


**WINDERWEEDLE, HAINES, WARD & WOODMAN, P.A.**

**329 Park Avenue North  
Second Floor  
Post Office Box 880  
Winter Park, Florida 32790-0880  
Telephone (407) 423-4246  
Facsimile (407) 645-3728**

**M E M O R A N D U M**

**TO: Central Florida Expressway Authority Board Members**

**FROM: Robert L. Simon, Jr., Right of Way Counsel**   
**Winderweedle, Haines, Ward & Woodman, P.A.**

**DATE: July 24, 2014**

**RE: S.R. 429 Wekiva Parkway, Project 429-202; Parcel 109**  
**Recommendation of Approval for Settlement**

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Winderweedle, Haines, Ward & Woodman, P.A., right of way counsel, seeks the Board's approval of a settlement with Marvin E. Faircloth and Carol G. Faircloth (the "Owners"), for the acquisition of Parcel 109 (the "Taking" or "Property") for the construction of the S.R. 429 Wekiva Parkway, Project 429-202.

**DESCRIPTION and BACKGROUND:**

The Taking consists of approximately 0.430 acres of land within a 1.965 acre parent tract located along the west side of Plymouth Sorrento Road, approximately 1,200 feet north of Southfork Drive in unincorporated Orange County. The Property is zoned A-1, Agricultural by Orange County. The future land use designation is rural/agricultural and lies within the Rural Service Area and Joint Planning Area with the City of Apopka. The Property is currently improved with a single-family residence containing approximately 1,228 square feet of gross living area that was constructed in 1979. See attached Exhibit "A."

CFX's appraisal of the property was prepared by Mr. Richard K. MacMillan of The Appraisal Group of Central Florida, Inc., with a date of value of March 21, 2014. Mr. MacMillan estimated the value of the Taking to be \$51,300.00. Mr. MacMillan concluded that the Property's highest and best use as vacant is as a single-family homesite. The Owners were provided with a copy of CFX's appraisal.

The parties have been participating in settlement negotiations and have reached a proposed agreement on the purchase price for the acquisition of Parcel 109. The parties have conditionally agreed to the following settlement terms, subject to Right of Way Committee recommendation and final CFX Board approval:

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CFX would pay the Owners, Marvin E. Faircloth and Carol G. Faircloth, the sum of \$75,000.00. CFX would also pay statutory attorneys' fees and expert fees in the amount of \$11,119.50 in accordance with Florida Statutes §73.092(1)(a) and §73.091(1).

Acceptance of the proposed settlement is recommended and is in CFX's best interest. Prolonging litigation will subject CFX to additional attorney's fees and costs as well as additional expert fees and costs, which CFX would ultimately be responsible for as part of the landowners' compensation as provided by Florida Statutes §73.091 and §73.092. Acceptance of the proposal will eliminate further risk and unnecessary expenses for CFX in this case. The proposed settlement will resolve all pending matters in this case, including the property owners' attorneys fees and expert costs.

**RECOMMENDATION:**

The proposed settlement was recommended for Board approval by the Right of Way Committee at the July 15, 2014 meeting. We respectfully request the Board's approval of the proposed settlement in the amount of \$86,119.50 in full settlement of all claims for compensation for the acquisition of Parcel 109.

**ATTACHMENT:**



Exhibit A-Sketch of Subject Property





Plymouth Sorrento Rd

PARCEL 109  
Faircloth  
Aerial Site Map

 PARCEL 109 (+/- 1.965 ac)  
 EAST BOUNDARY OF TAKE AREA



NOTE: AERIAL IMAGE OBTAINED IN DIGITAL  
FORMAT FROM THE ORANGE COUNTY PROPERTY  
APPRAISER EFFECTIVE JANUARY 2012.