


# CENTRAL FLORIDA EXPRESSWAY AUTHORITY

## MEMORANDUM

TO: Central Florida Expressway Authority Board Members

FROM: Linda S. Brehmer Lanosa, Deputy General Counsel   
Sidney Calloway, Esquire

DATE: September 22, 2015

RE: *Central Florida Expressway Authority v. Michael Tyszko, et al.*  
Case No. 2014-003641-O, Project: 429-203, **Parcel 228**  
Owner: Michael Tyszko  
Address: 3001 West Kelly Park Road, Apopka, Florida

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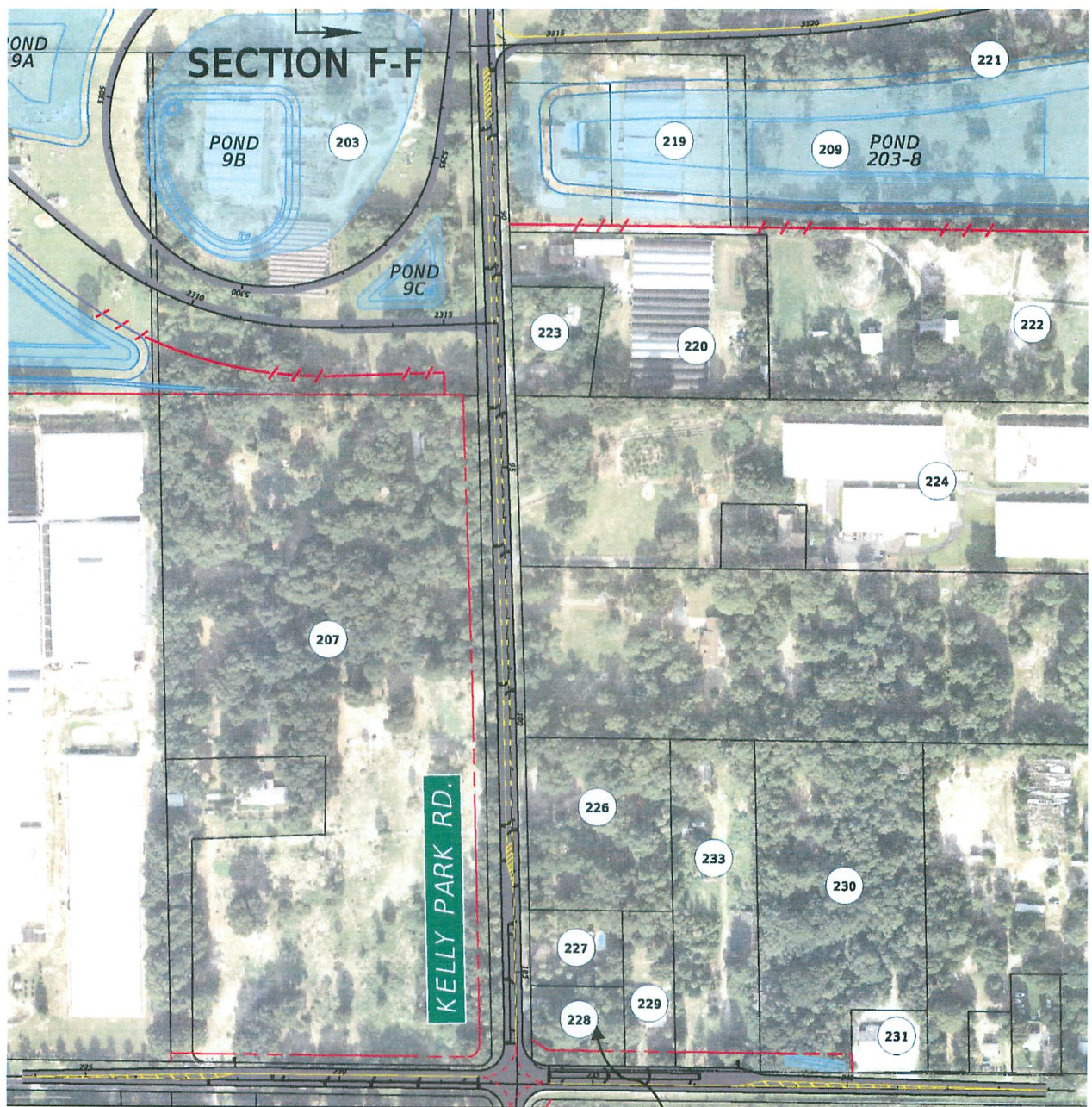
## INTRODUCTION

This case is set for trial on the November 23, 2015 docket in front of Judge Kest. The case was mediated on September 16, 2015, but impassed after a full day of negotiations between the parties.

We would like to serve an offer of judgment. Section 73.032 of the Florida Statutes allows a condemning authority to serve an offer of judgment (Offer) in an eminent domain case. The purpose of the offer is to shift liability for expert fees and costs. If the judgment obtained is equal to or less than the offer of judgment, the trial court is prohibited from awarding costs incurred by the property owner after the date the offer of judgment was rejected. The Offer would have no applicability if it is less than the judgment obtained.

## APPRAISED VALUE OF PARCEL 229

Parcel 228 is a partial taking of 0.1546 acres (6,735 sq. ft.) of property zoned A-1 (Citrus Rural District) along the northeast corner of Plymouth Sorrento Road and West Kelly Park Road in Apopka as shown in the map below. Mr. Carpenter appraised Parcel 228 with a highest and best use in the short-term for continued residential use, with a “reasonably probable use to hold until demand for future neighborhood commercial development permits.” Applying the comparable sales approach, Mr. Carpenter estimated the land value to be **\$3.50/sq. ft. or \$23,575**, plus \$7,665 for trees and sod, totaling **\$31,240**.

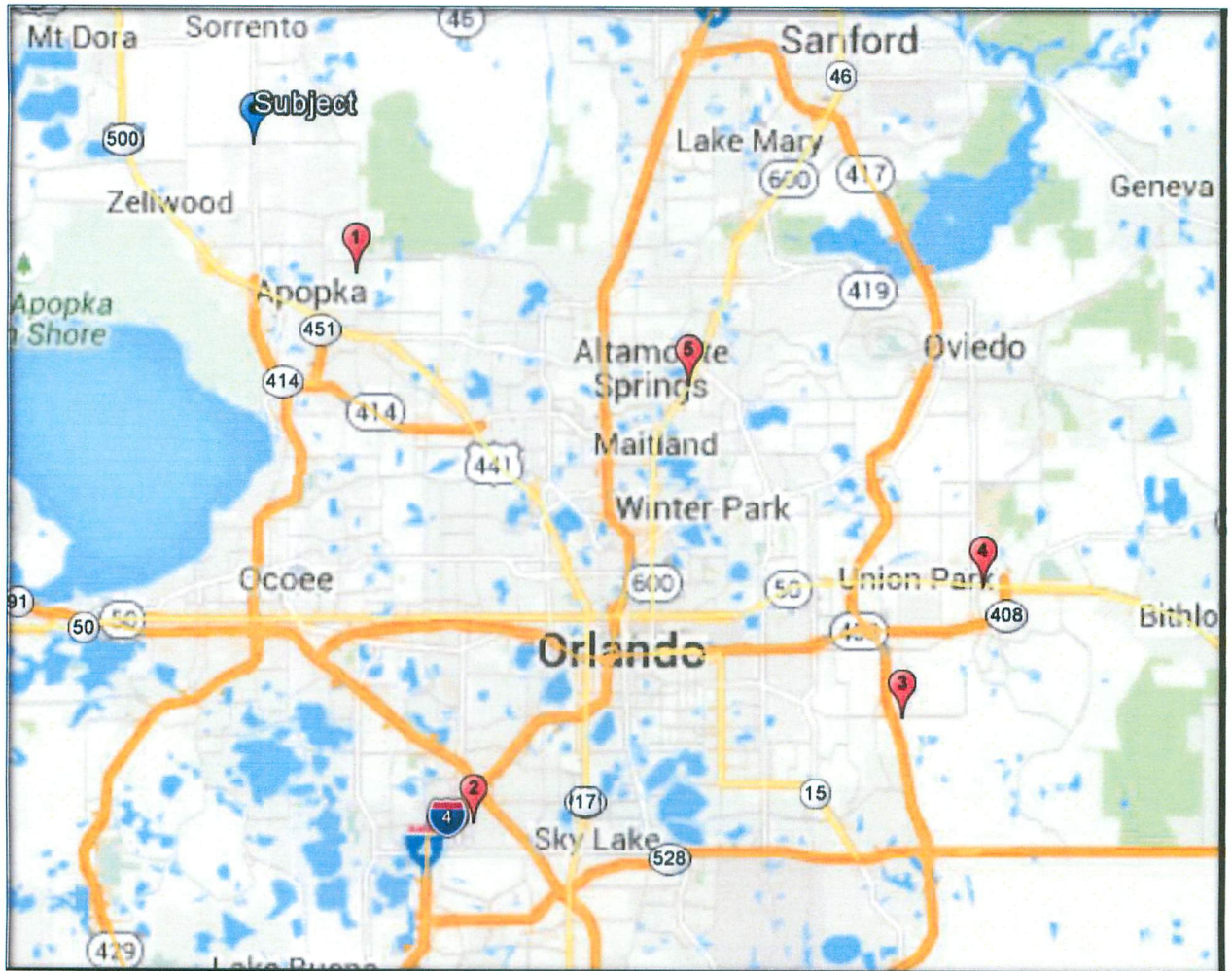


Subject Property

### OWNER'S APPRAISAL REPORT

The owner's real estate appraiser, Martin Engelmann, Jr., MAI, valued Parcel 228 at \$14.50/sq. ft., or **\$97,700** for the land taken. His valuation conclusion is based upon using land sales transactions that occurred at fully completed highway interchanges, as shown in the map below, which he asserts are "comparable" to the subject parcels. In addition, Mr. Engelmann

added \$108,000 in severance damages due to the reduction in size from 0.6806 acres to 0.526 acres, for a total estimated value of \$206,000.



## REQUEST

We request that the Board approve the Right-of-Way Committee's recommendation to serve an offer of judgment as to Parcel 228 in the amount of \$81,240, respectively.