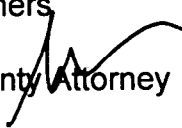







COUNTY ATTORNEY'S OFFICE
MEMORANDUM

TO: Board of County Commissioners

THROUGH: Stephen P. Lee, Deputy County Attorney 

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

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

DATE: October 20, 2003

SUBJECT: Settlement Authorization
Dodd Road Project
Parcel Nos.: 152, 752 and 852
Owner(s): Amberwood Unit III Community Association, Inc.
Seminole County vs. Erdman, et al.
Case No.: 01-CA-1900-13-K

This Memorandum requests settlement authorization by the Board of County Commissioners (BCC) for Parcel Nos. 152, 752 and 852 on the Dodd Road Project of apportionment attorneys' fees in the amount of \$13,275.00.

I PROPERTY

A. Location Data

Parcel Nos. 152, 752 and 852 are located on the west side of Dodd Road just north of Dike Road.

B. Street Address

Street addresses are not assigned to subdivision common areas. A location map is attached as Exhibit A and a parcel sketch is attached as Exhibit B.

II AUTHORITY TO ACQUIRE

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

III BACKGROUND

In September 2003, the BCC approved a mediated settlement in the amount of \$60,000.00 inclusive of land value, severance damage, interest, benefit obtained attorneys' fees, and costs. Apportionment fees were not addressed. The case involved an apportionment dispute concerning ownership of the property between Hunter Development and Retirement Accounts, Inc. ("Hunter"), and Amberwood Unit Three Community Association, Inc. ("Amberwood"). *Section 73.092(2), Florida Statutes*, provides that the condemning authority is responsible for apportionment attorneys fees computed based on a reasonable number of hours at a reasonable rate.

IV APPORTIONMENT CLAIM

The attorneys for Hunter and Amberwood claimed fees totaling \$15,660.00 for 89.06 hours. The blended hourly rate for partners and associates is \$175.84 per hour.

V NEGOTIATION

In negotiation, the number of hours was reduced based on duplication of work effort and non-compensable hours. Negotiations resulted in a reduction of 15.26% from \$15,660.00 to \$13,275.00.

VI SETTLEMENT ANALYSIS/COST AVOIDANCE

If this matter were taken to hearing, it is likely that a few hours could be reduced based on duplication of work effort and non-compensable hours. Negotiations achieved that result. At hearing, a reduction greater than 15.26% would not be expected. Any attempt to further reduce fees would require that the County employ an attorney expert to review the fee requests and incur other costs for hearing.

VII RECOMMENDATION

County staff recommends that the BCC approve this settlement in the amount of \$13,275.00.

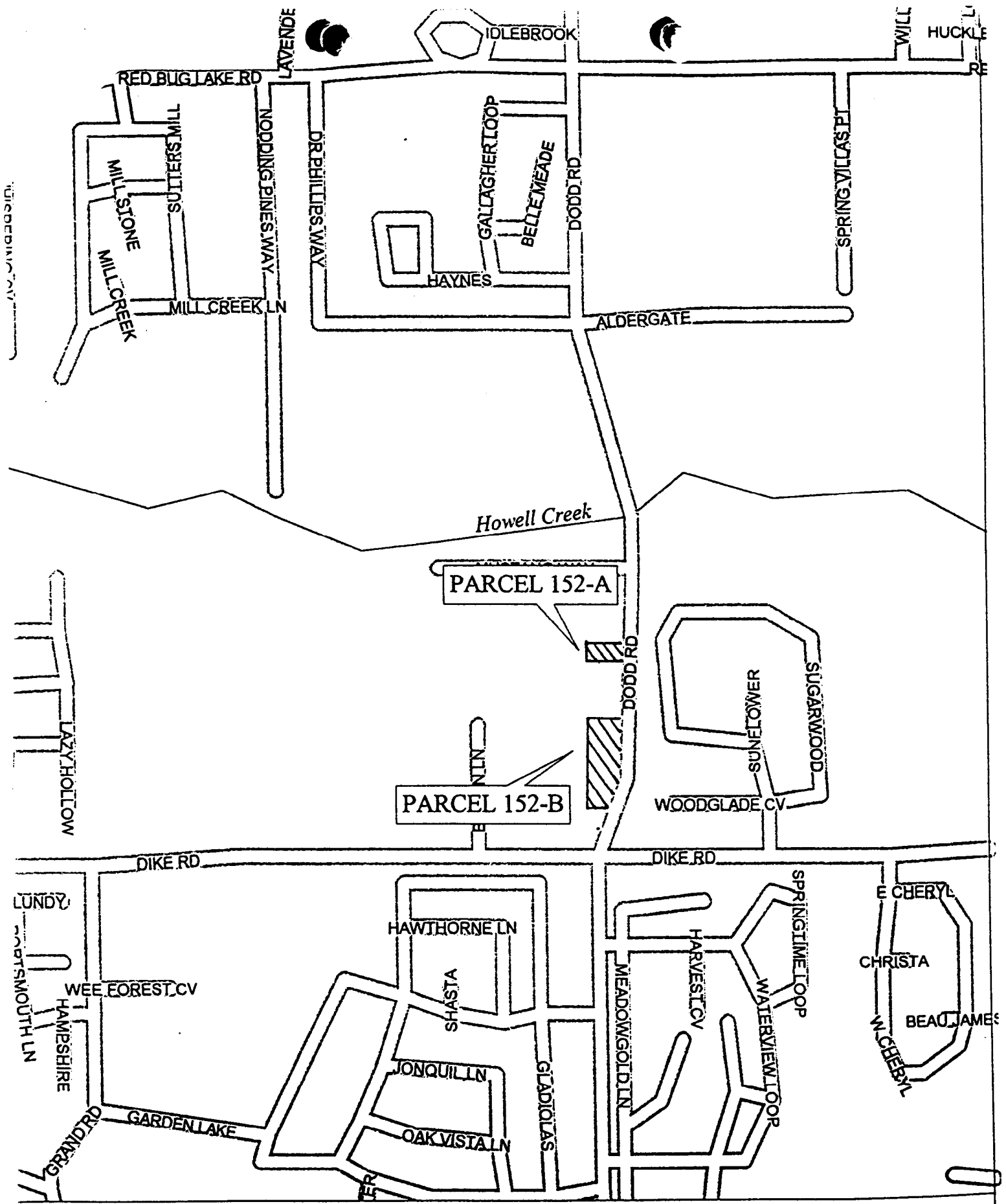
HMB/dre

Attachments:

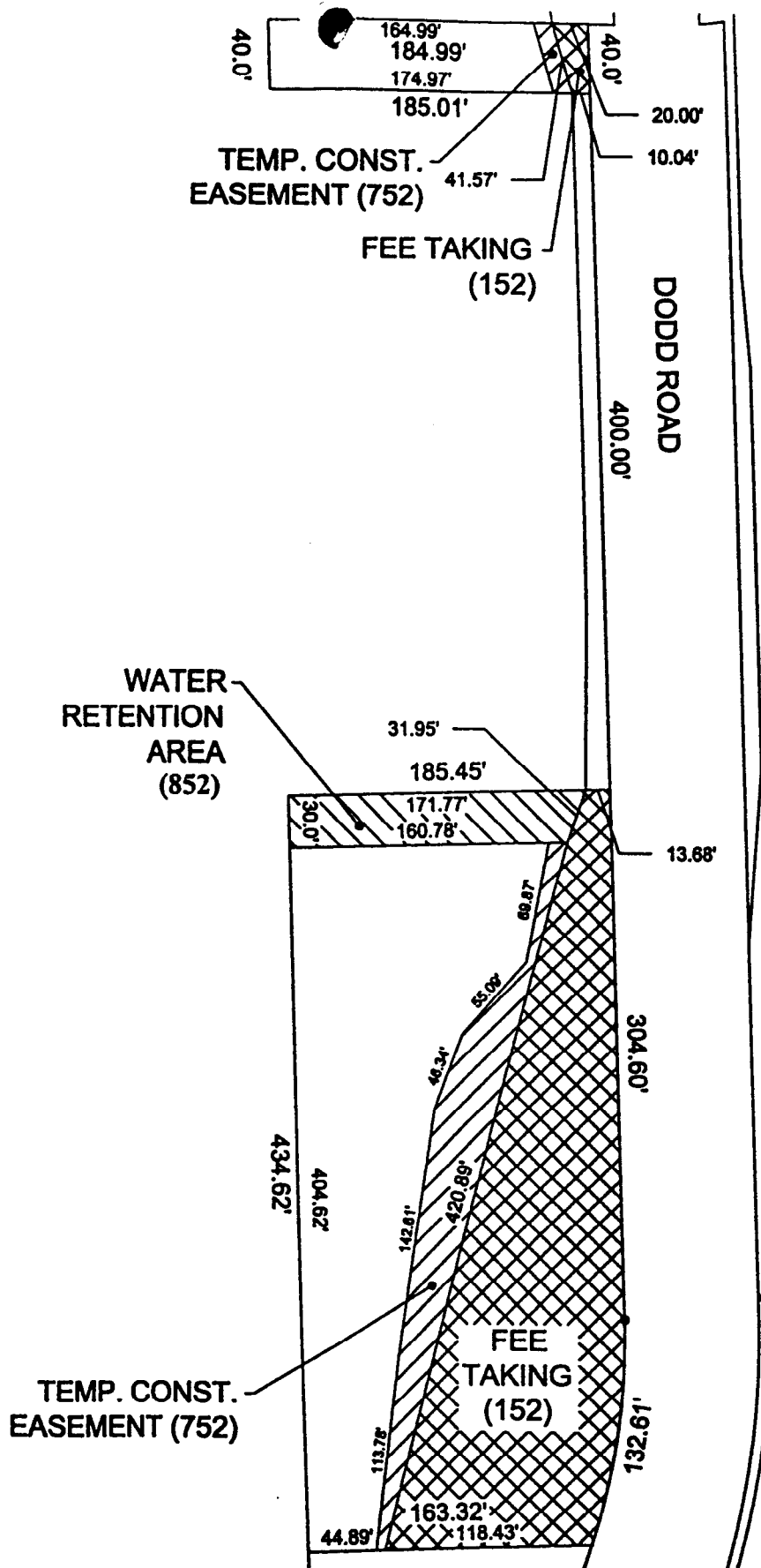
Exhibit A - Location map

Exhibit B - parcel sketch

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SUBJECT LOCATION MAP



50' 0 100'
 SCALE
 1"=100'
 NOT A SURVEY

**DODD ROAD EXPANSION PROJECT
 ACQUISITION TRACT**