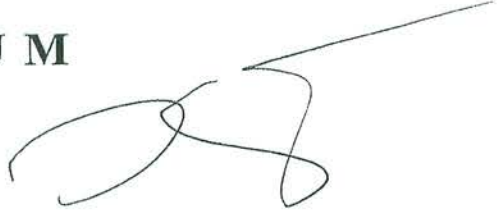


Founded 1910

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 201
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 Milford Kirkland (the "Owner") and the Central Florida Expressway Authority (the "CFX") for the acquisition of Parcel 201 (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 201 is a whole taking totaling 1.428 acres and is improved with a 1,439 s.f. single family residence. The subject property is located near the intersection of Plymouth Sorrento Rd. and Kelly Park Rd. This property is the homestead of Mr. Kirkland.

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 \$117,070 (Land \$37,070, Improvements \$80,000).

The parties entered into a Joint Motion for a Stipulated Order of Taking which was entered by Judge Kest on May 30, 2014. The good faith estimate of value was deposited with the Court Registry on June 6, 2014, at which time title to the property passed to the CFX.

The parties have conditionally accepted a settlement to be consummated through a Stipulated Final Judgment. Under the settlement, the CFX would pay the Owners the sum of \$156,800, plus attorney's fees, appraisal costs and engineering costs totaling \$13,700. The property owner argued additional valuation of the price per acre and some additional value to the improvements.

An 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 condemnation action to acquire Parcel 201.

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 totaling \$170,500 in full settlement of all claims for compensation for the acquisition of Parcel 201.

ATTACHMENTS

Exhibit "A" – Sketch of Subject Property

ORLDOCS 13539798 1

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 EAST HALF OF THE SOUTHWEST 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 1-1/4" IRON PIPE WITH NO IDENTIFICATION LOCATED IN A WELL BOX MARKING THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 20 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA; THENCE SOUTH 89°15'06" WEST ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 2012.94 FEET TO THE WEST LINE OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SAID NORTHEAST QUARTER AS MONUMENTED AND OCCUPIED; THENCE DEPARTING SAID SOUTH LINE RUN NORTH 00°20'58" WEST ALONG SAID WEST LINE, A DISTANCE OF 1207.12 FEET TO ITS INTERSECTION WITH THE SOUTH LINE OF THE NORTH 100 FEET OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SAID NORTHEAST QUARTER FOR THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00°20'58" WEST ALONG SAID WEST LINE, A DISTANCE OF 100.01 FEET TO A POINT ON THE NORTH LINE OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SAID NORTHEAST QUARTER; THENCE DEPARTING SAID WEST LINE RUN NORTH 88°47'46" EAST ALONG SAID NORTH LINE, A DISTANCE OF 80.71 FEET TO A POINT ON A CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 1179.24 FEET, A CHORD DISTANCE OF 115.25 FEET AND A CHORD BEARING OF SOUTH 28°36'06" WEST; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 05°36'06", A DISTANCE OF 115.29 FEET TO A POINT ON THE AFORESAID SOUTH LINE OF THE NORTH 100 FEET OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SAID NORTHEAST QUARTER; THENCE DEPARTING SAID CURVE RUN SOUTH 88°47'46" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 24.92 FEET TO THE POINT OF BEGINNING.

CONTAINING 5173 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. 2037-2770311 DATED 07/02/2012


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
R/W = RIGHT OF WAY

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

DATE	NOVEMBER 18, 2013	 <p>BOWYER SINGLETON 520 SOUTH MAGNOLIA AVENUE ORLANDO, FLORIDA 32801 (407) 843-5120 FAX 407-649-8664</p>	SKETCH OF DESCRIPTION. THIS IS NOT A BOUNDARY SURVEY. S.R. 429 (WEKIVA PARKWAY) ORLANDO-ORANGE COUNTY EXPRESSWAY AUTHORITY ORANGE COUNTY, FLORIDA	PARCEL 201
DRAWN BY	M.ROLLINS			SCALE: N/A
CHECKED BY	S.WARE			
BSA PROJECT NO.	EA11-J1			
REVISE SECTION BREAKDOWN	S.WARE	01/13/2014		SHEET 1 OF 4
REVISION	BY	DATE		

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


LEGAL DESCRIPTION:

PART B

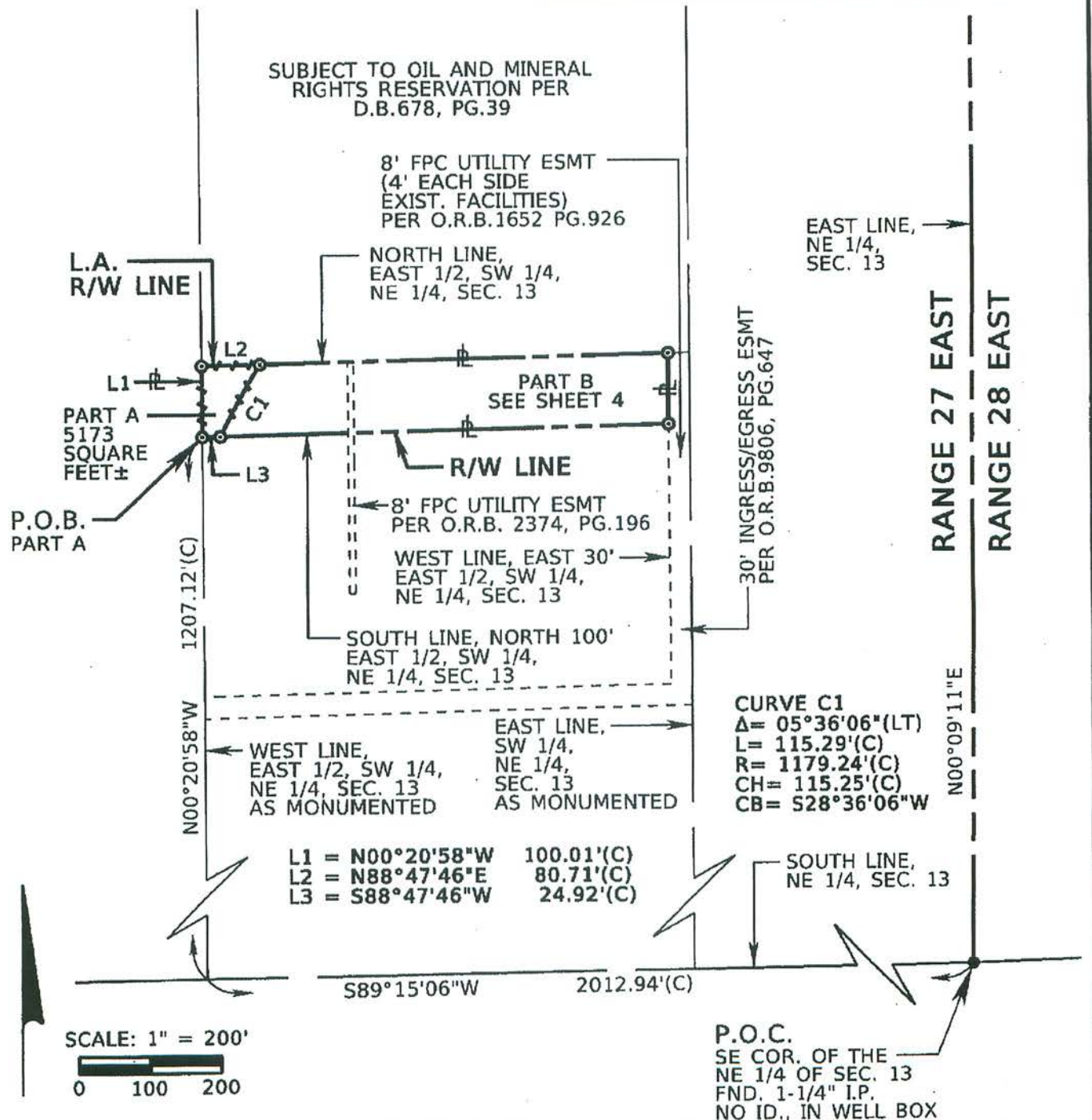
A PARCEL OF LAND LOCATED IN THE EAST HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 20 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A FOUND 1-1/4" IRON PIPE WITH NO IDENTIFICATION LOCATED IN A WELL BOX MARKING THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 20 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA; THENCE SOUTH 89°15'06" WEST ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 2012.94 FEET TO THE WEST LINE OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SAID NORTHEAST QUARTER AS MONUMENTED AND OCCUPIED; THENCE DEPARTING SAID SOUTH LINE RUN NORTH 00°20'58" WEST ALONG SAID WEST LINE, A DISTANCE OF 1207.12 FEET TO ITS INTERSECTION WITH THE SOUTH LINE OF THE NORTH 100 FEET OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SAID NORTHEAST QUARTER; THENCE DEPARTING SAID WEST LINE RUN NORTH 88°47'46" EAST ALONG SAID SOUTH LINE, A DISTANCE OF 24.92 FEET TO THE POINT OF BEGINNING; SAID POINT ALSO BEING ON A CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 1179.24 FEET, A CHORD DISTANCE OF 115.25 FEET AND A CHORD BEARING OF NORTH 28°36'06" EAST; THENCE DEPARTING SAID SOUTH LINE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 05°36'06", A DISTANCE OF 115.29 FEET TO A POINT ON THE NORTH LINE OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SAID NORTHEAST QUARTER; THENCE DEPARTING SAID CURVE RUN NORTH 88°47'46" EAST ALONG SAID NORTH LINE, A DISTANCE OF 565.20 FEET TO ITS INTERSECTION WITH THE WEST LINE OF THE EAST 30 FEET OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SAID NORTHEAST QUARTER; THENCE DEPARTING SAID NORTH LINE RUN SOUTH 00°14'36" EAST ALONG SAID WEST LINE, A DISTANCE OF 100.01 FEET TO A POINT ON THE AFORESAID SOUTH LINE OF THE NORTH 100 FEET OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SAID NORTHEAST QUARTER; THENCE DEPARTING SAID WEST LINE RUN SOUTH 88°47'46" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 620.80 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.364 ACRES, MORE OR LESS


DATE	NOVEMBER 18, 2013	 520 SOUTH MAGNOLIA AVENUE ORLANDO, FLORIDA 32801 (407) 843-5120 FAX 407-649-8664	SKETCH OF DESCRIPTION.	PARCEL 201
DRAWN BY	M.ROLLINS		THIS IS NOT A BOUNDARY SURVEY.	
CHECKED BY	S.WARE		S.R. 429 (WEKIVA PARKWAY) ORLANDO-ORANGE COUNTY EXPRESSWAY AUTHORITY ORANGE COUNTY, FLORIDA	SCALE: N/A
BSA PROJECT NO.	EA11-J1			SHEET 2 OF 4
REVISE SECTION BREAKDOWN	S.WARE	01/13/2014		
REVISION	BY	DATE		

BEARING STRUCTURE BASED ON THE EAST LINE
OF THE NORTHEAST 1/4 OF SEC. 13-20-27, BEING
N00°09'11"E, FLORIDA STATE PLANE COORDINATE
SYSTEM, EAST ZONE, 1983/2007 ADJUSTMENT.

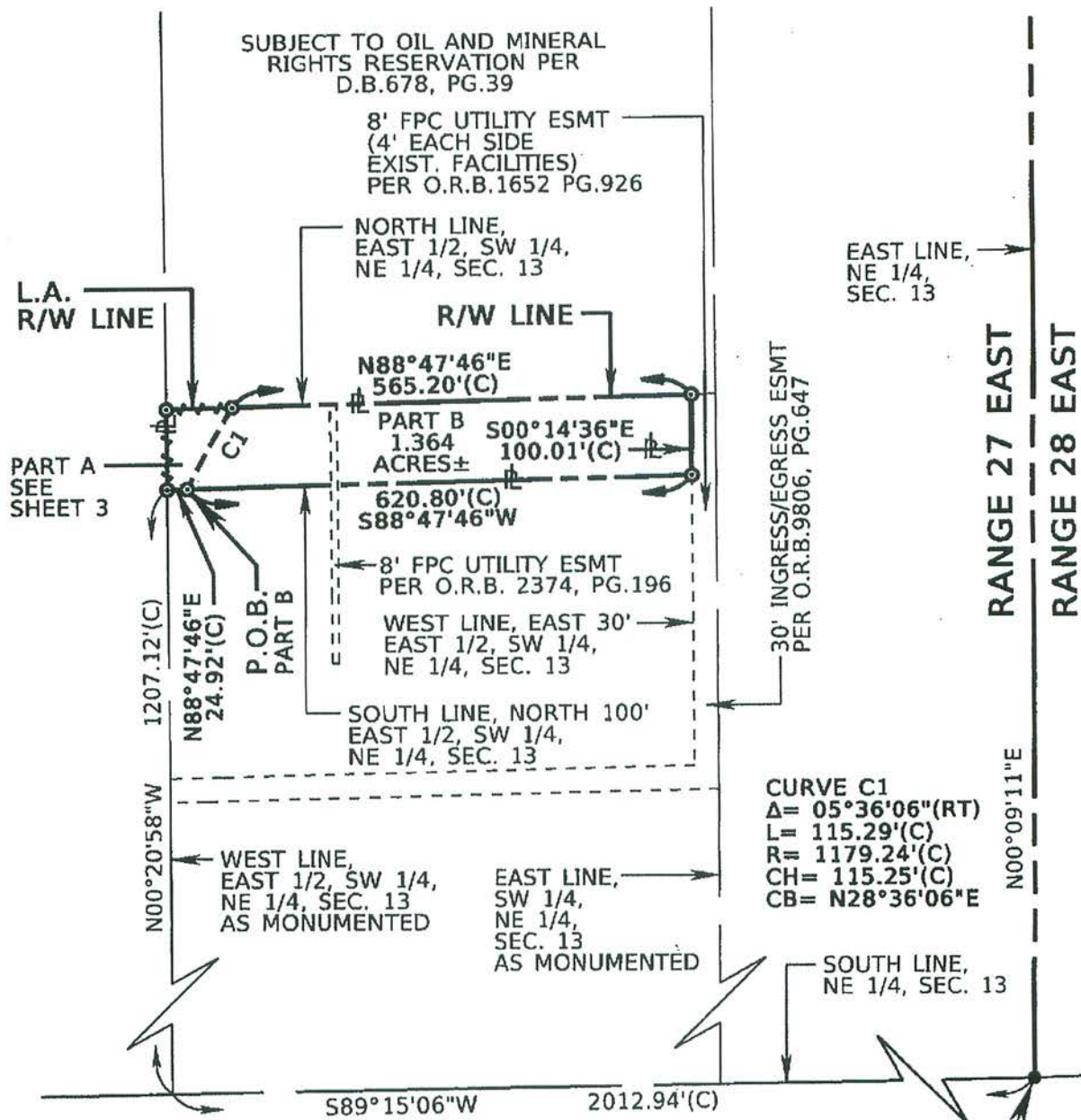


SECTION 13, TOWNSHIP 20 SOUTH, RANGE 27 EAST

PROJECT NO. 429-203

DATE	NOVEMBER 18, 2013	CERTIFICATION OF AUTHORIZATION No. LB 3221	SKETCH OF DESCRIPTION. THIS IS NOT A BOUNDARY SURVEY.	PARCEL 201
DRAWN BY	M.ROLLINS	 BOWYER SHINGLETON 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	SCALE: 1"=200'
CHECKED BY	S.WARE			SHEET 3 OF 4
BSA PROJECT NO.	EA11-J1			
REVISE SECTION BREAKDOWN	S.WARE	01/13/2014		
REVISION	BY	DATE		

BEARING STRUCTURE BASED ON THE EAST LINE
OF THE NORTHEAST 1/4 OF SEC. 13-20-27, BEING
N00°09'11"E, FLORIDA STATE PLANE COORDINATE
SYSTEM, EAST ZONE, 1983/2007 ADJUSTMENT.



SCALE: 1" = 200'



SECTION 13, 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 51-17 FLORIDA
ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027,
FLORIDA STATUTES.
William E. Byrd 1/24/2014
WILLIAM E. BYRD, P.S.M.
LICENSE NUMBER 5442
NOT VALID WITHOUT THE SIGNATURE AND
THIS ORIGINAL RAISED SEAL OF A FLORIDA
LICENSED SURVEYOR AND MAPPER

CERTIFICATION OF AUTHORIZATION No. 18 1231
BOWYER SINGLETON
520 SOUTH MAGNOLIA AVENUE
ORLANDO, FLORIDA 32801
(407) 843-5120
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
201

SCALE: 1"=200'

SHEET 4 OF 4