


# 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. Chin-Hsia Huang, Rong Tsai Wu, et al.*  
Case No. 2014-CA-005261-O, Project: 429-203, Parcel 233  
Owners: Chin-Hsia Huang and Rong Tsai Wu  
Location: 5024 Plymouth Sorrento Road, Apopka, Florida, 32712  
Size of Land: Before: 2.488± Gross & Net Acre  
Taking: 0.137 acres (5,963± sf)  
Remainder: 2.351± Gross & Net AC

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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 all of the expert reports were completed and associated costs incurred before serving an offer of judgment.

## DESCRIPTION OF PARCEL 233

The parent tract is located along the west side of Plymouth Sorrento Road, north of West Kelly Park Road, in unincorporated Orange County, Florida. The parent tract contains 2.488± gross and net developable acres. Based on the upland acreage, the parent tract is irregular in shape with 165± feet of frontage along the west side of Plymouth Sorrento Road. Primary access is available from the west side of Plymouth Sorrento Road.

The parent tract was improved with two small manufactured buildings. The first building is a manufactured home containing 1,392± square feet built in 1973. The second building is a manufactured home containing 500± square feet built in 1973. The improvements were in very

Project: 429-203, Parcel 233  
Owner: Chin-Hsia Huang, Rong Tsai Wu

poor condition. The property is zoned A-1, Citrus Rural Agricultural District, by Orange County, with a future land use of R, Rural, by Orange County.

Walter N. Carpenter, Jr., MAI, CRE, appraised Parcel 233. The highest and best use of the parent tract is currently for agricultural/residential use, with a reasonable probable use to hold until the demand for future neighborhood commercial development permits. Also, there is a possibility for annexation into the city of Apopka. Due to the fact that the existing manufactured homes are in dilapidated shape and abandoned, the short-term highest and best use, "as improved," would be to remove these structures. Additionally, it is a reasonable probable use to hold the property until demand for future neighborhood commercial development permits. Also, there is a possibility for annexation into the city of Apopka.

Based upon the comparable sales approach, Mr. Carpenter estimated a value for the parent tract at \$3.00 per square foot or \$130,680 per acre of land area which would consider the contributory value of site improvements. The value of the part taken is:

Land (5,963± sf @ \$3.00/sf) =	\$17,890
Improvements:	\$ 2,030
(231 lf chain link fence, gate)	
Total	\$19,920

According to Mr. Carpenter, the remainder has not been damaged as a result of the taking, as the remainder has adequate frontage, size, configuration, distance, accessibility, and maneuverability.

The cost to restore certain onsite items on the remainder property to insure continued use, marketability, security, utility, and/or maintain its highest and best use is the difference between the value contribution of the improvements acquired (depreciated value) and a cost new to re-establish on the remainder. Speer Construction estimated the total cost to cure to re-establish the items in the taking on the remainder property at \$4,590, less the contributory value already paid within the taking, for a net cost to cure of **\$3,020**.

The total estimated value of the acquisition of Parcel 233 is the sum of the following:

Land	\$ 17,890
Improvements	\$ 2,030
Damages	\$ 0
Cost to Cure	<u>\$ 3,020</u>
<b>Total Value</b>	<b>\$ 22,940</b>

In response, the property owners have not disclosed what they seek in full compensation from Expressway Authority.

Project: 429-203, Parcel 233  
Owner: Chin-Hsia Huang, Rong Tsai Wu

**REQUEST**

We respectfully request the Board approve the Right of Way Committee's recommendation to tender an offer of judgment in the amount of **\$29,001**.

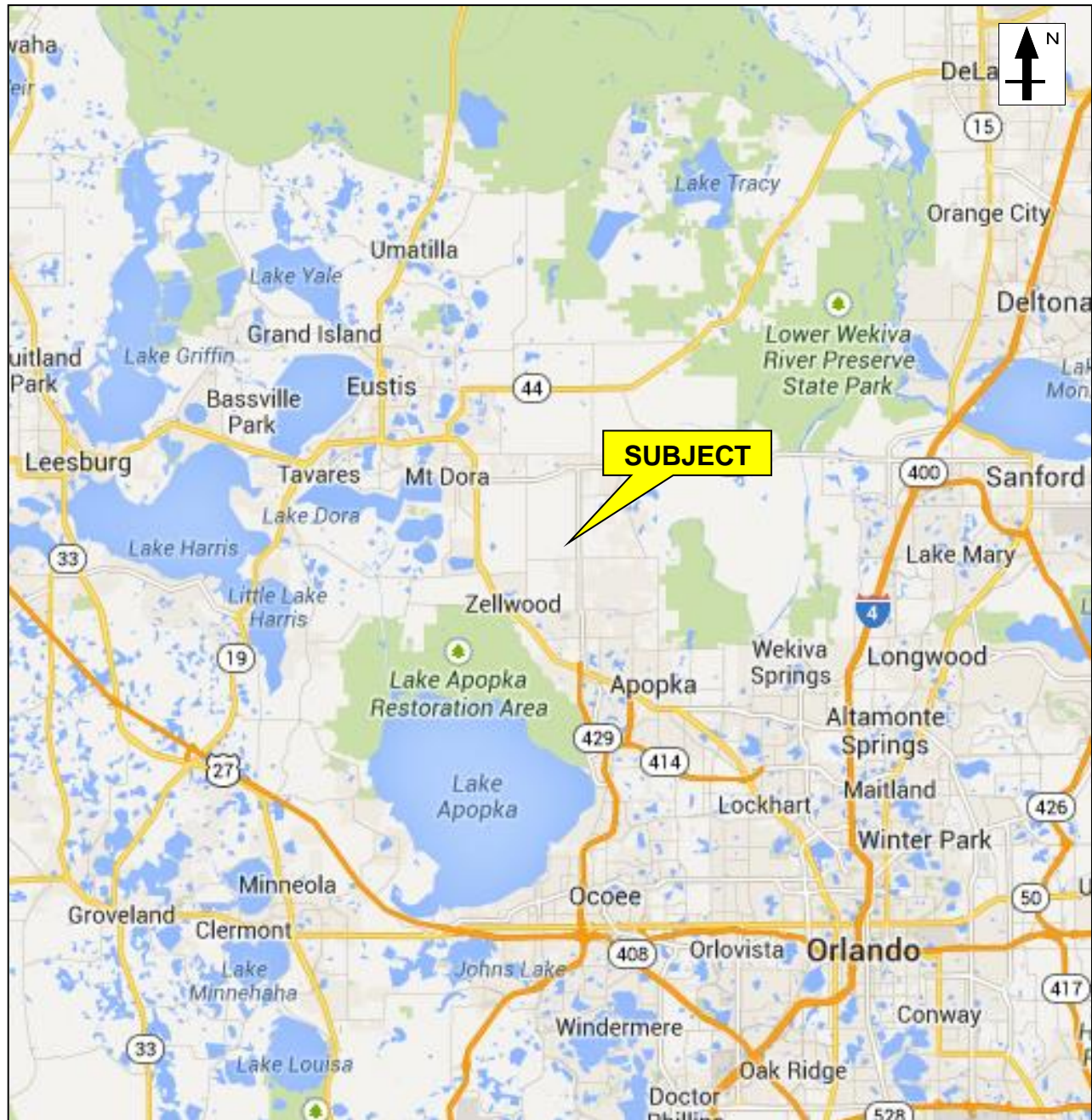
**ATTACHMENTS**

Excerpt of Appraisal Report

PARCEL NO.: 233  
OWNER: HUANG AND WU  
PROJECT: SR 429 WEKIVA PARKWAY EXTENSION PROJECT NO. 429-203  
CITY/COUNTY: ORANGE

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## AREA MAP



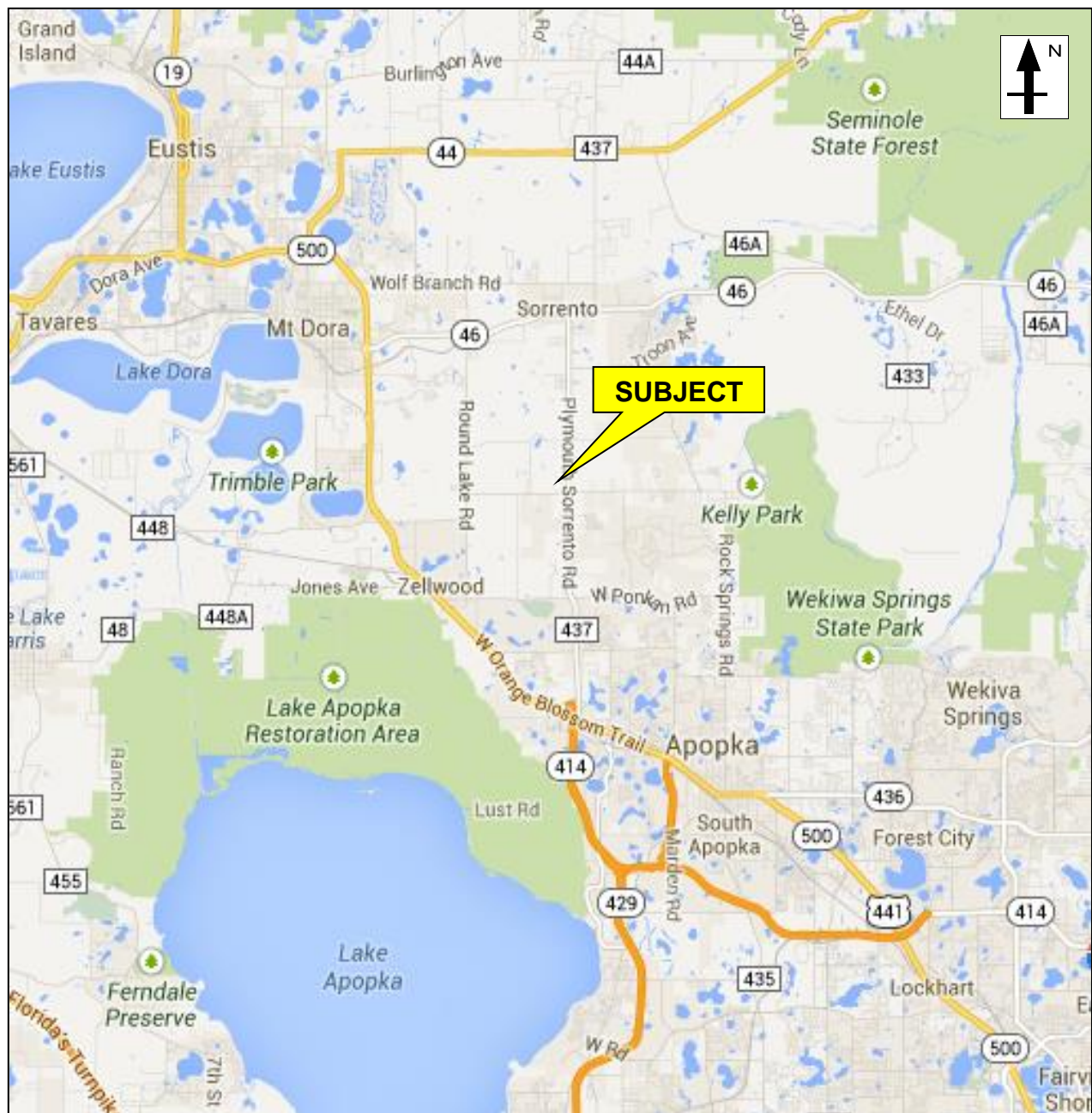
*Approximate Representation*  
*Source: Google Maps*



PARCEL NO.: 233  
OWNER: HUANG AND WU  
PROJECT: SR 429 WEKIVA PARKWAY EXTENSION PROJECT NO. 429-203  
CITY/COUNTY: ORANGE

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## LOCATION MAP

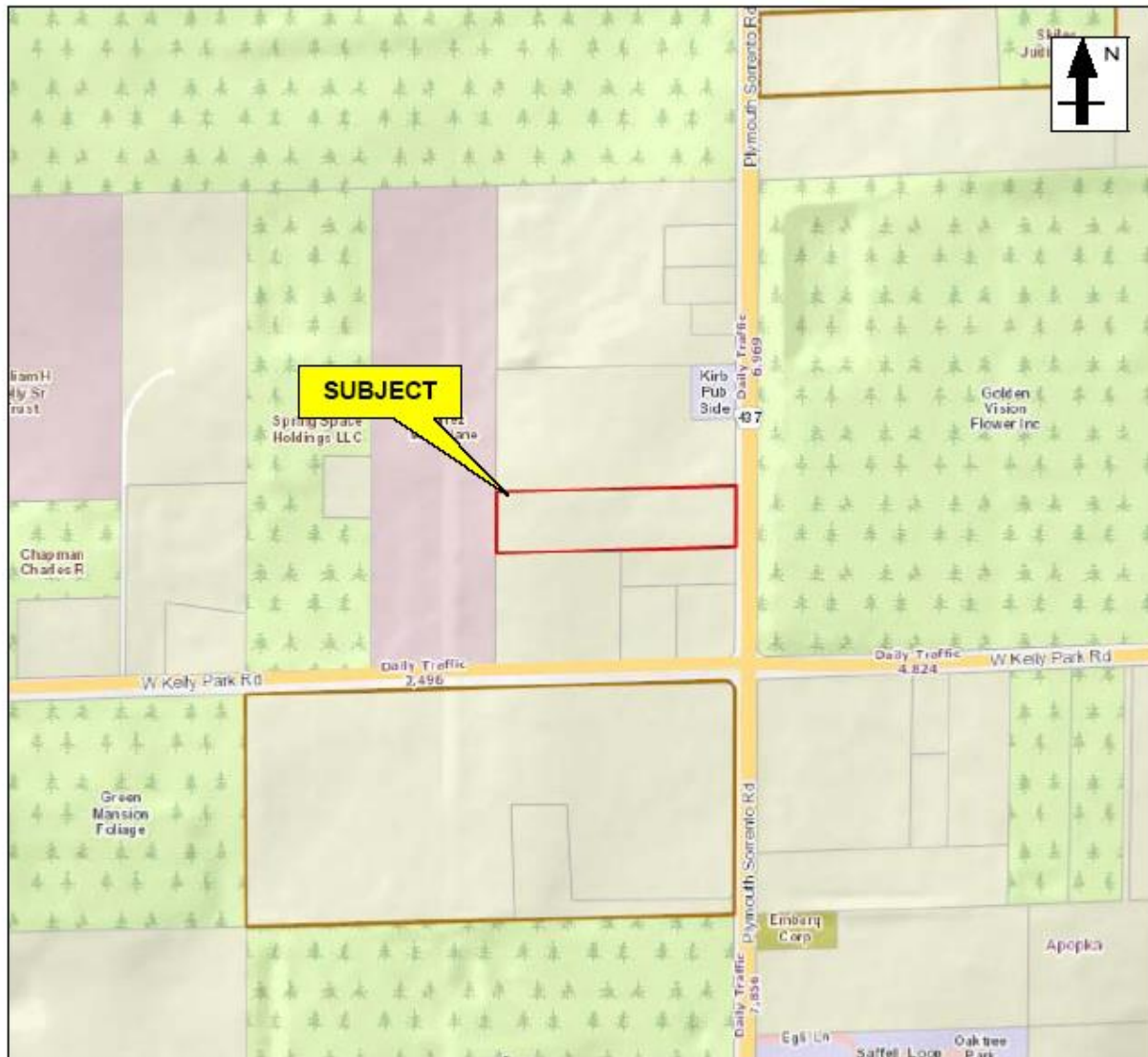


*Approximate Representation  
Source: Google Maps*

PARCEL NO.: 233  
OWNER: HUANG AND WU  
PROJECT: SR 429 WEKIVA PARKWAY EXTENSION PROJECT NO. 429-203  
CITY/COUNTY: ORANGE

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## TAX MAP



Approximate Representation  
Source: Orange County Property Appraiser



PARCEL NO.: 233  
OWNER: HUANG AND WU  
PROJECT: SR 429 WEKIVA PARKWAY EXTENSION PROJECT NO. 429-203  
CITY/COUNTY: ORANGE

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## AERIAL PHOTOGRAPH



*Approximate Representation  
Source: Orange County Property Appraiser*

PARCEL NO.: 233  
OWNER: HUANG AND WU  
PROJECT: SR 429 WEKIVA PARKWAY EXTENSION PROJECT NO. 429-203  
CITY/COUNTY: ORANGE

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### SUBJECT PHOTOGRAPHS



View of Plymouth Sorrento Road looking north from the subject property's approximate southeast corner. The subject property is located on the left side of the photograph.



View of Plymouth Sorrento Road looking south towards Kelly Park Road from the subject property's approximate northeast corner. The subject property is located on the right side of the photograph.



PARCEL NO.: 233  
OWNER: HUANG AND WU  
PROJECT: SR 429 WEKIVA PARKWAY EXTENSION PROJECT NO. 429-203  
CITY/COUNTY: ORANGE

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View of Taking Parcel 233 looking south from the subject property's approximate northeast corner.



View of the parcel looking north from the parent tract's approximate southeast corner. Plymouth Sorrento Road is located on the right side of the photograph and the subject property is located on the left side of the photograph.



PARCEL NO.: 233  
OWNER: HUANG AND WU  
PROJECT: SR 429 WEKIVA PARKWAY EXTENSION PROJECT NO. 429-203  
CITY/COUNTY: ORANGE

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View of the parent tract looking northwest from the subject property's approximate southeast corner.

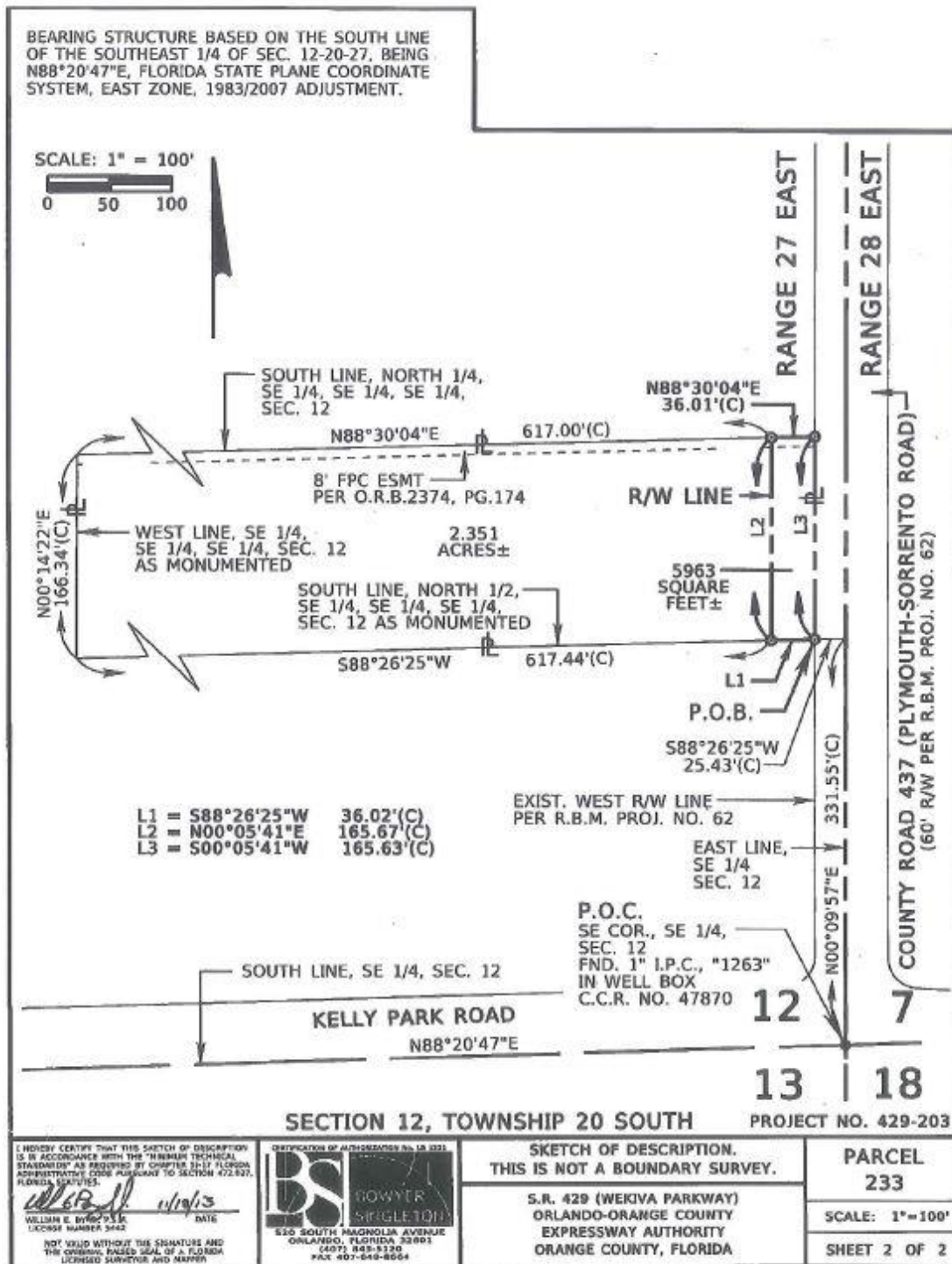


View of the driveway entrance to the subject property looking west from Plymouth Sorrento Road.

PARCEL NO.: 233  
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 CITY/COUNTY: ORANGE

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# SKETCH





# BEFORE ACQUISITION WEKIVA PARKWAY HUANG PARCEL 233

SCALE: 1"=100'



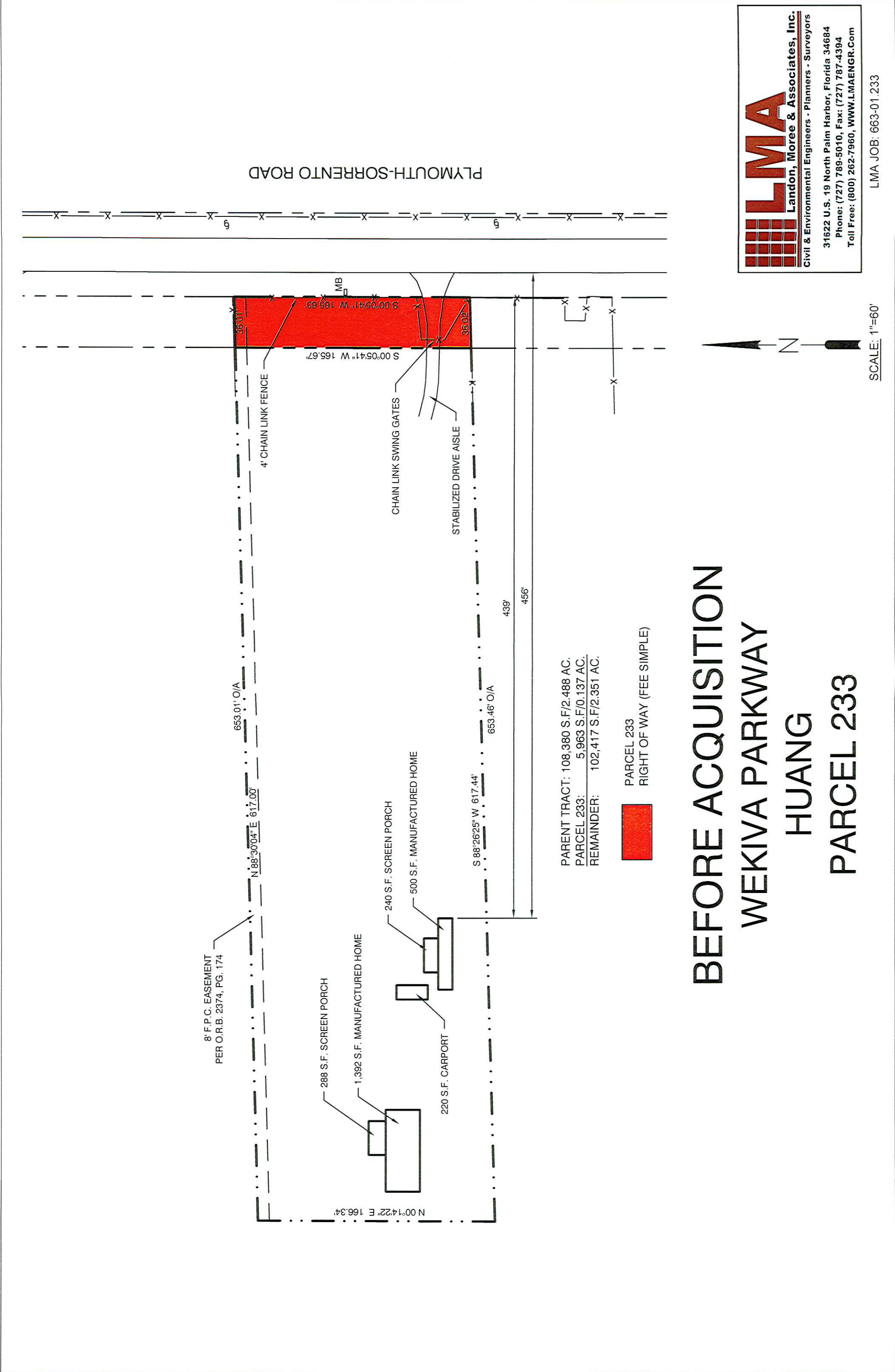


**Landon, Moree & Associates, Inc.**  
Civil & Environmental Engineers - Planners - Surveyors

31622 U.S. 19 North Palm Harbor, Florida 34684  
Phone: (727) 789-5010, Fax: (727) 787-4394  
Toll Free: (800) 262-7960, WWW.LMAENG.COM

LMA JOB: 663-01.233





PARENT TRACT: 108,380 S.F./2.488 AC.  
PARCEL 233: 5,963 S.F./0.137 AC.  
REMAINDER: 102,417 S.F./2.351 AC.



PARCEL 233  
RIGHT OF WAY (FEE SIMPLE)

# BEFORE ACQUISITION

## WEKIVA PARKWAY

### HUANG

### PARCEL 233

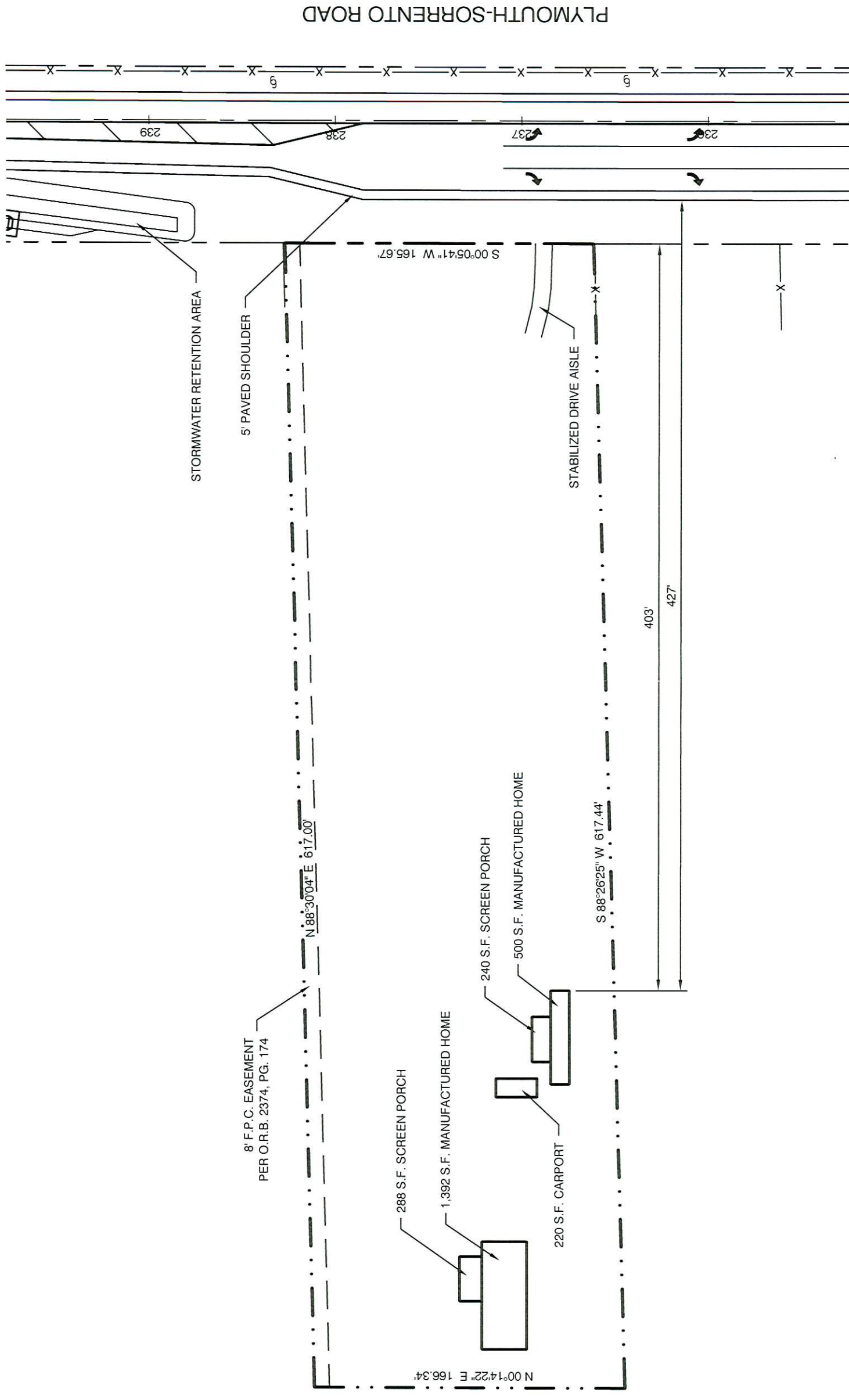


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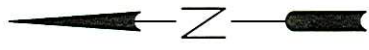
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Toll Free: (800) 262-7960, WWW.LMAENGR.Com

SCALE: 1"=60'

LMA JOB: 663-01.233



AFTER ACQUISITION  
WEKIVA PARKWAY  
HUANG  
PARCEL 233



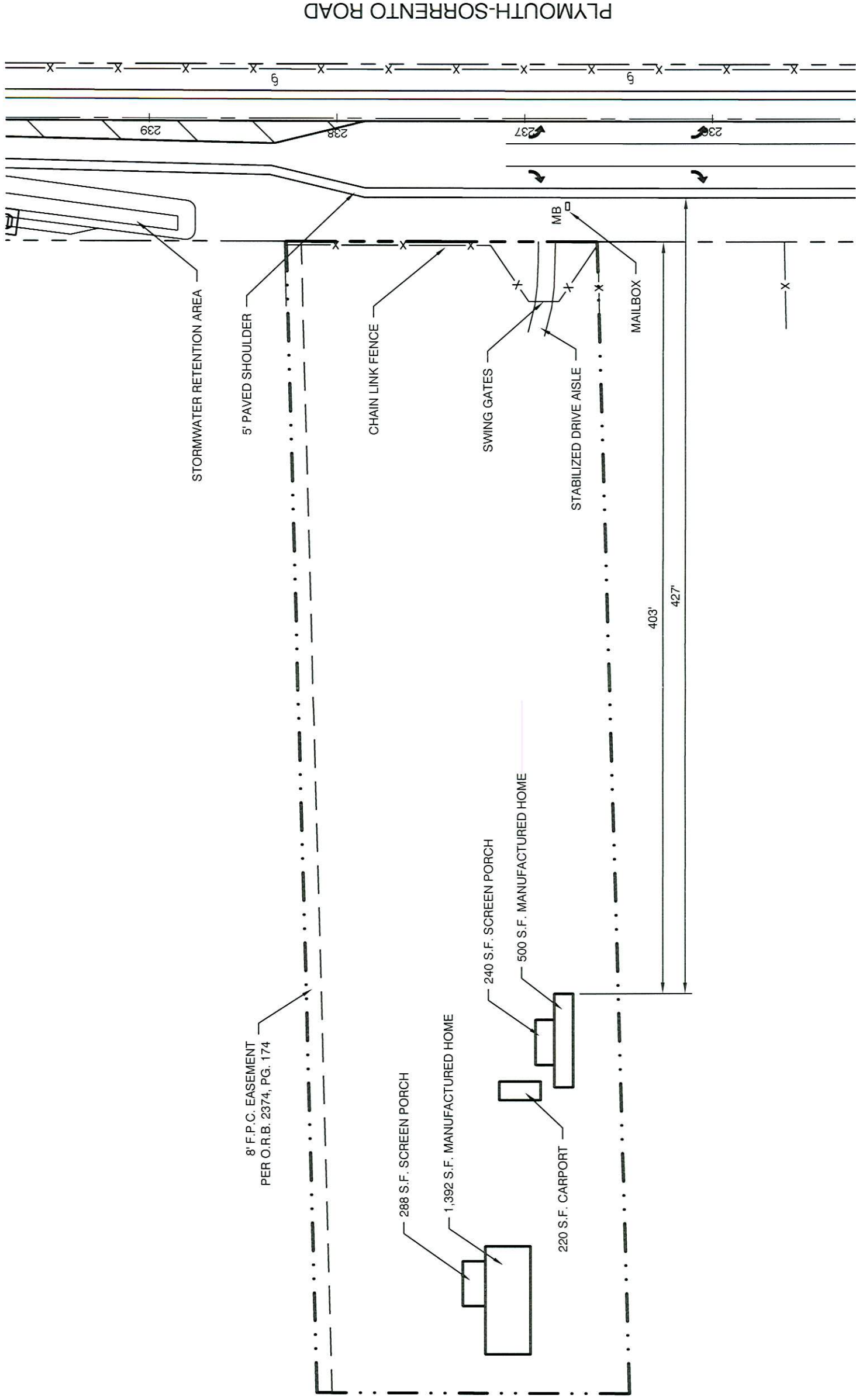
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# SITE MODIFICATION

## WEKIVA PARKWAY

### HUANG

### PARCEL 233



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SCALE: 1"=60'

LMA JOB: 663-01.233

SUBJECT LEGAL DESCRIPTION, RIGHT-OF-WAY TAKING

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

**LEGAL DESCRIPTION:**

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 20 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A FOUND 1" IRON PIPE WITH CAP STAMPED "1263" LOCATED IN A WELL BOX MARKING THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 20 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA; THENCE NORTH 00°09'57" EAST ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 331.55 FEET TO ITS INTERSECTION WITH THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SOUTHEAST QUARTER; THENCE DEPARTING SAID EAST LINE, RUN SOUTH 88°26'25" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 25.43 FEET TO ITS INTERSECTION WITH THE EXISTING WEST RIGHT OF WAY LINE OF COUNTY ROAD 437 (PLYMOUTH-SORRENTO ROAD) AS DEPICTED ON ORANGE COUNTY ROAD BOND MAP PROJECT NO. 62 FOR THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 88°26'25" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 36.02 FEET; THENCE DEPARTING SAID SOUTH LINE RUN NORTH 00°05'41" EAST, A DISTANCE OF 165.67 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF THE NORTH QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SOUTHEAST QUARTER; THENCE NORTH 88°30'04" EAST ALONG SAID SOUTH LINE, A DISTANCE OF 36.01 FEET TO ITS INTERSECTION WITH AFORESAID WEST RIGHT OF WAY LINE OF COUNTY ROAD 437; THENCE DEPARTING SAID SOUTH LINE, RUN SOUTH 00° 05' 41" WEST ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 165.63 FEET TO THE POINT OF BEGINNING.

CONTAINING 5963 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. 2037-2902570 DATED 02/06/2013

**LEGEND & ABBREVIATIONS**

CB	= CHORD BEARING	ID.	= IDENTIFICATION	P.I.	= POINT OF INTERSECTION	(R)	= RADIAL
C.C.R.	= CERTIFIED CORNER RECORD	I.R.	= IRON ROD	P.O.B.	= POINT OF BEGINNING	SEC.	= SECTION
CH	= CHORD LENGTH	L	= ARC LENGTH	P.O.C.	= POINT OF COMMENCEMENT	TTTF	= TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND
COR.	= CORNER	L.A.	= LIMITED ACCESS	PROJ.	= PROJECT	W/	= WITH
(C)	= CALCULATED DISTANCE	LB	= LICENSED SURVEY BUSINESS	P.T.	= POINT OF TANGENCY	Δ	= PROPERTY LINE
D.B.	= DEED BOOK	LT	= LEFT	(P)	= PLAT	Δ	= SAME PROPERTY OWNER
ESMT	= EASEMENT	NO.	= NUMBER	R	= RADIUS	Δ	= DELTA (CENTRAL ANGLE)
EXIST.	= EXISTING	O.R.B.	= OFFICIAL RECORDS BOOK	R.B.M.	= ROAD BOND MAP	Δ	= CHANGE IN DIRECTION
FND.	= FOUND	P.C.	= POINT OF CURVATURE	RT	= RIGHT	Δ	= LIMITED ACCESS R/W LINE
FPC	= FLORIDA POWER CORPORATION	PG./PGS.	= PAGE / PAGES	R/W	= RIGHT OF WAY	Δ	= R/W LINE
(F)	= FIELD DISTANCE						

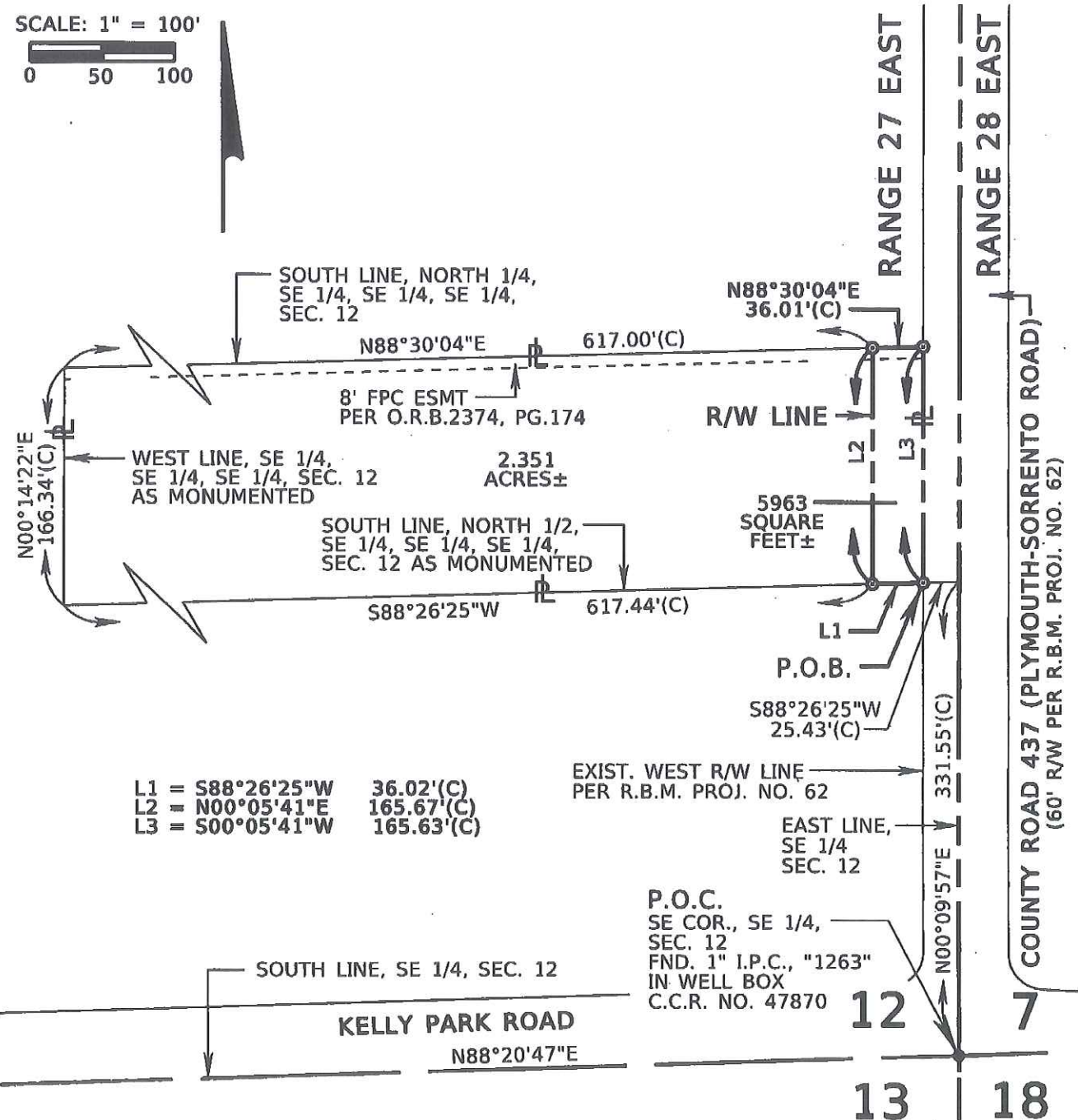
DATE	NOVEMBER 18, 2013	 BOWYER SINGLETON 520 SOUTH MAGNOLIA AVENUE ORLANDO, FLORIDA 32801 (407) 843-5120 FAX 407-649-8664	<b>SKETCH OF DESCRIPTION.</b> <b>THIS IS NOT A BOUNDARY SURVEY.</b>  S.R. 429 (WEKIVA PARKWAY) ORLANDO-ORANGE COUNTY EXPRESSWAY AUTHORITY ORANGE COUNTY, FLORIDA	<b>PARCEL</b> <b>233</b>
DRAWN BY	M.ROLLINS			<b>SCALE:</b> N/A
CHECKED BY	S.WARE			<b>SHEET 1 OF 2</b>
BSA PROJECT NO.	EA11-J1			
REVISION	BY			DATE



BEARING STRUCTURE BASED ON THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SEC. 12-20-27, BEING N88°20'47"E, FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, 1983/2007 ADJUSTMENT.

SCALE: 1" = 100'

0 50 100



L1 = S88°26'25"W 36.02'(C)  
L2 = N00°05'41"E 165.67'(C)  
L3 = S00°05'41"W 165.63'(C)

SOUTH LINE, SE 1/4, SEC. 12

KELLY PARK ROAD

N88°20'47"E

SECTION 12, TOWNSHIP 20 SOUTH

PROJECT NO. 429-203

I HEREBY CERTIFY THAT THIS SKETCH OF DESCRIPTION IS IN ACCORDANCE WITH THE "MINIMUM TECHNICAL STANDARDS" AS REQUIRED BY CHAPTER 31-17, FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

WILLIAM E. BYRNE, P.S.M.  
LICENSE NUMBER 5442  
DATE 11/10/13

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

CERTIFICATION OF AUTHORIZATION No. LB 3221



520 SOUTH MAGNOLIA AVENUE  
ORLANDO, FLORIDA 32801  
(407) 843-5120  
FAX 407-849-8664

SKETCH OF DESCRIPTION.  
THIS IS NOT A BOUNDARY SURVEY.

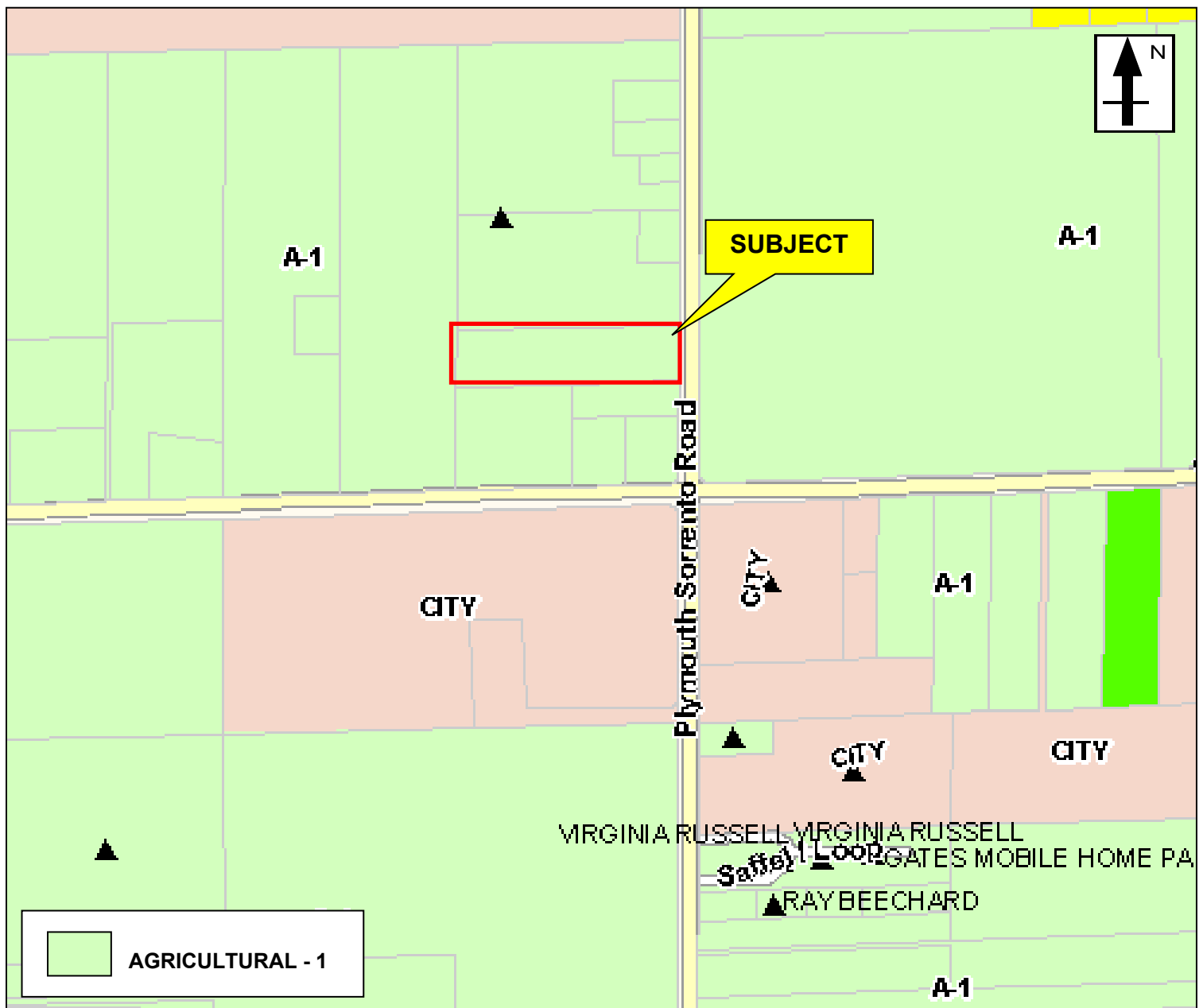
S.R. 429 (WEKIVA PARKWAY)  
ORLANDO-ORANGE COUNTY  
EXPRESSWAY AUTHORITY  
ORANGE COUNTY, FLORIDA

PARCEL  
233

SCALE: 1"=100'

SHEET 2 OF 2

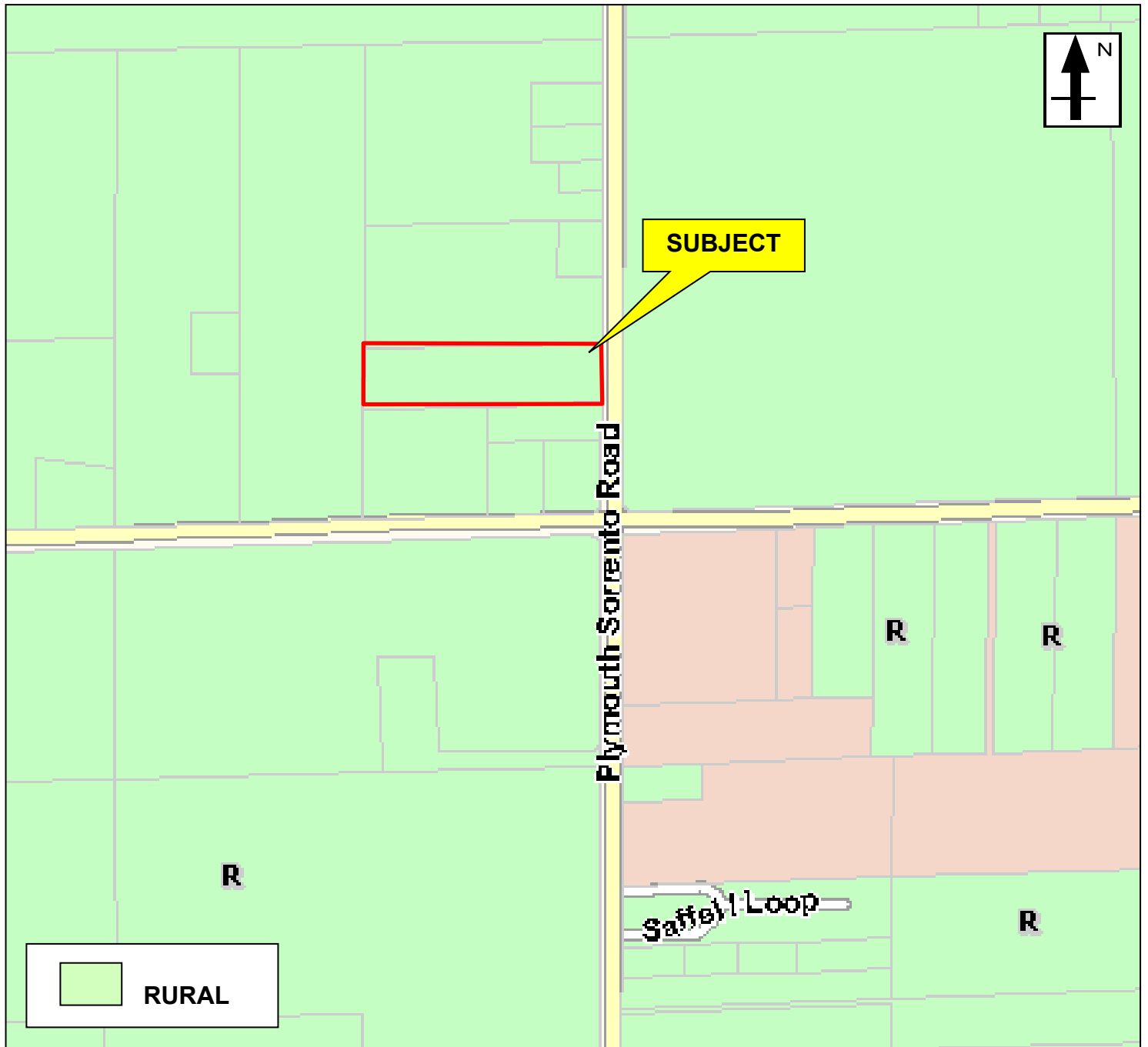
## ZONING MAP



Approximate Representation  
Source: Orange County INFO Maps



## FUTURE LAND USE MAP



Approximate Representation  
Source: Orange County INFO Maps