



**COUNTY ATTORNEY'S OFFICE
MEMORANDUM**

TO: Board of County Commissioners

THROUGH: Robert A. McMillan, County Attorney

FROM: Lynn Vouis, Assistant County Attorney *lv*

CONCUR: *lh* Pam Hastings, Administrative Manager/Public Works Department
 Lenor M. Bromberg, Principal Engineer/Special Projects/Engineering *LMB*

DATE: November 18, 2005

RE: Seminole Wekiva Trail – State Road 434
 Pedestrian Underpass Project
 Binding Written Offer/Offer of Judgment

This Memorandum requests authorization by the Seminole County Board of County Commissioners (BCC) to make a binding first written offer/offer of judgment as to the parcel and at the amount set forth below:

I THE PROPERTY

The subject parcel is located at northeast corner of Markham Woods Road and State Road 434 in Seminole County, Florida. See Location Map attached as Composite Exhibit "A".

II AUTHORITY TO ACQUIRE

A resolution of necessity for the Seminole Wekiva Trail, State Road 434 Pedestrian Underpass project, is being submitted contemporaneously to the BCC for approval by the Engineering Division/Special Projects.

III ACQUISITIONS AND REMAINDERS

N/A

IV APPRAISED VALUES

Cuddeback & Associates Appraisal Services, P.A., completed the appraisal for the below-referenced parcel. The County's staff appraiser reviewed and approved the appraisal.

V PROPERTY OWNERS/APPRAISED VALUES

| PARCEL NO. | PROPERTY OWNER | PROPERTY TO BE ACQUIRED | COUNTY'S APPRAISED VALUE | PROPOSED OFFER |
|----------------------|---|-------------------------|--------------------------|--------------------|
| Pedestrian Underpass | Seminole Restaurants of Florida, Inc. d/b/a The Melting Pot-a Fondue Restaurant | 3,069.18 sq. ft | \$47,000.00 | \$47,000.00 |
| TOTAL | | | \$47,000.00 | \$47,000.00 |

VI SETTLEMENT ANALYSIS/COST AVOIDANCE

The County is required to extend a written offer/offer of judgment to a property owner prior to filing suit to acquire property through eminent domain. The proposed binding offer/offer of judgment amount is at the appraised value. The written offer/offer of judgment acts as a limitation on attorney's fees if the property owner retains an attorney.

VII RECOMMENDATION

County staff recommends that the BCC authorize a binding written offer/offer of judgment at the amount stated above.

LMV/krc

Attachment:

Location Map – Exhibit A

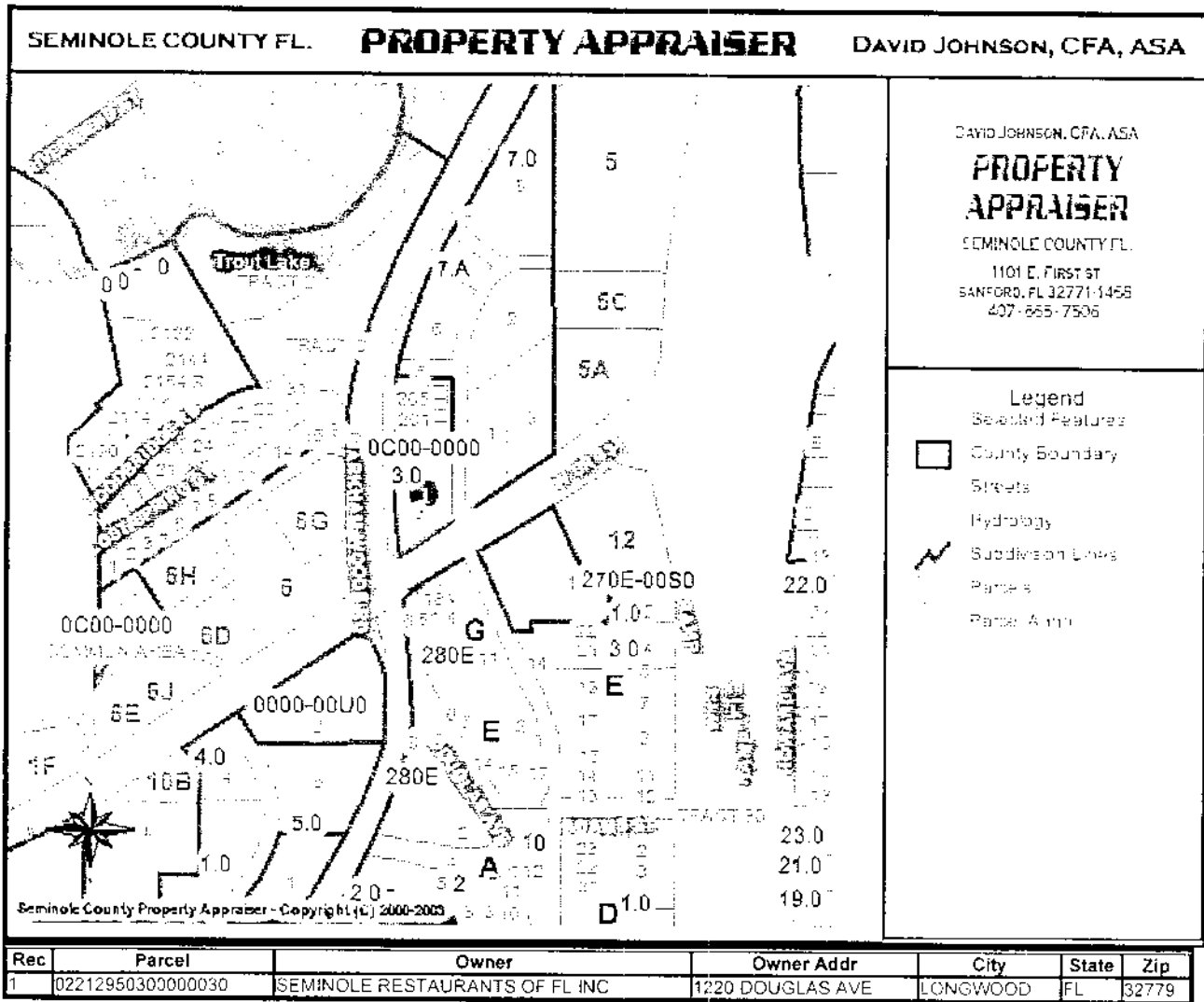


EXHIBIT A