



COUNTY ATTORNEY'S OFFICE  
MEMORANDUM

TO: Board of County Commissioners

THROUGH: Stephen P. Lee, Deputy County Attorney *MDG For SL*

FROM: Lynn Vouis, Assistant County Attorney *[Signature]*  
Ext. 5736

CONCUR: Pam Hastings, Administrative Manager/Public Works Department  
Kathleen Myer, Principal Engineer/Engineering Division *[Signature]*

DATE: October 17, 2003

SUBJECT: Settlement Authorization  
East Lake Mary Boulevard, Phase IIB  
Parcel No.: 222  
Owner(s): Thakoor & Martha Deen  
*Seminole County vs. Nordman, et al.*  
Case No.: 2003-CA-2121-13-L

This Memorandum requests settlement authorization by the Board of County Commissioners (BCC) for Parcel No. 222 on the East Lake Mary Boulevard, Phase IIB project. The recommended settlement is at the total sum of SIXTY FOUR THOUSAND AND NO/100 DOLLARS (\$64,000.00), inclusive of all land value, severance damage, statutory interest, attorney's fees, and costs.

**I PROPERTY**

**A. Location Data**

Parcel No. 222 is a fee simple acquisition of 4,438 square feet. Parcel No. 222 is located at the northwest corner of State Road 46 and State Road 415.

- (1) Location Map (Exhibit A)
- (2) Sketch (Exhibit B)

**B. Street Address**

The 1.4206 acre parent tract is unimproved, except for a billboard located outside the area of take. Since it is unimproved property it has no street address.

**II AUTHORITY TO ACQUIRE**

The BCC adopted Resolution No. 2003-R-47 on February 11, 2003, authorizing the acquisition of Parcel No. 222, 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 4,438 square feet acquired from the total parcel of 1.4206 acres leaving a remainder of 1.3187 acres. The existing billboard structure 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 \$31,100.00.

The owners did not have a full appraisal prepared. They did, however, hire Calhoun, Dreggors, and Associates for appraisal consultation and to review the County's appraisal.

**V NEGOTIATION**

The County extended a BCC approved, binding written offer to the property owners in the amount of \$39,000.00. The owners felt that their land value was higher than the County's appraisal reflected because the property is on the corner of two major roadways. Eventually, a negotiated settlement was achieved by the County's acquisition agents in the amount of \$57,000.00 for the property owners, exclusive of any fees and costs incurred.

**VI ATTORNEY FEE AND COST REIMBURSEMENTS**

Based on the settlement amount of \$57,000.00 to be paid to the property owners, the amount of attorney's fees mandated by statute is \$6,000.00. The County agreed to recommend reimbursement for the property owners' appraisal expert, in the amount of \$1,000.00. The total amount to be paid, inclusive of all fees and costs, is \$64,000.00.

## VIII ANALYSIS

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.

The settlement sum of \$64,000.00 includes all attorney fees and cost reimbursements. The settlement amount of \$57,000.00 to the property owner is \$18,000.00 more than the County's binding written offer. The amount of \$7,000.00 as reimbursement for all fees and costs is reasonable. A complete analysis of the potential issues pertaining to the acquisition of this parcel by an appraiser, engineer, land planner, etc. would easily exceed the sum paid over the written offer. Settlement now for cost avoidance is advised.

## IX RECOMMENDATION

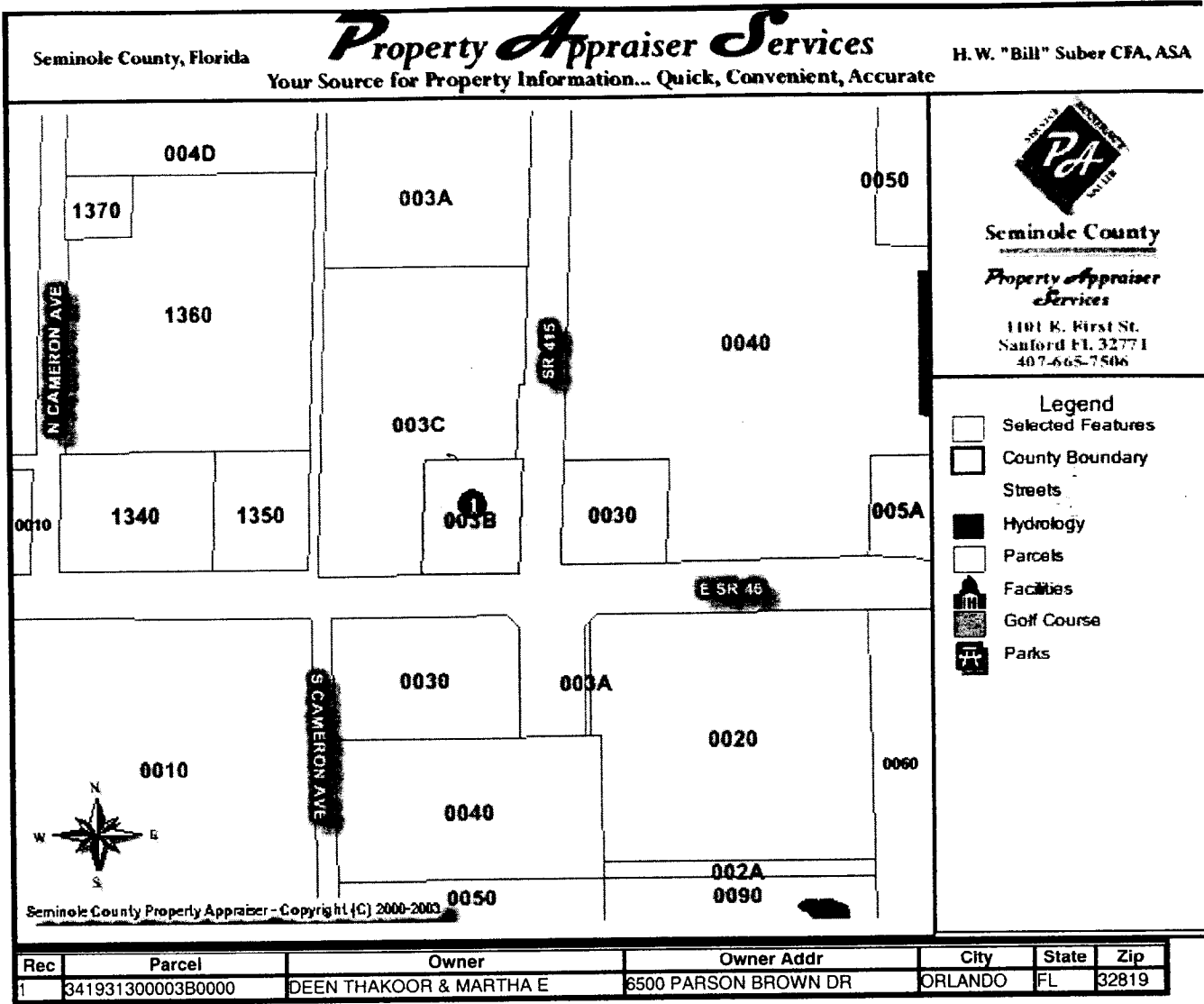
County staff recommends that the BCC approve this settlement in the amount of \$64,000.00 inclusive of all attorney's fees and costs.

LV/la

Attachments:

- (1) Location Map (Exhibit A)
- (2) Sketch (Exhibit B)

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**EXHIBIT A**

ION

EAST LAKE MARY BOULEVARD EXT.  
SEMINOLE COUNTY, FLORIDA  
PARCEL 222 - SKETCH OF PARCEL  
AREA OF PARENT TRACT = 1.4208 ACRES  
AREA OF TAKING = 0.1019 ACRES  
AREA OF REMAINDER = 1.3187 ACRES



0 30 60  
SCALE: 1"=60'

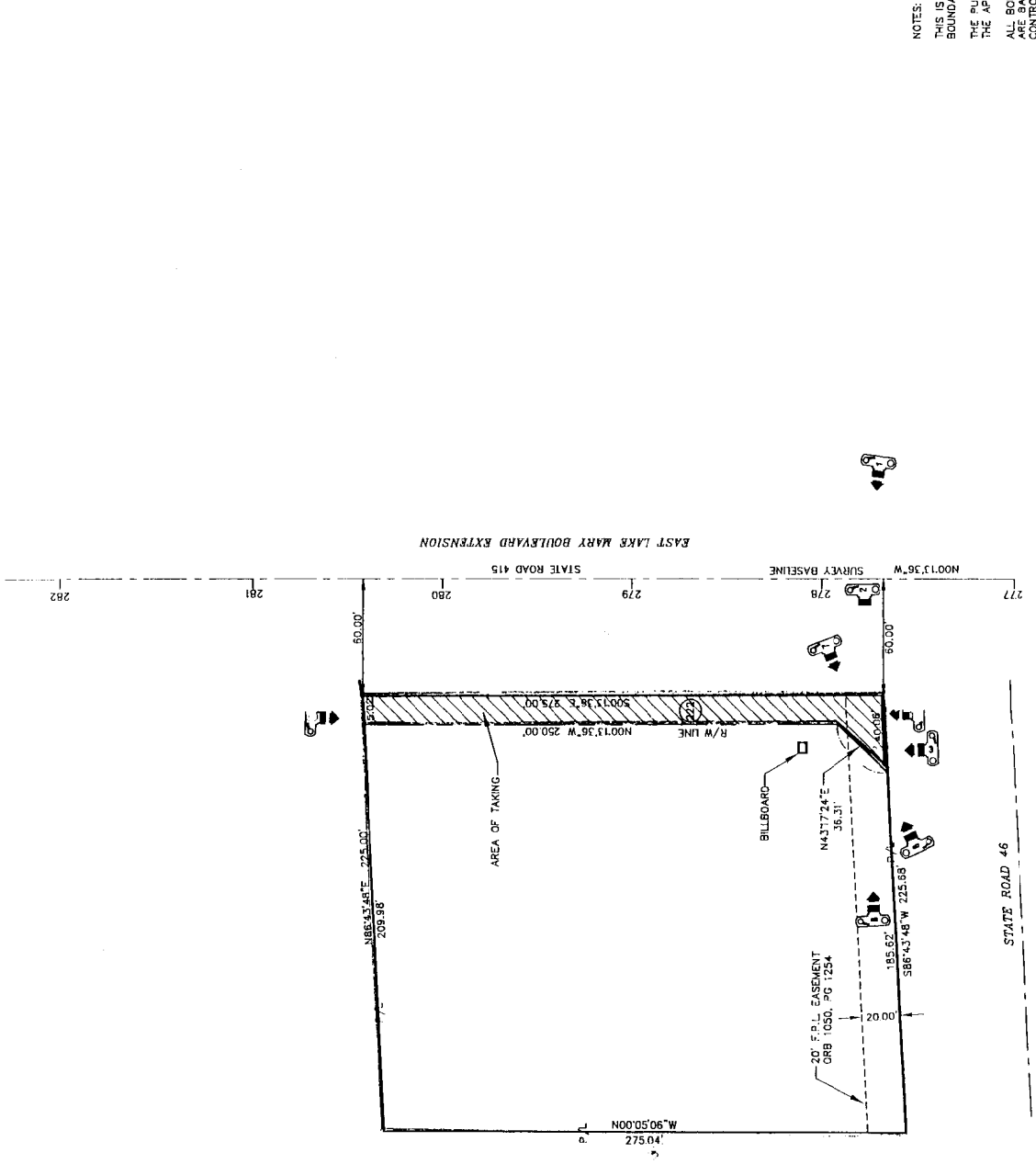
ANCHOR

LVE

INET

HOLE

# EXHIBIT B



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 UPON A SURVEY CONTROL SURVEY OF EAST LAKE MARY BOULEVARD EXTENSION FROM OHIO AVENUE TO SILVER LAKE DRIVE. COUNTY PROJECT: PS-0137.

KEY	DATE	REVISIONS	SKETCH DATE:	FIELD BOOK/PAGE:	PROJECT:	COUNTY:
			10/17/02	N/A	EAST LAKE MARY BOULEVARD EXTENSION - SEMINOLE COUNTY - PARCEL 222	THE SPIVEY GROUP, INC.
					SKETCH OF PARENT TRACT AND AREA OF TAKING	JOB NO. TSG0222
						SHEET NO. 2 of 3

**GORNERSTONE**  
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