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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
 Kathleen Myer, Principal Engineer/Major Projects *[Signature]*

DATE: November 23, 2004

SUBJECT: Litigation Settlement Authorization
 Owner: Valerie Blanchard
 Parcel No. 1740
 Lake Drive Road Improvement Project

This memorandum requests settlement authorization by the Board of County Commissioners (BCC) for Parcel No. 1740. The parcel is required for the Lake Drive road improvement project. The recommended settlement amount is \$13,500.00, inclusive of all fees and costs incurred.

I THE PROPERTY

A. Location Data

The property is located on the north side of Lake Drive, approximately 239 feet west of Sweetwater Lane, within unincorporated Seminole County, Florida.

1. Location Map (Exhibit A); and
2. Sketch (Exhibit B)

B. Address

2013 Lake Drive
 Casselberry, Florida 32707

C. Description

The parent tract contains 71,438 square feet. Approximately 32,563 square feet of the subject property is located within Lake Tony. The property is improved with a 2,293 square foot single family residence.

II AUTHORITY TO ACQUIRE

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

III ACQUISITION/REMAINDER

Parcel 1740 contains a total of 562 square feet of land area and is located at the existing driveway along the East Lake Drive frontage.

IV APPRAISED VALUE

The County's updated appraised value amount, as of the November 2, 2004 date of value was \$3,700.00. The County's appraisal was prepared by Clayton, Roper & Marshall, P.A., and was approved by the County's MAI designated staff appraiser.

V BINDING OFFER/NEGOTIATIONS

On June 8, 2004, the BCC authorized a binding written offer in the amount of \$6,500.00. Thereafter, County staff negotiated this contingent settlement agreement with the property owner and her attorney in the amount of \$13,500.00, inclusive of all fees or costs.

VI SETTLEMENT ANALYSIS/COST AVOIDANCE

Permanent impacts to the remainder property and the displacement of personal property necessitate the amount of compensation to be paid in this case, in addition to the amount paid for the temporary construction easement. During construction County contractors will have to remove the property owner's existing six-foot high vinyl fence. The property owner will not be able to re-establish the same fence after the construction is complete because of safety issues caused by the proximity of the roadway. The fence cannot be located closer to the house because the house is already very close to the road. The property owner requires fencing around the perimeter of the property because she cares for elderly persons in her home. The proposed settlement will allow the property owner to replace the existing fencing with chain link fencing after the road construction is complete, thus satisfying the County's safety concerns. The County has also agreed to relocate the existing driveway slightly to the east of its current location in

order to provide a safer distance from the house. This will not add any additional cost for the project to the County, since it would just be relocating an existing driveway.

VII RECOMMENDATION

County staff recommends that the BCC authorize settlement in the amount of \$13,500.00, inclusive of all fees and costs.

LV/kc

Attachments:

Location Map (Exhibit A)

Sketch (Exhibit B)

P:\USERS\LV\UIS\SETTLEMENT MEMO\LAKE DRIVE\AGENDA ITEM LAKE DRIVE 1740 BLANCHARD.DOC

Seminole County, Florida

Property Appraiser Services

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

H. W. "Bill" Suber CFA, ASA

Seminole County
Property Appraiser Services

1101 E. First St.
Sanford, FL 32771
407-665-7506

Legend

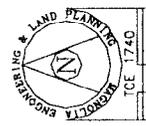
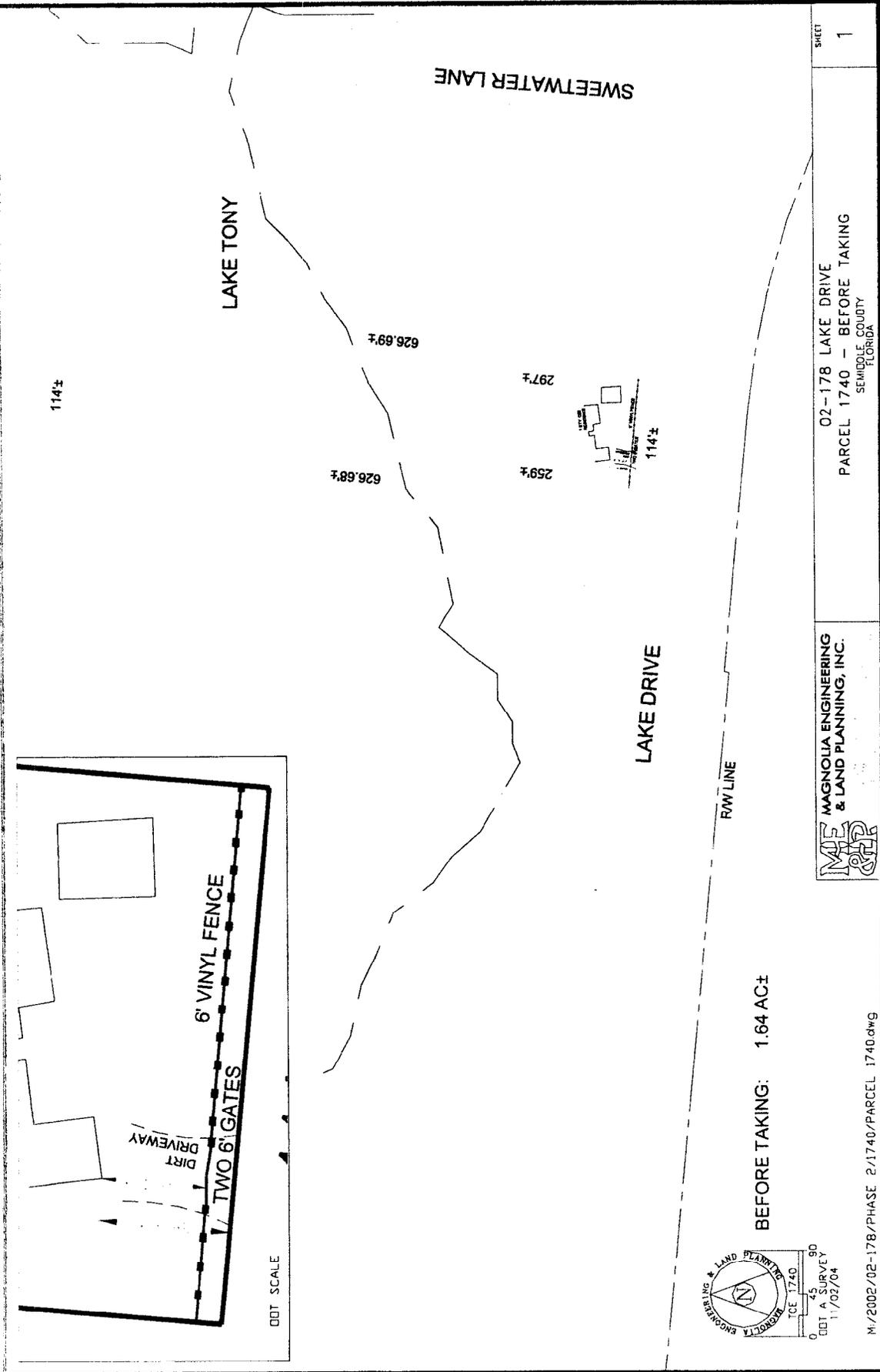
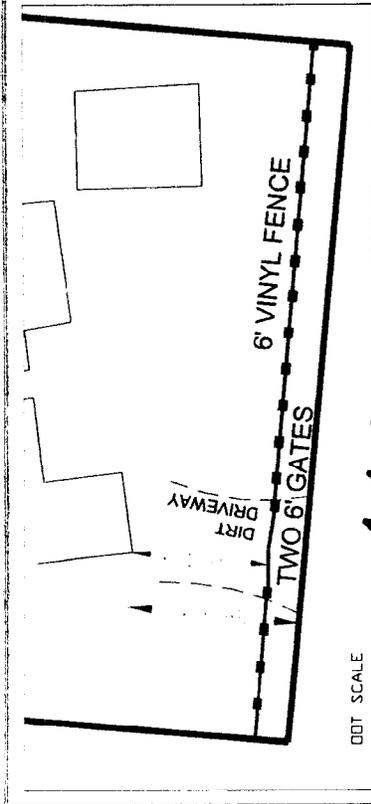
- Selected Features
- County Boundary
- Streets
- Hydrology
- Subdivision Lines
- Parcels
- Facilities
- Golf Course
- Parks

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

| Rec | Parcel | Owner | Owner Addr | City | State | Zip |
|-----|-------------------|-------------------|--------------|-------------|-------|-------|
| 1 | 1021305BQ00000120 | BLANCHARD VALERIE | 2015 LAKE DR | CASSELBERRY | FL | 32707 |

EXHIBIT A

PROPERTY SKETCH PARENT TRACT - BEFORE TAKING



MELP
MAGNOLIA ENGINEERING & LAND PLANNING, INC.

02-178 LAKE DRIVE
PARCEL 1740 - BEFORE TAKING
SEMIPOLE COUNTY
FLORIDA

SHEET
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M:/2002/02-178/PHASE 2/1740/PARCEL 1740.dwg

EXHIBIT B