

*Founded 1910*

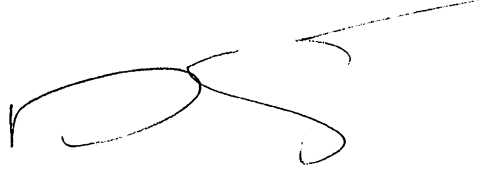
## MEMORANDUM

TO: Central Florida Expressway  
Authority Board Members

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

DATE: August 25, 2015

RE: State Road 429 Wekiva Parkway, Project 429-203; Parcel 193  
Final Settlement Including Attorney's Fees



---

Shutts & Bowen LLP, Right-of-Way Counsel, seeks the approval of the Board for settlement between Prineet D. Sharma, Esq., as Attorney Ad Litem for the Unknown Heirs and Beneficiaries of Harvey D. Hood, Grantee of United States Patent dated June 3, 1885, (the "Owners") and the Central Florida Expressway Authority (the "CFX") for the acquisition of Parcel 193 (the "Taking" or "Property") for the construction of State Road 429 Wekiva Parkway, Project 429-203.

### DESCRIPTION AND BACKGROUND

Parcel 193 Part A is a whole take acquisition for a limited access right-of-way consisting of 6,544 square feet, more or less, and Parcel 193 Part B is a whole take acquisition for right-of-way consisting of 1,232 square feet, more or less. Both Part A and Part B are unimproved, vacant land, lying approximately 613 feet south of West Kelly Park Road in unincorporated Orange County. Parcel 193 is a hiatus parcel approximately 10 feet wide by 677 feet long which was created due to inaccurate legal descriptions in the chain of title for the surrounding properties (Parcel 203, J.D.C. Plants, Inc. and Parcel 202, Edgar R. and Linda C. Collins). Both Parcel 202 and Parcel 203 previously have been settled.

Parcel 193 is zoned A-1, Citrus Rural District, by Orange County, with a Future Land Use designation of R, Rural/Agricultural, by Orange County.

The CFX's appraisal of the property was prepared by Walter N. Carpenter, Jr., MAI, of Pinel & Carpenter, Inc. Mr. Carpenter estimated the value of the taking to be \$4,500.00. Comparable land sales of \$10,400 to \$35,000 per acre were utilized by Mr. Carpenter in his analysis. Mr. Carpenter opined the subject property value is \$25,000 per acre. Mr. Carpenter

opined Parcel 193 could be assembled with contiguous parcels so it could be developed with a variety of uses, including agricultural and residential uses.

Prineet Sharma, Esquire, was appointed by the Court as *Attorney Ad Litem* to represent the interests of the unnamed heirs to Harvey D. Hood and to handle the resolution of this parcel. Mr. Sharma filed an Answer on behalf of the Hood Estate, and conducted searches for any heirs to Mr. Hood, but was unable to locate any living heirs. Mr. Sharma then reviewed and analyzed comparable sales and values of property in the area and analyzed the highest and best use for Parcel 193. Based upon his analysis, Mr. Sharma offered to resolve the acquisition of Parcel 193 for \$6,000.00, or \$1,500.00 over the appraised value on behalf of the Central Florida Expressway Authority. No other experts were retained for Parcel 193 for which CFX would be responsible for as part of the landowner's compensation as provided by Florida Statutes §73.091 and §73.092. As *Attorney Ad Litem*, Mr. Sharma is compensated on an hourly basis, pursuant to statute. His attorney's fees total \$6,985.00, for a total settlement for Parcel 193 of \$12,985.00, inclusive of all fees and costs.

For the above-cited reasons, the Right-of-Way Committee recommended settlement of this matter at its August 26, 2015 meeting, as settlement 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 further litigate a condemnation action to acquire Parcel 193.

### **RECOMMENDATION**

We respectfully request that the CFX Board approve the proposed settlement agreement with a total settlement amount of \$12,985.00 in full settlement of all claims for compensation for the acquisition of Parcel 193.

### **ATTACHMENTS**

Exhibit "A" – Sketch of Subject Property

Exhibit "B" – Sharma Eminent Domain Lawyers Invoice

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 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 643.50 FOR THE POINT OF BEGINNING; THENCE DEPARTING SAID WEST LINE RUN NORTH 88°20'47" EAST, A DISTANCE OF 581.44 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 839.24 FEET, A CHORD DISTANCE OF 13.46 FEET AND A CHORD BEARING OF SOUTH 21°51'45" WEST; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00°55'08", A DISTANCE OF 13.46 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF AFORESAID NORTHEAST QUARTER AS MONUMENTED AND OCCUPIED; THENCE DEPARTING SAID CURVE RUN SOUTH 88°33'13" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 576.30 FEET TO ITS INTERSECTION WITH THE AFORESAID WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID NORTHEAST QUARTER; THENCE DEPARTING SAID SOUTH LINE RUN NORTH 00°20'58" WEST ALONG SAID WEST LINE, A DISTANCE OF 10.26 FEET TO THE POINT OF BEGINNING.

CONTAINING 6544 SQUARE FEET, MORE OR LESS

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.

**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. 4513817 DATED 08/10/2013

**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  
RW = RIGHT OF WAY

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

DATE NOVEMBER 26, 2013		CERTIFICATION OF AUTHORIZATION No. LS 1221		<b>SKETCH OF DESCRIPTION.</b> THIS IS NOT A BOUNDARY SURVEY.	<b>PARCEL</b> 193
DRAWN BY M.ROLLINS	CHECKED BY S.WARE	BS BOWYER SINGLETON 520 SOUTH MAGNOLIA AVENUE ORLANDO, FLORIDA 32801 (407) 843-5128 FAX 407-649-8664			
BSA PROJECT NO. EA11-11				S.R. 429 (WEKIVA PARKWAY) ORLANDO-ORANGE COUNTY EXPRESSWAY AUTHORITY ORANGE COUNTY, FLORIDA	SCALE: N/A
REVISION		BY		DATE	
				SHEET 1 OF 3	

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


LEGAL DESCRIPTION:

PART B

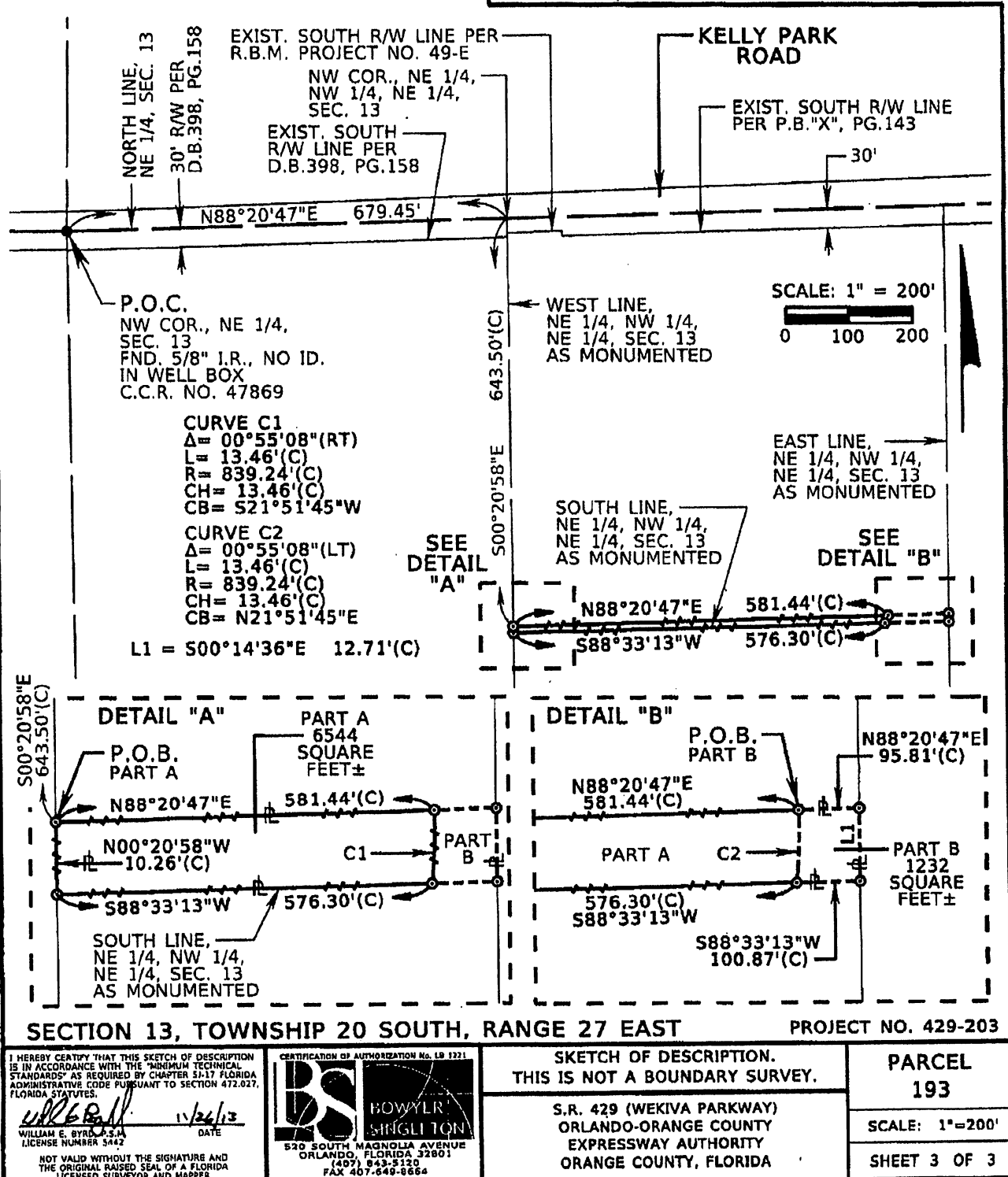
A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 20 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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 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 643.50 FEET; THENCE DEPARTING SAID WEST LINE RUN NORTH 88°20'47" EAST, A DISTANCE OF 581.44 FEET FOR THE POINT OF BEGINNING; THENCE CONTINUE NORTH 88°20'47" EAST, A DISTANCE OF 95.81 FEET TO A POINT ON THE EAST LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF AFORESAID NORTHEAST QUARTER AS MONUMENTED AND OCCUPIED; THENCE SOUTH 00°14'36" EAST ALONG SAID EAST LINE, A DISTANCE OF 12.71 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID NORTHEAST QUARTER AS MONUMENTED AND OCCUPIED; THENCE DEPARTING SAID EAST LINE RUN SOUTH 88°33'13" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 100.87 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 839.24 FEET, A CHORD DISTANCE OF 13.46 FEET AND A CHORD BEARING OF NORTH 21°51'45" EAST; THENCE DEPARTING SAID SOUTH LINE RUN NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00°55'08", A DISTANCE OF 13.46 FEET TO THE POINT OF BEGINNING.

CONTAINING 1232 SQUARE FEET, MORE OR LESS

DATE	NOVEMBER 26, 2013	 <p>CERTIFICATION OF AUTHORIZATION No. 10 1221</p> <p><b>BOWYER SINGLETON</b></p> <p>520 SOUTH MAGNOLIA AVENUE ORLANDO, FLORIDA 32801 (407) 843-5120 FAX 407-649-3664</p>	SKETCH OF DESCRIPTION. THIS IS NOT A BOUNDARY SURVEY.	PARCEL 193
DRAWN BY	M.ROLLINS		S.R. 429 (WEKIVA PARKWAY) ORLANDO-ORANGE COUNTY EXPRESSWAY AUTHORITY ORANGE COUNTY, FLORIDA	SCALE: N/A
CHECKED BY	S.WARE			
BSA PROJECT NO.	EA11-11			
REVISION	BY	DATE	SHEET 2 OF 3	

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.





# SHARMA EMINENT DOMAIN LAWYERS

*Committed To Delivering Value*

## INVOICE

Invoice # 1058  
Date: 07/08/2015  
Due On: 08/07/2015

Shutts & Bowen, LLP  
c/o Kathleen M. Krak, Esquire  
300 South Orange Avenue  
Suite 1000  
Orlando, FL 32801

Wekiva Parkway (Central Florida Expressway) / Estate of Harvey D. Hood

Date	Attorney	Description	Quantity	Rate	Total
02/26/2015	Prineet Sharma	Telephone conference with Kathleen Krak re: case status and appointment as attorney as ad litem.	0.30	\$400.00	\$120.00
04/22/2015	Prineet Sharma	Review pleadings re: Order Appointing Attorney Ad Litem.	0.20	\$400.00	\$80.00
05/05/2015	Prineet Sharma	Site visit.	1.30	\$400.00	\$520.00
05/13/2015	Ivonne Caldwell	Review file, appraisals and pleadings; draft answer and email to Prineet Sharma.	3.50	\$350.00	\$1,225.00
05/13/2015	Prineet Sharma	Review multiple emails from Ivonne Caldwell re: appraisal and draft answer; work on same; develop outline for identification research and valuation action plan.	2.20	\$400.00	\$880.00
05/14/2015	Ivonne Caldwell	Work session with Prineet Sharma; revise and file answer; telephone conversation with private investigator.	1.20	\$350.00	\$420.00
05/14/2015	Prineet Sharma	Review file, review draft answer and revise same; review and discuss affidavit of due diligence from investigator; case strategy session.	1.80	\$400.00	\$720.00
05/18/2015	Ivonne Caldwell	Telephone conversation with private investigator regarding his diligent search and inquiry of this parcel.	0.30	\$350.00	\$105.00
05/18/2015	Prineet Sharma	Review summary of private investigator final findings re: diligent search for heirs; analyze same against ad litem responsibility.	0.30	\$400.00	\$120.00
05/19/2015	Prineet Sharma	Review and analyze comparable sales and values; review and analyze highest and best use.	1.50	\$400.00	\$600.00

05/20/2015	Ivonne Caldwell	Online research on numerous data websites for Ruby Mae Hood/Decato/Maloney. Draft Notice of Filing Affidavit of Diligent Search and Inquiry and email to Prineet Sharma regarding same; finalize and file Affidavit with Court; valuation discussion with Prineet Sharma; read and review settlement emails.	2.50	\$350.00	\$875.00
05/20/2015	Prineet Sharma	Work on finalizing property valuation; review appraisal report; email to opposing counsel regarding proposed settlement amount; read and respond to emails from opposing counsel regarding settlement.	2.10	\$400.00	\$840.00
07/17/2015	Prineet Sharma	Review and execute final judgment and related pleadings; closing matter.	1.20	\$400.00	\$480.00

Time Keeper	Quantity	Rate	Total
Ivonne Caldwell	7.5	\$350.00	\$2,625.00
Prineet Sharma	10.9	\$400.00	\$4,360.00
		<b>Subtotal</b>	<b>\$6,985.00</b>
		<b>Total</b>	<b>\$6,985.00</b>

## Detailed Statement of Account

### Current Invoice

Invoice Number	Due On	Amount Due	Payments Received	Balance Due
1058	08/07/2015	\$6,985.00	\$0.00	\$6,985.00
			<b>Outstanding Balance</b>	<b>\$6,985.00</b>
			<b>Total Amount Outstanding</b>	<b>\$6,985.00</b>

Please make all amounts payable to: Sharma Eminent Domain Lawyers

Please pay within 30 days.