



**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: August 4, 2003

SUBJECT: Settlement Authorization
Dodd Road Project
Parcel Nos.: 135 and 735
Owner(s): Larry and Glennean Floyd
Seminole County vs. Scott, et al.
Case No.: 01-CA-1901-13-W

This Memorandum requests settlement authorization by the Board of County Commissioners (BCC) for costs. The total settlement sum is \$4,347.77.

I PROPERTY

A. Location Data

Parcel Nos. 135 and 735 are located on Dodd Road just north of Howell Branch Road. A sketch is attached as Exhibit A and a location map as Exhibit B.

B. Street Address

The street address is 1401 Dodd Road.

II AUTHORITY TO ACQUIRE

The BCC adopted Resolution No. 95-R-230, on September 26, 1995, authorizing the acquisition of Parcel Nos. 135 and 735 finding that Dodd Road was necessary and served a public purpose and was in the best interest of the citizens of Seminole County.

III BACKGROUND

In February, 2003, the BCC approved a negotiated settlement in the amount of \$15,000.00, exclusive of attorney fees and costs. Attorney fees were statutorily set at \$0.00 for benefits obtained. At that time, we advised that costs would be significant because of the history of the project.

IV COST CLAIM

The owners claimed costs totaling \$7,003.71, allocated:

(1)	Appraisal Costs	\$1,169.00
(2)	Engineering Costs	\$ 612.50
(3)	Planning Costs	\$3,913.96
(4)	Exhibit Costs	\$ 631.79
(5)	Miscellaneous Charges	\$ 676.46
TOTAL CLAIMED COSTS		\$7,003.71

V NEGOTIATION

In negotiation, several non-reimbursable office overhead costs were taken out and one expert claim was reduced. However, the County had little room to negotiate on this driveway parcel because it is clear that the claimed costs result from multiple starts and stops of the project. The County's position was that a driveway clip presented no planning or engineering issues regardless of the number of starts and stops.

Negotiations resulted in a reduction of 38% from \$7,003.71 to \$4,347.77. The amounts are allocated as follows:

(1)	Appraisal Costs	\$1,169.00
(2)	Engineering Costs	\$ 590.00
(3)	Planning Costs	\$1,956.98
(4)	Exhibit Costs	\$ 631.79
(5)	Miscellaneous Charges	\$ 0.00
TOTAL COSTS REIMBURSEMENT		\$4,347.77

VI SETTLEMENT ANALYSIS/COST AVOIDANCE

If this matter were taken to hearing, it would be difficult to argue that the costs were unnecessary or excessive. Additionally, the County would need to employ three experts to review the claimed costs and testify as to their reasonableness. Not only would these new experts need to be paid, we cannot say with any certainty that their testimony would produce substantially lower numbers. Under the circumstances costs are high for a driveway; however, it is not expected that a hearing would reduce costs any greater than the negotiated 38%.

VII RECOMMENDATION

This office recommends settlement of cost reimbursements at \$4,347.77. Should the BCC approve this payment, these parcels will not come before the BCC again as the owners and their representatives will have been paid and the case closed.

HMB/sb

Attachment

Exhibit A

Exhibit B

P:\USERS\CASB01\MY DOCUMENTS\MEMAGENDA ITEM DODD FLOYD 135 735 COST SETTLEMENT.DOC

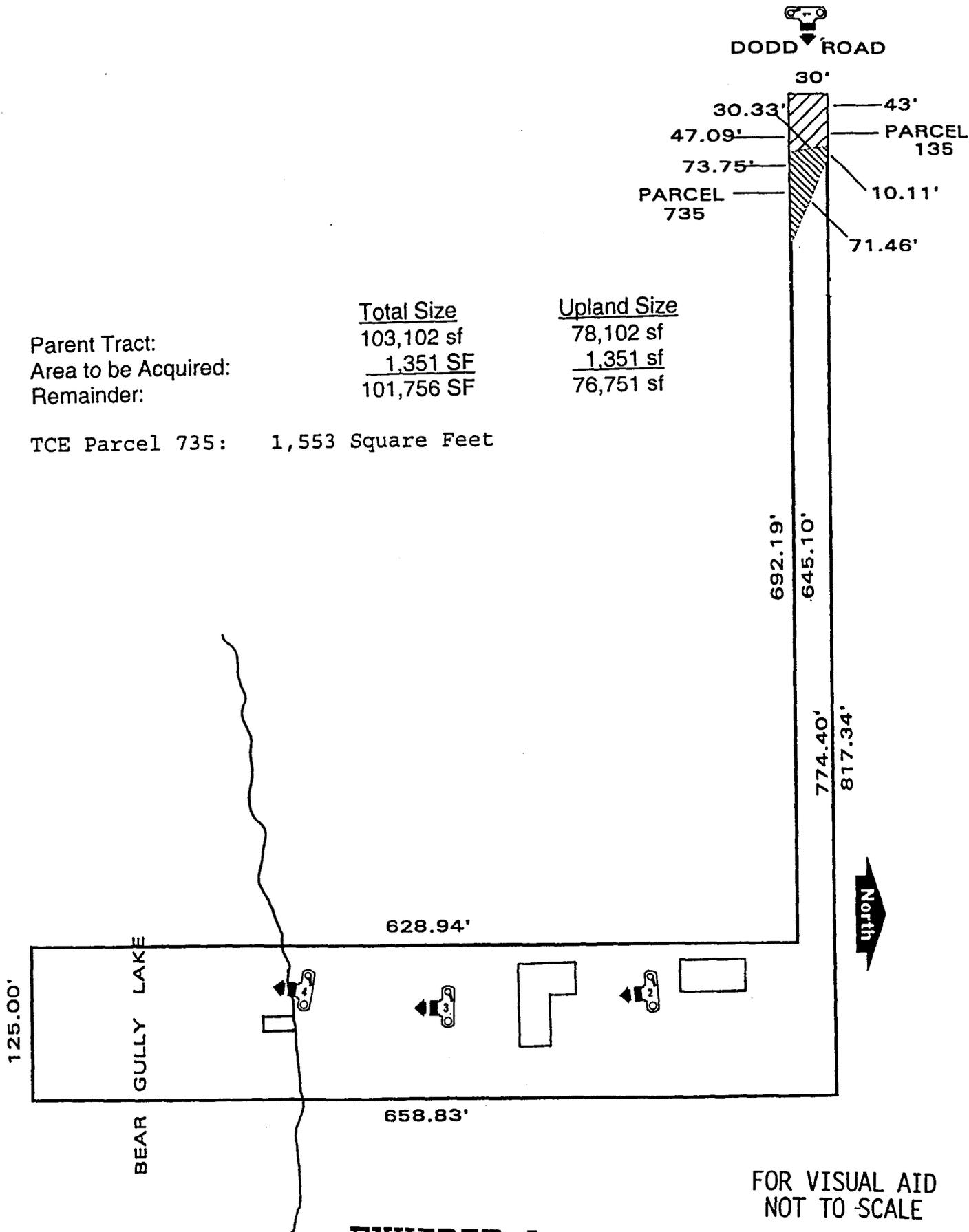


EXHIBIT A

