OFFER/STATUS OF THE CASE

The County's initial written offers were:

<b>Parcel Nos. 213A/713/813</b>	<b>\$50,000.00;</b>
<b>Parcel No. 213B</b>	<b>\$62,000.00; and</b>
<b>Parcel No. 213C</b>	<b>\$10,400.00.</b>

Mediation of these parcels will occur on September 19, 2005, and trial during the trial period beginning October 10, 2005. The three parcels will be tried together before one jury.

## VI ANALYSIS

The Offer of Judgment when made and accepted settles the case and statutory attorney's fees; however, it leaves the costs outstanding. If rejected, the Offer of Judgment has no impact on settlement, a jury verdict or statutory attorney's fees. However, it affects expert costs in two (2) ways:

(1) Expert costs are not reimbursed for time expended after rejection of the Offer of Judgment if a verdict or subsequent settlement exceeds the Offer amount; and

(2) The owner's experts have their compensation for trial preparation at risk. As a result, the experts slack off on preparation and control their expenditure of time in trial preparation.

If an Offer of Judgment is not made, then the owner's experts are encouraged to run up a tremendous number of hours and prepare hard for trial because reimbursement of costs by the County is assured.

## VII RECOMMENDATION

County staff recommends that the BCC authorize the issuance of Offers of Judgment in the following amounts:

<b>Parcel Nos. 213A/713/813</b>	<b>\$66,020.00;</b>
<b>Parcel No. 213B</b>	<b>\$95,142.00; and</b>
<b>Parcel No. 213C</b>	<b>\$10,418.00.</b>

HMB/dre

Attachments:

Exhibits A, B & C - Location Maps

Exhibits D, E & F - Sketches

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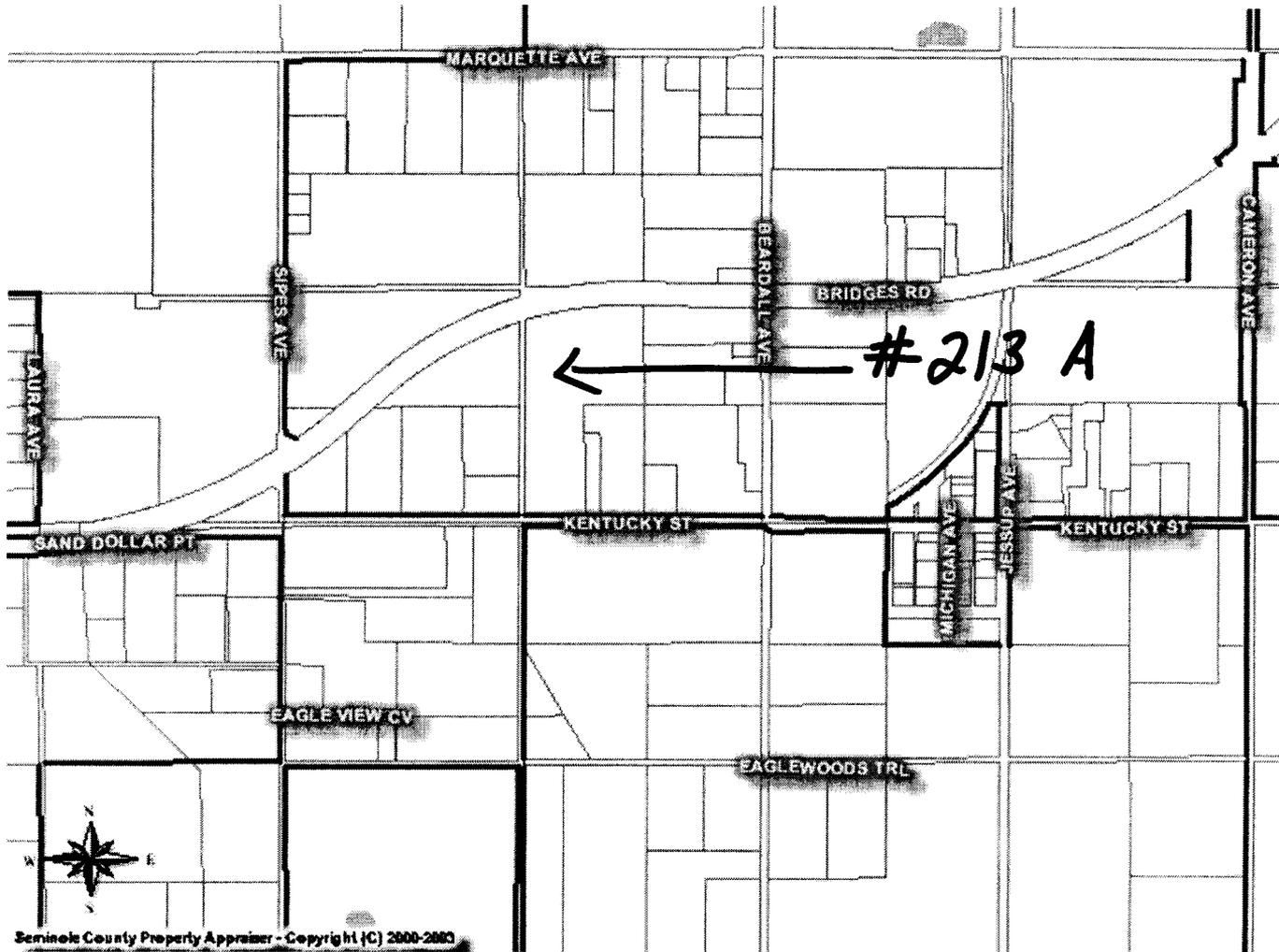
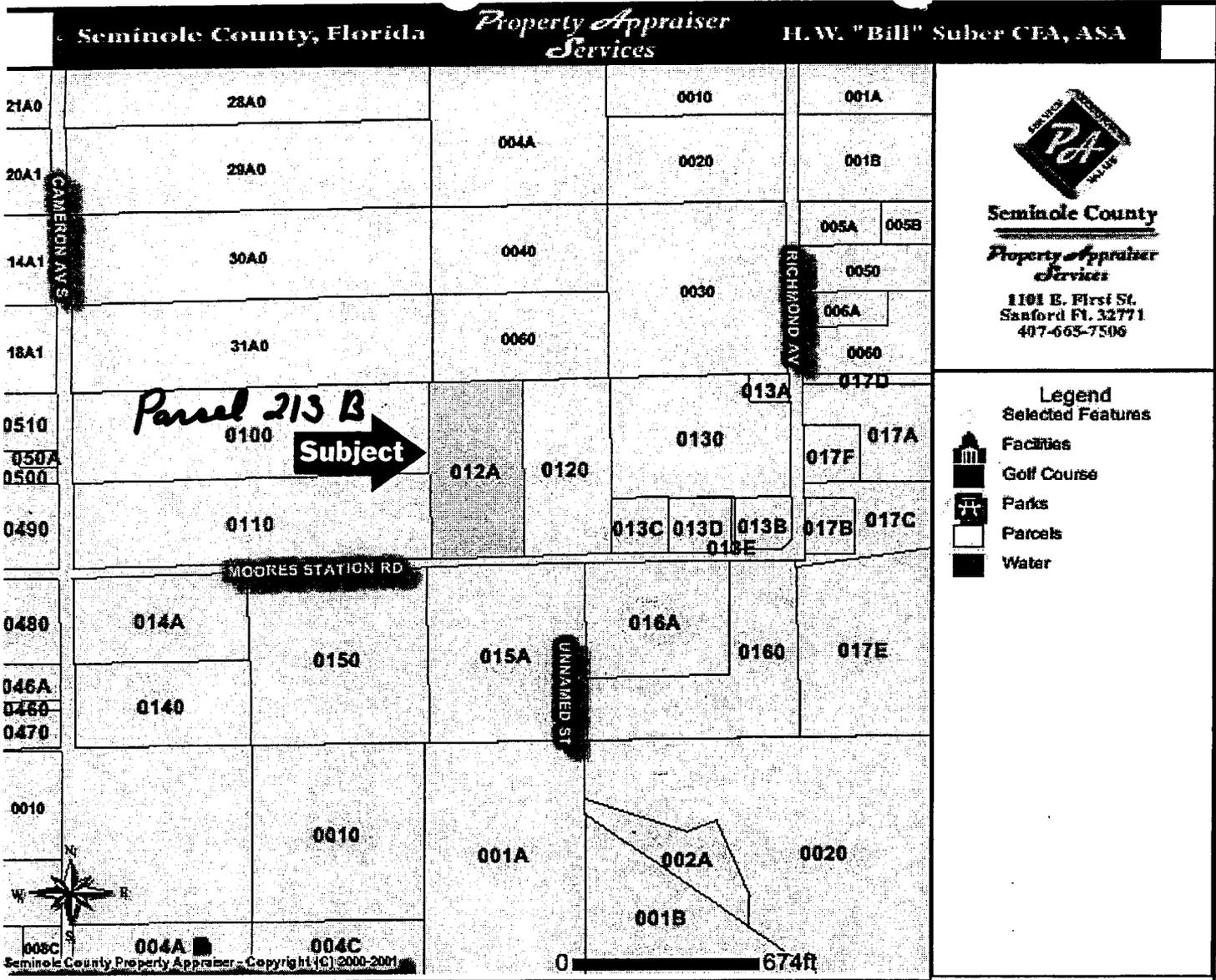


EXHIBIT A



Rec	Parcel	Owner	Street Address
032031300012A0000		TAKVORIAN THEODORE & ANN	

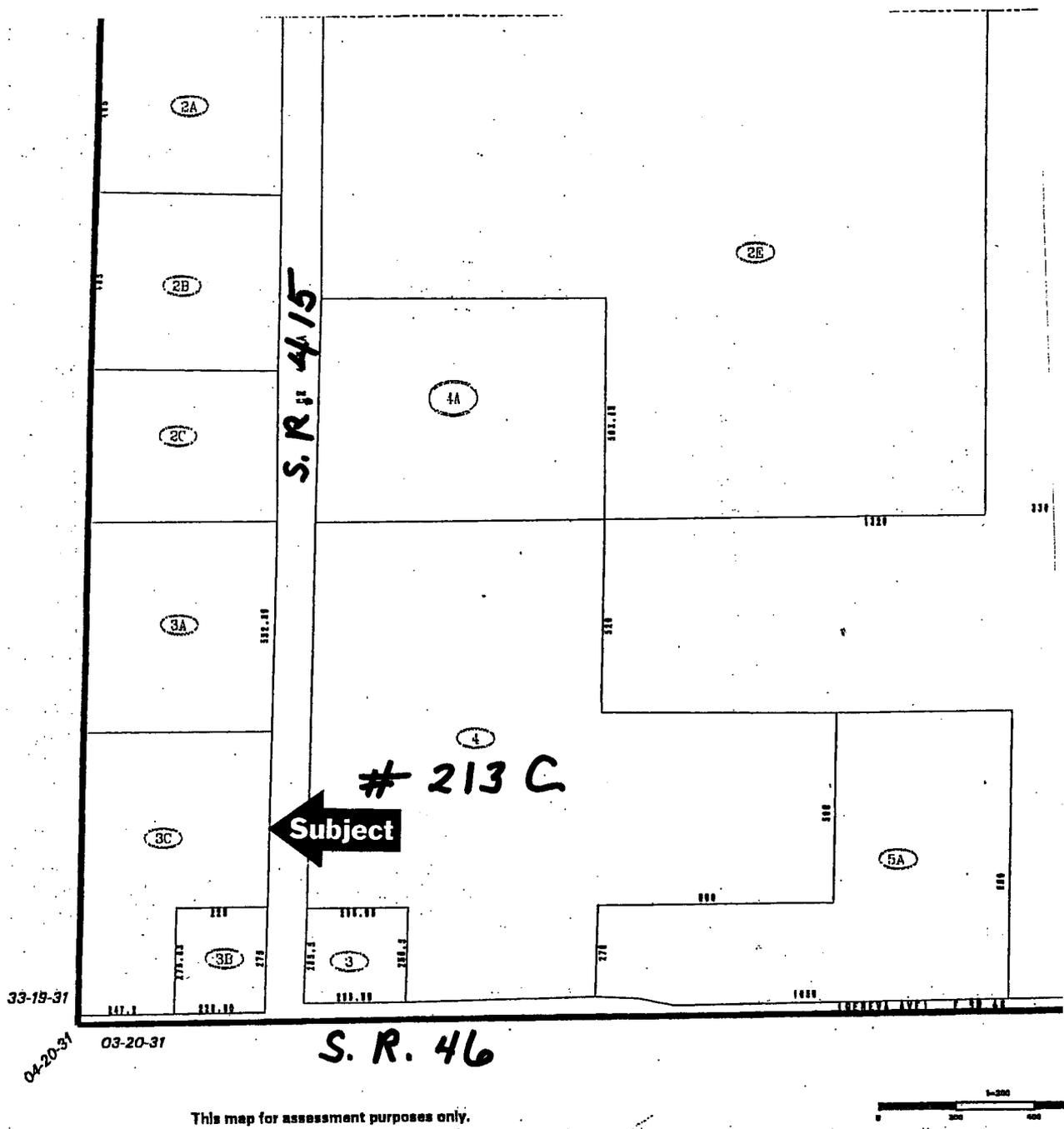
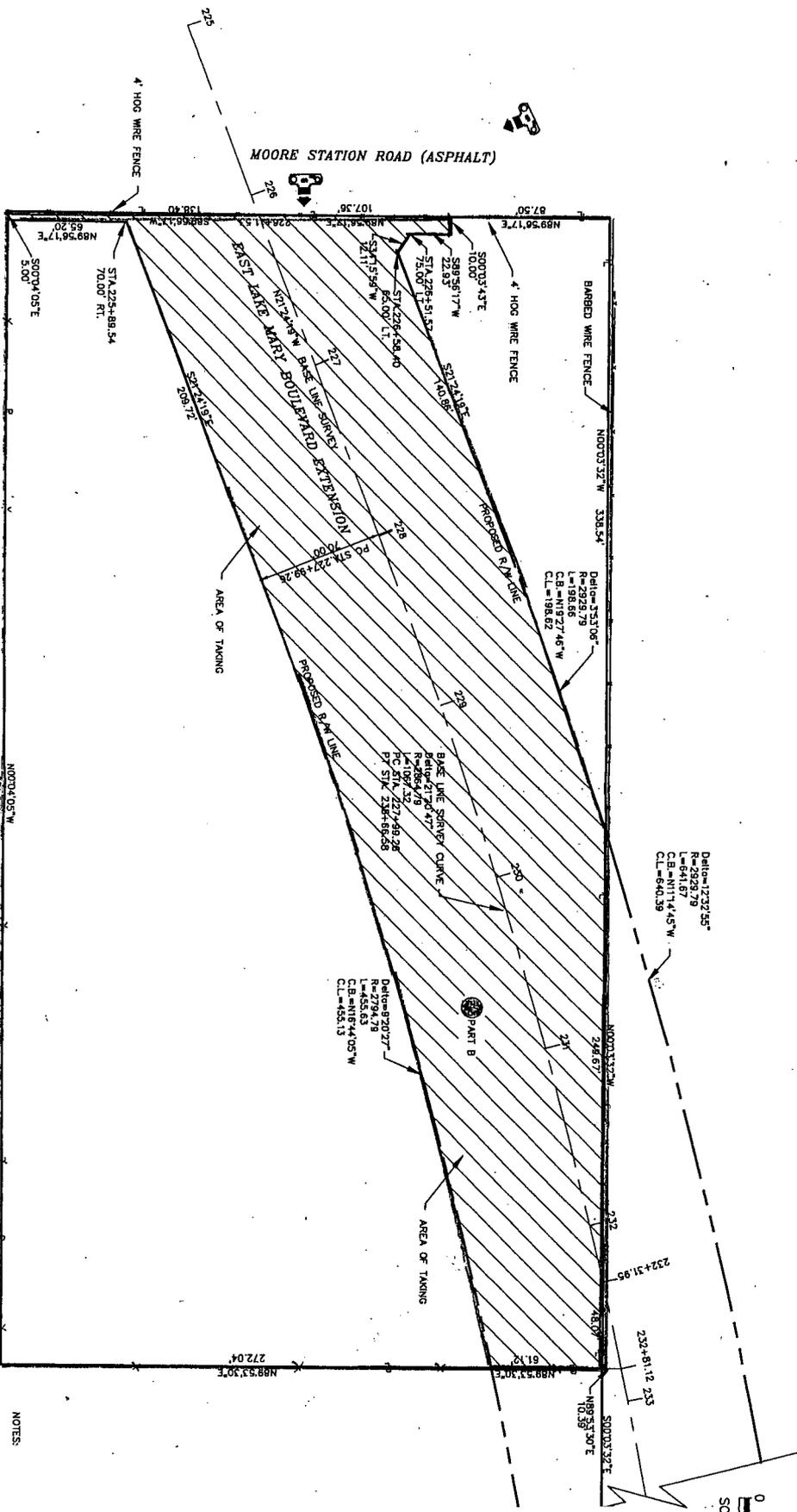


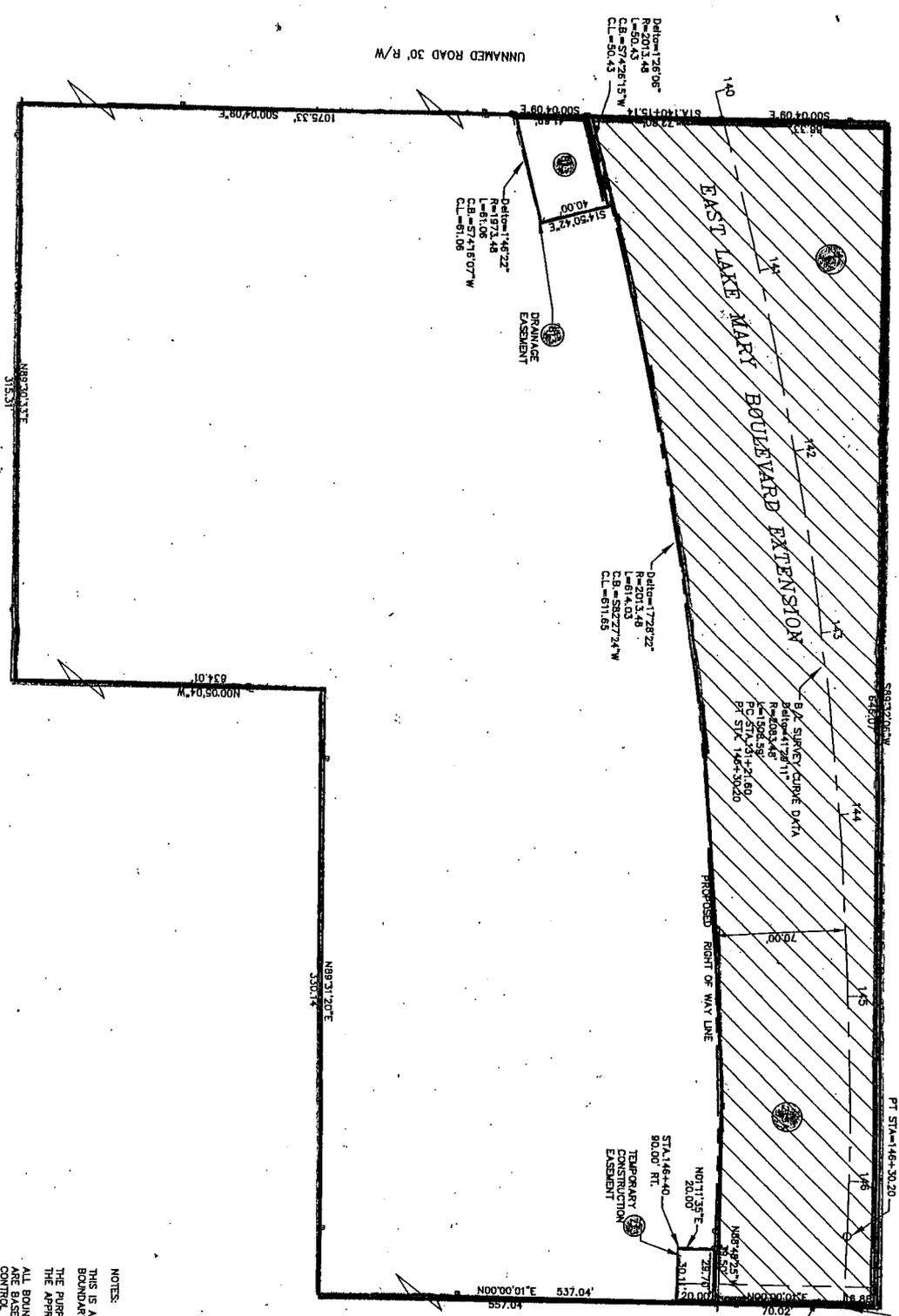
EXHIBIT C



ST LAKE MARY BOULEVARD EXTENSION  
 SEMINOLE COUNTY, FLORIDA  
 PARCEL 213B - SKETCH OF PARCEL  
 AREA OF PARENT TRACT = 4.8882 ACRES  
 AREA OF TAKING = 1.8109 ACRES  
 AREA OF REMAINDER = 3.0574 ACRES  
 AREA OF REMAINDER RIGHT = 2.8000 ACRES  
 AREA OF REMAINDER LEFT = 0.4874 ACRES



EAST LAKE MARY BOULEVARD EXTENSION  
 SEMINOLE COUNTY, FLORIDA  
 PARCELS 213A, 813, & TCE 713 - S.W. QUARTER OF PARCELS  
 AREA OF PARENT TRACT - 14,1389 ACRES  
 AREA OF TAKING - 1,8780 ACRES  
 AREA OF REMAINDER - 12,5559 ACRES  
 TEMPORARY CONSTRUCTION EASEMENT 713 - 598.1 SF  
 DRAINAGE EASEMENT 813 - 22887 SF



UNNAMED, UNIMPROVED ROAD 30' R/W

KENTUCKY STREET 50' R/W



EXHIBIT F

NOTES:

THIS IS A SKETCH ONLY; THIS IS NOT A BOUNDARY SURVEY.  
 THE PURPOSE OF THIS SKETCH IS TO AID IN THE APPRAISAL OF THE SUBJECT PARCEL.  
 ALL BOUNDARY INFORMATION AND CALCULATIONS ARE BASED ON A SPECIFIC PURPOSE MAP AND CONTROL SURVEY, EAST LAKE MARY BOULEVARD EXTENSION, FROM OHIO AVENUE TO SILVER LAKE DRIVE, COUNTY PROJECT: PS-0157.

CT - DATE	REVISIONS	SKETCH DATE	FIELD BOOK/PAGE	PROJECT	CLIENT
		10/30/02	NA	EAST LAKE MARY BOULEVARD EXTENSION SEMINOLE COUNTY - PARCEL 213A, TCE 713, & 813	THE SHVEY GROUP, INC.
				SKETCH OF PARCEL	JOB NO. TSG02213A
				PARENT TRACT AND AREA OF TAKING	SHEET NO. 2 of 3

**GORNBORSTONE**  
 LAND SURVEYING, INC.  
 OFFICE ADDRESS: 715 N. CALDWAY ST., STE. 100  
 TALLAHASSEE, FLORIDA 32303  
 PHONE: (904) 888-7300  
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