


CENTRAL FLORIDA EXPRESSWAY AUTHORITY

MEMORANDUM

TO: Central Florida Expressway Authority Board

FROM: Linda S. Brehmer Lanosa, Deputy General Counsel 

DATE: April 27, 2015

RE: *Central Florida Expressway Authority v. Mega GNG, LLP, et al.*
Case No. 2014-CA-003590-O, Project: 429-203, Parcel 232
Owner: Mega GNG, LLLP
Location: 2809 W. Kelly Park Rd, Apopka, Florida 32712
Size of Land: Before: 39.849± gross / net acres
Taken: 0.170± gross / net acres (7,407± square feet)
Remainder: 39.679± gross / net acres

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 232

The parent tract is located on the northeast corner of Plymouth Sorrento Road and West Kelly Park Road, in unincorporated Orange County, Florida. The easterly portion of the parent tract is improved with a modular office building, a metal warehouse building, three greenhouses, asphalt driveways, a cylindrical storage container, perimeter chain link fencing with barbed wire, a chain link gate, and a decorative brick wall with columns and metal entrance gates.

Primary access is available on the east side of Plymouth Sorrento Road and north side of West Kelly Park Road. The property is zoned A-1, Citrus Rural District by Orange County. The future land use is Rural.

Project: 429-203, Parcel 232
Owner: Mega GNG, LLLP

The taking consists of 7,407± square feet located in the southwest corner and on the south border of the parent tract. According to Construction Plans provided to the appraiser for review, West Kelly Park Road and Plymouth Sorrento Road will be constructed with 12-foot wide lanes, 10-foot wide shoulders (5-foot paved, 5-foot stabilized) and roadside ditches. A center left turn-only lane for traffic turning onto southbound Plymouth Sorrento Road will be constructed on West Kelly Park Road in front of the subject property for 236± feet from the signalized intersection at Station 107+84.00± to Station 110+20.00±. Double yellow 6" lines on West Kelly Park Road prevent east-bound traffic on West Kelly Park Road from being able to turn left into the subject property from a point on its western boundary until at least Station 117+40.00±.

Walter N. Carpenter, Jr., MAI, CRE, appraised the property. He concluded that the highest and best use "*as though vacant*" is to hold for future commercial or mixed use development until economic conditions improve and as dictated by market demand. The highest and best use "*as improved*" is the existing use as interim until economic conditions improve and as dictated by market demand. Based upon the comparable sales approach, Mr. Carpenter estimated a value for the parent tract at \$2.00 per square foot of land area which would consider the contributory value of site improvements.

In addition, the area of the taking included chain link fencing and sod, which were valued at \$11,680. Mr. Carpenter stated that chain link fencing can be reestablished on the remainder property. Based upon Marshall Valuation Services, Mr. Carpenter estimated a net cost to cure for Parcel 232 of \$5,490 as follows:

Cost to Cure (Marshall Valuation Services)	\$16,461
Less: Depreciated Value of Improvements Within Taking as Cost to Cure (\$12,906 - \$1,936 (Based upon 15% depreciation))	(\$10,970)
Estimated Net Cost to Cure	\$ 5,490

With respect to severance damages, Mr. Carpenter concluded that no adverse impact would be anticipated as a result of the taking considering the highest and best use and continued access to Kelly Park Road.

In sum, Mr. Carpenter's estimated market value of **Parcel 232** as of June 6, 2014 is:

Land (7407 sf @ \$2/sf)	\$14,800
Improvements (740-ft chain link fence, sod)	\$11,680
Damages	\$ 0
Cost to Cure	<u>\$ 5,490</u>
Total Parcel 232	\$31,970

Project: 429-203, Parcel 232
Owner: Mega GNG, LLLP

The property owner has not disclosed what it seeks in full compensation from Expressway Authority.

REQUEST

We respectfully request the Board approve the Right of Way Committee's recommendation to tender an offer of judgment in the amount of \$40,001.

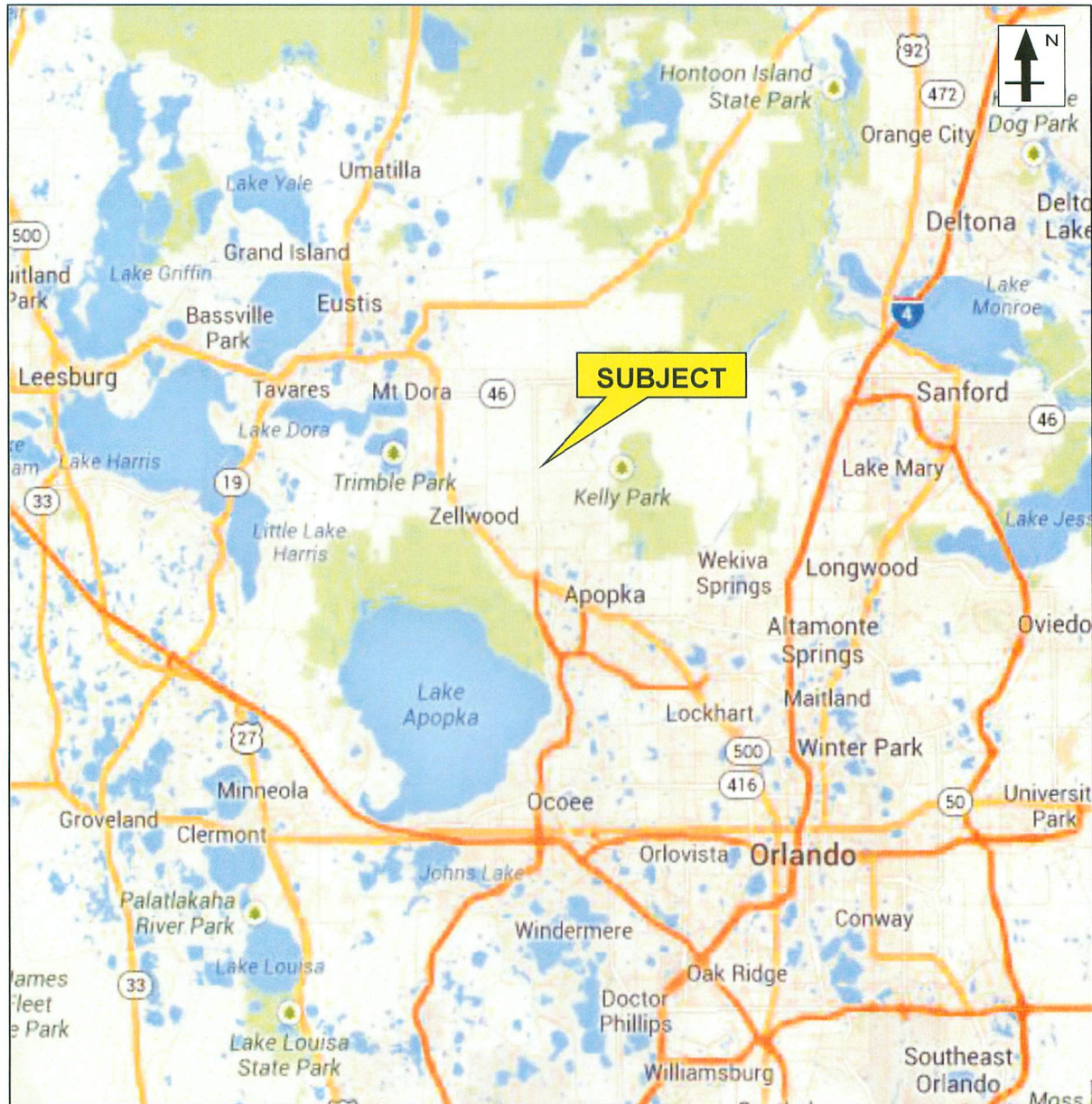
ATTACHMENTS

Excerpt of Appraisal Report

PARCEL NO.: 232
OWNER: MEGA GNG, LLLP
PROJECT: SR 429 WEKIVA PARKWAY EXTENSION PROJECT NO. 429-203
CITY/COUNTY: UNINCORPORATED/ORANGE

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AREA MAP

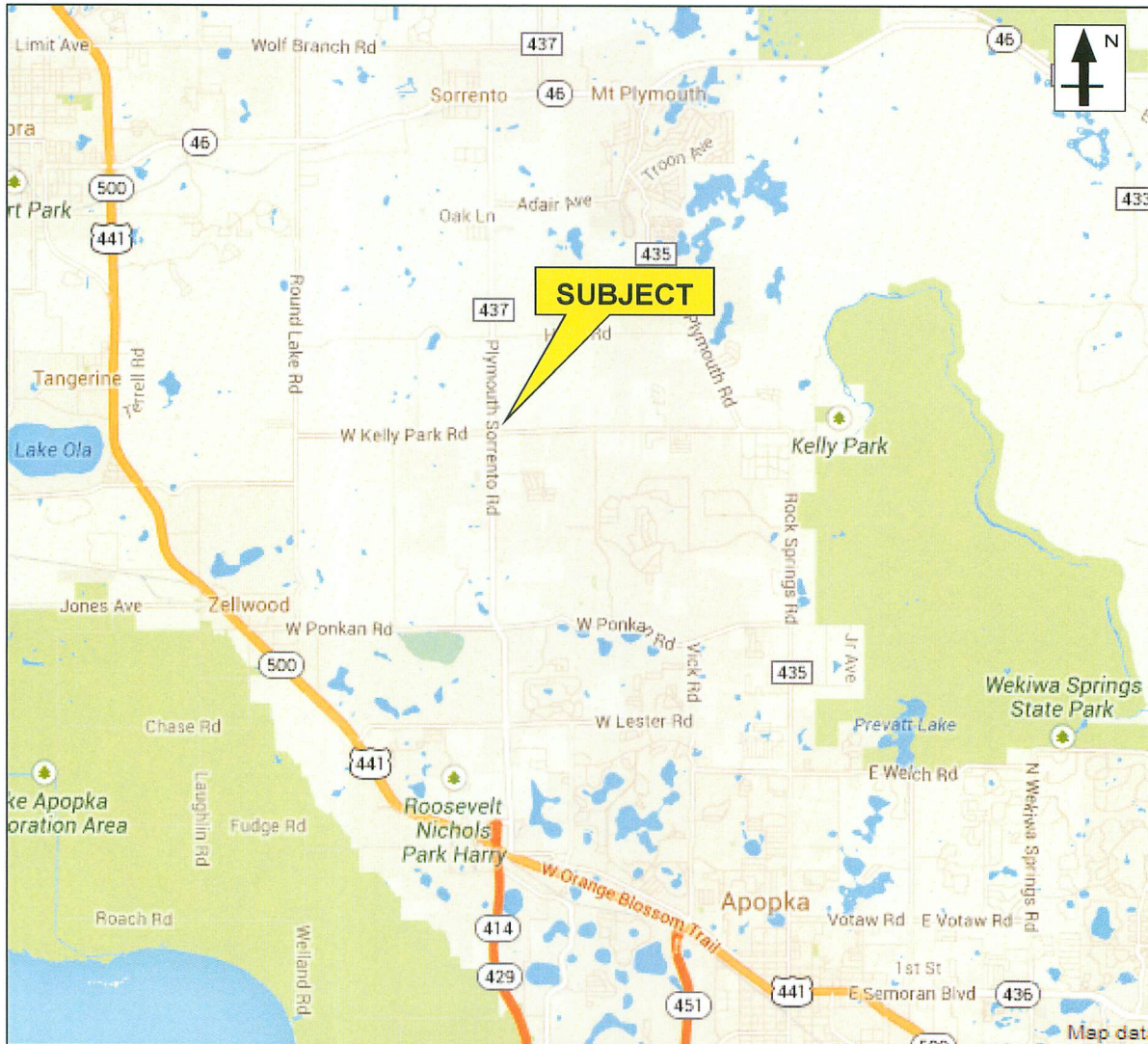


Approximate Representation
Source: Google Maps

PARCEL NO.: 232
OWNER: MEGA GNG, LLLP
PROJECT: SR 429 WEKIVA PARKWAY EXTENSION PROJECT NO. 429-203
CITY/COUNTY: UNINCORPORATED/ORANGE

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LOCATION MAP

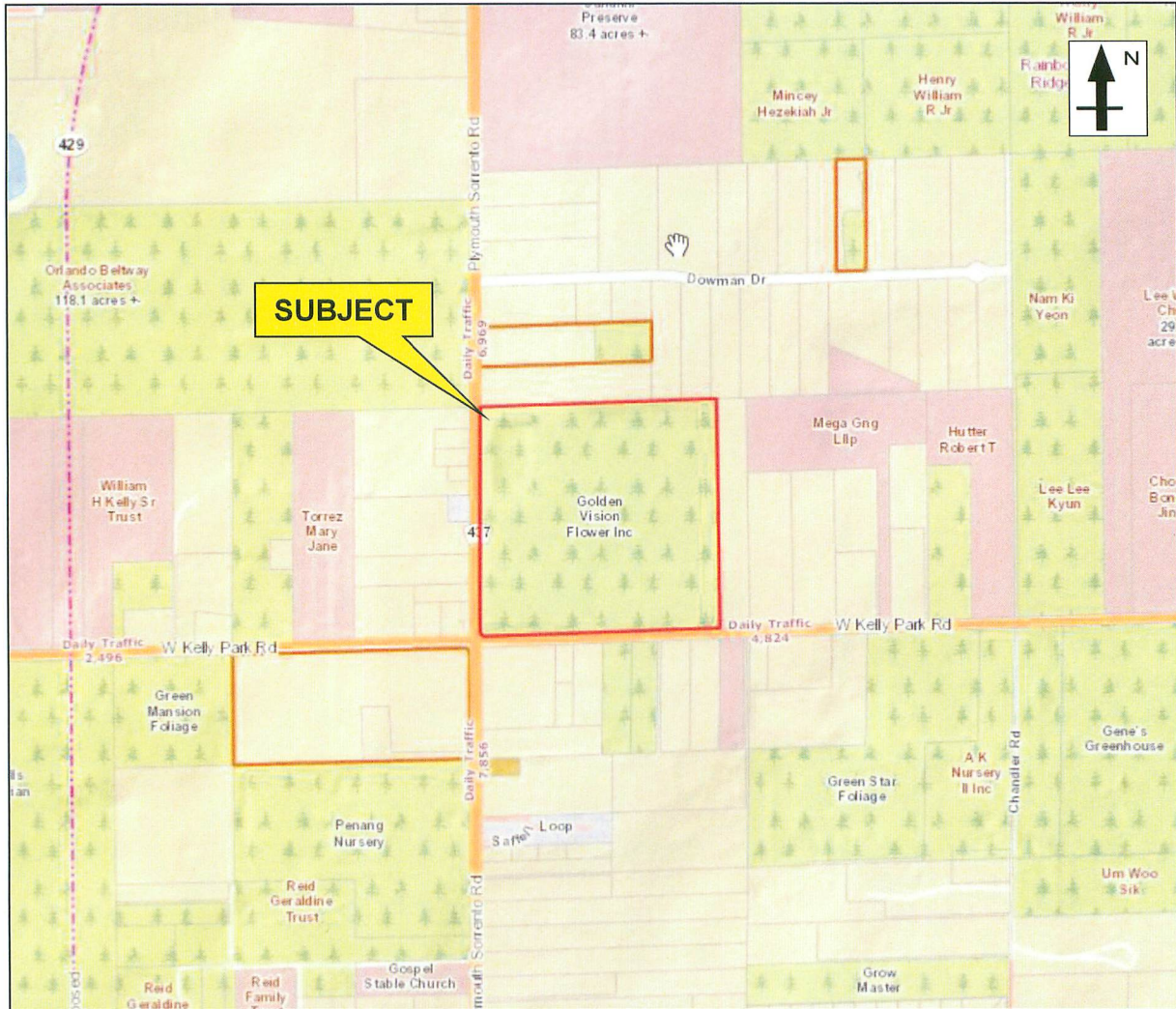


Approximate Representation
Source: Google Maps

PARCEL NO.: 232
OWNER: MEGA GNG, LLLP
PROJECT: SR 429 WEKIVA PARKWAY EXTENSION PROJECT NO. 429-203
CITY/COUNTY: UNINCORPORATED/ORANGE

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TAX MAP

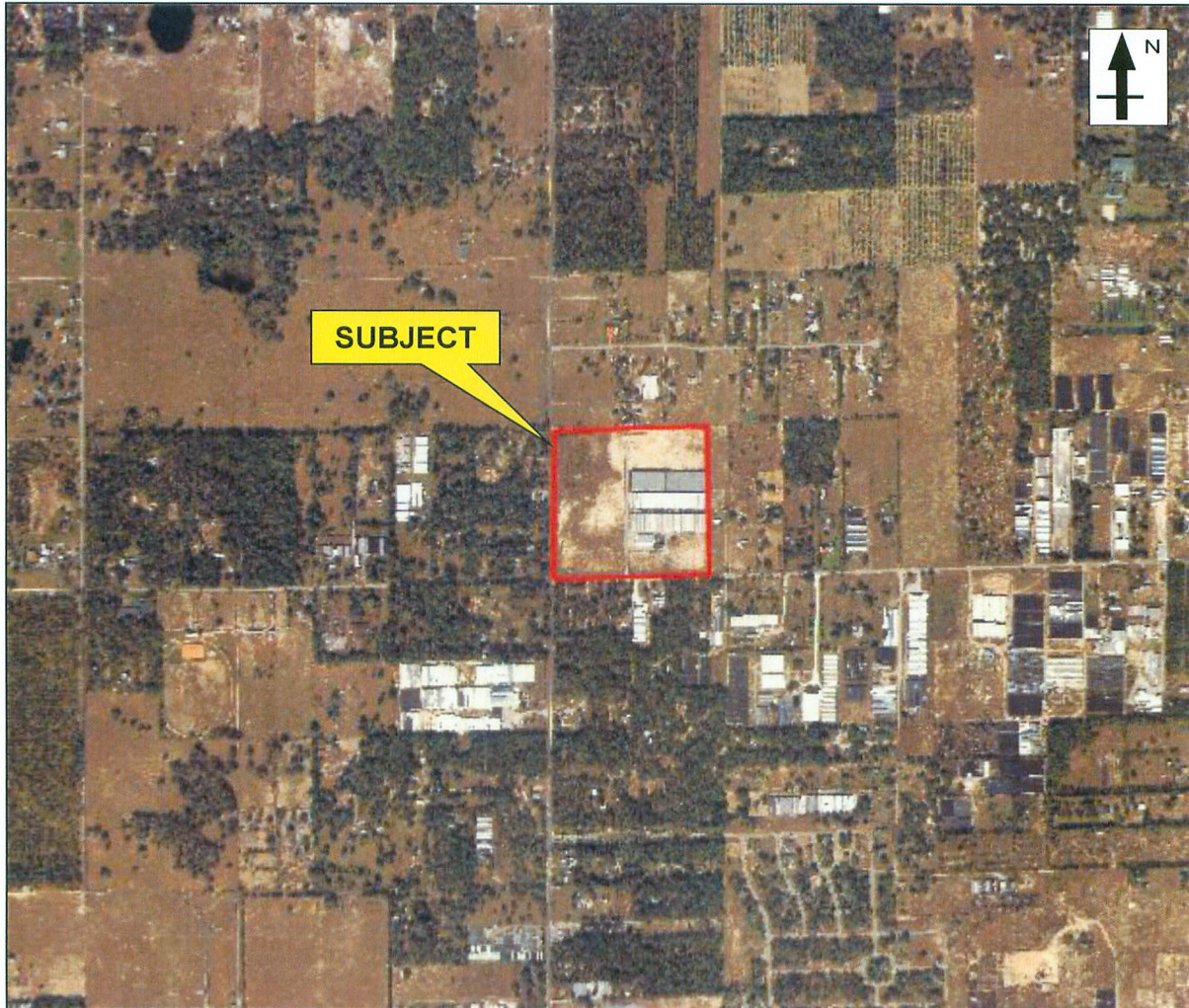


*Approximate Representation
Source: Orange County Property Appraiser*

PARCEL NO.: 232
OWNER: MEGA GNG, LLLP
PROJECT: SR 429 WEKIVA PARKWAY EXTENSION PROJECT NO. 429-203
CITY/COUNTY: UNINCORPORATED/ORANGE

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AERIAL PHOTOGRAPH



Approximate Representation
Source: Orange County Property Appraiser

PARCEL NO.: 232
OWNER: MEGA GNG, LLLP
PROJECT: SR 429 WEKIVA PARKWAY EXTENSION PROJECT NO. 429-203
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SUBJECT PHOTOGRAPHS



View of the southeast area of the parent tract facing northeast from West Kelly Park Rd



View of the central area of the parent tract, facing north from West Kelly Park Rd

PARCEL NO.: 232
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SUBJECT PHOTOGRAPHS (CONT.)



View of the central area of the parent tract, facing northeast from West Kelly Park Rd



View of the subject commercial sign on the south border of the parent tract

PARCEL NO.: 232
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CITY/COUNTY: UNINCORPORATED/ORANGE

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SUBJECT PHOTOGRAPHS (CONT.)



View of the southwest corner of the parent tract and the area of taking



View of the southern border of the parent tract and the area of taking

PARCEL NO.: 232
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CITY/COUNTY: UNINCORPORATED/ORANGE

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SUBJECT PHOTOGRAPHS (CONT.)



View of West Kelly Park Rd, looking east. Subject parent tract is on the left side.



View of West Kelly Park Rd, looking west. Subject parent tract is on the right side.

PARCEL NO.: 232
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CITY/COUNTY: UNINCORPORATED/ORANGE

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SUBJECT PHOTOGRAPHS (CONT.)

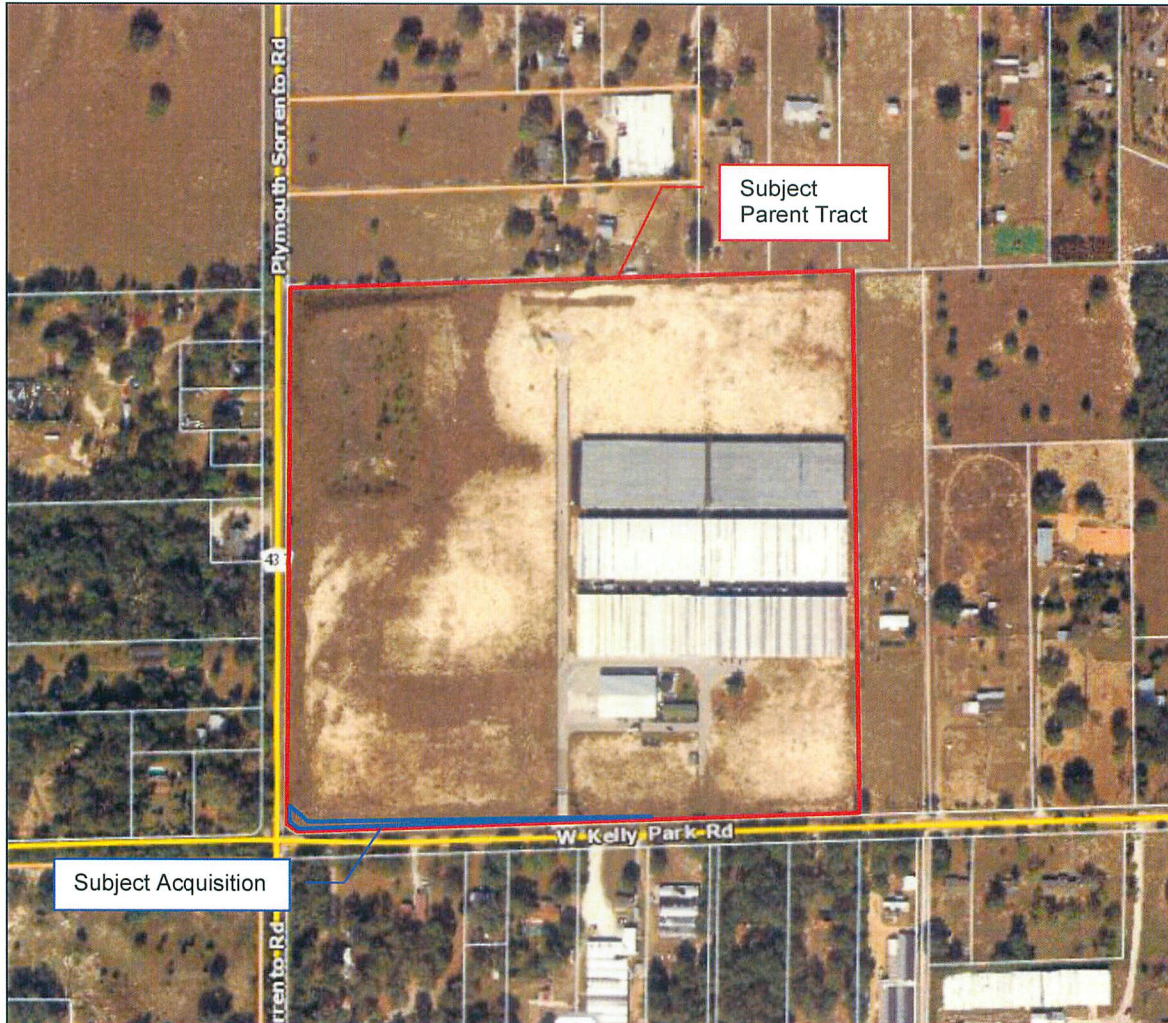


View of Plymouth Sorrento Rd, looking north. Subject parent tract is on the right side.

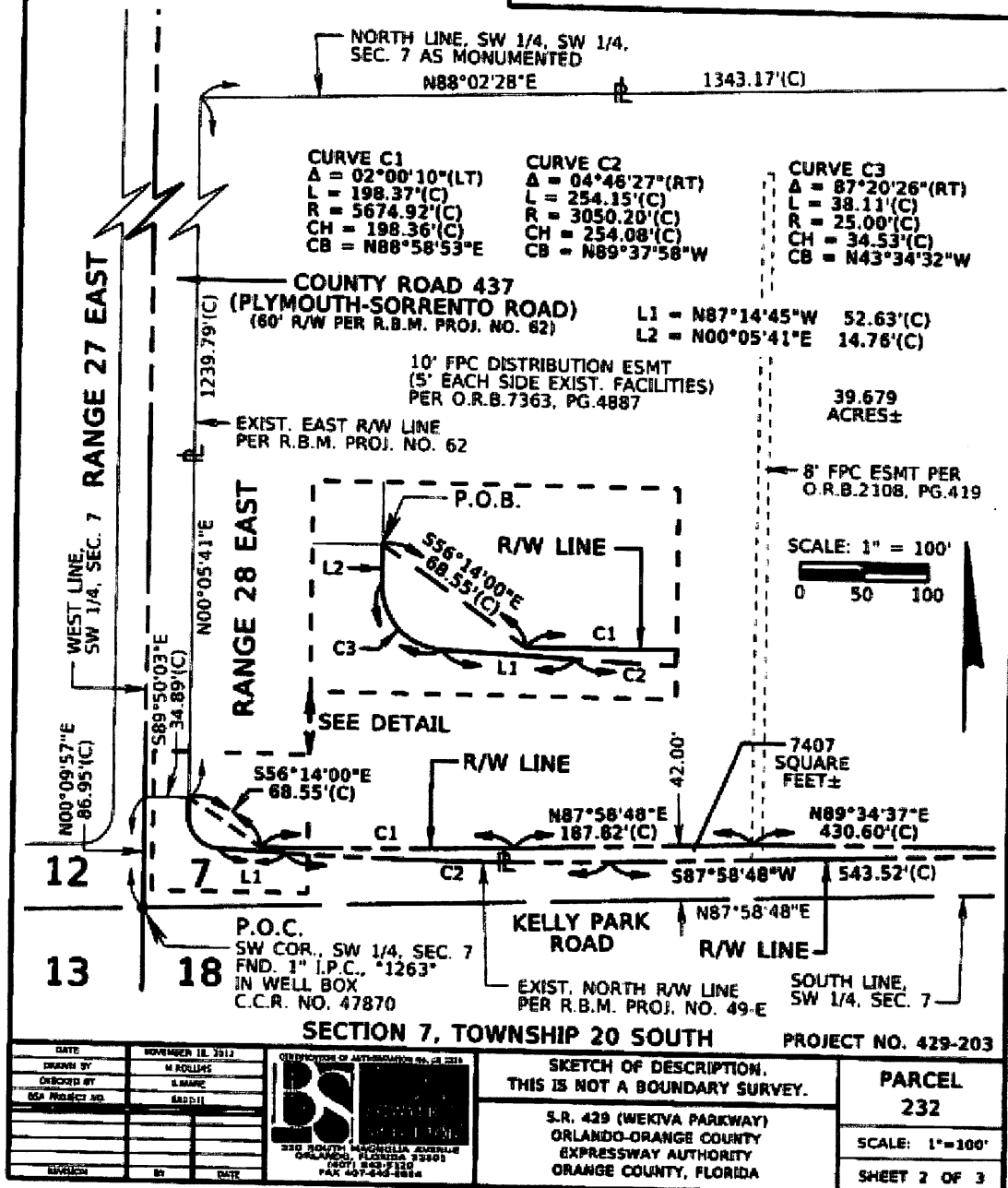
PARCEL NO.: 232
OWNER: MEGA GNG, LLLP
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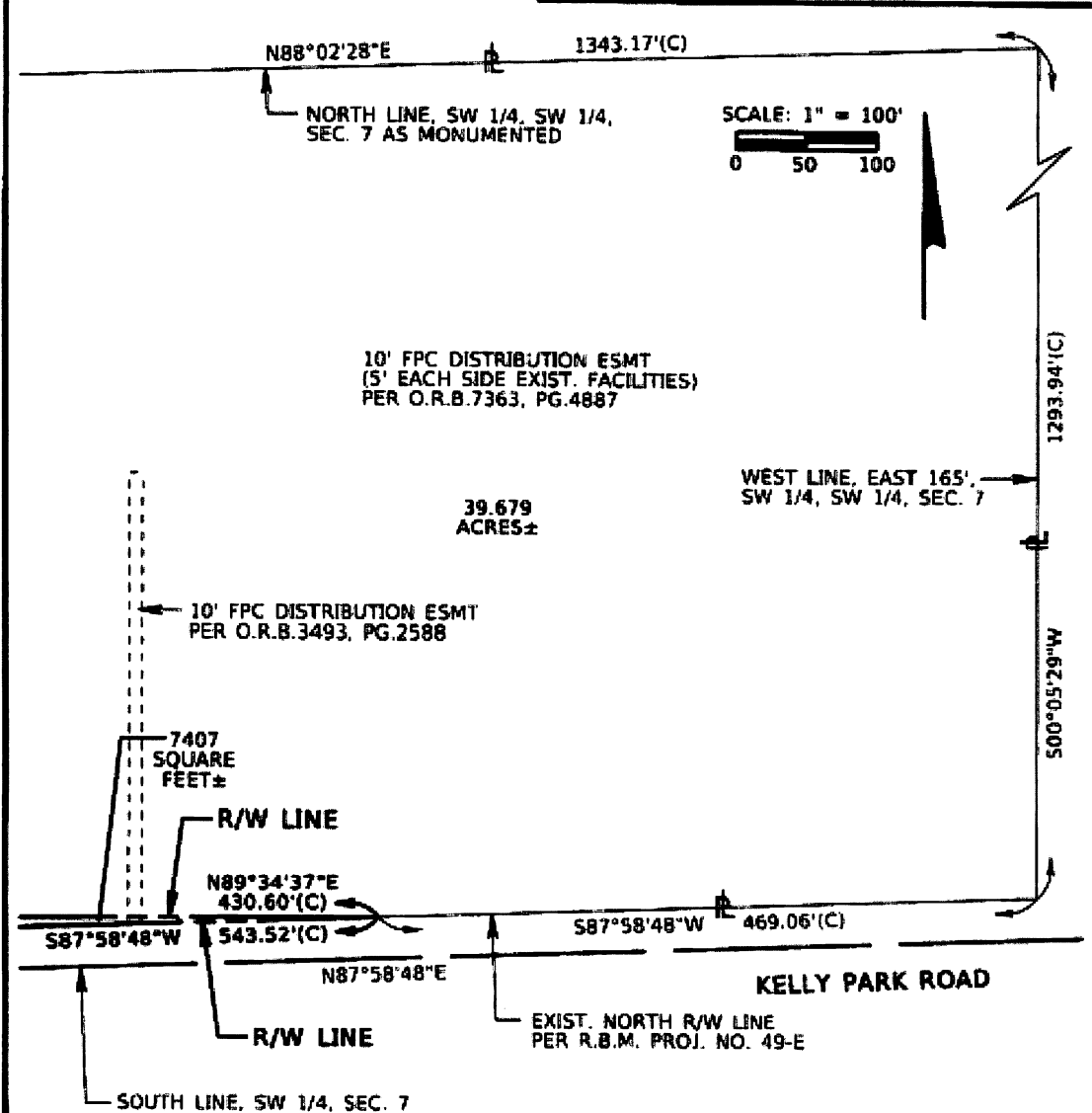
AERIAL PHOTO (ACQUISITION)



BEARING STRUCTURE BASED ON THE SOUTH LINE
OF THE SOUTHWEST 1/4 OF SEC. 7-20-28, BEING
N87°58'48"E, FLORIDA STATE PLANE COORDINATE
SYSTEM, EAST ZONE, 1983/2007 ADJUSTMENT.



BEARING STRUCTURE BASED ON THE SOUTH LINE
OF THE SOUTHWEST 1/4 OF SEC. 7-20-28, BEING
N87°58'48"E, FLORIDA STATE PLANE COORDINATE
SYSTEM, EAST ZONE, 1983/2007 ADJUSTMENT.

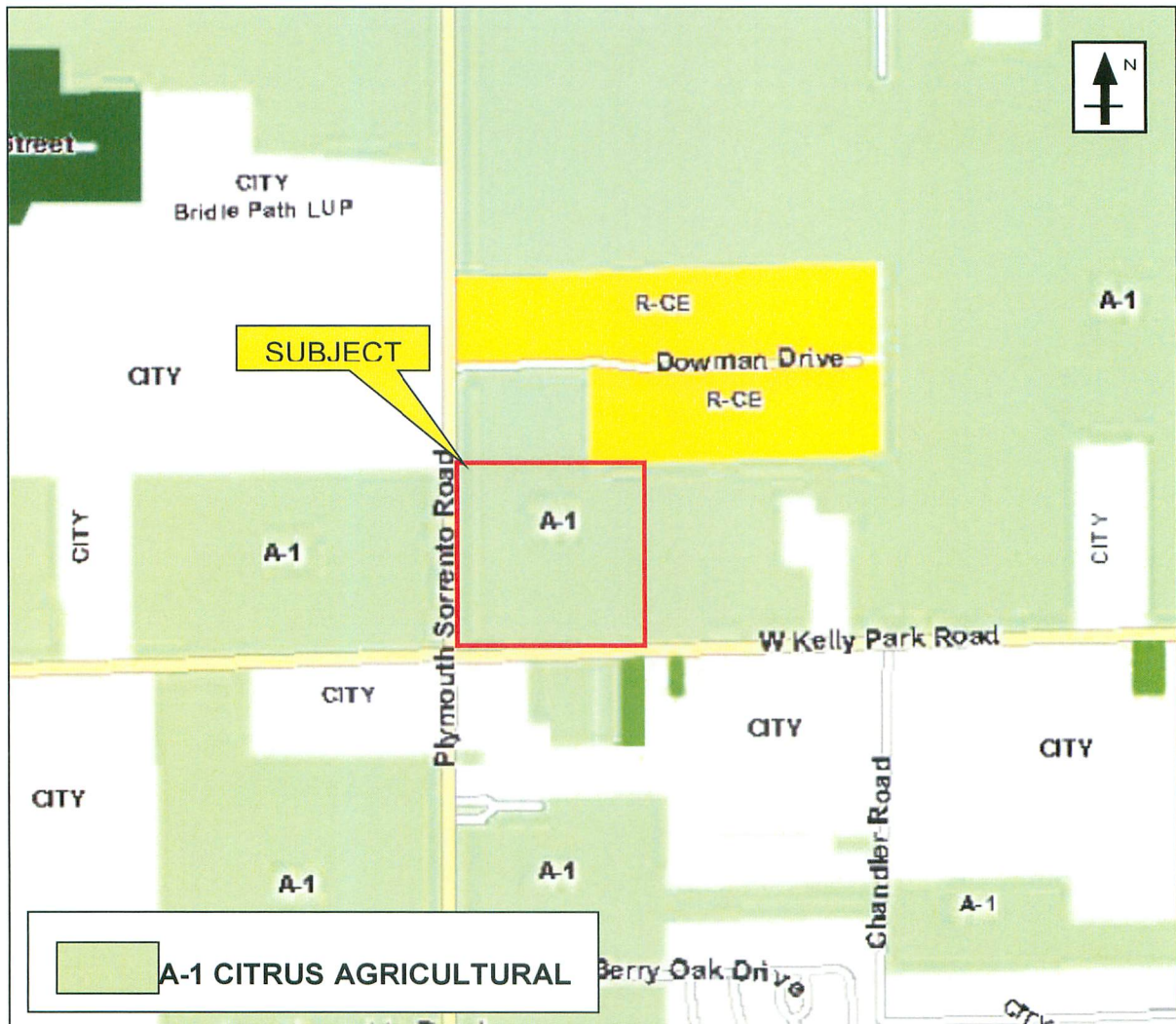


SECTION 7, TOWNSHIP 20 SOUTH

PROJECT NO. 429-203

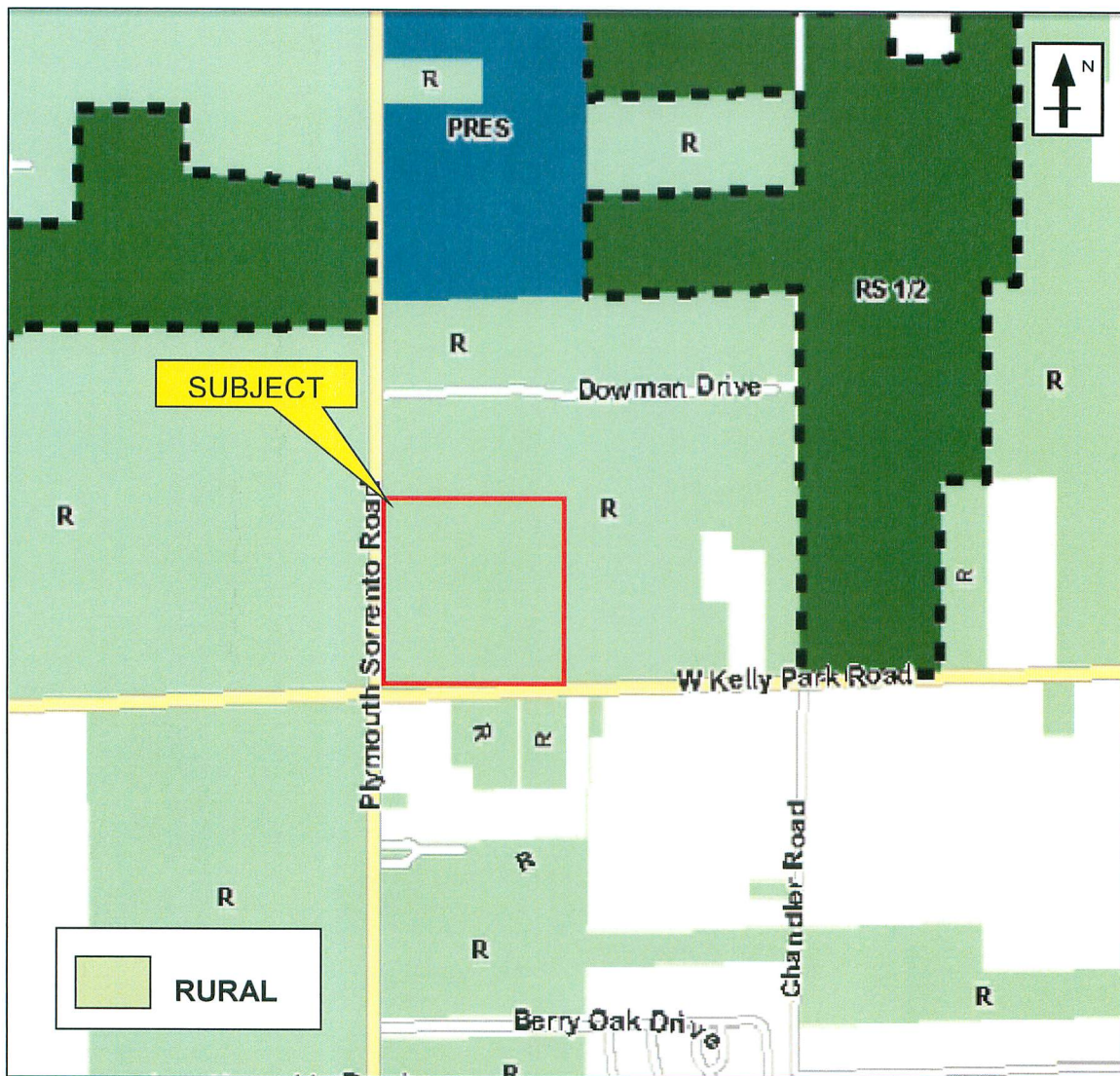
<p>I HEREBY CERTIFY THAT THIS SKETCH OF DESCRIPTION IS IN ACCORDANCE WITH THE REQUIREMENTS OF FLORIDA STATUTE CHAPTER 349, FLORIDA ADMINISTRATIVE CODE CHAPTER 12, SECTION 403.20, FLORIDA STATUTE.</p> <p><i>W. R. V.</i> 11/18/13 WILLIAM E. ROSE, F.S.S. LICENSE NUMBER 5442 DATE</p> <p>NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER</p>	<p>ORGANIZATION OF PROFESSIONAL SURVEYORS</p> <p>BS</p> <p>120 SOUTH MAGNOLIA AVENUE ORLANDO, FLORIDA 32801 (407) 842-5120 FAX 407-842-8024</p>	<p>SKETCH OF DESCRIPTION. THIS IS NOT A BOUNDARY SURVEY.</p> <p>S.R. 429 (WEKIVA PARKWAY) ORLANDO-ORANGE COUNTY EXPRESSWAY AUTHORITY ORANGE COUNTY, FLORIDA</p>	<p>PARCEL 232</p> <p>SCALE: 1"=100'</p> <p>SHEET 3 OF 3</p>
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ZONING MAP

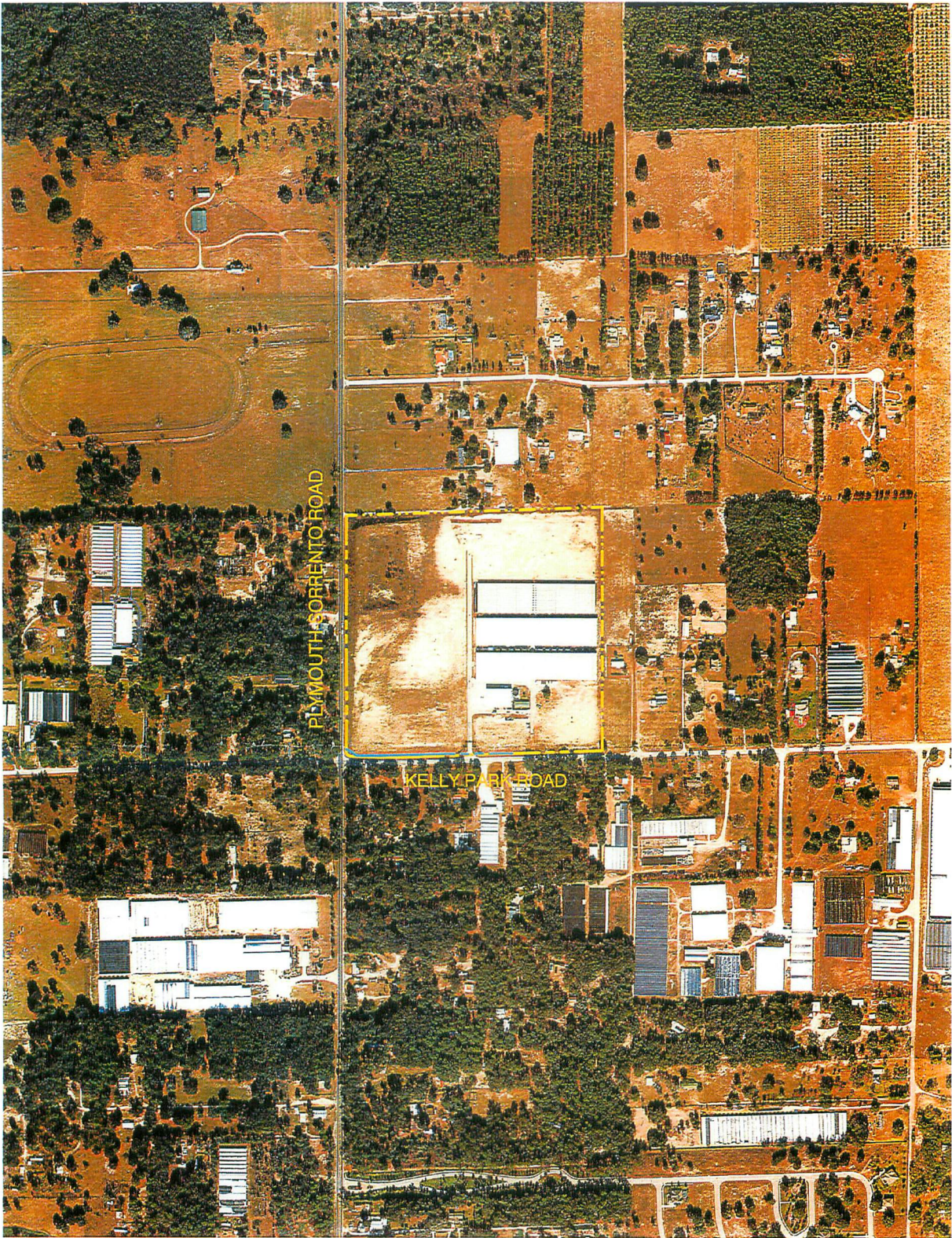


Approximate Representation
Source: Orange County INFO Maps

FUTURE LAND USE MAP



Approximate Representation
Source: Orange County INFO Maps



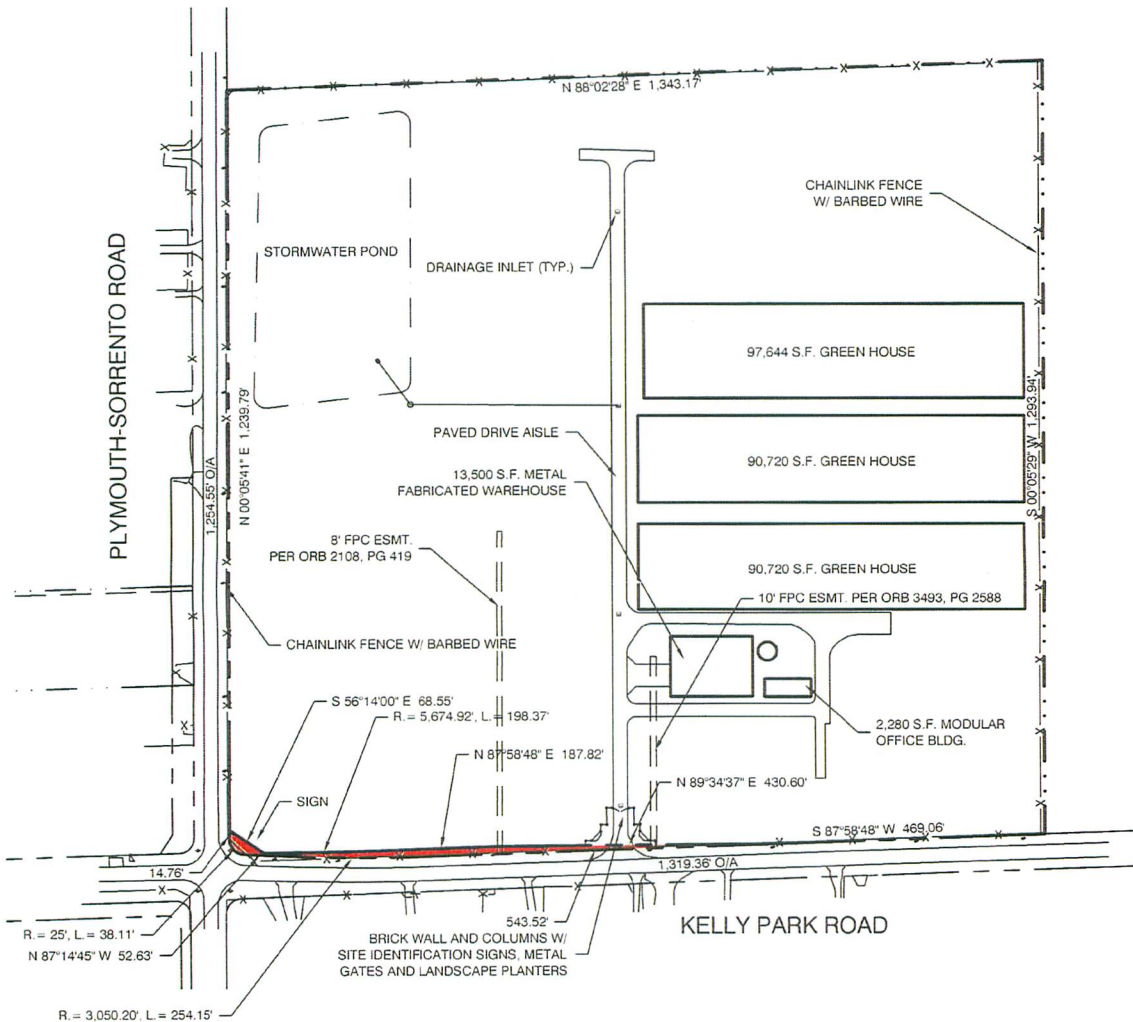
BEFORE ACQUISITION
WEKIVA PARKWAY
MEGA GNG, LLLP
PARCEL 232



SCALE: 1"=500'

LMA
Landon, Moree & Associates, Inc.
Civil & Environmental Engineers - Planners - Surveyors
31622 U.S. 19 North Palm Harbor, Florida 34684
Phone: (727) 789-5010, Fax: (727) 787-4394
Toll Free: (800) 262-7960, WWW.LMAENGR.COM

LMA JOB: 663-01.232



**BEFORE ACQUISITION
WEKIVA PARKWAY
MEGA GNG, LLLP
PARCEL 232**



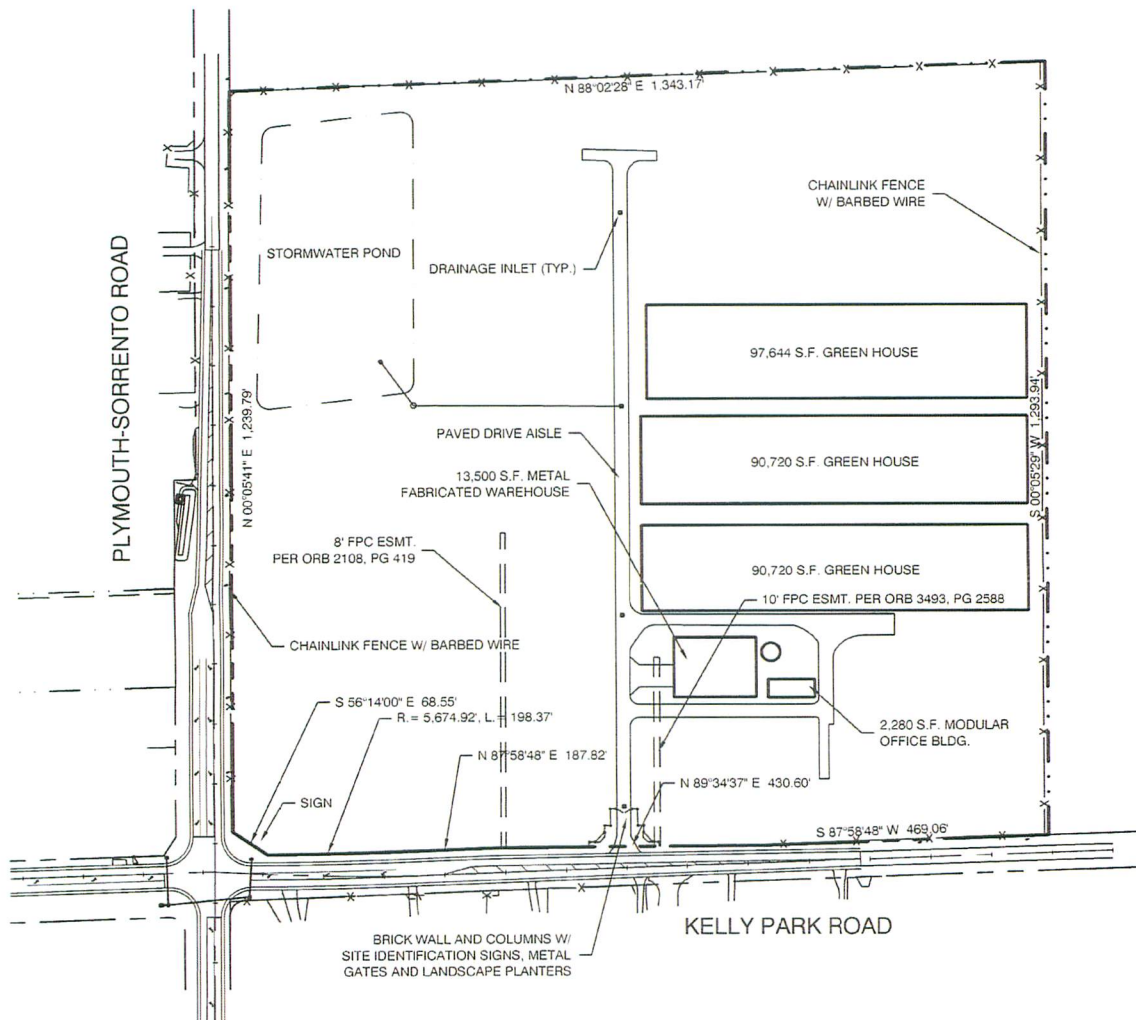
SCALE: 1"=200'

PARENT TRACT: 1,735,815 S.F./39.849 AC.
PARCEL 232: 7,407 S.F./ 0.170 AC.
REMAINDER: 1,728,408 S.F./39.679 AC.

PARCEL 232
RIGHT OF WAY (FEE SIMPLE)

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**AFTER ACQUISITION
WEKIVA PARKWAY
MEGA GNG, LLLP
PARCEL 232**



SCALE: 1"=200'

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