




## MEMORANDUM

TO: Central Florida Expressway Authority Board Members CLIENT-MATTER NO.: 19125.0088  
FROM: David A. Shontz, Esq., Right-of-Way Counsel   
DATE: November 16, 2015  
RE: State Road 429 Wekiva Parkway, Project 429-203; Parcel 174  
Proposed Settlement Including Fees and Costs

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Shutts & Bowen LLP, Right-of-Way Counsel, seeks the approval of the Board of a proposed settlement between Jackie D. Martin and Debora F. Martin, (the "Owners") and the Central Florida Expressway Authority (the "CFX") for the acquisition of Parcel 174 (the "Taking" or "Property") for the construction of State Road 429 Wekiva Parkway, Project 429-203.

### DESCRIPTION AND BACKGROUND

Parcel 174 is the fee simple acquisition of 0.839 acres, more or less, taken as limited access right-of-way from property located on the west side of Plymouth Sorrento Road in Apopka, Orange County, Florida. The remainder property is 2.169 acres, more or less, and includes a 1,176 square foot, one-story, 3-bedroom, 1-bath single family residence constructed in approximately 1960 which is the homestead of Mr. and Mrs. Martin.

The Property is zoned A-1, Citrus Rural District (Agricultural) by Orange County, with a Future Land Use designation of Rural/Agricultural by Orange County.

Site improvements include a shell/dirt drive; a well, pump and septic system; a wood frame shed and lean-to; an 8-foot metal gate; field wire fencing; and barbed wire fencing. In the after, the residence will sit back approximately 870 feet from the limited access right-of-way, and is not included in the taking.

The CFX's appraisal of the property was prepared by David K. Hall, ASA, of Bullard, Hall & Adams, Inc. Mr. Hall estimated the value of the taking to be \$49,000 on July 10, 2014, the date when title transferred to the CFX. Comparable land sales of \$25,416 to \$30,021 were

utilized by Mr. Hall in his analysis. Mr. Hall opined the subject property value is \$30,000 per acre. Thus the land value of the subject property is \$25,200. Additionally, improvements within the taking consisting of 361 linear feet of 4-foot field fencing on wood posts with one strand of barbed wire, 92 linear feet of 3-strand barbed wire fencing on wood posts, and an 8-foot metal gate are valued by Mr. Hall at \$3,600, based upon a cost estimate prepared by John Speer of Speer Construction, LLC.

Based upon the close proximity of the proposed Wekiva Parkway, Mr. Hall opined the remainder property was damaged by 30%, resulting in a per acre value of \$21,000 after the taking equating to \$19,600 for severance damages attributable to the remainder. Additionally, the fencing along the new right-of-way line will need to be re-established and connected to the existing fencing on the north boundary. Again, based upon a cost estimate provided by John Speer, Mr. Hall values the net cost to cure at \$600.

The property owners sought assistance in the valuation of the property from Rick Dreggors, however, he did not finalize an appraisal report. Mr. Bauerle argued for additional land value and increased severance damages due to the proximity of the parkway in the after condition. We have been able to reach a settlement with Mr. and Mrs. Martin through their attorney, Kurt Bauerle, in the amount of \$80,000, plus a reduced statutory attorney's fee and experts' fees totaling \$14,500.

For the above-cited reasons, Right-of-Way counsel requests a recommendation for approval of the proposed settlement in the amount of \$94,500, which is in the CFX's best interest. Settlement of the underlying claim and all fees and costs will eliminate further risk and unnecessary expenses that the CFX will ultimately incur with further litigation of the condemnation action to acquire Parcel 174.

### **RECOMMENDATION**

We respectfully request that the CFX Board approve the proposed settlement agreement with a total settlement of \$94,500 in full settlement of all claims for compensation in the acquisition of Parcel 174. The proposed settlement agreement was recommended by the Right-of-Way Committee at its November 20<sup>th</sup> meeting.

### **ATTACHMENTS**

- Exhibit "A" – Sketch of the Subject Property
- Exhibit "B" – Photographs of the Subject Property and Area
- Exhibit "C" – Invoice for appraisal services performed by Rick Dreggors

ORLDOCS 14361912 1

ORLANDO-ORANGE COUNTY EXPRESSWAY AUTHORITY  
WEKIVA PARKWAY - PROJECT NO. 429-203  
LIMITED ACCESS RIGHT OF WAY  
ESTATE: FEE SIMPLE

**LEGAL DESCRIPTION:**

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 20 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A FOUND RAILROAD SPIKE WITH NO IDENTIFICATION MARKING THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 20 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA; THENCE SOUTH 89°27'56" WEST ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 24, A DISTANCE OF 1336.19 FEET TO ITS INTERSECTION WITH THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SOUTHEAST QUARTER; THENCE DEPARTING SAID NORTH LINE RUN SOUTH 00°14'39" WEST ALONG SAID WEST LINE, A DISTANCE OF 800.07 FEET TO ITS INTERSECTION WITH THE SOUTH LINE OF THE NORTH 800 FEET OF THE NORTHEAST QUARTER OF SAID SOUTHEAST QUARTER FOR THE POINT OF BEGINNING; THENCE DEPARTING SAID WEST LINE RUN NORTH 89°27'56" EAST ALONG SAID SOUTH LINE, A DISTANCE OF 361.64 FEET TO A POINT ON A CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 5939.58 FEET, A CHORD DISTANCE OF 100.20 FEET AND A CHORD BEARING OF SOUTH 04°11'17" EAST; THENCE DEPARTING SAID SOUTH LINE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00°58'00", A DISTANCE OF 100.20 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 900 FEET OF THE NORTHEAST QUARTER OF SAID SOUTHEAST QUARTER; THENCE DEPARTING SAID CURVE RUN SOUTH 89°27'56" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 369.39 FEET TO ITS INTERSECTION WITH THE AFORESAID WEST LINE OF THE NORTHEAST QUARTER OF SAID SOUTHEAST QUARTER; THENCE DEPARTING SAID SOUTH LINE RUN NORTH 00°14'39" EAST ALONG SAID WEST LINE, A DISTANCE OF 100.01 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH ALL RIGHTS OF INGRESS, EGRESS, LIGHT, AIR AND VIEW TO, FROM OR ACROSS ANY STATE ROAD 429 RIGHT OF WAY PROPERTY WHICH MAY OTHERWISE ACCRUE TO ANY PROPERTY ADJOINING SAID RIGHT OF WAY.

CONTAINING 0.839 ACRES, MORE OR LESS

**NOTE:**

THIS SKETCH OF DESCRIPTION WAS PREPARED WITH THE BENEFIT OF CERTIFICATE OF TITLE INFORMATION PREPARED BY FIRST AMERICAN TITLE INSURANCE COMPANY AS TO FILE NO. 2037-2846819 DATED 11/05/2012.


**LEGEND & ABBREVIATIONS**

CB = CHORD BEARING  
C.C.R. = CERTIFIED CORNER RECORD  
CH = CHORD LENGTH  
COR. = CORNER  
(C) = CALCULATED DISTANCE  
D.B. = DEED BOOK  
ESMT = EASEMENT  
EXIST. = EXISTING  
FND. = FOUND  
FPC = FLORIDA POWER CORPORATION  
(F) = FIELD DISTANCE

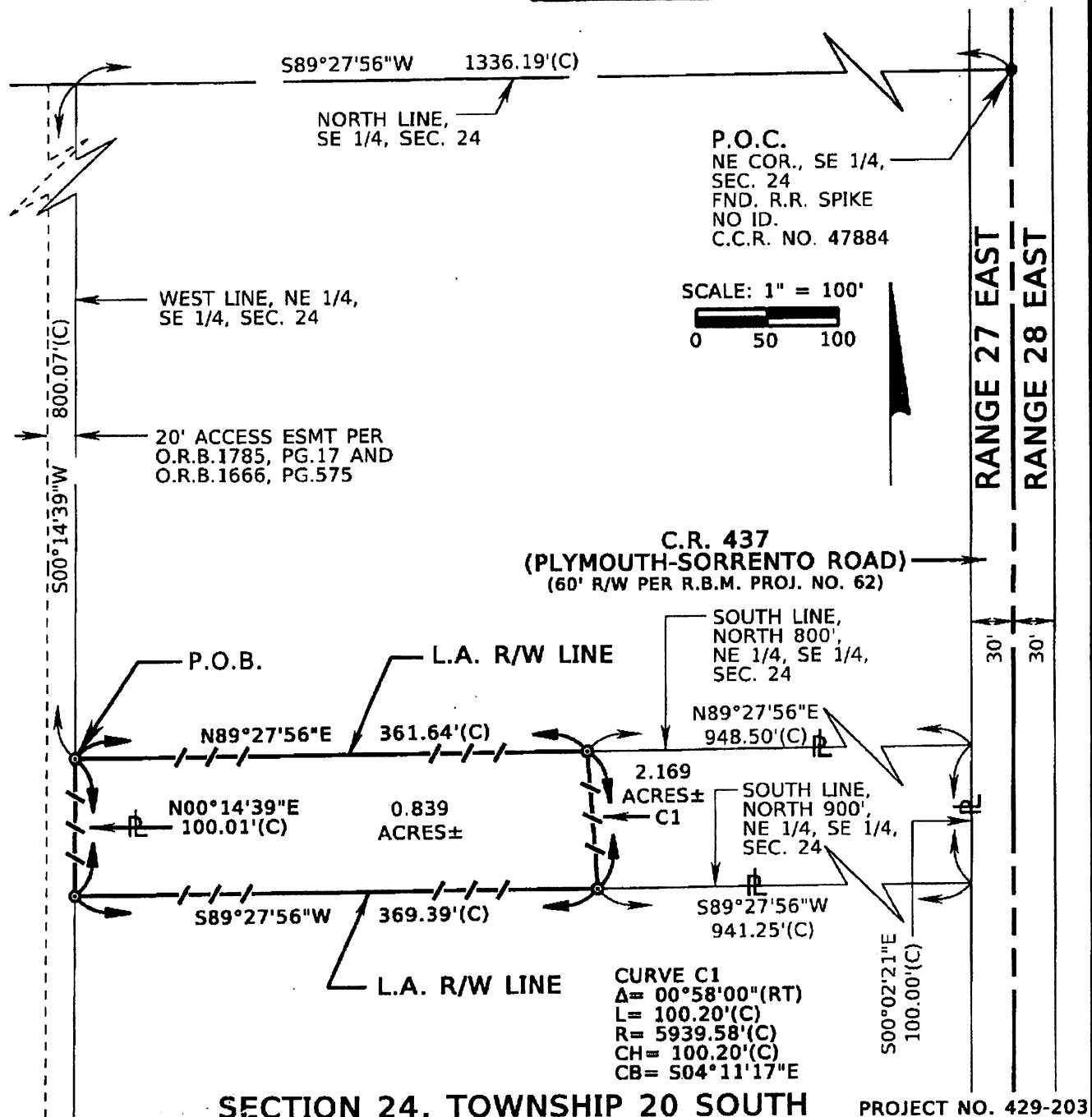
ID. = IDENTIFICATION  
I.R. = IRON ROD  
L. = ARC LENGTH  
L.A. = LIMITED ACCESS  
LB = LICENSED SURVEY BUSINESS  
LT = LEFT  
NO. = NUMBER  
O.R.B. = OFFICIAL RECORDS BOOK  
P.C. = POINT OF CURVATURE  
PG./PGS. = PAGE / PAGES

P.I. = POINT OF INTERSECTION  
P.O.B. = POINT OF BEGINNING  
P.O.C. = POINT OF COMMENCEMENT  
PROJ. = PROJECT  
P.T. = POINT OF TANGENCY  
(P) = PLAT  
R = RADIUS  
R.B.M. = ROAD BOND MAP  
RT = RIGHT  
R/W = RIGHT OF WAY

(R) = RADIAL  
SEC. = SECTION  
TIITF = TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND  
W/ = WITH  
R = SAME PROPERTY OWNER  
Δ = DELTA (CENTRAL ANGLE)  
Δ = CHANGE IN DIRECTION  
--- = LIMITED ACCESS R/W LINE  
--- = R/W LINE

DATE SEPTEMBER 16, 2013		 CERTIFICATION OF AUTHORIZATION No. LB 3221 520 SOUTH MAGNOLIA AVENUE ORLANDO, FLORIDA 32801 (407) 843-5120 FAX 407-649-8664	<b>SKETCH OF DESCRIPTION.</b> THIS IS NOT A BOUNDARY SURVEY.  S.R. 429 (WEKIVA PARKWAY) ORLANDO-ORANGE COUNTY EXPRESSWAY AUTHORITY ORANGE COUNTY, FLORIDA	<b>PARCEL</b> <b>174</b>
DRAWN BY M.ROLLINS				SCALE: N/A
CHECKED BY S.WARE				SHEET 1 OF 2
BSA PROJECT NO. EA11-J1				
REVISION	BY	DATE		

BEARING STRUCTURE BASED ON THE NORTH LINE OF THE SOUTHEAST 1/4 OF SEC. 24-20-27, BEING S89°27'56"W, FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, 1983/2007 ADJUSTMENT.



# SECTION 24, TOWNSHIP 20 SOUTH

PROJECT NO. 429-203

I HEREBY CERTIFY THAT THIS SKETCH OF DESCRIPTION IS IN ACCORDANCE WITH THE "MINIMUM TECHNICAL STANDARDS" AS REQUIRED BY CHAPTER 51-17, FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

WILLIAM E. BYRD, L.S.M.  
LICENSE NUMBER 5442  
DATE 3/14/13

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

CERTIFICATION OF AUTHORIZATION No. LB 1221

**BOWYER SINGLETON**  
520 SOUTH MAGNOLIA AVENUE  
ORLANDO, FLORIDA 32801  
(407) 843-5320  
FAX 407-842-8664

SKETCH OF DESCRIPTION.  
THIS IS NOT A BOUNDARY SURVEY.

S.R. 429 (WEKIVA PARKWAY)  
ORLANDO-ORANGE COUNTY  
EXPRESSWAY AUTHORITY  
ORANGE COUNTY, FLORIDA

PARCEL  
174

SCALE: 1"=100'

SHEET 2 OF 2



**PHOTOGRAPHS OF SUBJECT  
PARCEL 174**



1. LOOKING NORTH AT THE FRONTAGE ALONG PLYMOUTH SORRENTO ROAD

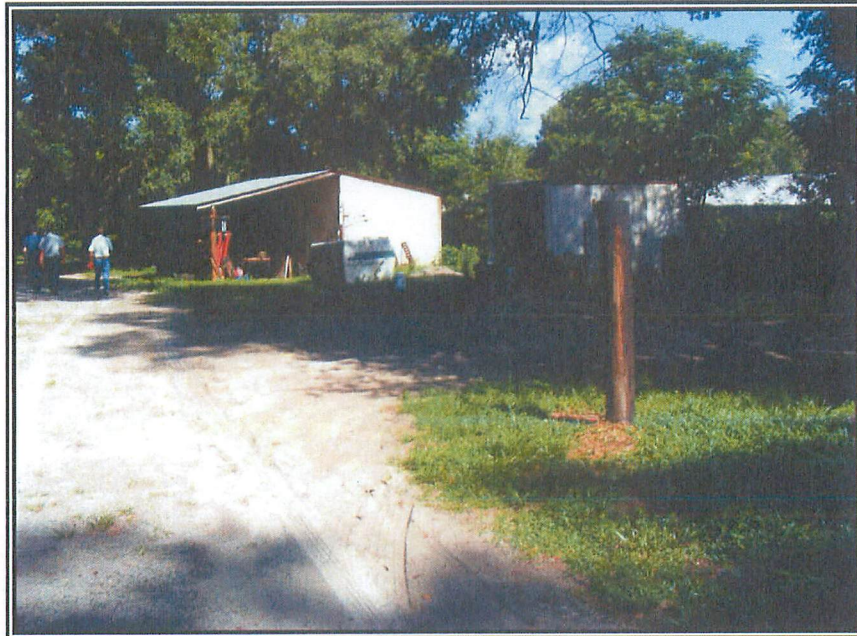


2. LOOKING NORTHWEST AT THE RESIDENCE

Photographs Taken By:  
David K. Hall  
August 14, 2014



**PHOTOGRAPHS OF SUBJECT  
PARCEL 174**



3. LOOKING NORTHWEST AT THE STORAGE SHEDS



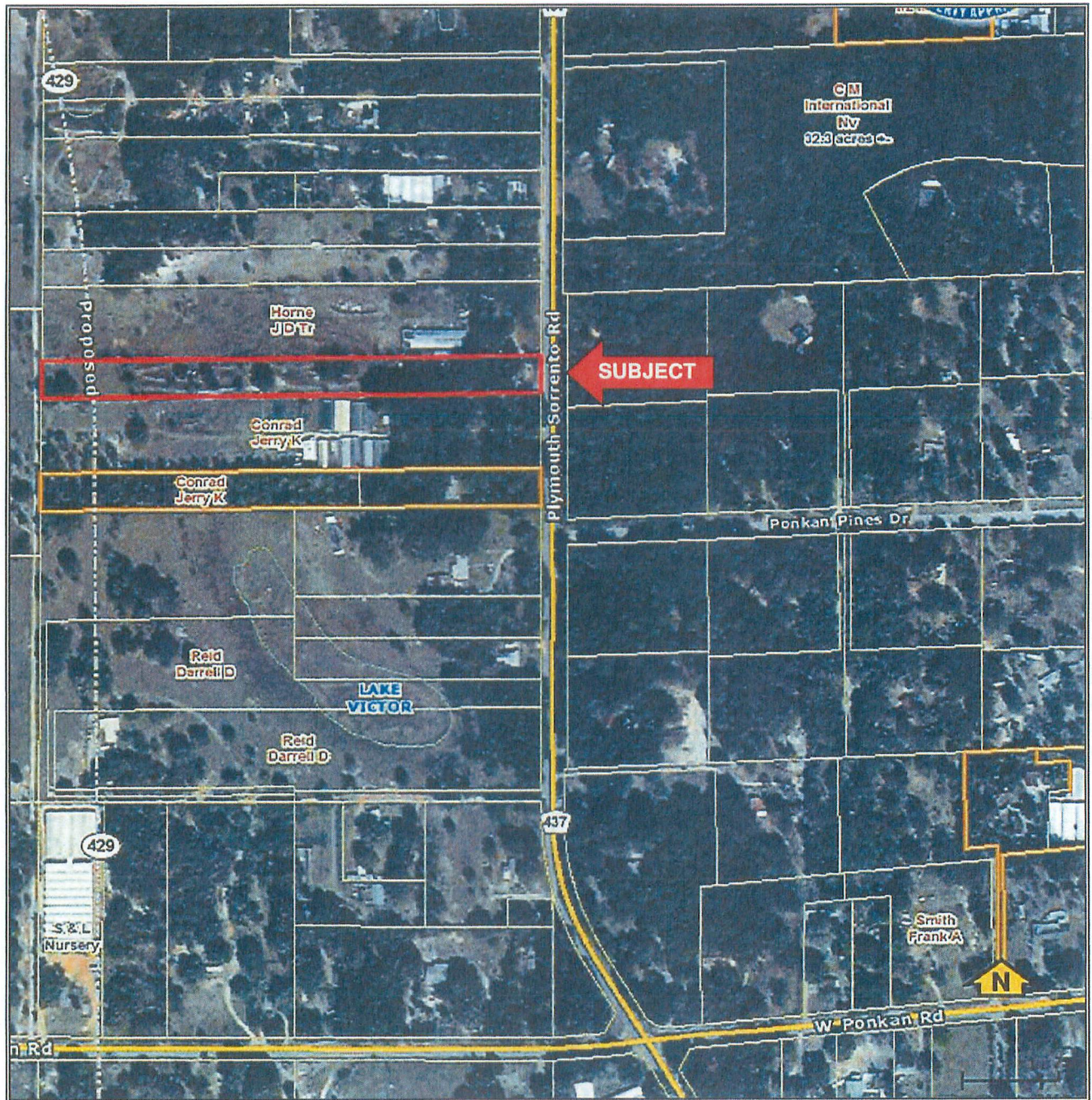
4. LOOKING WEST AT THE TAKING

**PHOTOGRAPHS OF SUBJECT  
PARCEL 174**



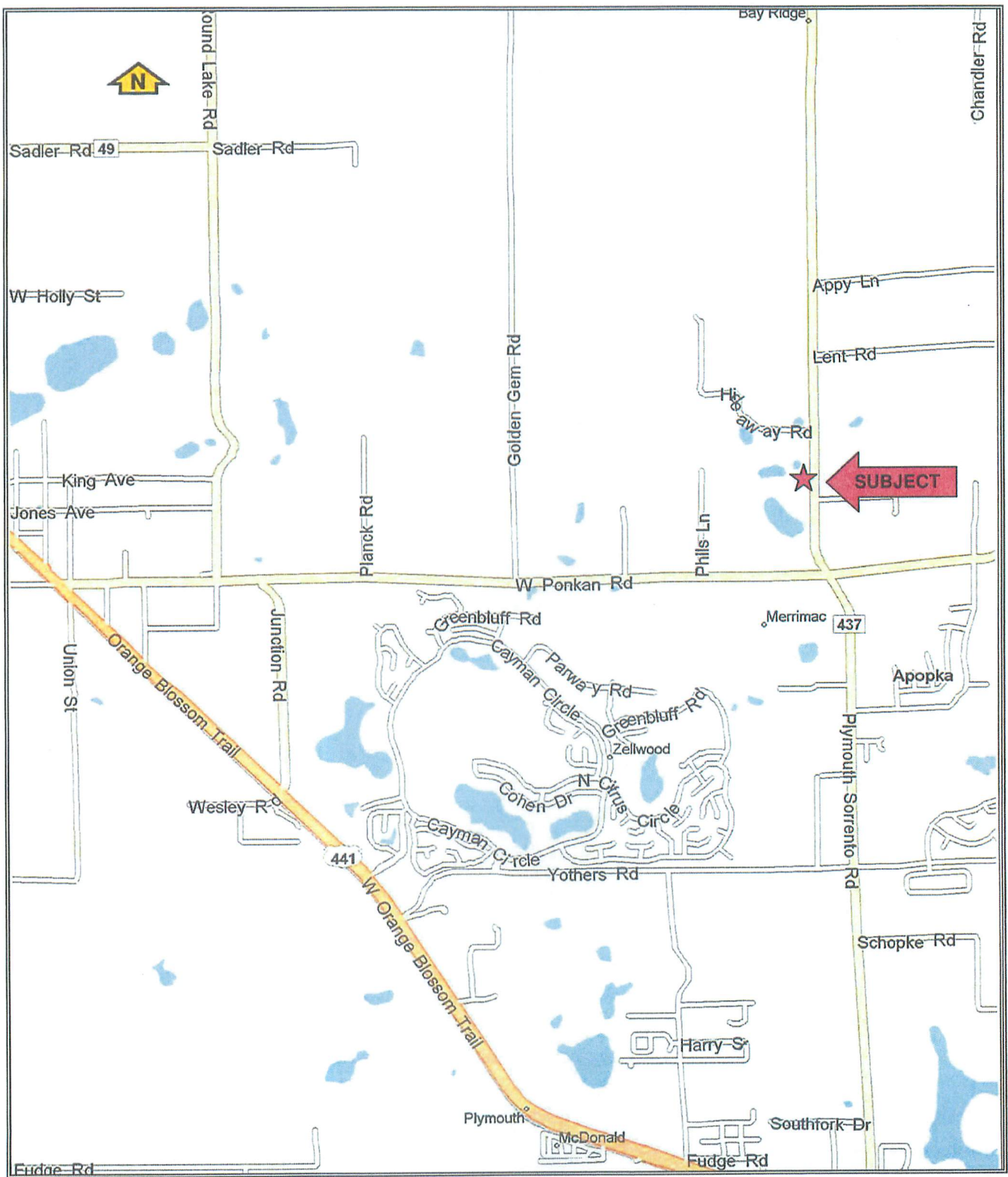
5. LOOKING WEST AT THE TAKING





AERIAL PHOTO  
PARCEL 174





**SUBJECT LOCATION MAP  
PARCEL 174**

**Calhoun, Dreggors & Associates, Inc.**  
• Real Estate Appraisers & Consultants •

April 14, 2014

Kurt T. Bauerle, Esq.  
c/o Harris, Harris, Bauerle & Sharma  
1201 East Robinson Street  
Orlando, FL 32801

RE: Owner: Martín  
Parcel No.: 174  
Project: Wekiva Parkway  
County: Orange

**INVOICE**

Review O/OCEA report, land sales research, review/analysis of sales, meeting with owner's representative.

Researcher:	11.75 Hrs. x \$ 75/Hr. =	\$ 881
Eaton:	23.25 Hrs. x \$125/Hr. =	2,906
Dreggors:	6.00 Hrs. x \$225/Hr. =	<u>1,350</u>
Total		\$5,137

Thank you,

Richard C. Dreggors, GAA  
President

RCD/smo

728 West Smith Street • Orlando, Florida 32804  
Tel (407) 835-3395 • Fax (407) 835-3393  
*affiliated with Calhoun, Collister & Parham, Inc. of Tampa*

**EXHIBIT "C"**