

**SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM**

**SUBJECT:** King property

**DEPARTMENT:** County Attorney's Office

**DIVISION:** Litigation

**AUTHORIZED BY:** Lola Pfeil

**CONTACT:** Sharon Sharrer

**EXT:** 7257

**MOTION/RECOMMENDATION:**

Approve the proposed mediated settlement relating to Parcel Numbers 225/725/825 on the East Lake Mary Boulevard Phase IIB project. This proposed mediated settlement at \$138,077.44 includes land value, severance damage, statutory interest, statutory attorney's fees, experts' fees and cost reimbursements. Judge Galluzzo.

District 5 Brenda Carey

Bob McMillan

---

**BACKGROUND:**

see attached

**STAFF RECOMMENDATION:**

Staff recommends the Board approve the proposed mediated settlement relating to Parcel Numbers 225/725/825 on the East Lake Mary Boulevard Phase IIB project. This proposed mediated settlement at \$138,077.44 includes land value, severance damage, statutory interest, statutory attorney's fees, experts' fees and cost reimbursements. Judge Galluzzo.

**ATTACHMENTS:**

1. King property

<b>Additionally Reviewed By:</b> No additional reviews
---



COUNTY ATTORNEY'S OFFICE  
MEMORANDUM

TO: Board of County Commissioners

THROUGH: Matthew G. Minter, Deputy County Attorney *Matthew G. Minter*

FROM: David G. Shields, Assistant County Attorney  
Ext. 5736 *David G. Shields*

CONCUR: Pam Hastings, Administrative Manager/Public Works Department  
David Nichols, Principal Engineer/Engineering Division *David Nichols* 9-13-07

DATE: September 10, 2007

RE: Settlement Authorization  
East Lake Mary Boulevard Phase IIB  
Parcel Nos. 225/725/825; King  
Seminole County v. Nordman, et al.  
Case No. 03-CA-2121-13-L

This memorandum requests settlement authorization by the Board of County Commissioners (BCC) as to Parcel Nos. 225/725/825. The proposed mediated settlement at the total recommended sum of \$138,077.44 is inclusive of all land value, severance damage, statutory interest, statutory attorney's fees, experts' fees and cost reimbursements. The total settlement authorization is allocated as follows:

\$ 95,000.00	land value, severance damage, and statutory interest
\$ 17,259.00	statutory attorney's fee; and
\$ 25,818.44	experts' fees and cost reimbursements
<u>\$138,077.44</u>	Total

I. THE PROPERTY:

A. Location Data

The subject parcels are located along the east side of Cameron Avenue, north of Moores Station Road and south of State Road 46 in unincorporated Seminole County, Florida. A location map is attached as Exhibit A.

## **B. Property Address**

The property is vacant and, therefore does not have an assigned address. A Parcel sketch is attached as Exhibit B.

## **II AUTHORITY TO ACQUIRE.**

The BCC adopted Resolution No. 2003-R-47 on February 11, 2003, authorizing the acquisition of Parcel Nos. 225/725/825. The East Lake Mary Boulevard Phase IIB road improvement project was found to be necessary and serving a public purpose and in the best interests of the citizens of Seminole County. The Order of Take occurred on November 14, 2003 for the referenced parcels. Seminole County acquired title to Parcel No. 225, the right to temporary use of Parcel No. 725 and the right to permanent use of Parcel No. 825 on February 5, 2004, the date of deposit of the good faith amount for the Parcels.

## **III ACQUISITIONS AND REMAINDER**

The acquisition of Parcel No. 225 totals 1.0247 acres in fee simple from a parent tract of 19.8748 acres with a remainder of 18.8501 acres. Parcel No. 725 is a temporary construction easement containing 1,000 square feet and Parcel No. 825 is a permanent drainage easement that totals 1,712 square feet.

The fee taking severed the remainder in two pieces, one to the east and one to the west. However, each remainder has road access in the after situation, either on Cameron Avenue or on East Lake Mary Boulevard.

## **IV APPRAISED VALUES**

The County's original report dated January 16, 2003, was prepared by The Spivey Group, Inc., and reported full compensation to be \$38,800.00, allocated \$37,700.00 for Parcel No. 225, \$300.00 for Parcel No. 725 and \$800.00 for Parcel No. 825. An additional report updated to the date of deposit opines the value to be \$41,800.00 for Parcel Nos. 225, \$300.00 for Parcel No. 725 and \$900.00 for Parcel No. 825 for a total of \$43,000.00.

The owner's appraiser, Calhoun, Dreggors and Associates, provided a report dated May 10, 2007, which opined full compensation at \$182,400.00 as of February 5, 2004, the date of deposit of the good faith amount for the parcels.

## **V BINDING OFFER/STATUS OF THE CASE**

The County's initial written offer was \$42,700.00. An Offer of Judgment of \$55,000.00 was issued to the property owner which he did not accept.

This settlement was arrived at a mediation held on August 10, 2007. The trial was set for December 3, 2007, but will be cancelled by opposing counsel since the owner's compensation was settled at mediation.

## VI ATTORNEY'S FEES AND COSTS

A. Attorney's Fees. The statutory attorney's fee reimbursement totals \$17,259.00. The sum is statutorily computed based upon a settlement sum of \$95,000.00 less a first written offer of \$42,700.00 to produce a benefit of \$52,300.00.

The owners' claimed costs for the referenced parcels totaled \$26,184.48. The break down is as follows:

A.	Survey	\$ 3,568.75
B.	Appraisal	\$11,363.00
C.	Engineering	\$ 2,955.00
D.	Land Planner	\$ 6,502.53
E.	Transportation Planner	\$ 908.85
F.	Court Reporter	\$ 217.00
G.	Exhibits	\$ 303.31
H.	Miscellaneous	<u>\$ 366.04</u>
Total Cost reimbursements		<u>\$26,184.48</u>

The County challenged the miscellaneous costs as overhead and negotiation resulted in a cost settlement of \$25,818.44.

A.	Survey	\$ 3,568.75
B.	Appraisal	\$11,363.00
C.	Engineering	\$ 2,955.00
D.	Land Planner	\$ 6,502.53
E.	Transportation Planner	\$ 908.85
F.	Court Reporter	\$ 217.00
G.	Exhibits	\$ 303.31
H.	Miscellaneous	<u>\$ 0.00</u>
Total Cost reimbursements		<u>\$25,818.44</u>

## VII COST AVOIDANCE

The difference between the County's \$43,000.00 appraisal value and the owner's \$182,400.00 appraisal value was \$139,400.00. Both appraisals appear to represent good faith efforts to arrive at a fair valuation. When faced with two "reasonable," but differing appraisals, juries tend to return a verdict around midpoint. The midpoint of the two appraisals is \$112,700.00. A settlement at \$95,000.00 for the land value is below midpoint and reasonable under the circumstances of the case.

By accepting this settlement, the County avoids all further cost and expense with these parcels.

## **VII RECOMMENDATION**

County staff recommends that the BCC approve this mediated settlement at \$138,077.44 that includes land value, severance damage, statutory interest, statutory attorney's fees, experts' fees and cost reimbursements.

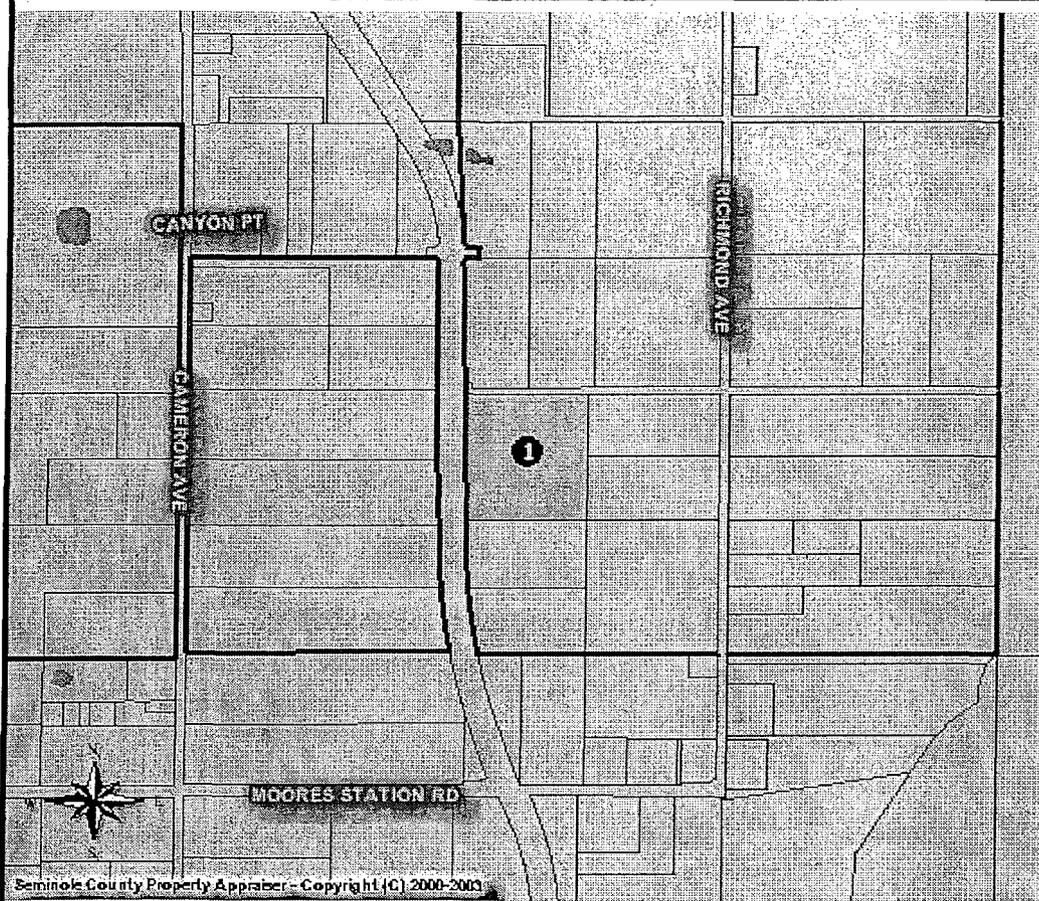
DGS/dre

Two (2) Attachments:

Exhibit A - Location Map

Exhibit B - Sketch

P:\Users\Dodge\My Documents\Mem\Agenda Item Nordman King 225 Series Settlement.Doc



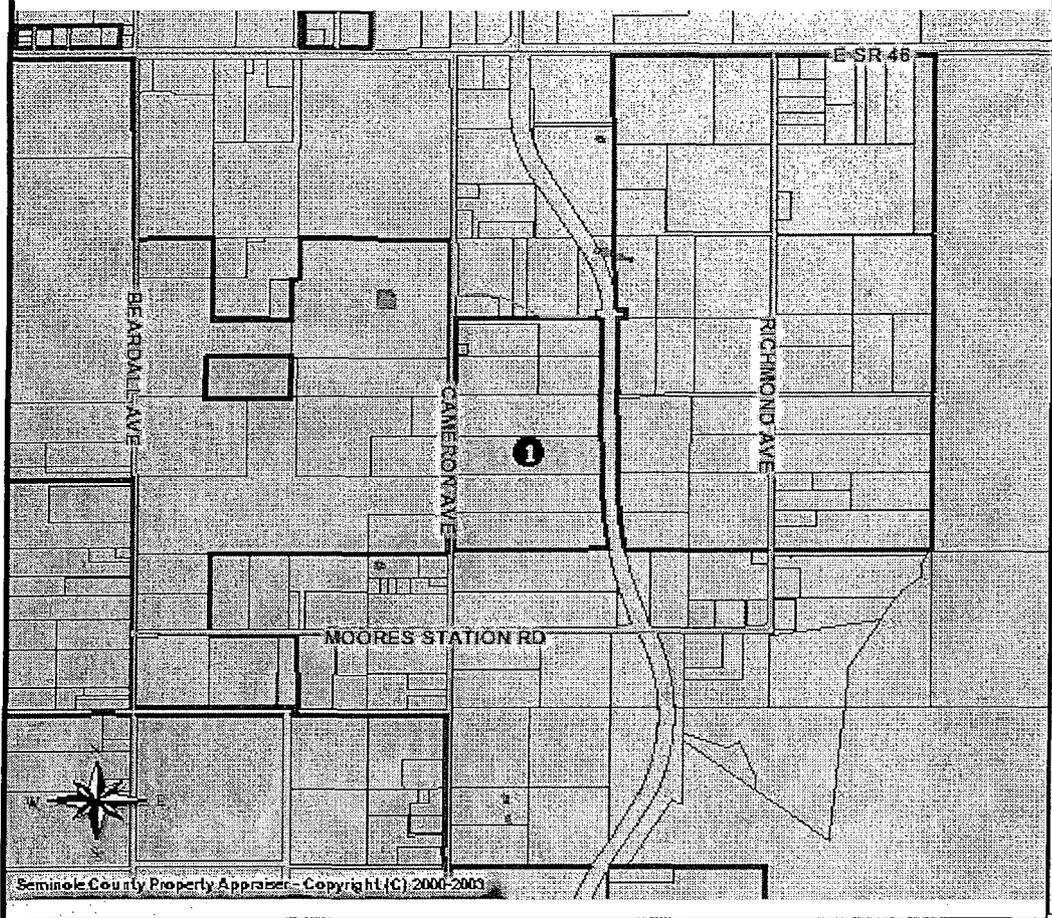
DAVID JOHNSON, CFA, ASA  
**PROPERTY APPRAISER**  
 SEMINOLE COUNTY FL.  
 1101 E. FIRST ST  
 SANFORD, FL 32771-1468  
 407-665-7508

- Legend**
- Selected Features
  - County Boundary
  - Streets
  - Hydrology
  - Subdivision Lines
  - Parcels

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

Rec	Parcel	Owner	Owner Addr	City	State	Zip
1	0320315010E00004A	KING WALTER N	PO BOX 435	SANFORD	FL	32772

EXHIBIT A



DAVID JOHNSON, CFA, ASA  
**PROPERTY APPRAISER**  
 SEMINOLE COUNTY FL  
 1101 E. FIRST ST  
 SANFORD, FL 32771-1468  
 407-665-7508

- Legend**
- Selected Features
  - County Boundary
  - Streets
  - Hydrology
  - Subdivision Lines
  - Parcels

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

Rec	Parcel	Owner	Owner Addr	City	State	Zip
1	0320315AY000029A0	KING WALTER N	PO BOX 435	SANFORD	FL	32772

EXHIBIT A

