

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Forrester/Lamb Property

DEPARTMENT: County Attorney's Office

DIVISION: Litigation

AUTHORIZED BY: Lola Pfeil

CONTACT: Jackie Royal

EXT: 7256

MOTION/RECOMMENDATION:

Approval of a proposed negotiated settlement relating to Parcel Nos. 105/705, County Road 15 road improvement project. The proposed settlement is at the total sum of \$108,000.00 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 and to provide a public water supply line to the owners' property. Judge Perry.

District 5 Brenda Carey

BACKGROUND:

See attached.

ATTACHMENTS:

1. Forrester/Lamb Property

Additionally Reviewed By: No additional reviews



**COUNTY ATTORNEY'S OFFICE
MEMORANDUM**

TO: Board of County Commissioners

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

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

CONCUR: Pam Hastings, Administrative Manager/Public Works Department *Pam Hastings*
David Nichols, Principal Engineer/Engineering Division *D Nichols*

DATE: June 20, 2007

RE: Settlement Authorization
County Road 15
Parcel Nos. 105/705; Forrester/Lamb
Seminole County v. Forrester, et al.
Case No. 2007-CA-872-13-G

This memorandum requests settlement authorization by the Board of County Commissioners (BCC) for Parcel Nos. 105/705 on the County Road 15 road improvement project. The recommended settlement is at the total sum of \$108,000.00 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 and for Seminole County to provide the owners with a public water supply line to their property.

I. THE PROPERTY:

A. Location Data

The subject property is located at the southeast corner of County Road 15 (Monroe Road) and Palm Terrace, within unincorporated Seminole County, Florida. A location map is attached as Exhibit A.

B. Property Address

The street address is 165 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. 105/705. 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 June 19, 2007 and the good faith deposit for these parcels has not yet been deposited.

III ACQUISITIONS AND REMAINDER

The acquisition of Parcel No. 105 is 2,578 square feet in fee simple from a parent tract of 14,002 square feet with a remainder of 11,424 square feet. The temporary construction easement, Parcel No. 705, is a temporary taking of 102 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 \$56,400.00. The updated report for the order of take hearing that occurred June 19, 2007, opines the value to be \$62,000.00.

The owners did not have an appraisal report prepared, but did employ experts to analyze the County's appraisal report and provide support in arriving at the owners' counteroffer.

V BINDING OFFER/NEGOTIATION

The County's initial written offer was \$75,850.00, exclusive of costs and fees. The owners countered at \$100,000.00 plus fees and costs. The parties negotiated to a \$108,000.00 global settlement, inclusive of fees and costs, and which includes a construction commitment to provide the property owners with a public water supply line to their property. An adequately sized water line is already part of the CR 15 project, and will be installed early in the construction. By connecting to this line, the owners would avoid the need to relocate their well from the area of taking and instead eliminate the well. Also, relocating the well might have required relocating the septic system, avoiding another cost. The owners will execute a right-of-way utilization permit with the County to continue using their well until the water supply line is installed.

VI ATTORNEY'S FEES AND COSTS

Attorney's fees and costs are inclusive in this settlement. As such, the attorney fees are not based on a statutory computation and the attorney fees and costs are not specifically allocated.

VII COST AVOIDANCE

The new right of way line following the take would be 7 feet from the front door of the owners' house which is currently being used as their personal residence. The County's appraiser based his value on converting the house to an office. Although he did not prepare a formal report, the owners' appraiser orally disputed the feasibility of converting the house to an office. The owners' appraiser was prepared to opine that the house would not be useable for anything in the after condition and would need to be torn down. Thus, it was anticipated that the owners' appraisal value and the cost of preparing the appraisal report would be substantially higher than the \$108,000.00 settlement.

When faced with two reasonable but conflicting appraisals, juries tend to reach a verdict in the middle. The proposed settlement of \$108,000.00 is believed to be equal to or less than this midpoint. Under this settlement, the County avoids the additional costs of an owners' appraisal report and other expert fees and costs, possibly in the range of \$20,000.00 to \$25,000.00, and statutory attorney's fee based upon a higher recovery amount.

VIII RECOMMENDATION

County staff recommends that the BCC approve this negotiated settlement in the total sum of \$108,000.00, plus providing a public water supply line to the owners' property, 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.

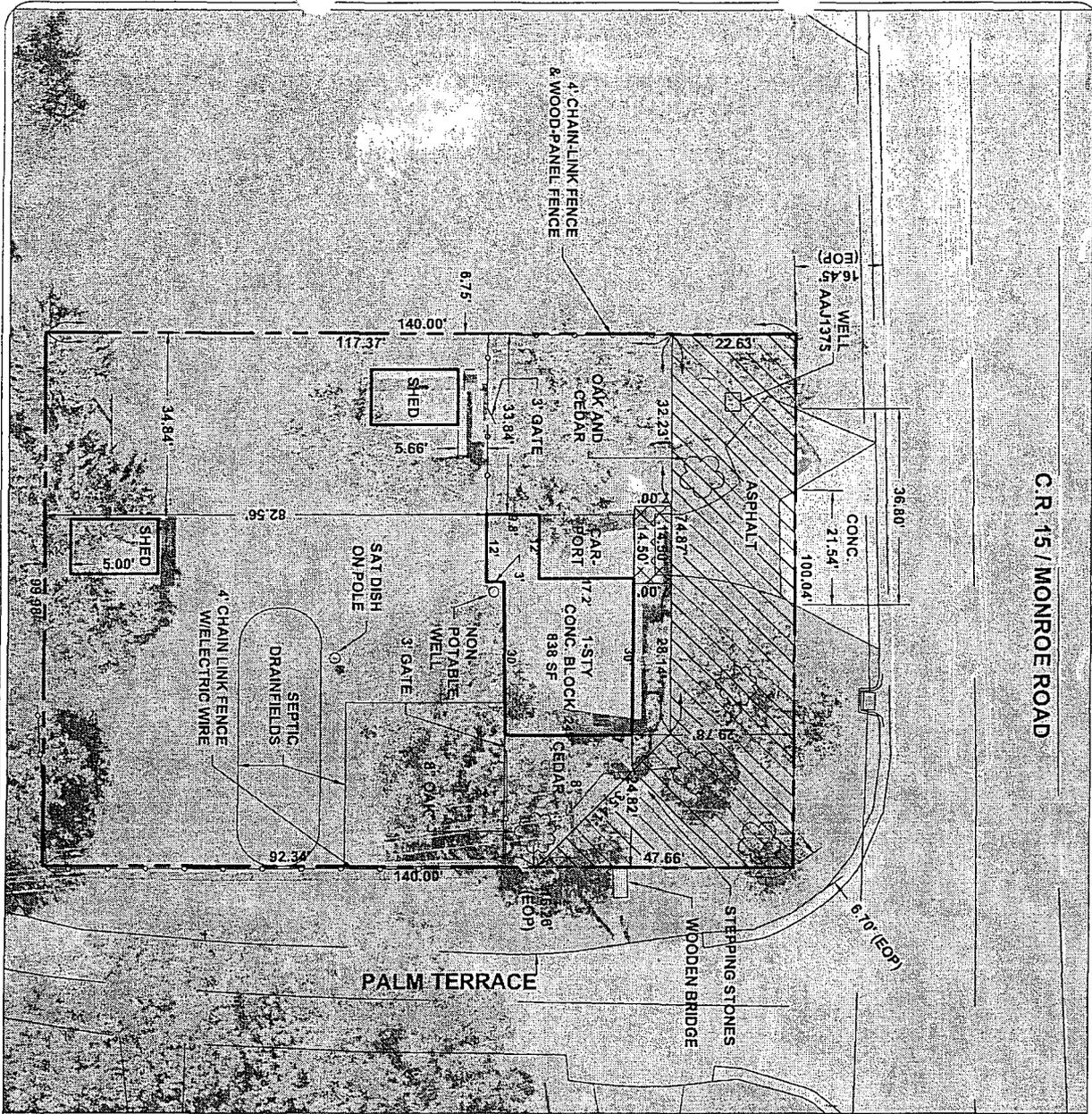
DGS/dre

Two (2) Attachments:

Exhibit A - Location Map

Exhibit B - Sketch

P:\USERS\DEDGE\MY DOCUMENTS\MEM\AGENDA ITEM C15 FORRESTER 105 SETTLEMENT.DOC



C.R. 15 / MONROE ROAD

PALM TERRACE

- PARENT TRACT 14,002 SF
- AREA OF TAKE 2,578 SF
- AREA OF TCE 102 SF
- REMAINDER TRACT 11,424 SF
- PROPERTY LINE
- AREA OF TAKE
- AREA OF TCE



gal consultants
 618 East Seminole Street
 Edgewater, FL 32117
 407-723-8398

SHEET: 1
 PROJECT NUMBER: 060352.00
 FILE NAME: par105-705.dwg

PARENT TRACT : WITH TAKING SHOWN

PARCEL 105/705
 C.R. 15 / MONROE ROAD
 SEMINOLE CO., FLORIDA

SCALE	AS SHOWN
DRAWN	PHI
CHECKED	RCJ
APPROVED	JMK
APP. DATE	06/28/06