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**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 *KM*

DATE: October 28, 2002

SUBJECT: Settlement Authorization
Dodd Road Project
Parcel Nos.: 107/707
Owners: Frederick E. Lake, Jr. and Stella D. Lake
Seminole County vs. Scott, et al.
Case No.: 01-CA-1901-13-W

This Memorandum requests settlement authorization by the Board of County Commissioners (BCC) for Parcel Nos. 107/707 on the Dodd Road Project. The recommended settlement is at the total sum of \$27,147.00, inclusive of all land value, severance damage, statutory interest, attorney fees, and cost reimbursements.

I PROPERTY

A. Location Data

The Lake Property is located on the west side of Dodd Road just north of Howell Branch road and near the 90° curve. See, sketch attached as Exhibit A.

B. Address

1560 Dodd Road
Winter Park, FL 32792

II AUTHORITY TO ACQUIRE

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

III ACQUISITIONS AND REMAINDERS

Parcel No. 107 is a fee acquisition of 1,682 s.f. from a driveway on a flag lot. Parcel No. 707 is a 1,028 s.f. temporary construction easement on the same driveway. The driveway is a dirt drive of approximately 600 feet. See, Exhibit A

The remainder is still a residentially developed flag lot with a 530 foot drive entrance.

IV APPRAISED VALUES

The County's current appraisal report was prepared by Diversified Property Specialists, Inc., and opines full compensation totaling \$12,100.00.

The BCC has directed three (3) different appraisals on this parcel. The first was done in 1995 and found a value of \$4,600.00. The second in 1997 showed a value of \$13,500.00.

V BINDING OFFERS/NEGOTIATIONS

There have been several offers and extensive negotiations regarding this acquisition as this project has been started and stopped several times. In the latest iteration, the owners demanded \$90,000.00 plus fees and costs. On November 29, 2001, the BCC rejected a proposed purchase agreement at that amount. Staff then filed a notice for trial and binding offer of judgment at \$12,625.00, exclusive of fees and costs, only marginally more than the appraised value of \$12,100.00. In a final attempt to avoid trial, Staff recently packaged the offer at \$27,147.00, inclusive of all fees and costs, subject to BCC approval. The owners have elected to accept this offer, subject to BCC approval.

VI 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. Statutory interest applicable to a larger jury verdict;
- C. Attorney fees and costs to proceed further; and

D. Costs to update the County's appraisal.

While the proposed settlement is double the appraised value, it is recommended because it includes all attorney fees and cost reimbursements. Costs on recent Dodd Road acquisitions have been significant due to the number of times the project has been started and stopped.

VII ANALYSIS

See above.

VIII RECOMMENDATION

This office recommends that the BCC approve this proposed settlement in the amount of \$27,147.00 inclusive of all land value, severance damage, statutory interest, attorney fees, and cost reimbursements.

HMB/dre

Attachment:

Sketch

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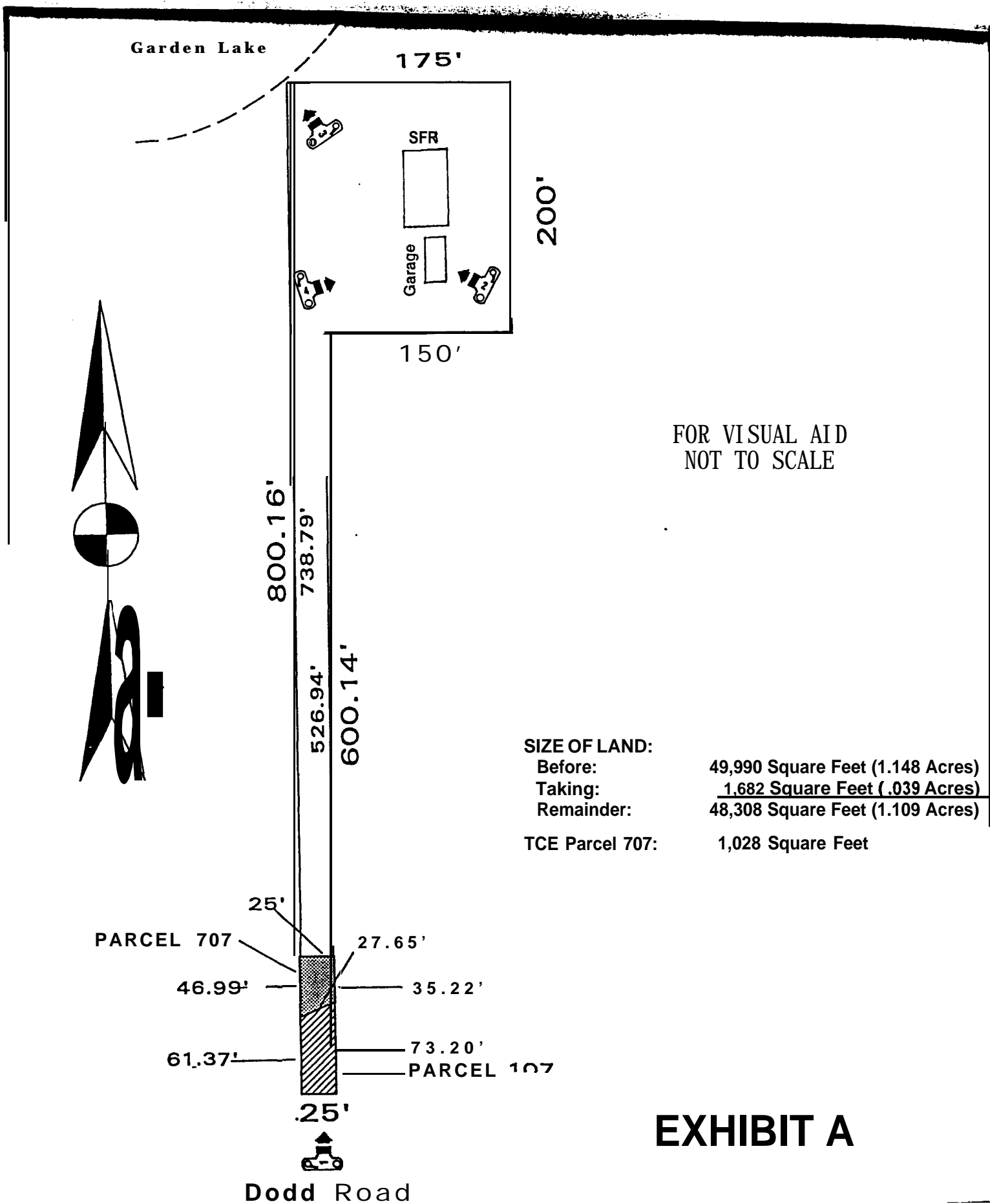


EXHIBIT A