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**COUNTY ATTORNEY'S OFFICE  
MEMORANDUM**

TO: Board of County Commissioners

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

FROM: Al Schwarz, Assistant County Attorney *AS*  
Ext. 5701

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

DATE: November 23, 2004

SUBJECT: Settlement Authorization  
Lake Drive road improvement project  
Parcel No.: 134  
Hindu Temple Society of Central Florida and Chinmaya Mission of Orlando  
*Seminole County v. Suero, et al.*  
Case No.: 2004-CA-2045-13-K

This Memorandum requests settlement authorization by the Board of County Commissioners (BCC) as to Parcel No. 134 on the Lake Drive Project. The recommended settlement is at the total sum of \$62,500.00 inclusive for all land value, severance damages, statutory interest, benefit obtained attorney's fees and cost reimbursements.

**I PROPERTY**

**A. Location Data**

Parcel No. 134 is a fee simple acquisition of 17,997 S.F. (or .413 acres).

**B. Subject Address and Location**

The subject is located on the southeast corner of Lake Drive and Florida Road, within unincorporated Seminole County, Florida. The property currently does not have a street address. A location map is attached as Exhibit "A" and a parcel sketch as Exhibit "B".

**II AUTHORITY TO ACQUIRE**

The BCC adopted Resolution No. 2002-R-70 on April 23, 2002, authorizing the acquisition of Parcel Nos. 134 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 17,997 S.F. (or .413 acres) acquired from a total of 4.449 acre parcel. The remainder will consist of 4.036 acres.

**IV APPRAISED VALUES**

The County's appraisal report was prepared by Clayton, Roper, and Marshall, Inc., and reported full compensation to be \$24,300.00.

The property owners did not have an appraisal performed.

**V BINDING OFFER/NEGOTIATION**

The County presented the owners with a binding written offer in the amount of \$45,000.00. The negotiated settlement for full compensation including all attorney's fees and cost reimbursements is \$62,500.00. The owners and their attorney decided to settle rather than to secure an appraisal and pursue further litigation.

**VI ATTORNEY FEES AND COSTS**

Attorney's fees and costs are inclusive of this settlement. As such, this is not a statutory computation and is without specific allocation.

**VII SETTLEMENT ANALYSIS/ISSUES**

The justification for this proposed settlement of \$62,500.00 is the avoidance of future litigation costs and the resolution of additional issues. At this time, the owners of this parcel as well as the adjacent religious site have not yet secured an expert to evaluate the value of the part taken. The settlement was entered into in order to resolve potential issues involved in this case such as the contention by the owners that their religious sanctuary and overflow parking will be impacted by the taking in addition to the consumption of an improvement in the taking, none of which received any value in the County's appraisal report. The early settlement also helps to avoid potential costs including further litigation fees and expert costs which would only increase as litigation progresses. Moreover, the owners could secure an appraisal report with associated appraisal fees which typically range up to \$10,000.00 for similar cases settled early whereby owners have claimed increased land values in the particular area of the taking.

The alternative, if not settled early, would result in the owners acquiring an appraisal report and potential additional attorney's fees, appraisal fees and increased land and/or improvement values probably at a cost exceeding that amount. Under this settlement, the County avoids the following additional costs for an owners' appraisal report, increased land and/or improvement values, litigation fees and statutory attorney's fees based upon greater values.

## **VIII RECOMMENDATION**

County staff recommends that the BCC approve this settlement in the total amount of \$62,500.00.

AHS/dre

Attachments:

Exhibit A - Location Map

Exhibit B - Sketch

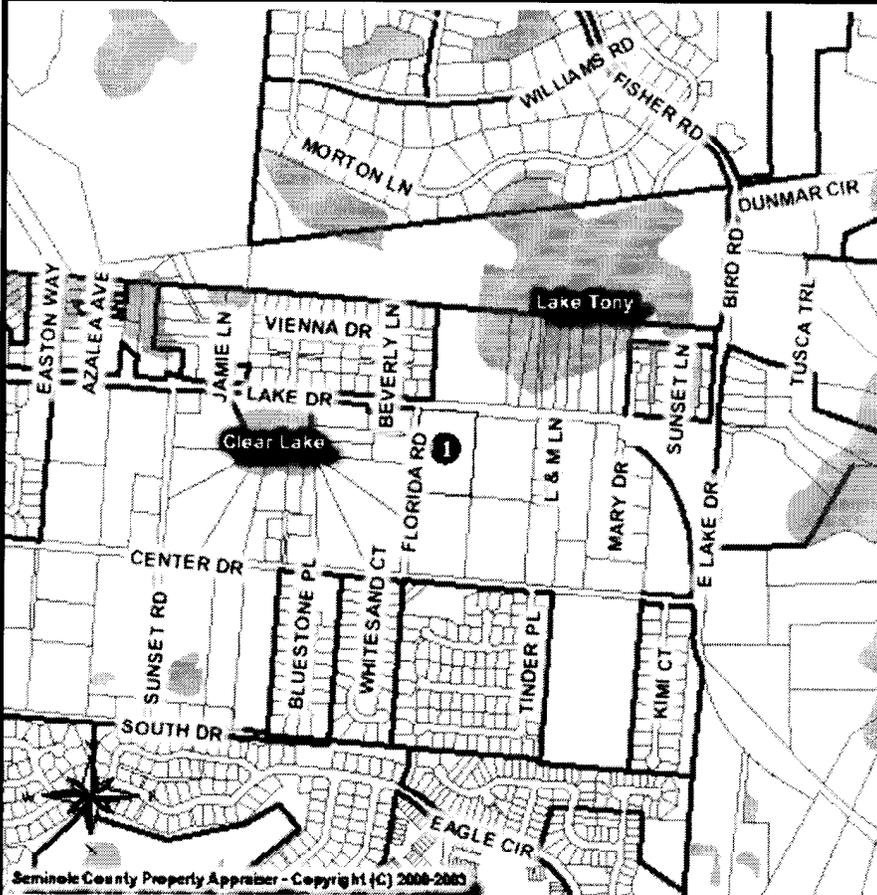
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Seminole County, Florida

# Property Appraiser Services

Your Source for Property Information... Quick, Convenient, Accurate

H. W. "Bill" Sube



Seminole County

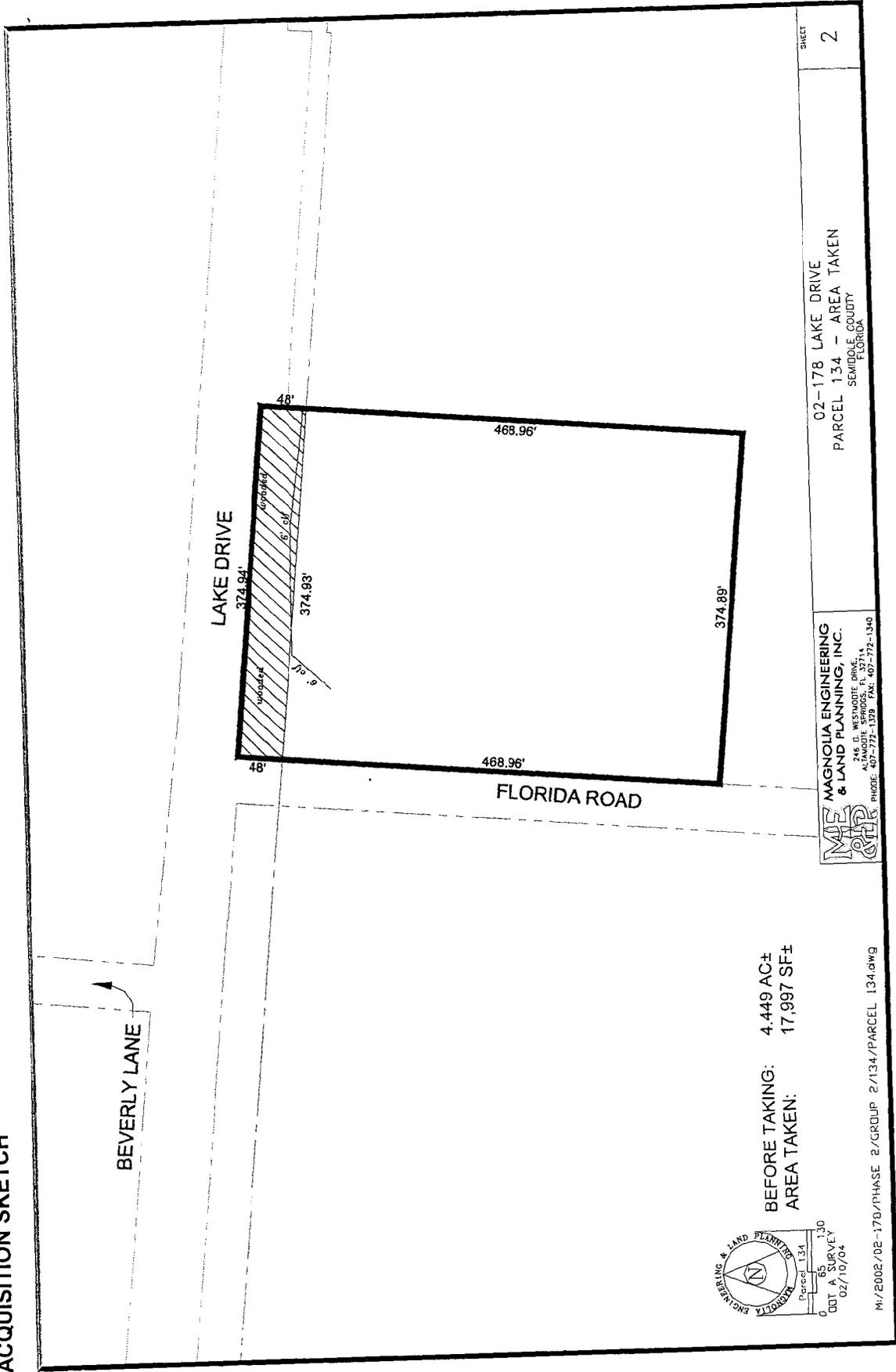
Property Appraiser Services

1101 E. First St  
 Sanford FL 32771  
 407.665.7506

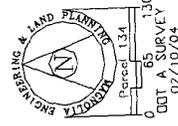
- Legend**
- Selected Feature
  - County Bounda
  - Streets
  - Hydrology
  - Subdivision Line
  - Parcels

Rec	Parcel	Owner	Owner Addr	City	Stat
1	1021305BQ00000190	CHINMAYA MISSION OF ORLANDO &	1221 FLORIDA RD	CASSELBERRY	FL

ACQUISITION SKETCH



BEFORE TAKING: 4.449 AC±  
 AREA TAKEN: 17,997 SF±



M/2002/02-178/PHASE 2/GRUOP 2/134/PARCEL 134.dwg

**MAGNOLIA ENGINEERING & LAND PLANNING, INC.**  
 246 D. WESTMOORE DRIVE,  
 ALAMODITE SPRINGS, FL 32714  
 PHONE: 407-772-1398 FAX: 407-772-1340

02-178 LAKE DRIVE  
 PARCEL 134 - AREA TAKEN  
 SEMIHOLE COUNTY  
 FLORIDA

SHEET  
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EXHIBIT B