

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Mosley Property

DEPARTMENT: County Attorney's Office

DIVISION: Litigation

AUTHORIZED BY: Lola Pfeil

CONTACT: Sharon Sharrer

EXT:

MOTION/RECOMMENDATION:

Mosley Property. Approval of proposed settlement relating to Parcel Number 143 on the Bunnell Road improvement project. The proposed settlement is at the sum of \$41,445.28 inclusive of all land value, improvements, cost to cure, severance damage, statutory interest, total statutory attorney's fees, expert fees and cost reimbursements. Judge Dickey.

District 3 Dick Van Der Weide

Bob McMillan

BACKGROUND:

see attached

STAFF RECOMMENDATION:

Staff recommends the Board approves the proposed settlement relating to Parcel Number 143 on the Bunnell Road improvement project. The proposed settlement is at the sum of \$41,445.28 inclusive of all land value, improvements, cost to cure, severance damage, statutory interest, total statutory attorney's fees, expert fees and cost reimbursements.

ATTACHMENTS:

1. Mosley property

Additionally Reviewed By: 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 *Pam Hastings 0006202*
David Nichols, Principal Engineer/Engineering Division *DN 1-31-08*

DATE: January 31, 2008

RE: Settlement Authorization
Bunnell Drive
Parcel No. 143; Mosley
Seminole County v. Moran, et al.
Case No. 2005-CA-1144-13-W

This memorandum requests settlement authorization by the Board of County Commissioners (BCC) as to Parcel No. 143 on the Bunnell Road project. The proposed negotiated settlement is \$41,445.28. The total sum is allocated as follows:

- \$20,000.00 land value, severance damage and statutory interest
- \$ 3,300.00 statutory attorney's fee
- \$18,145.28 experts' fees and costs
- \$41,445.28 total

I. THE PROPERTY:

A. Location Data

The subject property is located on the north side of Bunnell Road, approximately 332.01 feet west of Eden Park Avenue within unincorporated Seminole County, Florida. A location map is attached as Exhibit A.

B. Property Address

The street address is 1337 Bunnell Road. Apopka, Florida 32703. A parcel sketch is attached as Exhibit B.

II AUTHORITY TO ACQUIRE.

The BCC adopted Resolution No. 2004-R-72 on April 13, 2004, authorizing the acquisition of Parcel No. 143. The Bunnell 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 August 22, 2005 for Parcel No. 143. Seminole County obtained title to Parcel No. 143 on August 31, 2005, the date of deposit of the good faith amount for Parcel No. 143.

III ACQUISITIONS AND REMAINDER

The acquisition of Parcel No. 143 is 3,305 square feet in fee simple from a parent tract of 62,855 square feet with a remainder of 59,550 square feet.

IV APPRAISED VALUES

The County's original report dated December 7, 2004, was prepared by Clayton, Roper & Marshall, Inc., and reported full compensation to be \$10,000.00. An additional report updated for the order of take hearing dated July 16, 2005, opines the value to be \$11,000.00 for Parcel No. 143.

On February 27, 2006, the County received the owners' appraisal report prepared by Erickson Appraisers, Inc., which opines full compensation for Parcel No. 143 at \$22,300.00.

V BINDING OFFER/STATUS OF THE CASE/ANALYSIS

The County's initial written offer was \$10,000.00. On February 14, 2007, with prior BCC approval, the County served an Offer of Judgment on the owners at \$20,000.00, exclusive of fees and costs. After further negotiations, the owners accepted the \$20,000.00.

VI ATTORNEY'S FEES AND COSTS

A. Attorney's Fees. The statutory attorney's fee reimbursement totals \$3,300.00. The sum is statutorily computed based upon a settlement sum of \$20,000.00 less the written offer of \$10,000.00 to produce a benefit of \$10,000.00.

B. Cost Reimbursements. The owners' cost claim of \$18,145.28 for expert fees and cost reimbursements, which included appraisal and engineering work, is

reasonable. A significant part of the costs were incurred by the owners' engineers who evaluated drainage issues on the property. The County addressed these issues through a change in the construction plans.

VII RECOMMENDATION

County staff recommends that the BCC approve the proposed settlement in the amount of \$20,000.00 for land, severance damage and statutory interest, \$3,330.00 statutory attorney's fee and \$18,145.28 for experts' fees and costs for a total settlement of \$41,445.28.

DGS/dre

Two (2) Attachments:

Exhibit A - Location Map

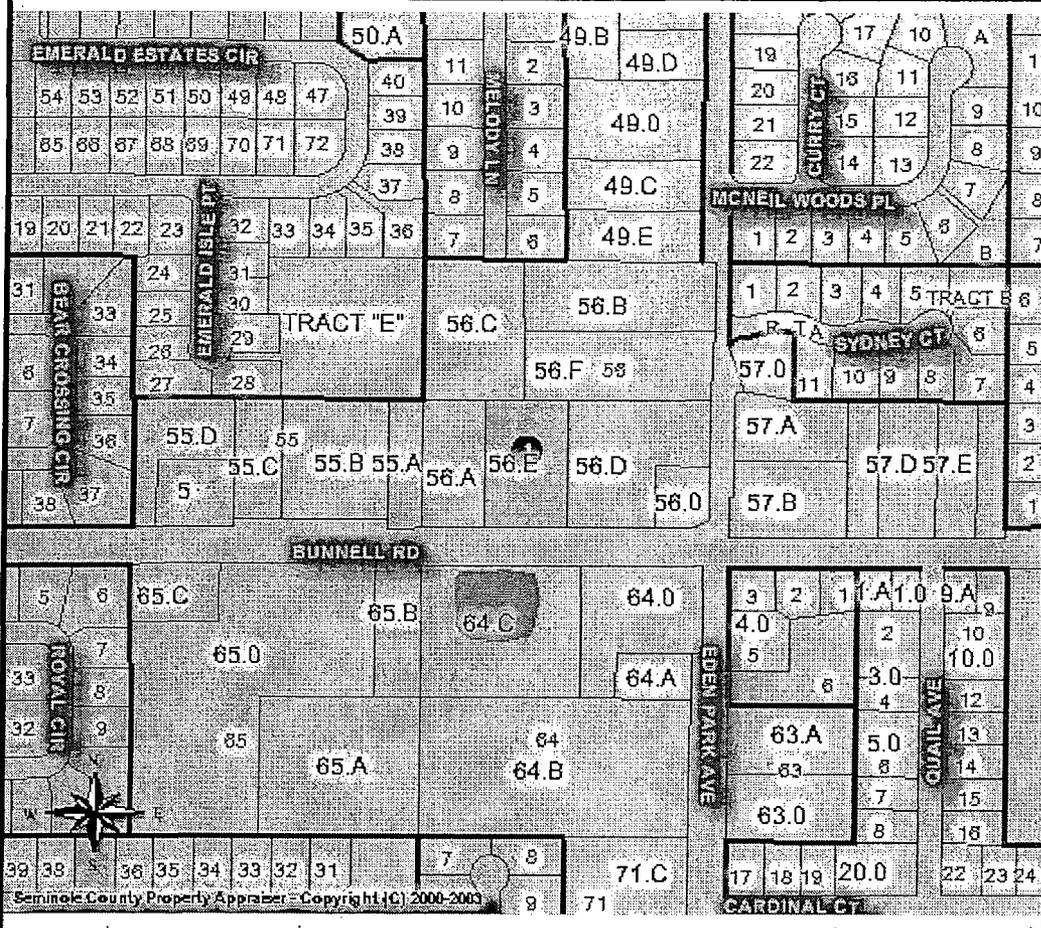
Exhibit B - Sketch

EXHIBIT A

SEMINOLE COUNTY FL

PROPERTY APPRAISER

DAVID JOHNSON, CFA, ASA

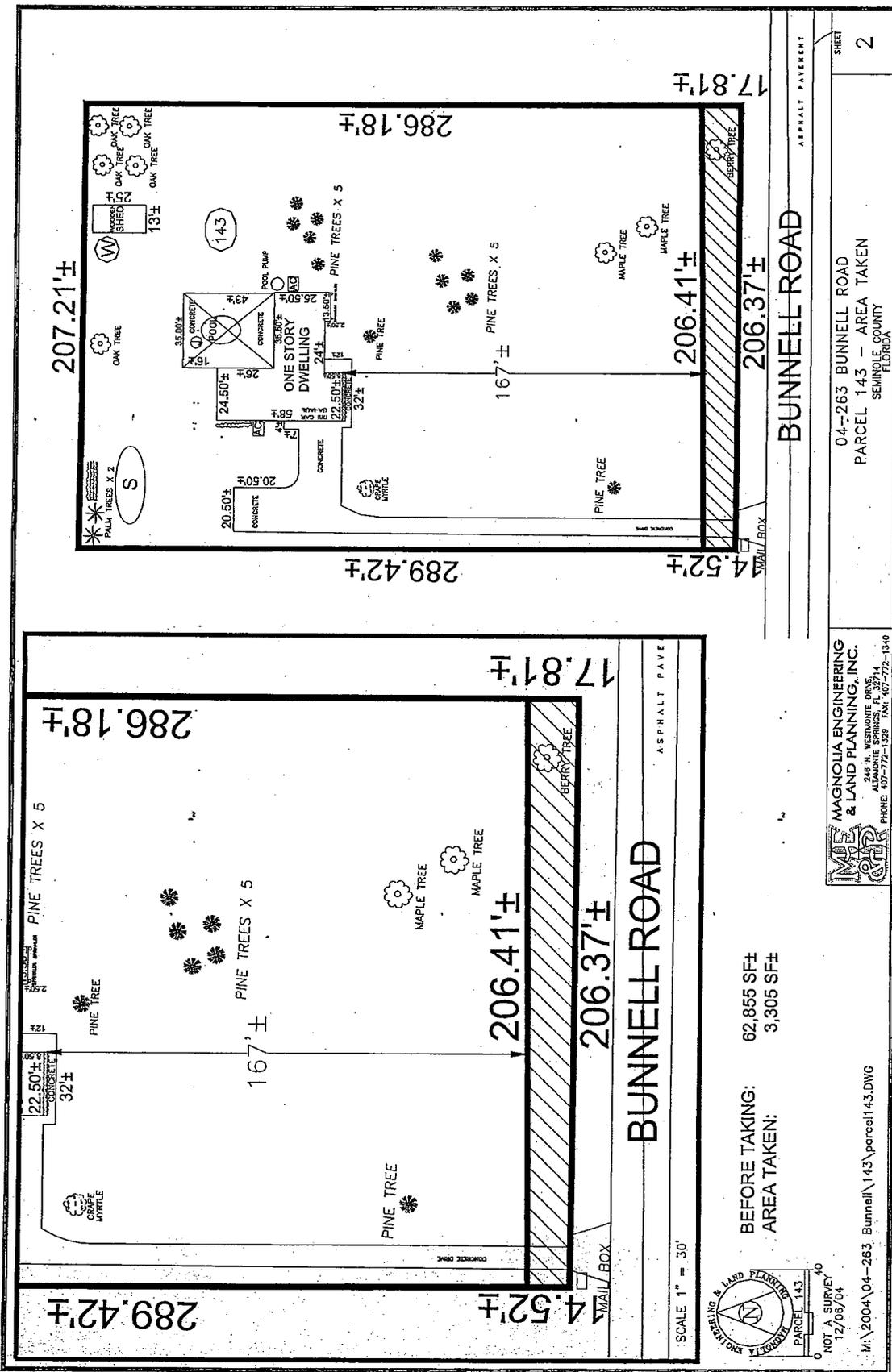


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 SEMINOLE COUNTY FL
 1101 E. FIRST ST
 SANFORD, FL 32771-1468
 407-665-7508

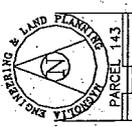
- Legend**
- Selected Features
 - County Boundary
 - Streets
 - Hydrology
 - Subdivision Lines
 - Parcels
 - Parcel Anno

Rec	Parcel	Owner	Owner Addr	City	State	Zip
1	1721295BG000056E	MOSLEY WILLIAM S & ALLISON C	1337 BUNNELL RD	APOPKA	FL	32703

PROPERTY SKETCH - TAKING



SCALE 1" = 30'



BEFORE TAKING: 62,855 SF±
 AREA TAKEN: 3,305 SF±

M:\2004\04-263_Bunnell\143\parcel143.DWG

MAGNOLIA ENGINEERING & LAND PLANNING, INC.
 246 N. WESTGATE DRIVE,
 ALTAMONTE SPRINGS, FL 32714
 PHONE: 407-772-5229 FAX: 407-772-1340

BUNNELL ROAD

04-263 BUNNELL ROAD
 PARCEL 143 - AREA TAKEN
 SEMINOLE COUNTY
 FLORIDA

SHEET 2