



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 Ext. 5736 *HMB*

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

DATE: November 3, 2003

SUBJECT: Settlement Authorization
Dodd Road Project
Parcel Nos.: 106/706
Owner(s): David A. Erdman and Marsha L. Erdman
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. 106/706 on the Dodd Road project. The recommended settlement is at the total sum of \$40,000.00 inclusive of all land value, severance damage, statutory interest, attorney fees, and cost reimbursements. The total is allocated \$33,500.00 to land, severance damage, and interest and \$6,500.00 to attorney fees and costs.

I PROPERTY

A. Location Data. Parcel Nos. 106/706 are located on the north side of Dodd Road near the 90° turn.

B. Street Address. The street address is 1550 Dodd Road, Winter Park, Florida 32792-6338. A location map is attached as Exhibit A and a parcel sketch 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 ACQUISITIONS AND REMAINDER

Parcel No. 106 is a fee simple acquisition of 4,754 s.f. and Parcel No. 706 is a temporary construction easement of 3,950 s.f. The acquisition consumed a significant portion of the high and dry area of the parent tract.

The remainder tract is 59,503 s.f. with a significant land area in the 100 year flood zone.

IV APPRAISED VALUES

A. County Reports. Each time the Dodd Road project was started and re-started, appraisals were performed by the County. Each of these reports was produced to the owners:

1. Nations 1995 Report. A 1995 report was prepared by Ron L. Nation of Just Valuation, Inc., and opined full compensation to be \$10,200.00.

2. Bullard 1997 Report. A 1997 report was prepared by Gary E. Bullard of Bullard and Associates, Inc., and opined full compensation to be \$32,300.00.

3. Current Report 2001. The County's current report was prepared by Richard C. Allen of Pomeroy Appraisal Associates, Inc., and opined full compensation to be \$18,200.00.

B. Owners' Reports. The owners did not have a full report prepared. However, Richard C. Dreggors of Calhoun, Dreggors, and Associates, Inc., was consulted. The consultation reported that the owners' report if completed would start at the County's 1997 value of \$32,300.00 and move upward.

V NEGOTIATION

The County position was \$18,200.00. However, the 1997 Bullard report at \$32,200.00 is difficult to address. The settlement allocates \$33,500.00 to land value, severance damage, and statutory interest. This is close to the 1997 Bullard report.

VI ATTORNEY FEE AND COST REIMBURSEMENT

The attorneys fee and cost reimbursement is a packaged sum of \$6,500.00.

VII ANALYSIS

The Settlement is at \$40,000.00 allocated \$33,500.00 to land and severance damage and \$6,500.00 to attorneys fees and costs. Attorneys fees based on percentage were at risk with the County's current appraisal and first offer. Since limited

costs were incurred in 1995 and 1997 by the owners, costs were contained by the offer of judgment with future additional costs at risk.

The at risk attorney fees and costs helped to produce the packaged settlement with property value high but close to the 1997 Bullard report.

VIII 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 land value settlement;
- (b) Additional statutory interest;
- (c) Additional attorney fees and costs to proceed further;
- (d) Mediation costs because the mediation set for January, 2004, may be cancelled; and
- (e) All costs that could be incurred at a cost hearing.

IX RECOMMENDATION

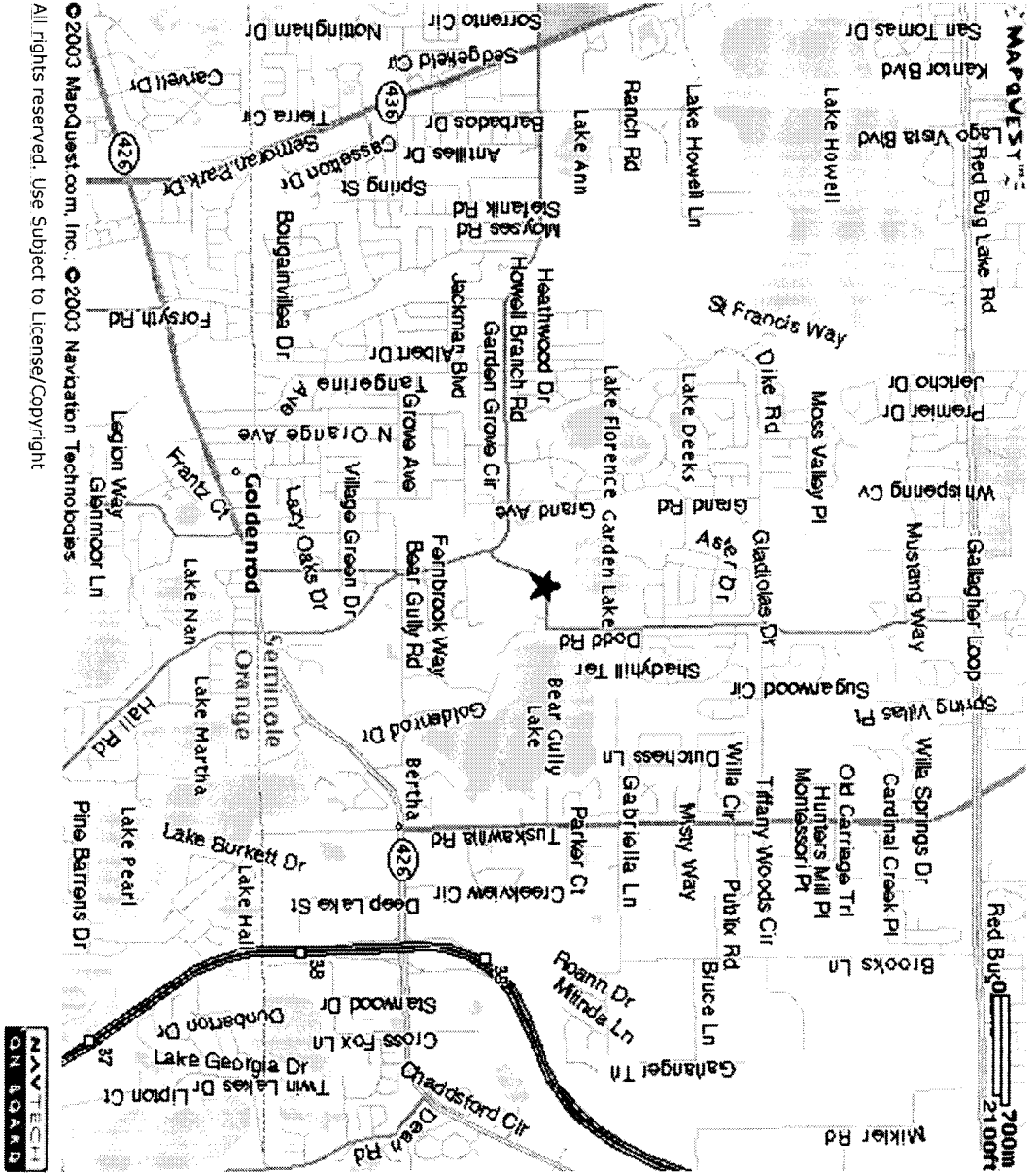
County staff recommends that the BCC approve this settlement in the total inclusive amount of \$40,000.00.

HMB\dre

Attachments

Exhibit A - location map

Exhibit B - parcel sketch



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EXHIBIT A

