

Founded 1910

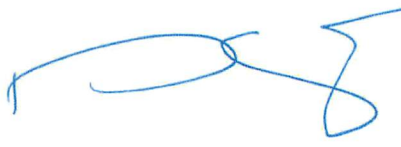
M E M O R A N D U M

TO: Central Florida Expressway Authority
Board Members

FROM: David A. Shontz, Esq., Right-of-Way Counsel

DATE: October 20, 2015

RE: State Road 453, Wekiva Parkway Project, Section 429-206; Parcels 316A, 316B, 816
Settlement Agreement

A handwritten signature in blue ink, appearing to be "D. Shontz", is written over the "FROM:" line.

Shutts & Bowen LLP, Right-of-Way Counsel, seeks the approval of the Board of a settlement to be consummated with a Stipulated Final Judgment between Dwayne J. Negron and Jeanette Negron (the "Owners") and the Central Florida Expressway Authority (the "CFX") for the acquisition of Parcels 316A, 316B and 816 (the "Taking" or "Property") for the construction of State Road 453 of the Wekiva Parkway Project, Section 429-206.

DESCRIPTION AND BACKGROUND

The Parent Tract of Parcel 316 is owned by Mr. Dwayne J. Negron and Mrs. Jeanette Negron and totals 5.113 ac. Mr. and Mrs. Negron purchased the subject property to move their children to Florida and re-establish their auto-repair business, after experiencing the tragedy of 9/11 while operating his auto-repair business in Brooklyn, NY. Parcel 316A totals 4.149 acres, Parcel 316B totals .735 acres and Parcel 816 totals 9,969 s.f. The subject property is improved with a two-story 4-bedroom, 3-bath home containing 2,254 s.f., built in 1986. Additionally, the home has a 225 s.f. enclosed porch, a wood balcony, a screen enclosed vinyl pool with surrounding wood decking, and a screen enclosed hot tub with surrounding decking. Attached to the residence is a 784 s.f. partially finished garage improved with a restroom and a 5,978 s.f. metal shop building used for auto repair built in 2006. Within the metal shop building is a 2-bedroom, 1-bath apartment/mother-in-law suite. Additional site improvements include a concrete driveway leading from Coronado Somerset Drive to the residence, fencing and gates, a well and well house, chain link dog kennel, septic tank and drainfield, landscaping, irrigation, additional wood decks, a bar-b-que area with wood cover, aluminum storage sheds and aluminum pole sheds. The property is the homestead of Mr. and Mrs. Negron, and Mr. Negron's mother currently occupies the apartment/mother-in-law suite.

Mr. Negron operated his auto-repair business on the subject property since 2006. The property is zoned A-1 and has a future land use designation as Regional Office, designed to promote and accommodate office development with enhanced building and site design and to create an employment center of quality professional jobs.

The CFX's appraisal of the property was prepared by Richard K. MacMillan, MAI, of The Appraisal Group of Central Florida, Inc. Mr. MacMillan estimated the value of the taking of 316A to be \$685,200 (Land \$103,800 and Improvements \$581,400); 316B to be \$19,700 (Land \$18,400 and Improvements \$1,300), and Parcel 816 to be \$5,600 (Land only), for a total of \$710,500 for the takings. Comparable land sales of \$22,835 to \$28,713 per acre were utilized by Mr. MacMillan in his analysis. Mr. MacMillan concluded a land value for the subject property as \$25,000 per acre.

Sales of improved, single family residences considered similar to the subject property were researched by Mr. MacMillan, from which three properties were located. The single family residences ranged in value from \$636,200 to \$704,600. Mr. John Speer was retained on behalf of the CFX to value the auto repair warehouse and apartment improvements and concluded a replacement cost new value of \$460,986. Mr. MacMillan opined the market value of the subject property is \$700,000. Additionally, Mr. MacMillan considered the amount for the immovable FF&E of \$10,565 (rounded to \$10,600) resulting in a total value of the subject property of \$710,600. Mr. MacMillan opined the subject is valued at \$710,600, allocated as Land \$127,900, Building & Site Improvements \$572,100, FF&E \$10,600.

The CFX was able to reach a settlement, subject to Board approval with Mr. and Mrs. Negron in the amount of \$1,205,000, plus statutory attorney's fees in the amount of \$154,875. Mr. and Mrs. Negron are represented by Kurt Bauerle, Esq. who argued numerous issues as to the valuation of the subject property, its improvements and its business. There are many ways to justify the reasonableness of this settlement with Mr. and Mrs. Negron, however several factors are more compelling than others. Specifically, (1) the settlement amount includes any and all business damage claims; (2) the settlement amount includes any and all expert's fees; (3) the settlement amount includes the Negron's conveying the remainder property of 9,969 s.f. to the CFX; (4) Mr. Bauerle argued a higher land value of approximately \$35,000 - \$45,000 ac. which would increase the land value by approximately \$85,000; (5) the Negron's are entitled to a purchase additive in the amount of \$178,720 for the replacement of the residential component of their property; and (6) Mr. Bauerle argued the improved residential sales by Mr. MacMillan alone are up to \$704,600, not including the most valuable asset on the property – the auto repair warehouse, which Mr. Speer values new at \$460,986.

For the above-cited reasons, approval by the Board is requested of the proposed settlement agreement and is in the CFX's best interest. It will eliminate further risk and unnecessary expenses that the CFX will ultimately incur if it is required to litigate a condemnation action to acquire Parcels 316A, 316B and 816. The proposed agreement was recommended by the Right-of-Way Committee at its October 28, 2015 meeting.

RECOMMENDATION

We respectfully request that CFX Board approve the proposed purchase agreement with a total settlement amount of \$1,205,000 in full settlement of all claims for compensation for the acquisition of Parcels 316A, 316B and 816.

ATTACHMENTS

Exhibit "A" – Sketch of Subject Property

Exhibit "B" – Photographs of the Improvements/Sketches

ORLDOCS 14313124 1

**CENTRAL FLORIDA EXPRESSWAY AUTHORITY
STATE ROAD 453
PROJECT No. 429-206**

**PARCEL 316
PART A**

**PURPOSE: LIMITED ACCESS RIGHT OF WAY
(ESTATE: FEE SIMPLE)**

A portion of the West 1/2 of the Southeast 1/4 of the Northwest 1/4 of the Northeast 1/4 of Section 35, Township 19 South, Range 27 East, Lake County, Florida, subject to the North 30 feet thereof for nonexclusive road right of way easement for Coronado Somerset Drive, being more particularly described as follows:

Commence at the Southeast corner of the Northeast 1/4 of Section 35, Township 19 South, Range 27 East, Lake County, Florida, said point being a 4"x4" concrete monument with no identification; thence run South 89°47'59" West along the South line of said Northeast 1/4, a distance of 1330.03 feet to the Southeast corner of the Southwest 1/4 of the Northeast 1/4 of said Section 35, said point being a 4"x4" concrete monument with disk stamped "PRM 3715 PCP"; thence run North 00°53'15" East along the East line of said Southwest 1/4 of the Northeast 1/4, a distance of 1341.56 feet to the Southeast corner of the Northwest 1/4 of the Northeast 1/4 of said Section 35; thence run South 89°41'48" West along the South line of said Northwest 1/4 of the Northeast 1/4, a distance of 382.38 feet to the POINT OF BEGINNING; thence continue South 89°41'48" West, along said South line, a distance of 282.36 feet to the Southwest corner of the West 1/2 of the Southeast 1/4 of the Northwest 1/4 of said Northeast 1/4 of Section 35; thence run North 00°54'00" East along the West line of said West 1/2, a distance of 670.18 feet to a point on the South line of a 60-foot nonexclusive right of way easement for Coronado Somerset Drive; thence run North 89°38'42" East along said South line, a distance of 282.29 feet; thence departing said South line, run South 00°53'37" West, a distance of 640.43 feet to the POINT OF BEGINNING.

Containing 4.149 acres, more or less.

Together with all rights of ingress, egress, light, air, and view to, from or across any State Road 453 right of way property which may otherwise accrue to any property adjoining said right of way.

**CENTRAL FLORIDA EXPRESSWAY AUTHORITY
STATE ROAD 453
PROJECT No. 429-206**

**PARCEL 316
PART B**

**PURPOSE: RIGHT OF WAY
(ESTATE: FEE SIMPLE)**

A portion of the West 1/2 of the Southeast 1/4 of the Northwest 1/4 of the Northeast 1/4 of Section 35, Township 19 South, Range 27 East, Lake County, Florida, subject to the North 30 feet thereof for nonexclusive road right of way easement for Coronado Somerset Drive, being more particularly described as follows:

Commence at the Southeast corner of the Northeast 1/4 of Section 35, Township 19 South, Range 27 East, Lake County, Florida, said point being a 4"x4" concrete monument with no identification; thence run South 89°47'59" West along the South line of said Northeast 1/4, a distance of 1330.03 feet to the Southeast corner of the Southwest 1/4 of the Northeast 1/4 of said Section 35, said point being a 4"x4" concrete monument with disk stamped "PRM 3715 PCP"; thence run North 00°53'15" East along the East line of the said Southwest 1/4 of the Northeast 1/4, a distance of 1341.56 feet to the Southeast corner of the Northwest 1/4 of the Northeast 1/4 of said Section 35; thence run South 89°41'48" West along the South line of said Northwest 1/4 of the Northeast 1/4, a distance of 332.37 feet to the Southeast corner of the West 1/2 of the Southeast 1/4 of the Northwest 1/4 of the Northeast 1/4 of said Section 35, and the POINT OF BEGINNING; thence continue South 89°41'48" West along said South line, a distance of 50.01 feet; thence departing said South line, run North 00°53'37" East, a distance of 640.43 feet to a point on the South line of a 60-foot nonexclusive right of way easement for Coronado Somerset Drive; thence run North 89°38'42" East along said South line, a distance of 50.01 feet to the East line of the West 1/2 of the Southeast 1/4 of the Northwest 1/4 of the Northeast 1/4 of Section 35; thence run South 00°53'37" West along said East line, a distance of 640.48 feet to the POINT OF BEGINNING.

Containing 0.735 acres, more or less.

**CENTRAL FLORIDA EXPRESSWAY AUTHORITY
STATE ROAD 453
PROJECT No. 429-206**

PARCEL 816

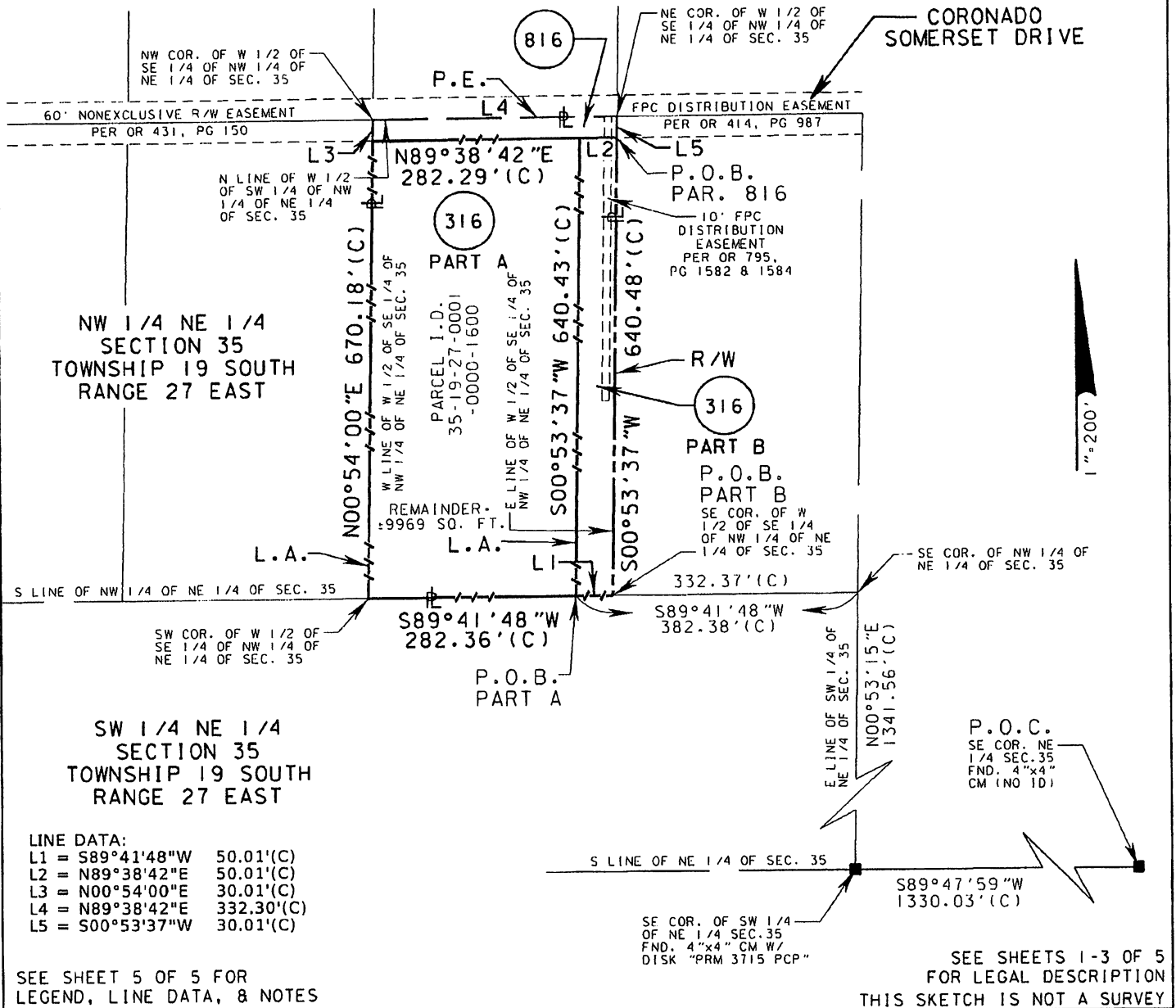
**PURPOSE: PERMANENT EASEMENT
(ESTATE: PERMANENT EASEMENT)**

A portion of the West 1/2 of the Southeast 1/4 of the Northwest 1/4 of the Northeast 1/4 of Section 35, Township 19 South, Range 27 East, Lake County, Florida, subject to the North 30 feet thereof for nonexclusive road right of way easement for Coronado Somerset Drive, being more particularly described as follows:

Commence at the Southeast corner of the Northeast 1/4 of Section 35, Township 19 South, Range 27 East, Lake County, Florida, said point being a 4"x4" concrete monument with no identification; thence run South 89°47'59" West along the South line of said Northeast 1/4, a distance of 1330.03 feet to the Southeast corner of the Southwest 1/4 of the Northeast 1/4 of said Section 35, said point being a 4"x4" concrete monument with disk stamped "PRM 3715 PCP"; thence run North 00°53'15" East along the East line of the said Southwest 1/4 of the Northeast 1/4, a distance of 1341.56 feet to the Southeast corner of the Northwest 1/4 of the Northeast 1/4 of said Section 35; thence run South 89°41'48" West along the South line of said Northwest 1/4 of the Northeast 1/4, a distance of 332.37 feet to the Southeast corner of the West 1/2 of the Southeast 1/4 of the Northwest 1/4 of the Northeast 1/4 of said Section 35; thence run North 00°53'37" East, along the East line of said West 1/2, a distance of 640.48 feet to a point on the South line of a 60-foot nonexclusive right of way easement for Coronado Somerset Drive and the POINT OF BEGINNING; thence departing said East line, run South 89°38'42" West, along said South line, a distance of 332.30 feet to the West line of the aforesaid West 1/2; thence departing said South line, run North 00°54'00" East, along said West line, a distance of 30.01 feet to a point on the North line of the aforesaid West 1/2; thence departing said West line, run North 89°38'42" East, along said North line, a distance of 332.30 feet to aforesaid East line of the West 1/2; thence departing said North line, run South 00°53'37" West, along said East line, a distance of 30.01 feet to the POINT OF BEGINNING.

Containing 9969 square feet, more or less.

PARCEL: 316
SECTION 35
TOWNSHIP 19 SOUTH
RANGE 27 EAST



LINE DATA:
L1 = S89°41'48"W 50.01'(C)
L2 = N89°38'42"E 50.01'(C)
L3 = N00°54'00"E 30.01'(C)
L4 = N89°38'42"E 332.30'(C)
L5 = S00°53'37"W 30.01'(C)

SEE SHEET 5 OF 5 FOR
LEGEND, LINE DATA, & NOTES

RIGHT OF WAY PARCEL SKETCH			STATE ROAD 453 (WEKIVA PARKWAY)			CENTRAL FLORIDA EXPRESSWAY AUTHORITY		SECTION 429-206 (2C)	
			DRMP PROJECT NO. 12-0150.000			SHEET 4 OF 5		DATE: 08/11/14	
			ADD REMAINDER			CWW		11/14	
			REV. PART B			CWW		11/14	
ADDED PARCEL 816			PER COMMENTS			CWW		9/14	
REVISION			BY			DATE		DRAWN: BJP	

SKETCH PREPARED BY
DRMP
ENGINEERS • SURVEYORS • PLANNERS • SCIENTISTS
941 LAKE BALDWIN LANE
ORLANDO, FLORIDA 32814
(407) 896-0594
L.B. No. 2648

PARCEL: 316

NOTES:

1. BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH LINE OF THE NORTHEAST 1/4 OF SECTION 35, TOWNSHIP 19 SOUTH, RANGE 27 EAST AS BEING SOUTH 89°47'59" WEST, BASED ON NAD83, STATE PLANE COORDINATES, FLORIDA EAST ZONE.
2. THIS PARCEL SKETCH IS NOT A SURVEY. NO CORNERS WERE SET OR RECOVERED IN THE FIELD FOR THE PURPOSE OF PREPARING THIS SKETCH, EXCEPT AS SHOWN.
3. PARCEL INFORMATION SHOWN HEREON IS SUPPORTED BY COMMITMENT FOR TITLE INSURANCE, SHUTTS AND BOWEN LLP ORDER No. 4876556, DATED JULY 13, 2014.

LEGEND:

(C) = CALCULATED DATA
C.B. = CHORD BEARING
C.D. = CHORD LENGTH
COR. = CORNER
CM = CONCRETE MONUMENT
(D) = DESCRIBED DATA
EXIST. = EXISTING
FND. = FOUND
FT. = FEET
I.D. = IDENTIFICATION
IP = IRON PIPE
L = ARC LENGTH
L.A. = LIMITED ACCESS RIGHT OF WAY
L.B. = LICENSED BUSINESS

OR = OFFICIAL RECORDS BOOK
ℙ = PROPERTY LINE
P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
No. = NUMBER
P.E. = PERPETUAL EASEMENT
PG = PAGE
R = RADIUS
R/W = RIGHT-OF-WAY
SEC. = SECTION
SQ. = SQUARE
T.B. = TANGENT BEARING
Δ = CENTRAL ANGLE

SEE SHEET 4 OF 5 FOR
SKETCH OF DESCRIPTION

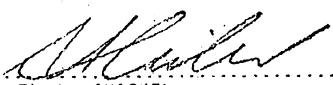
SEE SHEETS 1-3 OF 5
FOR LEGAL DESCRIPTION
THIS SKETCH IS NOT A SURVEY

RIGHT OF WAY
PARCEL SKETCH

STATE ROAD 453
(WEKIVA PARKWAY)

CENTRAL FLORIDA
EXPRESSWAY
AUTHORITY

SECTION 429-206 (2C)


ALLEN L. QUICKE
FLORIDA REGISTERED LAND SURVEYOR NO. 6481
(NOT VALID UNLESS SIGNED AND SEALED)

DRMP
PROJECT NO.
12-0150.000

SHEET 5 OF 5

DATE: 08/11/14

ADD REMAINDER

CWW 11/14

SCALE: 1" = 200'

REV. PART B

CWW 11/14

CHECKED: ALQ

PER COMMENTS


CWW 9/14

REVISION

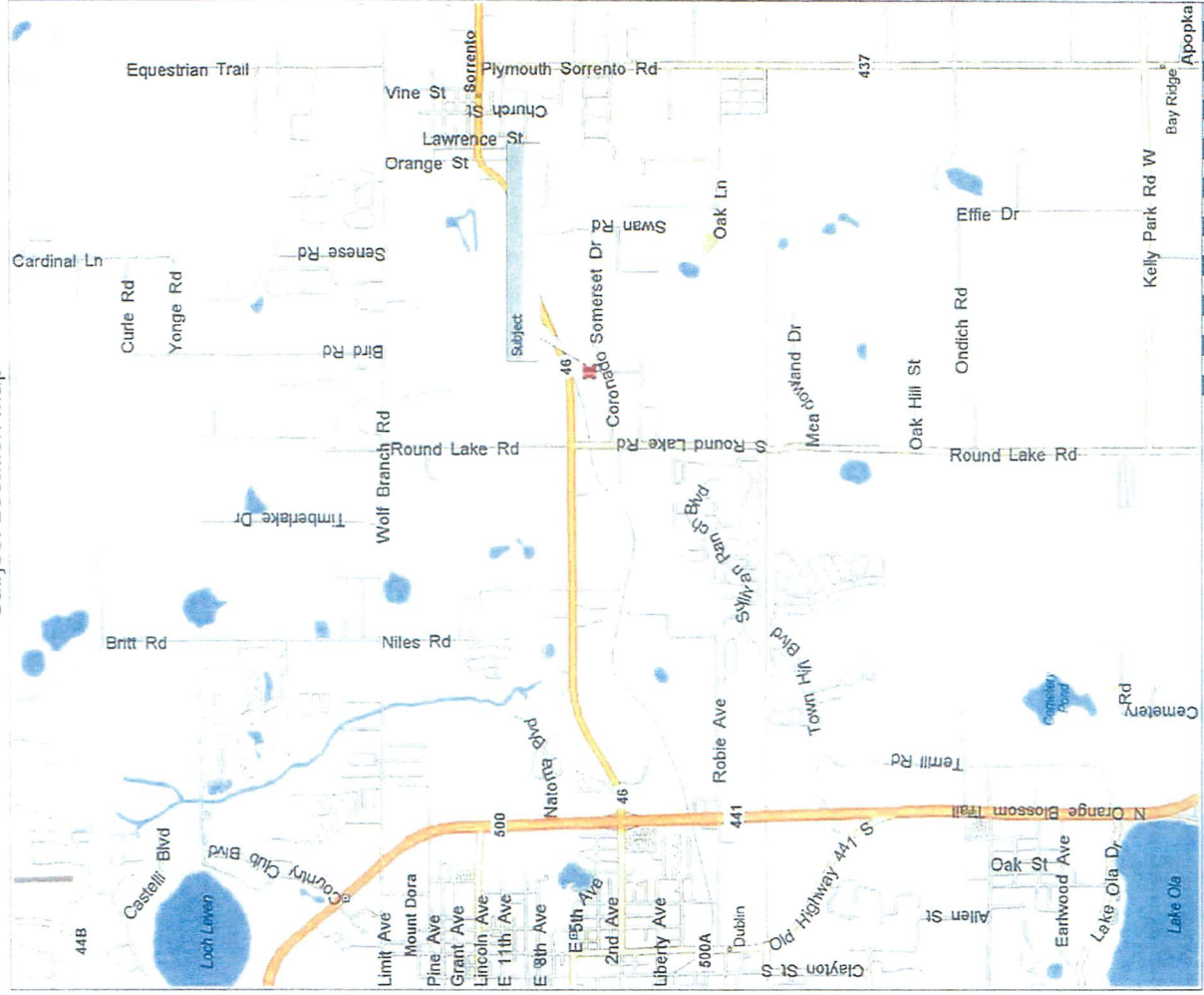
BY

DATE

DRAWN: BJP

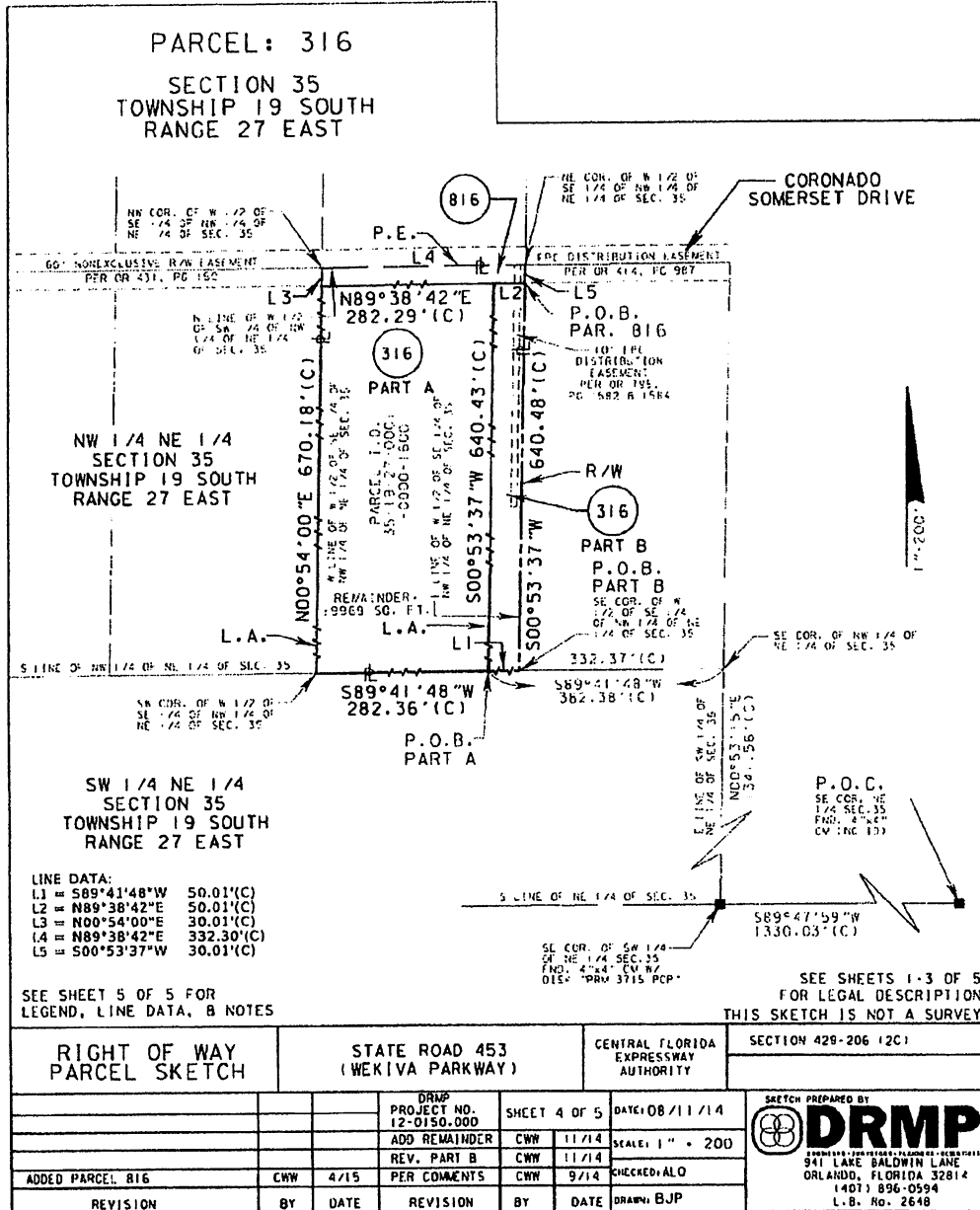
SKETCH PREPARED BY
 **DRMP**
ENGINEERS • SURVEYORS • PLANNERS • SCIENTISTS
941 LAKE BALDWIN LANE
ORLANDO, FLORIDA 32814
(407) 896-0594
L.B. No. 2648

Subject Location Map



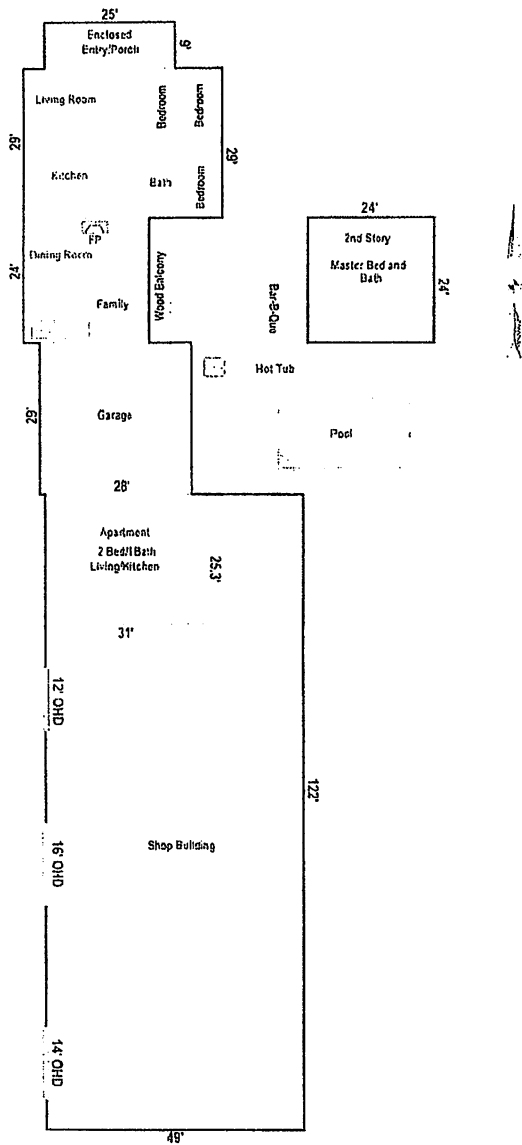
Copyright © and (P) 1998-2010 Microsoft Corporation and/or its suppliers. All rights reserved. Map data provided by Microsoft Corporation and its suppliers. All rights reserved. Microsoft and the Microsoft logo are registered trademarks of Microsoft Corporation in the United States and other countries. Other names and trademarks are the property of their respective owners. All rights reserved. See also: Microsoft and the Microsoft logo are registered trademarks of Microsoft Corporation in the United States and other countries. All rights reserved.

Parcel: 316/816
 Project: Wekiva Parkway 429-206
 County: Lake



Parcel: 316/816
Project: Wekiva Parkway 429-206
County: Lake

Floor Plan Parcel 316



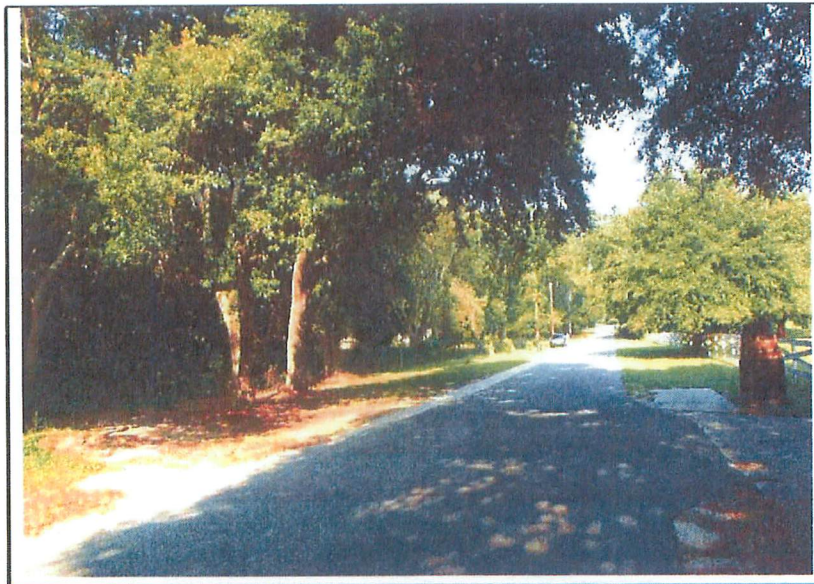
Parcel: 316/816
Project: Wekiva Parkway 429-206
County: Lake

PHOTOGRAPHS



(1) Easterly view of Coronado Somerset Drive.

Photograph taken by Richard K. MacMillan, MAI on December 11, 2014



(2) Westerly view of Coronado Somerset Drive.

Photograph taken by Thomas A. Riddle, MAI on July 31, 2014

Parcel: 316/816
Project: Wekiva Parkway 429-206
County: Lake

PHOTOGRAPHS



(3) Southerly view of the subject property from Coronado Somerset Drive.
Photograph taken by Richard K. MacMillan, MAI on December 11, 2014



(4) Southerly view of driveway leading to the subject residence.
Photograph taken by Thomas A. Riddle, MAI on July 31, 2014

Parcel: 316/816
Project: Wekiva Parkway 429-206
County: Lake

PHOTOGRAPHS



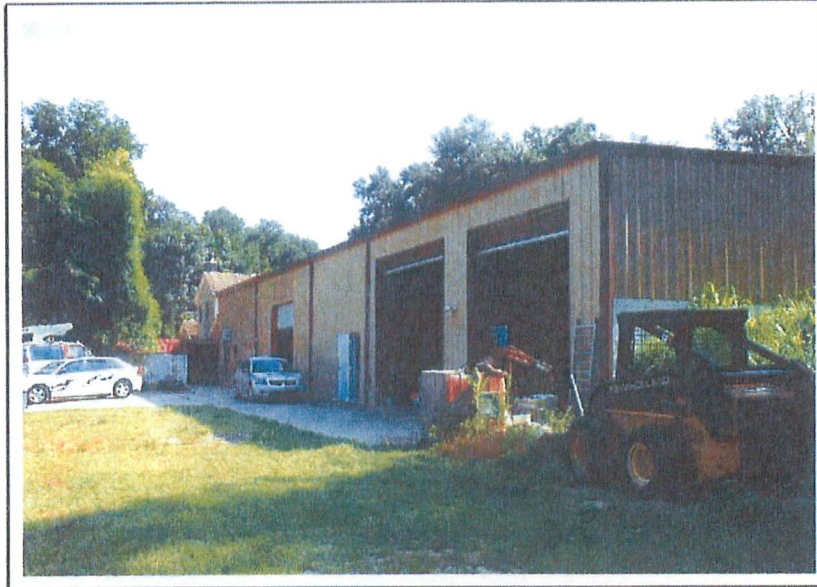
(5) Southwesterly view of the subject residence.
Photograph taken by Thomas A. Riddle, MAI on July 31, 2014



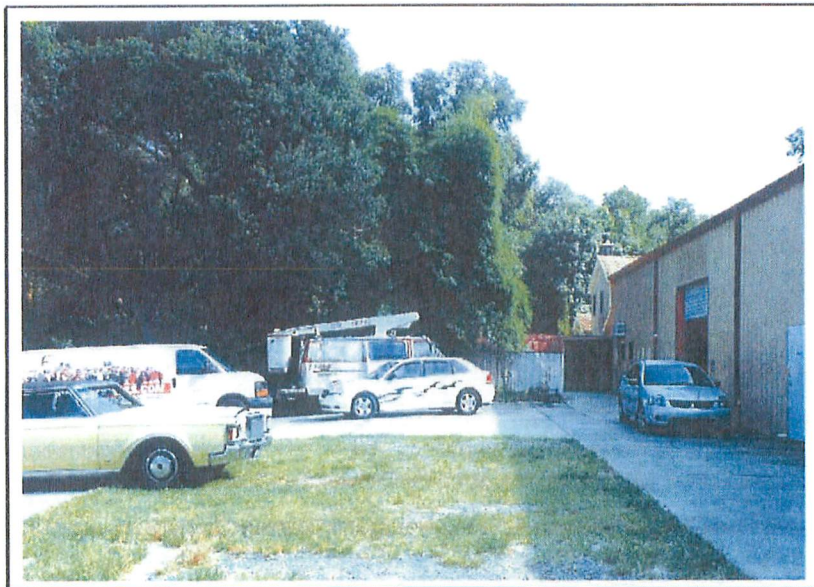
(6) Westerly view of the east elevation of the subject residence.
Photograph taken by Thomas A. Riddle, MAI on July 31, 2014

Parcel: 316/816
Project: Wekiva Parkway 429-206
County: Lake

PHOTOGRAPHS



(7) Northerly view of the shop building.
Photograph taken by Thomas A. Riddle, MAI on July 31, 2014



(8) Northerly view of the shop building and residence.
Photograph taken by Thomas A. Riddle, MAI on July 31, 2014

Parcel: 316/816
Project: Wekiva Parkway 429-206
County: Lake

PHOTOGRAPHS



(9) Interior view of the residences enclosed front porch.
Photograph taken by Thomas A. Riddle, MAI on July 31, 2014



(10) Interior view of the subject's residence.
Photograph taken by Thomas A. Riddle, MAI on July 31, 2014

Parcel: 316/816
Project: Wekiva Parkway 429-206
County: Lake

PHOTOGRAPHS



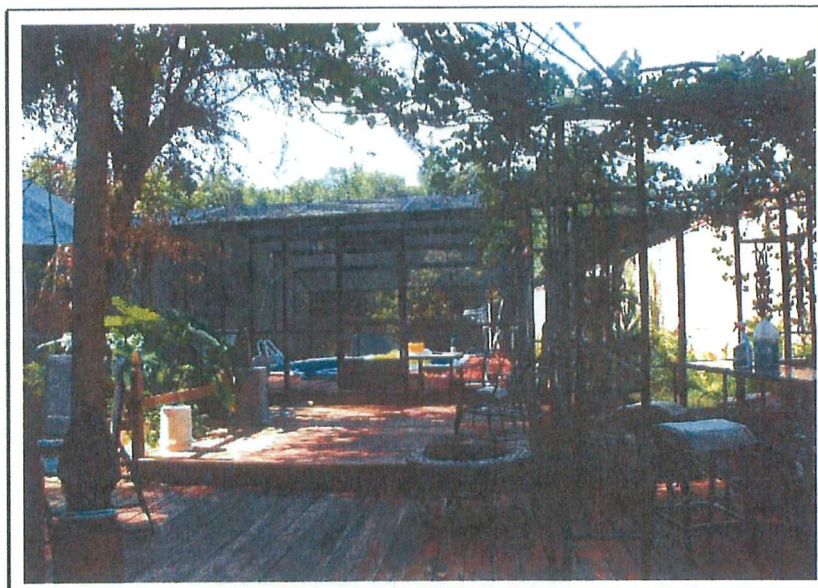
(27) Southerly view of west side of the shop building.
Photograph taken by Thomas A. Riddle, MAI on July 31, 2014



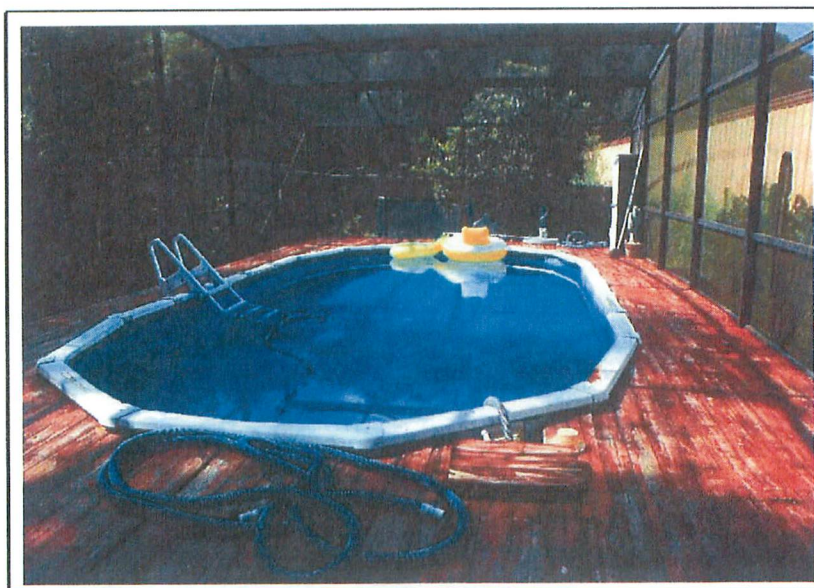
(28) Interior view of the shop building.
Photograph taken by Thomas A. Riddle, MAI on July 31, 2014

Parcel: 316/816
Project: Wekiva Parkway 429-206
County: Lake

PHOTOGRAPHS



(35) View of the subject's pool and deck patio.
Photograph taken by Thomas A. Riddle, MAI on July 31, 2014



(36) View of the subject's pool.
Photograph taken by Thomas A. Riddle, MAI on July 31, 2014

Aerial Site Map of Subject with Camera Angles

