

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Singh property

DEPARTMENT: County Attorney's Office

DIVISION: Litigation

AUTHORIZED BY: Lola Pfeil

CONTACT: Sharon Sharrer

EXT:

MOTION/RECOMMENDATION:

Approve proposed negotiated settlement relating to Parcel Numbers 103/703 of the County Road 15 road improvement project. The proposed settlement is at the total sum of \$254,113.00 inclusive of all compensation to the owners, attorney fees of any kind, all costs, interest and any other matter for which Seminole County might be obligated to pay relating to these parcels. Judge Simmons.

District 5 Brenda Carey

BACKGROUND:

see attached

STAFF RECOMMENDATION:

Staff recommends the Board approve the proposed negotiated settlement relating to Parcel Numbers 103/703 of the County Road 15 road improvement project. The proposed settlement is at the total sum of \$254,113.00 inclusive of all compensation to the owners, attorney fees of any kind, all costs, interest and any other matter for which Seminole County might be obligated to pay relating to these parcels.

ATTACHMENTS:

1. Singh property

Additionally Reviewed By: No additional reviews



COUNTY ATTORNEY'S OFFICE
MEMORANDUM

TO: Board of County Commissioners

THROUGH: Matthew G. Minter, Deputy County Attorney [Signature]

FROM: David G. Shields, Assistant County Attorney Ext. 5736 [Signature]

CONCUR: Pam Hastings, Administrative Manager/Public Works Department [Signature]
David Nichols, Principal Engineer/Engineering Division [Signature]

DATE: October 22, 2007

RE: Settlement Authorization
County Road 15
Parcel Nos. 103/703; Singh
Seminole County v. Sobik's, et al.
Case No. 2007-CA-826-13-K

This memorandum requests settlement authorization by the Board of County Commissioners (BCC) for Parcel Nos. 103/703 on the County Road 15 road improvement project. The recommended settlement is at the total sum of \$254,113.00 inclusive of all compensation to the owners, attorney fees of any kind, all costs, interest and any other matter for which Seminole County might be obligated to pay in the referenced case allocated as follows:

Table with 2 columns: Amount and Description. Rows include Land value, severance damage, and statutory interest (\$225,000.00); Statutory attorney's fee (\$17,523.00); Engineering cost reimbursements (\$590.00); Appraisal cost reimbursements (\$11,000.00); and Total (\$254,113.00).

I. THE PROPERTY:

A. Location Data

The subject property is located at the east side of County Road 15 north of State Road 46 within unincorporated Seminole County, Florida. A location map is attached as Exhibit A.

B. Property Address

The street address is 125 Monroe Road, Sanford, Florida 32771. A parcel sketch is attached as Exhibit B.

II AUTHORITY TO ACQUIRE.

The BCC adopted Resolution No. 2006-R-114 on May 9, 2006, authorizing the acquisition of Parcel Nos. 103/703. The County Road 15 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 May 25, 2007, with title vesting in Seminole County on June 5, 2007, the date of the good faith deposit in the amount of \$144,000.00 for these parcels.

III ACQUISITIONS AND REMAINDER

The acquisition of Parcel No. 103 is 1,492 square feet in fee simple from a parent tract of 14,007 square feet with a remainder of 12,515 square feet. The fee simple taking is a rectangular shaped parcel off the subject's C-15 frontage. The temporary construction easement, Parcel No. 703, is also rectangular in shape and is a temporary taking of 284 square feet which will be used to blend the new right-of-way with the access driveway on the remainder property.

IV APPRAISED VALUES

The County's original report dated July 5, 2006, was prepared by Florida Realty Analysts, Inc., and reported full compensation to be \$142,300.00 for 103 and \$1,700.00 for Parcel No. 703 for a total of \$144,000.00. The updated report for the order of take hearing that occurred May 25, 2007, opined the same values.

The owners' report prepared by Calhoun, Dreggors & Associates on June 13, 2007, opines the before value at \$577,500.00. The owner used the County's after value of \$168,953.00 to arrive at a damages amount of \$408,547.00. Adding the County's value of the part taken, \$25,700.00, resulted in \$434,247.00 as the owners' "appraisal" value. Although, this is not standard appraisal methodology, the owners proceeded in this fashion in good faith to hold down appraisal costs while engaged in the early negotiation of this case.

V BINDING OFFER/NEGOTIATION

The County's initial written offer was \$171,900.00, exclusive of costs and fees. The owners' initial offer was \$350,000.00. The County made a counteroffer of \$210,000.00, the owners responded with \$260,000.00 and the parties finally agreed on \$225,000.00, exclusive of fees and costs.

VI ATTORNEY'S FEES AND COSTS

A. Attorney's Fees. The statutory attorney's fee reimbursement totals \$17,523.00. The sum is statutorily computed based upon a settlement sum of \$225,000.00 less a first written offer of \$171,900.00 to produce a benefit of \$53,100.00.

The owner's claimed costs for the referenced parcels totaled \$15,483.00 (\$14,893.00 for appraisal costs and \$590.00 for engineering costs). The County challenged the appraisal costs as excessive and after negotiation, the owners agreed to accept reimbursement of costs at \$11,590.00. The break down is as follows:

\$11,000.00	Appraisal costs
\$ 590.00	Engineering costs

VII COST AVOIDANCE

The difference between the County's \$144,000.00 appraisal value and the owners' estimated value of \$434,247.00 was \$290,247.00. Although the owners did not perform a full appraisal, the owners' methodology was reasonable for negotiation purposes. Both sides appeared to have attempted to arrive at a fair valuation. When faced with two reasonable but conflicting appraisals, juries tend to reach a verdict in the middle. The proposed settlement of \$225,000.00 is less than the \$289,123.50 midpoint between each side's starting values and is reasonable under the circumstances of these parcels.

VIII RECOMMENDATION

County staff recommends that the BCC approve this negotiated settlement in the total sum of \$254,113.00 inclusive of all compensation to the owners, attorney fees of any kind, all costs, interest and any other matter for which Seminole County might be obligated to pay relating to these parcels.

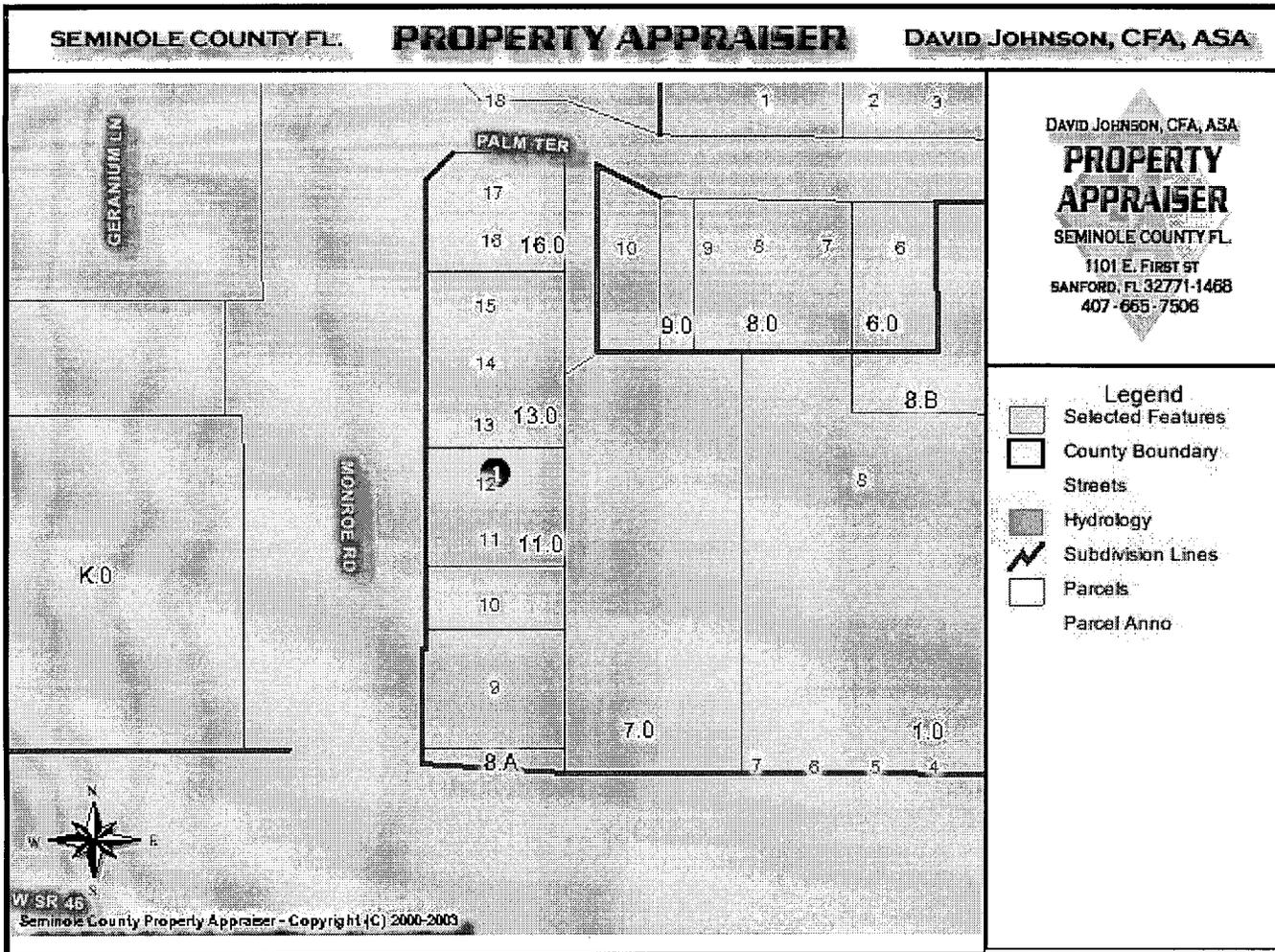
DGS/dre

Two (2) Attachments:

Exhibit A - Location Map

Exhibit B - Sketch

P:\Users\Dedge\My Documents\Mem\Agenda Item C15 Singh 103 703 Settlement.Doc



Rec	Parcel	Owner	Owner Addr	City	State	Zip
1	28193050300000110	SINGH WINSTON	2809 WALDENS POND CV	LONGWOOD	FL	32779

EXHIBIT A

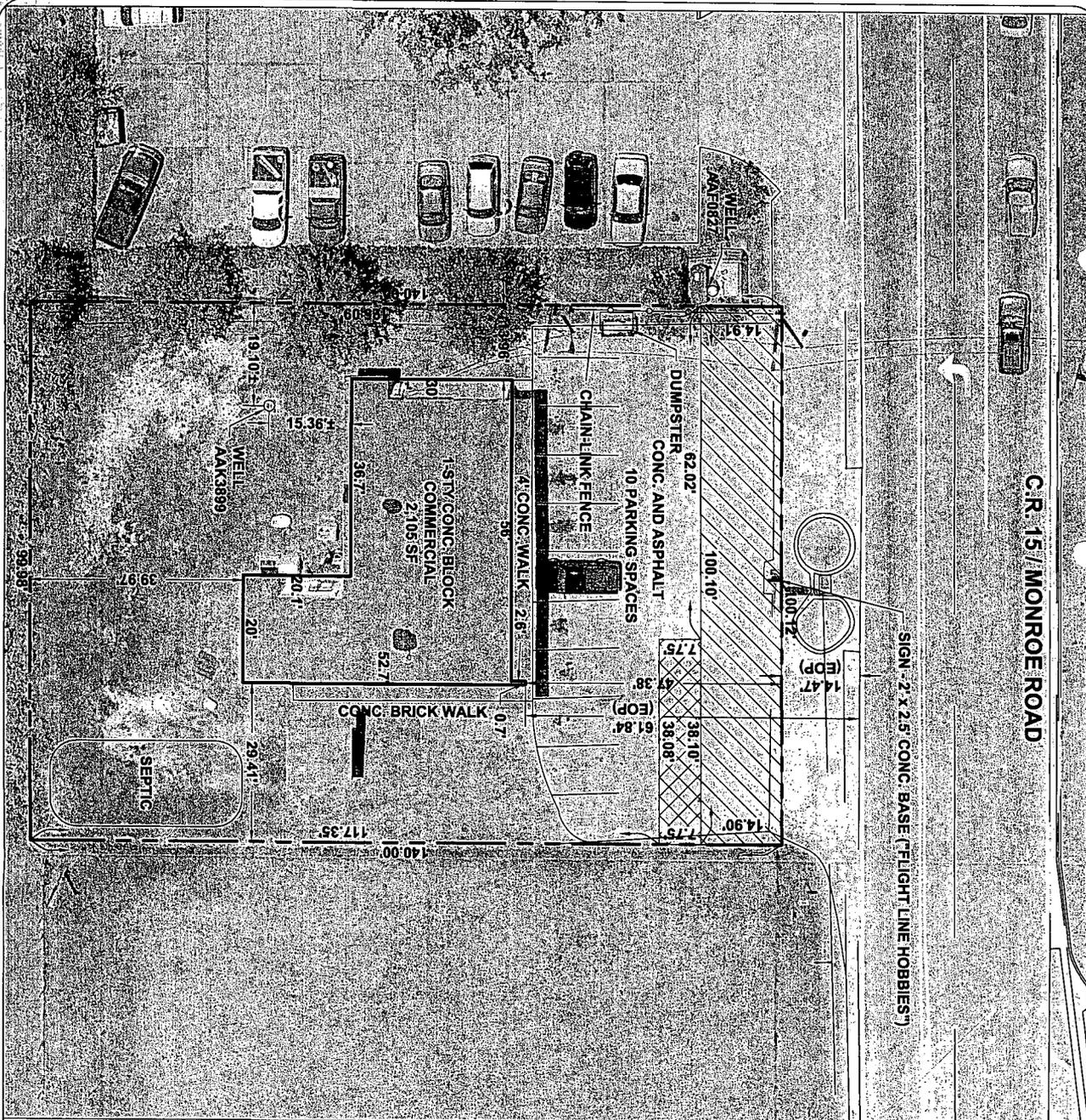
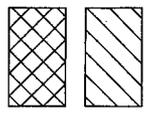


EXHIBIT B

- PARENT TRACT AREA OF TAKE 14,007 SF
- AREA OF TAKE (PARCEL 103) 1,492 SF
- AREA OF TCE REMAINDER TRACT 295 SF
- PROPERTY LINE 12,515 SF
- AREA OF TAKE (PARCEL 103)
- AREA OF TCE (PARCEL 703)



PARENT TRACT : WITH TAKING SHOWN

PARCEL 103/703
C.R. 15 / MONROE ROAD
SEMINOLE CO., FLORIDA

BLDG. EOP	SETBACK	PREP	8/24/08
SCALE AS SHOWN			
DRAWN	PREP	APPROVED	DWL
CHECKED	DCD	APP. DATE	08/28/08

gal consultants
618 East South Street
Orlando, Florida 32801
407-851-5555

SHEET 2
PROJECT NUMBER
ADDRESS
FILE NAME: 08103-703.dwg