



**COUNTY ATTORNEY'S OFFICE
MEMORANDUM**

TO: Board of County Commissioners

THROUGH: Stephen P. Lee, Deputy County Attorney 

FROM: Henry M. Brown, Assistant County Attorney *HMB*
Ext. 5736

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

DATE: August 3, 2005

SUBJECT: Offer of Judgment Authorization
Lake Drive road improvement project
Parcel Nos.: 112/712
Charles H. Veigle
Seminole County v. Veigle, et al.
Case No.: 2004-CA-1884-13-L

This Memorandum requests authorization by the Board of County Commissioners (BCC) to issue an offer of judgment on Parcel Nos. 112/712 in the amount of \$623,875.00.

I PROPERTY

A. Location Data

Parcel Nos. 112/712 are located on the South side of Lake Drive. The parent tract consists of 9.937 acres and is improved with a single-family residence. See, location Map attached as Exhibit A and a property sketch is attached as Exhibit B.

B. Street Address

The street address is 4625 East Lake Drive, Winter Springs, Florida 32708.

II AUTHORITY TO ACQUIRE

The BCC adopted Resolution No. 2002-R-70 on April 23, 2002, authorizing the acquisition of Parcel Nos. 112/712 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. The Order of Take occurred on October 20, 2004, with title vesting in Seminole County on November 4, 2004, the date of the good faith deposit in the amount of \$435,500.00.

III ACQUISITIONS AND REMAINDER

The acquisition totals 5.757 acres in fee simple from a parent tract of 10 acres. The temporary construction easement totals 635 square feet. The property is bisected by a 175-foot wide Florida Power transmission line easement that encumbers 2.94± acres or 29% of the property. The acquisition is significant both in size and impact on the residential improvements. The acquisition consumes the guesthouse, garage to the main residence, circle driveway, decorative fencing, entrance fountains, and landscaping.

The remainder property will be 4.2± acres. In the after, the primary house will remain with the right-of-way line within two feet of the building.

IV APPRAISED VALUES

The County's original report dated September 22, 2004, by Clayton, Roper & Marshall, Inc., and reported full compensation to be \$437,700.00. The updated report dated October 20, 2004, reported full compensation to be \$465,700.00.

The owner has produced an appraisal report by Consortium Appraisal, Inc., to opine compensation to be \$817,200.00.

V BINDING OFFER/STATUS OF THE CASE

The County's initial written offer was \$575,000.00.

Mediation was held on August 1, 2005, and an impasse resulted. A jury trial is scheduled for the one-week trial period beginning November 14, 2005.

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 or statutory attorney's fees. However, it impacts 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;

(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 an Offer of Judgment in the amount of \$623,875.00.

HMB/dre

Attachments:

Exhibit A - Location Map

Exhibit B - Sketch

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AREA AND NEIGHBORHOOD ANALYSIS

The area and neighborhood discussions were detailed in the previously submitted General Data and Sales Book and are incorporated herein by reference.

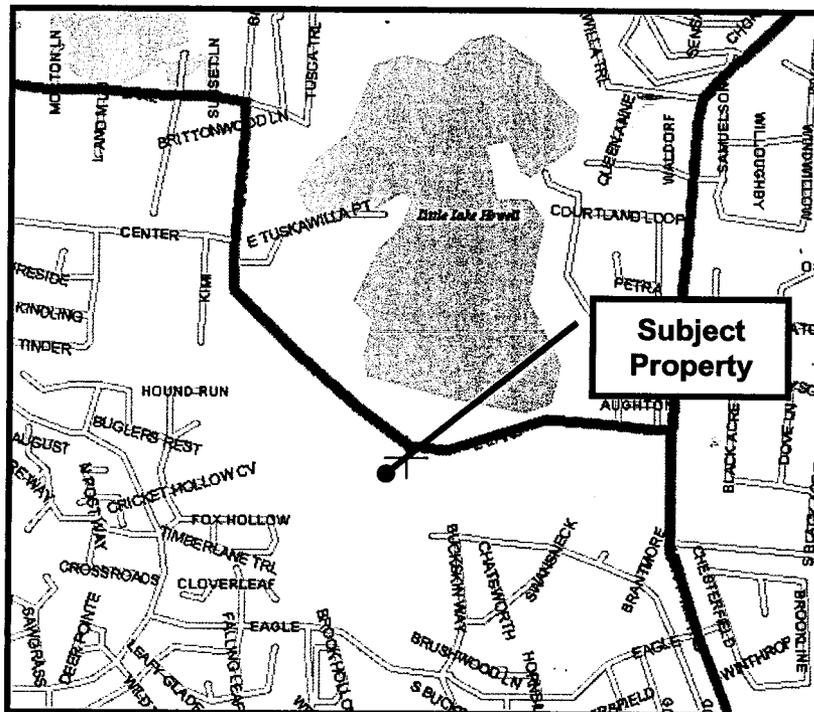
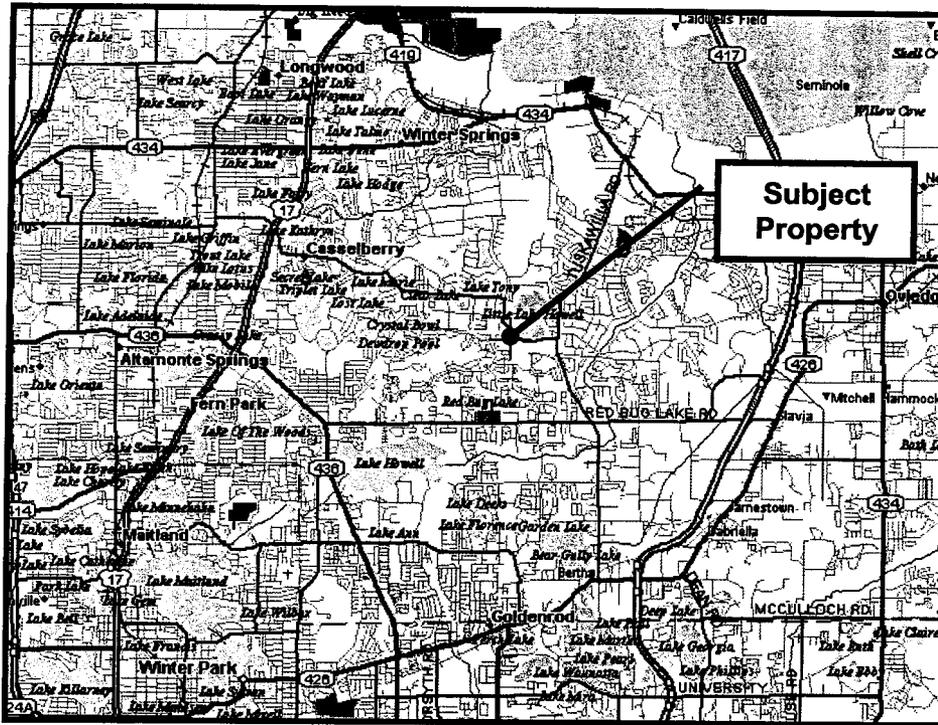
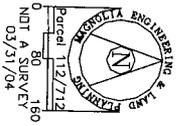
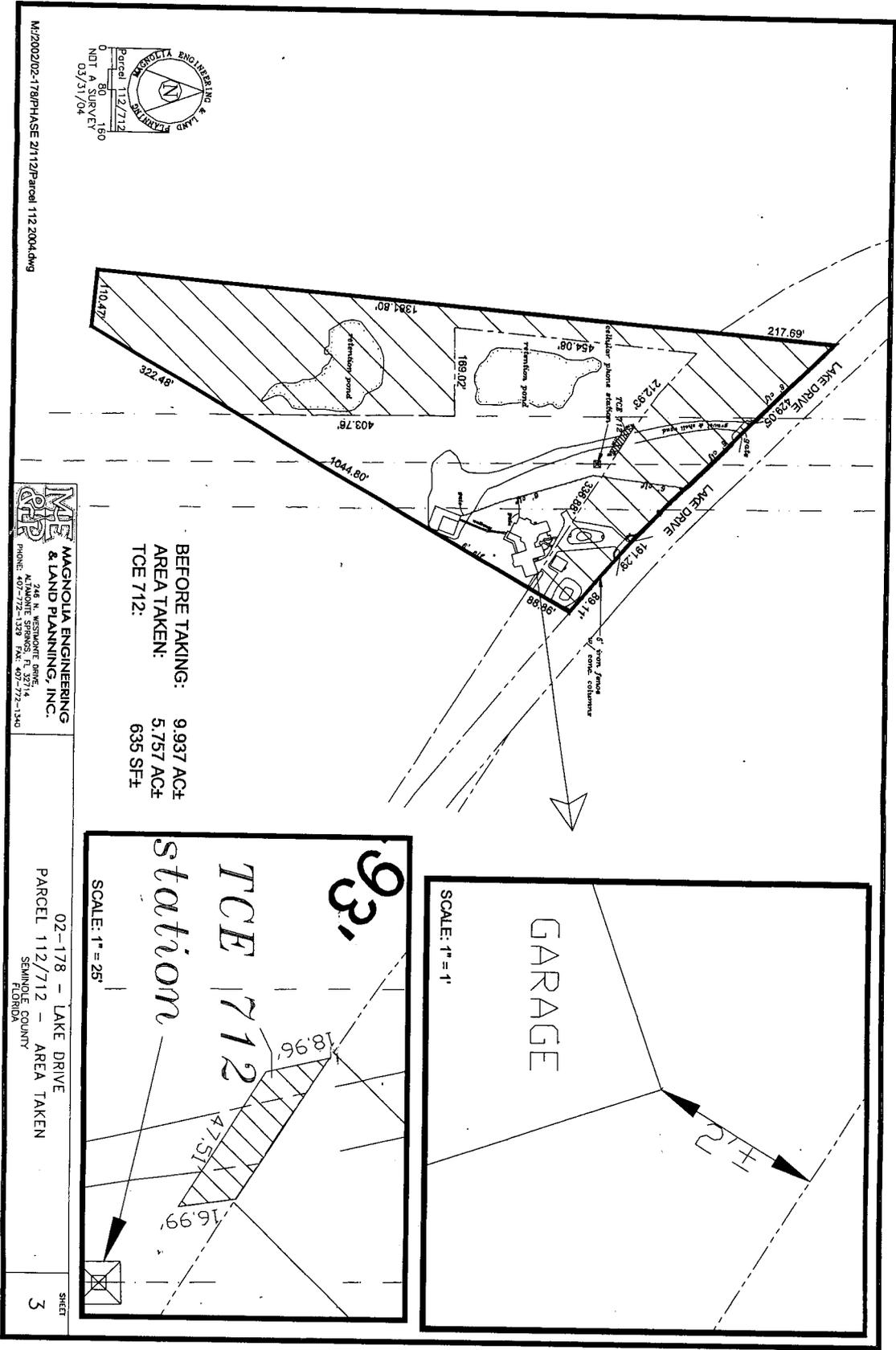
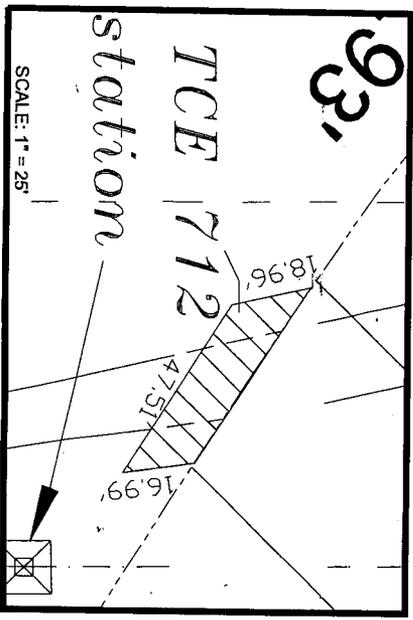
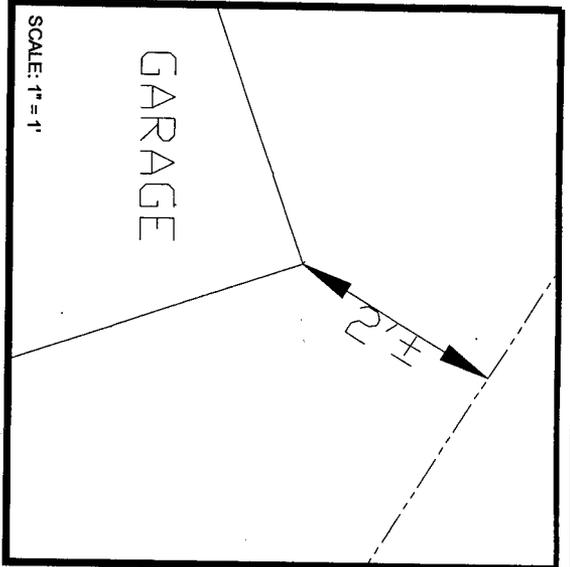


Exhibit "B"



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

BEFORE TAKING: 9.937 AC±
AREA TAKEN: 5.757 AC±
TCE 712: 635 SF±



02-178 - LAKE DRIVE
 PARCEL 112/712 - AREA TAKEN
 SEMINOLE COUNTY
 FLORIDA

SHEET
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