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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 *[Signature]* HMB
Ext. 5736

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

DATE: November 21, 2002

SUBJECT: Settlement Authorization
Wymore Road Project
Parcel No. 109
Owners, Enrique Sernik and Sharon Sernik
Seminole County v. Adams, et al.
Case No.: 2002-CA-2507-13-L

This Memorandum requests settlement authorization by the Board of County Commissioners (BCC) for Parcel No. 109 on the Wymore Road project. The recommended settlement is at \$6,000.00, inclusive of all land value, severance damage, statutory interest, attorney fees, and cost reimbursements.

I **PROPERTY**

A. **Location Data**

The Sernik property is located on the west side of Wymore Road. The property is one of the ownerships where two (2) feet is outside the subdivision wall. The rear yard is on Wymore Road. See attached sketch.

B. **Street Address**

120 Rollingwood Trail
Altamonte Springs, FL 32714

II AUTHORITY TO ACQUIRE

The BCC adopted Resolution No. 2002-R-134, on August 27, 2002, finding that the widening of Wymore 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. 109 is a fee acquisition of 190 square feet. The acquisition consumes the two feet of the lot which is outside of the subdivision wall. The remainder consists of 13,350 square feet which includes the entire residential lot which is inside the subdivision wall. The remaining improved residential lot is not disturbed.

IV APPRAISED VALUES

The County's appraisal report was prepared by Clayton, Roper, and Marshall, and opines full compensation totaling \$1,500.00

The owners did not have an appraisal report performed.

V BINDING OFFER/NEGOTIATION

The BCC had previously authorized a binding written offer of \$1,500.00 exclusive of attorney's fees and costs. An earlier inclusive offer of \$4,000.00 was made.

The settlement of \$6,000.00 inclusive of all attorney fees and costs is the same settlement sum provided other owners with two feet acquired outside the subdivision wall.

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.

VII ANALYSIS

This is a cost avoidance settlement. An appraisal report by the owners would be in the \$4,000.00 to \$6,000.00 range by itself. A cost avoidance settlement makes sense.

VIII RECOMMENDATION

This office recommends that the BCC approve the proposed settlement in the amount of \$6,000.00 inclusive of all land value, severance damage, statutory interest, attorney fees, and costs.

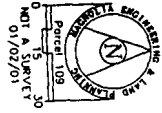
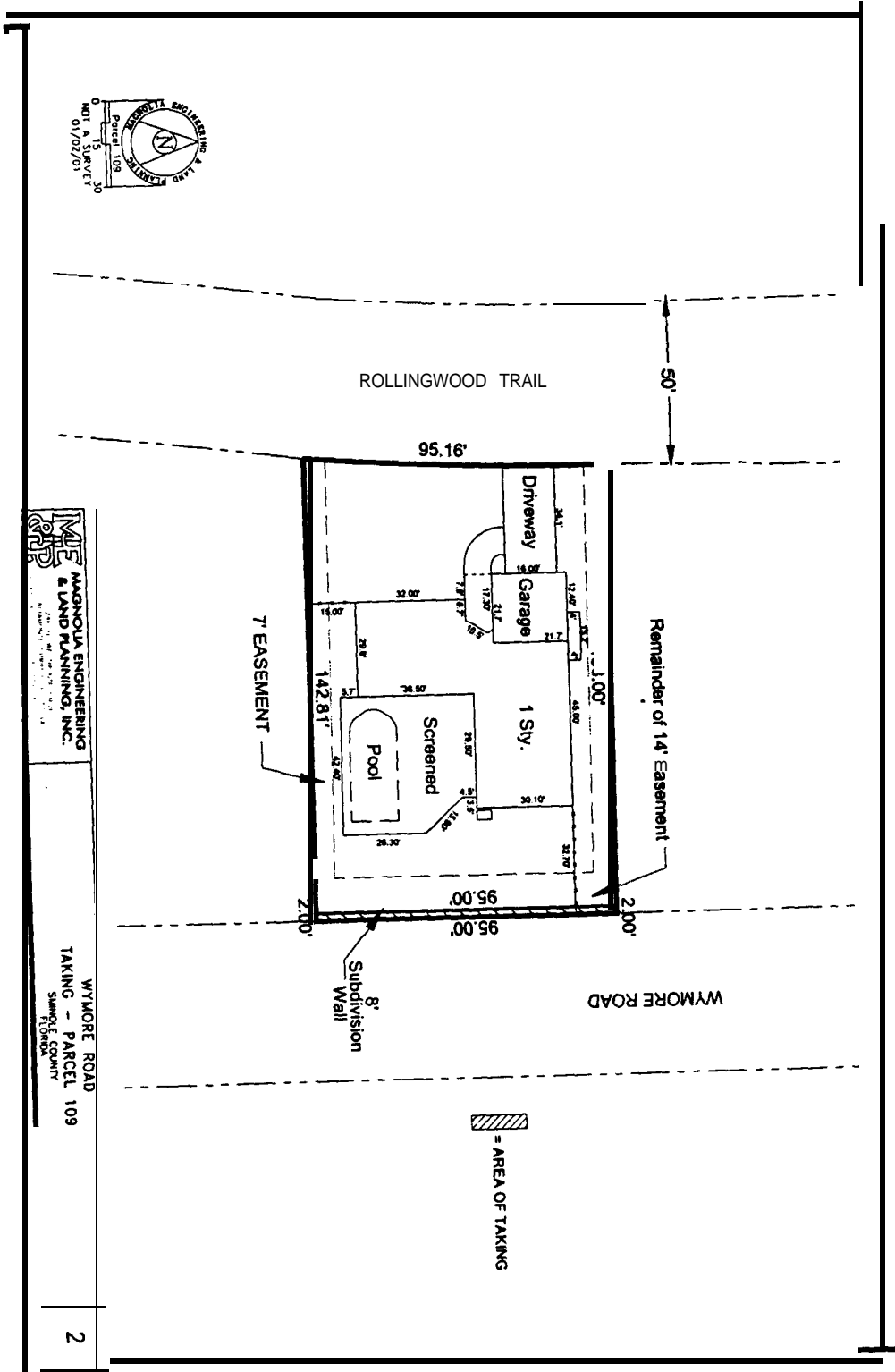
HMB/sb

Attachment

Sketch - Exhibit A

\\CA_CSBI\SYS\CA\USERS\CASB01\MY DOCUMENTS\MEMAGENDA\ITEM WYMORE RD SERNIK P 109.DOC

THE ACQUISITION



MAE
LAND PLANNING, INC.
 MAGNOLIA ENGINEERING & LAND PLANNING, INC.
 1400 N. WYMORE ROAD
 SUITE 100
 TAMPA, FLORIDA 33604

WYMORE ROAD
TAKING - PARCEL 109
 SHARPLE COUNTY
 FLORIDA

EXHIBIT A