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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 *AMS*  
Ext. 5701

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

DATE: November 15, 2004

SUBJECT: Settlement Authorization  
Lake Drive road improvement project  
Parcel Nos.: 122/722  
Don and Pamela Wright  
*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. on the Lake Drive Project. The recommended settlement is at the total sum of \$82,000.00 inclusive for all land value, severance damages, statutory interest, benefit obtained attorney's fees and cost reimbursements.

**I PROPERTY**

**A. Location Data**

Parcel No. 122 is a fee simple acquisition of 15,478 S.F. (or .355 acres). Parcel No. 722 is a temporary construction easement (TCE) at the driveway.

**B. Street Address**

The street address is 4450 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. 2002-R-70 on April 23, 2002, and Resolution No. 2004-R-75 on April 13, 2004, authorizing the acquisition of Parcel Nos. 122/722 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 15,478 S.F. (or .355 acres) acquired from a total of 10.109 acre parcel. The remainder will consist of 9.754 acres. The TCE consists of 989 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 \$48,300.00 inclusive of land value, improvements acquired, and severance damage.

The property owners did not have an appraisal performed.

## **V BINDING OFFER/NEGOTIATION**

The County's written offer in the amount of \$75,000.00 was instrumental toward achieving an early settlement of this case. The negotiated settlement for full compensation including all attorney's fees and cost reimbursements is \$82,000.00. The written offer limited attorney's fees in the future. As a result, the owners settled with the additional \$7,000.00 rather than pursuing an appraisal. The owners agree to provide a right of entry to the County in order to move the driveway entrance northward and the owners also agree to close the existing driveway entrance.

## **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 ANALYSIS**

The early settlement at the total sum of \$82,000.00 is \$7,000.00 greater than the initial binding written offer including attorney's fees.

The alternative, if not settled early, would result in the owner acquiring an appraisal report probably at a cost exceeding \$7,000.00 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 owners' 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 \$82,000.00.

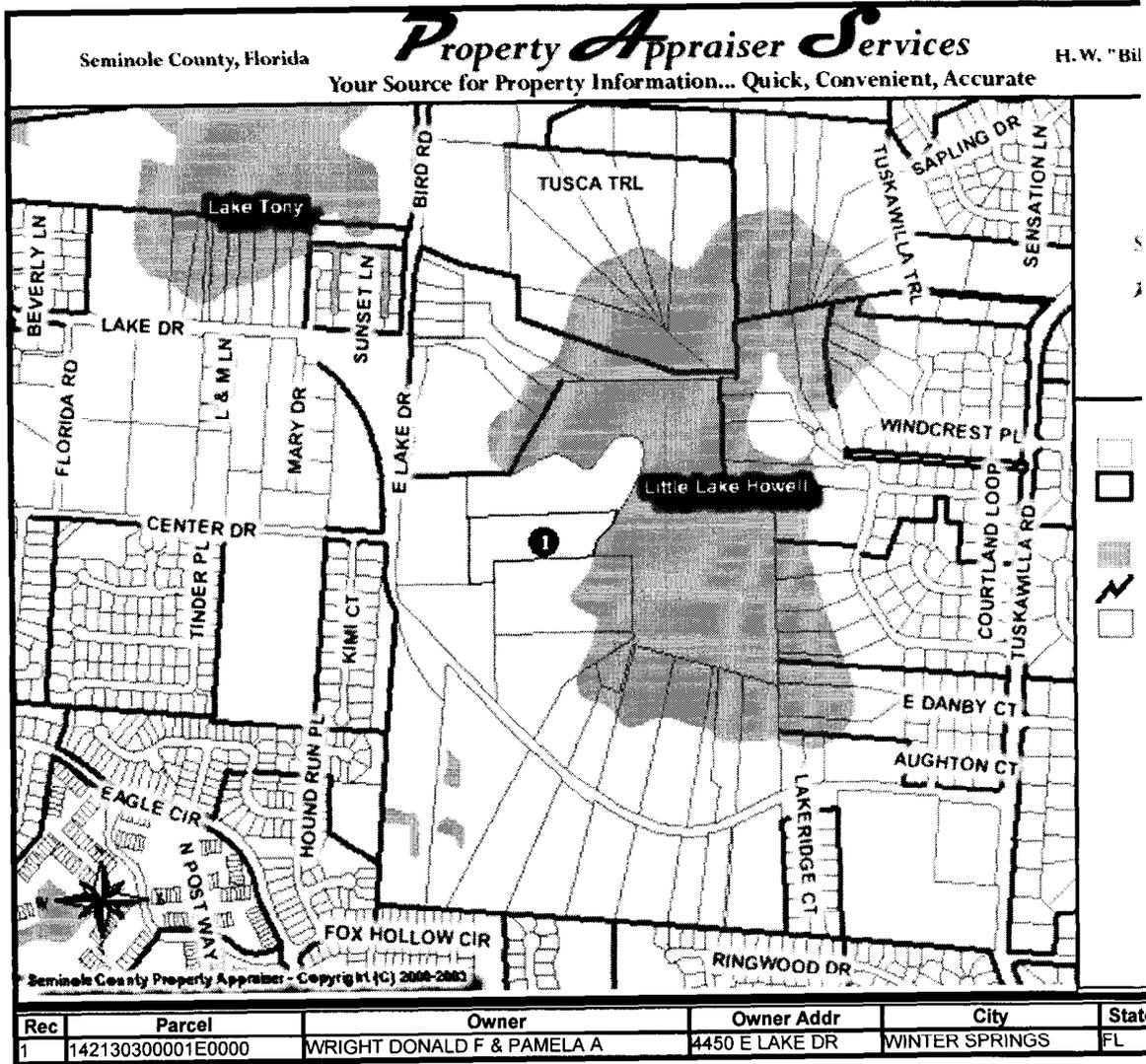
AHS/dre

Attachments:

Exhibit A - Location Map

Exhibit B - Sketch

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Rec	Parcel	Owner	Owner Addr	City	State	Zip
1	142130300001B0000	WRIGHT DONALD F & PAMELA A	PO BOX 2828	ORLANDO	FL	32802

