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**COUNTY ATTORNEY'S OFFICE
MEMORANDUM**

TO: Board of County Commissioners

THROUGH: Stephen P. Lee, Deputy County Attorney *[Signature]*

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

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

DATE: November 19, 2003

SUBJECT: East Lake Mary Boulevard Phase IIB road improvement project
 Revised Written Offer
 Parcel No. 203A and Parcel No. 203B

This Memorandum requests authorization by the Seminole County Board of County Commissioners (BCC) to make a revised binding written offer as to the parcel and at the amount set forth below. A scrivener's error in the original legal description necessitates the revised description. Since the appraisal has already been updated since the original binding written offer was tendered on April 25, 2003, the County is revising the binding written offer in order to reflect the updated appraised value. The original binding written offer was at the original appraised value amount of \$132,500.00.

I PROPERTY

The subject parcel is located along ELMB (from Ohio Avenue to SR 46/SR 415). See location map attached as Exhibit A.

II AUTHORITY TO ACQUIRE

The BCC adopted Resolution No. 2002-R-47 on February 11, 2003, finding that the widening of East Lake Mary Boulevard Phase II B is necessary and serves a County and public purpose and is in the best interest of the citizens of Seminole County. A proposed amendment to Resolution No. 2002-R-47 is being presented to the BCC for approval concurrently with this item; however, the amendment is technical in nature and does not change the location or amount of property previously approved as necessary for the roadway improvements by the BCC.

III ACQUISITIONS AND REMAINDERS

Not applicable

IV APPRAISED VALUES

The County's first appraisal, done by The Spivey Group, Inc., was in the amount of \$132,500.00. An updated appraisal was recently completed in anticipation of the order of take hearing held on Friday, November 14, 2003. It estimated the value of the parcel at \$145,500.00, as of September of this year. In order to have the most current value available, a further update has been ordered, however, it was not complete when this agenda item was prepared. All appraisals are reviewed and approved by the County's staff appraiser.

V PROPERTY OWNERS/APPRAISED VALUES

The owners of parcels 203A and 203B, Leo A. and Lorraine H. Nordman, have not obtained an appraisal of the parcels to be acquired. The Nordmans, however, are represented by an attorney, who may decide to obtain an appraisal. The owners, due to technical objections dealing with the legal descriptions, defeated the order of take, requiring the County to start over as to these parcels. The technical issues are being cured (an amended Resolution of Necessity is on this agenda), and a new lawsuit will be filed as soon as reasonably possible, given the conditions precedent imposed by statute. The County will be obligated to pay an attorney's fee for the defeated order of take, to be set by the Court, if the parties are unable to reach an agreement as to the amount.

VI SETTLEMENT ANALYSIS/COST AVOIDANCE

Staff proposes to issue a new binding written offer in an amount not to exceed \$175,000.00, based upon the updated appraisal that is yet to be completed.

VII RECOMMENDATION

This Office recommends that the BCC authorize a new binding written offer for these parcels in an amount to be determined by staff based on the updated appraisal amount, however, not to exceed \$175,000.00.

LV/la

Attachment

Location Map

P:\USERS\CALV01\BINDING WRITTEN OFFERS\BWO ELMBIIB NORDMAN 203AB REVISION1.DOC



SCALE: 1" = 100'

EAST LAKE MARY BOULEVARD EXTENSION
 SEMINOLE COUNTY, FLORIDA
 PARCEL 203A, 203B & 803 - SKETCH OF PARCELS
 AREA OF PARENT TRACT = 19.889 ACRES
 AREA OF TAKING PART A = 3.804 ACRES
 AREA OF TAKING PART B = 1.500 ACRES
 AREA OF DRAINAGE EASEMENT 803 = 4.5874 SF
 AREA OF REMAINDER = 13.6441 ACRES

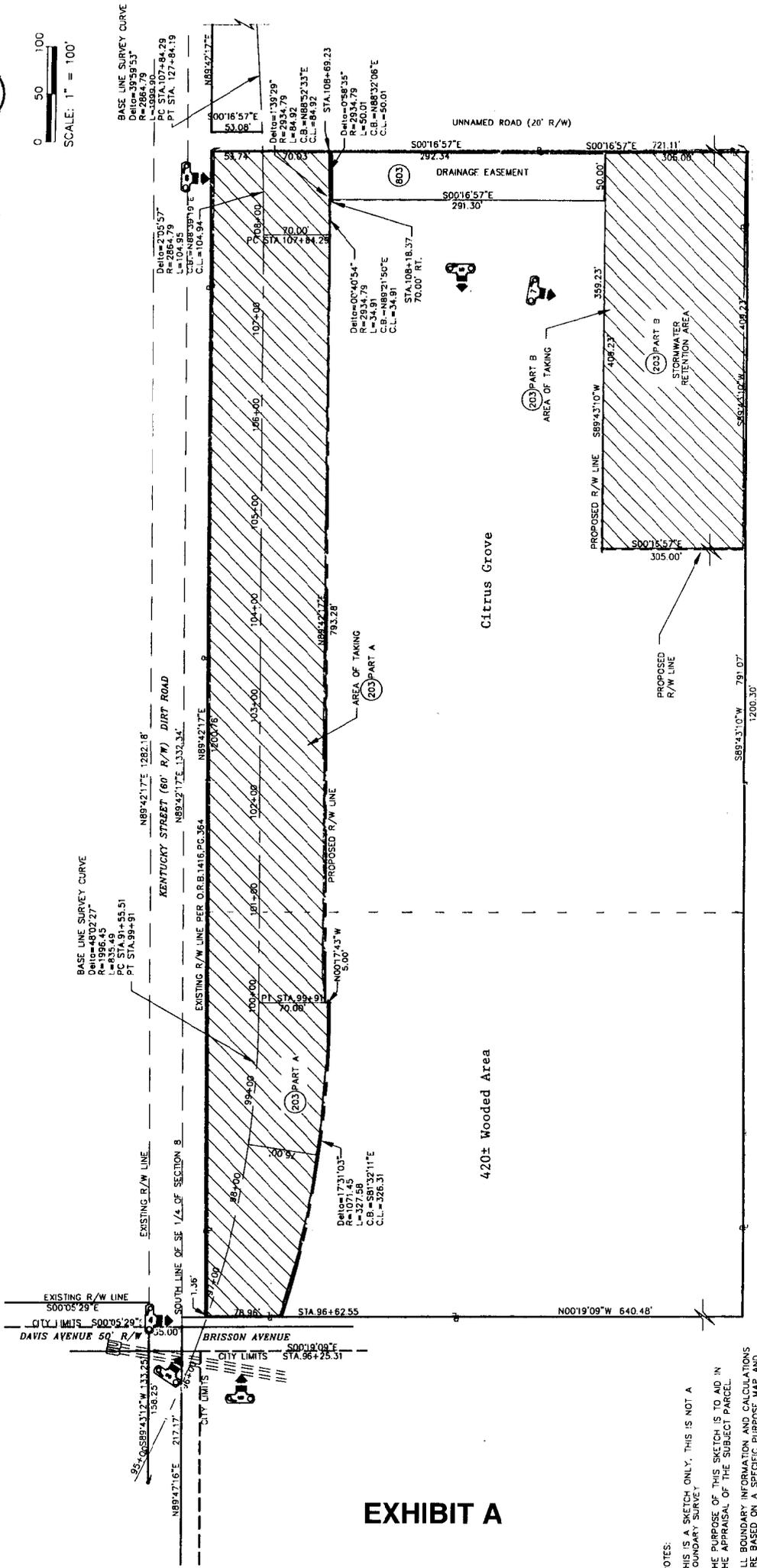


EXHIBIT A

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 ON A SPECIFIC PURPOSE MAP AND SURVEY OF THE EAST LAKE MARY BOULEVARD EXTENSION FROM OHIO SILVER LAKE DRIVE. COUNTY PROJECT: PS-0137

KEY	DATE	REVISIONS	FIELD BOOK/PAGE	SKETCH DATE	DATE	PROJECT	CLIENT	SHEET NO.
	12/19/02	CHANGES PER BOB SIMMONS	NA	10/25/02		EAST LAKE MARY BOULEVARD EXTENSION PARCELS 203A, 203B & 803	THE SPIVEY GROUP, INC.	2 of 3
						SKETCH OF PARENT TRACT & AREA OF TAKING	TSC02203AB	

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