

CENTRAL FLORIDA EXPRESSWAY AUTHORITY

Agenda
CENTRAL FLORIDA EXPRESSWAY AUTHORITY
RIGHT-OF-WAY COMMITTEE
August 5, 2014 (rescheduled from 8/4)
12:00 p.m.
Room 107

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 – July 15, 2014

TAB A

Requesting approval of the 7/15/14 minutes. **Action Item.**

4. S.R. 429 / PARCEL 110 – WEKIVA PARKWAY PROJECT (GRIFFITH) PROJECT

TAB B

429-202 – *Rob Simon, Winderweedle, Haines, et. al.*

Requesting the Committee's recommendation for Board approval of the proposed settlement. **Action Item.**

5. S.R. 429 - PARCEL 131 (PARTS A & B) / WEKIVA PARKWAY PROJECT (MONSON) PROJECT 429-202

TAB C

– *Rob Simon, Winderweedle, Haines, et. al., P.A.*

Requesting the Committee's recommendation for Board approval of the proposed settlement. **Action Item.**

6. S.R. 429 – PARCEL 157 (PARTS A & B) / WEKIVA PARKWAY PROJECT (ARENDT) PROJECT 429-202

TAB D

– *Rob Simon, Winderweedle, Haines, et. al., P.A.*

Requesting the Committee's recommendation for Board approval of the proposed settlement. **Action Item.**

7. OTHER BUSINESS

8. ADJOURNMENT

Tab A

CENTRAL FLORIDA EXPRESSWAY AUTHORITY

MINUTES CENTRAL FLORIDA EXPRESSWAY AUTHORITY Right of Way Committee Meeting July 15, 2014

Committee Members Present:

Walter A. Ketcham, Jr., Chairman
George M.D. Hart, Jr., Orange County Representative
Board Member, Vacant

OOCEA Staff Present:

Joseph L. Passiatore, General Counsel
Regla "Mimi" Lamaute, Paralegal/Recording Secretary
Joseph A. Berenis, Deputy Executive Director
Jeff Marshall Grainger, Sr. Communications Coordinator

Also Present:

Deborah Keeter, Atkins
Deborah Poindexter, Atkins
Nathan Silva, Atkins
Rob Simon, Winderweedle, Haines, Ward & Woodman, P.A.
Tracy de Lemos, Winderweedle, Haines, Ward & Woodman, P.A.
Jere Daniels, Winderweedle, Haines, Ward & Woodman, P.A.
David Shontz, Shutts & Bowen
John Evans, Maury Carter & Associates
Devin Kelly, Kelly Law
Sara Bernard, Broad & Cassel
Jason Good, Lake Nona
Larry Kaufmann, Lake Nona
John Florio, Donald W. MacIntosh & Associates
Brett Blackadar, P.E., Seminole County

Item 1: CALL TO ORDER

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

Item 2: PUBLIC COMMENT

There was no public comment.

Item 3: APPROVAL OF MINUTES

A motion was made by Mr. Hart and seconded by Mr. Ketcham to approve the minutes of the May 13, 2014 Right of Way Committee meeting as presented. The motion carried with two members present and voting AYE by voice vote.

Item 4: GREENEWAY PARK / PARCEL 2 – EASEMENT EXCHANGE

Mr. Passiatore stated that Lake Nona Realty is requesting that CFX terminate its current easement in exchange for a new drainage easement. The drainage easement was acquired by CFX in 1991 for the SR 417 Project.

John Florio of Donald W. MacIntosh & Associates detailed for the Committee the exchange of easements. He explained that Greeneway Park does not intend to release the retention pond track rather it is the outfall pipe from the retention pond that currently goes through the property which is being developed to a wetland system.

Currently CFX's pond discharges through an easement to a wetland. The request is to take the easement and put it into a pipe outfall system. CFX's engineers have requested and Greeneway has agreed to combine the flow into one pipe. As part of the easement agreement, Greeneway will accept the maintenance responsibility for that pipe. Atkins has reviewed and approved the drainage calculations.

Discussion ensued as to the location of the easement and the pipe outfall system.

A motion was made by Mr. Hart and seconded by Mr. Ketcham to recommend to the Board approval of the proposed Drainage Easement Agreement and Termination and Release of Drainage Easement. The motion carried with two members present and voting AYE by voice vote.

Item 5: S.R. 429 - PARCEL 125 / WEKIVA PARKWAY PROJECT (MARTIN) PROJECT 429-202

Ms. De Lemos addressed the Committee regarding the proposed Real Estate Purchase Agreement. The Taking is 5,232 square feet of land within a 3.64 acre parent tract in Orange County. This parcel was appraised at \$4,400 by Mr. Stephen J. Matonis of Integra Realty. The parties have been participating in negotiations and have reached a proposed agreement in the amount of \$4,400 in settlement of all claims for compensation for the acquisition of Parcel 125. This amount is exclusive of a wall the CFX will build surrounding the parcel and two adjacent parcels.

Mr. Berenis confirmed this settlement is in the best interest of the Authority.

A motion was made by Mr. Ketcham and seconded by Mr. Hart to recommend to the Board approval of the proposed Real Estate Agreement in the amount of \$4,400.00 in settlement of all claims for compensation for Parcel 125. The motion carried with two members present and voting AYE by voice vote.

Item 6: S.R. 429 – PARCEL 109 / WEKIVA PARKWAY PROJECT (FAIRCLOTH) PROJECT 429-202

Ms. De Lemos provided the Committee with the details of the proposed agreement. The Taking consists of approximately 0.430 acres of land within a 1.965 acre parent tract. It is a partial take appraised at \$51,300 by Mr. Richard K. MacMillan of the Appraisal Group of Central Florida, Inc.

CFX would pay the Owners the total sum of \$75,000 for the Taking and the sum of \$11,119.50 for statutory attorneys' fees and costs for a total settlement of \$86,119.50.

A motion was made by Mr. Hart and seconded by Mr. Ketcham to recommend to the Board approval of the proposed settlement in the amount of \$86,119.50 inclusive of attorneys' fees and costs in full settlement of all claims for compensation for the acquisition of Parcel 109. The motion carried with two members present and voting AYE by voice vote.

Item 7: S.R. 429 – PARCEL 132 (PARTCS A, B & C) / WEKIVA PARKWAY PROJECT (KLINKER) PROJECT 429-202

Mr. Simon explained to the Committee that a recommendation for Board approval is being requested regarding the acquisition of Parcel 132, Parts A, B & C. The Taking is a whole Take consisting of approximately 0.67 acres of land.

CFX's appraisal of the property was prepared by Mr. Stephen J. Matonis of Integra Realty Resources-Orlando. Mr. Matonis estimated the value of Taking to be \$90,500.00. The Owner would also be entitled to \$48,733.00 in Replacement Housing Payment in accordance with The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. The Committee discussed the factors used to determine the amount paid to property owners for replacement housing.

Discussion ensued as to the hardship issues this property owner is encountering affecting the relocation costs and the settlement reached.

CFX would pay the owner the sum of \$189,000 and would pay statutory attorneys' fees and expert fees and costs in the amount of \$18,500.00 for a total proposed settlement of \$207,500.00. CFX would not be required to pay the owner a Replacement Housing Payment.

A motion was made by Mr. Ketcham and seconded by Mr. Hart to recommend to the Board approval of the proposed settlement in the amount of \$207,500.00 inclusive of attorneys' fees and costs in full settlement of all claims for compensation for the acquisition of Parcel 109. The motion carried with two members present and voting AYE by voice vote.

Item 8: S.R. 408 (PROJECT 101 & 301) & S.R. 417 (PROJECT 102) / PARCELS 148, 149 & 150 (PARTIAL) / (VALENCIA COLLEGE LANE)

Mr. Daniels addressed the Committee. This is a surplus parcel sale. Parcels 148, 149 & 150 partial became surplus parcels following the realignment of the SR 408 and SR 417 interchange. The property consists of approximately 16.567 acres on vacant land located along the north right of way line for Valencia College Lane. Mr. Daniels explained the policy on negotiating with a not for profit organization as is Asbury Theological Seminary.

An appraisal was obtained at the expense of the buyer. The appraisal was done by Pinel & Carpenter, Inc. The market value of the Property as of January 14, 2014 at \$1,985,000.00.

Summary of contract terms are as follows:

Purchase Price:	\$1,985,000.00
Deposit:	\$150,000.00 (to be held in escrow by Winderweeple)
Inspection Period:	Ninety (90) days after the Authority's Approval Date.
Closing Date:	Within thirty (30) days after expiration of the Inspection Period

The Committee discussed the purchase price paid for this parcel by the Authority.

A motion was made by Mr. Ketcham and seconded by Mr. Hart to recommend to the Board approval of the proposed Real Estate Sale and Purchase Agreement in the amount of \$1,985,000.00. The motion carried with two members present and voting AYE by voice vote.

Item 9: S.R. 429 - PARCEL 201- WEKIVA PARKWAY PROJECT (KIRKLAND) PROJECT 429-203

Mr. Shontz is requesting the Committee's recommendation for Board approval of a settlement to be consummated with a Stipulated Order of Taking for Parcel 201. Parcel 201 is a whole taking totaling 1.428 acres and is improved with a 1,439 s.f. single family residence.

The CFX's appraisal of the property was prepared by Pinel & Carpenter. Mr. Carpenter estimated the value of the taking to be \$117,070 (Land \$37,070 and Improvement \$80,000).

Under the settlement, the CFX would pay the Owner the sum of \$156,800, plus attorney's fees, appraisal costs and engineering costs totaling \$13,700 for a total settlement of \$170,500.

The Owner of this property will also qualify for relocation assistance in accordance with The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

There was discussion about the total expenses to the Authority for the acquisition of the parcel and the costs to comply with the Relocation Act.

After the discussion, the Committee requested that going forward Right of Way Counsel provide separate detail of expenses for the acquisition and potential relocation costs for all parcels, per the Relocation Act.

A motion was made by Mr. Hart and seconded by Mr. Ketcham to recommend to the Board approval of the proposed settlement in the amount of \$170,500.00. The motion carried with two members present and voting AYE by voice vote.

Item 10: S.R. 429 – PARCEL 216 – WEKIVA PARKWAY PROJECT (STRIER) PROJECT
429-203

Parcel 216 is a limited access fee taking consisting of a 30-foot deep strip taking along the entire east property line including a corner clip totaling 12,740 square feet from the parent tract consisting of 3.014± acres.

The CFX's appraisal of the property was prepared by Pinel & Carpenter. Mr. Carpenter estimated the value of the taking to be \$66,475 (Land \$35,035, Improvements \$11,410, Cost to Cure \$20,030). Mr. Shontz informed the Committee of the elements considered by Mr. Carpenter for the appraisal.

The parties have conditionally agreed to a settlement to be consummated through a stipulated Final Judgment. Under the settlement, the CFX would pay the Owners the sum of \$120,000, plus attorney's fees and all expert cost in the amount of \$24,600 and they have agreed to waive any and all business damages claims. The total settlement amount is \$144,600. This parcel would not qualify for relocation assistance since this is a partial take.

A motion was made by Mr. Ketcham and seconded by Mr. Hart to recommend to the Board approval of the proposed settlement in the amount of \$144,600.00. The motion carried with two members present and voting AYE by voice vote.

Item 11: OTHER BUSINESS

**S.R. 429 – PARCEL 134 (PARTS A, B & C) – WEKIVA PARKWAY PROJECT (HARVEY & CHURAMAN)
PROJECT 429-202**

Mr. Simon is requesting the Committee's recommendation for Board approval of a settlement for the acquisition of Parcel 134, Parts A, B & C. The Taking consists of approximately 1.55 acres of land within a 3.69 acre parent tract.

CFX's appraisal of the property was prepared by Integra Realty Resources-Orlando. The estimated value of the Taking is \$92,600.00.

Discussion ensued as to the residence on the property and the variables used in calculating the purchase additives.

CFX would pay the Owners the sum of \$113,200.00 for the Taking and the sum of \$85,600.00 for the approximate 2.14 acre remainder tract. CFX would also pay statutory attorneys' fees and expert fees in the amount of \$40,046.00 in accordance with Florida Statutes §73.092(1)(a) and §73.091(1) for a total payment of \$238,846.00. This parcel qualifies for relocation assistance.

A motion was made by Mr. Ketcham and seconded by Mr. Hart to recommend to the Board approval of the proposed settlement in the amount of \$238,846.00. The motion carried with two members present and voting AYE by voice vote.

RIGHT OF WAY COUNSEL

Mr. Passiatore recognized and thanked Right of Way Counsel, Winderweede, Haines, Ward & Goodman, P.A. and Shutts & Bowen for the exceptional job they are doing in negotiating parcels for the CFX.

The Committee echoed Mr. Passiatore's comments.

**S.R. 429 – PARCELS 197, 230, 257 & 267 / WEKIVA PARKWAY PROJECT (PROJECT ORLANDO)
PROJECT 429-203 & 429-204**

The Committee inquired as to the status of the Project Orlando parcels. Mr. Passiatore explained that Mr. Spoonhour, CFX's attorney of record on the Project Orlando parcels, filed the condemnation suit last week since the 30 days have lapsed without a response to the Authority's first written offer.

Item 13: ADJOURNMENT

Chairman Ketcham adjourned the meeting at 2:51 p.m.

Pursuant to the Florida Public Records Law and OOCEA 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@oocea.com or 4974 ORL Tower Road, Orlando, FL 32807.


Tab B

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

DATE: July 30, 2014

RE: S.R. 429 Wekiva Parkway, Project 429-202; Parcel 110 (Stephen H. & B. Susan Griffith) - Recommendation of Approval for Settlement

Winderweedle, Haines, Ward & Woodman, P.A., right of way counsel, seeks the Right of Way Committee's recommendation of approval of a settlement with Stephen H. Griffith and B. Susan Griffith (the "Owners"), for the acquisition of Parcel 110 (the "Taking" or "Property") for the construction of the S.R. 429 Wekiva Parkway, Project 429-202.

DESCRIPTION and BACKGROUND:

The Taking consists of approximately 0.999 acres of land within a 3.573 acre parent tract located along the west side of Plymouth Sorrento Road, between Yothers/Lester Road and Orange Blossom Trail (US Hwy 4441) in Orange County. The Property is zoned A-1, Citrus Rural District, by Orange County. The future land use designation is rural/agricultural. The parent tract is currently improved with a two-story residence constructed in 1930 containing approximately 1,708 square feet, a metal warehouse, storage shed, abandoned greenhouses, fencing, gates and other site improvements. The improvements within the Taking include portions of the abandoned greenhouses which will be partially severed by the Taking and fencing. See attached Exhibit "A."

CFX's appraisal of the property was prepared by Mr. Chad G. Durrance of Durrance & Associates, P.A., with a date of value of February 10, 2014. Mr. Durrance estimated the value of the Taking to be \$53,600.00. Mr. Durrance concluded that the Property's highest and best use as vacant is for residential use. The Owners were provided with a copy of CFX's appraisal. Relocation and replacement housing benefits are not involved in this taking.

CFX filed its eminent domain action on May 29, 2014. The Order of Taking hearing is currently scheduled for August 27, 2014.

The parties have been participating in settlement negotiations and have reached a proposed agreement on the purchase price for the acquisition of Parcel 110. The parties have conditionally

Central Florida Expressway Authority Right of Way Committee
S.R. 429 Wekiva Parkway, Project 429-202; Parcel 110 (Stephen H. & B. Susan Griffith)
July 24, 2014
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agreed to the following settlement terms, subject to Right of Way Committee recommendation and final CFX Board approval:

CFX would pay the Owners, Stephen H. and B. Susan Griffith, the sum of \$153,000.00. CFX would pay statutory attorneys' fees and expert fees in the amount of \$41,370.00 in accordance with Florida Statutes §73.092(1)(a) and §73.091(1).

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

RECOMMENDATION:

We respectfully request that the Right of Way Committee recommend CFX Board approval of the proposed settlement in the amount of \$194,370.00 in full settlement of all claims for compensation for the acquisition of Parcel 110.

ATTACHMENT:

Exhibit A-Sketch of Subject Property



AERIAL MAP OF SUBJECT


Tab C

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

**329 Park Avenue North
Second Floor
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MEMORANDUM

TO: Central Florida Expressway Authority Right of Way Committee

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

DATE: July 30, 2014

RE: S.R. 429 Wekiva Parkway, Project 429-202; Parcel 131 (Parts A & B) (Monson)
Recommendation of Approval for Settlement

Winderweedle, Haines, Ward & Woodman, P.A., right of way counsel, seeks the Right of Way Committee's recommendation of approval of a settlement with Jeffrey Monson (the "Owner"), for the acquisition of Parcel 131 (Parts A & B) (the "Taking" or "Property") for the construction of the S.R. 429 Wekiva Parkway, Project 429-202. The Central Florida Expressway Authority ("CFX") took Parcel 131 (Parts A & B) on July 18, 2014 through a Stipulated Order of Taking.

DESCRIPTION and BACKGROUND:

The Taking is a whole take consisting of approximately 3.455 acres of land located along the north side of Yothers Road, approximately 1,000 feet west of its intersection with Plymouth Sorrento Road, in unincorporated Orange County. The Property is zoned A-1, Citrus Rural District, by Orange County. The future land use designation is rural/agricultural. The Property is currently improved with three manufactured homes ranging in size from 896 to 1,716 square feet of heated area, five sheds that range in size from 96 to 700 square feet, hog wire fencing, two gated entrances along Yothers Road, an above ground swimming pool and a covered baseball batting cage. See attached Exhibit "A." Two of the three manufactured homes are owned by the Owner, Jeffrey Monson. The third manufactured home is owned by Eric and Michelle Monson and is not included in this settlement.

CFX's appraisal of the property was prepared by Mr. Stephen J. Matonis of Integra Realty Resources-Orlando, with a date of value of September 11, 2013. Mr. Matonis estimated the value of the Taking to be \$222,800.00. Mr. Matonis concluded that the Property's highest and best use as vacant is to hold the property for residential development. The Owner was provided with a copy of CFX's appraisal.

CFX filed its eminent domain action on March 31, 2014.

In addition to the value of the Taking, the Owner is entitled to a replacement housing purchase additive in the amount of \$112,500.00 in order to purchase a decent, safe, and sanitary replacement dwelling pursuant to the Uniform Relocation Assistance Act.

The parties have been participating in settlement negotiations and have reached a proposed agreement on the purchase price for the acquisition of Parcel 131 (Parts A & B). The parties have conditionally agreed to the following settlement terms, subject to Right of Way Committee recommendation and final CFX Board approval:

CFX would pay the Owner, Jeffrey Monson, the sum of \$330,000.00, less \$182,200 of its good faith deposit.¹ CFX would pay statutory attorneys' fees and expert fees in the amount of \$58,774.00 in accordance with Florida Statutes §73.092(1)(a) and §73.091(1).

Should CFX approve the above settlement amount, the Owner will still be eligible to receive relocation benefits. However, this settlement will eliminate the Owner's replacement housing purchase additive.

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

RECOMMENDATION:

We respectfully request that the Right of Way Committee recommend CFX Board approval of the proposed settlement in the amount of \$388,774.00 in full settlement of all claims for compensation for the acquisition of Parcel 131 (Parts A & B).

ATTACHMENT:

Exhibit A-Sketch of Subject Property

¹The remaining \$40,600 of CFX's good faith deposit will remain in the Registry of Court as a good faith estimate of the value of Eric and Michelle Monson's manufactured home located on the Property.

Tax Map



Aerial Map




Tab D

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

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MEMORANDUM

TO: Central Florida Expressway Authority Right of Way Committee

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

DATE: July 30, 2014

RE: S.R. 429 Wekiva Parkway, Project 429-202; Parcel 157 (Parts A & B) (George Arendt) - Recommendation of Approval for Settlement

Winderweedle, Haines, Ward & Woodman, P.A., right of way counsel, seeks the Right of Way Committee's recommendation of approval of a settlement with George Arendt (the "Owner"), for the acquisition of Parcel 157 (Parts A & B) (the "Taking" or "Property") for the construction of the S.R. 429 Wekiva Parkway, Project 429-202. The Central Florida Expressway Authority ("CFX") took Parcel 157 (Parts A & B) on July 18, 2014 through a Stipulated Order of Taking.

DESCRIPTION and BACKGROUND:

The Taking is a whole take consisting of approximately 2.563 acres of land located along the north side of Ponkan Road, approximately 1,100 feet west of Plymouth Sorrento Road, in Orange County. The Property is zoned A-1, Agricultural District, by Orange County. The future land use designation is rural/agricultural. The Property is currently improved with a single-family home constructed in 1974 containing approximately 832 square feet, a 14" x 42" barn containing approximately 588 square feet that was converted into an efficiency apartment, shell/dirt drive, six-foot wood privacy fence, miscellaneous animal pens, a well, septic system and landscaping. See attached Exhibit "A."

CFX's appraisal of the property was prepared by Mr. David K. Hall of Bullard, Hall & Adams, Inc., with a date of value of December 4, 2012. Mr. Hall estimated the value of the Taking to be \$94,000.00. Mr. Hall concluded that the Property's highest and best use as vacant is for residential development. An updated appraisal was prepared by Mr. Hall on November 22, 2013 with a date of value of November 14, 2013. Mr. Hall estimated the value of the Taking to be \$97,900.00 and concluded that the Property's highest and best use as vacant is for residential development. Mr. Hall prepared another update on May 5, 2014 with a date of value of April 21, 2014. Mr. Hall estimated the value of the Taking to be \$97,900.00 and concluded that the Property's highest and best use as vacant is for residential development.

Central Florida Expressway Authority Right of Way Committee
S.R. 429 Wekiva Parkway, Project 429-202; Parcel 157 (Parts A & B) (George Arendt)
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In addition to the value of the Taking, the Owner is entitled to a replacement housing purchase additive in the amount of \$75,748.76 in order to purchase a decent, safe, and sanitary replacement dwelling pursuant to the Uniform Relocation Assistance Act.

CFX filed its eminent domain action on March 31, 2014.

The parties have been participating in settlement negotiations and have reached a proposed agreement on the purchase price for the acquisition of Parcel 157 (Parts A & B). The parties have conditionally agreed to the following settlement terms, subject to Right of Way Committee recommendation and final CFX Board approval:

CFX would pay the Owner, George Arendt, the sum of \$150,000.00, less its good faith deposit of \$97,900.00. CFX would pay statutory attorneys' fees and expert fees in the amount of \$27,000.00 in accordance with Florida Statutes §73.092(1)(a) and §73.091(1).

Should CFX approve the above settlement amount, the Owner will still be eligible to receive relocation and replacement housing benefits. However, this settlement will reduce the Owner's replacement housing purchase additive to from \$75,748.76 to \$23,648.76.

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

RECOMMENDATION:

We respectfully request that the Right of Way Committee recommend CFX Board approval of the proposed settlement in the amount of \$177,000.00 in full settlement of all claims for compensation for the acquisition of Parcel 157 (Parts A & B).

ATTACHMENT:

Exhibit A-Sketch of Subject Property



AERIAL PHOTO
PARCEL 157