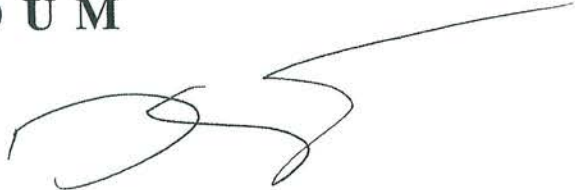


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MEMORANDUM

TO: Central Florida Expressway Authority Board
FROM: David A. Shontz, Esq., Right-of-Way Counsel 
DATE: July 23, 2014
RE: State Road 429 Wekiva Parkway, Project 429-203; Parcel 216
Settlement/Stipulated Final Judgment

Shutts & Bowen LLP, Right-of-Way Counsel, seeks the approval of the Board for a settlement to be consummated with a Stipulated Final Judgment between Robert and Adis Strier (the "Owners") and the Central Florida Expressway Authority (the "CFX") for the acquisition of Parcel 216 (the "Taking" or "Property") for the construction of State Road 429 Wekiva Parkway, Project 429-203. This settlement was recommended by the Right-of-Way Committee for Board approval.

DESCRIPTION AND BACKGROUND

Parcel 216 is a limited access fee taking consisting of a 30-foot deep strip taking along the entire east property line including a corner clip totaling 12,740 square feet from the parent tract consisting of 3.014± acres. The property is located at the northwest corner of the intersection of the Wekiva Parkway and Kelly Park Road, and is improved with a 1,778 s.f. single family residence and related accessory buildings including two metal storage sheds, a 1,200 s.f. concrete block/metal frame warehouse, and a small frame goat barn. This property is the homestead of Mr. and Mrs. Strier. Additionally, the Striers operate two home businesses out of the property including a computer repair and book reselling business.

The CFX's appraisal of the property was prepared by Walter Carpenter of Pinel & Carpenter. Mr. Carpenter estimated the value of the taking to be \$66,475 (Land \$35,035, Improvements \$11,410, Cost to Cure \$20,030). Mr. Carpenter determined the highest and best use of the subject property is as a future neighborhood mixed-use commercial development.

A Stipulated Order of Taking was entered on May 30, 2014 as to Parcel 216. The good faith estimate of value was deposited on June 6, 2014, and title to Parcel 216 passed to the CFX. The parties have conditionally agreed to a settlement to be consummated through a Stipulated

Final Judgment. Under the settlement, the CFX would pay the Owners the sum of \$120,000, plus attorney's fees and all expert costs in the amount of \$24,600, and a waiver of any and all business damages claims. The property owners argued they have lived on the property for over 13 years and intend on remaining in the home. Additionally, the owners argue that Mr. Carpenter found no severance damages by determining a future commercial use. Furthermore, the Striers' home will abut an elevated expressway ramp and unattractive fencing. The owners argued additional valuation of the price per acre, some additional value to the improvements, severance damages for their home being located next to a 22-foot elevated ramp, 23 feet from the east property line, and the additional monies attributable to the cost to cure.

A recommendation for approval by the Board is requested of the proposed settlement and 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 litigate a continuing condemnation action to acquire Parcel 216. Additionally, if the CFX agrees to the proposed settlement, the Owners will disclaim any claim for business damages relating to the taking.

Finally, a continuing condemnation action will subject the CFX to additional attorneys fees and costs as well as additional experts fees and costs which the CFX would be responsible for as part of the landowners compensation as provided by Florida Statutes §73.091 and §73.092.

RECOMMENDATION

We respectfully request that the CFX Board approve the settlement with a total settlement amount of \$144,600 in full settlement of all claims for compensation for the acquisition of Parcel 216.

ATTACHMENTS

Exhibit "A" – Sketch of Subject Property

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 SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER AND THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 12, 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 IN WELL BOX MARKING THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 20 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA; THENCE NORTH 00° 21' 57" EAST ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 31.02 FEET TO ITS INTERSECTION WITH THE EXISTING NORTH RIGHT OF WAY LINE OF KELLY PARK ROAD, AS SHOWN ON ORANGE COUNTY ROAD BOND MAP PROJECT NO. 49-E AND PER DEED BOOK 398, PAGE 176 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA FOR THE POINT OF BEGINNING; SAID POINT ALSO BEING ON A CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 5699.65 FEET, A CHORD DISTANCE OF 44.17 FEET AND A CHORD BEARING OF SOUTH 89° 02' 18" WEST; THENCE DEPARTING SAID WEST LINE RUN WESTERLY ALONG SAID EXISTING RIGHT OF WAY LINE AND THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00° 26' 38", A DISTANCE OF 44.17 FEET; THENCE DEPARTING SAID CURVE AND SAID RIGHT OF WAY LINE RUN NORTH 47° 30' 30" EAST, A DISTANCE OF 60.24 FEET TO AN INTERSECTION WITH SAID WEST LINE OF THE SOUTHEAST QUARTER; THENCE NORTH 00° 21' 57" EAST ALONG SAID WEST LINE, A DISTANCE OF 355.03 FEET TO ITS INTERSECTION WITH THE NORTH LINE OF THE SOUTH 426 FEET OF THE WEST 30 FEET OF THE SOUTHEAST QUARTER OF SAID SECTION 12; THENCE DEPARTING SAID WEST LINE RUN NORTH 87° 50' 37" EAST ALONG SAID NORTH LINE, A DISTANCE OF 30.03 FEET TO ITS INTERSECTION WITH THE EAST LINE OF THE WEST 30 FEET OF THE SOUTH 426 FEET OF SAID SOUTHEAST QUARTER; THENCE DEPARTING SAID NORTH LINE RUN SOUTH 00° 21' 57" WEST ALONG SAID EAST LINE, A DISTANCE OF 395.41 FEET TO ITS INTERSECTION WITH AFORESAID NORTH RIGHT OF WAY LINE OF KELLY PARK ROAD; SAID POINT ALSO BEING ON A CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 5699.65 FEET, A CHORD DISTANCE OF 30.01 FEET AND A CHORD BEARING OF SOUTH 88° 39' 55" WEST; THENCE DEPARTING SAID EAST LINE RUN WESTERLY ALONG SAID RIGHT OF WAY LINE AND THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00° 18' 06", A DISTANCE OF 30.01 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 12,740 SQUARE FEET, 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. 2037-2770464 DATED 07/03/2012.


LEGEND & ABBREVIATIONS

CB = CHORD BEARING
C.C.R. = CERTIFIED CORNER RECORD
CH = CHORD LENGTH
COR. = CORNER
(C) = CALCULATED DISTANCE
O.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
L. = PROPERTY LINE
S. = SAME PROPERTY OWNER
Δ = DELTA (CENTRAL ANGLE)
○ = CHANGE IN DIRECTION
--- = 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	SKETCH OF DESCRIPTION. THIS IS NOT A BOUNDARY SURVEY. S.R. 429 (WEKIVA PARKWAY) ORLANDO-ORANGE COUNTY EXPRESSWAY AUTHORITY ORANGE COUNTY, FLORIDA	PARCEL 216
DRAWN BY	M.ROLLINS			SCALE: N/A
CHECKED BY	S.WARE			
BSA PROJECT NO.	EA11-J1			
REVISION	BY	DATE		SHEET 1 OF 3

ORLANDO-ORANGE COUNTY EXPRESSWAY AUTHORITY
WEKIVA PARKWAY - PROJECT NO. 429-203
LIMITED ACCESS RIGHTS ONLY
ESTATE: FEE SIMPLE


LEGAL DESCRIPTION:

PART B

ALL RIGHTS OF INGRESS, EGRESS, LIGHT, AIR AND VIEW BETWEEN THE GRANTOR'S REMAINING PROPERTY AND KELLY PARK ROAD, ALONG THE FOLLOWING DESCRIBED LINE, LYING WITHIN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 12, 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 IN WELL BOX MARKING THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 20 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA; THENCE NORTH 00° 21' 57" EAST ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 31.02 FEET TO ITS INTERSECTION WITH THE EXISTING NORTH RIGHT OF WAY LINE OF KELLY PARK ROAD AS SHOWN ON ORANGE COUNTY ROAD BOND MAP PROJECT NO. 49-E AND PER DEED BOOK 398, PAGE 176 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; SAID POINT ALSO BEING ON A CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 5699.65 FEET, A CHORD DISTANCE OF 44.17 FEET AND A CHORD BEARING OF SOUTH 89° 02' 18" WEST; THENCE DEPARTING SAID WEST LINE RUN WESTERLY ALONG SAID RIGHT OF WAY LINE AND THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00° 26' 38", A DISTANCE OF 44.17 FEET TO THE POINT OF BEGINNING; SAID POINT ALSO BEING ON A CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 5699.65 FEET, A CHORD DISTANCE OF 63.60 FEET AND A CHORD BEARING OF SOUTH 89° 34' 48" WEST; THENCE CONTINUE WESTERLY ALONG SAID RIGHT OF WAY LINE AND THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00° 38' 22", A DISTANCE OF 63.60 FEET TO THE POINT OF TERMINUS.

LIMITED ACCESS RIGHTS ONLY ALONG A LINE WITHOUT AREA.

DATE	NOVEMBER 18, 2013	CERTIFICATION OF AUTHORIZATION No. LB 1221	SKETCH OF DESCRIPTION. THIS IS NOT A BOUNDARY SURVEY.	PARCEL 216	
DRAWN BY	M.ROLLINS	 BOWYER SINGLETON 520 SOUTH MAGNOLIA AVENUE ORLANDO, FLORIDA 32801 (407) 843-5120 FAX 407-649-8664			S.R. 429 (WEKIVA PARKWAY) ORLANDO-ORANGE COUNTY EXPRESSWAY AUTHORITY ORANGE COUNTY, FLORIDA
CHECKED BY	S.WARE				
BSA PROJECT NO.	EA11-11				
REVISION	BY		DATE	SHEET 2 OF 3	

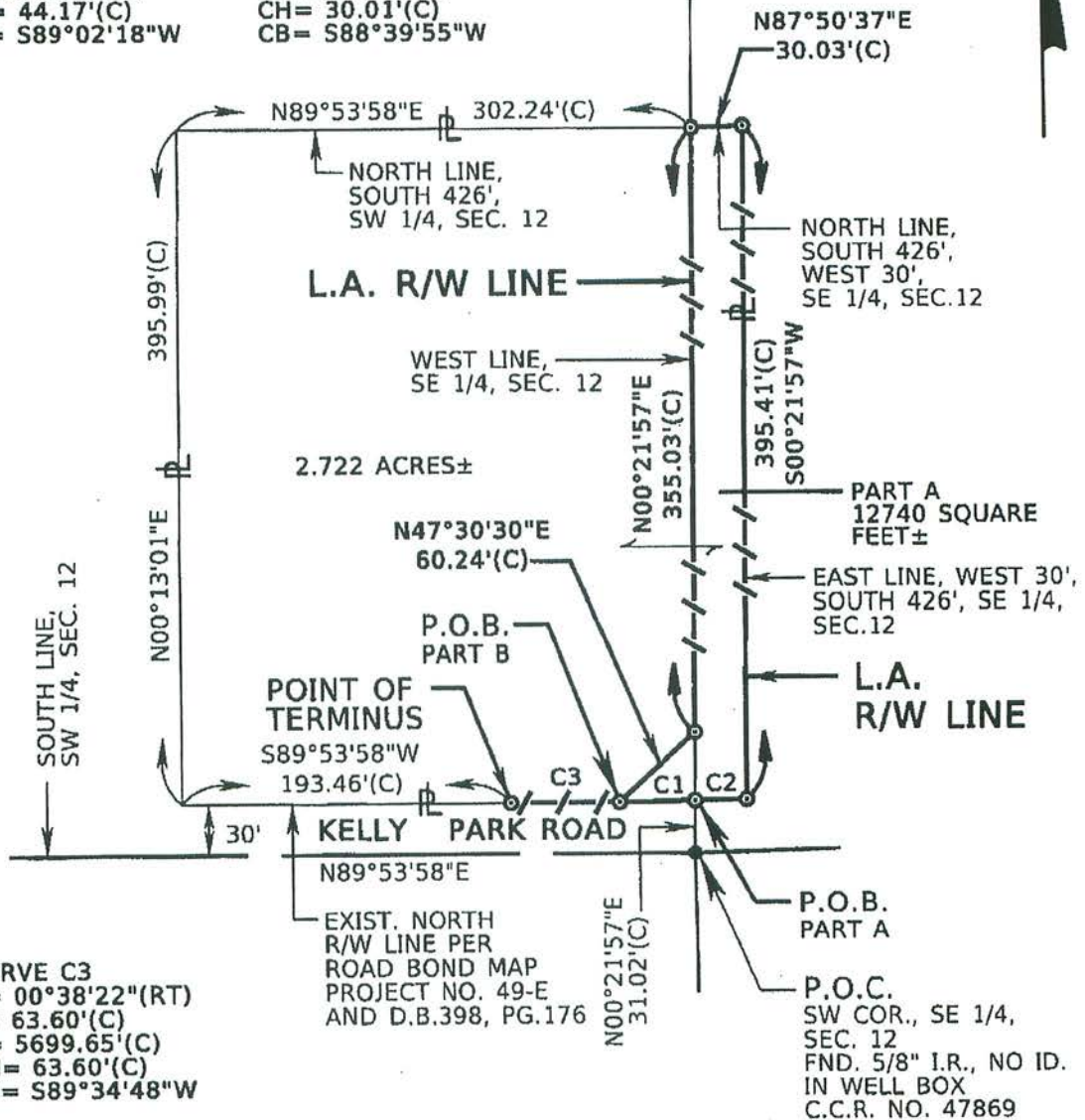
BEARING STRUCTURE BASED ON THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SEC. 12-20-27, BEING N89°53'58"E, FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, 1983/2007 ADJUSTMENT.

CURVE C1
 $\Delta = 00^\circ 26' 38''$ (RT)
 $L = 44.17'$ (C)
 $R = 5699.65'$ (C)
 $CH = 44.17'$ (C)
 $CB = S89^\circ 02' 18'' W$

CURVE C2
 $\Delta = 00^\circ 18' 06''$ (RT)
 $L = 30.01'$ (C)
 $R = 5699.65'$ (C)
 $CH = 30.01'$ (C)
 $CB = S88^\circ 39' 55'' W$

SCALE: 1" = 100'

0 50 100



SECTION 12, 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 5J-17 FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

WILLIAM E. BYRD, P.S. 11/18/13
 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

BS BOWLER SINGLETON
 520 SOUTH MAGNOLIA AVENUE
 ORLANDO, FLORIDA 32801
 (407) 643-5120
 FAX 407-649-8664

SKETCH OF DESCRIPTION.
 THIS IS NOT A BOUNDARY SURVEY.

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

PARCEL
 216

SCALE: 1"=100'

SHEET 3 OF 3