

CENTRAL FLORIDA EXPRESSWAY AUTHORITY

Agenda
CENTRAL FLORIDA EXPRESSWAY AUTHORITY
RIGHT-OF-WAY COMMITTEE
November 20, 2015 (rescheduled from 11/18)
2:00 p.m.

1. **CALL TO ORDER**

2. **PUBLIC COMMENT**

Pursuant to Florida Statute 286.0114 (2013) the Right of Way Committee will allow public comment on any matter either identified on this meeting agenda as requiring action, or anticipated to come before the Committee for action in reasonable proximity to this meeting. Speakers shall be limited to three minutes per person and the assignment of one person's time to another or designation of group spokesperson shall be allowed at the discretion of the Committee Chairman.

3. **APPROVAL OF MINUTES** – October 28, 2015 **TAB A**
Requesting approval of the 10/28/15 minutes. **Action Item.**

4. **S.R. 429 (MARTIN) WEKIVA PARKWAY (PROJECT 429-203) PARCEL 174** **TAB B**
David Shontz, Shutts & Bowen
Requesting the Committee's recommendation for Board approval of a proposed settlement agreement including fees and costs. **Action Item.**

5. **S.R. 429 (SPARKS) WEKIVA PARKWAY PROJECT (PROJECT 429-202) PARCEL 122** – *Trippe Cheek, Winderweedle, Haines, et. al.* **TAB C**
Requesting the Committee's recommendation for Board approval of the proposed settlement. **Action Item.**

6. **S.R. 429 (CIPOLLONE) WEKIVA PARKWAY PROJECT (PROJECT 429-202) PARCEL 123** – *Trippe Cheek, Winderweedle, Haines, et. al.* **TAB D**
Requesting the Committee's recommendation for Board approval of the proposed settlement. **Action Item.**

7. **S.R. 429 (ORANGE COUNTY) WEKIVA PARKWAY PROJECT (PROJECT 429-202) PARCEL 150** – *Linda Brehmer Lanosa, CFX* **TAB E**
Requesting the Committee's recommendation for Board approval of the proposed Settlement Agreement with Orange County. **Action Item.**

8. **S.R. 429 (TYSZKO) WEKIVA PARKWAY PROJECT (PROJECT 429-203) PARCEL 228** – *Linda Brehmer Lanosa, CFX* **TAB F**
Requesting the Committee's recommendation for Board approval of the proposed settlement. **Action Item.**

9. **S.R. 429 (KELLY) WEKIVA PARKWAY PROJECT (PROJECT 429- 203) PARCELS 209/221** – *Linda Brehmer Lanosa, CFX* **TAB G**
Committee briefing on trial verdict. **Informational Item.**

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RIGHT-OF-WAY COMMITTEE

10. **S.R. 528 – BEACHLINE PROJECT (PROJECT 528-1240)** - *Laura Kelley, CFX*
Status on General Engineering Consultant Letter declaring certain parcels and easements surplus. (There are no backup materials for this item). **Informational Item.**
11. **S.R. 414 – MAITLAND AVENUE EXTENSION PROJECT (PROJECT 414-211)** TAB H
(JOHN LAND APOPKA EXPRESSWAY) CASE NO. 2006-CA-006250-O -
PARCEL 406 – *Joseph L. Passiatore, CFX*
Committee briefing on Florida Supreme Court opinion regarding Attorney's fees.
Informational Item.
12. **OTHER BUSINESS**
13. **ADJOURNMENT**

This meeting is open to the public.

Note: Any person who decides to appeal any decision made at this meeting will need record of the proceedings and for that purpose, may need to ensure that a verbatim record of the proceedings is made which includes the testimony any evidence upon which the appeal is to be based, per Florida Statute 286.0105.

Persons who require translation services, which are provided at no cost, should contact CFX at (407) 690-5000 x5317 or by email at Iranetta.dennis@CFXway.com at least three business days prior to the event.

AMENDED MEETING NOTICE

Central Florida Expressway Authority RIGHT-OF-WAY COMMITTEE MEETING

DATE: November 20, 2015 (Rescheduled from Nov. 18th)

TIME: 2:00 p.m.

LOCATION: Central Florida Expressway Authority
4974 ORL Tower Road
Orlando, FL 32807
CFX Boardroom

Members of the Right-of-Way Committee:

Sandy Minkoff, Lake County Representative, Committee Chair
Ann Caswell, Orange County Representative
Laurie Botts, City of Orlando Representative
Brett Blackadar, Seminole County Representative
Frank Raymond, Osceola County Representative

Section 286.015, Florida Statutes states that if a person decides to appeal any decision made by a board, agency, or commission with respect to any matter considered at a meeting or hearing, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Persons who require translation services, which are provided at no cost, should contact CFX at (407) 690-5000 x5317 or by email at Iranetta.dennis@CFXway.com at least three business days prior to the event.

In accordance with the Americans with Disabilities Act (ADA), if any person with a disability as defined by the ADA needs special accommodation to participate in this proceeding, then not later than two (2) business days prior to the proceeding, he or she should contact the Central Florida Expressway Authority at (407) 690-5000.

Posted 11/6/2015 at CFX Administration Building

Tab A

CENTRAL FLORIDA EXPRESSWAY AUTHORITY

MINUTES
CENTRAL FLORIDA EXPRESSWAY AUTHORITY
Right of Way Committee Meeting
October 28, 2015
Location: CFX Boardroom

Committee Members Present:

Sandy Minkoff, Lake County Representative, Chairman
Frank Raymond, Osceola County Representative
John Terwilliger, Orange County Representative
Laurie Botts, City of Orlando Representative
Brett Blackadar, Seminole County Representative

CFX Staff Present at Dais:

Laura Kelley, Executive Director
Joseph L. Passiatore, General Counsel
Linda Brehmer Lanosa, Deputy General Counsel
Mimi Lamaute, Paralegal/Recording Secretary

CFX Staff Not Present:

Linda Brehmer Lanosa

Item 1: CALL TO ORDER

The meeting was called to order at 2:00 p.m. by Chairman Minkoff.

Item 2: PUBLIC COMMENT

There was no public comment.

Mr. Minkoff informed the Committee that Item 7 was pulled for further review.

Item 3: APPROVAL OF MINUTES

Action: A motion was made by Ms. Botts and seconded by Mr. Terwilliger to approve the minutes of the August 26, 2015 Right of Way Committee meeting as presented.

Vote: The motion carried unanimously with four members present and voting AYE by voice vote. Mr. Terwilliger was not present at this time.

Item 4: S.R. 429 (NEGRON) WEKIVA PARKWAY (PROJECT 429-206) PARCELS 316A, 316B, 816

Mr. Terwilliger arrived at this time.

Mr. Shontz is requesting the Committee's recommendation for Board approval for a settlement to be consummated with a Stipulated Final Judgment with Dwayne J. Negron and Jeanette Negron, the Owners.

Mr. Shontz provided the Committee with a description of the property and background on the negotiations.

The Committee asked several questions, which were answered by Mr. Shontz.

Action: A motion was made by Ms. Botts and seconded by Mr. Blackadar to recommend to the Board the approval of the proposed settlement agreement in the amount of \$1,205,000, plus statutory attorney's fees in the amount of \$154,875.

Vote: The motion carried 4 to 1 with Ms. Botts, Mr. Blackadar, Mr. Raymond and Mr. Minkoff voting AYE by voice vote and Mr. Terwilliger voting NAY.

Item 5: S.R. 429 (VILLAGOMEZ-ARRIGA) WEKIVA PARKWAY PROJECT (PROJECT 429-203) PARCEL 177

Mr. Shontz seeks the Right of Way Committee's authorization for Board approval to proffer the negotiated settlement of experts' fees and attorney's costs related to the settlement of Parcel 177 to Mr. Wilson.

Mr. Shontz provided the Committee the background and history of the negotiations. He detailed for the Committee his review of the invoices.

The Committee asked several questions, which were answered by Mr. Shontz.

Action: A motion was made by Mr. Raymond and seconded by Mr. Blackadar to recommend to the Board the approval of the proposed negotiated experts' fees and attorney's costs in the amount of \$44,639.22 for Parcel 177.

Vote: The motion carried unanimously with five members present and voting AYE by voice vote.

**Item 6: S.R. 429 (DAVILA & ROBLES) WEKIVA PARKWAY PROJECT (PROJECT 429-202)
PARCEL 130, PARTS A & B**

Mr. Cheek is requesting the Committee's recommendation for Board approval to serve an Offer of Judgment in the amount of \$49,032.00 for Parcel 130.

Mr. Cheek detailed for the Committee the valuation and the purpose for making an Offer of Judgment.

CFX retained the services of Mr. Stephen J. Matonis with Integra Realty Resources. Mr. Matonis' valuation conclusions are summarized as follows:

Value of Part Taken (land and improvements)	\$ 8,659.00
Damages to Remainder (10%)	\$ 27,301.00
Cost to Cure	\$ 4,900.00
Total Compensation	\$ 40,860.00

Mr. Terwilliger suggested to increase the offer to \$50,000 as he felt that the owner might respond to seeing a \$50,000 number as opposed to the \$49,032.00.

Action: A motion was made by Mr. Terwilliger to recommend to the CFX Board the approval of an Offer of Judgment in the amount of \$50,000 for Parcel 130.

Vote: The Motion died for lack of a second.

Discussion ensued about the owners not being in discussion with CFX.

Action: A motion was made by Ms. Botts and seconded by Mr. Blackadar to recommend to the Board the approval of an Offer of Judgment in the amount of \$49,032.00 for Parcel 130.

Mr. Minkoff expressed his concern that the Owners are not represented by Counsel and therefore may not be familiar with the process.

Vote: The motion carried 4 to 1 with Ms. Botts, Mr. Blackadar, Mr. Terwilliger and Mr. Raymond voting AYE by voice vote and Mr. Minkoff voting NAY.

**Item 7: S.R. 429 (HAMPTON) WEKIVA PARKWAY PROJECT (PROJECT 429-202) PARCEL 143,
PARTS A, B & C**

This item was pulled from the Agenda.

(No Action was taken by the Committee.)

Item 8: S.R. 429 (HOLDER) WEKIVA PARKWAY PROJECT (PROJECT 429-204) PARCEL 275

Mr. Cheek is seeking the Committee's recommendation for Board approval of a partial settlement involving just the residential portion of Parcel 275.

Mr. Cheek described the parcel and explained the valuation.

CFX retained the services of Richard MacMillan. The value of the residential component of the property is as follows:

Land (2.88 acres)	\$ 72,000.00
Residential Improvements	<u>\$177,964.00</u>
Total Residential Component	\$249,964.00

Mr. Cheek described the negotiations with landowners' counsel. The Committee asked several questions, which were answered by Mr. Cheek.

Action: A motion was made by Mr. Blackadar and seconded by Ms. Botts to recommend to the Board approval of the proposed partial settlement in the amount of \$249,964.00 to resolve the residential component of Parcel 275.

Vote: The motion carried unanimously with five members present and voting AYE by voice vote.

Item 9: S.R. 528 – BEACHLINE PROJECT (PROJECT 528-1240)

Ms. Keeter is requesting the Committee's direction regarding the requisition by the Property Acquisition and Disposition Manual for declaring a property surplus. In order to declare a parcel surplus, the General Engineering Consultant (GEC) must issue a letter stating that the property is not essential to the future operations of the CFX system and that giving it or selling it will not impede or in any way restrict the operation of the expressway system. The letters are not ready to be executed however, CFX is under closing deadlines.

The Committee may conditionally approve the execution of the General Engineering Consultant letters subject to the receipt of the plans, property being staked and review of the parcels' legal descriptions or may elect to postpone action until the next month's Committee meeting.

The Committee discussed the tight timing for the All Aboard Florida project. They asked CFX staff and All Aboard Florida representatives when the final drawings and staking would be completed. Given they were not complete today and that CFX staff would review the drawings to ensure accuracy, a recommendation was made to forward the item to the Board for their final approval.

Mr. Nathan Silva, the General Engineering Program Manager, addressed the Committee regarding review process. He does not anticipate any complications with the certification.

Mr. Brad Flom with HNTB is the General Engineering Consultant for All Aboard Florida. He informed the Committee that the maps, legal descriptions and the staking of the parcels will be done and submitted by next week.

Action: A motion was made by Mr. Blackadar and seconded by Mr. Terwilliger to recommend to the Board approval of the General Engineering Consultant letter declaring certain parcels surplus with the provisions that: 1) the maps, legal descriptions and the staking of the parcels are done and reviewed by the GEC; 2) the GEC executes the letters by next Thursday; 3) The item is reviewed and approved by Staff; and 4) The item is placed on the November Board agenda for Board approval.

Mr. Raymond and Mr. Minkoff expressed their preference to reviewing the executed letter from the GEC.

Vote: The motion carried 3 to 2 with Ms. Botts, Mr. Blackadar, and Mr. Terwilliger voting AYE by voice vote and Mr. Minkoff and Mr. Raymond voting NAY.

Item 10: S.R. 429 (CALHOUN) WEKIVA PARKWAY PROJECT (PROJECT 429-203) PARCEL 217

In Ms. Brehmer Lanosa's absence, Mr. Passiatore is requesting the Committee's recommendation for Board approval of the proposed settlement for statutory attorney's fees and expert fees and costs.

Action: A motion was made by Mr. Terwilliger and seconded by Mr. Raymond to recommend to the Board the proposed settlement of statutory attorney's fees of \$33,660 and expert fees and costs in the amount of \$10,046.11 for Parcel 217.

Vote: The motion carried unanimously with five members present and voting AYE by voice vote.

Item 11: RIGHT OF WAY LEGAL COUNSEL – PROPOSED INCREASE IN CONTRACT AMOUNT AND EXTENSION OF CONTRACT TERM FOR LOWNDES, DROSDICK, DOSTER, KANTOR & REED, P.A. - CONTRACT NO. 000929

Mr. Passiatore is requesting the Committee's recommendation for Board approval of an increase to the Lowndes, Drosdick, Doster, Kantor & Reed, P.A., contract in the amount of \$333,000 and to extend the term of the contract to December 31, 2016.

Mr. Passiatore described the legal services provided under this contract, the trials currently set and explained the reason for the increase and extension. The experts' fees and costs are not included and will be presented to the Committee at a future date.

Action: A motion was made by Mr. Terwilliger and seconded by Ms. Botts to recommend to the Board approval to increase the amount of the contact with Lowndes, Drosdick, Doster, Kantor & Reed, P.A. by \$333,000 and to extend the term to December 31, 2016.

Vote: The motion carried unanimously with five members present and voting AYE by voice vote.

Item 12: RIGHT OF WAY LEGAL COUNSEL – PROPOSED EXTENSION OF CONTRACT FOR WINDERWEEDLE, HAINES, WARD & WOODMAN, P.A. – CONTRACT NO. 000427

Mr. Passiatore is requesting the Committee's recommendation for Board approval to extend the term of the contract for legal services with Winderweedle, Haines, Ward & Woodman, P.A. until February 27, 2016.

Mr. Passiatore explained the services provided by the subject firm, the prior amendments to the contract and the request for the extension.

Action: A motion was made by Mr. Terwilliger and seconded by Mr. Blackadar to recommend to the Board approval to extend the term of the contract to February 27, 2016.

Vote: The motion carried unanimously with five members present and voting AYE by voice vote.

Item 13: OTHER BUSINESS

The Committee by consensus agreed to reschedule the December 2015, November 2016 and December 2016 Committee meetings a week earlier than currently scheduled.

Mr. Terwilliger announced his retirement. He introduced Ms. Caswell as his replacement starting in November and Mr. Babcock as her alternate.

Mr. Minkoff has retired from Lake County but will continue to serve on the Committee as a Lake County Citizen representative.

Item 12: ADJOURNMENT

Chairman Minkoff adjourned the meeting at 3:25 p.m.

Minutes approved on _____, 2015.

Pursuant to the Florida Public Records Law and CFX Records Management Policy, audio tapes of all Board and applicable Committee meetings are maintained and available upon request to the Records Management Liaison Officer at publicrecords@CFXWay.com or 4974 ORL Tower Road, Orlando, FL 32807.

DRAFT

Tab B



MEMORANDUM


TO: Central Florida Expressway Authority
Right-of-Way Committee

FROM: David A. Shontz, Esq., Right-of-Way Counsel

DATE: November 2, 2015

RE: State Road 429 Wekiva Parkway, Project 429-203; Parcel 174
Proposed Settlement Including Fees and Costs

CLIENT-MATTER NO.: 19125.0088



Shutts & Bowen LLP, Right-of-Way Counsel, seeks the recommendation of the Right-of-Way Committee of a proposed settlement between Jackie D. Martin and Debora F. Martin, (the "Owners") and the Central Florida Expressway Authority (the "CFX") for the acquisition of Parcel 174 (the "Taking" or "Property") for the construction of State Road 429 Wekiva Parkway, Project 429-203.

DESCRIPTION AND BACKGROUND

Parcel 174 is the fee simple acquisition of 0.839 acres, more or less, taken as limited access right-of-way from property located on the west side of Plymouth Sorrento Road in Apopka, Orange County, Florida. The remainder property is 2.169 acres, more or less, and includes a 1,176 square foot, one-story, 3-bedroom, 1-bath single family residence constructed in approximately 1960 which is the homestead of Mr. and Mrs. Martin.

The Property is zoned A-1, Citrus Rural District (Agricultural) by Orange County, with a Future Land Use designation of Rural/Agricultural by Orange County.

Site improvements include a shell/dirt drive; a well, pump and septic system; a wood frame shed and lean-to; an 8-foot metal gate; field wire fencing; and barbed wire fencing. In the after, the residence will sit back approximately 870 feet from the limited access right-of-way, and is not included in the taking.

The CFX's appraisal of the property was prepared by David K. Hall, ASA, of Bullard, Hall & Adams, Inc. Mr. Hall estimated the value of the taking to be \$49,000 on July 10, 2014,

the date when title transferred to the CFX. Comparable land sales of \$25,416 to \$30,021 were utilized by Mr. Hall in his analysis. Mr. Hall opined the subject property value is \$30,000 per acre. Thus the land value of the subject property is \$25,200. Additionally, improvements within the taking consisting of 361 linear feet of 4-foot field fencing on wood posts with one strand of barbed wire, 92 linear feet of 3-strand barbed wire fencing on wood posts, and an 8-foot metal gate are valued by Mr. Hall at \$3,600, based upon a cost estimate prepared by John Speer of Speer Construction, LLC.

Based upon the close proximity of the proposed Wekiva Parkway, Mr. Hall opined the remainder property was damaged by 30%, resulting in a per acre value of \$21,000 after the taking equating to \$19,600 for severance damages attributable to the remainder. Additionally, the fencing along the new right-of-way line will need to be re-established and connected to the existing fencing on the north boundary. Again, based upon a cost estimate provided by John Speer, Mr. Hall values the net cost to cure at \$600.

The property owners sought assistance in the valuation of the property from Rick Dreggors, however, he did not finalize an appraisal report. Mr. Bauerle argued for additional land value and increased severance damages due to the proximity of the parkway in the after condition. We have been able to reach a settlement with Mr. and Mrs. Martin through their attorney, Kurt Bauerle, in the amount of \$80,000, plus a reduced statutory attorney's fee and experts' fees totaling \$14,500.

For the above-cited reasons, Right-of-Way counsel requests a recommendation for approval of the proposed settlement in the amount of \$94,500, which is in the CFX's best interest. Settlement of the underlying claim and all fees and costs will eliminate further risk and unnecessary expenses that the CFX will ultimately incur with further litigation of the condemnation action to acquire Parcel 174.

RECOMMENDATION

We respectfully request that the Right-of-Way Committee recommend to the CFX Board the approval of the proposed settlement agreement with a total settlement of \$94,500 in full settlement of all claims for compensation in the acquisition of Parcel 174.

ATTACHMENTS

- Exhibit "A" – Sketch of the Subject Property
- Exhibit "B" – Photographs of the Subject Property and Area
- Exhibit "C" – Invoice for appraisal services performed by Rick Dreggors

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

LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 20 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A FOUND RAILROAD SPIKE WITH NO IDENTIFICATION MARKING THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 20 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA; THENCE SOUTH 89°27'56" WEST ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 24, A DISTANCE OF 1336.19 FEET TO ITS INTERSECTION WITH THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SOUTHEAST QUARTER; THENCE DEPARTING SAID NORTH LINE RUN SOUTH 00°14'39" WEST ALONG SAID WEST LINE, A DISTANCE OF 800.07 FEET TO ITS INTERSECTION WITH THE SOUTH LINE OF THE NORTH 800 FEET OF THE NORTHEAST QUARTER OF SAID SOUTHEAST QUARTER FOR THE POINT OF BEGINNING; THENCE DEPARTING SAID WEST LINE RUN NORTH 89°27'56" EAST ALONG SAID SOUTH LINE, A DISTANCE OF 361.64 FEET TO A POINT ON A CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 5939.58 FEET, A CHORD DISTANCE OF 100.20 FEET AND A CHORD BEARING OF SOUTH 04°11'17" EAST; THENCE DEPARTING SAID SOUTH LINE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00°58'00", A DISTANCE OF 100.20 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 900 FEET OF THE NORTHEAST QUARTER OF SAID SOUTHEAST QUARTER; THENCE DEPARTING SAID CURVE RUN SOUTH 89°27'56" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 369.39 FEET TO ITS INTERSECTION WITH THE AFORESAID WEST LINE OF THE NORTHEAST QUARTER OF SAID SOUTHEAST QUARTER; THENCE DEPARTING SAID SOUTH LINE RUN NORTH 00°14'39" EAST ALONG SAID WEST LINE, A DISTANCE OF 100.01 FEET TO THE POINT OF BEGINNING.

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.

CONTAINING 0.839 ACRES, 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. 2037-2846819 DATED 11/05/2012.


LEGEND & ABBREVIATIONS

CB = CHORD BEARING
C.C.R. = CERTIFIED CORNER RECORD
CH = CHORD LENGTH
COR. = CORNER
(CI) = CALCULATED DISTANCE
D.B. = DEED BOOK
ESMT = EASEMENT
EXIST. = EXISTING
FND. = FOUND
FPC = FLORIDA POWER CORPORATION
(F) = FIELD DISTANCE

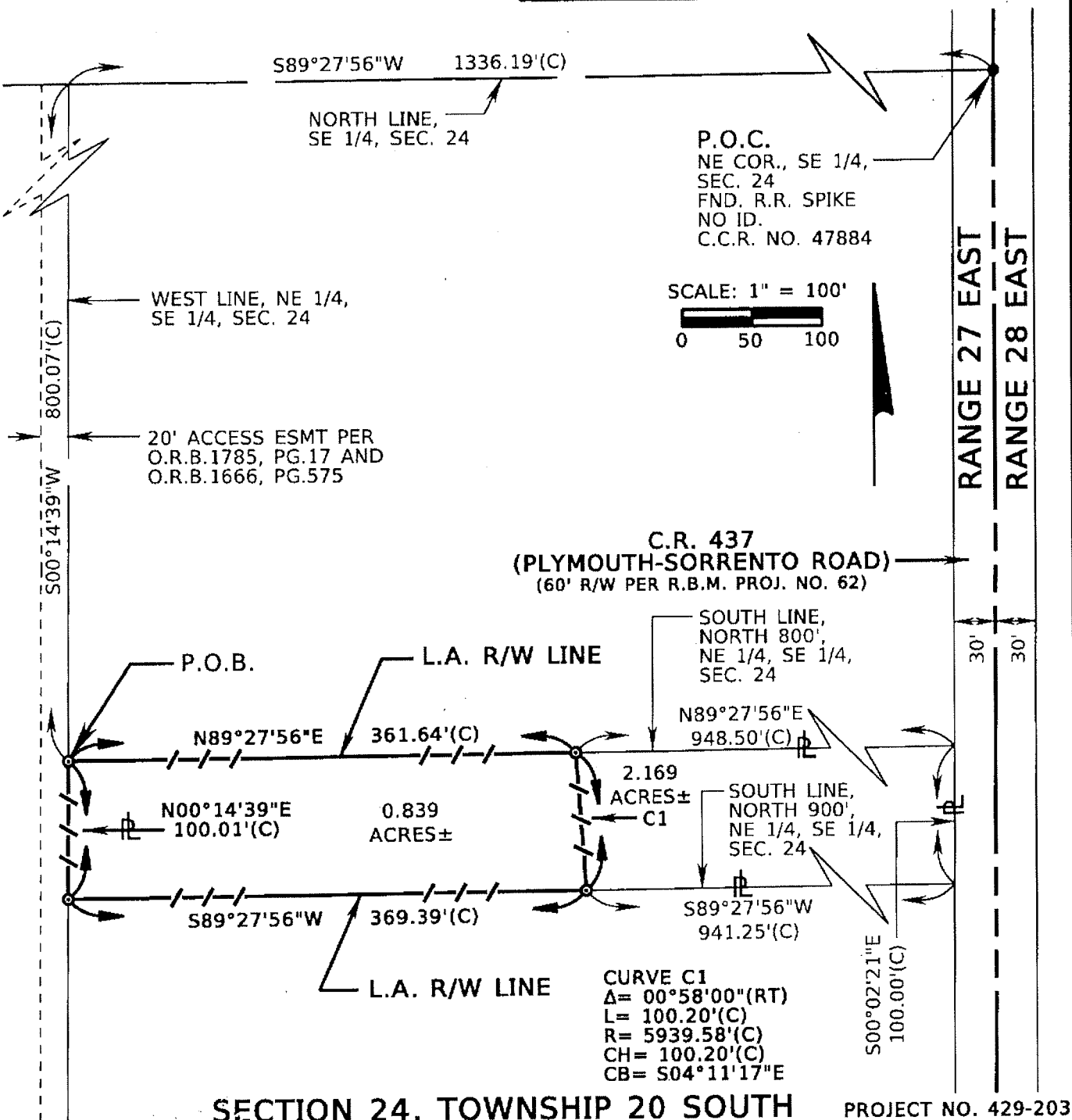
ID. = IDENTIFICATION
I.R. = IRON ROD
L. = ARC LENGTH
L.A. = LIMITED ACCESS
LB = LICENSED SURVEY BUSINESS
LT = LEFT
NO. = NUMBER
O.R.B. = OFFICIAL RECORDS BOOK
P.C. = POINT OF CURVATURE
PG./PGS. = PAGE / PAGES

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
TITF = 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 SEPTEMBER 16, 2013		 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 174
DRAWN BY M.ROLLINS				SCALE: N/A
CHECKED BY S.WARE				SHEET 1 OF 2
BSA PROJECT NO. EA11-J1				
REVISION	BY	DATE		

BEARING STRUCTURE BASED ON THE NORTH LINE OF THE SOUTHEAST 1/4 OF SEC. 24-20-27, BEING S89°27'56"W, FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, 1983/2007 ADJUSTMENT.



SECTION 24, 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 51-17 FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

William E. Byrd
WILLIAM E. BYRD, S.M.J.
LICENSE NUMBER 5442
DATE 9/14/13

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

CERTIFICATION OF AUTHORIZATION No. LB 1221



520 SOUTH MAGNOLIA AVENUE
ORLANDO, FLORIDA 32801
(407) 843-5120
FAX 407-649-8664

SKETCH OF DESCRIPTION.
THIS IS NOT A BOUNDARY SURVEY.

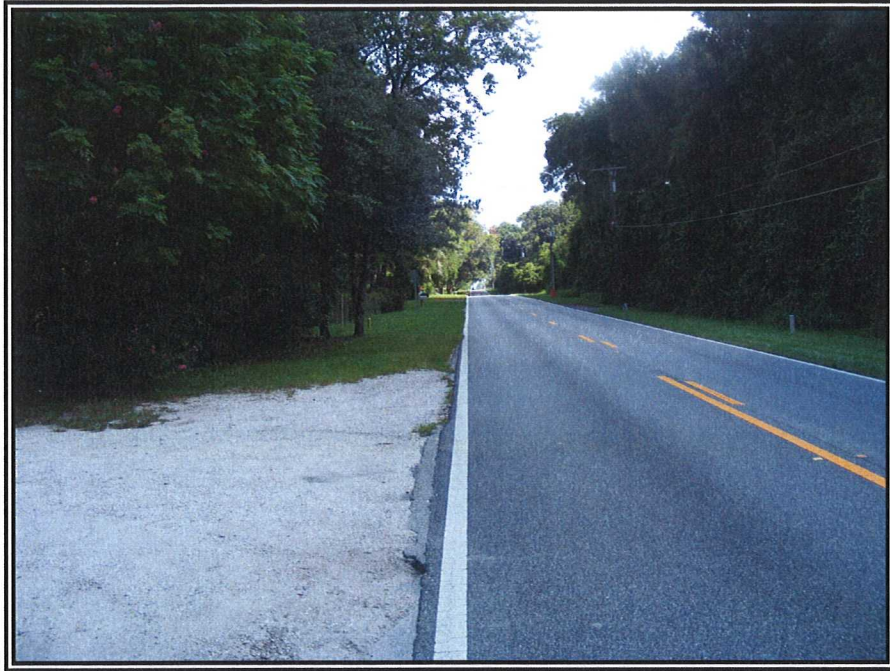
S.R. 429 (WEKIVA PARKWAY)
ORLANDO-ORANGE COUNTY
EXPRESSWAY AUTHORITY
ORANGE COUNTY, FLORIDA

PARCEL
174

SCALE: 1"=100'

SHEET 2 OF 2

**PHOTOGRAPHS OF SUBJECT
PARCEL 174**



1. LOOKING NORTH AT THE FRONTAGE ALONG PLYMOUTH SORRENTO ROAD



2. LOOKING NORTHWEST AT THE RESIDENCE

Photographs Taken By:
David K. Hall
August 14, 2014

**PHOTOGRAPHS OF SUBJECT
PARCEL 174**



3. LOOKING NORTHWEST AT THE STORAGE SHEDS

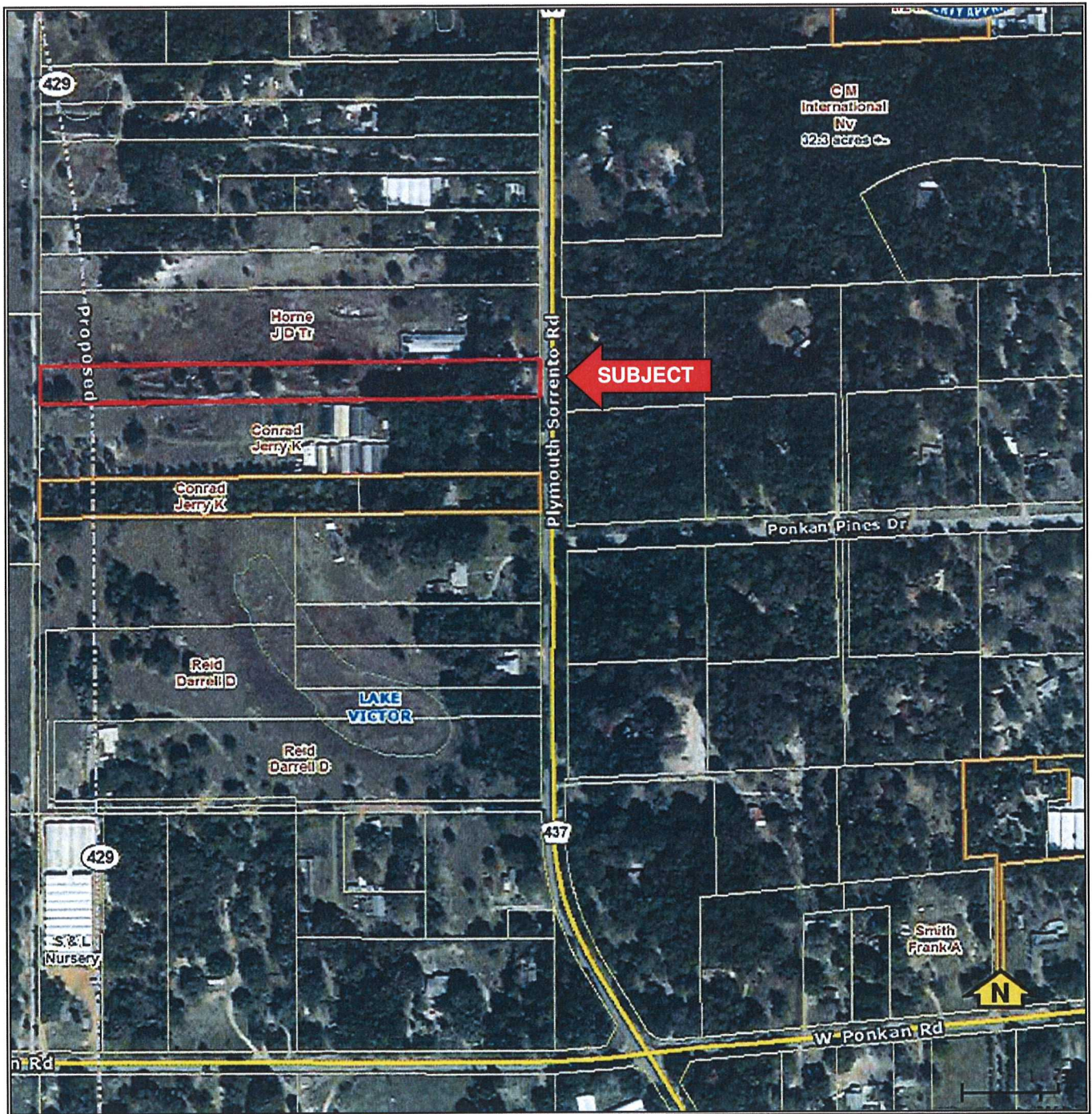


4. LOOKING WEST AT THE TAKING

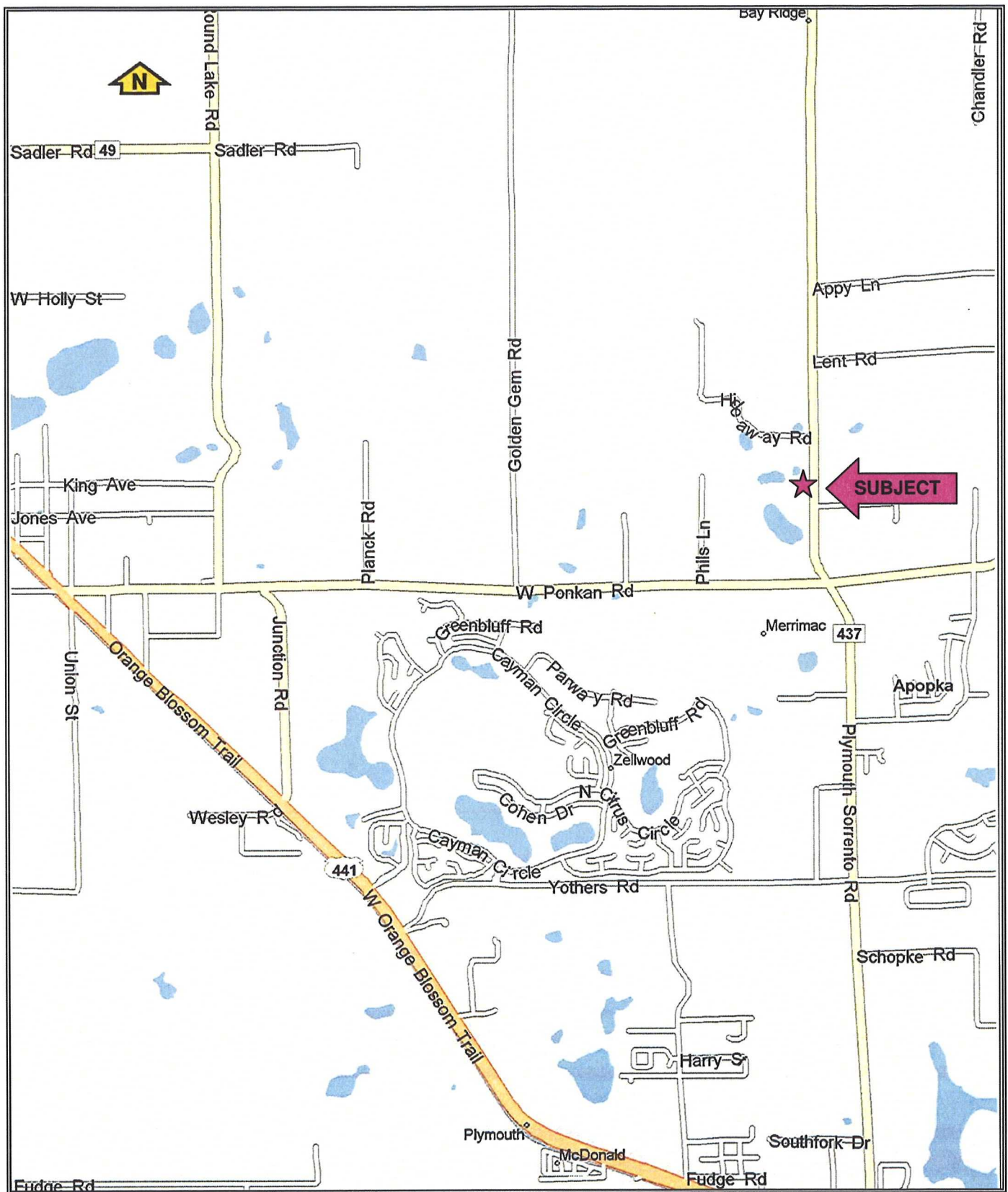
**PHOTOGRAPHS OF SUBJECT
PARCEL 174**



5. LOOKING WEST AT THE TAKING



AERIAL PHOTO
PARCEL 174



**SUBJECT LOCATION MAP
PARCEL 174**

Calhoun, Dreggors & Associates, Inc.
• Real Estate Appraisers & Consultants •

April 14, 2014

Kurt T. Bauerle, Esq.
c/o Harris, Harris, Bauerle & Sharma
1201 East Robinson Street
Orlando, FL 32801

RE: Owner: Martin
Parcel No.: 174
Project: Wekiva Parkway
County: Orange

INVOICE

Review O/OCEA report, land sales research, review/analysis of sales, meeting with owner's representative.

Researcher:	11.75 Hrs. x \$ 75/Hr. =	\$ 881
Eaton:	23.25 Hrs. x \$125/Hr. =	2,906
Dreggors:	6.00 Hrs. x \$225/Hr. =	<u>1,350</u>
Total		\$5,137

Thank you,

Richard C. Dreggors, GAA
President

RCD/smo

728 West Smith Street • Orlando, Florida 32804
Tel (407) 835-3395 • Fax (407) 835-3393
affiliated with Calhoun, Collister & Parham, Inc. of Tampa

EXHIBIT "C"


Tab C

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**

MEMORANDUM

TO: Central Florida Expressway Authority Right of Way Committee

FROM: James Edward Cheek, III, Right of Way Counsel
Winderweeidle, Haines, Ward & Woodman, P.A. 

DATE: November 5, 2015

**RE: S.R. 429 Wekiva Parkway, Project 429-202; Parcel 122 (Randy and Mary Sparks) -
Recommendation for Approval of Settlement**

Winderweeidle, Haines, Ward & Woodman, P.A., right of way counsel, seeks the Right of Way Committee's approval of a settlement with Randy and Mary Sparks (the "Owners"), for the acquisition of Parcel 122 (the "Taking" or "Property") for the construction of the S.R. 429 Wekiva Parkway, Project 429-202. The Central Florida Expressway Authority ("CFX") acquired Parcels 122 through a Stipulated Order of Taking entered on May 15, 2014.

DESCRIPTION and BACKGROUND:

Parcel 122 involves a partial taking from a 5.678 acre flag-shaped tract of land located along the south side of Yothers Road in unincorporated Orange County. CFX acquired 1.115 acres of land in fee simple. The property is used as a rural residential home site and is improved with a single-family residence. The property is accessed by a long, narrow driveway off Yothers Road. The taking basically acquires this driveway, and replaces it with a public roadway in order to provide access to the subject, as well as several other properties. In addition, traffic will be diverted temporarily from Yothers Road to Belgian Street while the Yothers Road bridge is constructed.

CFX's appraisal of the property was prepared by Christopher D. Starkey, MAI, of Integra Realty Resources – Orlando. Mr. Starkey performed several appraisals of the subject property because construction plans initially included a noise wall, but this wall was subsequently removed from the plans. His updated appraisal estimated that the amount of compensation owed to the landowner was \$92,400.00, based on the following analysis.

The Property is zoned A-1, Citrus Rural District, by Orange County. The subject is currently improved with a single-family residence that was constructed in 1993, containing 1,901 square feet of gross living area. In addition, site improvements related to the current residential

usage include fencing, a detached garage, septic tank and drain field, well, landscaping, and other associated residential improvements. Mr. Starkey concluded that the Property's highest and best use "as if vacant" would be for a single-family residential home site or agricultural use. The property "as improved" would have a highest and best use for the existing single-family residential use.

To determine land value, Mr. Starkey used the Sales Comparison Approach and considered four vacant land sales ranging from \$24,000 per acre to \$47,000 per acre. Mr. Starkey ultimately reconciled on a value of \$27,000.00 per acre. This resulted in a finding of \$153,300.00 for the total land value of the subject property, and a compensation claim of **\$30,100.00** for the value of the land taken (\$27,000 per acre x 1.115 acres).

Mr. Starkey used the cost approach and the comparable sales approach to determine the value of the subject "as improved." These approaches resulted in a contributory value of \$166,700 for the improvements, and an ultimate value of \$334,000 for the total value of the parent tract.

The most significant issue in this case is the degree to which the remainder property will be affected by the taking. The proposed acquisition will reduce the subject parent tract from 5.678 acres to 4.563 acres. More significantly, the taking will eliminate the landowner's private access driveway with a public roadway that will not only serve the subject parcel, but other properties in the vicinity. The alleged loss of privacy and increased traffic, noise, lights, and diminished rural character allegedly diminishes the value of the property by about 20%. This created severance damages in the amount of **\$58,300.00**.

In addition, Mr. Starkey appraised the value of the improvements located within the area of take. These improvements included landscaping and the access road, and were estimated to be worth **\$4,000.00**.

This results in a total compensation estimate for Parcel 122 of \$92,400.00, as summarized below:

CFX Valuation of Parcel 122

Value of Parent Tract	\$334,000.00
Land taken (1.115 acres)	\$ 30,100.00
Improvements	\$ 4,000.00
Severance Damage (10%)	\$ 58,300.00
Total Compensation	\$ 92,400.00

The Owners, Mr. and Mrs. Sparks, retained the legal services of Andrew Brigham, Esquire, and the appraisal services of Matthew P. Ray, MAI of Cantrell Ray Real Estate, LLC. Mr. Ray

consulted with land planner Sue Murphy of P & M Consulting Group, Inc., and engineer Reginald Mesimer, P.E. of Mesimer and Associates, Inc., to assist in the highest and best use analysis and to identify damages that result from the taking.

Mr. Ray's appraisal opinion was similar to Mr. Starkey's regarding land value (\$44,600 for the part taken) and improvement value (\$6,105.00 for improvements within the area of taking). The significant issue on which the appraisers differed related to severance damages. Mr. Ray concluded that the property was damaged by 40%, or \$131,718.00. He then determined that these damages could be partially cured by the construction of a noise wall for \$38,800.00, and this would reduce severance damages to 25%, or \$82,324. Mr. Ray's valuation conclusions are summarized as follows:

Landowner Valuation of Parcel 122

Value of Parent Tract	\$380,000.00
Land taken (1.115 acres)	\$ 44,600.00
Improvements	\$ 6,105.00
Severance Damage plus cure	\$121,124.00
Total Compensation	\$171,829.00

SETTLEMENT PROPOSAL:

The parties have been participating in settlement negotiations and have reached a proposed agreement for the acquisition of Parcel 122 and expert fees and costs. The parties have conditionally agreed to the following settlement terms, subject to Right of Way Committee recommendation and final CFX Board approval:

Total Settlement Proposal for Parcel 122

Landowners (Randy and Mary Sparks):	\$132,700.00
<u>Expert Fees and Attorneys Fees</u>	<u>(Not to Exceed) \$ 64,627.00</u>
Total	(Not to exceed) \$197,327.00

In sum, CFX would pay compensation to the Owners, Randy and Mary Sparks, in the amount of \$132,700.00, less its good faith deposit of \$34,100.00, leaving a remaining balance of **\$98,600**. In addition, CFX would pay statutory attorneys' fees and expert fees in an amount not to exceed \$64,627.00. As mediation was completed on the evening of November 4, 2015 (the same day as this Right of Way Committee's agenda deadline), all expert invoices and amounts were not available for inclusion in this memorandum, so a cap was negotiated to set the upper limits for outstanding fees and costs.

Under the proposed settlement, CFX will not be responsible for constructing a wall, which is an estimated savings of \$38,800.

Acceptance of the proposed settlement is recommended and is in CFX's best interest. Prolonging litigation will subject CFX to additional attorney 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 §73.091 and §73.092, *Florida Statutes*. 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 attorney fees and expert fees and costs.

RECOMMENDATION:

We respectfully request that the Right of Way Committee recommend CFX Board approval of the proposed settlement in the amount of \$197,327.00 in full settlement of all claims for compensation for the acquisition of Parcel 122.

ATTACHMENTS:

Exhibit A - Sketch of Subject Property.

SKETCH OF DESCRIPTION



Scale: 1" = 200'

SECTION 36,
TOWNSHIP 20 SOUTH,
RANGE 27 EAST

NW CORNER OF
THE NE 1/4 OF
SECTION 36-20-27
FND RAILROAD SPIKE
NO IDENTIFICATION
N: 1592253.8508
E: 474136.9390
CCR 85449

10' DISTRIBUTION
EASEMENT
TO FLORIDA POWER
CORPORATION
ORB 5867, PG 3141

FND 4"x4" CM
"LS 3993"

N03°25'43"W
328.99'(F)
W LINE OF SW 1/4
OF NE 1/4 OF NE 1/4

10' DISTRIBUTION
EASEMENT
TO FLORIDA POWER
CORPORATION
ORB 4425, PG 2983

CITY OF
APOPKA

EASEMENT (BLANKET)
TO FLORIDA POWER
CORPORATION
ORB 813, PG 268 & 275

50' EASEMENT (BLANKET)
TO FLORIDA PUBLIC
SERVICE
MISCELLANEOUS BOOK 41,
PG 331

AREA TAKEN = 1.115 ACRES±
AREA REMAINING = 4.563 ACRES±

NOT PLATTED

YOTHERS ROAD

STA 139+49.68
362.32' LT(F)
FND 4"x4" CM
"LS 3993"

APPROXIMATE
CITY LIMITS LINE

R/W LINE

122

N03°21'13"W
329.43'(C)
30.03'(C)

TRACT 'B'

5' DISTRIBUTION EASEMENT
TO FLORIDA POWER CORPORATION
ORB 3959, PG 2138

NOT PLATTED

LA R/W LINE

CITY OF
APOPKA

P.O.B.
NE CORNER OF
SECTION 36-20-27
FND 4"x4" CM
"LS 2494 PRM"
0.49'S, 0.01'W(F)
FND 3 1/2"x3 1/2" CM
W/ CAP "PLS 2511"
0.79'N, 0.36'W(F)

APPROXIMATE
CITY LIMITS LINE

NE CORNER OF
THE SE 1/4 OF
SECTION 36-20-27
FND 6"x6" CM
NO IDENTIFICATION
CCR 85451

P.O.C.
NE CORNER OF
SECTION 36-20-27
FND 6"x6" CM
TOP BROKEN WITH 1" IP
NO IDENTIFICATION
N: 1592291.6144
E: 476781.1709
FND 5/8" IR
NO IDENTIFICATION
0.36'S, 0.04'W(F)
CCR 85450

RANGE 27 E
RANGE 28 E

MAP OF PLYMOUTH
PB B, PGS 17-18

ORIGINAL LOT LINE

LOT 10

LOT 7

LOT 6

SECTION 31,
TOWNSHIP 20 SOUTH,
RANGE 28 EAST

LOT 3

BLOCK O

LOT 2

SEE SHEET 1 FOR LEGAL DESCRIPTION
SEE SHEET 3 FOR GENERAL NOTES AND LEGEND

SHEET 2 OF 3

FOR: ORLANDO-ORANGE COUNTY
EXPRESSWAY AUTHORITY

DATE: APRIL 25, 2013

PROJECT NO.: H20-01

DRAWN: PMM CHECKED: JMS

STATE ROAD 429
OOCEA PROJECT NO. 429-202
PARCEL NO. 122



GEODATA CONSULTANTS, INC.

SURVEYING & MAPPING

2700 WESTHALL LANE

SUITE 137

MAITLAND, FLORIDA 32751

VOICE: (407) 660-2322 FAX: 660-8223

LAND SURVEYOR BUSINESS LICENSE NO. 6556

Exhibit "A"



CENTRAL FLORIDA EXPRESSWAY AUTHORITY

RIGHT OF WAY MEETING
November 20, 2015

Parcel 122



Central Florida Expressway Authority
Right of Way Committee
November 18, 2015

**Recommendation for Approval of
Settlement in the Amount of \$197,327.00**

**S.R. 429 Wekiva Parkway
Project 429-202
Parcel 122**





RECOMMENDATION

We respectfully request that the Right of Way Committee recommend CFX Board approval of settlement in the amount of \$197,327.00 for Parcel 122.

Tab D

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

MEMORANDUM

TO: Central Florida Expressway Authority Right of Way Committee

FROM: James Edward Cheek, III, Right of Way Counsel
Winderweedle, Haines, Ward & Woodman, P.A. 

DATE: November 5, 2015

RE: S.R. 429 Wekiva Parkway, Project 429-202; Parcel 123 (David Cipollone) -
Recommendation for Approval of Settlement

Winderweedle, Haines, Ward & Woodman, P.A., right of way counsel, seeks the Right of Way Committee's approval of a settlement with David Cipollone (the "Owner"), for the acquisition of Parcel 123 (the "Taking" or "Property") for the construction of the S.R. 429 Wekiva Parkway, Project 429-202. The Central Florida Expressway Authority ("CFX") acquired Parcel 123 through a Stipulated Order of Taking entered on May 15, 2014.

DESCRIPTION and BACKGROUND:

Parcel 123 involves a partial taking from a 5.185 acre flag-shaped tract of land located along the south side of Yothers Road in unincorporated Orange County. CFX acquired 0.661 acres of land in fee simple. The property is used as a rural residential home site and is improved with a single-family residence. The property is accessed by a long, narrow driveway off Yothers Road. The taking basically acquires this driveway, and replaces it with a public roadway in order to provide access to the subject, as well as several other properties. In addition, traffic will be diverted temporarily from Yothers Road to Belgian Street while the Yothers Road bridge is constructed.

CFX's appraisal of the property was prepared by Christopher D. Starkey, MAI, of Integra Realty Resources – Orlando. Mr. Starkey performed several appraisals of the subject property because construction plans initially included a noise wall, but this wall was subsequently removed from the plans. His revised appraisal estimated that the amount of compensation owed to the landowner was \$44,400.00, based on the following analysis.

The Property is zoned A-1, Citrus Rural District, by Orange County. The subject is currently improved with a single-family residence that was constructed in 1990, containing 1,718 square feet of gross living area. In addition, site improvements related to the current residential

usage include fencing, a detached covered pole structure, storage building, a septic tank and drain field, well, landscaping, and other associated residential improvements. Mr. Starkey concluded that the Property's highest and best use "as if vacant" would be for a single-family residential home site or agricultural use. The property "as improved" would have a highest and best use for the existing single-family residential use.

To determine land value, Mr. Starkey used the Sales Comparison Approach and considered four vacant land sales ranging from \$24,000 per acre to \$47,000 per acre. Mr. Starkey ultimately reconciled on a value of \$27,000.00 per acre. This resulted in a finding of \$140,265.00 for the total land value of the subject property, and a compensation claim of **\$17,850.00** for the value of the land taken (\$27,000 per acre x .661 acres).

Mr. Starkey used the cost approach and the comparable sales approach to determine the value of the subject "as improved." These approaches resulted in a contributory value of \$79,700 for the improvements, and an ultimate value of \$220,000 for the total value of the parent tract.

The most significant issue in this case is the degree to which the remainder property will be affected by the taking. The proposed acquisition will reduce the subject parent tract from 5.185 acres to 4.534 acres. More significantly, the taking will eliminate the landowner's private access driveway with a public roadway that will not only serve the subject parcel, but other properties in the vicinity. The alleged loss of privacy and increased traffic, noise, lights, and diminished rural character allegedly diminishes the value of the property by 10%. This created severance damages in the amount of **\$18,250.00**.

In addition, Mr. Starkey appraised the value of the improvements located within the area of take. These improvements included landscaping and the access road, and were estimated to be worth **\$8,000.00**. Mr. Starkey also determined that a cost to cure was needed for **\$300.00** to replace a field gate.

The above analysis results in a total compensation estimate for Parcel 123 of \$44,400.00, as summarized below:

CFX Valuation of Parcel 123

Value of Parent Tract	\$220,000.00
Land taken (0.661 acres)	\$ 17,850.00
Improvements	\$ 8,000.00
Severance Damage (10%)	\$ 25,850.00
Total Compensation	\$ 44,400.00

The Owner, David Cipollone, retained the legal services of Andrew Brigham, Esquire, and

the appraisal services of Matthew P. Ray, MAI of Cantrell Ray Real Estate, LLC. Mr. Ray consulted with land planner Sue Murphy of P & M Consulting Group, Inc., and engineer Reginald Mesimer, P.E. of Mesimer and Associates, Inc., to assist in the highest and best use analysis and to identify damages that result from the taking.

Mr. Ray's appraisal opinion was similar to Mr. Starkey's regarding land value (\$26,440 for the part taken) and improvement value (\$10,345.00 for improvements within the area of taking). The significant issue on which the appraisers differed related to severance damages. Mr. Ray concluded that the property was damaged by 50%, or \$118,320. He then determined that these damages could be partially cured by the construction of a noise wall for \$38,800.00, and this would reduce severance damages to 30%, or \$70,992. Mr. Ray's valuation conclusions are summarized as follows:

Landowner Valuation of Parcel 123

Value of Parent Tract	\$273,426.00
Land taken (.661 acres)	\$ 26,440.00
Improvements w/in taking	\$ 10,345.00
Severance Damage plus cure	\$109,792.00
Total Compensation	\$146,577.00

SETTLEMENT PROPOSAL:

The parties have been participating in settlement negotiations and have reached a proposed agreement for the acquisition of Parcel 123 and expert fees and costs. The parties have conditionally agreed to the following settlement terms, subject to Right of Way Committee recommendation and final CFX Board approval:

Total Settlement Proposal for Parcel 123

Landowner (David Cipollone):	\$110,000.00
Expert Fees and Attorneys Fees	(Not to Exceed) \$ 58,314.00
Total	(Not to exceed) \$168,314.00

In sum, CFX would pay compensation to the Owner, David Cipollone, in the amount of \$110,000.00, less its good faith deposit of \$26,150.00, leaving a remaining balance of **\$83,850.00**. In addition, CFX would pay statutory attorney fees and expert fees in an amount not to exceed \$58,314.00. As mediation was completed on the evening of November 4, 2015 (the same day of this Right of Way Committee's agenda deadline), all expert invoices and amounts were not available for inclusion in this memorandum, so a cap was negotiated to set the upper limit for outstanding fees and costs.

Under the proposed settlement, CFX will not be responsible for constructing a wall, which is an estimated savings of \$38,800.

Acceptance of the proposed settlement is recommended and is in CFX's best interest. Prolonging litigation will subject CFX to additional attorney 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 §73.091 and §73.092, *Florida Statutes*. 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' attorney fees and expert fees and costs.

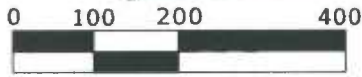
RECOMMENDATION:

We respectfully request that the Right of Way Committee recommend CFX Board approval of the proposed settlement in the amount of \$168,314.00 in full settlement of all claims for compensation for the acquisition of Parcel 123.

ATTACHMENTS:

Exhibit A - Sketch of Subject Property

SKETCH OF DESCRIPTION



Scale: 1" = 200'

SECTION 36,
TOWNSHIP 20 SOUTH,
RANGE 27 EAST

NW CORNER OF
THE NE 1/4 OF
SECTION 36-20-27
FND RAILROAD SPIKE
NO IDENTIFICATION
N: 1592253.8508
E: 474136.9390
CCR 85449

10' DISTRIBUTION
EASEMENT
TO FLORIDA POWER
CORPORATION
ORB 5867, PG 3141

W LINE OF SW 1/4
OF NE 1/4 OF NE 1/4

N03°25'43"W
258.91'(F)
N89°21'07"E
20.02'(F)
S03°26'01"E
70.08'(F)

FND 4"x4" CM
W/ CAP "PLS 2511"
FND 1/2" IRC
"LS 3894"
0.76'S, 1.55'E(F)

NOT PLATTED

W LINE OF NW 1/4
OF NE 1/4 OF NE 1/4

CITY OF
APOPKA

10' DISTRIBUTION
EASEMENT
TO FLORIDA POWER
CORPORATION
ORB 4425, PG 2983

50' EASEMENT (BLANKET)
TO FLORIDA PUBLIC
SERVICE
MISCELLANEOUS BOOK 41,
PG 331

5' LINE OF N 1/2 OF
NE 1/4 OF NE 1/4

EASEMENT (BLANKET)
TO FLORIDA POWER
CORPORATION
ORB 813, PG 268 & 275
FND 4"x4" CM
W/ CAP ILLEGIBLE
1.88"N, 0.03'E(F)

S LINE OF NW 1/4 OF
NE 1/4 OF NE 1/4

W LINE OF E 60' OF W 1/2
OF NE 1/4 OF NE 1/4

FND 5/8" IRC
"LB 6724"
0.61"N, 0.38'W(F)
FND 3 1/2"x3 1/2" CM
W/ CAP "PLS 2511"
0.86"N, 0.25'W(F)

123

30.03'(C)

N03°21'13"W
S03°21'13"E 960.38'(F)

R/W LINE
60.00'(F/D)
30.00'(F/D)
30.00'(F/D)

630.83'(F) 960.26'(C) N89°10'54"E 30.03'(F)

P.O.B.
FND 1" IP
W/ CAP
"BAMA LS 4243"
0.07"N, 0.35'E(F)

TRACT 'B'

5' DISTRIBUTION EASEMENT
TO FLORIDA POWER CORPORATION
ORB 3959, PG 2138

APPROXIMATE
CITY LIMITS LINE

NOT PLATTED

LA R/W LINE

W LINE OF E 30' OF W 1/2
OF NE 1/4 OF NE 1/4

AREA TAKEN = 0.661 ACRES±
AREA REMAINING = 4.534 ACRES±

CITY OF
APOPKA

APPROXIMATE
CITY LIMITS LINE

5

4

3

TRACT 'A'

NE CORNER OF
THE SE 1/4 OF
SECTION 36-20-27
FND 6"x6" CM
NO IDENTIFICATION
CCR 85451

RANGE 27 E
RANGE 28 E

503°29'20"E 2646.26'(F)

MAP OF PLYMOUTH
PB B, PGS 17-18

P.O.C.
NE CORNER OF
SECTION 36-20-27
FND 6"x6" CM
TOP BROKEN WITH 1" IP
NO IDENTIFICATION
N: 1592291.6144
E: 476781.1709
FND 5/8" IR
NO IDENTIFICATION
0.36'S, 0.04'W(F)
CCR 85450

E LINE OF NE 1/4

36

25

31

30

LOT 10

LOT 7

LOT 6

LOT 3

BLOCK 0

LOT 2

SEE SHEET 1 FOR LEGAL DESCRIPTION

SEE SHEET 3 FOR GENERAL NOTES AND LEGEND

SECTION 31,
TOWNSHIP 20 SOUTH,
RANGE 28 EAST

SHEET 2 OF 3

FOR: ORLANDO-ORANGE COUNTY
EXPRESSWAY AUTHORITY

DATE: APRIL 25, 2013

PROJECT NO.: H20-01

DRAWN: PMM CHECKED: JMS

STATE ROAD 429
OOCEA PROJECT NO. 429-202
PARCEL NO. 123



GEODATA CONSULTANTS, INC.

SURVEYING & MAPPING
2700 WESTHALL LANE
SUITE 137
MAITLAND, FLORIDA 32751

VOICE: (407) 660-2322 FAX: 660-8223
LAND SURVEYOR BUSINESS LICENSE NO. 6556

Exhibit "A"

Expert Fees, Expert Costs, and Costs for Parcel 123

Expert	Amount Requested	Settlement Amount
Matthew Ray, MAI, Cantrell Ray Real Estate LLC	\$18,541.25	
Sue Murphy, P&M Consulting Group	\$3,944	
Reginald Mesimer Mesimer and Associates	\$11,111.25	
Additional Costs	?	
Total	\$33,596.50	\$30,000

CANTRELL RAY REAL ESTATE, LLC.

REAL ESTATE APPRAISALS AND CONSULTING



Heyward M. Cantrell, MAI
Matthew P. Ray, MAI

Sarah F. Pinkepank
Rikke L. Mihos

INVOICE

FEDERAL TAX I.D. #47-4209434

November 4, 2015

Andrew P. Brigham
Brigham Property Rights Law Firm, PLLC
4963 DuPont Avenue, Suite 3
Jacksonville, Florida 32217

RE: Appraisal service for the Partial Taking of the CIPOLLONE Property - Parcel 123
CRRE 4287

Time for Matthew P. Ray, MAI

Date	Description	Time
04/17/2014	Inspect and photograph subject property and market area.	2.50 hrs.
07/05/2015	Review information provided by client. Research subject property and area sales.	3.50 hrs.
07/17/2015	Meet with owner's attorneys to discuss facts of case.	0.50 hrs.
07/29/2015	Research land sales.	4.00 hrs.
08/04/2015	Research subject property and land sales.	3.00 hrs.
08/08/2015	Research and analyze sales. Compose report.	4.25 hrs.
08/21/2015	Research and analyze sales. Compose report.	3.50 hrs.
08/25/2015	Research and analyze sales. Compose report.	4.00 hrs.
08/26/2015	Research and analyze sales. Compose report. Identification of property taken.	4.25 hrs.
08/28/2015	Valuation of property taken. Analyze effect of taking on remainder.	3.50 hrs.
09/10/2015	Effect of the taking on the remainder.	5.00 hrs.
09/15/2015	Review file and facts of case.	1.00 hrs.
09/28/2015	Compose report. Compensation due owner.	3.50 hrs.
09/30/2015	Edit report. Compensation due owner.	4.00 hrs.
10/02/2015	Edit and compose report.	2.00 hrs.
10/05/2015	Compose and publish report.	4.50 hrs.
11/01/2015	Read historical and current condemnor's appraisals.	2.50 hrs.
11/02/2015	Read condemnor's appraisals. Compose draft rebuttal.	4.00 hrs.
11/03/2015	Rebuttal letter.	1.00 hrs.
Total Time for Matthew P. Ray, MAI		60.50 hrs.
		x \$ 275.00
TOTAL AMOUNT DUE MATTHEW P. RAY, MAI		\$ 16,637.50

CONTINUED ON THE FOLLOWING PAGE

CANTRELL RAY REAL ESTATE, LLC.

Time for Rikke L. Mihos

Date	Description	Time
09/15/2015	Research recent rural land sales.	1.00 hrs.
09/16/2015	Review and edit appraisal draft.	1.50 hrs.
09/25/2015	Review and edit appraisal draft.	1.50 hrs.
09/28/2015	Edits to appraisal draft.	1.00 hrs.
09/29/2015	Research and analyze paired sales.	1.00 hrs.
09/30/2015	Research and analysis of paired sales.	2.50 hrs.
	Total Time for Rikke L. Mihos	8.50 hrs.
		x \$ 125.00
	TOTAL AMOUNT DUE RIKKE L. MIHOS	\$ 1,062.50

Time for Sarah F. Pinkepank

Date	Description	Time
07/29/2014	Researched comparables sales of vacant/mobile home land.	2.25 hrs.
07/31/2014	Researched comparables sales of vacant/mobile home land.	0.50 hrs.
08/01/2014	Researched comparables sales of vacant/mobile home land.	1.00 hrs.
08/07/2014	Entered comparable sales into database.	2.00 hrs.
08/08/2014	Entered comparable sales into database, created spreadsheet for vacant sales.	0.58 hrs.
	Total Time for Sarah F. Pinkepank	6.33 hrs.
		x \$ 125.00
	TOTAL AMOUNT DUE SARAH F. PINKEPANK	\$ 791.25
	TOTAL AMOUNT DUE MATTHEW P. RAY, MAI	\$ 16,637.50
	TOTAL AMOUNT DUE RIKKE L. MIHOS	\$ 1,062.50
	TOTAL AMOUNT DUE SARAH F. PINKEPANK	\$ 791.25
	OUT OF POCKET EXPENSE	\$ 50.00
	TOTAL AMOUNT DUE	\$ 18,541.25

PLEASE MAKE CHECKS PAYABLE TO: **CANTRELL RAY REAL ESTATE, LLC**

TERMS: FEES FOR SERVICES ARE DUE AND PAYABLE UPON RECEIPT.
PLEASE RETURN A COPY OF THIS INVOICE WITH YOUR PAYMENT.

INVOICE

From **P&M Consulting Group**
501 W Euclid Ave.
Tampa, FL 33602

Invoice For **Brigham Property Rights Law Firm**
2963 Dupont Ave., Ste 3
Jacksonville, FL 32217

Invoice ID **299**
Issue Date **11/04/2015**
Due Date **11/04/2015 (upon receipt)**

Item Type	Description	Quantity	Unit Price	Amount
Service Consulting	David Cipollone: expert witness (04/08/2014 - 10/05/2015)	15.60	\$250.00	\$3,900.00
Product	David Cipollone - 04/17/2014 - Mileage / Sue Murphy: Partial mileage for area visit	60.00	\$0.55	\$33.00
Product	David Cipollone - 10/14/2014 - Transportation / Sue Murphy: Tolls for meeting with Apopka	1.00	\$11.00	\$11.00

Amount Due \$3,944.00

Detailed Time Report

Timeframe	04/08/2014 — 10/05/2015	Client	Brigham Property Rights Law Firm
Total	15.60 Billable Hours	Project	David Cipollone
	0.00 Uninvoiced Billable Hours	Task	expert witness
		Staff	All Staff

Client	Project	Task	Person	Hours	
04/08/2014				0.50	
Brigham Property Rights Law Firm	David Cipollone	expert witness	Sue Murphy	0.50	
Begin review of property information and project overview					
04/16/2014				0.40	
Brigham Property Rights Law Firm	David Cipollone	expert witness	Sue Murphy	0.40	
Begin review of Ex Authority appraisal					
04/17/2014				2.50	
Brigham Property Rights Law Firm	David Cipollone	expert witness	Sue Murphy	2.50	
Meet on site with client and team					
05/02/2014				1.50	
Brigham Property Rights Law Firm	David Cipollone	expert witness	Sue Murphy	1.50	
Research Wekiva Plans and agreements and Kelly Park DRI (partial time)					
05/06/2014				1.00	
Brigham Property Rights Law Firm	David Cipollone	expert witness	Sue Murphy	1.00	
Get with Wayne Bennett at County on land use issues					
10/08/2014				1.10	
Brigham Property Rights Law Firm	David Cipollone	expert witness	Sue Murphy	1.10	
Review background documents and appraisal					
10/13/2014				1.60	
Brigham Property Rights Law Firm	David Cipollone	expert witness	Sue Murphy	1.60	
Meet with City on land use issues, research area projects					
11/19/2014				2.00	
Brigham Property Rights Law Firm	David Cipollone	expert witness	Sue Murphy	2.00	
Work on expert report					
10/01/2015				2.00	
Brigham Property Rights Law Firm	David Cipollone	expert witness	Sue Murphy	2.00	
Work on planning report					
10/02/2015				2.30	
Brigham Property Rights Law Firm	David Cipollone	expert witness	Sue Murphy	2.30	
Final and send planning report					

10/05/2015

0.70

Brigham Property Rights Law Firm

David Cipollone

expert witness

Sue Murphy

0.70

*Review Cantrell and Mesimer reports*

Total

15.60



November 09, 2015

Mr. Andrew P. Brigham
Brigham Property Rights Law Firm, PLLC
2963 Dupont Avenue
Suite 3
Jacksonville, FL 32217

In Reference To: Cipollone Property
The Orlando-Orange County Expressway Authority
Parcel 123
3066 Yothers Road
Apopka, Florida 32712

Invoice # 14111.011

Professional Services Rendered:

	<u>Hours</u>	<u>Amount</u>
<u>James D. Patterson</u>		
3/13/2015 Conference with Mr. Brigham to discuss exhibit list and schedules	0.50	87.50
9/29/2015 Prepare analysis and report; conference with Mr. Brigham to discuss case issues	1.00	175.00
9/30/2015 Prepare analysis report and cost estimates	4.00	700.00
10/1/2015 Prepare analysis, report and exhibits	3.75	656.25
10/2/2015 Prepare cost estimates	1.00	175.00
10/5/2015 Revise report and analysis per Mr. Mesimer's instructions	3.25	568.75
<i>Subtotal:</i>	<i>13.50</i>	<i>2,362.50</i>
<u>Jason M. Spencer</u>		
10/24/2014 Drafting of existing property improvements and roadways	3.50	420.00
10/27/2014 Drafting of existing property improvements and roadways	2.00	240.00
10/28/2014 Drafting of future improvements and roadways	3.75	450.00

Continued on next page

Consulting Engineers and Planners

4738 CENTRAL AVENUE • ST. PETERSBURG, FLORIDA 33711
(727) 894-8589 • FAX (727) 898-4937

Mr. Andrew P. Brigham

Page 2

	<u>Hours</u>	<u>Amount</u>
2/4/2015 Review appraisal report; prepare analysis and report; prepare exhibits per Mr. Mesimer's instructions	8.00	960.00
4/27/2015 Revise drawings per Mr. Mesimer instructions	1.50	180.00
9/30/2015 Prepare exhibits for report; prepare cost estimates	4.00	480.00
10/1/2015 Drafting of future property and proposed site modifications	3.75	450.00
<i>Subtotal:</i>	<u>26.50</u>	<u>3,180.00</u>

Reginald Mesimer, P.E.

10/24/2014 Coordinate drafting of existing property, improvements and roadways	1.00	225.00
10/27/2014 Coordinate drafting of existing property and improvements	0.50	112.50
10/28/2014 Coordinate drafting of existing property and improvements	1.25	281.25
10/29/2014 Coordinate drafting of future condition exhibits	1.25	281.25
10/31/2014 Review and mark-up drawing changes; prepare report	1.50	337.50
2/4/2015 Coordinate preparation of exhibits	1.00	225.00
2/10/2015 Prepare for conference with Mr. Brigham	0.50	112.50
2/11/2015 Prepare for and participate in conference with Mr. Brigham to discuss case issues	1.00	225.00
4/27/2015 Review and mark-up drawings; prepare report	1.50	337.50
9/28/2015 Mark-up proposed drawing changes; review access during construction	1.50	337.50
9/29/2015 Coordinate preparations of drawings; prepare analysis and report	2.00	450.00
9/30/2015 Coordinate preparations of drawings; prepare analysis and report	2.00	450.00
10/1/2015 Coordinate preparation of exhibits; prepare analysis and report	2.00	450.00
10/2/2015 Coordinate preparation of site drawings and cost estimates	2.00	450.00
10/3/2015 Prepare analysis and report	4.00	900.00
10/5/2015 Conference with Mr. Brigham to discuss our reports; revise report and drawings	1.75	393.75
<i>Subtotal:</i>	<u>24.75</u>	<u>5,568.75</u>

Total Professional Services:

64.75 \$11,111.25

Employee Summary

<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
James D. Patterson	13.50	175.00	\$2,362.50
Jason M. Spencer	26.50	120.00	\$3,180.00

Continued on next page

Mr. Andrew P. Brigham

Page 3

Name

Reginald Mesimer, P.E.

Hours

24.75

Rate

225.00

Amount

\$5,568.75

Amount due this Invoice

\$11,111.25





CENTRAL FLORIDA EXPRESSWAY AUTHORITY

RIGHT OF WAY COMMITTEE MEETING
November 20, 2015

Parcel 123



Central Florida Expressway Authority
Right of Way Committee
November 18, 2015

**Recommendation for Approval of
Settlement in the Amount of \$168,314.00**

**S.R. 429 Wekiva Parkway
Project 429-202
Parcel 123**



View of Property





RECOMMENDATION


We respectfully request that the Right of Way Committee recommend CFX Board approval of settlement in the amount of \$168,314.00 for Parcel 123.

Tab E

CENTRAL FLORIDA EXPRESSWAY AUTHORITY

MEMORANDUM

TO: Right of Way Committee Members

FROM: Linda S. Brehmer Lanosa, Deputy General Counsel 

DATE: November 10, 2015

RE: *Central Florida Expressway Authority v. Orange County Florida, et al.*
Case No. 2014-006798-O, Project: 429-202, Parcel 150
Owner: Orange County Florida
Area: South and West Sides of Plymouth Oaks Road, West of Plymouth Sorrento
Size of Parent Tract: 51.47 acres; Amount Taken: 35.38 +/- acres
Proposed Settlement Agreement

DESCRIPTION OF PARCEL 150

Parcel 150 is a 35.38-acre taking from a 51.47-acre parent tract that Orange County acquired in 1944 and used as a clay pit. The parent tract is west of Plymouth Sorrento Road, south of Ponkan Road, and located on the west and south sides of Plymouth Oaks Road. The two remainders total 16.09 acres. The tax map and aerials of the property are attached as **Exhibit A**. The parent tract is improved with groundwater monitoring wells and perimeter chain link fencing. There are depressions in the northwest and southwest areas. A Level II Contamination Impact Assessment, prepared by Geotechnical and Environmental Consultants, Inc., revealed evidence of buried debris at several locations, consisting mostly of concrete and asphalt rubble.

On August 18, 2014, CFX acquired title to Parcel 150 through a deposit made pursuant to an Order of Taking. The property is currently zoned as A-1, Citrus Rural Agricultural, with a future land use of Rural (R). The remainder is encumbered with three easements granted to Florida Power Corporation. The highest and best use of the property is low density residential. Walter N. Carpenter, Jr., MAI, CRE, appraised the property and concluded that full compensation was the sum of the following:

Land (35.38 acres @ \$15,000/acre)	\$530,700
Improvements (528ll lf of fence)	3,900
Severance Damages (10%)	26,300
Total	\$560,900

COUNTEROFFER FROM ORANGE COUNTY, FLORIDA

Recently, Orange County, through Edward Chew, Senior Assistant County Attorney, countered at \$20,000 per acre for a total of **\$739,800**. In the spirit of cooperation, Orange

Project: 429-202, Parcel 150
Owner: Orange County, Florida

County made the counteroffer without ordering an appraisal report and without incurring the expense of expert fees and costs.

RECOMMENDATION

We request the Committee's recommendation for Board approval of a proposed settlement in the amount of \$739,800.

ATTACHMENTS

Maps
Aerial

11

13

SUBJECT

Orange County BOC
51.3 acres +/-

W Poinsett Rd

Florida Power Corp

Poinsett Road Property LLC

Lippar LLC

Krull Smith Landscapes

Poinsett Summit Dr

Silver Vase Inc

Buckner Judith Marie

Thompson Thomas

Zellwood Station and House

Green Rd

4, 7, 11, 12, 13, 14, 15

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13-063
COPYRIGHT 2013, PINEL & CARPENTER, INC.

PARCEL NO.: 150
OWNER: ORANGE COUNTY
PROJECT: SR 429 WEKIVA PARKWAY EXTENSION PROJECT NO. 429-202
CITY/COUNTY: ORANGE

14

AERIAL PHOTOGRAPH



Approximate Representation
Source: Orange County Property Appraiser



CENTRAL FLORIDA **EXPRESSWAY AUTHORITY**

RIGHT OF WAY COMMITTEE MEETING
November 20, 2015

Parcel 150
Proposed Settlement

Parcel 150

- Orange County acquired the property in 1944
- Formerly used as a clay pit
- Evidence of buried debris
- Parent Tract: 51.47 acre
- Part Taken: 35.38 acre
- Date of Value: August 18, 2014



Area Map

PARCEL NO.: 150
OWNER: ORANGE COUNTY
PROJECT: SR 428 WEKIVA PARKWAY EXTENSION PROJECT NO. 429-202
CITY/COUNTY: ORANGE

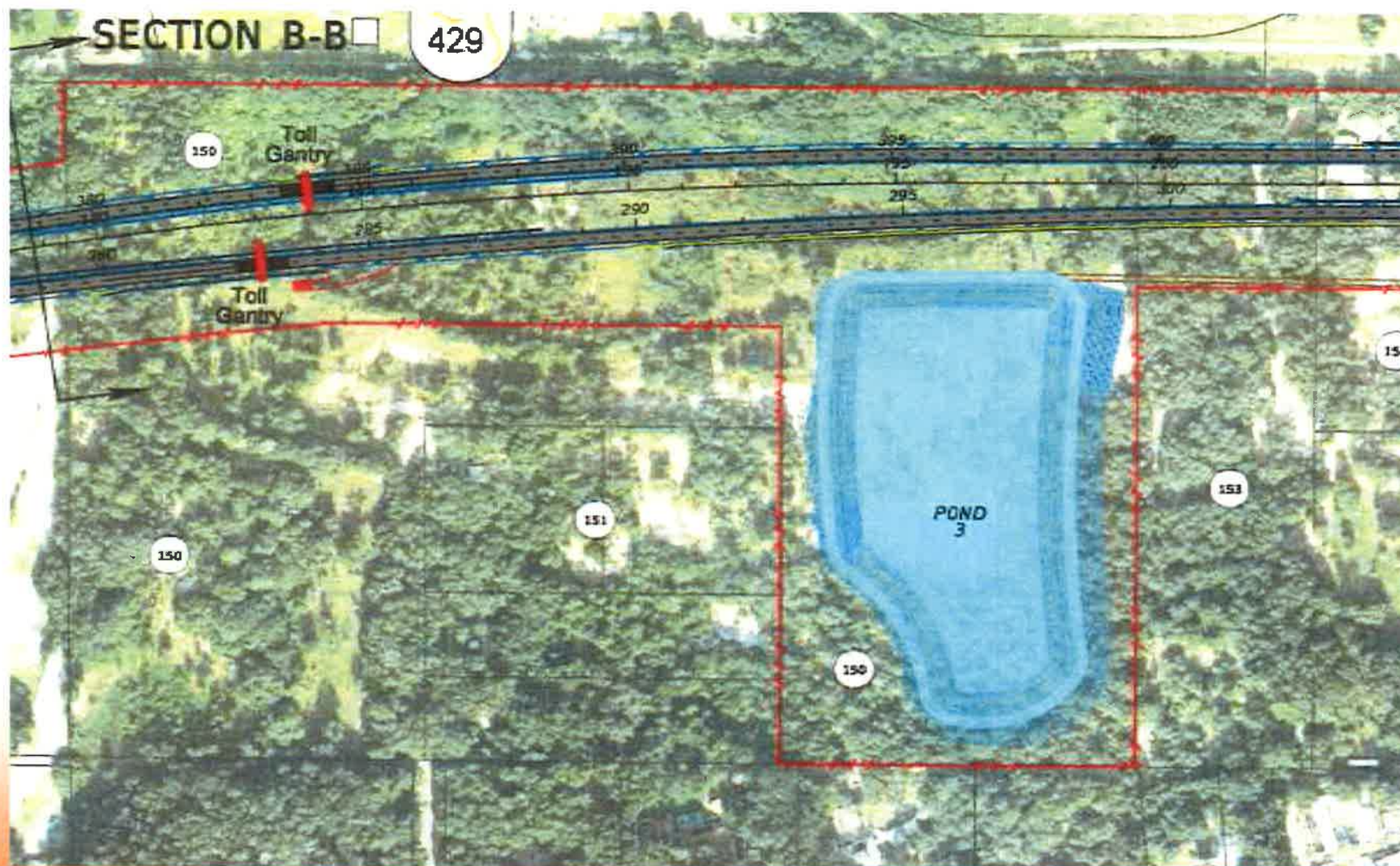
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COMPARABLE LAND SALES MAP





Acquisition Overview



CENTRAL FLORIDA EXPRESSWAY AUTHORITY

➤➤➤ Aerial View



CENTRAL FLORIDA EXPRESSWAY AUTHORITY



Appraised Value and Counter

Land (35.38 acres @ 15,000/acre)	\$530,700
Improvements (528 liner feet of fence)	\$3,900
Severance Damages (10%)	\$26,300
Total	\$560,900
Orange County's Counter (@\$20,000/acre)	\$739,800



Recommendation


Recommend to the Board to accept Orange County's Counteroffer in the amount of \$739,800.00.

Tab F

CENTRAL FLORIDA EXPRESSWAY AUTHORITY

MEMORANDUM

TO: Right of Way Committee Members

FROM: Linda S. Brehmer Lanosa, Deputy General Counsel 

DATE: November 11, 2015

RE: *Central Florida Expressway Authority v. Michael Tyszko, et al.*
Case No. 2014-003641-O, Project: 429-203, **Parcel 228**
Owner: Michael Tyszko
Address: 3001 West Kelly Park Road, Apopka, Florida

INTRODUCTION

This case is set for trial on the November 23, 2015 docket in front of Judge Kest. The case was mediated on September 16, 2015, but impassed after a full day of negotiations between the parties. Nevertheless, the parties continued to negotiate a resolution.

CFX'S APPRAISED VALUE OF PARCEL 229

Parcel 228 is a partial taking of 0.1546 acres (6,735 sq. ft.) of property zoned A-1 (Citrus Rural District) along the northeast corner of Plymouth Sorrento Road and West Kelly Park Road in Apopka as shown in the map below. Mr. Carpenter appraised Parcel 228 with a highest and best use in the short-term for continued residential use, with a "reasonably probable use to hold until demand for future neighborhood commercial development permits." Applying the comparable sales approach, Mr. Carpenter estimated the land value to be **\$3.50/sq. ft. or \$23,575**, plus \$7,665 for trees and sod, totaling **\$31,240.**

OWNER'S APPRAISAL REPORT

The owner's real estate appraiser, Martin Engelmann, Jr., MAI, valued Parcel 228 at \$14.50/sq. ft., or **\$97,700** for the land taken. His valuation conclusion is based upon using land sales transactions that occurred at fully completed highway interchanges, which he asserts are "comparable" to the subject parcels. In addition, Mr. Engelmann added \$108,000 in severance damages due to the reduction in size from 0.6806 acres to 0.526 acres, for a total estimated value of **\$206,000.**

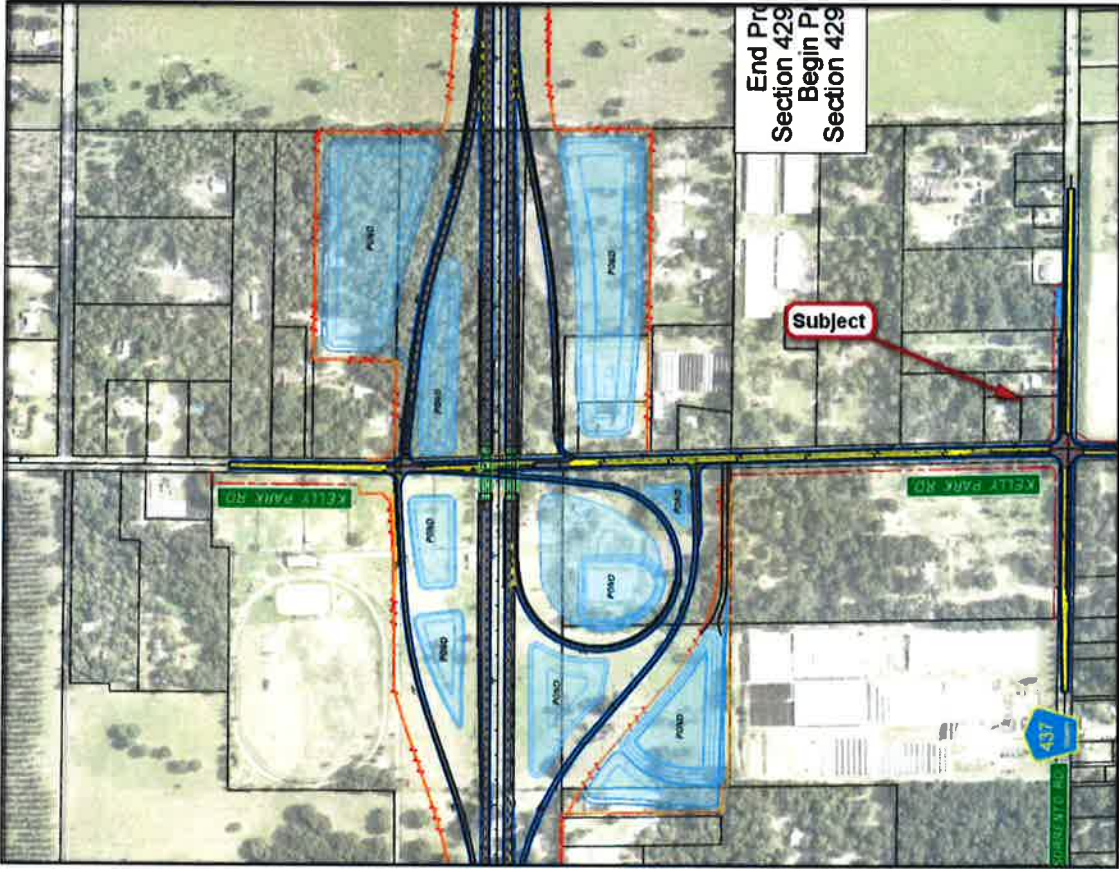
RECOMMENDATION

We request the Committee's recommendation for Board approval of a settlement in the amount of **\$136,883.** Statutory attorney's fees are based upon thirty-three percent (33%) of the

benefit, which is the difference between the amount paid in full compensation (\$136,883) less the first offer (\$31,240), resulting in a fee of **\$34,862.19**.

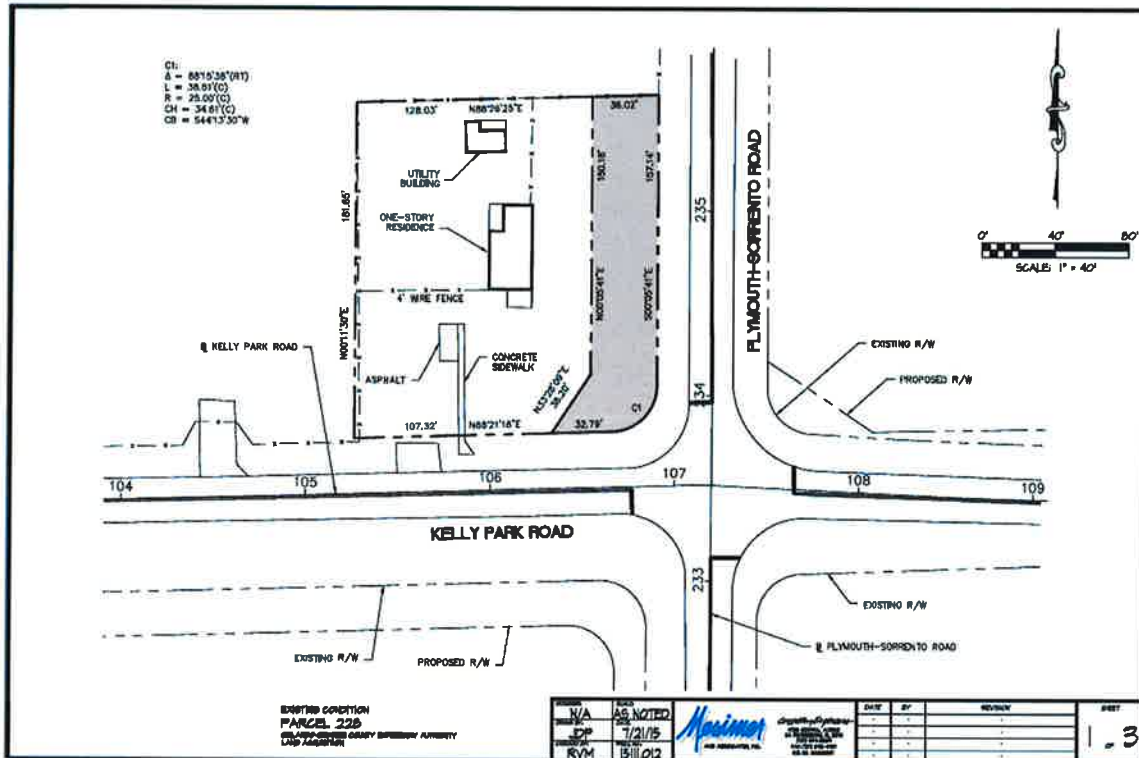
The owner's expert fees, expert costs, and costs are estimated to be approximately \$86,209.98, but the owner's appraiser is still in the process of disclosing his supporting invoices and receipts. The owner is willing to resolve expert fees, expert costs, and costs at 90% of the invoiced sum. Assuming the estimate is accurate, the owner is willing to settle expert fees, expert costs, and costs at **\$77,588.98**, subject to CFX staff's right to review and approve or challenge any fee at a subsequent fee hearing.

Tropical Realty
Appraisal Services



Tropical Realty Appraisal Services

Subject Parent Tract – Before Condition



UTILITIES AND SERVICES

Water	On site well
Sewer	On site septic system
Electric	Duke Energy
Telephone	Various providers
Police	Orange County
Fire	Orange County

ZONING AND FUTURE LAND USE

Zoning	A-1
Zoning Description	Citrus Rural Agricultural District
Zoning Jurisdiction	Orange County
Future Land Use	R
FLU Description	Rural/Agricultural
FLU Jurisdiction	Orange County
Permitted Uses	The purpose of the A-1 District is to provide for agricultural and ranching uses. The Rural/Agricultural future land use promotes long term agricultural uses but allows residential uses up to one dwelling per 10 acres.



STYLE: TYSZKO, MICHAEL

INTERNAL FILE #183.00

COSTS INCURRED AS OF: **November 11, 2015**

EXPERTS:

TROPICAL REALTY APPRAISAL SERVICES	(invoice pending)	
A) 11/11/15, C14041NT-01, PROFESSIONAL SERVICES		\$55,000.00
MESIMER AND ASSOCIATES, INC.		
A) 11/11/1515, INV 15111.012, PROFESSIONAL SERVICES		\$13,757.65
P&M CONSULTING GROUP		
A) 11/10/15, INV 301, PROFESSIONAL SERVICES		\$12,628.70

EXPERTS SUBTOTAL		\$81,386.35

COURT REPORTERS:

ORANGE LEGAL, INC.

A) 10/20/15, INV 224763; MESIMER	\$170.05	
B) 10/19/15, INV 223265; MURPHY	\$163.90	
C) 10/12/15, INV 223868; CHAPMAN/KELLY/TYSC	\$541.00	

		\$874.95

U.S. LEGAL SUPPORT, INC.

A) 10/12/15, INV 1252496; HARDGROVE	\$620.30	
B) 10/13/15, INV 1252498L PECK (PRORATED)	\$217.97	
C) 10/19/15, INV 1254196; PRESSIMONE	\$280.00	
D) 10/20/15, INV 1254456; NEWTON	\$488.25	
E) 10/20/15, INV 1256308; CARPENTER/SPEER	\$1,273.35	
F) 10/12/15, INV 1259729; BYRD	\$206.50	

		\$3,086.37

COURT REPORTERS SUBTOTAL		\$3,961.32
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PROCESS SERVERS:

ATTORNEYS LEGAL SERVICES, INC.

A) 09/21/15, INV ALS-2015006811; HORNE DEP	\$23.33	
B) 09/22/15, INV ALS-2015006813; PECK DEPO	\$23.33	
C) 09/22/15, INV ALS-2015006812; RUBLE DEP	\$23.33	
D) 10/12/15, INV ALS-2015007401; NEWTON	\$70.00	
E) 10/12/15, INV ALS-2015007399; SPEER	\$70.00	
F) 10/12/15, INV ALS-2015007398; CARPENTER	\$70.00	
G) 10/12/15, INV ALS-2015007400; PRESSIMON	\$70.00	

		\$349.99

PROCESS SERVERS SUBTOTAL:		\$349.99
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EXHIBIT PREPARATION & RESEARCH:

NONE ON FILE

EXHIBIT PREPARATION & RESEARCH SUBTOTAL:		\$0.00
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COURIER EXPENSES:

FEDERAL EXPRESS		
A) 09/11/14; M. TYSZKO	\$9.85	

COURIER EXPENSES SUBTOTAL:		\$9.85
----------------------------	--	--------



STYLE: TYSZKO, MICHAEL

INTERNAL FILE #183.00

COSTS INCURRED AS OF: November 11, 2015

MISCELLANEOUS EXPENSES:

REIMBURSEMENTS: BRIGHAM, ANDREW

A) 10/12/15, MILEAGE/MEALS: EXPERT DEPOS	\$36.38	
B) 10/19/15, MEALS/HOTEL: EXPERT DEPOS	\$237.18	
C) 10/20/15, MILEAGE/MEALS: EXPERT DEPOS	\$89.57	

		\$363.13

REIMBURSEMENTS: FLEMING, KEN

A) 11/12/13, MILEAGE/LUNCH: PROPERTY INS	\$84.47	
B) 02/24/14, MILEAGE/LUNCH: INITIAL OFFER	\$54.87	

		\$139.34

MISCELLANEOUS EXPENSES SUBTOTAL		-----
		\$502.47

TOTAL COSTS INCURRED:		-----
		\$86,209.98
		=====



November 11, 2015

Mr. Andrew P. Brigham
Brigham Property Rights Law Firm, PLLC
2963 Dupont Avenue
Suite 3
Jacksonville, FL 32217-2740

In Reference To: Tyszko
Parcel 228
3001 West Kelly Park Road
Apopka, Florida 32712

Invoice # 15111.012

Professional Services Rendered:

	<u>Hours</u>	<u>Amount</u>
<u>James D. Patterson</u>		
7/15/2015 Review FDOT's appraisal report; review plans and right-of-way maps; begin preparation of report	3.75	656.25
7/16/2015 Review legal descriptions for size and closure; prepare drawing showing existing property	3.50	612.50
7/17/2015 Prepare drawing of existing and future property and roadways	4.25	743.75
7/20/2015 Prepare drawing showing future property, roadways and intersection	2.50	437.50
7/21/2015 Review appraisal; review Orange County Land Development Code	2.50	437.50
7/22/2015 Field review to take detailed measurements and photographs; reduce field notes	6.50	1,137.50
7/23/2015 Prepare drawing showing property and roadways; prepare report and analysis	4.00	700.00
7/24/2015 Prepare report and analysis	4.50	787.50
8/3/2015 Publish final report	0.50	87.50
10/19/2015 Prepare exhibits and drawings for deposition	3.50	612.50

Continued on next page

Consulting Engineers and Planners

4738 CENTRAL AVENUE • ST. PETERSBURG, FLORIDA 33711
(727) 894-8589 • FAX (727) 898-4937

Mr. Andrew P. Brigham

Page 2

	<u>Hours</u>	<u>Amount</u>
10/20/2015 Research zoning and Land Development Codes for access in Orange County and City of Apopka	2.00	350.00
<i>Subtotal:</i>	<u>37.50</u>	<u>6,562.50</u>

Reginald Mesimer, P.E.

2/11/2015 Conference with Mr. Brigham to review and discuss case issues	0.75	168.75
7/15/2015 Begin preparation of analysis and report; conference with Mr. Kane to discuss case issues	2.75	618.75
7/16/2015 Coordinate drafting of existing property and improvements; review legal descriptions	3.00	675.00
7/17/2015 Coordinate preparation of drawing showing future property and roadways; review and evaluate site impacts	2.25	506.25
7/21/2015 Prepare for and participate in conference with Mr. Pagliaro to discuss site impacts	1.50	337.50
7/22/2015 Coordinate field review; prepare report	3.00	675.00
7/23/2015 Coordinate preparation of exhibits; prepare report and analysis	3.25	731.25
7/24/2015 Prepare report and analysis	4.50	1,012.50
10/19/2015 Prepare for deposition	3.75	843.75
10/20/2015 Field review and property inspection; prepare for and attend deposition in Orlando	6.50	1,462.50
<i>Subtotal:</i>	<u>31.25</u>	<u>7,031.25</u>

Total Professional Services:

68.75 \$13,593.75

Expenses:

Mileage	153.90
Parking	10.00

Total Expenses:

\$163.90

Employee Summary

<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
James D. Patterson	37.50	175.00	\$6,562.50

Continued on next page

Mr. Andrew P. Brigham

Page 3

Name

Reginald Mesimer, P.E.

Hours

31.25

Rate

225.00

Amount

\$7,031.25

Amount

AMOUNT DUE THIS INVOICE:

\$13,757.65

Reginald Mesimer

INVOICE

From **P&M Consulting Group**
501 W Euclid Ave.
Tampa, FL 33602

Invoice For **Brigham Property Rights Law Firm**
2963 Dupont Ave., Ste 3
Jacksonville, FL 32217

Invoice ID **301**
Issue Date **11/10/2015**
Due Date **11/10/2015 (upon receipt)**

Subject **Michael Tyszko**

Item Type	Description	Quantity	Unit Price	Amount
Service Consulting	Michael Tyszko - 04/08/2014 - expert witness / Sue Murphy: Begin review of property information and project overview	0.50	\$250.00	\$125.00
Service Consulting	Michael Tyszko - 04/09/2014 - expert witness / Sue Murphy: Review Expressway Authority appraisal	1.20	\$250.00	\$300.00
Service Consulting	Michael Tyszko - 04/17/2014 - expert witness / Sue Murphy: Meet on site with client and team	3.00	\$250.00	\$750.00
Service Consulting	Michael Tyszko - 05/02/2014 - expert witness / Sue Murphy: Research Wekiva land use docs and agreements, Kelly Park DRI (partial time)	1.50	\$250.00	\$375.00
Service Consulting	Michael Tyszko - 10/08/2014 - expert witness / Sue Murphy: Review background documents and appraisal	1.00	\$250.00	\$250.00
Service Consulting	Michael Tyszko - 10/13/2014 - expert witness / Sue Murphy: Meet with Apopka on land use issues, research area projects	1.60	\$250.00	\$400.00
Service Consulting	Michael Tyszko - 10/22/2014 - expert witness / Sue Murphy: Begin draft planning report	1.20	\$250.00	\$300.00
Service Consulting	Michael Tyszko - 07/15/2015 - expert witness / Sue Murphy: Begin review of Pinel and Carpenter appraisal	0.70	\$250.00	\$175.00
Service Consulting	Michael Tyszko - 07/16/2015 - expert witness / Sue Murphy: Work on planning report	2.00	\$250.00	\$500.00
Service Consulting	Michael Tyszko - 07/17/2015 - expert witness / Sue Murphy: Work on planning report	1.50	\$250.00	\$375.00
Service Consulting	Michael Tyszko - 07/20/2015 - expert witness / Sue Murphy: Work on draft planning report	6.50	\$250.00	\$1,625.00
Service Consulting	Michael Tyszko - 07/27/2015 - expert witness / Sue Murphy: Telecom with Tropical Realty	0.20	\$250.00	\$50.00

Item Type	Description	Quantity	Unit Price	Amount
Service Consulting	Michael Tyszko - 07/28/2015 - expert witness / Sue Murphy: Work on planning report	2.60	\$250.00	\$650.00
Service Consulting	Michael Tyszko - 07/31/2015 - expert witness / Sue Murphy: Review Mesimer report	0.60	\$250.00	\$150.00
Service Consulting	Michael Tyszko - 08/17/2015 - expert witness / Sue Murphy: Review Central Fl. Expressway Authority reports	1.00	\$250.00	\$250.00
Service Consulting	Michael Tyszko - 08/18/2015 - expert witness / Sue Murphy: Finish review of CFEA appraisals	0.50	\$250.00	\$125.00
Service Consulting	Michael Tyszko - 08/19/2015 - expert witness / Sue Murphy: Case planning conference call with A Brigham; several calls to Apopka on new development	1.50	\$250.00	\$375.00
Service Consulting	Michael Tyszko - 08/20/2015 - expert witness / Sue Murphy: Several telecoms with City, research Fowlers Grove shopping center, prepare rebuttal report, review Newsome and Hargrove updated reports, telecom with A Brigham, prep memo on telecom with D. Moon	5.60	\$250.00	\$1,400.00
Service Consulting	Michael Tyszko - 08/25/2015 - expert witness / Sue Murphy: Final and send rebuttal report and memo on discussion with D. Moon	0.40	\$250.00	\$100.00
Service Consulting	Michael Tyszko - 08/27/2015 - expert witness / Sue Murphy: Begin review of Expressway Authority rebuttals	1.00	\$250.00	\$250.00
Service Consulting	Michael Tyszko - 09/16/2015 - expert witness / Sue Murphy: Research Renaissance Center DA	0.30	\$250.00	\$75.00
Service Consulting	Michael Tyszko - 10/08/2015 - expert witness / Sue Murphy: Telecom with A Brigham on case planning	0.90	\$250.00	\$225.00
Service Consulting	Michael Tyszko - 10/12/2015 - expert witness / Sue Murphy: Deposition preparation	2.50	\$250.00	\$625.00
Service Consulting	Michael Tyszko - 10/13/2015 - expert witness / Sue Murphy: Deposition preparation	5.80	\$250.00	\$1,450.00
Service Consulting	Michael Tyszko - 10/14/2015 - expert witness / Sue Murphy: Telecom with Andrew Brigham on deposition issues	0.80	\$250.00	\$200.00
Service Consulting	Michael Tyszko - 10/19/2015 - expert witness / Sue Murphy: Deposition preparation and attend deposition	5.60	\$250.00	\$1,400.00
Product	Michael Tyszko - 04/17/2014 - Mileage / Sue Murphy: Partial mileage for area visit 60 miles@.55/mi	60.00	\$0.55	\$33.00
Product	Michael Tyszko - 10/23/2015 - Mileage / Sue Murphy	174.00	\$0.55	\$95.70

Item Type	Description	Quantity	Unit Price	Amount
			Subtotal	\$12,628.70
			Retainer Payments	-\$500.00
			Amount Due	\$12,128.70



Andrew Prince Brigham, Esquire
Brigham Property Rights Law Firm
2963 Dupont Avenue
Suite 3
Jacksonville, FL 32217

INVOICE

Invoice No.	Invoice Date	Job No.
224763	10/30/2015	247940
Job Date	Case No.	
10/20/2015	2014CA0035900	
Case Name		
Central Florida Expressway Authority vs. Michael Tyszko, et al.		
Payment Terms		
Net 30		

CLIENT# _____
NAME 115700 MATTER# _____
REASON FOR CHARGES _____

1 CERTIFIED COPY OF TRANSCRIPT OF:

Reginald V. Mesimer, P.E.

ASCII, Condensed

Delivery, Shipping and Handling

E-mail transcript

30.00 Pages	115.05
APPROVED BY _____	35.00
PAY ASAP _____	20.00
BOOKKEEPING USE ONLY _____	0.00
POSTED IN PL BY _____ DATE _____	
PD. DATE _____ CK# _____ AMT _____	
TOTAL DUE >>>	\$170.05

Payments may be made online at www.orangelegal.com.

Thank you for your business!

Room rates may be applicable when transcript is deferred; varies by location. Invoices will accrue interest at 1.5% per month on unpaid balances, net 30 days. Invoice cannot be adjusted after 30 days. Payment not contingent on client reimbursement. If turned over to collections, jurisdiction will be Orange County, Florida, and you agree to pay all collection costs and attorney fees.

Tax ID: 59-2754282

Please detach bottom portion and return with payment.

Andrew Prince Brigham, Esquire
Brigham Property Rights Law Firm
2963 Dupont Avenue
Suite 3
Jacksonville, FL 32217

Job No. : 247940 BU ID : Central FL
Case No. : 2014CA0035900
Case Name : Central Florida Expressway Authority vs.
Michael Tyszko, et al.
Invoice No. : 224763 Invoice Date : 10/30/2015
Total Due : \$ 170.05

Remit To: **Orange Legal, Inc.**
633 East Colonial Drive
Orlando, FL 32803

1-800-275-7991

PAYMENT WITH CREDIT CARD



Cardholder's Name: _____
Card Number: _____
Exp. Date: _____ Phone#: _____
Billing Address: _____
Zip: _____ Card Security Code: _____
Amount to Charge: _____
Cardholder's Signature: _____
Email: _____



Andrew Prince Brigham, Esquire
Brigham Property Rights Law Firm
2963 Dupont Avenue
Suite 3
Jacksonville, FL 32217

INVOICE

Invoice No.	Invoice Date	Job No.
223265	10/30/2015	247999
Job Date	Case No.	
10/19/2015	2014CA0035900	
Case Name		
Central Florida Expressway Authority vs. Michael Tyszko, et al.		
Payment Terms		
Net 30		

Martin Engelmann

Estimated # of Pages

53.00

0.00

1 CERTIFIED COPY OF TRANSCRIPT OF:

Sue Murphy

33.00 Pages

108.90

ASCII, Condensed

35.00

Delivery, Shipping and Handling

20.00

E-mail transcript

0.00

TOTAL DUE >>>

\$163.90

Payments may be made online at www.orangelegal.com.

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Tax ID: 59-2754282

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Andrew Prince Brigham, Esquire
Brigham Property Rights Law Firm
2963 Dupont Avenue
Suite 3
Jacksonville, FL 32217

Job No. : 247999 BU ID : Central FL
Case No. : 2014CA0035900
Case Name : Central Florida Expressway Authority vs.
Michael Tyszko, et al.
Invoice No. : 223265 Invoice Date : 10/30/2015
Total Due : \$163.90

Remit To: **Orange Legal, Inc.**
633 East Colonial Drive
Orlando, FL 32803

1-800-275-7991

PAYMENT WITH CREDIT CARD



Cardholder's Name:

Card Number:

Exp. Date:

Phone#:

Billing Address:

Zip:

Card Security Code:

Amount to Charge:

Cardholder's Signature:

Email:



Andrew Prince Brigham, Esquire
 Brigham Property Rights Law Firm
 2963 Dupont Avenue
 Suite 3
 Jacksonville, FL 32217

INVOICE

Invoice No.	Invoice Date	Job No.
223868	10/30/2015	247890
Job Date	Case No.	
10/12/2015	2014CA0035900	
Case Name		
Central Florida Expressway Authority vs. Michael Tyszko, et al.		
Payment Terms		
Net 30		

1 CERTIFIED COPY OF TRANSCRIPT OF:

Charles Chapman	60.00 Pages	177.00
ASCII, Condensed		35.00
Exhibit Charge - Per Page for Color Copies	3.00	3.00
Delivery, Shipping and Handling		20.00
E-mail transcript		0.00

1 CERTIFIED COPY OF TRANSCRIPT OF:

William Kelly	37.00 Pages	109.15
ASCII, Condensed		35.00

1 CERTIFIED COPY OF TRANSCRIPT OF:

Michael Tyszko	43.00 Pages	126.85
ASCII, Condensed		35.00

TOTAL DUE >>> \$541.00

Payments may be made online at www.orangelegal.com.

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 Brigham Property Rights Law Firm
 2963 Dupont Avenue
 Suite 3
 Jacksonville, FL 32217

Job No. : 247890 BU ID : Central FL
 Case No. : 2014CA0035900
 Case Name : Central Florida Expressway Authority vs.
 Michael Tyszko, et al.
 Invoice No. : 223868 Invoice Date : 10/30/2015
Total Due : \$541.00

Remit To: **Orange Legal, Inc.** **1-800-275-7991**
633 East Colonial Drive
Orlando, FL 32803

PAYMENT WITH CREDIT CARD



Cardholder's Name: _____
 Card Number: _____
 Exp. Date: _____ Phone#: _____
 Billing Address: _____
 Zip: _____ Card Security Code: _____
 Amount to Charge: _____
 Cardholder's Signature: _____
 Email: _____



Andrew Prince Brigham, Esquire
Brigham Property Rights Law Firm
2963 Dupont Avenue
Suite 3
Jacksonville, FL 32217

INVOICE

Invoice No.	Invoice Date	Job No.
223868	10/30/2015	247890
Job Date	Case No.	
10/12/2015	2014CA0035900	
Case Name		
Central Florida Expressway Authority vs. Michael Tyszko, et al.		
Payment Terms		
Net 30		

collections, jurisdiction will be Orange County, Florida, and you agree to pay all collection costs and attorney fees.

Tax ID: 59-2754282

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Andrew Prince Brigham, Esquire
Brigham Property Rights Law Firm
2963 Dupont Avenue
Suite 3
Jacksonville, FL 32217

Job No. : 247890 BU ID : Central FL
Case No. : 2014CA0035900
Case Name : Central Florida Expressway Authority vs.
Michael Tyszko, et al.
Invoice No. : 223868 Invoice Date : 10/30/2015
Total Due : \$541.00

Remit To: **Orange Legal, Inc.**
633 East Colonial Drive
Orlando, FL 32803

1-800-275-7991

PAYMENT WITH CREDIT CARD							
Cardholder's Name:							
Card Number:							
Exp. Date:		Phone#:					
Billing Address:							
Zip:		Card Security Code:					
Amount to Charge:							
Cardholder's Signature:							
Email:							

INVOICE

U.S. Legal Support, Inc.
20 North Orange Avenue
Suite 1209
Orlando FL 32801
Phone:407-649-9193 Fax:407-245-7099

Invoice No.	Invoice Date	Job No.
1252496	10/22/2015	1333820
Job Date	Case No.	
10/12/2015	2014CA0035900	
Case Name		
Central Florida Expressway Authority vs. Michael Tyszko		
Payment Terms		
Due upon receipt		

Andrew Brigham, Esquire
Brigham Property Rights Law Firm, P.L.L.C.
2963 Dupont Avenue
Suite 3
Jacksonville FL 32217

ORIGINAL TRANSCRIPT OF:

Ellen Hardgrove	74.00	Pages	@	4.00	296.00
Attendance - First Hour				75.00	75.00
Additional Hour(s)	2.00		@	52.50	105.00
E-cd Litigation Support Package				39.00	39.00
Condensed Transcript				19.50	19.50
Processing/Archival/Delivery				45.00	45.00
Ellen Hardgrove Exhibit					
Exhibit	68.00	Pages	@	0.60	40.80

TOTAL DUE >>> **\$620.30**
AFTER 12/6/2015 PAY \$682.33
(-) Payments/Credits: 0.00
(+) Finance Charges/Debits: 0.00
(=) New Balance: **620.30**

Invoices not paid by due date will be subject to interest of 1.5% per month. We will make reasonable efforts to allocate payments properly. Any rights regarding allocations, refunds or adjustments after 90 days from payment shall be waived by payer.

Tax ID: 76-0523238

Phone: 904-730-9001 Fax:904-733-7633

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Andrew Brigham, Esquire
Brigham Property Rights Law Firm, P.L.L.C.
2963 Dupont Avenue
Suite 3
Jacksonville FL 32217

Job No. : 1333820 BU ID : 55-ORLAN
Case No. : 2014CA0035900
Case Name : Central Florida Expressway Authority vs.
Michael Tyszko
Invoice No. : 1252496 Invoice Date : 10/22/2015
Total Due : \$ 620.30

Remit To: **U.S. Legal Support, Inc.**
P.O. Box 4772-12
Houston TX 77210-4772

PAYMENT WITH CREDIT CARD



Cardholder's Name: _____
Card Number: _____
Exp. Date: _____ Phone#: _____
Billing Address: _____
Zip: _____ Card Security Code: _____
Amount to Charge: _____
Cardholder's Signature: _____

INVOICE

U.S. Legal Support, Inc.
20 North Orange Avenue
Suite 1209
Orlando FL 32801
Phone:407-649-9193 Fax:407-245-7099

Andrew Brigham, Esquire
Brigham Property Rights Law Firm, P.L.L.C.
2963 Dupont Avenue
Suite 3
Jacksonville FL 32217

Invoice No.	Invoice Date	Job No.
1252498	10/23/2015	1333805
Job Date	Case No.	
10/13/2015	2014CA0036410,2014CA0036760	
Case Name		
Central Florida Expressway Authority vs. Robert Strier		
Payment Terms		
Due upon receipt		

ORIGINAL TRANSCRIPT OF:

Robert Peck	110.00	Pages	@	4.00	440.00
Attendance - First Hour				75.00	75.00
Additional Hour(s)	1.50		@	52.50	78.75
Processing/Archival/Delivery				45.00	45.00
Robert Peck					
Exhibit	19.00	Pages	@	0.60	11.40
Exhibits - Color	3.00	Pages	@	1.25	3.75
TOTAL DUE >>>					\$653.90
AFTER 12/7/2015 PAY					\$719.29
(-) Payments/Credits:					0.00
(+) Finance Charges/Debits:					0.00
(=) New Balance:					653.90

Invoices not paid by due date will be subject to interest of 1.5% per month. We will make reasonable efforts to allocate payments properly. Any rights regarding allocations, refunds or adjustments after 90 days from payment shall be waived by payer.

Tax ID: 76-0523238

Phone: 904-730-9001 Fax:904-733-7633

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Andrew Brigham, Esquire
Brigham Property Rights Law Firm, P.L.L.C.
2963 Dupont Avenue
Suite 3
Jacksonville FL 32217

Job No. : 1333805 BU ID : 55-ORLAN
Case No. : 2014CA0036410,2014CA0036760
Case Name : Central Florida Expressway Authority vs. Robert Strier
Invoice No. : 1252498 Invoice Date : 10/23/2015
Total Due : \$ 653.90

Remit To: **U.S. Legal Support, Inc.**
P.O. Box 4772-12
Houston TX 77210-4772

PAYMENT WITH CREDIT CARD



Cardholder's Name: _____
Card Number: _____
Exp. Date: _____ Phone#: _____
Billing Address: _____
Zip: _____ Card Security Code: _____
Amount to Charge: _____
Cardholder's Signature: _____

INVOICE

U.S. Legal Support, Inc.
20 North Orange Avenue
Suite 1209
Orlando FL 32801
Phone:407-649-9193 Fax:407-245-7099

Andrew Brigham, Esquire
Brigham Property Rights Law Firm, P.L.L.C.
2963 Dupont Avenue
Suite 3
Jacksonville FL 32217

Invoice No.	Invoice Date	Job No.
1254196	10/26/2015	1333807
Job Date	Case No.	
10/19/2015	2014CA0035900	
Case Name		
Central Florida Expressway Authority vs. Michael Tyszko		
Payment Terms		
Due upon receipt		

ORIGINAL TRANSCRIPT OF:

Glenn Pressimone, P.E.

Attendance - First Hour

Processing/Archival/Delivery

40.00	Pages	@	4.00	160.00
			75.00	75.00
			45.00	45.00

TOTAL DUE >>> \$280.00

AFTER 12/10/2015 PAY \$308.00

(-) Payments/Credits: 0.00

(+) Finance Charges/Debits: 0.00

(=) New Balance: 280.00

Invoices not paid by due date will be subject to interest of 1.5% per month. We will make reasonable efforts to allocate payments properly. Any rights regarding allocations, refunds or adjustments after 90 days from payment shall be waived by payer.

Tax ID: 76-0523238

Phone: 904-730-9001 Fax:904-733-7633

Please detach bottom portion and return with payment.

Andrew Brigham, Esquire
Brigham Property Rights Law Firm, P.L.L.C.
2963 Dupont Avenue
Suite 3
Jacksonville FL 32217

Job No. : 1333807 BU ID : 55-ORLAN
Case No. : 2014CA0035900
Case Name : Central Florida Expressway Authority vs.
Michael Tyszko
Invoice No. : 1254196 Invoice Date : 10/26/2015
Total Due : \$ 280.00

Remit To: **U.S. Legal Support, Inc.**
P.O. Box 4772-12
Houston TX 77210-4772

PAYMENT WITH CREDIT CARD



Cardholder's Name: _____

Card Number: _____

Exp. Date: _____ Phone#: _____

Billing Address: _____

Zip: _____ Card Security Code: _____

Amount to Charge: _____

Cardholder's Signature: _____

INVOICE

U.S. Legal Support, Inc.
20 North Orange Avenue
Suite 1209
Orlando FL 32801
Phone:407-649-9193 Fax:407-245-7099

Invoice No.	Invoice Date	Job No.
1254456	10/26/2015	1333812
Job Date	Case No.	
10/20/2015	2014CA0035900	
Case Name		
Central Florida Expressway Authority vs. Michael Tyszko		
Payment Terms		
Due upon receipt		

Andrew Brigham, Esquire
Brigham Property Rights Law Firm, P.L.L.C.
2963 Dupont Avenue
Suite 3
Jacksonville FL 32217

ORIGINAL TRANSCRIPT OF:

Jeffrey Newton	45.00	Pages	@	4.00	180.00
2-Day Expedited Transcript					162.00
Attendance - First Hour				75.00	75.00
Additional Hour(s)	0.50		@	52.50	26.25
Processing/Archival/Delivery				45.00	45.00

TOTAL DUE >>> \$488.25

AFTER 12/10/2015 PAY \$537.08

(-) Payments/Credits: 0.00

(+) Finance Charges/Debits: 0.00

(=) New Balance: 488.25

Invoices not paid by due date will be subject to interest of 1.5% per month. We will make reasonable efforts to allocate payments properly. Any rights regarding allocations, refunds or adjustments after 90 days from payment shall be waived by payer.

Tax ID: 76-0523238

Phone: 904-730-9001 Fax:904-733-7633

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Andrew Brigham, Esquire
Brigham Property Rights Law Firm, P.L.L.C.
2963 Dupont Avenue
Suite 3
Jacksonville FL 32217

Job No. : 1333812 BU ID : 55-ORLAN

Case No. : 2014CA0035900

Case Name : Central Florida Expressway Authority vs.
Michael Tyszko

Invoice No. : 1254456 Invoice Date : 10/26/2015

Total Due : \$ 488.25

Remit To: **U.S. Legal Support, Inc.**
P.O. Box 4772-12
Houston TX 77210-4772

PAYMENT WITH CREDIT CARD



Cardholder's Name: _____

Card Number: _____

Exp. Date: _____ Phone#: _____

Billing Address: _____

Zip: _____ Card Security Code: _____

Amount to Charge: _____

Cardholder's Signature: _____

INVOICE

U.S. Legal Support, Inc.
20 North Orange Avenue
Suite 1209
Orlando FL 32801
Phone:407-649-9193 Fax:407-245-7099

Invoice No.	Invoice Date	Job No.
1256308	10/30/2015	1333812
Job Date	Case No.	
10/20/2015	2014CA0035900	
Case Name		
Central Florida Expressway Authority vs. Michael Tyszko		
Payment Terms		
Due upon receipt		

Andrew Brigham, Esquire
Brigham Property Rights Law Firm, P.L.L.C.
2963 Dupont Avenue
Suite 3
Jacksonville FL 32217

ORIGINAL TRANSCRIPT OF:

Walter Carpenter	159.00	Pages	@	4.35	691.65
E-cd Litigation Support Package				39.00	39.00
Condensed Transcript				19.50	19.50
Processing/Archival/Delivery				45.00	45.00

ORIGINAL TRANSCRIPT OF:

John Speer	12.00	Pages	@	4.35	52.20
Attendance - First Hour				95.00	95.00
Additional Hour(s)	3.50		@	65.00	227.50
E-cd Litigation Support Package				39.00	39.00
Condensed Transcript				19.50	19.50
Processing/Archival/Delivery				45.00	45.00

TOTAL DUE >>> \$1,273.35

AFTER 12/14/2015 PAY \$1,400.69

(-) Payments/Credits: 0.00

(+) Finance Charges/Debits: 0.00

Invoices not paid by due date will be subject to interest of 1.5% per month. We will make reasonable efforts to allocate payments properly. Any rights regarding allocations, refunds or adjustments after 90 days from payment shall be waived by payer.

Tax ID: 76-0523238

Phone: 904-730-9001 Fax:904-733-7633

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Andrew Brigham, Esquire
Brigham Property Rights Law Firm, P.L.L.C.
2963 Dupont Avenue
Suite 3
Jacksonville FL 32217

Job No. : 1333812 BU ID :55-ORLAN
Case No. : 2014CA0035900
Case Name : Central Florida Expressway Authority vs.
Michael Tyszko
Invoice No. : 1256308 Invoice Date :10/30/2015
Total Due : \$ 1,273.35

Remit To: **U.S. Legal Support, Inc.**
P.O. Box 4772-12
Houston TX 77210-4772

PAYMENT WITH CREDIT CARD



Cardholder's Name: _____

Card Number: _____

Exp. Date: _____ Phone#: _____

Billing Address: _____

Zip: _____ Card Security Code: _____

Amount to Charge: _____

Cardholder's Signature: _____

INVOICE

U.S. Legal Support, Inc.
20 North Orange Avenue
Suite 1209
Orlando FL 32801
Phone:407-649-9193 Fax:407-245-7099

Andrew Brigham, Esquire
Brigham Property Rights Law Firm, P.L.L.C.
2963 Dupont Avenue
Suite 3
Jacksonville FL 32217

Invoice No.	Invoice Date	Job No.
1256308	10/30/2015	1333812
Job Date	Case No.	
10/20/2015	2014CA0035900	
Case Name		
Central Florida Expressway Authority vs. Michael Tyszko		
Payment Terms		
Due upon receipt		

(=) New Balance: 1,273.35

Invoices not paid by due date will be subject to interest of 1.5% per month. We will make reasonable efforts to allocate payments properly. Any rights regarding allocations, refunds or adjustments after 90 days from payment shall be waived by payer.

Tax ID: 76-0523238

Phone: 904-730-9001 Fax:904-733-7633

Please detach bottom portion and return with payment.

Andrew Brigham, Esquire
Brigham Property Rights Law Firm, P.L.L.C.
2963 Dupont Avenue
Suite 3
Jacksonville FL 32217

Job No. : 1333812 BU ID : 55-ORLAN
Case No. : 2014CA0035900
Case Name : Central Florida Expressway Authority vs.
Michael Tyszko
Invoice No. : 1256308 Invoice Date : 10/30/2015
Total Due : \$ 1,273.35

Remit To: **U.S. Legal Support, Inc.**
P.O. Box 4772-12
Houston TX 77210-4772

PAYMENT WITH CREDIT CARD



Cardholder's Name: _____
Card Number: _____
Exp. Date: _____ Phone#: _____
Billing Address: _____
Zip: _____ Card Security Code: _____
Amount to Charge: _____
Cardholder's Signature: _____

INVOICE

U.S. Legal Support, Inc.
20 North Orange Avenue
Suite 1209
Orlando FL 32801
Phone:407-649-9193 Fax:407-245-7099

Invoice No.	Invoice Date	Job No.
1259729	11/11/2015	1333820
Job Date	Case No.	
10/12/2015	2014CA0035900	
Case Name		
Central Florlda Expressway Authority vs. Michael Tyszko		
Payment Terms		
Due upon receipt		

Andrew Brigham, Esquire
Brigham Property Rights Law Firm, P.L.L.C.
2963 Dupont Avenue
Suite 3
Jacksonville FL 32217

ORIGINAL TRANSCRIPT OF:

William Byrd, PSM	25.00	Pages	@	4.00	100.00
Condensed Transcript				19.50	19.50
Processing/Archival/Delivery				45.00	45.00
William Byrd, PSM					
Exhibit	70.00	Pages	@	0.60	42.00
TOTAL DUE >>>					\$206.50
AFTER 12/26/2015 PAY					\$227.15

Invoices not paid by due date will be subject to interest of 1.5% per month. We will make reasonable efforts to allocate payments properly. Any rights regarding allocations, refunds or adjustments after 90 days from payment shall be waived by payer.

Tax ID: 76-0523238

Phone: 904-730-9001 Fax:904-733-7633

Please detach bottom portion and return with payment.

Andrew Brigham, Esquire
Brigham Property Rights Law Firm, P.L.L.C.
2963 Dupont Avenue
Suite 3
Jacksonville FL 32217

Job No. : 1333820 BU ID : 55-ORLAN
Case No. : 2014CA0035900
Case Name : Central Florida Expressway Authority vs.
Michael Tyszko
Invoice No. : 1259729 Invoice Date : 11/11/2015
Total Due : \$206.50
AFTER 12/26/2015 PAY \$227.15

Remit To: **U.S. Legal Support, Inc.**
P.O. Box 4772-12
Houston TX 77210-4772

PAYMENT WITH CREDIT CARD



Cardholder's Name: _____

Card Number: _____

Exp. Date: _____ Phone#: _____

Billing Address: _____

Zip: _____ Card Security Code: _____

Amount to Charge: _____

Cardholder's Signature: _____

ATTORNEYS LEGAL SERVICES, INC.
617 East Washington St.
#2
Orlando, FL 32801
Phone: (800) 275-8908
Fax: (407) 839-3639
Tax Id#: 59-3464830

INVOICE

Invoice #ALS-2015006811
9/21/2015

Andrew Prince Brigham
Brigham Moore, LLP
2963 Dupont Ave.
Suite 3
Jacksonville, FL 32217

Your Contact: Mary Welborn
Case Number: Orange 14-CA-3641

Plaintiff:
Orlando-Orange County Expressway Authority,

Defendant:
Charles R. Chapman and Kim Chapman; et al.,

Received: 9/21/2015 Served: 9/21/2015 3:45 pm .INDIVIDUAL/PERSONAL
To be served on: ERNEST L. HORNE

1/3 173.00
1/3 179.00
1/3 183.00
CLIENT# _____ MATTER# _____
NAME _____
REASON FOR CHARGES _____
depo sub-Horne
APPROVED _____
PAY AMT _____
BOOKKEEPING USE ONLY
POSTED IN _____ DATE _____
PD. DATE _____ AMT _____

ITEMIZED LISTING

Line Item	Quantity	Price	Amount
Service Fee (Local)	1.00	35.00	35.00
Priority Fee	1.00	35.00	35.00
TOTAL CHARGED:			\$70.00
BALANCE DUE:			\$70.00

ATTENTION: WE ARE HAVE RELOCATED TO A NEW LOCATION. OUR NEW ADDRESS IS:

617 East Washington St., #2
Orlando, FL 32801

Please let ALS handle your investigative needs. License #A9300074

ATTORNEYS LEGAL SERVICES, INC.
617 East Washington St.
#2
Orlando, FL 32801
Phone: (800) 275-8908
Fax: (407) 839-3639
Tax Id#: 59-3464830

INVOICE

Invoice #ALS-2015006813
9/22/2015

Andrew Prince Brigham
Brigham Moore, LLP
2963 Dupont Ave.
Suite 3
Jacksonville, FL 32217

Your Contact: Mary Welborn
Case Number: Orange 14-CA-3641

Plaintiff:
Orlando-Orange County Expressway Authority,

Defendant:
Charles R. Chapman and Kim Chapman; et al.,

Received: 9/21/2015 Served: 9/21/2015 11:45 am .INDIVIDUAL/PERSONAL
To be served on: ROBERT PECK

1/3 173.00
1/3 175.00
1/3 183.00
CLIENT# _____ MATTER# _____
NAME _____
REASON FOR CHARGES
depo sub-Peck
APPROVED BY _____
PAY ACAP _____
BOOKKEEPING USE ONLY
POSTED IN PL BY _____ DATE _____
PD. DATE _____ CASH _____ AMT _____

ITEMIZED LISTING

Line Item	Quantity	Price	Amount
Service Fee (Local)	1.00	35.00	35.00
Priority Fee	1.00	35.00	35.00
TOTAL CHARGED:			\$70.00
BALANCE DUE:			\$70.00

ATTENTION: WE ARE HAVE RELOCATED TO A NEW LOCATION. OUR NEW ADDRESS IS:

617 East Washington St., #2
Orlando, FL 32801

Please let ALS handle your investigative needs. License #A9300074

ATTORNEYS LEGAL SERVICES, INC.
617 East Washington St.
#2
Orlando, FL 32801
Phone: (800) 275-8908
Fax: (407) 839-3639
Tax Id#: 59-3464830

Andrew Prince Brigham
Brigham Moore, LLP
2963 Dupont Ave.
Suite 3
Jacksonville, FL 32217

Your Contact: Mary Welborn
Case Number: Orange 14-CA-3641

Plaintiff:
Orlando-Orange County Expressway Authority,

Defendant:
Charles R. Chapman and Kim Chapman; et al.,

Received: 9/21/2015 Served: 9/22/2015 7:41 am .INDIVIDUAL/PERSONAL
To be served on: EVELYN RUBLE

INVOICE

Invoice #ALS-2015006812
9/23/2015

1/3 173.00
1/3 175.00
1/3 183.00
CLIENT# _____ MATTER# _____
NAME _____
REASON FOR CHARGES
depo sub 2 Ruble
APPROX _____
PAY AMT _____
BOOK _____
POSTED IN _____
FD. DATE 10/5 1309 AMT 146.00

ITEMIZED LISTING

Line Item	Quantity	Price	Amount
Service Fee (Local)	1.00	35.00	35.00
Priority Fee	1.00	35.00	35.00
TOTAL CHARGED:			\$70.00
BALANCE DUE:			\$70.00

ATTENTION: WE ARE HAVE RELOCATED TO A NEW LOCATION. OUR NEW ADDRESS IS:

617 East Washington St., #2
Orlando, FL 32801

Please let ALS handle your investigative needs. License #A9300074

ATTORNEYS LEGAL SERVICES, INC.
617 East Washington St.
#2
Orlando, FL 32801
Phone: (800) 275-8908
Fax: (407) 839-3639
Tax Id#: 59-3464830

INVOICE

Invoice #ALS-2015007401
10/12/2015

Andrew Prince Brigham
Brigham Moore, LLP
2963 Dupont Ave.
Suite 3
Jacksonville, FL 32217

Your Contact: Beka Laing
Case Number: Orange 14-CA-3590

Plaintiff:
Central Florida Expressway Authority,

Defendant:
Michael Tyszko,

Received: 10/9/2015 Served: 10/12/2015 2:21 pm .SUBSTITUTE - BUSINESS
To be served on: JEFFREY NEWTON, P.E.

depo

ITEMIZED LISTING

Line Item	Quantity	Price	Amount
Service Fee (Local)	1.00	35.00	35.00
Priority Fee	1.00	35.00	35.00
TOTAL CHARGED:			\$70.00

BALANCE DUE: \$70.00

ATTENTION: WE ARE HAVE RELOCATED TO A NEW LOCATION. OUR NEW ADDRESS IS:

617 East Washington St., #2
Orlando, FL 32801

Please let ALS handle your investigative needs. License #A9300074

ATTORNEYS LEGAL SERVICES, INC.
617 East Washington St.
#2
Orlando, FL 32801
Phone: (800) 275-8908
Fax: (407) 839-3639
Tax Id#: 59-3464830

INVOICE

Invoice #ALS-2015007399
10/12/2015

Andrew Prince Brigham
Brigham Moore, LLP
2963 Dupont Ave.
Suite 3
Jacksonville, FL 32217

Your Contact: Beka Laing
Case Number: Orange 14-CA-3590

Plaintiff:
Central Florida Expressway Authority,

Defendant:
Michael Tyszko,

Received: 10/9/2015 Served: 10/9/2015 4:10 pm .INDIVIDUAL/PERSONAL
To be served on: JOHN T. SPEER
depo

ITEMIZED LISTING

Line Item	Quantity	Price	Amount
Service Fee (Local)	1.00	35.00	35.00
Priority Fee	1.00	35.00	35.00
TOTAL CHARGED:			\$70.00
BALANCE DUE:			\$70.00

ATTENTION: WE ARE HAVE RELOCATED TO A NEW LOCATION. OUR NEW ADDRESS IS:

617 East Washington St., #2
Orlando, FL 32801

Please let ALS handle your investigative needs. License #A9300074

ATTORNEYS LEGAL SERVICES, INC.
617 East Washington St.
#2
Orlando, FL 32801
Phone: (800) 275-8908
Fax: (407) 839-3639
Tax Id#: 59-3464830

INVOICE

Invoice #ALS-2015007398
10/12/2015

Andrew Prince Brigham
Brigham Moore, LLP
2963 Dupont Ave.
Suite 3
Jacksonville, FL 32217

Your Contact: Beka Laing
Case Number: Orange 14-CA-3590

Plaintiff:
Central Florida Expressway Authority,

Defendant:
Michael Tyszko,

Received: 10/9/2015 Served: 10/9/2015 3:40 pm .AUTHORIZED
To be served on: WALTER N. CARPENTER, JR., MAI, CRE

dup

ITEMIZED LISTING

Line Item	Quantity	Price	Amount
Service Fee (Local)	1.00	35.00	35.00
Priority Fee	1.00	35.00	35.00
TOTAL CHARGED:			\$70.00
BALANCE DUE:			\$70.00

ATTENTION: WE ARE HAVE RELOCATED TO A NEW LOCATION. OUR NEW ADDRESS IS:

617 East Washington St., #2
Orlando, FL 32801

Please let ALS handle your investigative needs. License #A9300074

ATTORNEYS LEGAL SERVICES, INC.
617 East Washington St.
#2
Orlando, FL 32801
Phone: (800) 275-8908
Fax: (407) 839-3639
Tax Id#: 59-3464830

INVOICE

Invoice #ALS-2015007400
10/12/2015

Andrew Prince Brigham
Brigham Moore, LLP
2963 Dupont Ave.
Suite 3
Jacksonville, FL 32217

Your Contact: Beka Laing
Case Number: Orange 14-CA-3590

Plaintiff:
Central Florida Expressway Authority,

Defendant:
Michael Tyszko,

Received: 10/9/2015 Served: 10/9/2015 3:20 pm .INDIVIDUAL/PERSONAL
To be served on: GLENN PRESSIMONE, P.E. Director of Engineering
depo

ITEMIZED LISTING

Line Item	Quantity	Price	Amount
Service Fee (Local)	1.00	35.00	35.00
Priority Fee	1.00	35.00	35.00
TOTAL CHARGED:			\$70.00
BALANCE DUE:			\$70.00

ATTENTION: WE ARE HAVE RELOCATED TO A NEW LOCATION. OUR NEW ADDRESS IS:

617 East Washington St., #2
Orlando, FL 32801

Please let ALS handle your investigative needs. License #A9300074

Ground Shipment Details

Tracking ID Summary

Billing Information

Tracking ID no.	< <u>Prev</u>	771110178484	<u>Next</u> >
Invoice no		4-714-82486	
Account no.		3183-7731-6	
Bill date		09/11/2014	
Total Billed		\$9.85	
Tracking ID Balance due		\$0.00	
Status		Paid CC	

Messages

[View Invoice History](#)

[View signature proof of delivery](#)

Transaction Details

Sender Information

Andrew Brigham
Brigham Property Rights
2963 Dupont Avenue #3
Jacksonville FL 32217
US

Recipient Information

MICHAEL TYSZKO
MICHAEL TYSZKO
2112 BAYOU DR
HOLIDAY FL 34691-971712
US

Shipment Details

Ship date	09/11/2014
Payment type	Shipper
Service type	Home Delivery
Zone	03
Package type	Customer Packaging
Weight	1.00 lbs
Pieces	1
Meter No.	103755643
Declared value	\$0.00

Charges

Transportation Charge	6.68
Performance Pricing	-0.33
Residential	2.90
Fuel Surcharge	0.60
Total charges	\$9.85

Original Reference

Customer reference no. 183.00 / Tyszk
Department no.
Purchase order no.

Proof of Delivery

Delivery date 09/12/2014 00000

Service area code

Signed by

[View signature proof of delivery](#)

Daily's 1083
2685 Race Track Road
Jacksonville, Florida 32259

10/12/2015 6:07:06 AM

STARBUCKS Store #13645
105 Fireworks Alley
Saint Augustine, FL (904) 810-0771

CHK 656537
10/12/2015 06:26 AM
1869153 Drawer: 1 Reg: 2

Rf Trky Bacon Sand	3.75
Vt Dark Roast	2.45
Mastercard	6.58
XXXXXXXXXXXX1870	
Subtotal	\$6.20
Tax 6.0%	\$0.38
Total	\$6.58
Change Due	\$0.00

----- Check Closed -----
10/12/2015 06:26 AM

Join our loyalty program
My Starbucks Rewards(R)
Sign up for promotional emails
Visit Starbucks.com/rewards
Or download our app
At participating stores
Some restrictions apply

Register: 100 Tran Seq No: 5560
Store No: 1083 ICR

Fuel Sale
Pump# 1 93-V-Pwr
11.040 Gallons @ \$2.699/Gal \$29.80

Sub. Total:	\$29.80
Tax:	\$0.00
Total:	\$29.80
Discount Total:	\$0.00

MASTERCARD: \$29.80
Change: \$0.00

SHELL
2685 RACE TRACK RD
JACKSONVILLE FL
32259
Merch #: 57541299004
Appr: 01247E
Invoice #: 029033

MASTERCARD
XXXX XXXX XXXX 1870

10/12/2015 06:06:47

Thanks
For Your Business

Croissant Gourmet
 120 East Morse Blvd.
 Winter Park, FL 32789
 (407) 622-7753

10055 Alexandria

Check: 1258 Guests: 1
 10/20/2015 07:48AM

1	Lg. Reg Coffee	1.79
1	Choco Croissant	3.20
	SUBTOTAL	4.99
	Tax	0.33
	TOTAL DUE	\$5.32

Merci Beaucoup!
 Phone: (407) 622-7753
 Fax: (407) 622-7754

2450 State Road 16
 St. Augustine FL 32092

EXXON EXPRESS PAY

TRAVEL CENTER EXXON
 FG12117121001
 2450 STATE ROAD 16
 SAINT AUGUST, FL
 32092
 10/20/2015 21665533
 07:59:56 PM

XXXXXXXXXXXX1870
 Mastercard
 BRIGHAM/ANDREW P
 INVOICE 092035
 AUTH 02066E

PUMP# 8	20.7496
Plus	\$2.699
PRICE/GAL	
FUEL TOTAL	\$ 56.00
CREDIT	\$ 56.00

Customer-activated Purchase/Capture
 Site #: 00000000427666
 Shift Number 1
 Sequence Number 04513
 APPROVED 02066E

MasterCard Table 0011

Smaller Good Than Taster Great!
 Since 1917

CREDIT CARD 28.75

10/20/2015 07:48AM
 10/20/2015 07:48AM
 10/20/2015 07:48AM

Park Plaza Hotel

307 South Park Avenue

Winter Park, FL 32789

407-647-1072

FrontDesk@ParkPlazaHotel.com

Page 1 of 1

TAX ID:

Andrew Brigham

2963 Dupont Ave

Jacksonville, FL 32217

904-730-9001

Room	Folio	Checkin	CheckOut	Balance
200	122860	10/19/2015	10/20/2015	0.00
				Corporate

Date	Room	Description	Charge	Credits	Balance
10/19/2015	200	Room Taxable	199.00	0.00	199.00
10/19/2015	200	Sales Tax - 6.500%	12.94	0.00	211.94
10/19/2015	200	Room/Bed Tax - 6.000%	11.94	0.00	223.88
10/20/2015	200	Visa/Mastercard - ...1870 AP: 01926E	0.00	223.88	0.00

The COOP
Dine In
610 W Morse Blvd
Winter Park, FL 32789-3701
407-843-2667

2142 Jessica

Chk 1306

Oct 19 '15 07:09PM

1 3 Pc Chk Gen Breast Thigh 12.49

Drain

XXXXXXXXXXXX1870

Mastercard

13.30

Subtotal

12.49

Tax Total

0.81

Payment Made

13.30

2142 Check Closed

Oct 19 '15 07:10PM

RR

10/20/2015 04:14 AM

Guest Signature
Thank you for staying with us!

EXPENSE REPORT

NAME <i>Ken Fleming</i>	DEPT. OR SALES OFFICE	REPORT DATE	DATE OF TRIP	FROM	TO
BUSINESS PURPOSE <i>Misc</i>	ACCOUNT NO.				

DATE	TRANSPORTATION		AUTOMOBILE EXPENSES ***	LOCAL TAXI, CARFARE, TOLL, ETC.	LODGING	MEALS (ITEMIZE BUSINESS ***)			ENTERTAINMENT ***	MISCELLANEOUS ***	TOTAL
	AIR, RAIL, BUS, ETC.	LIMOUSINE, CAR RENTAL, ETC.				BREAKFAST	LUNCH	DINNER			
SUN 10/20	90 miles										49.95
MON 11/5	422 miles										234.21
TUE 11/12	292 miles										162.06
WED 11/13	352 miles										195.36
THU											
FRI											
SAT											
TOTAL											1641.58

EXPENSE REPORT

AUTOMOBILE EXPENSES ***			ENTERTAINMENT AND BUSINESS MEALS ONLY ***			AMOUNT
DATE	MILEAGE	GAS, PARKING, REPAIRS, SERVICE	ENTERTAINED (NAME, COMPANY, TITLE)	PLACE	BUSINESS PURPOSE	
11/5/13			KLF	DQ	Ingram Inspection	6.42
11/12/13			KLF	Public	Kelly Techd Inspection	6.88
11/13/13			KLF	Burgess	SE Connection Mrg	7.23

EXPENSE SUMMARY		INSTRUCTIONS	
DATE	DETAIL	AMOUNT	
10/30/13	VPS - Notary	10.00	
TOTAL EXPENSES REPORTED		1672.11	
LESS CASH ADVANCE			
TOTAL DUE EMPLOYEE/EMPLOYER			

9032 SIGNATURE *Ken Fleming* APPROVED BY *[Signature]* DATE *12/13/13*

Publix

Lake Forest
5240 West SR 46
Sanford, FL (407) 321-0423
Store Manager: Bob Hodge

PBX TUR CRAN WH SU 6.49 T F
You Saved 1.40

Order Total	6.49
Sales Tax	0.39
Grand Total	6.88
Debit	Payment 6.88
Change	0.00

TYSKO
3.44

Savings Summary

Special Price Savings 1.40

* Your Savings at Publix *

* 1.40 *

PRESTO!

Reference #: 069470-003

Trace #: 0010012721

Acct #: XXXXXXXXXXXX9604

Debit Purchase FROM CHECKING

Amount: \$6.88

Your cashier was Chelsea

11/12/2013 14:34 S0641 R106 5054 C0237

Love to shop here. Love to save here.
Visit publix.com/save

Publix Super Markets, Inc.

EXPENSE REPORT

NAME Ken Fleming	DEPT. OR SALES OFFICE	REPORT DATE 6/9/14	DATE FROM 2/1/14	TO 3/30/14
BUSINESS PURPOSE			ACCOUNT NO.	

DATE	TRANSPORTATION		AUTOMOBILE EXPENSES ***	LOCAL TAXI, CARFARE, TOLL, ETC.	LODGING	MEALS (ITEMIZE BUSINESS ***)			ENTERTAINMENT ***	MISCELLANEOUS ***	TOTAL
	AIR, RAIL, BUS, ETC.	LIMOUSINE, CAR RENTAL, ETC.				BREAKFAST	LUNCH	DINNER			
5/24/14	Relly / Gato, Chapman		Initial	Officers		278	miles	(1 x 92) (2 x 93)			155 68

Kelly Tyseko, Chapman
KLF, Tcevos

TIJUANA FLATS
5030 W State Road 46

Host: Cashier 02/24/2014
KEN 1:45 PM
20055

Dos Taco's	4.99
H/Chicken Taco	0.45
NO Onion	
S/Chicken Taco	0.45
Flour Tortilla	
NO Onion	
---2Tacos---	
Blk Bns & Rice	1.99

Subtotal	7.88
Tax	0.48

EAT IN Total	8.36
--------------	------

2.18

Cash	20.00
------	-------

Change	11.64
--------	-------

--- Check Closed ---



Martin C. Engelmann, Jr., MAI, MRICS
State-Certified General Real Estate Appraiser RZ838



Commercial Appraisers & Consultants



Jon C. Thomas, SRPA
State-Certified General Real Estate Appraiser RZ1696

November 12, 2015

Brigham Property Rights Law Firm
2963 Dupont Avenue, Suite 3
Jacksonville, Florida 32217-2740

Attn: Andrew P. Brigham, Esquire

FOR PROFESSIONAL SERVICES RENDERED

Appraisal Report of:

Parcel 228 (Tysko)
A .681± Gross/Upland Acre Site
Northwest Corner Of Kelly Park Road
And Plymouth Sorrento Road
Apopka, Orange County, Florida 32712
Our File No.: C14041NT

Federal Tax I.D. No.: 20-1683646

Appraisal Fee:	\$58,797.36
Paid:	<u>\$0.00</u>
Balance:	\$58,797.36

Please remit payment to:

Tropical Realty Appraisal Services
6812 W. Linebaugh Avenue
Tampa, Florida 33625
Attn: Martin C. Engelmann, Jr., MAI, MRICS

Please reference our File No. to ensure proper credit

Payment for services due upon receipt of invoice.
After 30 days a charge of 1.5% per month will be assessed
on the unpaid balance.

Thank you

TAMPA

MIAMI

KEY WEST

ATLANTA

Tropical Realty Appraisal Services
6812 W. Linebaugh Avenue
Tampa, FL 33625

Invoice submitted to:
Brigham Property Rights Law Firm
2963 Dupont Avenue
Suite 3
Jacksonville, FL 32217-2740
USA

November 12, 2015
In Reference To: C14041NT
Invoice #1232

Professional Services

		<u>Hrs/Rate</u>	<u>Amount</u>
	<u>Christopher R. Worley, Registered Trainee Appraiser</u>		
10/21/2014	Work session with Engelmann, Kane, Fabian, and Pagliaro regarding status of case.	0.25 135.00/hr	33.75
5/14/2015	Initial subject property inspection along with market area inspection; visit existing residential developments and meet with sales representatives.	4.00 135.00/hr	540.00
6/5/2015	Work session with Mr. Engelmann, Kane, Pagliaro, and Fabian. Continuation of study of site and sale analysis. Clarified assignment to understand all aspects of residential development to ascertain trends in development.	0.50 135.00/hr	67.50
6/9/2015	Reviewed opponent appraisal, identified subject market area, began researching residential market for trend analysis.	3.00 135.00/hr	405.00
6/10/2015	Continued with market research on active selling communities. Created spreadsheet with five active selling or recently sold out communities in Apopka. Include price points, lot sizes, etc.	4.00 135.00/hr	540.00
	SUBTOTAL:	[11.75	1,586.25]
	<u>George Kane, Director of Research</u>		
10/21/2014	Work session with Marty Engelmann, John Fabian, Chris Worley, and Steve	0.50 135.00/hr	67.50

	<u>Hrs/Rate</u>	<u>Amount</u>
Pagliaro regarding case status, project overview, and assignment responsibilities.		
1/16/2015 Work session with Marty Engelmann regarding correspondence with Andrew Brigham's office requesting expert work sessions for January 20, 2015; correspondence with Andrew Brigham's office asking for timeline on January 20, 2015.	0.08 135.00/hr	11.25
1/28/2015 Work session with Andrew Brigham, John Fabian, and Steve Pagliaro regarding case status, trial dates, appraisal exchange dates, and timeline of subject property and history.	0.25 135.00/hr	33.75
5/11/2015 Correspondence with Brigham regarding case update; review correspondence from Brigham's office regarding significant dates and calendar all.	0.08 135.00/hr	11.25
5/12/2015 Work session with Engelmann, Fabian, and Pagliaro regarding case status and significant dates to be calendared; direction from Engelmann on research and analysis to be completed by staff.	0.25 135.00/hr	33.75
5/15/2015 Work session with Brigham regarding case status, appraisal exchange date, project influence, other experts information, interim use, highest and best use, takings, and FDOT appraisal analysis.	0.17 135.00/hr	22.50
6/11/2015 Correspondence with Fabian regarding notice of deposit date and update on draft appraisal.	0.17 135.00/hr	22.50
Correspondence with Reggie Mesimer, Civil Engineer regarding status of his engineering report.	0.08 135.00/hr	11.25
7/3/2015 Sales research consisting of demographic profiles of considered sales inclusive of maps, drive time, aerials, and spreadsheet for comparison purposes.	2.00 135.00/hr	270.00
7/6/2015 Work session with Engelmann regarding draft appraisal due date, other experts draft reports, and land sales research to date.	0.25 135.00/hr	33.75
Correspondence with Mesimer's office regarding timeline of draft engineering report.	0.13 135.00/hr	16.88
7/14/2015 Work session with Fabian and Pagliaro regarding appraisal due date and status of report, correspondence with Engelmann regarding appraisal	0.13 135.00/hr	16.88

	<u>Hrs/Rate</u>	<u>Amount</u>
exchange date.		
7/14/2015 Correspondence with Mesimer's office regarding status of report.	0.13 135.00/hr	16.88
7/15/2015 Correspondence with Mesimer regarding report completion date and notice of deposit, FDOT Carpenter appraisal, and project section map; work session with Mesimer and Patterson regarding project, case status, and report exchange dates.	0.25 135.00/hr	33.75
7/20/2015 Review news articles regarding City of Apopka and new city center; correspondence with Engelmann, Fabian, Pagliaro, and Worley regarding same.	0.13 135.00/hr	16.88
7/21/2015 Work session with Fabian regarding land development code and small single tenant retail users and create spreadsheet of users based on in-house land sales.	0.25 135.00/hr	33.75
Correspondence with real estate developers regarding FAR and users of smaller commercial sites; various work sessions with Fabian regarding before FAR and valuation estimates.	0.50 135.00/hr	67.50
7/23/2015 Various work sessions with Fabian and Pagliaro regarding appraisal report, interim income analysis, and after condition; correspondence with Fabian regarding interim income example for appraisal.	0.33 135.00/hr	45.00
7/24/2015 Correspondence with Engelmann regarding notice of week extension for delivery of expert reports.	0.13 135.00/hr	16.88
7/30/2015 Review before and after valuation of draft appraisal; various work sessions with Fabian regarding draft appraisal.	0.50 135.00/hr	67.50
7/31/2015 Correspondence with Engelmann and Fabian regarding draft appraisal and delivery to Brigham.	0.13 135.00/hr	16.88
Review draft engineering report prepared by Mesimer.	0.25 135.00/hr	33.75
8/1/2015 Interviews with single tenant retail developers regarding demographic research required by end user (tenant); preparation of specific retail demographic information including supply and demand analysis on each of our comparables.	2.00 135.00/hr	270.00

		<u>Hrs/Rate</u>	<u>Amount</u>
8/2/2015	Various work sessions with Engelmann regarding spreadsheet for demographics, traffic counts, physical characteristics, and growth rates on our land sales; produce spreadsheet and edits per Engelmann.	1.00 135.00/hr	135.00
8/3/2015	Work session with Fabian regarding site utility damage studies and after valuation analysis.	0.13 135.00/hr	16.88
	Work session with Brigham regarding his review of our draft appraisal.	0.50 135.00/hr	67.50
8/8/2015	Work session with Engelmann regarding updated CFXs expert reports and filings.	0.13 135.00/hr	16.88
8/17/2015	Work session with Engelmann, Fabian, and Pagliaro regarding due date for our rebuttal report.	0.13 135.00/hr	16.88
8/18/2015	Correspondence with Laing regarding due date for our rebuttal report and CFXs updated expert reports (downloaded to file).	0.13 135.00/hr	16.88
8/25/2015	Various work sessions with Fabian regarding rebuttal of Carpenter's appraisal and new Publix land contract (Horne Property) on Kelly Park Road.	0.25 135.00/hr	33.75
8/26/2015	Correspondence with Andrew Brigham's office regarding DOT's expert rebuttal reports.	0.13 135.00/hr	16.88
	Review Carpenter's rebuttal of TRAS report; work session with Fabian regarding same; review Brigham's motion to continue jury trial for Chapman, effecting Tyszko.	0.25 135.00/hr	33.75
10/14/2015	Deposition preparation consisting of work session with Engelmann regarding file maintenance, damage studies, reinspection of subject and comparable sales, and schedule.	0.13 135.00/hr	16.88
	Deposition preparation consisting of correspondence with Brigham's office regarding petitioner's offer of judgement; review of petitioner's offer of judgement and file.	0.13 135.00/hr	16.88
10/15/2015	Deposition preparation consisting of correspondence with developer and broker of Dollar General site; work session (phone) with Engelmann regarding Dollar General site and additional contact information; work session (phone) with Pagliaro regarding preparation of file for deposition.	0.33 135.00/hr	45.00

		<u>Hrs/Rate</u>	<u>Amount</u>
10/19/2015	Trial preparation consisting of work session (phone) with Engelmann regarding update after his deposition and direction for trial preparation work session scheduled for October 20.	0.20 135.00/hr	27.00
10/20/2015	Trial preparation consisting of work sessions with Engelmann regarding updating scheduled trial dates; correspondence with Brigham's office regarding same.	0.13 135.00/hr	16.88
	Trial preparation consisting of direction to Yvette Daniel regarding copying our entire file data per Sidney Calloway Esquire of Shutts and Bowen after Engelmann's deposition and prepare copies for delivery Brigham's office and DOT attorney's office.	0.50 135.00/hr	67.50
10/21/2015	Trial preparation consisting of review of copied file data per Engelmann after his deposition.	0.50 135.00/hr	67.50
	SUBTOTAL:	[13.26	1,782.07]
	<u>John R. Fabian, State Certified Gen. R. E. Appraiser</u>		
1/28/2015	Work session with A. Brigham, G. Kane and S. Pagliaro regarding status of case	0.13 175.00/hr	23.33
5/14/2015	Subject property inspection and market area inspection	2.00 175.00/hr	350.00
7/14/2015	Work session with Andrew Brigham regarding status of case and appraisal due date.	0.42 175.00/hr	72.92
	Work session with Kane and Pagliaro regarding appraisal due date and status of report.	0.25 175.00/hr	43.75
7/15/2015	Review existing data on case. Prepare report documents and begin draft report. Correspondence with Kane regarding update on Mesimer report completion date.	3.83 175.00/hr	670.83
7/20/2015	Continue writing draft report. Work sessions with S. Pagliaro regarding exhibits and land sales.	8.42 175.00/hr	1,472.92
7/21/2015	Continue writing draft report. Work session with Sue Murphy regarding land planning for the case. Work session with Reggie Mesimer and James Patterson regarding engineering on the case. Work session with S. Pagliaro	9.17 175.00/hr	1,604.17

	<u>Hrs/Rate</u>	<u>Amount</u>
regarding sales.		
7/22/2015 Continue writing draft report.	4.47 175.00/hr	781.67
7/24/2015 Continue writing draft report. Work session with S. Pagliaro regarding sales.	7.75 175.00/hr	1,356.25
7/31/2015 Review Mesimer's engineering report. Make edits to our report based on Mesimer data. Work session with A. Brigham regarding timing of draft report.	2.88 175.00/hr	504.58
8/3/2015 Work session with George Kane regarding site utility damage studies and after valuation analysis.	0.13 175.00/hr	21.88
8/17/2015 Correspondence with Kane on due date for rebuttal report.	0.13 175.00/hr	21.88
8/19/2015 Prepare draft rebuttal letter of and on Carpenters reports.	4.88 175.00/hr	854.58
8/20/2015 Continue writing rebuttal letter regarding Carpenter reports. Work session with Engelmann.	3.05 175.00/hr	533.41
8/21/2015 Review edits from S. Pagliaro, prepare draft for client.	0.50 175.00/hr	87.50
8/25/2015 Work session with A. Brigham regarding rebuttal letter. Review Motion to Continue document regarding Chapman case and discuss how it relates to Tysko. Prepare final version of rebuttal letter.	2.25 175.00/hr	393.75
Work sessions with Kane on Walter Carpenter's rebuttal and Publix contract (Horne Property) on Kelly Park Road.	0.25 175.00/hr	43.75
10/14/2015 Work session with Engelmann and Pagliaro regarding deposition preparation.	0.75 175.00/hr	131.25
10/15/2015 Deposition preparation regarding review of rebuttal letters from CFX experts.	2.50 175.00/hr	437.50
10/17/2015 Prepare outlines for Engelmann regarding rebuttal letters from Carpenter, Hargrave and McIntosh. Review subject report and research additional data on Wekiva Parkway Interchange Vision Plan.	5.83 175.00/hr	1,020.83
10/18/2015 Deposition preparation with Engelmann and Pagliaro regarding additional support for sales, affirmation of Wekiva Interchange Vision Plan and strategy for deposition.	5.75 175.00/hr	1,006.25

	<u>Hrs/Rate</u>	<u>Amount</u>
SUBTOTAL:	[65.34	11,433.00]
<u>Martin C. Engelmann, Jr., MAI</u>		
6/17/2014 Work session with Steve Pagliaro containing details of the subject property; review executive summary.	0.50 365.00/hr	182.50
6/24/2014 Conduct initial inspection of subject property, market area, along with preliminary land sales with Steve Pagliaro.	4.50 365.00/hr	1,642.50
10/3/2014 Work session with Andrew Brigham, Esquire, and Steve Pagliaro regarding case matters.	0.25 365.00/hr	91.25
10/7/2014 Work session with John Fabian and Steve Pagliaro.	0.50 365.00/hr	182.50
10/21/2014 Work session with John Fabian, Steve Pagliaro, George Kane and Chris Worley regarding case status.	0.13 365.00/hr	45.63
1/16/2015 Work session with George Kane.	0.13 365.00/hr	45.63
4/23/2015 Work session with George Kane.	0.06 365.00/hr	21.29
5/11/2015 Work session with George Kane, John Fabian, Chris Worley and Steve Pagliaro regarding tasks, schedules, etc.	0.50 365.00/hr	182.50
5/12/2015 Work session with Kane, Fabian, and Pagliaro regarding case status and significant dates to be calendared; direction given on research and analysis to be completed by staff.	0.25 365.00/hr	91.25
5/15/2015 Correspondence with George Kane regarding status of property research.	0.13 365.00/hr	45.63
6/11/2015 Correspondence with John Fabian.	0.13 365.00/hr	45.63
6/12/2015 Correspondence with George Kane regarding status of predicate expert draft reports.	0.13 365.00/hr	45.63
6/16/2015 Work session with George Kane regarding all permitted DRIs in the subject area.	0.25 365.00/hr	91.25

	<u>Hrs/Rate</u>	<u>Amount</u>
7/6/2015 Work session with George Kane.	0.25 365.00/hr	91.25
7/14/2015 Correspondence with Counsel's assistant regarding witness report exchange date; correspondence with Kane regarding same.	0.13 365.00/hr	45.63
7/15/2015 Work session with Kane regarding update on Mesimer report completion date.	0.13 365.00/hr	45.63
7/24/2015 Correspondence with Counsel regarding extension of date of exchange of expert reports.	0.13 365.00/hr	45.63
8/7/2015 Work session with Counsel regarding receipt of experts' reports from Hardgrave, Walter Carpenter's July 2015 updated appraisal, Newton, Spear and Petikowski, Notice of Exchange of expert reports and download all files for review.	1.00 365.00/hr	365.00
8/19/2015 Correspondence with Counsel's assistant regarding dates pertinent to trial.	0.13 365.00/hr	45.63
8/21/2015 Correspondence with John Fabian regarding rebuttal letter send to Counsel.	0.13 365.00/hr	45.63
8/25/2015 Work session with John Fabian regarding Publix contract on Kelly Park Road.	0.13 365.00/hr	45.63
8/26/2015 Correspondence with Counsel regarding receipt of CFX's rebuttal reports.	0.13 365.00/hr	45.63
10/6/2015 Correspondence with Counsel's assistant confirming my deposition scheduled for October 19 at 3 PM at offices of Shutts & Bowen.	0.13 365.00/hr	45.63
10/14/2015 Reinspection of market area, subject property, TRAS comparable land sales and Walter Carpenter land sales with Steve Pagliaro.	7.00 365.00/hr	2,555.00
10/17/2015 Various work sessions with Steve Pagliaro and John Fabian; re read TRAS appraisal.	4.00 365.00/hr	1,460.00
10/18/2015 Various work sessions with Steve Pagliaro, George Kane and John Fabian. Review deposition transcript of Robert Peck and Ellen Hardgrove. Read 9/24/15 hearing transcript.	10.00 365.00/hr	3,650.00
10/19/2015 Various work sessions with Steve Pagliaro, George Kane and John Fabian; attend deposition per subpoena in Orlando at law offices of Shutts & Bowen	10.00 365.00/hr	3,650.00

		<u>Hrs/Rate</u>	<u>Amount</u>
10/20/2015	Begin process of re-verifying all of Walter Carpenters land sales. Re-verify all TRAS land sales.	1.50 365.00/hr	547.50
10/21/2015	Further land sales verification process.	1.50 365.00/hr	547.50
11/10/2015	Correspondence with Counsel's assistant requesting invoice for settlement negotiations.	0.13 365.00/hr	45.63
SUBTOTAL:		[43.88	15,990.11]
<u>Stephen M. Pagliaro, State Certified Gen. R. E. Appraiser</u>			
1/15/2014	Correspondence with counsel's office regarding the Wekiva Parkway takings, including subject property information, project aerial, deeds, etc. Copy for file.	0.50 155.00/hr	77.50
2/15/2014	Review data sent from Counsel; begin initial subject property research.	1.50 155.00/hr	232.50
2/26/2014	Continued subject property research; research of the Wekiva Parkway roadway project.	1.50 155.00/hr	232.50
3/18/2014	Research of the surrounding ownership, namely the Project Orlando, LLC acquisitions.	2.00 155.00/hr	310.00
3/19/2014	Research of Project Orlando, LLC ownership and affiliate companies acquisitions.	2.00 155.00/hr	310.00
3/24/2014	Continued research of the Wekiva Parkway Project.	2.00 155.00/hr	310.00
4/17/2014	Initial inspection of the subject property and surrounding market area; attending the inspection was Andrew Brigham, counsel, Trevor Hutson, counsel, Ken Fleming, Sue Murphy, Land Planner and the property owner Mike Tyszko.	4.00 155.00/hr	620.00
4/18/2014	Sales and market area research. Continue research of Project Orlando land assemblages purchases.	2.00 155.00/hr	310.00
4/22/2014	Sales and market area research. Continue research of the Project Orlando land assemblage purchases.	2.00 155.00/hr	310.00

		<u>Hrs/Rate</u>	<u>Amount</u>
4/24/2014	Correspondence with counsel's office regarding the Expressway/Carpenters November 2013 report of the subject (Tyszko) property.	0.25 155.00/hr	38.75
4/25/2014	Research of the surrounding subdivisions and commercial developments.	2.25 155.00/hr	348.75
4/26/2014	Continued research of the surrounding subdivisions and commercial developments.	1.25 155.00/hr	193.75
5/5/2014	Continued research of the surrounding subdivisions and commercial developments.	1.25 155.00/hr	193.75
5/9/2014	Initial research of interchange locations for possible study; initial research of corner commercial locations.	3.00 155.00/hr	465.00
6/17/2014	Prepare initial subject property executive summary document for Engelmann's review.	1.75 155.00/hr	271.25
	Correspondence with counsel's office regarding information consisting of a copy of an appraisal previously performed on the subject property and other subject property data; send information to Engelmann for his review.	0.75 155.00/hr	116.25
6/24/2014	Re-inspection of the subject property and surrounding market area with Marty Engelmann, along with preliminary land sales.	4.50 155.00/hr	697.50
10/3/2014	Work session with Andrew Brigham, counsel and Mary Engelmann regarding the various case matters.	0.50 155.00/hr	77.50
	Online sales and market area research; additional research of the Wekiva Expressway project.	2.00 155.00/hr	310.00
10/7/2014	Review file and outline the sales research to date and additional research needed; identify existing and proposed subdivisions within the market area.	2.50 155.00/hr	387.50
10/21/2014	Work session with Marty Engelmann, John Fabian, George Kane and Chris Worley regarding case status and division of tasks.	0.25 155.00/hr	38.75
5/11/2015	Work session with Marty Engelmann, John Fabian, George Kane and Chris Worley regarding the case and updated schedule and the assignment of tasks.	0.58 155.00/hr	90.42

	<u>Hrs/Rate</u>	<u>Amount</u>
5/12/2015 Work session with Engelmann, Fabian, and Kane regarding case status and dates to be calendared; direction from Engelmann on research and analysis to be completed by staff.	0.25 155.00/hr	38.75
5/13/2015 Prepare subject and market area inspection packet for John Fabian and Chris Worley's inspection of the subject property and surrounding area.	1.85 155.00/hr	286.75
5/21/2015 Initial workbook setup and edit to the executive summary	4.85 155.00/hr	751.75
5/22/2015 Begin review and summary of CFX/Carpenter report for rebuttal purposes.	4.92 155.00/hr	762.08
5/27/2015 Edits to workbook and summary; research of commercial land sales for consideration for analysis; work session with John Fabian regarding the case.	2.85 155.00/hr	441.75
5/28/2015 Continue with land sales research of interchange locations.	3.00 155.00/hr	465.00
5/29/2015 Edits to workbook and edits to the executive summary. Work session with John Fabian regarding the case.	2.25 155.00/hr	348.75
6/2/2015 Work session with Martin C. Engelmann, Jr., MAI, John Fabian and George Kane regarding the case, status of the draft and the assignment of additional tasks.	0.25 155.00/hr	38.75
6/4/2015 Research of land sales proximate to Interchanges and analyze the time line to development.	2.00 155.00/hr	310.00
6/5/2015 Research of land sales proximate to Interchanges and analyze the time line to development; identify the DRI's in the area and detail; residential market survey of rooftops from 2007 and present. Create exhibits.	1.50 155.00/hr	232.50
6/9/2015 Commercial land sales research.	1.00 155.00/hr	155.00
6/12/2015 Land sales research and edits to database information, edits to the mapping file. Continued research of the DRI's and PD's in the market area.	1.00 155.00/hr	155.00
Work session with John Fabian the sales and market area research and direction moving forward.	0.25 155.00/hr	38.75

	<u>Hrs/Rate</u>	<u>Amount</u>
6/13/2015 Work session with John Fabian regarding the potential land sales and edits to the data base information.	0.25 155.00/hr	38.75
6/14/2015 Continued land sales and market area research; edits to data base and mapping information.	2.00 155.00/hr	310.00
6/18/2015 Continued land sales and market area research. Edits to data base and mapping information. Initial draft of DRI and PD locations and development for inclusion in the analysis. Research of the Central Florida Regional Planning Counsel and the Department of Economic Opportunity's web sites for pertinent data.	1.00 155.00/hr	155.00
6/20/2015 Continue with draft of the developments along the "Beltway". Work session with John Fabian on status of research and direction moving forward.	3.00 155.00/hr	465.00
6/21/2015 Edits to draft of the developments along the "Beltway". Add additional sites to the GIS mapping file.	2.50 155.00/hr	387.50
6/22/2015 Map out and label the major intersections; confirm the proposed building sizes of the sales considered for FAR; confirm considered sales.	3.00 155.00/hr	465.00
6/23/2015 Work session with John Fabian regarding the sales and ongoing confirmations; continue the mapping and labeling of the major intersections to show development patterns; continue with confirmations	3.00 155.00/hr	465.00
6/24/2015 Work session with John Fabian regarding the sales and ongoing confirmations; edits to the data base information	3.00 155.00/hr	465.00
6/28/2015 Research of signalized corner locations; edits to data base and mapping information.	2.92 155.00/hr	452.08
6/29/2015 Further sales research of signalized corner locations.	5.92 155.00/hr	917.08
6/30/2015 Further review of CFX/Carpenter land sales considered in the report for rebuttal purposes. Verification and confirmation of details.	4.00 155.00/hr	620.00
7/1/2015 Further review of and confirmation of CFX/Carpenter land sales considered in the report for rebuttal purposes.	2.50 155.00/hr	387.50

	<u>Hrs/Rate</u>	<u>Amount</u>
7/1/2015 Further sales research of signalized corner locations.	3.50 155.00/hr	542.50
7/2/2015 In house sales research of signalized corner locations within the metro Orlando area.	3.50 155.00/hr	542.50
Work session with Kane regarding development trends within the subjects trade area and other trade areas in and around the beltway. Prep for and attend work session with Andrew Brigham, counsel Marty Engelmann and John Fabian regarding case.	2.50 155.00/hr	387.50
7/7/2015 Continued with sales research of signalized corner locations within the metro Orlando area.	3.50 155.00/hr	542.50
7/14/2015 Work session with Fabian and Kane regarding sales research and rebuttal report preparation and exchange dates.	0.13 155.00/hr	19.38
Further sales research of prominent corner location proximate to interchanges and intense commercial development.	3.84 155.00/hr	595.46
Continue with the sales research of corner locations proximate to interchanges	3.42 155.00/hr	529.58
7/15/2015 Correspondence with Kane regarding update on Mesimer's draft engineering report.	0.13 155.00/hr	19.38
7/20/2015 Work session with Sue Murphy, land planner regarding the construction plans and affect of the taking. Multiple work sessions with John Fabian regarding the draft and exhibits to be included in appraisal report.	2.83 155.00/hr	439.17
7/21/2015 Work session with John Fabian regarding exhibits to be included in the report.	1.50 155.00/hr	232.50
Edits to considered land sale for John Fabian review.	1.50 155.00/hr	232.50
7/22/2015 Edits to considered land sale based on ongoing verification and confirmations.	2.50 155.00/hr	387.50
7/23/2015 Work session with Andrew Brigham, counsel and James Patterson, engineer regarding the case and time frames for expert reports.	0.50 155.00/hr	77.50

	<u>Hrs/Rate</u>	<u>Amount</u>
7/23/2015 Correspondence with property owner regarding the rental of the single family home on the subject property.	0.25 155.00/hr	38.75
Review and edit to the draft analysis	2.25 155.00/hr	348.75
7/24/2015 Review and edit to the draft analysis. Work session with John Fabian regarding the sales. Continue with the verifications.	2.00 155.00/hr	310.00
7/31/2015 Review Mesimer's engineering report; review and edit to the draft analysis.	1.00 155.00/hr	155.00
8/3/2015 Research of the land sales along Rock Springs Road	1.75 155.00/hr	271.25
8/17/2015 Correspondence with Kane regarding due date for rebuttal report.	0.13 155.00/hr	19.38
8/21/2015 Review and edit rebuttal letter.	1.75 155.00/hr	271.25
10/9/2015 Review and organize file in preparation for deposition.	5.75 155.00/hr	891.25
10/12/2015 Work session with Engelmann regarding the case	0.83 155.00/hr	129.17
10/14/2015 Re inspection of the subject and the surrounding market area with Engelmann; re inspection of the sales utilized; re inspection of CFX/Carpenter sales	7.00 155.00/hr	1,085.00
10/15/2015 Work sessions with Engelmann and Fabian regarding case	4.75 155.00/hr	736.25
10/16/2015 Work sessions with Engelmann and Fabian regarding case	5.00 155.00/hr	775.00
10/17/2015 Work sessions with Engelmann and Fabian regarding case	5.00 155.00/hr	775.00
10/18/2015 Work sessions with Engelmann and Fabian regarding case; create exhibits/maps for the sales used in the prior beltway appraisals	5.00 155.00/hr	775.00
10/19/2015 Deposition preparation with Engelmann, Fabian and Kane regarding case and additional support for sales and strategy for deposition. Map out distances between the interchanges along the beltway. Reconfirmation with Engelmann of the sales along Rock Springs Road.	3.50 155.00/hr	542.50

	<u>Hrs/Rate</u>	<u>Amount</u>
10/20/2015 Review and label all photos from recent inspection and add to file; send copy of said photos to Ken Fleming	1.50 155.00/hr	232.50
10/26/2015 Reconfirmation with Engelmann of Family Dollar and O'Reilly land sales on Rock Springs Road with the seller; enter sales information into database	2.00 155.00/hr	310.00
10/27/2015 Trial preparation consisting of work sessions with Engelmann, Fabian and Kane; confirm zoning and land use changes of Carpenter land sales and summarize confirmations for Engelmann's review prior to transmitting to Andrew Brigham; Research of the land sale in the SE/c of Kelly Park Road and Plymouth Sorrento Road; call to Sarah Pinkepank at Heyward Cantrell's office for possible contact information	2.75 155.00/hr	426.25
10/30/2015 Research and detail for file the number of parcels and acreage Project Orlando has purchased; instruction to Poulos to locate all the schools in the subject area.	1.75 155.00/hr	271.25
SUBTOTAL:	[180.70	28,005.93]
For professional services rendered	314.93	\$58,797.36
Balance due		<u>\$58,797.36</u>

The background of the slide is a photograph of a multi-lane bridge spanning a body of water at dusk. The sky is a deep blue with some light clouds. The bridge has several support pillars in the water, and its lights are reflected on the calm surface. The overall mood is serene and professional.

CENTRAL FLORIDA EXPRESSWAY AUTHORITY

RIGHT OF WAY COMMITTEE MEETING
November 20, 2015

Parcel 228
Proposed Settlement



Subject Property



Approximate Representation
Source: Orange County Property Appraiser



Aerial View of Subject Parent Tract



Subject Photos



View Looking East on Kelly Park Road



View Looking West on Kelly Park Road



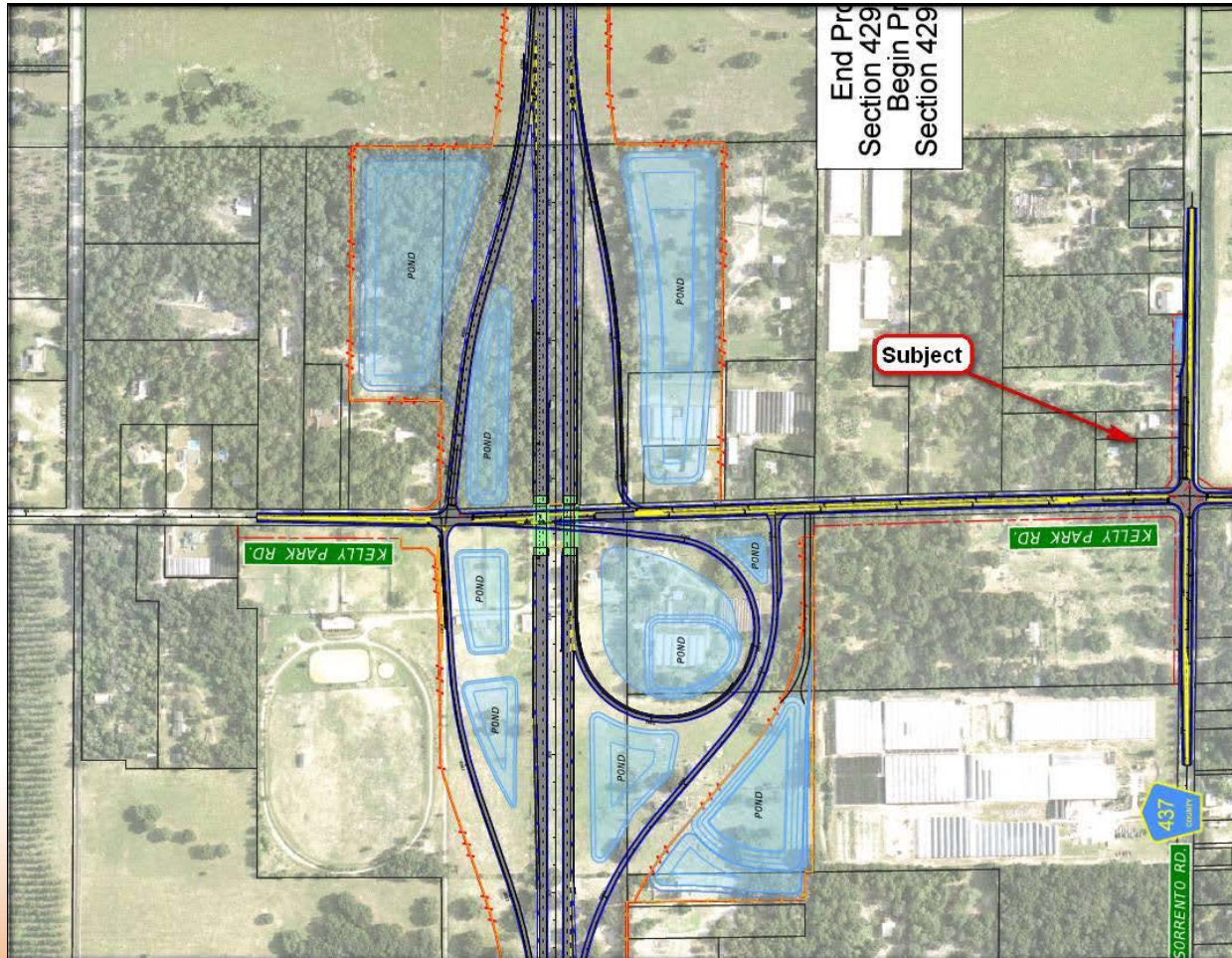
View Looking North on Plymouth Sorrento Road



View Looking South on Plymouth Sorrento Road

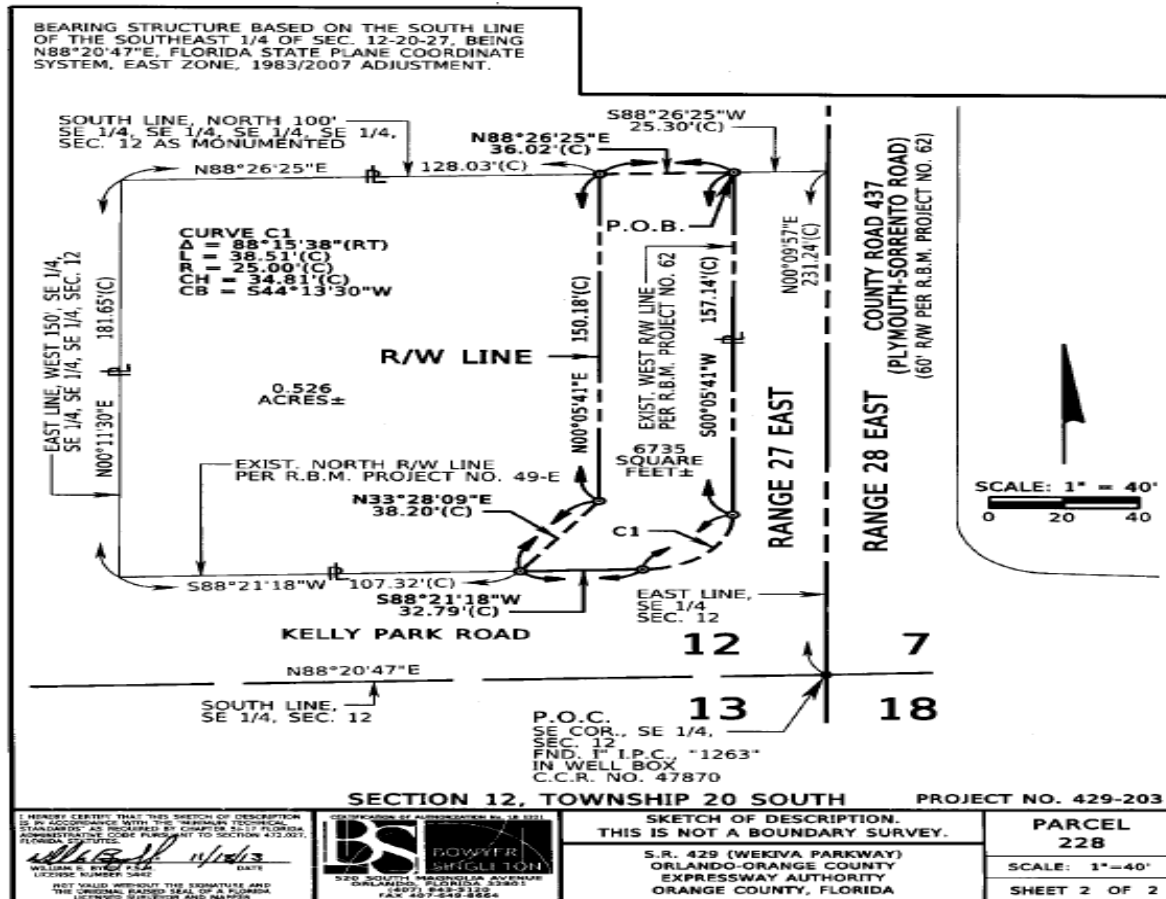


Construction Plans





Parcel 228 (0.1546 acres)





Parcel 228

- Zoning: A-1, Citrus Rural District
- Future Land Use: R, Rural
- Highest and Best Use: Residential Use, with a reasonable probable use to hold until the demand for future neighborhood commercial development permits.
- Parent Tract: 0.6806 acres
- Part Taken: 0.1546 acre
- Remainder: 0.526 acres
- Offer of Judgment made in June 2015 for \$81,240
- Trial set for November 23, 2015



Appraisal Comparison

Parcel 120	Carpenter	Engelmann
Part taken (6,735 sq. ft.)	@ \$3.50/ sq. ft. = \$23,575	@ \$14.50/ sq. ft. = \$97,700
Improvements Taken (Trees and Sod)	\$ 7,665	\$0
Costs to Cure	\$0	\$0
Damages to Remainder	\$0	\$108,000 (Diminution in Size)
Total for Land Taken	\$31,240	\$206,000
Expert Fees	\$42,258.75 (work thru Oct. 2015)	\$90,007.34

Request

- Recommend approval of a settlement in the amount of \$136,883, plus
- Statutory attorney's fees of \$34,862.19, and
- Expert fees, expert costs, and costs in an amount not to exceed \$81,006.61, subject to staff review and approval

Tab G



CENTRAL FLORIDA **EXPRESSWAY AUTHORITY**

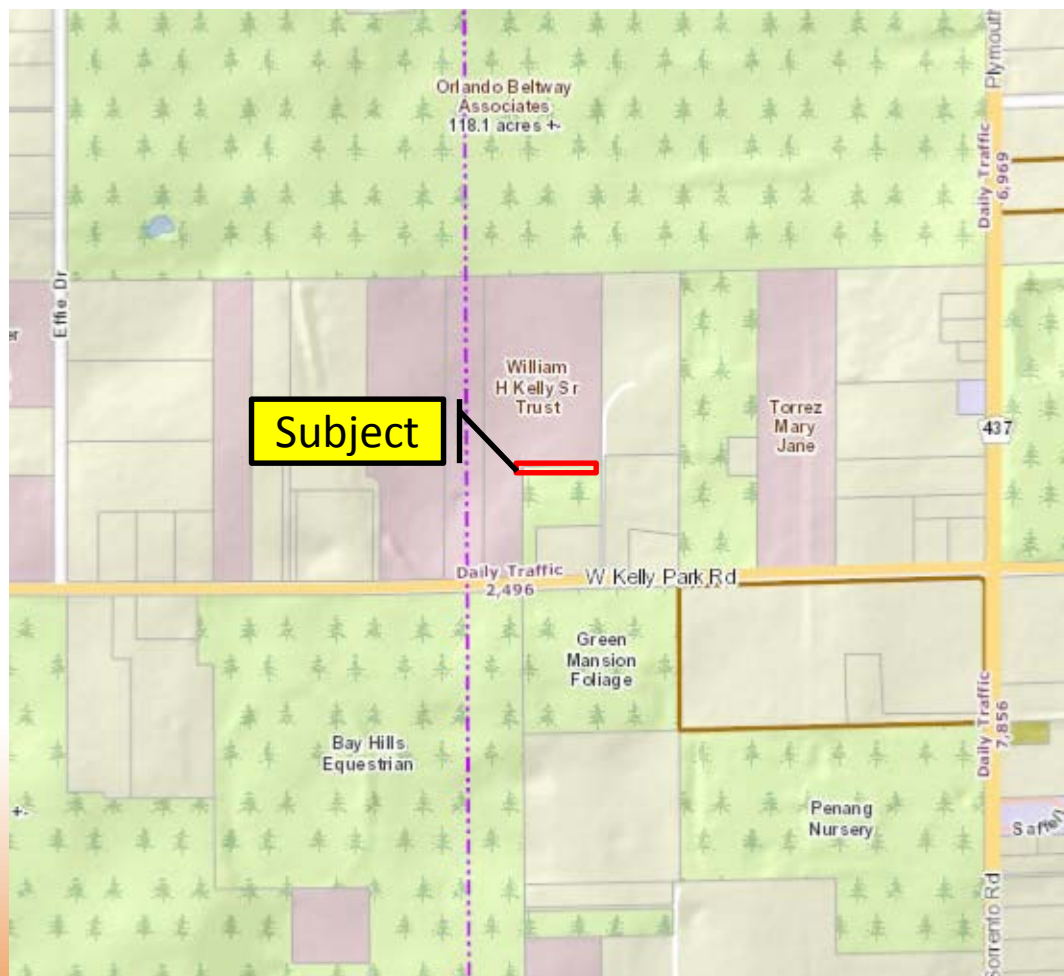
RIGHT OF WAY COMMITTEE MEETING
November 20, 2015

JURY TRIAL BRIEFING
AS TO PARCELS 221 AND 209



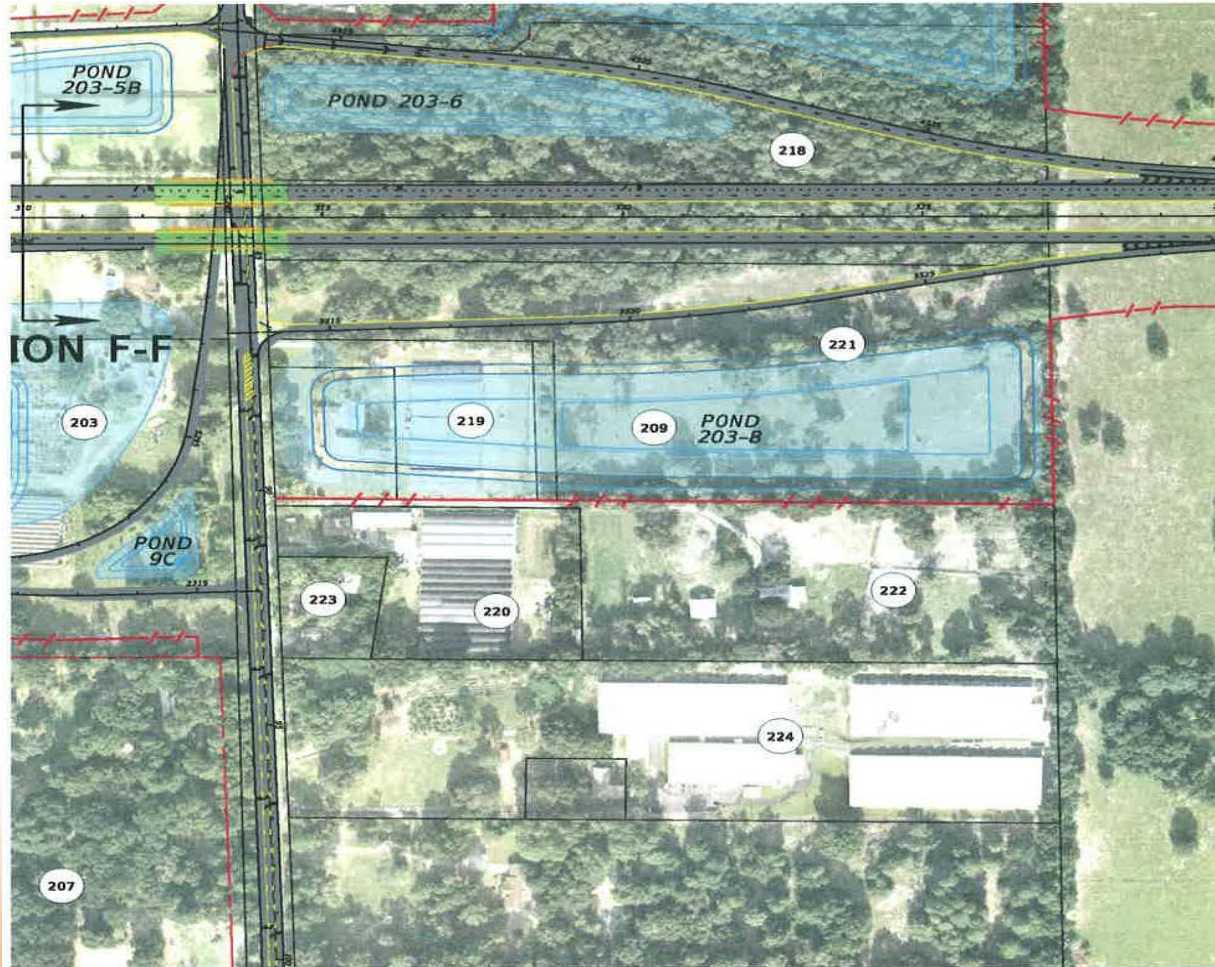


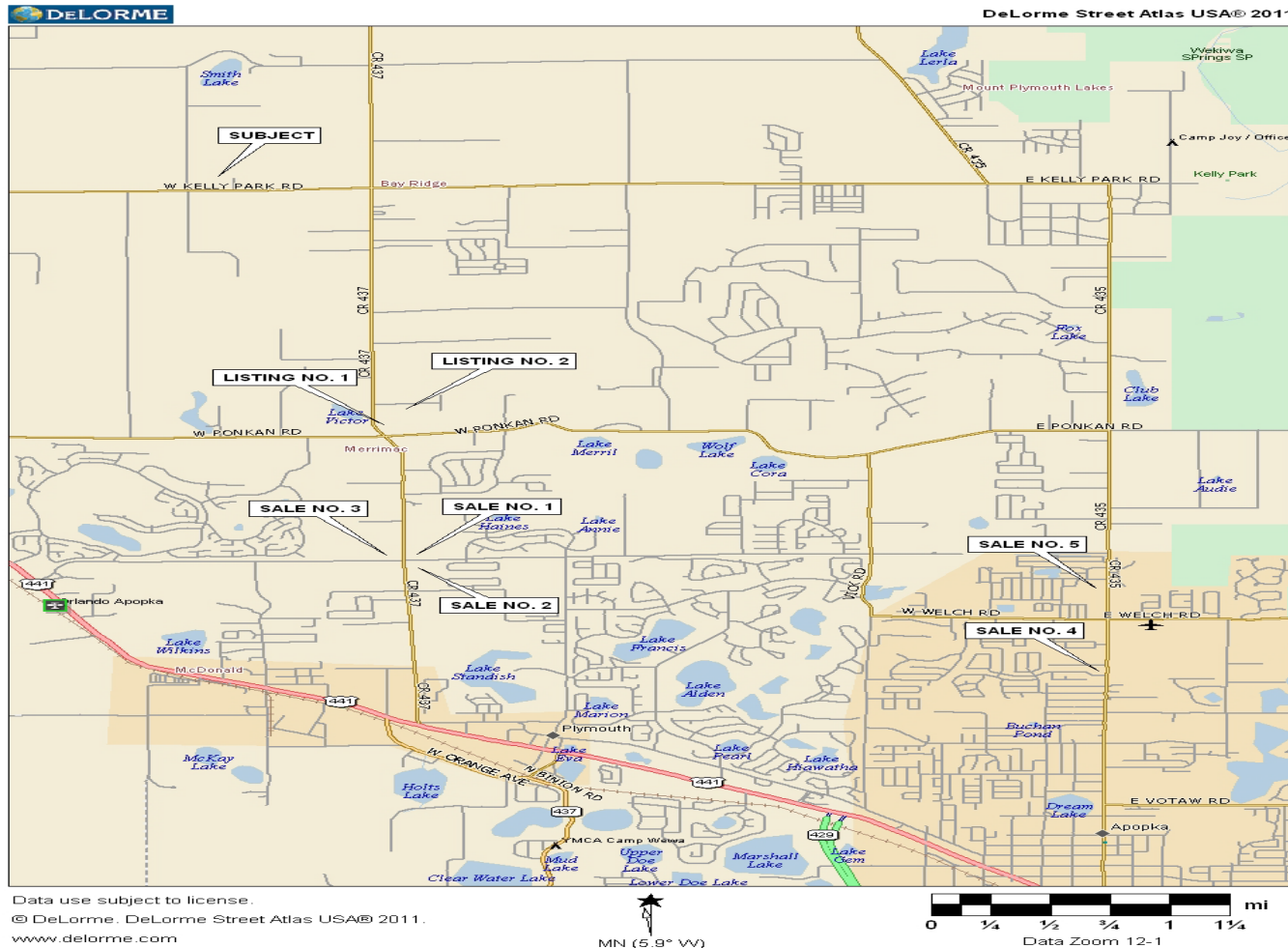
Parcel 209 (0.2626 acres)





Acquisition Overview





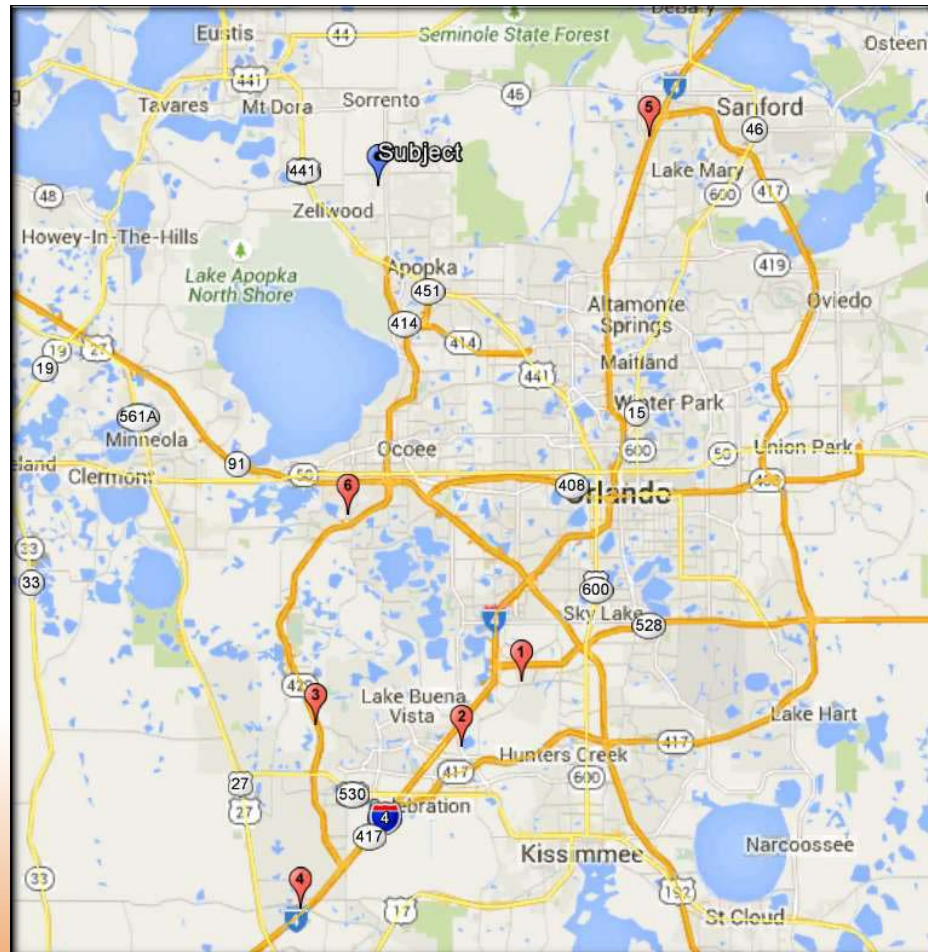


List of Comparable Sales from CFX's Appraiser

1. Brinkle to Carter: NE corner of Plymouth Sorrento Rd & Lester Rd (\$6.48)
2. Lee to Carter: SE corner of Plymouth Sorrento Rd & Lester Rd (\$4.40)
3. Hogshead to Carter: NW corner of Plymouth Sorrento Rd & Yothers Rd (\$1.66)
4. Trinh to Arbor: West side of Rock Springs Road, south of Nancy Lee Lane (\$4.80)
5. 1712 to Hanlex Dev: West side of Rock Springs Road, north of Welch Road (\$4.44)
6. Northeast corner of Plymouth Sorrento Road and Ponkan Road (Listing at \$4.78)
7. Access to the east of Plymouth Sorrento Road, north of Ponkan Road (Listing at \$3.67)



Location of Comparable Sales per Owner's Appraiser





List of Comparable Sales from Owner's Appraiser

1. Surekha Holdings at Northeast quadrant of International Drive and Central Florida Parkway (\$12.52/sf)
2. Daneta LLC at East side of Apopka Vineland Rd just north of Vistana Dr. (\$14.52/sf)
3. Flamingo Crossings at Northwest quadrant of SR 429 and Western Way (\$17.51)
4. Manazeli I-4 & CR 54 at South side of Ronald Reagan Parkway at the "T" intersection with Champions Gate Boulevard just west of Interstate 4 (\$7.38)
5. Verizon Heathrow at Southwest quadrant of I-4 & CR 46A (H.E. Thomas Parkway) (\$8.33)
6. Florida Hospital WG at Northwest quadrant of Winter Garden Vineland Road and Daniels Road (\$8.04)



Comparison of Opinions of Value

Parcel Number	CFX's Appraiser	Owner's Appraiser	Owner	Verdict
Parcel 221 501,942 sf (11.523 ac)	@ \$1.40/sf (~\$61k/ac)	@ \$8.25 (~\$360k/ac)	@ \$10.00 (~\$435k/ac)	\$2,575,00
Parcel 209 11,438 sf (0.2626 ac)	@ \$1.40/sf (~\$61k/ac)	@ \$8.25 (~\$360k/ac)	@ \$10.00 (~\$435k/ac)	\$ 59,000
Estimated Value 513,380 sf (11.7856 ac)	\$719,000	\$4,240,000	\$5,133,807	\$ 2,634,000



Settlement Negotiations

February 12, 2014	Initial Email to Owner	Scheduled Meeting to Discuss Initial Offer
February 24, 2014	Meeting with Owner and Initial Offer	Parcel 221: \$703,000 Parcel 209: \$ 16,000 Total: \$719,000
July 31, 2014	Deposit	Same as Above
August 14, 2015	Mediation	Impassed
Sept. 14, 2015	Offer of Judgment	Parcel 221: \$1,004,000 Parcel 209: \$ 23,000 Total: \$1,027,000
October 26, 2015	Trial Commenced	



Trial

- 12 Jurors and 2 Alternate Jurors
- 7 days of trial
- Site Visit
- Witnesses
 - CFX called 3 expert witnesses and 1 fact witness.
 - The Owner called 3 expert witnesses, 2 fact witnesses, and the owner.



Questions?

Thank you.

Tab H

Supreme Court of Florida

No. SC14-1007

JOSEPH B. DOERR TRUST, et al.,
Petitioners,

vs.

CENTRAL FLORIDA EXPRESSWAY AUTHORITY, et al.,
Respondents.

[November 5, 2015]

LEWIS, J.

This case is before the Court for review of the decision of the Fifth District Court of Appeal in Orlando/Orange County Expressway v. Tuscan Ridge, LLC (Tuscan Ridge II), 137 So. 3d 1154 (Fla. 5th DCA 2014). In the decision, the district court ruled upon a question that it certified to be of great public importance. We have jurisdiction. Art. V, § 3(b)(4), Fla. Const.

FACTS AND BACKGROUND INFORMATION

Introduction

Article X, section 6, of the Florida Constitution governs eminent domain. Subsection (a) of that provision states that “[n]o private property shall be taken

except for a public purpose and with full compensation therefor paid to each owner or secured by deposit in the registry of the court and available to the owner.”

This case involves an award of attorney’s fees in an eminent domain proceeding. The award of such fees is governed by section 73.092, Florida Statutes (2014),¹ which provides, in pertinent part:

(1) Except as otherwise provided in this section and s. 73.015, the court, in eminent domain proceedings, shall award attorney’s fees based solely on the benefits achieved for the client.

(a) As used in this section, the term “benefits” means the difference, exclusive of interest, between the final judgment or settlement and the last written offer made by the condemning authority before the defendant hires an attorney. If no written offer is made by the condemning authority before the defendant hires an attorney, benefits must be measured from the first written offer after the attorney is hired.

. . . .

(b) The court may also consider nonmonetary benefits obtained for the client through the efforts of the attorney, to the extent such nonmonetary benefits are specifically identified by the court and can, within a reasonable degree of certainty, be quantified.

(c) Attorney’s fees based on benefits achieved shall be awarded in accordance with the following schedule:

1. Thirty-three percent of any benefit up to \$250,000; plus
2. Twenty-five percent of any portion of the benefit between \$250,000 and \$1 million; plus

1. The statute has not been amended since the condemnation proceeding in this case commenced in 2006.

3. Twenty percent of any portion of the benefit exceeding \$1 million.

(2) In assessing attorney's fees incurred in defeating an order of taking, or for apportionment, or other supplemental proceedings, when not otherwise provided for, the court shall consider:

(a) The novelty, difficulty, and importance of the questions involved.

(b) The skill employed by the attorney in conducting the cause.

(c) The amount of money involved.

(d) The responsibility incurred and fulfilled by the attorney.

(e) The attorney's time and labor reasonably required adequately to represent the client in relation to the benefits resulting to the client.

(f) The fee, or rate of fee, customarily charged for legal services of a comparable or similar nature.

(g) Any attorney's fee award made under subsection (1).

(3) In determining the amount of attorney's fees to be paid by the petitioner under subsection (2), the court shall be guided by the fees the defendant would ordinarily be expected to pay for these services if the petitioner were not responsible for the payment of those fees.

Tuscan Ridge I

The Orlando-Orange County Expressway Authority, now the Central Florida Expressway Authority (the Authority),² began a condemnation proceeding to acquire 9.81 acres of land identified as Parcel 406. Orlando/Orange Cnty.

2. See ch. 2014-171, § 3, Laws of Fla. (amending section 348.753, Florida Statutes, to redesignate the Orlando-Orange County Expressway Authority as the Central Florida Expressway Authority).

Expressway Auth. v. Tuscan Ridge, LLC (Tuscan Ridge I), 84 So. 3d 410, 411 (Fla. 5th DCA 2012). Parcel 406 was owned by Joseph B. Doerr, as Trustee of The Joseph B. Doerr Revocable Living Trust dated 9/9/94 (Doerr). Id. In December 2005, Doerr conveyed fifteen percent of the Trust's interest in the land to Ministry Systems, Inc. (Ministry), but the transfer was not recorded until July 31, 2006. Id.

On June 5, 2006, the Authority submitted to Doerr a presuit written offer to purchase Parcel 406 for \$4,914,221. Id. Doerr rejected the offer, and in August 2006, the Authority filed an action to condemn the property. Id.³ In February 2008, a jury trial was held to determine the value of Parcel 406. Id. at 412. The jury found that the land had a fair market value of \$5,744,830. Id.

Thereafter, Doerr and Ministry (collectively the Landowners) filed a motion for attorney's fees. Id. The Authority sought to limit the fees to the benefits achieved formula under section 73.092(1), which generated an award of \$227,652.25. Id. On the other hand, the Landowners asserted that they were entitled to attorney's fees under section 73.092(2), which requires a trial court to consider qualitative and quantitative factors in determining the amount of a fee

3. At the time of the presuit offer, a company named Florida Container Services, Inc. (Florida Container), was leasing the property on a month-to-month basis. Id. Any claims Florida Container pursued against the Authority were settled at mediation, see id. at 412, and that entity is not part of this case.

award. Id. The trial court awarded fees under subsection (2) because it concluded that the Authority's presuit written offer was insufficient to calculate the benefits achieved by each Landowner in the final judgment so as to permit a fee award under subsection (1). Id. at 414. Applying the factors listed in section 73.092(2), the trial court awarded the Landowners \$816,000 in attorney's fees for the proceedings that involved the valuation of Parcel 406. Id. at 412-13.

The Fifth District Court of Appeal reversed. Id. at 411. The district court concluded that the presuit offer was not so indefinite that the benefits achieved by the Landowners could not be determined. Id. at 416. In its decision, the Fifth District noted that this case had been over-litigated, and the parties blamed each other for the significant attorney's fees incurred:

For the valuation proceedings, [the Landowners' law firm] claimed it was entitled to be paid for 2,700.3 attorney hours at the rate of \$350 or \$375 per hour, and 460 paralegal hours at the rate of \$120 per hour. Nearly 2,000 of the attorney hours pertained to services performed by [the] Landowners' lead counsel The fees collected by [the Authority's] attorneys were similarly sizable. [n.5]

[N.5.] For the valuation proceedings alone, [the Authority] incurred 2,888 attorney hours and 1,005 paralegal hours, for which it compensated its attorneys a total of \$672,000. It was also paid \$150,000 for the cost phase of the trial.

Id. at 413. Although the Fifth District concluded that the attorney's fees for the valuation proceedings were limited to those allowed by section 73.092(1), it remanded to the trial court for consideration of the Landowners' claim that the

application of the benefits achieved formula violated their constitutional right to full compensation because the Authority caused excessive litigation. Id. at 418-19.

Tuscan Ridge II

On remand from the Fifth District, the trial court found that the Authority had engaged in a “clear pattern” of excessive litigation. The first source of excessive litigation was described as follows:

Early on in these proceedings, after the Order of Taking was entered in August of 2006, [the Authority] made a decision to aggressively litigate this case to the potential detriment of [the Landowners’] right to full compensation. Previously, the parties had agreed as to the highest and best use of the property, each side had a real estate appraiser to value the property as though vacant, and had agreed to try the case in early 2007. [The Authority] retained an economist, Henry Fishkind. [The Authority] then submitted Fishkind’s report in late November of 2006.

In his November 2006 report, Fishkind employed an economic development approach to value the Doerr property based upon a hypothetical redevelopment of the property, although the property had been appraised by both parties’ property appraisers as though vacant. Using the development approach, Fishkind made 16 assumptions (e.g., the maximum square footage of buildings that could be built on the Doerr property; the cost of constructing such buildings; rental rates for buildings; vacancy rates for such buildings; insurance costs for such buildings; utility costs for such buildings; and real estate taxes for such buildings). The most important assumption was that 56,800 square feet of improvements was the maximum amount of building space that could be built on the property. Fishkind relied on other sources as well in making his assumptions which formed the predicate underlying his analysis.

To competently represent [the Landowners], it was necessary for [their] attorneys to determine and then rebut any faulty assumptions of Fishkind. In order to do so it was necessary for [the

Landowners] to retain additional expert witnesses and request further services of previously retained experts to challenge Fishkind's faulty assumptions. Challenging Fishkind's assumptions greatly increased the number of hours [the Landowners'] attorneys spent on the case.

[The Landowners'] efforts to have Fishkind stricken as a witness throughout the pre-trial period to avoid unnecessary excessive litigation were vigorously contested by [the Authority]. Fishkind was ultimately not allowed to testify before the jury due to a ruling made by the Court.

The trial court also found that the Authority caused excessive litigation by spending twice as much time deposing the Landowners' experts as the Landowners spent deposing the Authority's experts.

The trial court noted that all of the attorney's fees expert witnesses who testified as to what would constitute a reasonable fee, including the Authority's expert, agreed that it would be unreasonable, given the circumstances of this case, to limit the Landowners to the \$227,652.25 capped fee that the benefits achieved formula in section 73.092(1) generated.⁴ The court explained:

Applying this Court's conclusion that \$350 an hour is a reasonable rate to such a fee would mean that [the Landowners] could only expend 650 attorney hours and no paralegal hours to defend its claim against [the Authority], whose attorneys expended 2,888 hours, and paralegal hours of 1005, for a total of 3,893 hours (for which they were paid \$672,000). [The Landowners] could not have litigated on an equal footing with [the Authority] under the circumstances of this

4. The trial court stated that a second expert for the Authority did not offer an opinion on this issue because his testimony was limited to "what the reasonable number of hours were for a whole-take case in which one disregards the particular facts of the litigation."

case, if [the Authority] was permitted to expend more than five (5) times the number of hours than [the Landowners].

The trial court held that section 73.092(1) was unconstitutional as applied under the facts of this case because it operated to deny the Landowners their right to full compensation. The court found that the Landowners reasonably incurred 2,200 attorney hours and 400 paralegal hours through the entry of final judgment. It then determined that the original fee award of \$816,000:

remains valid and applicable to the facts and circumstances of this case, based upon a property owner's constitutional right to full compensation. This is especially true since it was [the Authority] that was primarily responsible for the excessive litigation because of its decision to use Fishkind.

The court noted that in determining the fee, it had considered and applied the factors delineated in sections 73.092(2) and (3).

On appeal, the Fifth District again reversed. Tuscan Ridge II, 137 So. 3d at 1155. The district court noted that the \$227,652.25 fee award under the benefits achieved formula amounted to a blended rate of eighty-seven dollars per hour for attorney and paralegal time, and opined that such a fee did not appear to be “patently unconstitutional.” Id. at 1156. The court suggested that the Landowners could have sought sanctions that would have compensated them above the statutory fee. Id. The district court stated that instead of using other mechanisms to address the “purportedly” abusive tactics of the Authority, the Landowners “successfully convinced the trial court to scrap the entire fee formula as

unconstitutional.” Id. at 1156. The Fifth District held that the trial court erred when it awarded the Landowners \$816,000 in attorney’s fees and remanded the case with instructions that judgment in the amount of \$227,652.25 be entered. Id. at 1157. However, the district court certified the following question to this Court as one of great public importance:

IN AN EMINENT DOMAIN PROCEEDING, WHEN THE CONDEMNING AUTHORITY ENGAGES IN LITIGATION TACTICS CAUSING EXCESSIVE LITIGATION AND THE APPLICATION OF THE STATUTORY FEE FORMULA RESULTS IN A FEE THAT COMPENSATES THE LANDOWNER’S ATTORNEYS AT A LOWER-THAN-MARKET FEE, WHEN MEASURED BY THE TIME INVOLVED, IS THE STATUTORY FEE DEEMED UNCONSTITUTIONAL AS APPLIED, ENTITLING THE LANDOWNER TO PURSUE A FEE UNDER SECTION 73.092(2)?

Id. For purposes of our review, we rephrase the question as follows:

IN AN EMINENT DOMAIN PROCEEDING, WHEN THE CONDEMNING AUTHORITY ENGAGES IN TACTICS THAT CAUSE EXCESSIVE LITIGATION, IS THE BENEFITS ACHIEVED FORMULA IN SECTION 73.092(1), FLORIDA STATUTES, UNCONSTITUTIONAL AS APPLIED TO CALCULATE ATTORNEY’S FEES FOR THE HOURS INCURRED IN DEFENDING AGAINST THE EXCESSIVE LITIGATION?

ANALYSIS

Standard of Review

The determination as to the constitutionality of a statute is reviewed de novo. Fla. Dep’t of Revenue v. City of Gainesville, 918 So. 2d 250, 256 (Fla. 2005).

However, statutes carry a presumption of constitutionality and must be construed whenever possible to achieve a constitutional outcome. Crist v. Fla. Ass’n of Criminal Def. Lawyers, 978 So. 2d 134, 139 (Fla. 2008).

Eminent Domain and Attorney’s Fees

In clear and direct terms, article X, section 6(a), of the Florida Constitution provides that “[n]o private property shall be taken except for a public purpose and with full compensation therefor paid to each owner or secured by deposit in the registry of the court and available to the owner.” (Emphasis supplied.) It is also fundamentally clear that full compensation under the Florida Constitution includes the right to a reasonable attorney’s fee for the property owner. Tosohatchee Game Pres., Inc. v. Cent. & S. Fla. Flood Control Dist., 265 So. 2d 681, 684-85 (Fla. 1972); see also JEA v. Williams, 978 So. 2d 842, 845 (Fla. 1st DCA 2008) (“A landowner’s constitutional right to full compensation for property taken by the government includes the right to a reasonable fee for the landowner’s counsel.”).⁵

5. The right of private property owners to full compensation in eminent domain proceedings under the Florida Constitution is more expansive than that of the Fifth Amendment to the United States Constitution, which provides that private property shall not be taken for a public use “without just compensation.” U.S. Const. amend V. The Supreme Court has held that “just” compensation under the Fifth Amendment does not include attorney’s fees. United States v. Bodcaw Co., 440 U.S. 202, 203 (1979); Dohany v. Rogers, 281 U.S. 362, 368 (1930).

In Florida eminent domain proceedings, the goal is to render the private property owner as whole as possible because:

the owner of private property sought to be condemned is forced into court by one to whom he owes no obligation, [and] it cannot be said that he has received “just compensation” for his property if he is compelled to pay out of his own pocket the expenses of establishing the fair value of the property, which expenses in some cases could conceivably exceed such value. The plight of the land owner in this situation is well stated by the New York court in [In] Re Water Supply in City of New York, 125 App. Div. 219, 109 N.Y.S. 652, 654[-55 (N.Y. App. Div. 1908)], as follows:

He does not want to sell. The property is taken from him through the exertion of the high powers of the [state], and the spirit of the Constitution clearly requires that he shall not be thus compelled to part with what belongs to him without the payment, not alone of the abstract value of the property, but of all the necessary expenses incurred in fixing that value. This would seem to be dictated by sound morals, as well as by the spirit of the Constitution; and it will not be presumed that the Legislature has intended to deprive the owner of the property of the full protection which belongs to him as a matter of right.

Dade Cnty. v. Brigham, 47 So. 2d 602, 604-05 (Fla. 1950) (emphasis supplied).

Section 73.092

The benefits achieved formula set forth in section 73.092 has encroached on this fundamental right, but has previously withstood a facial constitutional challenge. In Seminole County v. Coral Gables Federal Savings & Loan Ass’n, 691 So. 2d 614, 614 (Fla. 5th DCA 1997), the Fifth District rejected an assertion that section 73.092 is unconstitutional because it divests the judiciary of the ability

to determine reasonable attorney's fees for a private property owner. The district court held that the Legislature has the authority to establish a sliding-percentage scale for attorney's fees awards:

[T]he legislature essentially decided that a percentage of the benefits is a reasonable fee [in eminent domain cases], and in Schick[v. Department of Agriculture and Consumer Services, 599 So. 2d 641 (Fla. 1992)], the supreme court stated that the legislature can enact attorney's fees provisions which "it deems will result in a reasonable award." Id. at 644.

Id. at 615. Subsequent to Seminole County, this Court addressed the benefits achieved formula in section 73.092(1) and notwithstanding the compromise of "full compensation" allowed the Florida Legislature to enact "reasonable" provisions to govern attorney's fees awards in eminent domain proceedings. Pierpont v. Lee Cnty., 710 So. 2d 958, 960 (Fla. 1998). Consistent with Pierpont and Seminole County, and in accordance with the directives of the statute, Florida courts have awarded attorney's fees pursuant to section 73.092(1) where subsection (2) has no application. See, e.g., Dep't of Transp. v. Knaus, 737 So. 2d 1130, 1131 (Fla. 2d DCA 1999); Teeter v. Dep't of Transp., 713 So. 2d 1090, 1091-92 (Fla. 5th DCA 1998); Dep't of Transp. v. LaBelle Phoenix Corp., 696 So. 2d 947, 948 (Fla. 2d DCA 1997).

Nonetheless, although the Legislature may establish reasonable parameters for the award of attorney's fees in eminent domain proceedings, a statute cannot operate in a manner to so reduce a fee award that it runs afoul of the constitutional

guarantee that private property owners receive full compensation for a taking of their property. Indeed, in Pierpont we acknowledged the possibility that section 73.092 could be unconstitutional as applied in certain situations. 710 So. 2d at 961. While the landowners in Pierpont offered two scenarios, see id. at n.2, we did not indicate that these were the only potential areas for constitutional concern.

Excessive Litigation in Eminent Domain Proceedings

We have previously emphasized the importance of fair play in eminent domain proceedings because of the inherent disadvantage to the property owner:

It must be borne in mind that in a condemnation proceeding the property of the land owner is subject to taking by the condemnor without the owner's consent. The condemnee is a party through no fault or volition of his own. Our Declaration of Rights, Section 12, Constitution of the State of Florida, F.S.A., makes it incumbent upon the condemnor to award "just" compensation for the taking. In view of this constitutional mandate, the awarding of compensation which is "just" should be the care of the condemning authority as well as that of the party whose land is being taken.

Unlike litigation between private parties condemnation by any governmental authority should not be a matter of "dog eat dog" or "win at any cost." Such attitude and procedure would be decidedly unfair to the property owner. He would be at a disadvantage in every instance for the reason that the government has unlimited resources created by its inexhaustible power of taxation. Moreover it should be remembered that the condemnee is himself a taxpayer and as such contributes to the government's "unlimited resources."

Shell v. State Rd. Dep't, 135 So. 2d 857, 861 (Fla. 1961). Here, the trial court found that it was the Authority which had caused the excessive litigation that operated to the detriment of the Landowners' right to full compensation.

Moreover, the trial court noted that all of the attorney's fees experts who testified as to what would be a reasonable fee, including the expert for the Authority, agreed that given the circumstances of this case, it would be unreasonable to limit the Landowners to the capped fee generated by the formula in section 73.092(1).

We agree with the Landowners that where a condemning authority is responsible for excessive litigation, the application of subsection (1) to limit a fee award places private property owners at a considerable disadvantage because government entities, such as the Authority,⁶ possess potentially unlimited resources to allocate to abusive litigation and legal representation. See generally Shell, 135 So. 2d at 861. Further, it is important to note that section 73.092 applies only to attorney's fees for private property owners. Thus, attorneys for government entities can still bill a substantial number of hours and charge substantial fees without the risk of having their fees reduced in any way or subject to a statutory cap or percentage. We conclude that where private property owners are forced to defend against excessive litigation caused by a condemning authority, a mandatory statutory formula that generates a fee award below that which is considered reasonable denies those property owners their right to the full compensation that is guaranteed by the Florida Constitution. Art. X, § 6(a), Fla. Const.; Tosohatchee,

6. The Authority is a State agency. See § 348.753(1), Fla. Stat. (2014).

265 So. 2d at 684-85; JEA, 978 So. 2d at 845. Accordingly, without a remedy to protect private property owners under such circumstances, section 73.092(1) would be unconstitutional as applied.

Therefore, to construe section 73.092(1) in a manner that preserves its constitutionality, as we have a duty to do, see Crist, 978 So. 2d at 139, while simultaneously protecting the right of private property owners to full compensation, we hold that when a condemning authority engages in tactics that cause excessive litigation, the trial court shall utilize section 73.092(2) to calculate a reasonable attorney's fee, but only for those hours incurred in defending against the excessive litigation or that portion that is considered to be in response to or caused by the excessive tactics. The remainder of the fee shall be calculated pursuant to the benefits achieved formula delineated in section 73.092(1). The two amounts added together shall be the total fee. This bifurcated calculation strikes a fair balance by ensuring that private property owners receive the full compensation to which they are entitled under the Florida Constitution, without disregarding the legislative directive that attorney's fees for the valuation portion of an eminent domain proceeding are to be calculated using the benefits achieved formula.

We decline to attempt to define with absolute precision each and every element or item that could constitute or be considered excessive litigation in eminent domain cases other than to state it is litigation that diverges from what

both trial courts and the legal community would normally expect in a normal or usual condemnation case with regard to the work performed, theories and evidence advanced, and the number of attorney and paralegal hours expended.⁷ The trial courts of this state are in the best position to determine, based on evidence presented and legal experience, whether excessive litigation activity has occurred.

Application to This Case

Although the attorneys for the Landowners unquestionably expended a significant number of hours defending against certain litigation tactics, it does not appear that every action taken by the Authority during this entire eminent domain proceeding caused excessive litigation. To the contrary, the trial court referenced two tactics utilized by the Authority, both of which occurred during the case proceedings: (1) the use of Dr. Fishkind, and related evidence, and (2) prolonged deposition times of the Landowners' experts. Nevertheless, the trial court did not attempt to identify the number of hours that the attorneys for the Landowners expended in defending against that portion or those actions that would be in the category of excessive litigation that resulted from the excessive tactics. There was no need for the trial judge to do so at that time because the limits established by this decision were not in place. The trial court concluded that section 73.092(1)

7. This definition is sufficiently broad to be applicable to other areas of the law.

was unconstitutional as applied and did not employ the benefits achieved formula to calculate any portion of the attorney's fee award. As a result, 2,200 attorney hours and 400 paralegal hours were multiplied by reasonable hourly rates under section 73.092(2) to obtain an award of \$816,000.

We conclude that application of a simple and normal hourly multiplication to calculate the attorney's fee award is inconsistent with the language of section 73.092(1), which provides that "[e]xcept as otherwise provided in this section and s. 73.015, the court, in eminent domain proceedings, shall award attorney's fees based solely on the benefits achieved for the client" (emphasis supplied). To implement our holding today, an evidentiary hearing is required, during which the trial court is to determine the number of hours that were expended by the attorneys and related personnel for the Landowners that corresponds with the excessive litigation conduct caused by the Authority and may be determined to be that portion of the total work performed attributable to the excessive actions of the condemning counsel or party. For solely those hours, the trial court shall calculate a fee pursuant to section 73.092(2). This additional amount shall be added to the amount resulting from the application of section 73.092(1), which must be applied to determine the remainder of the fee based on benefit, which in this case is \$227,652.25.

Sanctions

The Fifth District criticized the Landowners for their failure to rely on sanctions to secure attorney's fees above the statutory fee. Tuscan Ridge II, 137 So. 3d at 1156. However, we disagree that the Landowners were required to pursue only sanctions and conclude that they are not sufficient to protect the constitutional right at issue here. We reiterate that there is a constitutional right to full compensation for the taking of private property, art. X, § 6(a), Fla. Const., and a reasonable attorney's fee is part of that compensation. Tosohatchee, 265 So. 2d at 684-85; JEA, 978 So. 2d at 845. The award of attorney's fees as a sanction is a discretionary, punitive concept that is completely separate and distinct from this right under the Florida Constitution we consider today.

Additionally, the over-litigation or excessive litigation of a case does not necessarily equate with bad faith or illegal motives. While the trial court found that Dr. Fishkind's valuation of Parcel 406 was based on faulty assumptions that had to be rebutted by the Landowners' attorneys, this does not mean that the Authority acted in bad faith or with evil intent when it retained him. Similarly, the fact that the Authority's attorneys may have been overzealous and spent an inordinate amount of time deposing the Landowners' experts does not lead to an automatic conclusion that the Authority engaged in bad faith conduct or was motivated by improper considerations. Therefore, we reject the contention that the

Landowners were required to pursue sanctions in lieu of challenging the constitutionality of section 73.092(1) as applied where the Authority was responsible for excessive litigation.

CONCLUSION

Based on the foregoing, we answer the rephrased certified question in the affirmative. We hold that when a condemning authority engages in tactics that cause excessive litigation, section 73.092(2) shall be used separately and additionally to calculate a reasonable attorney's fee for the hours expended which are attributable to defending against the excessive litigation or actions. This will result in an amount that must be added to the remainder of the fee calculated utilizing the benefits achieved formula delineated in section 73.092(1). This is a two-step process that results in a total fee that is based both on benefit and any excessive litigation.

The decision of the Fifth District is quashed. This case is remanded with directions that the trial court conduct an evidentiary hearing to determine the total attorney's fees based on both the benefit and the portion of the work attributable to the excessive litigation and actions.

It is so ordered.

LABARGA, C.J., and PARIENTE, QUINCE, CANADY, POLSTON, and PERRY, JJ., concur.

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION, AND
IF FILED, DETERMINED.

Application for Review of the Decision of the District Court of Appeal - Certified
Great Public Importance

Fifth District - Case No. 5D13-1164

(Orange County)

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