

**SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM**

**SUBJECT:** Richards property

**DEPARTMENT:** County Attorney's Office

**DIVISION:** Litigation

**AUTHORIZED BY:** Lola Pfeil

**CONTACT:** Sharon Sharrer

**EXT:** 7257

**MOTION/RECOMMENDATION:**

Richards property. Approval of proposed settlement relating to Parcel Number 124C on the Bunnell Road improvement project. The proposed settlement is at the sum of \$32,394.00 inclusive of all land value, improvements, cost to cure, severance damage, statutory interest, total statutory attorney's fees, expert fees and cost reimbursements. Judge John D. Galluzzo.

District 5 Brenda Carey

Bob McMillan

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**BACKGROUND:**

see attached

**STAFF RECOMMENDATION:**

Staff recommends that the Board approve the proposed settlement relating to Parcel Number 124C on the Bunnell Road improvement project. The proposed settlement is at the sum of \$32,394.00 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. Richards property

<b>Additionally Reviewed By:</b> No additional reviews
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COUNTY ATTORNEY'S OFFICE  
MEMORANDUM

TO: Board of County Commissioners

THROUGH: Matthew G. Minter, Deputy County Attorney

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

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

  
  
8-28-07

DATE: August 27, 2007

RE: Settlement Authorization  
Bunnell Drive  
Parcel No. 124C; Richards  
Seminole County v. Richards, et al.  
Case No. 2005-CA-1096-13-L

This memorandum requests settlement authorization by the Board of County Commissioners (BCC) as to Parcel No. 124C on the Bunnell Road project. The proposed negotiated settlement is \$32,394.00. The total sum is allocated as follows:

- \$20,000.00 land value, severance damage and statutory interest
- \$ 3,894.00 statutory attorney's fee
- \$ 8,500.00 experts' fees and costs
- \$32,394.00

**I. THE PROPERTY:**

**A. Location Data**

The subject property is located at the northeast corner of Bunnell Road and Eden Park Avenue within unincorporated Seminole County, Florida. A location map is attached as Exhibit A.

**B. Property Address**

The street address is 1285 Bunnell Road. Altamonte Springs, Florida 32714. 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. 124C. 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 15, 2005 for Parcel No. 124C. Seminole County obtained title to Parcel No. 124C on August 23, 2005, the date of deposit of the good faith amount for Parcel No. 124C.

## **III ACQUISITIONS AND REMAINDER**

The acquisition of Parcel No. 124C is 851 square feet in fee simple from a parent tract of 35,779 square feet with a remainder of 34,928 square feet.

## **IV APPRAISED VALUES**

The County's original report dated January 21, 2005, was prepared by Clayton, Roper & Marshall, Inc. and reported full compensation to be \$8,200.00. An additional report updated for the order of take hearing dated July 13, 2005, opines the value to be \$8,800.00 for Parcel No. 124C.

The owners' report by Florida Real Estate Analysts, Inc. was received by the County in March 2007 and opines full compensation at \$32,300.00 as of August 23, 2005, the date of the good faith deposit.

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

The County's initial written offer was \$8,200.00. On February 14, 2007, the County served an Offer of Judgment on the owners at \$12,000.00, exclusive of fees and costs.

The owners on February 19, 2007, demanded \$31,700.00, exclusive of fees and costs. The County countered at \$21,754.00, inclusive of fees and costs, for land and severance damage. The owners then served a formal Reverse Offer of Judgment for \$21,400.00, exclusive of fees and costs.

Through further negotiations, the parties agreed to compensation of \$20,000.00 for all land value, severance damages, and statutory interest.

The difference between the County's \$8,800.00 appraisal value and the owners' \$32,300.00 appraisal value is \$23,500.00. Both appraisals appear to represent good faith efforts to arrive at a fair valuation, though perhaps the property owners' appraisal was on the high end of what might be considered "reasonable." When faced with two "reasonable," but differing appraisals, juries tend to return a verdict around midpoint. The midpoint of the two appraisals is \$20,550.00. A settlement at \$20,000.00 is below midpoint and reasonable under the circumstances of the case.

Due to the relatively low magnitude of the amount in controversy and the difference between the two positions, there is a significant concern that continued litigation of this matter may result in additional costs that would negate any reduction in the compensation awarded at trial. As discussed below, the owners' costs and attorney fees are still reasonably low. Thus, the settlement is in the best interest of the County economically.

## **VI ATTORNEY'S FEES AND COSTS**

A. Attorney's Fees. The statutory attorney's fee reimbursement totals \$3,894.00. The sum is statutorily computed based upon a settlement sum of \$20,000.00 less the written offer of \$8,200.00 to produce a benefit of \$11,800.00.

B. Cost Reimbursements. The owners' cost claim of \$8,500.00 for expert fees and cost reimbursements is reasonable.

## **VII COST AVOIDANCE**

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

## **VIII 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, \$3,894.00 statutory attorney's fee and \$8,500.00 for experts' fees and costs for a total settlement of \$32,394.00.

DGS/dre

Two (2) Attachments:

Exhibit A - Location Map

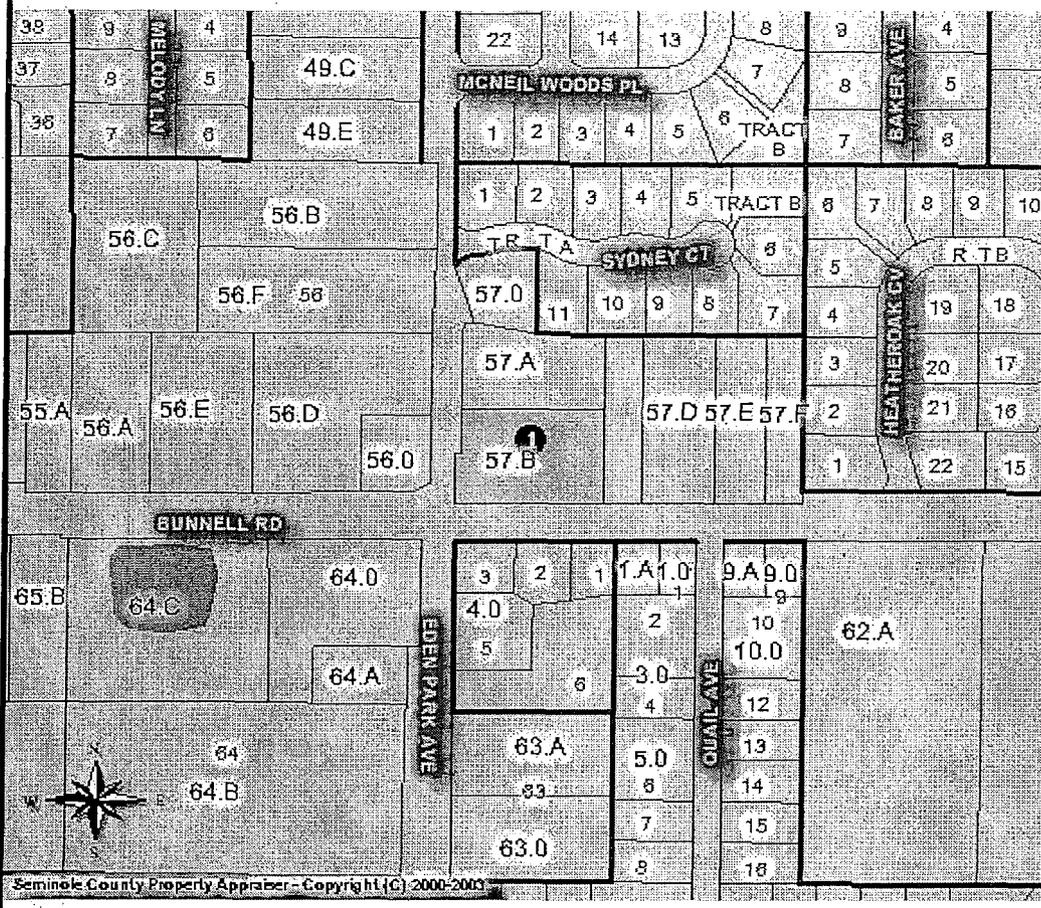
Exhibit B - Sketch

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SEMINOLE COUNTY FL

**PROPERTY APPRAISER**

DAVID JOHNSON, CFA, ASA

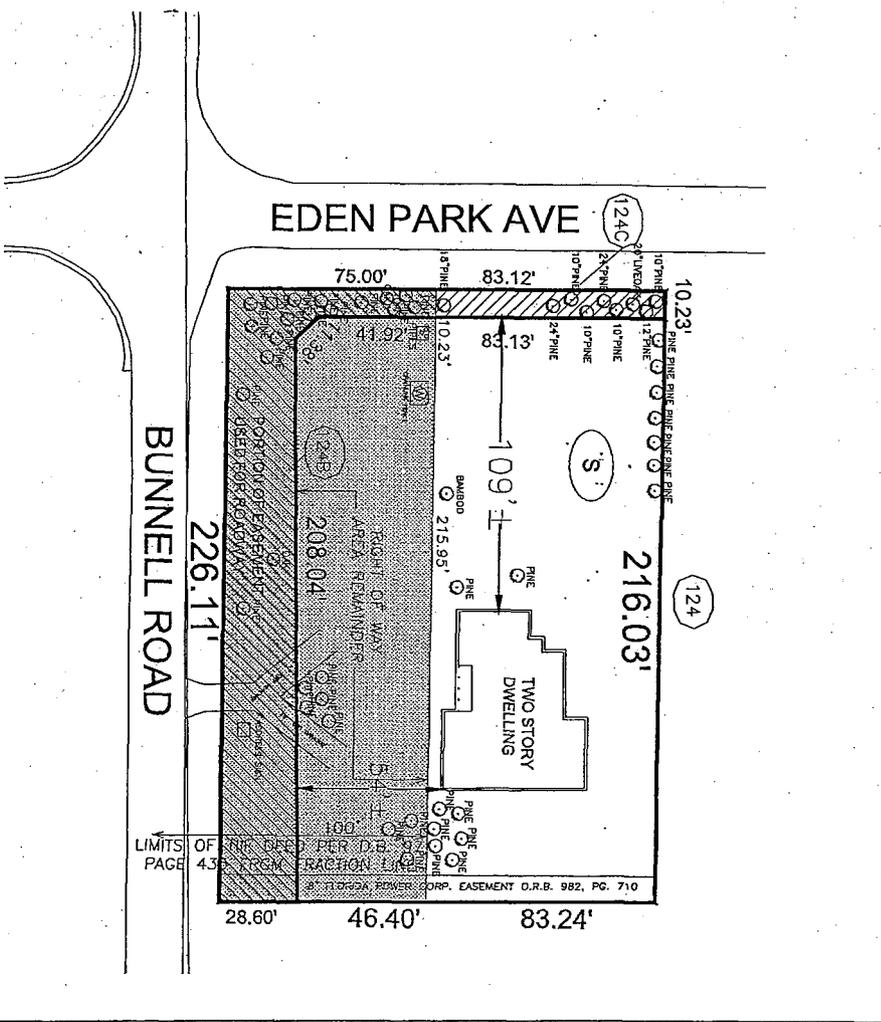
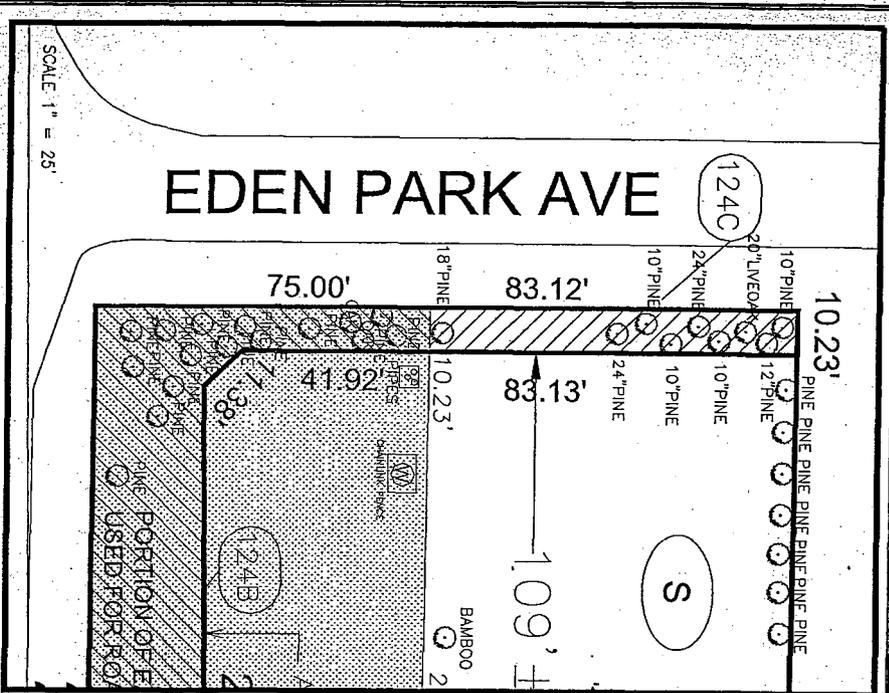


DAVID JOHNSON, CFA, ASA  
**PROPERTY APPRAISER**  
 SEMINOLE COUNTY FL  
 1101 E. FIRST ST  
 SANFORD, FL 32771-1468  
 407-665-7508

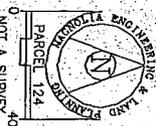
- Legend**
- Selected Features
  - County Boundary
  - Streets
  - Hydrology
  - Subdivision Lines
  - Parcels
  - Parcel Anno

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

Rec	Parcel	Owner	Owner Addr	City	State	Zip
1	1721295BG0000057B	RICHARDS DOROTHY E	1285 BUNNELL RD	ALTAMONTE SPRINGS	FL	32714



BEFORE TAKING: 35,779 SF±  
 AREA TAKEN 124 C: 851 SF±



M:\2004\04-263 Bunnell\124\parcel124.DWG

**M&L** MAGNOLIA ENGINEERING & LAND PLANNING, INC.  
 344 N. WESMONT ST. SUITE 4  
 ALMONT, FLORIDA 32714  
 PHONE: 407-772-1329 FAX: 407-772-1340

04-263 BUNNELL ROAD  
 PARCEL 124 - AREA TAKEN  
 SEMINOLE COUNTY  
 FLORIDA

LIMITS OF THE DEED PER D.B. 982, PG. 710  
 FROM TRACTOR LOTS  
 8" HIGH 2 1/2" WIDE DRP. EASEMENT D.R.B. 982, PG. 710