

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Seminole County State Road 46, Ltd. 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 Numbers 101C/101D, County Road 15 road improvement project. The proposed settlement is at the total sum of \$60,000.00 inclusive of all compensation to the owner, 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 Galluzzo.

District 5 Brenda Carey

BACKGROUND:

See attached.

ATTACHMENTS:

1. Seminole County State Road 46, Ltd.

Additionally Reviewed By: No additional reviews



**COUNTY ATTORNEY'S OFFICE
MEMORANDUM**

TO: Board of County Commissioners

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

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

CONCUR: Pam Hastings, Administrative Manager/Public Works Department *P. Hastings*
David Nichols, Principal Engineer/Engineering Division *D. Nichols* 00005801

DATE: June 27, 2007 *6-29-07*

RE: Settlement Authorization
County Road 15
Parcel Nos. 101C/101D; Seminole Co. State Road 46, Ltd.
Seminole County v. Seminole Co. State Road 46, Ltd., et al.
Case No. 2007-CA-1605-101C-L

This memorandum requests settlement authorization by the Board of County Commissioners (BCC) for Parcel Nos. 101C/101D on the County Road 15 road improvement project. The recommended settlement is at the total sum of \$60,000.00 inclusive of all compensation to the owner, 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.

I. THE PROPERTY:

A. Location Data

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

B. Property Address

The street address is 4100 Geranium Lane, Sanford, FL 32771-6519. A parcel sketch is attached as Exhibit B.

II AUTHORITY TO ACQUIRE.

The BCC adopted Resolution No. 2007-R-79 on April 24, 2007, authorizing the acquisition of Parcel Nos. 101C/101D. 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 is scheduled to occur on August 13, 2007.

III ACQUISITIONS AND REMAINDER

The acquisition of Parcel No. 101C is 3,124 square feet in fee simple and 101D is 436 square feet in fee simple. The parent tract is 782,773± square feet. The acquisition of these parcels will leave a remainder of 779,214± square feet. from a parent tract of 14,002 square feet with a remainder of 11,424 square feet. The site is improved with a 336-unit apartment complex. The takings are part of the apartment complex's common area along the County Road 15 and are irregular in shape.

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 \$30,800.00. The updated report dated April 24, 2007, opines the value to be \$32,600.00.

The owner 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 owner's counteroffer.

V BINDING OFFER/NEGOTIATION

The County's initial written offer was \$38,000.00, exclusive of costs and fees. The parties negotiated to a \$60,000.00 global settlement, inclusive of fees and costs.

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

By this settlement, the County avoids all additional costs associated with litigation.

VIII RECOMMENDATION

County staff recommends that the BCC approve this negotiated settlement in the total sum of \$60,000.00, 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.

DGS/dre

Two (2) Attachments:

Exhibit A - Location Map

Exhibit B - Sketch

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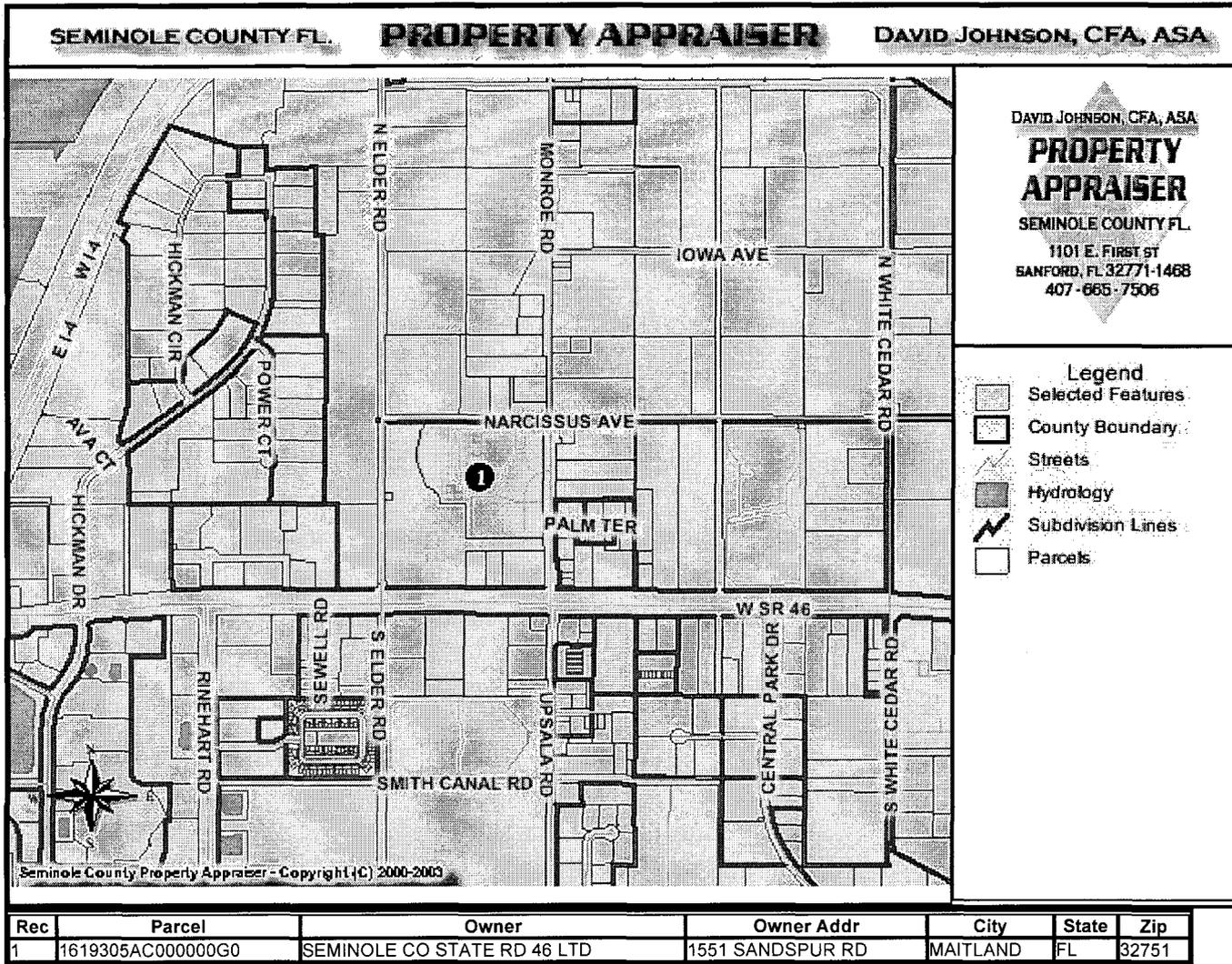
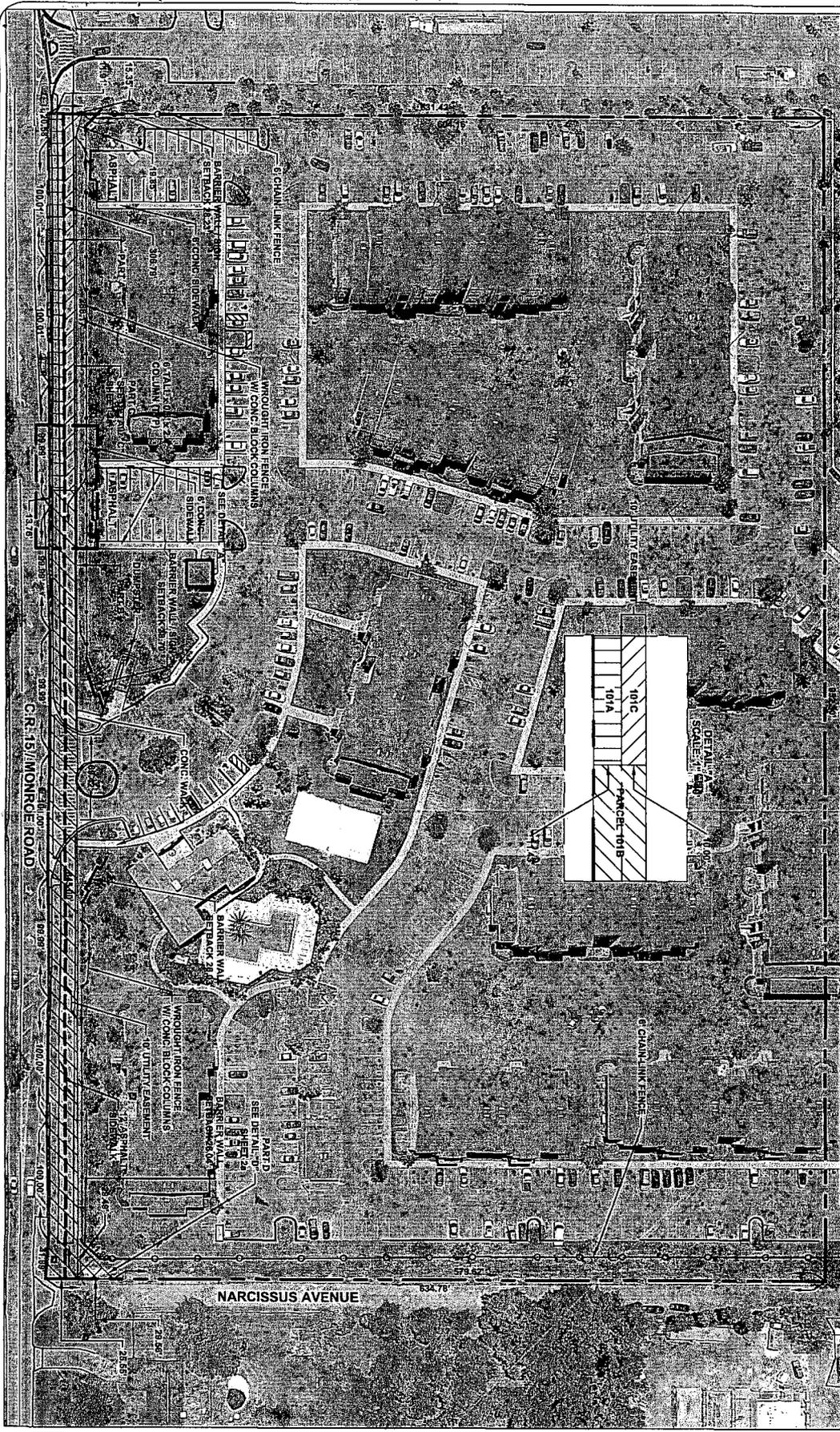


EXHIBIT A



PARENT TRACT
 - LESS PARTS A & B
 AREA OF TAKE (PARTS C & D)
 REMAINDER TRACT
 PROPERTY LINE

AREA OF TAKE	
PART A	3,744 SF
PART B	14,784 SF
PART C	3,124 SF
PART D	436 SF
18,395 AC	
17,970 AC	
(3,560 SF) 0.082 AC	
17,888 AC	



SHEET 2
 PROJECT NUMBER
 A060352.00
 FILE NAME: 06101ABCD.dwg

gai consultants
 518 East South Street
 Orlando, Florida 32801
 407-253-8388

PARENT TRACT : WITH TAKING SHOWN

PARCEL 101A/B/C/D
C.R. 15 / MONROE ROAD
SEMINOLE CO., FLORIDA

SCALE AS SHOWN
DRAWN: PFP APPROVED: DEL
CHECKED: JCD APP. DATE: 08/08/06