



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: November 1, 2004

SUBJECT: Settlement Authorization
Lake Drive road improvement project
Parcel Nos.: 117/717
Judith A. Viles
Seminole County v. Jenkins, et al.
Case No.: 2004-CA-2003-13-W

This Memorandum requests settlement authorization by the Board of County Commissioners (BCC) as to Parcel Nos. 117/717 on the Lake Drive Project. The recommended settlement is at the total sum of \$68,600.00 inclusive for all land value, severance damages, statutory interest, attorney's fees and cost reimbursements.

I PROPERTY

A. Location Data

Parcel No. 117 is a fee simple strip take approximately 23 feet in depth across the frontage of the property. Parcel No. 717 is a temporary construction easement (TCE) at the driveway.

B. Street Address

The street address is 4726 East Lake Drive, Winter Springs, Florida. A location map is attached as Exhibit "A" and a parcel sketch as Exhibit "B".

II AUTHORITY TO ACQUIRE

The BCC adopted Resolution No. 2004-R-75 on April 13, 2004, authorizing the acquisition of Parcel Nos. 117/717 and finding that the Lake Drive road improvement project is necessary and serves a public purpose and is in the best interests of the citizens of Seminole County.

III ACQUISITIONS AND REMAINDER

The fee simple acquisition consists of 6,349 S.F. acquired from a total of 4.995 acre parcel that is mostly lake bottom. The residential building is set back 132' before and will be set back 110' in the after. The TCE consists of 384 S.F.

IV APPRAISED VALUES

The County's appraisal report was prepared by Clayton, Roper, and Marshall, Inc., and reported full updated compensation to be \$50,525.00 inclusive of land value, improvements acquired, and severance damage.

V BINDING OFFER/NEGOTIATION

The County's written offer in the amount of \$60,000.00 was instrumental toward achieving an early settlement of this case. The negotiated settlement for land is \$65,000.00. The written offer limited attorney's fees in the future. As a result, the owner settled with the additional \$5,000.00 rather than pursuing an appraisal.

VI ATTORNEY FEES AND COSTS

The amount of \$3,600.00 is allocated to attorney's fees computed at 12 hours at the hourly rate of \$300.00. This is not a statutory computation.

VII ANALYSIS

The early settlement at the total sum of \$68,600.00 is \$7,600.00 greater than the initial offer including attorney's fees. The attorney fee reimbursement at \$3,600.00 is a little greater than the statutory fee at present values which would be \$1,650.00.

The alternative, if not settled early, would result in the owner acquiring an appraisal report probably at a cost exceeding \$8,600.00 with an inflated value resulting in an inflated statutory attorney's fee.

VIII COST AVOIDANCE

Under this settlement, the County avoids the following additional costs for an owner's appraisal report, increased land values, and statutory attorney's fee based upon greater values.

IX RECOMMENDATION

County staff recommends that the BCC approve this settlement in the total amount of \$68,600.00.

HMB/dre

Attachments:

Exhibit A - Location Map

Exhibit B - Sketch

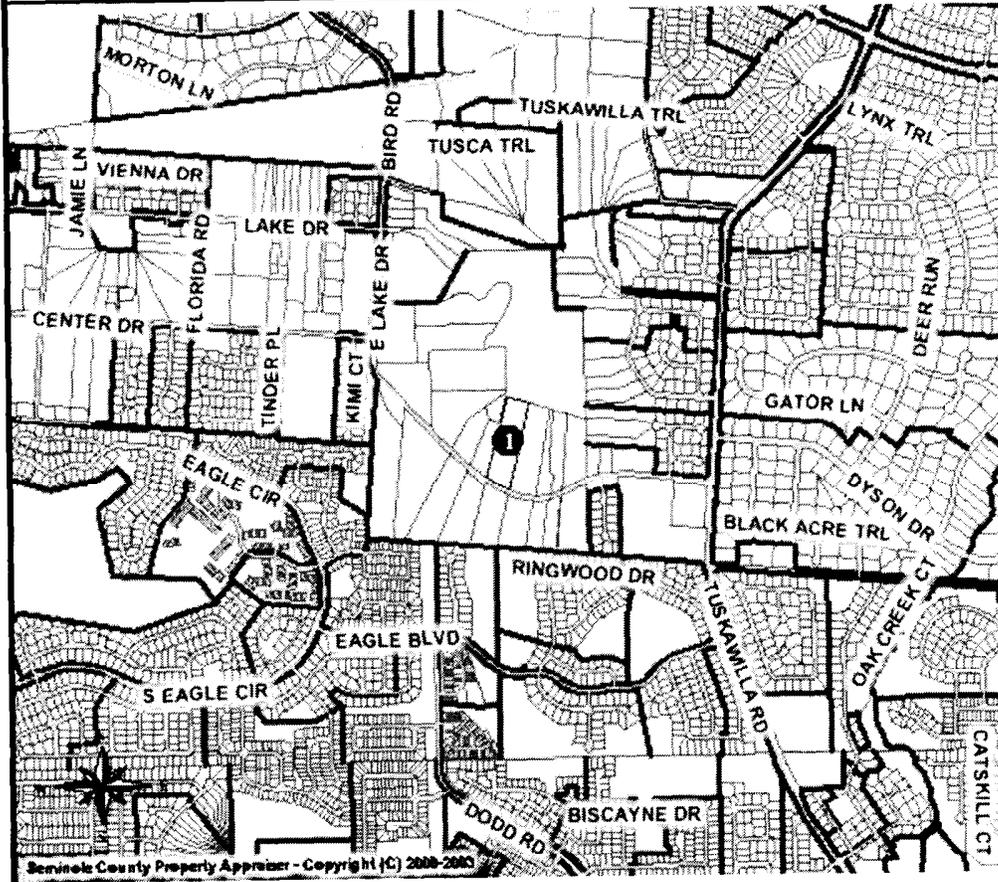
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Seminole County, Florida

Property Appraiser Services

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H. W. "Bill" S



Seminole

Property Appraiser Services

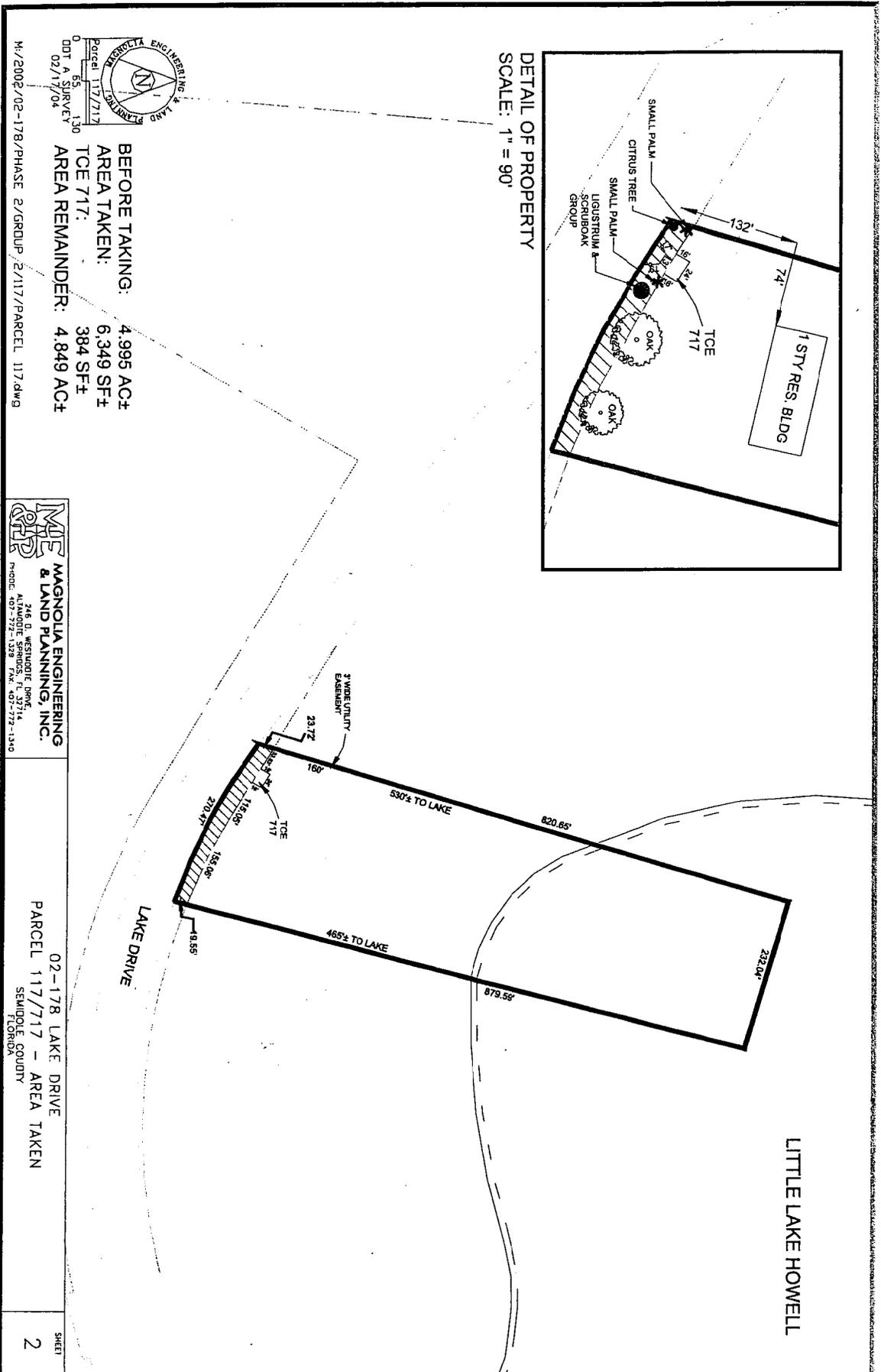
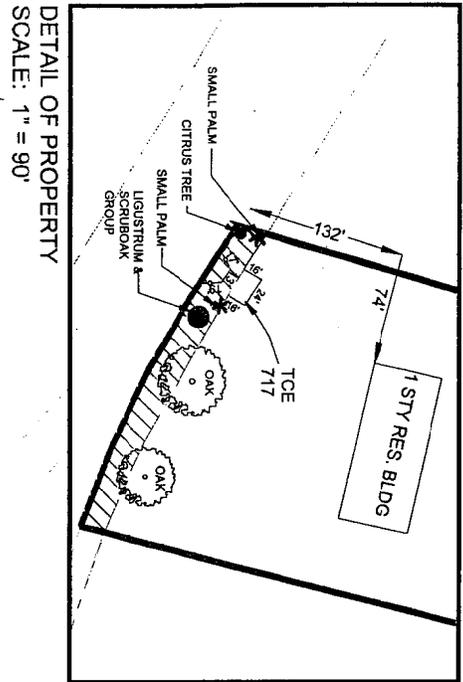
1101 E. I
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407-66

- Legend
- Selected
 - County E
 - Streets
 - Subdivisi
 - Parcels

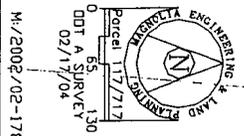
Seminole County Property Appraiser - Copyright (C) 2000-2003

Rec	Parcel	Owner	Owner Addr	City	State
1	14213030000700000	VILES JAMES M & JUDY	4726 E LAKE DR	WINTER SPRINGS	FL

ACQUISITION SKETCH



BEFORE TAKING: 4.995 AC±
 AREA TAKEN: 6.349 SF±
 TCE 717: 384 SF±
 AREA REMAINDER: 4.849 AC±



M/2002/02-178/PHASE 2/GRUP 2/117/PARCEL 117.dwg

MAGNOLIA ENGINEERING & LAND PLANNING, INC.
 246 D. WESTBROOK DRIVE
 ALTAMONTE SPRINGS, FL 32714
 PHONE: 407-772-1328 FAX: 407-772-1349

02-178 LAKE DRIVE
 PARCEL 117/717 - AREA TAKEN
 SEMI-DOLE COUNTY
 FLORIDA

SHEET
 2

EXHIBIT B