



**COUNTY ATTORNEY'S OFFICE
MEMORANDUM**

TO: Board of County Commissioners

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

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

CONCUR: Pam Hastings, Administrative Manager/Public Works Department *PH*
Kathleen Myer, Principal Engineer/Engineering Division *KM*

DATE: October 26, 2004

SUBJECT: Settlement Authorization
Lake Drive Project
Parcel Nos. 1837 and 1737
Owners, Richard K. and Catherine Newberg
Seminole County v. Doogarsingh, et al.
Case No.: 2004-CA-1982-13-K

This Memorandum requests settlement authorization by the Board of County Commissioners (BCC) for Parcel Nos. 1837 and 1737 on the Lake Drive project. The recommended settlement is at the total sum of \$6,000.00 inclusive of all land value, statutory interest, attorney's fees, and cost reimbursements.

I PROPERTY

A. Location Data

Parcel No. 1837 is a permanent drainage easement of 437 square feet. Parcel No. 1737 is a temporary construction easement of 242 square feet. A location map is attached as Exhibit A and a parcel sketch as Exhibit B.

B. Street Address

The street address is 2007 Lake Drive, Casselberry, Florida.

II AUTHORITY TO ACQUIRE

The BCC adopted Resolution No. 2004-R-75, on April 13, 2004, authorizing the acquisition of Parcel Nos. 1837 and 1737, and finding that the Lake Drive Project was necessary and serves a public purpose and is in the best interests of the citizens of Seminole County.

III ACQUISITION AND REMAINDER

The permanent drainage easement was acquired to pipe the drainage ditch under the new Lake Drive. An existing swale and ditch currently conveys sheet flow from the existing roadside swales to Lake Tony.

The property in the before consists of 2.874 acres. In the after the property remains the same except the property will be encumbered by the County's easements.

IV APPRAISED VALUES

The County's appraisal report was prepared by Clayton, Roper, and Marshall, Inc., and determined full compensation to be \$2,200.00.

The property owners did not have an appraisal performed.

V BINDING OFFERS/NEGOTIATIONS

The BCC previously authorized a binding written offer at \$5,000.00. The written offer, even though not accepted, was very effective in that it limited future attorney's fees. This caused the settlement at \$6,000.00 inclusive of all land value, attorney's fees, and cost reimbursements to occur.

VI ANALYSIS/COST AVOIDANCE

The inclusive settlement at \$6,000.00 is cost effective. If the owners acquire appraisal services, the cost would exceed \$5,000.00 for the report itself.

VII RECOMMENDATION

County staff recommends that the BCC approve this settlement in the amount of \$6,000.00 inclusive of all land value, attorney's fees, and cost reimbursements.

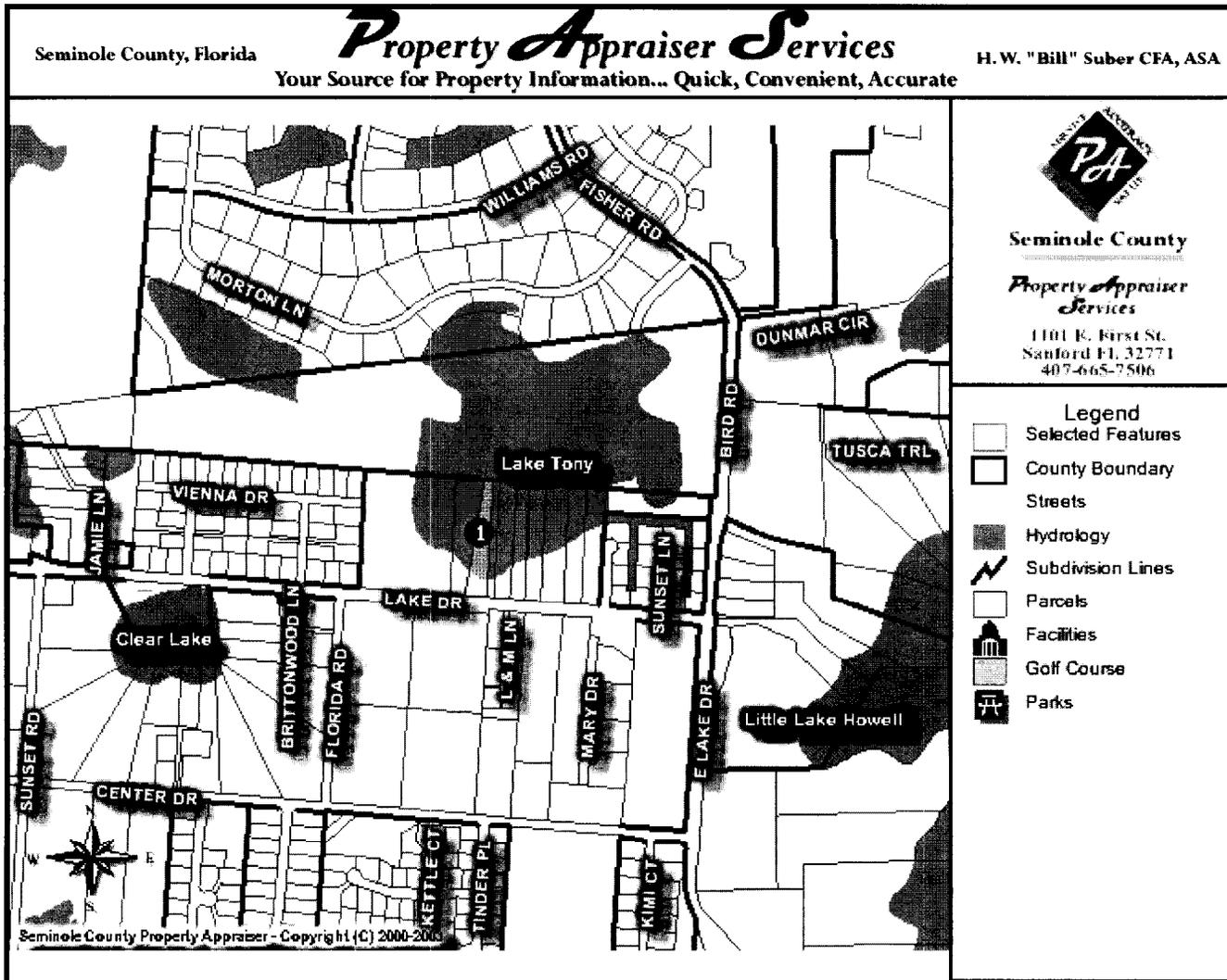
HMB/sb

Attachment

Location Map - Exhibit A

Parcel Sketch - Exhibit B

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Rec	Parcel	Owner	Owner Addr	City	State	Zip
1	1021305BQ0000010A	NEWBERG RICHARD K	2007 LAKE DR	CASSELBERRY	FL	32707

EXHIBIT A

ACQUISITION SKETCH

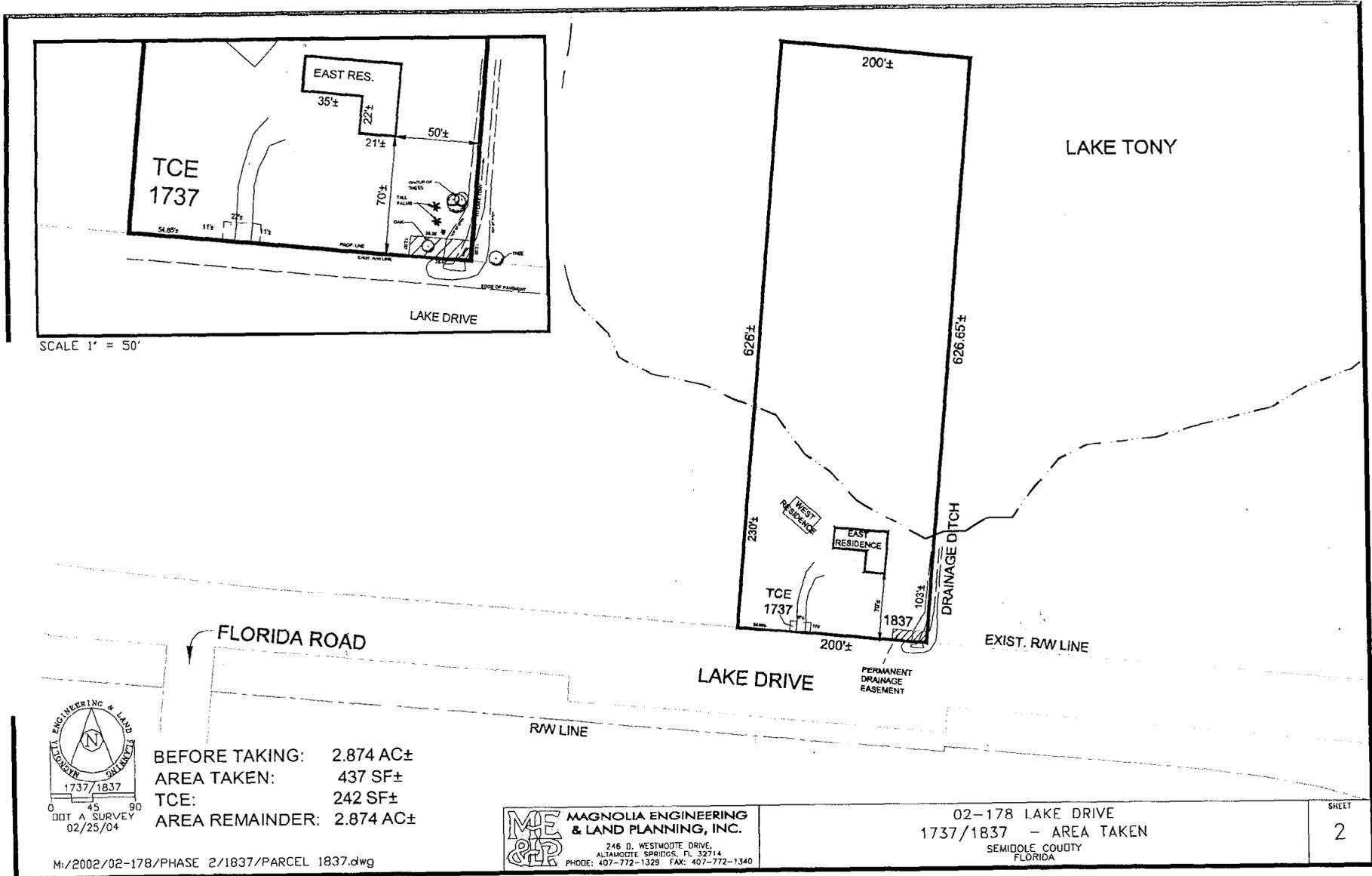


EXHIBIT B