


*Founded 1910*

## MEMORANDUM

TO: Central Florida Expressway Authority Board  
FROM: David A. Shontz, Esq., Right-of-Way Counsel   
DATE: May 26, 2015  
RE: State Road 429 Wekiva Parkway, Project 429-203; Parcel 203 Settlement

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Shutts & Bowen LLP, Right-of-Way Counsel, seeks approval by the CFX Board of a negotiated settlement agreement between JDC Plants, Inc. (the "Owner") and the Central Florida Expressway Authority (the "CFX") for the acquisition of Parcel 203 (the "Taking" or "Property") for the construction of State Road 429 Wekiva Parkway, Project 429-203.

### DESCRIPTION AND BACKGROUND

Parcel 203 is a whole taking acquisition consisting of 9.558± acres. The property is located in unincorporated Orange County at 3366 West Kelly Park Road, Apopka, Florida. The property is improved with several building structures, including a single-family house, three (3) greenhouse structures, and metal sheds and is utilized as a plant nursery. Two greenhouse/shade buildings contain a total of 38,829 square feet.

The CFX's appraisal of the property was prepared by Walter Carpenter of Pinel & Carpenter, Inc. Mr. Carpenter estimated the value of the taking to be \$1,450,000 (Land \$1,250,000, and Improvements \$200,000). Comparable land sales of \$1.66 to \$6.48 per square foot were utilized by Mr. Carpenter. Mr. Carpenter opined the subject property value is \$3.00 per square foot or \$130,680 per acre.

JDC Plants, Inc. is represented by Jay Small who was in the process of appraising the taking on behalf of JDC Plants. In an effort for an early settlement, Mr. Small reviewed and argued that taking the mid-point of Mr. Carpenter's sales would provide a value of at least \$4.25 per square foot, or \$1,769,500. Additionally, JDC Plants would agree to not dispute the contributory value of the improvements at \$200,000. Accordingly, Mr. Small offered an early settlement in an effort to avoid incurring significant expert fees totaling \$2,140,935 (\$1,969,500 for taking and \$171,435 statutory attorney's fee) plus expert fees and costs.

In response to JDC Plant, Inc's settlement offer, CFX made a global counter-offer inclusive of all attorneys fees and costs and expert fees and costs in the amount of \$1,900,000, which was accepted by JDC Plants, Inc.

Approval of the negotiated global settlement of \$1,900,000 for Parcel 203 is requested and is in the CFX's best interest. It will eliminate risks and unnecessary expenses for expert fees, court costs and attorney's fees that the CFX will ultimately incur if it is required to litigate the valuation determination to resolve Parcel 203. The Right-of-Way Committee previously approved recommendation of the requested settlement.

### **RECOMMENDATION**

We respectfully request that the CFX Board approve the negotiated settlement agreement of \$1,900,000, inclusive of all fees and costs in full settlement of all claims for compensation for the acquisition of Parcel 203.

### **ATTACHMENTS**

Exhibit "A" – Sketch of Subject Property

ORLDOCS 14042260 1

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

**LEGAL DESCRIPTION:**

**PART A**

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 20 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A FOUND 5/8" IRON ROD WITH NO IDENTIFICATION LOCATED IN A WELL BOX MARKING THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 20 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA; THENCE NORTH 88°20'47" EAST ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 679.45 FEET TO ITS INTERSECTION WITH THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID NORTHEAST QUARTER AS MONUMENTED AND OCCUPIED; THENCE DEPARTING SAID NORTH LINE RUN SOUTH 00°20'58" EAST ALONG SAID WEST LINE, A DISTANCE OF 102.98 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID WEST LINE RUN NORTH 87°44'58" EAST, A DISTANCE OF 633.98 FEET; THENCE SOUTH 02°15'02" EAST, A DISTANCE OF 209.57 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE WESTERLY, HAVING A RADIUS OF 839.24 FEET, A CHORD DISTANCE OF 344.01 FEET AND A CHORD BEARING OF SOUTH 09°34'35" WEST; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 23°39'13", A DISTANCE OF 346.47 FEET; THENCE DEPARTING SAID CURVE RUN SOUTH 88°20'47" WEST, A DISTANCE OF 581.44 FEET TO THE AFORESAID WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID NORTHEAST QUARTER; THENCE NORTH 00°20'58" WEST ALONG SAID WEST LINE, A DISTANCE OF 540.52 FEET TO THE POINT OF BEGINNING.

CONTAINING 7.845 ACRES, MORE OR LESS

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

**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. 2037-2770437 DATED 07/02/2012.


**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  
TITF = TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND  
W/ = WITH  
P.L. = PROPERTY LINE  
S.P.O. = SAME PROPERTY OWNER  
D.A. = DELTA (CENTRAL ANGLE)  
C.I.D. = CHANGE IN DIRECTION  
L.A.R.W. = LIMITED ACCESS R/W LINE  
R/W LINE

DATE NOVEMBER 18, 2013		 520 SOUTH MAGNOLIA AVENUE ORLANDO, FLORIDA 32801 (407) 843-5120 FAX 407-849-8664	<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>203</b>  SCALE: N/A  SHEET 1 OF 4	
DRAWN BY M.ROLLINS					
CHECKED BY S.WARE					
BSA PROJECT NO. EA11-11					
REVISION		BY	DATE		

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


LEGAL DESCRIPTION:

PART B

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 20 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A FOUND 5/8" IRON ROD WITH NO IDENTIFICATION LOCATED IN A WELL BOX MARKING THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 20 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA; THENCE NORTH 88°20'47" EAST ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 679.45 FEET TO ITS INTERSECTION WITH THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID NORTHEAST QUARTER AS MONUMENTED AND OCCUPIED; THENCE DEPARTING SAID NORTH LINE RUN SOUTH 00°20'58" EAST ALONG SAID WEST LINE, A DISTANCE OF 22.93 FEET TO ITS INTERSECTION WITH THE EXISTING SOUTH RIGHT OF WAY LINE OF KELLY PARK ROAD AS DEPICTED ON ORANGE COUNTY ROAD BOND MAP PROJECT NO. 49-E FOR THE POINT OF BEGINNING; THENCE DEPARTING SAID WEST LINE RUN ALONG SAID SOUTH RIGHT OF WAY LINE THE FOLLOWING THREE COURSES AND DISTANCES: THENCE NORTH 87°44'58" EAST, A DISTANCE OF 83.85 FEET; THENCE SOUTH 00°20'58" EAST, A DISTANCE OF 7.95 FEET; THENCE NORTH 88°20'47" EAST, A DISTANCE OF 594.56 FEET TO ITS INTERSECTION WITH THE EAST LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID NORTHEAST QUARTER AS MONUMENTED AND OCCUPIED; THENCE DEPARTING SAID SOUTH RIGHT OF WAY LINE RUN SOUTH 00°14'36" EAST ALONG SAID EAST LINE, A DISTANCE OF 613.52 FEET; THENCE DEPARTING SAID EAST LINE RUN SOUTH 88°20'47" WEST, A DISTANCE OF 95.81 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE WESTERLY, HAVING A RADIUS OF 839.24 FEET, A CHORD DISTANCE OF 344.01 FEET AND A CHORD BEARING OF NORTH 09°34'35" EAST; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 23°39'13", A DISTANCE OF 346.47 FEET TO THE POINT OF TANGENCY; THENCE DEPARTING SAID CURVE RUN NORTH 02°15'02" WEST, A DISTANCE OF 209.57 FEET; THENCE SOUTH 87°44'58" WEST, A DISTANCE OF 633.98 FEET TO AN INTERSECTION WITH AFORESAID WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID NORTHEAST QUARTER; THENCE RUN NORTH 00°20'58" WEST ALONG SAID WEST LINE, A DISTANCE OF 80.04 FEET TO THE POINT OF BEGINNING.

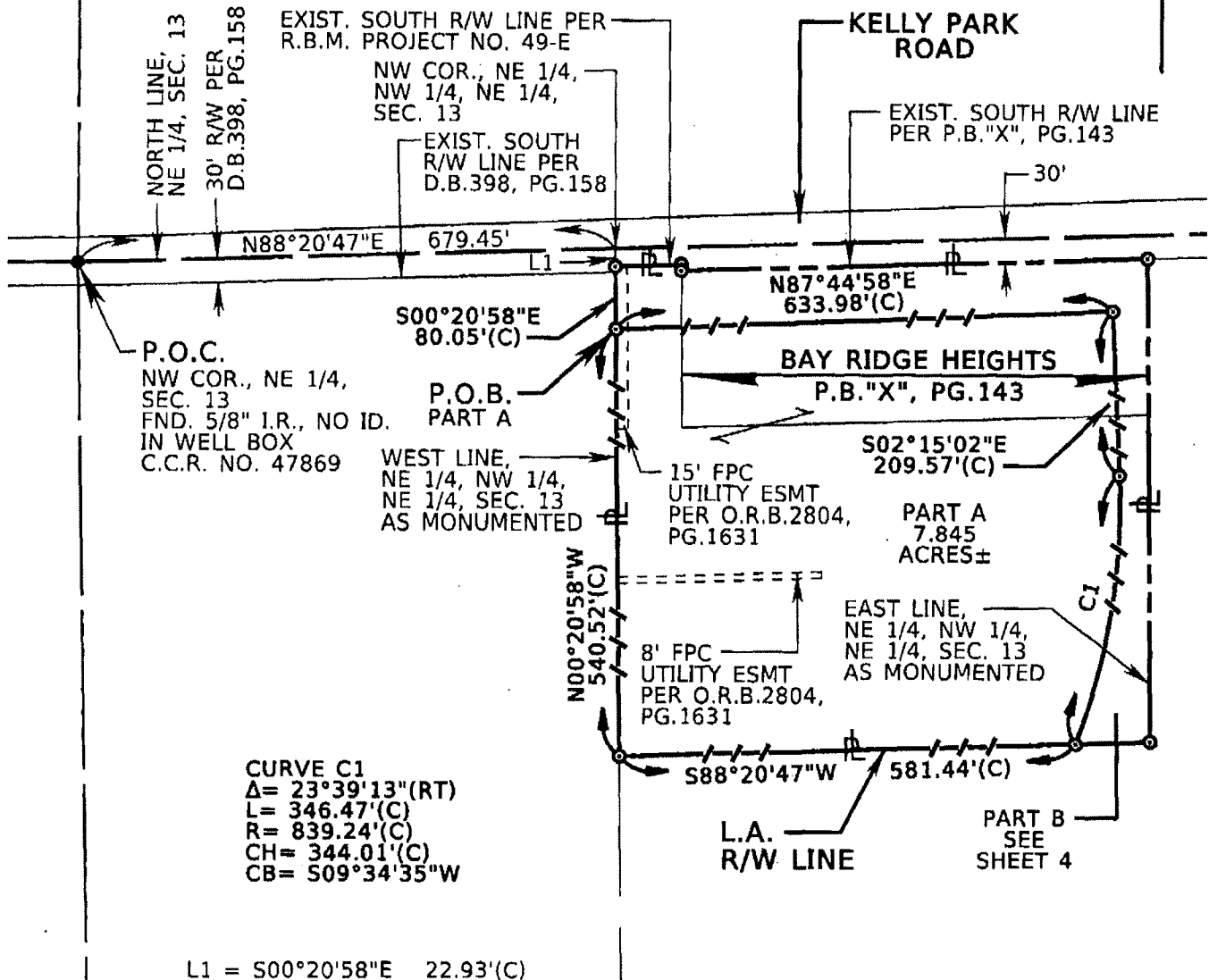
CONTAINING 1.713 ACRES, MORE OR LESS

DATE	NOVEMBER 18, 2013		SKETCH OF DESCRIPTION. THIS IS NOT A BOUNDARY SURVEY.	PARCEL 203
DRAWN BY	M.ROLLINS			SCALE: N/A
CHECKED BY	S.WARE		S.R. 429 (WEKIVA PARKWAY) ORLANDO-ORANGE COUNTY EXPRESSWAY AUTHORITY ORANGE COUNTY, FLORIDA	SHEET 2 OF 4
BSA PROJECT NO.	EA11-J1			
REVISION	BY	DATE		

BEARING STRUCTURE BASED ON THE NORTH LINE  
OF THE NORTHEAST 1/4 OF SEC. 13-20-27, BEING  
N88°20'47"E, FLORIDA STATE PLANE COORDINATE  
SYSTEM, EAST ZONE, 1983/2007 ADJUSTMENT.


SCALE: 1" = 200'

0 100 200

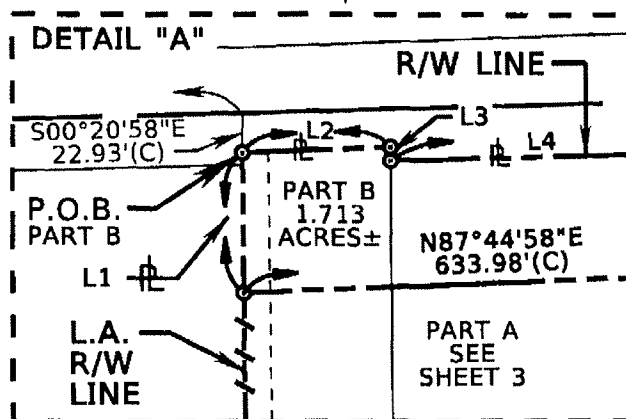
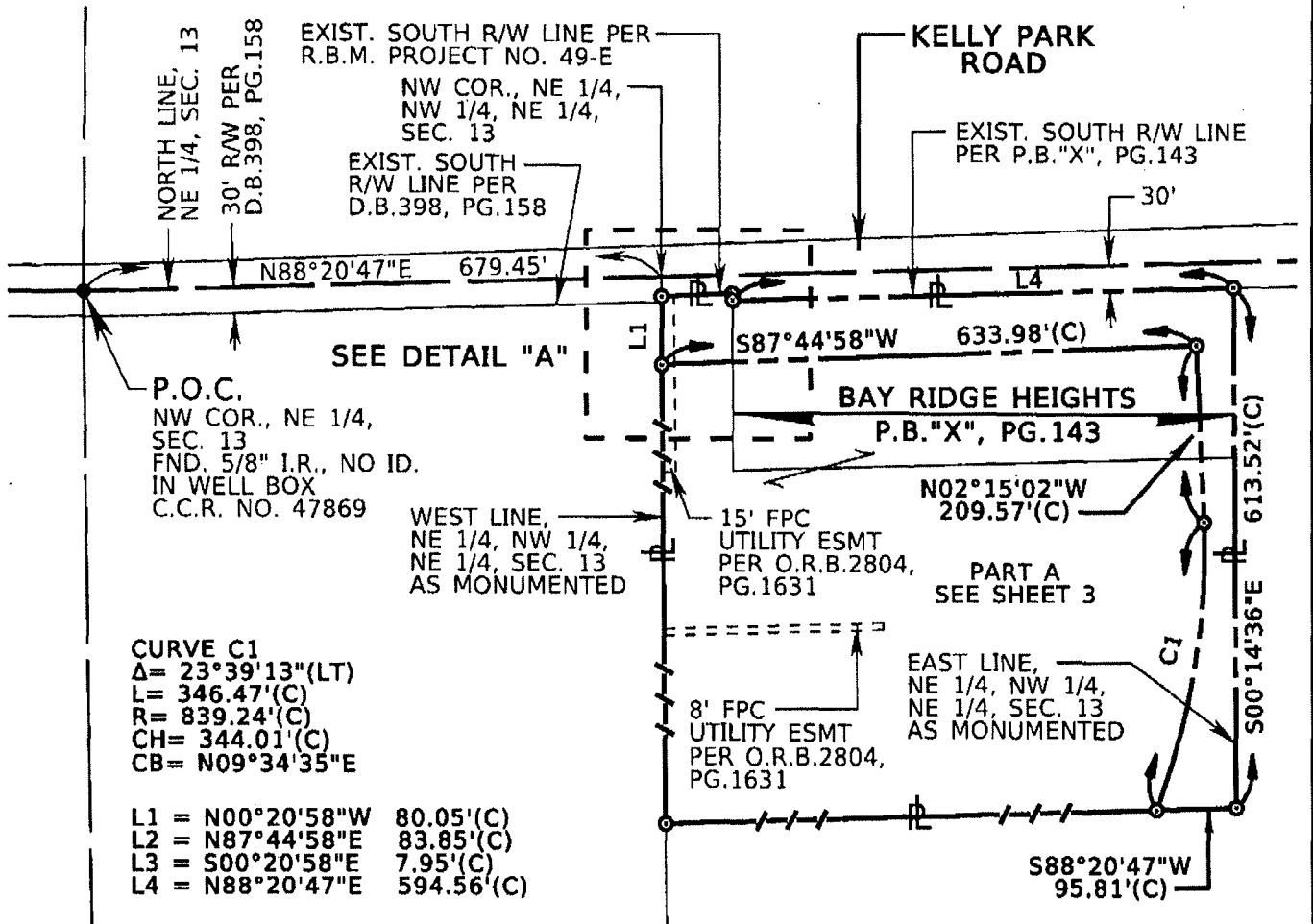


SECTION 13, TOWNSHIP 20 SOUTH, RANGE 27 EAST

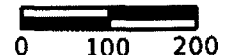
PROJECT NO. 429-203

DATE	NOVEMBER 18, 2013	 <p>CERTIFICATION OF AUTHORIZATION No. LB 1221</p> <p><b>BOWYER SINGLETON</b></p> <p>520 SOUTH MAGNOLIA AVENUE ORLANDO, FLORIDA 32801 (407) 843-5120 FAX 407-649-8664</p>	SKETCH OF DESCRIPTION. THIS IS NOT A BOUNDARY SURVEY.	PARCEL 203
DRAWN BY	M.ROLLINS			S.R. 429 (WEKIVA PARKWAY) ORLANDO-ORANGE COUNTY EXPRESSWAY AUTHORITY ORANGE COUNTY, FLORIDA
CHECKED BY	S.WARE		SHEET 3 OF 4	
BSA PROJECT NO.	EA11-J1			
REVISION	BY			DATE

BEARING STRUCTURE BASED ON THE NORTH LINE OF THE NORTHEAST 1/4 OF SEC. 13-20-27, BEING N88°20'47"E, FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, 1983/2007 ADJUSTMENT.



SCALE: 1" = 200'



SECTION 13, TOWNSHIP 20 SOUTH, RANGE 27 EAST

PROJECT NO. 429-203

I HEREBY CERTIFY THAT THIS SKETCH OF DESCRIPTION IS IN ACCORDANCE WITH THE "MINIMUM TECHNICAL STANDARDS" AS REQUIRED BY CHAPTER 55.17 FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

*William E. Byrd* 4/18/13  
 WILLIAM E. BYRD, P.S.M. DATE  
 LICENSE NUMBER 5442

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

CERTIFICATION OF AUTHORIZATION No. LB 1221



SKETCH OF DESCRIPTION.  
 THIS IS NOT A BOUNDARY SURVEY.

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

**PARCEL  
 203**

SCALE: 1"=200'

SHEET 4 OF 4