



**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: September 19, 2003

SUBJECT: Settlement Authorization
East Lake Mary Boulevard, Phase IIB
Parcel No.: 216
Owner(s): Michael M. Guthrie and Linda S. Guthrie
Seminole County vs. Simons, et al.
Case No.: 03-CA-2222-13-K

This Memorandum requests settlement authorization by the Board of County Commissioners (BCC) for Parcel No. 216 on the East Lake Mary Boulevard, Phase IIB project. The recommended settlement is at the total sum of TWELVE THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$12,500.00), inclusive of all land value, severance damage, statutory interest, attorney's fees, and costs.

I PROPERTY

A. Location Data

Parcel No. 216 is a fee simple acquisition of 4,093 square feet. Parcel No. 216 is located along the north side of unpaved Canyon Point Road.

B. Street Address

The 5.058 acre parent tract is improved with a single family residence with a street address of 4430 Canyon Point, Sanford, Florida 32773. a location map is attached as Exhibit A and a parcel sketch as Exhibit B.

II AUTHORITY TO ACQUIRE

The BCC adopted Resolution No. 2003-R-47 on February 11, 2003, authorizing the acquisition of Parcel No. 216, and finding that the East Lake Mary Boulevard Project was necessary and served a public purpose and was in the best interest of the citizens of Seminole County.

III ACQUISITIONS AND REMAINDER

The fee simple acquisition consists of 4,093 square feet (0.093 acres) acquired from the total parcel of 5.058 acres leaving a remainder of 4.965 acres. The existing residential unit is not impacted by the acquisition.

IV APPRAISED VALUES

The County's appraisal report was prepared by Ted Hastings, III, MAI of the Spivey Group. Inc., and reported full compensation to be \$3,200.00.

The owners did not have an appraisal performed; however, the owners used Calhoun, Dreggors, and Associates for appraisal consultation and Zook, Moore for Engineering consultation.

V NEGOTIATION

The negotiated settlement was achieved by the County's acquisition agents. The negotiation was a cost avoidance settlement.

VI ATTORNEY FEE AND COST REIMBURSEMENTS

The settlement sum includes all attorney's fees and cost reimbursements. The owners have been represented by counsel and received consultation services from experts. No invoices have been produced.

VII 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;
- B. All statutory interest; and,
- C. Attorney's fees and costs to proceed further.

VIII ANALYSIS

This is a cost avoidance settlement. The settlement sum of \$12,500.00 includes all attorney fees and cost reimbursements. The settlement sum is \$9,300.00 more than the County's appraised value. A full appraisal alone would approximate the sum over the County's appraised value.

Settlement now for cost avoidance is advised.

IX RECOMMENDATION

County staff recommends that the BCC approve this settlement in the amount of \$12,500.00 inclusive of all attorney's fees and costs.

HMB/sb

Attachments:

Exhibit A

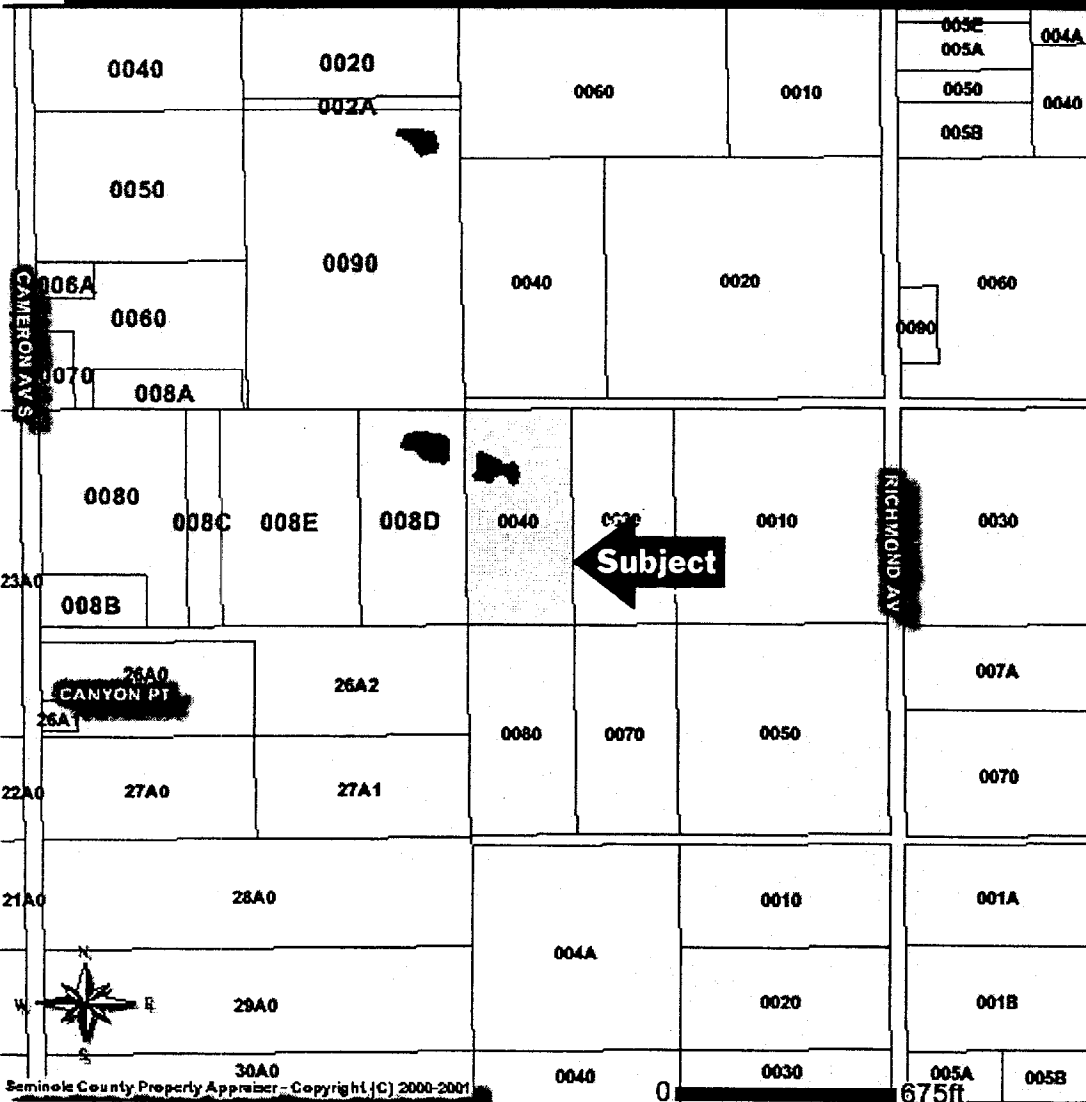
Exhibit B

P:\USERS\CASB01\MY DOCUMENTS\MEMOAGENDA ITEM ELMB IIB 216 GUTHRIE SETTLEMENT AUTH.DOC

Seminole County, Florida

Property Appraiser Services

H.W. "Bill" Saber CEA, ASA



Seminole County
Property Appraiser Services
 1101 E. First St.
 Sanford FL 32771
 407-665-7506

Legend
 Selected Features

- Facilities
- Golf Course
- Parks
- Parcels
- Water

Seminole County Property Appraiser - Copyright (C) 2000-2001

Rec	Parcel	Owner	Street Address
0320315010C000040		GUTHRIE MICHAEL M & LINDA S	4430 CANYON PT

EAST LAKE MARY BOULEVARD EXTENSION
 SEMINOLE COUNTY, FLORIDA SURVEYED PARCEL
 PARCEL 216 - SKETCH OF SURVEYED PARCEL
 PARCEL DESCRIPTION: COMMERCIAL
 AREA OF PARENT TRACT = 5.028 ACRES
 AREA OF TAKING = 4089 SF / 0.093 ACRES
 AREA OF REMAINDER = 4.965 ACRES

LEGEND

- UTILITY POLE AND GUY ANCHOR
- PP POWER POLE
- SIGN
- W/M WATER METER
- R/W RIGHT OF WAY
- TOP BROKEN SCALE
- EDGE OF PAVEMENT
- PLAC 6" DIA. MANHOLE AND CUP
- BPP BACKFLOW PREVENTER
- W WATER VALVE
- D/W DRAINAGE
- MEE MEEDED END SECTION
- SV SEWER FORCE MAIN VALVE
- CD SEWER CLEAN OUT
- PIE FIRE HYDRANT
- LP LIGHT POLE
- PB PULL BOX
- S/W SIGNAL SPAN POLE
- T TELEPHONE POLE
- OT OVERHEAD TELEPHONE
- SRVC TRAFFIC SERVICE CABINET
- MHD DRAINAGE MANHOLE
- MMS SANITARY SEWER MANHOLE
- MW MONITORING WELL
- SPRINKLER HEAD
- ELEO ELECTRIC OUTLET
- SNP SHARED UTILITY POLE

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 AND
 CONTROL SURVEY, EAST LAKE MARY BOULEVARD
 EXTENSION, FROM OHIO AVENUE TO SILVER LAKE
 DRIVE, COUNTY PROJECT: PS-0137

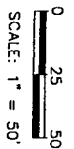
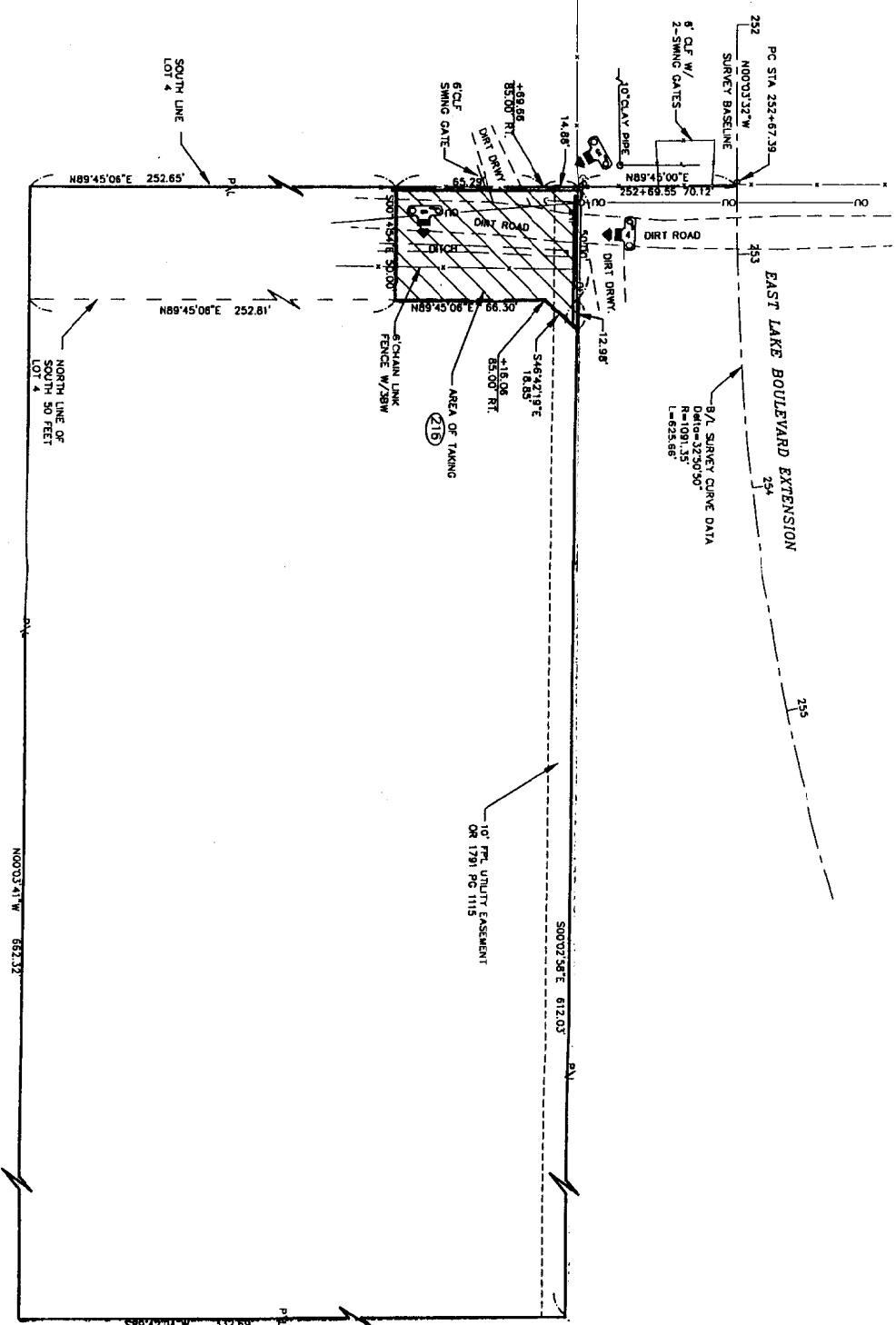


EXHIBIT B

DATE	REVISIONS	SECTION DATE	FIELD BOOK/PAGE	GORNERSTONE LAND SURVEYING, INC. OFFICE ADDRESS: 7711 MANASSAS, LONDON, 28203 PHONE: (850) 966-7130 HOME: (850) 433-7113 FAX: (850) 961-9883	PROJECT	CLIENT
2/17/03	CORRECTION PER BOB SIMMONS	1/27/03	F.B. 34/84		EAST LAKE MARY BOULEVARD EXTENSION SEMINOLE COUNTY - PARCEL 216 SKETCH OF SURVEY PARENT TRACT AND AREA OF TAKING	THE SPIVEY GROUP, INC.
					SHEET NO.	SHEET NO.
					2	2