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**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 132 (Parts A, B & C)**  
**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 Thomas Ward Klinker (the "Owner"), for the acquisition of Parcel 132 (Parts A, B & C) (the "Taking" or "Property") for the construction of the S.R. 429 Wekiva Parkway, Project 429-202.

**DESCRIPTION and BACKGROUND:**

The Taking is a whole take consisting of approximately 0.67 acres of land located along the north side of Yothers Road and west of Plymouth Sorrento Road in unincorporated Orange County. The Property is zoned A-1, Citrus Rural District, by Orange County. The future land use designation is rural/agricultural. The Property is currently improved with a single-family residence constructed in 1983 containing approximately 1,392 square feet of gross living area, an unfinished, detached garage and two outside storage sheds. See attached Exhibit "A."

CFX's appraisal of the property was prepared by Mr. Stephen J. Matonis of Integra Realty Resources-Orlando, with a date of value of September 11, 2013. Mr. Matonis estimated the value of the Taking to be \$90,500.00. Mr. Matonis concluded that the Property's highest and best use as vacant is to hold the property for future residential development. The Owner was provided with a copy of CFX's appraisal. In compliance with The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, the Owner would also be entitled to \$48,733.00 in replacement housing payment additive. The Owner is legally disabled and on a fixed Social Security income.

CFX filed its eminent domain action on April 3, 2014.

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The parties have been participating in settlement negotiations and have reached a proposed agreement on the purchase price for the acquisition of Parcel 132 (Parts A, B & C). The parties have conditionally agreed to the following settlement terms, subject to Right of Way Committee recommendation and final CFX Board approval:

CFX would pay the Owner, Thomas Ward Klinker, the sum of \$189,000.00. CFX would pay statutory attorneys' fees and expert fees in the amount of \$18,500.00 in accordance with Florida Statutes §73.092(1)(a) and §73.091(1). The settlement would eliminate the Owner's entitlement to a replacement housing payment additive.

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 landowner's 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 owner's 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 \$207,500.00 in full settlement of all claims for compensation for the acquisition of Parcel 132 (Parts A, B & C).

**ATTACHMENT:**

Exhibit A-Sketch of Subject Property

