

# CENTRAL FLORIDA EXPRESSWAY AUTHORITY

## MEMORANDUM

TO: Central Florida Expressway Authority Board Members

FROM: Linda S. Brehmer Lanosa, Deputy General Counsel *LBL*

DATE: June 1, 2015

RE: *Central Florida Expressway Authority v. William and Dessie Calhoun*  
Case No. 2014-CA-003590-O, Project: 429-203, Parcel 217  
Owners: William and Dessie Calhoun  
Location: 3509 West Kelly Park Road, Apopka, Florida 32712  
Size of Land: 7.379± gross/net acres (whole take)

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## INTRODUCTION

Section 73.032 of the Florida Statutes allows a condemning authority to serve an offer of judgment 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. If the judgment obtained is greater than the offer of judgment, the offer does not limit expert fees and costs.

To be effective, an offer of judgment must be greater than the ultimate judgment or jury verdict, including interest through the date of the offer. Although the Expressway Authority does not have the owner's appraisal report, an offer of judgment would not be as effective in limiting costs if the Expressway Authority waited until after all of the expert reports were completed and associated costs incurred before serving an offer of judgment.

## DESCRIPTION OF PARCEL 217

The parent tract contains 7.379± gross and net developable acres. All areas of the property are considered to be uplands and to be usable. Based on the upland acreage, the parent tract is irregular in shape. Primary access is available on the north side of West Kelly Park Road. The topography of the parent tract is comprised of sloping terrain, with the entire parent tract designated as a depression.

According to public records, the parent tract was improved with a manufactured home, greenhouse and accessory building as of the date of inspection. The manufactured home and accessory building were assumed to be in average condition; however, from Orange County

Property Appraiser's GIS aerial photographs, the greenhouse was assumed to be in poor condition.

The subject acquisition consists of a total taking of the 7.379± acre parent tract. Walter N. Carpenter, Jr., MAI, CRE, appraised the property. He concluded that the highest and best use of the parent tract as though vacant is for continued agricultural use or residential/commercial use when economic conditions improve and as dictated by market demand. The highest and best use as improved is for continued residential use. Based upon the comparable sales, Mr. Carpenter estimated a land value for the parent tract at \$1.50 per square foot with a land value of \$480,000.

The existing manufactured home improvements are assumed to be in average condition. The existing improvements (manufactured home/greenhouse) are considered to be an interim use to the site and thus have a contributory value under its highest and best use until such time in the future (five to seven years) that the improvements are fully depreciated and/or the property is positioned for redevelopment. In order to estimate the contributory value of the improvements, Mr. Carpenter considered the Sales Comparison Approach which would be the contributory value of the improvements added to the land value under the highest and best use. Considering the age and assumed average condition of the subject manufactured home, a contributory value for the improvements of \$30,000 has been concluded. Mr. Carpenter estimated full compensation as the sum of the following:

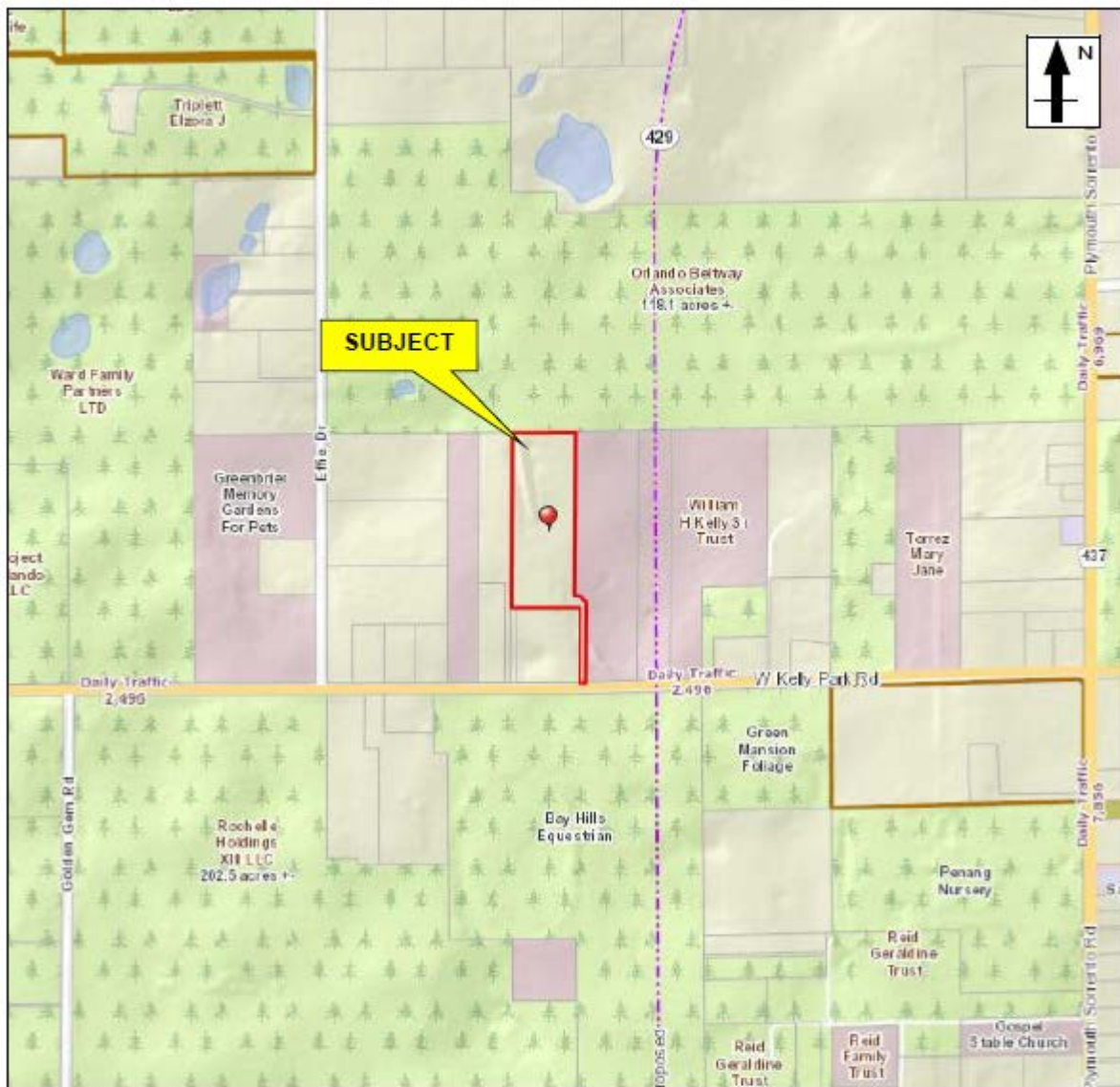
	Appraised Value
Land (7.379 acres)	\$ 480,000
Improvements	\$ 30,000
<b>Total for Parcel 217</b>	<b>\$ 510,000</b>

### **REQUEST**

We request the Board approve the Right-of-Way Committee's recommendation to make an offer of judgment in the amount of **\$612,000**.

### **ATTACHMENTS**

Excerpt of Appraisal Report



Approximate Representation  
Source: Orange County Property Appraiser



*Approximate Representation  
Source: Orange County Property Appraiser*