

CENTRAL FLORIDA EXPRESSWAY AUTHORITY

Agenda
CENTRAL FLORIDA EXPRESSWAY AUTHORITY
RIGHT-OF-WAY COMMITTEE
January 28, 2015
2:00 p.m.
Room 107 (Pelican Conference Room)

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 – November 24, 2014

TAB A

Requesting approval of the 11/24/14 minutes. **Action Item.**

4. S.R. 528 / BEELINE IMPROVEMENTS (PROJECT 528-405) PARCEL 7

TAB B

PROJECT AIRPORT INTERCHANGE – *Deborah Keeter, Atkins*

Requesting the Committee's recommendation for Board approval to declare the parcel surplus and sold. **Action Item.**

5. S.R. 429 / PROJECT 653 (PARCEL 209) AND S.R. 408 / PROJECT 3.1 (PARCEL 578) – *Deborah Keeter, Atkins*

TAB C

Requesting the Committee's direction on how to proceed with the sale of the parcel. **Action Item.**

6. S.R. 429 (WEATHERMAN) / WEKIVA PARKWAY PROJECT / PROJECT 429-204 (PARCEL 278) *David Shontz, Shutts & Bowen, LLP*

TAB D

Requesting the Committee's recommendation for Board approval of the proposed Settlement/Purchase Agreement. **Action Item.**

7. S.R. 429 (SHULMAN) / WEKIVA PARKWAY PROJECT / PROJECT 429-203 (PARCEL 188) – *David Shontz, Shutts & Bowen, LLP*

TAB E

Requesting the Committee's recommendation for Board approval of the proposed Mediated Settlement Agreement. **Action Item.**

8. S.R. 429 (HALL) / WEKIVA PARKWAY PROJECT /PROJECT 429-203 PARCEL 186) – *David Shontz, Shutts & Bowen, LLP*

TAB F

Requesting the Committee's recommendation for Board approval of the proposed Mediated Settlement Agreement. **Action Item.**

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9. **INCENTIVE OFFERS ON WEKIVA PARKWAY PROJECT PARCELS**
David Shontz, Shutts & Bowen, LLP
Discussion regarding incentive offers on Wekiva Parkway Project parcels.
(There are no backup materials for this item). **Discussion Item.**
10. **BUSINESS DAMAGE CLAIM OFFERS ON WEKIVA PARKWAY PROJECT PARCELS** – *David Shontz, Shutts & Bowen, LLP*
Discussion regarding business damage claim offers on the Wekiva Parkway Project parcels. (There are no backup materials for this item). **Discussion Item.**
11. **OTHER BUSINESS**
12. **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.

Tab A

CENTRAL FLORIDA EXPRESSWAY AUTHORITY

MINUTES CENTRAL FLORIDA EXPRESSWAY AUTHORITY Right of Way Committee Meeting November 24, 2014

Committee Members Present:

David May, Osceola County Representative, Committee Chair
Brett Blackadar, Seminole County Representative
Laurie Botts, City of Orlando Representative
Sandy Minkoff, Lake County Representative
John Terwilliger, Orange County Representative

OOCEA Staff Present:

Joseph L. Passiatore, General Counsel
Mimi Lamaute, Paralegal/Recording Secretary
Michelle Maikisch, Director of Public Affairs and Communication
Laura Kelley, Deputy Executive Director of Finance & Administration
Glenn Pressimone, Director of Engineering
Darleen Mazzillo, Executive Assistant

Also Present:

Jere Daniels, Winderweedle, Haines, Ward & Woodman, P.A.
Trippe Cheek, Winderweedle, Haines, Ward & Woodman, P.A.
David Shontz, Shutts & Bowen
Deborah Keeter, Atkins
Deborah Poindexter, Atkins
Deborah Long, RTD Group
Brendan Lynch, Lowndes, Drosdick, Doster, Kantor & Reed, P.A.
Jim Spoonhour, Lowndes, Drosdick, Doster, Kantor & Reed, P.A.
Celeste Adorno, Adorno Law Firm

Item 1: CALL TO ORDER

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

Item 2: PUBLIC COMMENT

There was no public comment.

Item 3: APPROVAL OF MINUTES

The minutes of the October 22, 2014 Right of Way Committee meeting were presented for approval.

Discussion ensued as to a change suggested by Mr. Minkoff to delete the last sentence in Item 9 on Page 6, Other Business/ Incentive Offers, to more accurately describe the discussion on this item.

A motion was made by Mr. Minkoff and seconded by Mr. Terwilliger to approve the minutes of the October 22, 2014 Right of Way Committee with the deleted sentence as described above. The motion carried unanimously with all five committee members present and voting AYE by voice vote.

Item 4: S.R. 429 / PARCEL 197 - WEKIVA PARKWAY PROJECT (KAGER) PROJECT 429-203

Mr. Spoonhour provided the Committee with a description and background on Parcel 197. The Kagers held a lease on part of the land and therefore are parties in the condemnation action as to parcel 197. The Kagers ran a horse boarding business and raise hay on this leased property. The taking consists of approximately 43 or 44 acres.

The proposed settlement is for all claims including loss of hay crop, payment for loss of income from a commercial horse boarding facility, and payment for replacement of fencing related to the commercial horse boarding facility, along with the Kagers' ability to remove and re-use any fencing in the portion of the taking area which they had under lease.

Itemization of the settlement:

Proposed settlement is \$16,400 inclusive of all fees and cost (including attorney fees).

A motion was made by Mr. Minkoff and seconded by Ms. Botts to recommend to the Board approval of the proposed Settlement Agreement in the amount of \$16,400 inclusive of all fees and costs. The motion carried unanimously with all five committee members present and voting AYE by voice vote.

Mr. Blackadar requested that going forward a map depicting the location of the parcels under discussion be provided to the Committee.

Item 5: COMMITTEE PROCEDURES / ENHANCED FIRST WRITTEN OFFERS

As a follow up to last month's discussion, General Counsel Joe Passiatore requested Ms. Deborah Long address the Committee regarding the possible use of enhanced first written offers on the remainder of the Wekiva Parkway Project. Ms. Long is a Federal Relocation Act expert and has extensive experience and knowledge on the Relocation Act.

In their agenda packages the Committee received a section of a PowerPoint presentation from the Federal Highway Administration (FHWA) which promulgated the rules (Uniform Act) which are used on the Wekiva Project. International Right of Way Association (IRWA) is the international professional organization for Right of Way Professionals. They (IRWA) have educational and all types of seminars for Right of Way Professionals. This presentation was given in Atlanta in 2011 to assist states and other agencies that use Federal dollars in completing transportation facilities across the nation. She distributed only those slides that pertain to the question(s) at hand. She explained that in order to carry out the "Incentive Program", FHWA has very specific requirements. The use of enhanced first offers was not submitted and approved by FHWA prior to start of the Project, so it would be unlikely that FHWA would approve first written offers because the projects are already underway.

There was discussion regarding these incentives being more effective if Federal dollars are not used. It was also mentioned that this program has been beneficial with residential acquisitions.

David Shontz of Shutts & Bowen provided an update on projects 204, 205, and 206. The majority of the 44 remaining parcels are ready for first written offers. He explained that after the last meeting he did some research on incentive offers. He opined that in his experience this will be beneficial with unrepresented property owners on small parcels. It has been his experience that property owner attorneys look at the incentive offer as the new floor.

General discussion ensued as to the benefits and disadvantages of using of enhanced first written offers.

It is the general direction of the Committee that Mr. Shontz issue a legal opinion on the possibility of CFX utilizing enhanced first written offers and a detailed synopsis on the use of enhanced first written offers by FDOT.

This was an informational item. No action was taken.

Item 6: COMMITTEE PROCEDURES / UPDATE ON NEGOTIATING LUMP SUM INVOICING FOR APPRAISAL SERVICES

Mr. Shontz addressed the committee as a follow up to last month's Right of Way Committee meeting discussions on how CFX is paying for appraisals. He provided the Committee with an update on the status of the all pending parcels in projects 203, 204, 205 and 206.

Discussion ensued as to the various agreement addendums being requested, the amounts of expert fees and monthly invoices being reviewed by staff.

There was direction by the Committee that Right of Way Counsel provide, on a quarterly basis, an update as to expert costs incurred to date versus budgeted amount before it is provided to the Board.

This was a discussion item. No action was taken.

Item 7: PROPERTY ACQUISITION & DISPOSITION PROCEDURES MANUAL

Mr. Passiatore explained to the Committee that, based on Board direction, an update to the Property Acquisition and Disposition Procedures Manual has been requested to amend the conveyances of the surplus property to governmental entities and not-for-profit organizations, and to correctly reference CFX as the governing agency.

Mr. Passiatore presented proposed revisions to the manual. In addition, the following sections of the manual were discussed, clarified and/or changed by the Committee:

- There was discussion regarding how CFX notifies the City or County where the surplus parcel is located. The Committee requested the following change be made to Page 15, Section 5-6.04 Procedures for Disposition, First paragraph, first line: "After the Board has determined a parcel of property is Surplus Property "and CFX staff has consulted with the local governmental jurisdiction in which the property is located, CFX may,....."
- Recommendation to reinsert the reference to "public or quasi public entity or a charitable or other non-profit organization...." language.
- Recommended change on page 16, Section 5-6.05 Appraisals, last paragraph 5th line up from the bottom "an" needs to be changed to "a."
- Discussion was had regarding page 17, under the Section 5-6.05 Appraisals, second paragraph; consideration of using the property appraisers' value. No change requested to the section.
- Discussion was had regarding page 17, under the Section 5-6.06(d), Public Sales; regarding Bid Procedure. Comments were made that Seminole County refers bids to the Board if they are less than the minimum of the appraised value. If it's not at the appraised value, it has to go back to the Board to make the decision. If a minimum is not established you run the risk of selling it under the appraised value. No changes were made to the section.
- Recommended change to page 2, Section 5-2.03 Right of Way Committee – The Committee directed this section be in conformance with the new Right of Way Committee charter and include that three Committee members constitute a quorum.
- Discussion ensued as to page 3, under Section 5-2.04 Executive Director and General Counsel, the Committee would like to have further discussions at a future meeting about ultimately rewriting the language to include the Executive Director have authority at negotiations.

A motion was made by Mr. Minkoff and seconded by Mr. Terwilliger to recommend to the Board approval of the revisions to the Property and Acquisition and Disposition Manual as described above. The motion carried unanimously with all five committee members present and voting AYE by voice vote.

After the vote there was discussion as to FDOT's matrix for statewide performance measures for Right of Way. It was suggested that this issue should be brought back at a future meeting when the Property Acquisition and Disposition Procedures Manual is further revised.

Item 8: OTHER BUSINESS

DECEMBER RIGHT OF WAY COMMITTEE MEETING

The Committee decided not to hold a December Right of Way Committee meeting unless there was an item that arose that needed to be heard. The next regularly scheduled Right of Way Committee meeting is January 28, 2015 at 2:00 p.m.

Item 9: ADJOURNMENT

Chairman May adjourned the meeting at 3:26 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@CFXWay.com or 4974 ORL Tower Road, Orlando, FL 32807.

Tab B

MEMORANDUM

21 JAN '15 PM 1:18

To: Right of Way Committee
Central Florida Expressway Authority

From: Deborah D. Keeter
Atkins



Date: January 19, 2015

Re: SR 528
Project Airport Interchange – BeeLine Improvements
Parcel 7

In connection with the 528-405 project, the Authority needs to acquire certain property from the City of Orlando which is used and controlled by GOAA. In connection with the 528-405 acquisitions, GOAA requested the Authority grant them an option to purchase the remainder of Parcel 7 and have now indicated that they will be exercising the option.

This parcel, is east of Conway Road along the north side of McCoy road; it is approximately 5.36 acres and is estimated to have approximately 1.78 acres wetlands and 3.58 acres of uplands.

An appraisal of the property has been prepared estimating the value as \$467,900 at November 2, 2012 (the date of the agreement between the City and the Expressway Authority for the purchase of the 528-405 property.)

We are seeking the Committee's recommendation to the Board that the property be declared surplus and sold to the City in accordance with the Authority's policies and procedures and the approved Agreement

For your review, attached you will find an aerial, with the property outlined in red, a general site location map and a copy of the letter from the General Engineering Consultant stating that the property is not needed for the operation of the system.

Attachments
GEC Letter
Exhibits

c: J. Berenis, P.E. (w/enc)
J. Passiatore, Esq. (w/enc)



Atkins North America, Inc.

482 South Keller Road
Orlando, Florida 32810-6101

Telephone: +1.407.647.7275

www.atkinsglobal.com/northamerica

January 19, 2015

Joseph A. Berenis, P.E.
Deputy Executive Director
Central Florida Expressway Authority
4974 ORL Tower Road
Orlando, FL 32807

Re: Central Florida Expressway Authority
Disposition of Property
SR 528, Project: Airport Interchange, BeeLine Improvements
Parcel 7.1

Dear Mr. Berenis:

We have reviewed the limits of the above designated parcel, as depicted on the attached. In our opinion this property is surplus and is not needed for the operation of the system.

Sincerely,

A handwritten signature in black ink, appearing to read "Nathan P. Silva".

Nathan P. Silva
GEC Program Manager

Attachment

c: J. Passiatore, Esq., CFX (w/enc.)
D. Keeter, Atkins (w/enc)

SR 528 – Airport Interchange – BeeLine Improvements Parcel 7



Tab C

MEMORANDUM

21 JAN '15 PM 1:17

To: Right of Way Committee
Orlando-Orange County Expressway Authority

From: Deborah D. Keeter 
Atkins

Date: January 19, 2015

Re: SR 429, Project 653, Parcel 209
SR 408, Project 3.1, Parcel 578, etc.

These two parcels have previously been declared surplus by the Authority. As directed by the Right of Way Committee, prior to offering the properties to the general public Orange County was contacted to ascertain if they had a need for the properties.

The County has replied that they are interested and are requesting the asking price. I have been unable to find out which department(s) is interested in the properties. Copies of the correspondence from the County is attached.

Neither of these properties has a current appraisal; they were going to be advertised with the requirement that the purchaser would obtain and pay for the appraisal to be prepared by an Authority approved appraiser. The County does not want to pay to have the appraisals prepared.

We are seeking the Committee's direction as to how to proceed.

For your review, attached you will find an aerial, of the properties along with a site locations map.

Attachments

Property Information

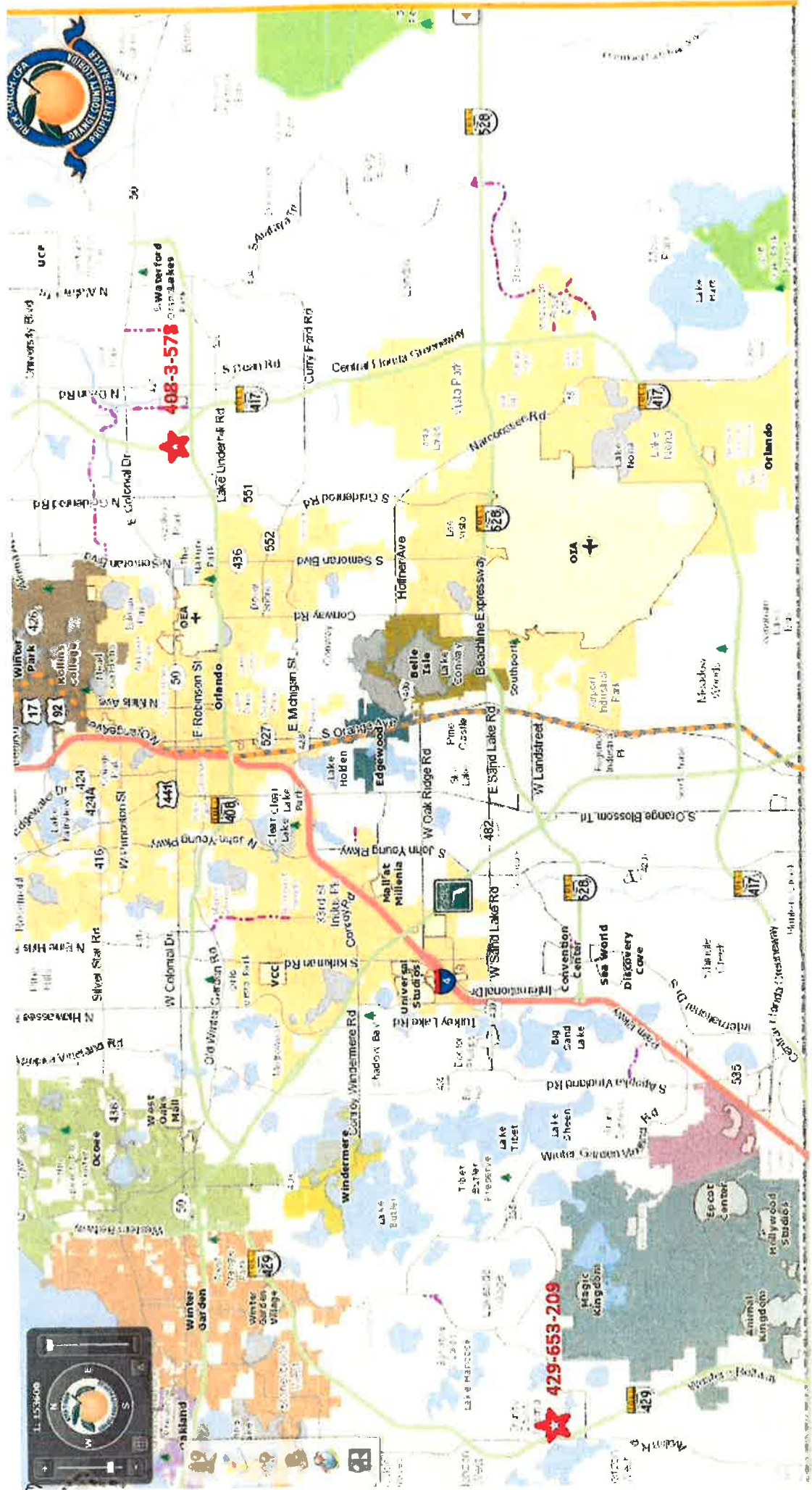
County letters

c: J. Berenis, P.E. (w/enc)
J. Passiatore, Esq. (w/enc)

GENERAL SITE LOCATION MAP

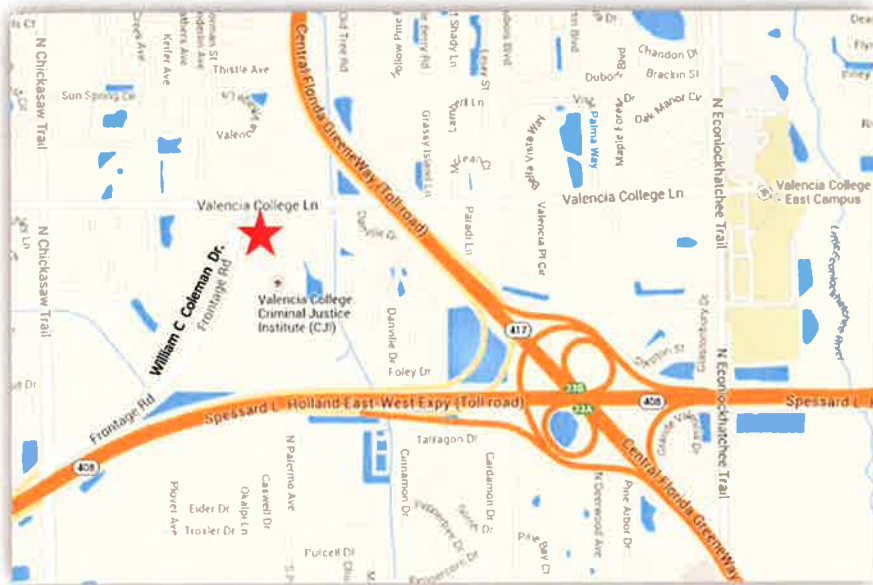
Parcel 429-653-209

Parcel 408-3-578



LAND OPPORTUNITY

Central Florida Expressway Authority Surplus Property Bid Opportunity



Parcel: 408-3-578

**Location: At the southeast corner of William C Coleman (Frontage Road.)
and Valencia College Lane**

Size: +/- 3 AC..

LAND OPPORTUNITY

Central Florida Expressway Authority

Surplus Property Bid Opportunity



Parcel: 429-653-209

**Location: At the southeast corner of CR 545 and Old YMCA Road
9051 Avalon Rd. (CR 545) Winter Garden, FL**

Size: +/- 84 AC..


Tab D



Founded 1910

MEMORANDUM

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

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

DATE: January 21, 2015

RE: State Road 429 Wekiva Parkway, Project 429-204; Parcel 278
Settlement/Purchase Agreement

Shutts & Bowen LLP, Right-of-Way Counsel, seeks the recommendation of the Right-of-Way Committee of a settlement to be consummated with a Purchase Agreement between Linna Louise Doherty, f/k/a Linna Louise Weatherman and James Richard Weatherman, deceased (the "Owners") and the Central Florida Expressway Authority (the "CFX") for the acquisition of Parcel 278 (the "Taking" or "Property") for the construction of State Road 429 Wekiva Parkway, Project 429-204.

DESCRIPTION AND BACKGROUND

Parcel 278 is a partial acquisition for a limited access right-of-way consisting of 2.843± acres from the southern portion of the parent tract consisting of 4.256± acres. The property is located in unincorporated Orange County along Boch Road, east of the intersection of Plymouth Sorrento Road and Boch Road, and is improved with a 3-bedroom, 2.5-bath home consisting of approximately 1,728 s.f., built in 2001. Additionally, the home has a 240 s.f. back porch, an 88 s.f. front porch and a 434 s.f. storage shed with an attached 154 s.f. wooden deck. The property is zoned A-2, Farmland Rural District (road frontage pasture) which provides for residential and agricultural uses. The future land use is designated as R, Rural/Agricultural. This property is the homestead of Ms. Weatherman Doherty.

The CFX's appraisal of the property was prepared by Christopher D. Starkey, MAI, of Integra Realty Resources - Orlando. Mr. Starkey estimated the value of the taking to be \$150,000 (Land \$76,800, Improvements \$3,050, Incurable Damages \$69,050, and Cost to Cure \$782). Comparable land sales of \$24,000 to \$30,021 per acre were utilized by Mr. Starkey in his analysis. Mr. Starkey opined the subject property value is \$27,000 per acre. Improvements consist of field fencing and the cost to cure consists of the cost to re-establish fencing for

security, less items paid for in the acquisition. The taking results in a 67% reduction in size of the property. In the before, the rear property line was approximately 750 feet from the residence. After the taking, the residence is approximately 50 feet from the limited access right-of-way, resulting in a reduction of approximately 93% in the rear property depth. Due to the close proximity of the limited access right-of-way and attendant increase in vehicular noise, loss of privacy and diminishment of rural appeal, Mr. Starkey estimated a 50% reduction for the building improvements, resulting in the incurable damages of \$69,050. Mr. Starkey determined the highest and best use of the subject property is holding the property for single family residential development.

Ms. Weatherman Doherty's position is that Mr. Starkey should have reconciled the comparable sales at \$29,500 per acre as three (3) out of four (4) of the comparables were between \$29,040 and \$29,720 per acre. Thus, Ms. Weatherman Doherty opines the land value should be \$83,900. Ms. Weatherman Doherty believes the improvements taken should be valued at \$3,068, and is willing to accept incurable damages of \$69,832 as opined by Mr. Starkey.

Ms. Weatherman Doherty and CFX entered into a proposed Purchase Agreement for a total of \$156,800, an additional \$6,800. Additionally, the property owner has not hired an attorney or retained other experts for which CFX would be responsible for as part of the landowner's compensation as provided by Florida Statutes §73.091 and §73.092.

For the above-cited reason, a recommendation for approval by the Right-of-Way Committee is requested of the proposed purchase agreement and is in the CFX's best interest. It will eliminate further risk and unnecessary expenses that the CFX will ultimately incur if it is required to litigate a condemnation action to acquire Parcel 278.

RECOMMENDATION

We respectfully request that the Right-of-Way Committee recommend to the CFX Board the approval of the proposed purchase agreement with a total settlement amount of \$156,800 in full settlement of all claims for compensation for the acquisition of Parcel 278.

ATTACHMENTS

Exhibit "A" – Sketch of Subject Property
Exhibit "B" – Proposed Purchase Agreement

ORLDOCS 13815983 1

LEGAL DESCRIPTION

PARCEL 278

PURPOSE: LIMITED ACCESS RIGHT OF WAY

ESTATE: FEE SIMPLE

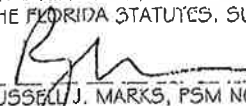
THAT PART OF THE SOUTHWEST 1/4 OF SECTION 6, TOWNSHIP 20 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA, BEING THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5995, PAGE 473, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF SECTION 6, TOWNSHIP 20 SOUTH, RANGE 28 EAST; THENCE, SOUTH 03°43'34" EAST ALONG THE EAST LINE OF THE SOUTHWEST 1/4 OF SECTION 6, A DISTANCE OF 689.70 FEET TO A POINT ON THE SOUTH RIGHT OF WAY OF BOCH ROAD AS DESCRIBED IN OFFICIAL RECORDS BOOK 893, PAGE 24, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE DEPARTING SAID EAST LINE, SOUTH 89°59'44" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 1461.74 FEET; THENCE DEPARTING SAID SOUTH LINE, SOUTH 02°31'06" EAST, A DISTANCE OF 30.03 FEET TO A POINT ON THE EXISTING SOUTH RIGHT OF WAY LINE OF BOCH ROAD AS DESCRIBED IN OFFICIAL RECORDS BOOK 893, PAGE 26, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE DEPARTING SAID SOUTH LINE, CONTINUE SOUTH 02°31'06" EAST, A DISTANCE OF 321.60 FEET TO THE POINT OF BEGINNING; THENCE NORTH 83°24'42" EAST A DISTANCE OF 188.30 FEET; THENCE SOUTH 88°17'46" EAST, A DISTANCE OF 24.95 FEET; THENCE SOUTH 03°20'08" WEST, A DISTANCE OF 711.11 FEET; THENCE SOUTH 87°57'23" WEST, A DISTANCE OF 140.19 FEET; THENCE NORTH 02°31'06" WEST, A DISTANCE OF 694.71 FEET AND 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 2.843 ACRES, MORE OR LESS.

I HEREBY CERTIFY THAT THIS LEGAL DESCRIPTION AND SKETCH IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, I FURTHER CERTIFY THAT THIS LEGAL DESCRIPTION AND SKETCH MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472 OF THE FLORIDA STATUTES, SUBJECT TO NOTES AND NOTATIONS SHOWN HEREON.


RUSSELL J. MARKS, PSM NO. 5623

NOT VALID WITHOUT SIGNATURE AND ORIGINAL RAISED SEAL

3/25/14
DATE

FOR: ORLANDO ORANGE COUNTY EXPRESSWAY AUTHORITY

STATE ROAD 429

DESIGNED BY: RJM

DATE: 3/18/14

DRAWN BY: SMP

JOB NO:

APPROVED BY: RJM

OCEA PROJECT NO: 429-204

URS

URS CORPORATION
315 E. ROBINSON STREET
SUITE 245
ORLANDO, FL 32801-1949
PH (407) 422-0353
LICENSED BUSINESS NO. 6039

REVISIONS:

SHEET: 1 OF 2

EXHIBIT "A"

SKETCH OF DESCRIPTION

PARCEL 278

PURPOSE: LIMITED ACCESS RIGHT OF WAY

ESTATE: FEE SIMPLE

PLYMOUTH SORRENTO ROAD (R/W VARIES)

RGE 27 E
RGE 28 E

TOWNSHIP 20 SOUTH
RANGE 28 EAST

BOCH ROAD

SCALE:
1" = 200'

30' R/W
OR 893
PG 24

30' R/W
OR 893
PG 26

POC
NE COR SW 1/4
NOTHING FND
OR SET

(R/W VARIES)

LINE TABLE				
L1	S 03°43'34" E	689.70'(C)(D)		
L2	S 89°59'44" W	1461.74'(C) 1461.80'(D)		
L3	S 89°59'44" W	211.43'(C) 211.39'(D)		
L4	N 01°32'58" E	30.01'(C) 30.21'(D)		
L5	N 83°24'42" E	188.30'(C)		

WEST LINE
SW 1/4,
SEC 6

EXISTING
EAST R/W
LINE

CURVE C1
Δ = 02°28'13"
R = 4662.00'
L = 201.01'
CB = N83°56'18"E

SEC 6

10' FLORIDA
POWER
CORPORATION
DISTRIBUTION
EASEMENT
OR 6245,
PG 3465
UNABLE
TO PLOT

REMAINDER
1.413 AC±

POB

2.843 AC±

EXISTING
SOUTH
R/W LINE

EAST LINE
SW 1/4,
SEC 6

S 88°17'46" E
24.95'(C)
25.00'(D)

FND 1/2" IRC
"1819 1585"

FND 1/2" IP
NO ID
W/ 1/2" IRC
"1819 1585"
INSIDE

N 88°17'46" W
24.95'(C)
25.00'(D)

FND 1/2" IRC
"1819 1585"

DETAIL 'A'
NOT TO SCALE

LEGEND

- C = CALCULATED
- CCR = CERTIFIED CORNER RECORD
- CM = CONCRETE MONUMENT
- D = DEED
- F = FIELD
- FND = FOUND
- ID = IDENTIFICATION
- IR = IRON ROD
- IRC = IRON ROD & CAP
- IP = IRON PIPE
- LA = LIMITED ACCESS
- LB = LICENSED BUSINESS
- OR = OFFICIAL RECORDS
- PG = PAGE
- POB = POINT OF BEGINNING
- POC = POINT OF COMMENCEMENT
- R = PROPERTY LINE
- R = RADIUS
- RGE = RANGE
- RLS = REGISTERED LICENSED SURVEYOR
- RAW = RIGHT OF WAY
- SEC = SECTION
- TB = TANGENT BEARING
- TWP = TOWNSHIP

GENERAL NOTES:

- THE BEARINGS SHOWN HEREON ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, 1983 NORTH AMERICAN DATUM, 2007 ADJUSTMENT, WITH THE WEST LINE OF THE SOUTHWEST 1/4 OF SECTION 6, TOWNSHIP 20 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, HAVING A BEARING OF NORTH 00°01'26" WEST.
- THERE MAY BE OTHER RECORDED DOCUMENTS FOUND IN ORANGE COUNTY RECORDS AFFECTING THIS PROPERTY THAT ARE NOT SHOWN ON THIS SKETCH OF DESCRIPTION.
- ATTENTION IS DIRECTED TO THE FACT THESE MAPS MAY HAVE BEEN ALTERED IN SIZE BY REPRODUCTION. THIS MUST BE CONSIDERED WHEN OBTAINING SCALE DATA.
- A CERTIFICATE OF TITLE INFORMATION PREPARED BY "FIRST AMERICAN TITLE INSURANCE COMPANY" DATED OCTOBER 18, 2012, FILE NO. 2037-2840291 WAS REVIEWED BY THE SURVEYOR AND EXCEPTIONS (IF ANY) NOTED ON SAID CERTIFICATE ARE SHOWN HEREON.

FOR: ORLANDO ORANGE COUNTY EXPRESSWAY AUTHORITY

STATE ROAD 429

DESIGNED BY: RJM

DATE: 3/18/14

DRAWN BY: SMP

JOB NO:

APPROVED BY: RJM

OCEA PROJECT NO: 429-204

URS

URS CORPORATION
315 E. ROBINSON STREET
SUITE 245
ORLANDO, FL 32801-1949
PH (407) 422-0353
LICENSED BUSINESS NO. 6839

REVISIONS:

SHEET: 2 OF 2

PROJECT: 429 – 204
STATE ROAD NO.: 429
PROJECT NAME: Wekiva Parkway
COUNTY: Orange
PARCEL NO.: 278

Expressway Authority and Seller hereby agree that Seller shall sell and Expressway Authority shall buy the following described property pursuant to the following terms and conditions:

These items are **NOT** included in this agreement. A separate offer is being, or has been, made for these items.

(g) Portion of Total Purchase Price to be paid to Seller	\$	<u>0.00</u>
by Expressway Authority upon surrender of possession		

EXHIBIT "B"

III. Conditions and Limitations

- (a) Seller is responsible for all taxes due on the property up to, but not including, the day of closing.
- (b) Seller is responsible for delivering marketable title to Expressway Authority. Marketable title shall be determined according to applicable title standards adopted by the Florida Bar in accordance with Florida Law subject only to those exceptions that are acceptable to Expressway Authority. Seller shall be liable for any encumbrances not disclosed in the public records or arising after closing as a result of actions of the Seller.
- (c) Seller shall maintain the property described in **Section I** of this agreement until the day of closing. The property shall be maintained in the same condition existing on the date of this agreement, except for reasonable wear and tear.
- (d) Any occupancy of the property described in **Section I** of this agreement by Seller extending beyond the day of closing must be pursuant to a lease from Expressway Authority to Seller.
- (e) The property described in **Section I** of this agreement is being acquired by Expressway Authority for transportation purposes under threat of condemnation pursuant to **Section 337.25 Florida Statutes**.
- (f) Pursuant to **Rule 14-10.004, Florida Administrative Code**, Seller shall deliver completed **Outdoor Advertising Permit Cancellation Form(s), Form Number 575-070-12**, executed by the outdoor advertising permit holder(s) for any outdoor advertising structure(s) described in **Section I** of this agreement and shall surrender, or account for, the outdoor advertising permit tag(s) at closing.
- (g) Seller agrees that the real property described in **Section I** of this agreement shall be conveyed to Expressway Authority by conveyance instrument(s) acceptable to Expressway Authority.
- (h) Seller and Expressway Authority agree that this agreement represents the full and final agreement for the herein described sale and purchase and no other agreements or representations, unless incorporated into this agreement, shall be binding on the parties.
- (i) Other: _____

- (j) Seller and Expressway Authority agree that a real estate closing pursuant to the terms of this agreement shall be contingent on delivery by Seller of an executed Public Disclosure affidavit in accordance with **Section 286.23, Florida Statutes**, if applicable.

IV. Closing Date

The closing will occur no later than sixty (60) days after Final Agency Acceptance.

V. Typewritten or Handwritten Provisions

Any typewritten or handwritten provisions inserted into or attached to this agreement as addenda must be initialed by both Seller and Expressway Authority.

- ☒ There is an addendum to this agreement. Page 4 is made a part of this agreement
- ☐ There is not an addendum to this agreement

- VI.** Seller and Expressway Authority hereby acknowledge and agree that their signatures as Seller and Expressway Authority below constitute their acceptance of this agreement as a binding real estate contract.

This Agreement is subject to final agency acceptance by Expressway Authority pursuant to Section 119.0711, *Florida Statutes* (2013) ("Final Agency Acceptance") after Right of Way Committee and Expressway Authority Board Approval. Notwithstanding anything in this Agreement to the contrary, the Closing shall not occur prior to thirty (30) days from the date this Agreement is executed and delivered by Owners and Expressway Authority to allow public review of the transaction contemplated by this Agreement. Final Agency Acceptance shall be evidenced by the signature of Expressway Authority in **Section VII** of this agreement.

Seller: Linna Louise Doherty f/k/a/ Linna Louise Weatherman **Buyer:** Central Florida Expressway Authority

Linna Louise Doherty 1/4/15
Signature Date

BY: Joseph A. Berenis 1/6/15
Signature Date

Linna Louise Doherty f/k/a Linna Louise Weatherman
Type or print name

Joseph A. Berenis
Type or print name

VII. FINAL AGENCY ACCEPTANCE

The Expressway Authority has granted Final Agency Acceptance this ____ day of _____, 20__.

WITNESSES:

Print Name: _____

Print Name: _____

APPROVED AS TO FORM FOR EXECUTION BY A
SIGNATORY OF THE CENTRAL FLORIDA
EXPRESSWAY AUTHORITY
Legal Counsel:

By _____

Date: _____

"EXPRESSWAY AUTHORITY"

CENTRAL FLORIDA EXPRESSWAY AUTHORITY
A body politic and corporate, and an agency of the state,
under the laws of the State of Florida,

By: _____

Print Name: _____

Title: _____

Orlando-Orange County Expressway Authority

ADDENDUM TO PURCHASE AGREEMENT

PROJECT: 429 - 204
STATE ROAD NO.: 429
PROJECT NAME: Wekiva Parkway
COUNTY: Orange
PARCEL NO.: 278

This is an addendum to the Purchase Agreement attached hereto and made a part hereof between Linna Louise Doherty f/k/a Linna Louise Weatherman, Seller, and **The Central Florida Expressway Authority ("Expressway Authority")**, Buyer, for the use and benefit of the Expressway Authority, for the above-referenced project.

1. Buyer and Seller agree all fees, costs and/or business damage claims are included in this Purchase Agreement.
2. Buyer and Seller agree that any issues concerning the utility shed that is within the set back area has been addressed by the Authority satisfactory. If seller is required to move the shed in the future it will be the sole responsibility of the seller to comply with those requirements.

Funds shall be made payable and will be issued according to the Seller and/or their representatives.

1. Funds in the amount of \$156,800.00 shall be made payable to Linna Louise Doherty.

IN WITNESS WHEREOF, the parties have caused these present to be executed in their respective names.

Seller(s): Linna Louise Doherty f/k/a Linna Louise Weatherman

Linna Louise Doherty
Signature

1/4/15
Date

By: Linna Louise Doherty f/k/a Linna Louise Weatherman
Type or print name and title

Buyer: The Central Florida Expressway Authority

Joseph A. Berenis
Signature
Print Name: Joseph A. Berenis
Title: Deputy Executive Director

1/6/15
Date


Tab E



Founded 1910

MEMORANDUM

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

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

DATE: January 21, 2015

RE: State Road 429 Wekiva Parkway, Project 429-203; Parcel 188
Mediated Settlement Agreement

Shutts & Bowen LLP, Right-of-Way Counsel, seeks the recommendation of the Right-of-Way Committee of the Mediated Settlement Agreement by and between the Central Florida Expressway Authority ("CFX") and Michael Shulman ("Owner") for the settlement of Parcel 188 (the "Taking" or "Property") for the construction of State Road 429 Wekiva Parkway, Project 429-203.

DESCRIPTION AND BACKGROUND

Parcel 188 is a whole taking totaling 10.163 acres and is improved with a 2,363 s.f. three bedroom/two bath house built in 1975. Additional improvements on the subject property include a barn, greenhouse, workshop building, and wood cattle pens. This property was the homestead of Mr. Shulman.

The CFX's appraisal of the property was prepared by Chad Durrance of Durrance & Associates. The subject property is currently zoned A-2 (Farmland Rural District) with a Rural/Agricultural (R) future land use category. Mr. Durrance concludes the highest and best use of the subject property is for continued use of the existing improvements. Mr. Durrance used the Sales comparison approach and had 9 land sales ranging from \$17,100 to \$29,300 per ac. and concluded a value of \$22,500 per ac. Additionally, Mr. Durrance had 6 improved sales ranging from \$26,000 to \$97,500 for allocated improvements and concluded \$21,500.00 for the improvements on the subject property. Accordingly, Mr. Durrance's total value conclusion is \$250,200.00 (\$228,700 land, \$21,500 improvements).

Mr. Shulman's appraisal of the subject property was prepared by Rick Dreggors of Calhoun, Dreggors & Associates, Inc. Mr. Dreggors argues that the area is transitioning from

historical single family homes on larger acreage/agricultural uses to higher density residential neighborhoods and other uses. Mr. Shulman additionally retained a land planner, Eric Rahenkamp who concluded that it is reasonably probable that the subject property's land use designation could be amended and that the City of Apopka's Northwest Area Conceptual Master plan would allow two dwelling units per acres. Therefore, Mr. Rahenkamp opined that this would permit 20 dwelling units on the Shulman property, if the property were annexed into the City of Apopka. Mr. Dreggors argues the highest and best use of the subject property is for assemblage for a single family residential subdivision. Mr. Dreggors utilized the Sales comparison approach and had 7 land sales ranging from \$66,795.00 to \$159,025.00 per ac. and concluded a value of \$75,000.00 per ac. Accordingly, Mr. Dreggors total value conclusion is \$762,000.00.

In addition to the appraised value, counsel for Shulman argued that they were also entitled to the value of the fill being used by the CFX for the project. Specifically, Paul Sherma, P.E. of PEER estimated that 133,604 CY of material was being excavated from Pond 203-3A, Pond 203-3B and Floodplain Compensation 2 on the subject property. Therefore, Mr. Shulman was seeking an additional \$296,500.00 for fill and statutory interest. Accordingly, Mr. Shulman was seeking a total of \$1,058,500.00 for the taking of Parcel 188.

Parcel 188 was scheduled for a 4 to 5 day trial in February 2015. Per Court order, the parties held mediation on January 9, 2015. Notwithstanding numerous disagreements with the property owner's position, the parties were able to reach a resolution and entered into a Mediated Settlement Agreement, subject to Board approval. Under the Mediated Settlement Agreement, the CFX would pay Mr. Shulman the sum of \$375,000, plus attorney's fees and experts costs. This would result in the CFX depositing an additional \$104,349.16 into the court registry (CFX receives a credit of \$250,200 previously deposited, plus per the Application and Claim for Replacement Housing Payment dated September 10, 2014 entered into by Mr. Shulman, the CFX also receives a credit of \$20,450.84). Statutory attorney's fees for Wilson & Garber, P.A. totals \$41,184. Additionally, although the expert's fees and attorney's costs are subject to review and potential reduction, the total experts fees and attorneys costs incurred by Mr. Shulman totals \$58,736.14.

A recommendation for approval by the Right-of-Way Committee is requested of the Mediated Settlement Agreement and is in the CFX's best interest. It will eliminate further risk and expenses that the CFX will ultimately incur for both sides if this matter were to proceed to a jury trial, as the CFX is responsible for the property owners attorney's fees and experts fees as set forth in Florida Statutes Chapter 73 and 74.

RECOMMENDATION

We respectfully request that the Right-of-Way Committee recommend to the CFX Board the approval of the Mediated Settlement with a total settlement amount of \$375,000 in full settlement of all claims for compensation for the acquisition of Parcel 188.

ATTACHMENTS

Exhibit "A" – Sketch of Subject Property

ORLDOCS 13820255 I



LOCATION MAP



AERIAL MAP OF SUBJECT AREA



 **AERIAL/SKETCH**
(Source: OCPAFL.org – 2014 Image Date)

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

LEGAL DESCRIPTION:

PART A

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

COMMENCE AT A FOUND 1/2" IRON ROD WITH NO IDENTIFICATION IN A WELL BOX MARKING THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 20 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA; THENCE SOUTH 88° 41' 17" WEST ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 24, A DISTANCE OF 1325.20 FEET TO THE NORTHEAST CORNER OF THE WEST HALF OF SAID NORTHEAST QUARTER; THENCE DEPARTING SAID NORTH LINE RUN SOUTH 00° 16' 44" WEST ALONG THE EAST LINE OF SAID WEST HALF, A DISTANCE OF 666.29 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID NORTHEAST QUARTER FOR THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 00° 16' 44" WEST ALONG SAID EAST LINE, A DISTANCE OF 666.89 FEET TO THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER; THENCE DEPARTING SAID EAST LINE RUN SOUTH 89° 03' 02" WEST ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER, A DISTANCE OF 595.96 FEET TO A POINT ON A CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 11314.16 FEET, A CHORD DISTANCE OF 111.72 FEET AND A CHORD BEARING OF NORTH 18° 46' 54" WEST; THENCE DEPARTING SAID SOUTH LINE RUN NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00° 33' 57", A DISTANCE OF 111.72 FEET; THENCE DEPARTING SAID CURVE RUN ALONG A RADIAL BEARING OF SOUTH 70° 56' 07" WEST, A DISTANCE OF 34.97 FEET TO ITS INTERSECTION WITH THE WEST LINE OF SAID SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER, AS MONUMENTED AND OCCUPIED; THENCE DEPARTING SAID RADIAL LINE RUN NORTH 00° 23' 29" EAST ALONG SAID WEST LINE, A DISTANCE OF 569.47 FEET TO THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER; THENCE DEPARTING SAID WEST LINE RUN NORTH 88° 53' 00" EAST ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER, AS MONUMENTED AND OCCUPIED, A DISTANCE OF 664.38 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 10.042 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. 2037-2777481 DATED 07/12/2012.


LEGEND & ABBREVIATIONS

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

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

P.I. = POINT OF INTERSECTION
P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
PROJ. = PROJECT
P.T. = POINT OF TANGENCY
(P) = PLAT
R = RADIUS
R.B.M. = ROAD BOND MAP
RT = RIGHT
R/W = RIGHT OF WAY

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

DATE	SEPTEMBER 23, 2013	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.	PARCEL 188
DRAWN BY	M.ROLLINS		S.R. 429 (WEKIVA PARKWAY) ORLANDO-ORANGE COUNTY EXPRESSWAY AUTHORITY ORANGE COUNTY, FLORIDA	SCALE: N/A
CHECKED BY	S.WARE			
USA PROJECT NO.	6A11-J1			
REVISION	BY	DATE		SHEET 1 OF 4

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


LEGAL DESCRIPTION:

PART B

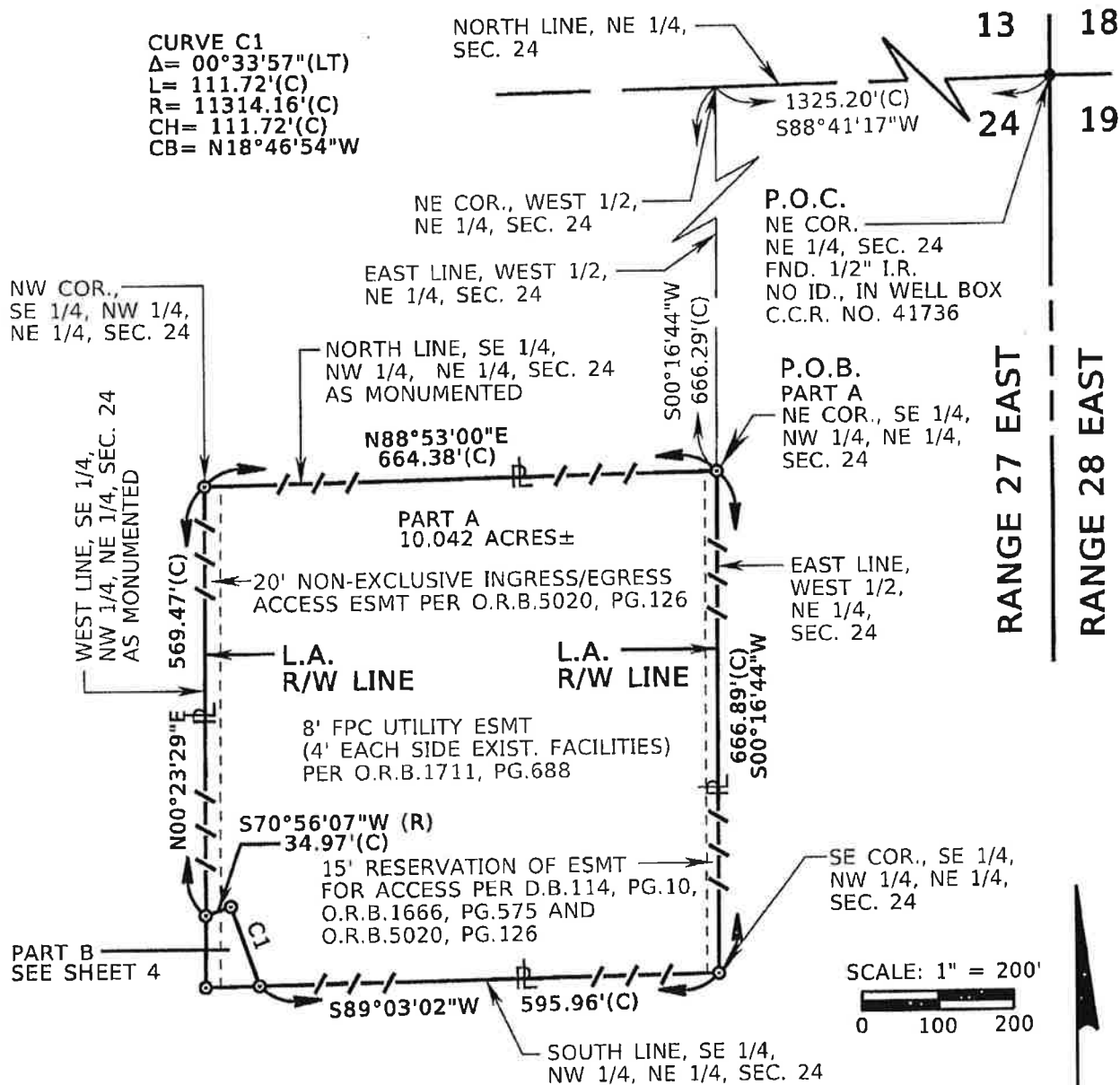
A PARCEL OF LAND LOCATED IN THE SOUTHEAST OF THE NORTHWEST OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 20 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A FOUND 1/2" IRON ROD WITH NO IDENTIFICATION IN A WELL BOX MARKING THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 20 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA; THENCE RUN SOUTH 88° 41' 17" WEST ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 24, A DISTANCE OF 1325.20 FEET TO THE NORTHEAST CORNER OF THE WEST HALF OF SAID NORTHEAST QUARTER; THENCE DEPARTING SAID NORTH LINE RUN SOUTH 00° 16' 44" WEST ALONG THE EAST LINE OF SAID WEST HALF, A DISTANCE OF 1333.18 FEET TO THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID NORTHEAST QUARTER; THENCE DEPARTING SAID EAST LINE RUN SOUTH 89° 03' 02" WEST ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER, A DISTANCE OF 595.96 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89° 03' 02" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 69.68 FEET TO THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER; THENCE DEPARTING SAID SOUTH LINE RUN NORTH 00° 23' 29" EAST ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER AS MONUMENTED AND OCCUPIED, A DISTANCE OF 95.51 FEET; THENCE DEPARTING SAID WEST LINE RUN ALONG A RADIAL BEARING OF NORTH 70° 56' 07" EAST, A DISTANCE OF 34.97 FEET TO A POINT ON A CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 11314.16 FEET, A CHORD DISTANCE OF 111.72 FEET AND A CHORD BEARING OF SOUTH 18° 46' 54" EAST; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00° 33' 57", A DISTANCE OF 111.72 FEET TO THE POINT OF BEGINNING.

CONTAINING 5290 SQUARE FEET, MORE OR LESS


DATE	SEPTEMBER 23, 2013	 520 SOUTH MAGNOLIA AVENUE ORLANDO, FLORIDA 32801 (407) 843-5120 FAX 407-649-8664	SKETCH OF DESCRIPTION. THIS IS NOT A BOUNDARY SURVEY.	PARCEL 188
DRAWN BY	M.ROLLINS		S.R. 429 (WEKIVA PARKWAY) ORLANDO-ORANGE COUNTY EXPRESSWAY AUTHORITY ORANGE COUNTY, FLORIDA	SCALE: N/A
CHECKED BY	S.WARE			
BSA PROJECT NO.	EA11-J1			
REVISION	BY	DATE		SHEET 2 OF 4

BEARING STRUCTURE BASED ON THE NORTH LINE OF THE NORTHEAST 1/4 OF SEC. 24-20-27, BEING S88°41'17"W, FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, 1983/2007 ADJUSTMENT.



SECTION 24, TOWNSHIP 20 SOUTH

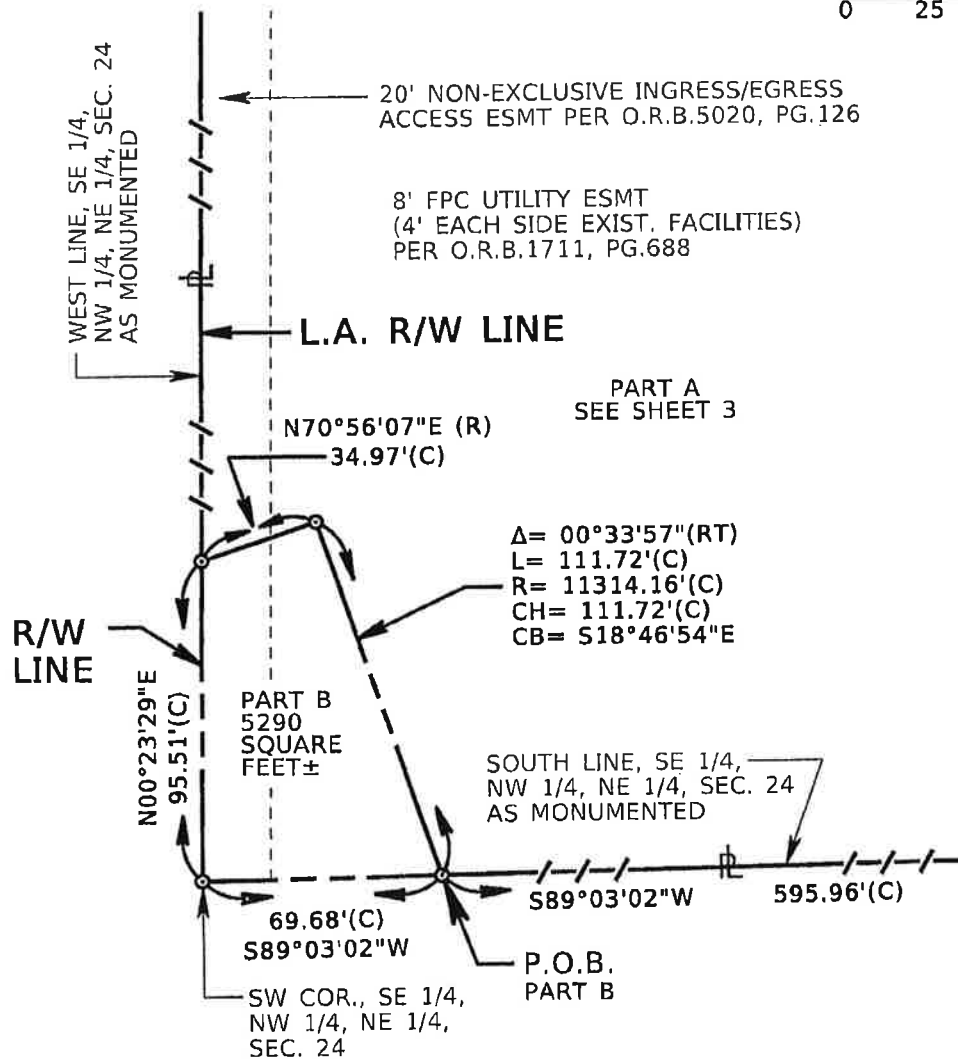
PROJECT NO. 429-203

DATE	SEPTEMBER 23, 2013	 <p>CERTIFICATION OF AUTHORIZATION No. LB 1221</p> <p>BOWYER SINGLETON</p> <p>520 SOUTH MAGNOLIA AVENUE ORLANDO, FLORIDA 32801 (407) 843-5120 FAX 407-649-8664</p>	SKETCH OF DESCRIPTION. THIS IS NOT A BOUNDARY SURVEY.	PARCEL 188
DRAWN BY	M.ROLLINS			S.R. 429 (WEKIVA PARKWAY) ORLANDO-ORANGE COUNTY EXPRESSWAY AUTHORITY ORANGE COUNTY, FLORIDA
CHECKED BY	S.WARE		SHEET 3 OF 4	
BSA PROJECT NO.	EA11-11			
REVISION	BY	DATE		

BEARING STRUCTURE BASED ON THE NORTH LINE OF THE NORTHEAST 1/4 OF SEC. 24-20-27, BEING S88°41'17"W, FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, 1983/2007 ADJUSTMENT.

SCALE: 1" = 50'

0 25 50



SECTION 24, TOWNSHIP 20 SOUTH, RANGE 27 EAST

PROJECT NO. 429-203

I HEREBY CERTIFY THAT THIS SKETCH OF DESCRIPTION IS IN ACCORDANCE WITH THE "MINIMUM TECHNICAL STANDARDS" AS REQUIRED BY CHAPTER 53-17, FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

William E. Byrd
WILLIAM E. BYRD, P.S.M.
LICENSE NUMBER 5442
DATE 9/25/2013

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

CERTIFICATION OF AUTHORIZATION No. LB 1221



SKETCH OF DESCRIPTION.
THIS IS NOT A BOUNDARY SURVEY.

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

PARCEL
188

SCALE: 1"=50'

SHEET 4 OF 4

Tab F



Founded 1910


M E M O R A N D U M

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

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

DATE: January 21, 2015

RE: State Road 429 Wekiva Parkway, Project 429-203; Parcel 186
Mediated Settlement Agreement

A handwritten signature in blue ink is located to the right of the "FROM:" line.

Shutts & Bowen LLP, Right-of-Way Counsel, seeks the recommendation of the Right-of-Way Committee of the Mediated Settlement Agreement by and between the Central Florida Expressway Authority ("CFX") and C'Sandra K. and Ellis L. Hall ("Owner") for the settlement of Parcel 186 (the "Taking" or "Property") for the construction of State Road 429 Wekiva Parkway, Project 429-203.

DESCRIPTION AND BACKGROUND

Parcel 186 is a whole taking totaling 10.168 acres and is improved with a 2,264 s.f. four bedroom/two bath manufactured home built in 1998, which is served by a 299 s.f. front screened porch as well as a 240 s.f. rear covered porch. Additional improvements on the subject property included a 378 s.f. carport, a 289 s.f. workshop, a 121 s.f. storage shed, metal shed and second carport. This property was the homestead of Mr. and Mrs. Hall.

The CFX's appraisal of the property was prepared by Chad Durrance of Durrance & Associates. The subject property is currently zoned A-2 (Farmland Rural District) with a Rural/Agricultural (R) future land use category. Mr. Durrance concludes the highest and best use of the subject property is for continued use of the existing improvements. Mr. Durrance used the Sales comparison approach and had 9 land sales ranging from \$17,100 to \$29,300 per ac. and concluded a value of \$22,500 per ac. Additionally, Mr. Durrance had 6 improved sales ranging from \$24,400 to \$75,000 for allocated improvements and concluded \$71,000.00 for the improvements on the subject property. Accordingly, Mr. Durrance's total value conclusion is \$300,000.00 (\$229,000 land, \$71,000 improvements).

Mr. and Mrs. Hall's appraisal of the subject property was prepared by Rick Dreggors of

Calhoun, Dreggors & Associates, Inc. Mr. Dreggors argues that the area is transitioning from historical single family homes on larger acreage/agricultural uses to higher density residential neighborhoods and other uses. The Hall's additionally retained a land planner, Eric Rahenkamp who concluded that it is reasonably probable that the subject property's land use designation could be amended and that the City of Apopka's Northwest Area Conceptual Master plan would allow two dwelling units per acres. Therefore, Mr. Rahenkamp opined that this would permit 20 dwelling units on the Hall property, if the property were annexed into the City of Apopka. Mr. Dreggors argues the highest and best use of the subject property is for assemblage for a single family residential subdivision. Mr. Dreggors utilized the Sales comparison approach and had 7 land sales ranging from \$66,795.00 to \$159,025.00 per ac. and concluded a value of \$75,000.00 per ac. Accordingly, Mr. Dreggors total value conclusion is \$781,400.00 (\$762,800 land, \$18,600 improvements).

In addition to the appraised value, counsel for the Hall's argued that they were also entitled to the value of the fill being used by the CFX for the project. Specifically, Paul Sherma, P.E. of PEER estimated that 32,247 CY of material was being excavated from Pond 203-2B and Floodplain Compensation 2 on the subject property. Therefore, the Hall's were seeking an additional \$72,136.00 for fill and statutory interest. Accordingly, the Hall's were seeking a total of \$853,536.00 for the taking of Parcel 186.

Parcel 186 was scheduled for a 4 to 5 day trial in February 2015. Per Court order, the parties held mediation on January 9, 2015. Notwithstanding numerous disagreements with the property owner's position, the parties were able to reach a resolution and entered into a Mediated Settlement Agreement, subject to Board approval. Under the Mediated Settlement Agreement, the CFX would pay Mr. and Mrs. Hall the sum of \$450,000, plus attorney's fees and experts costs. This would result in the CFX depositing an additional \$150,000 into the court registry (CFX receives a credit of \$300,000 previously deposited). Furthermore, Wilson & Garber, P.A. agreed to a reduced statutory attorney fee in the amount of \$41,250. Additionally, although the expert's fees and attorney's costs are subject to review and potential reduction, the total experts fees and attorneys costs incurred by the Hall's totals \$48,042.

A recommendation for approval by the Right-of-Way Committee is requested of the Mediated Settlement Agreement and is in the CFX's best interest. It will eliminate further risk and expenses that the CFX will ultimately incur for both sides if this matter were to proceed to a jury trial, as the CFX is responsible for the property owners attorney's fees and experts fees as set forth in Florida Statutes Chapter 73 and 74.

RECOMMENDATION

We respectfully request that the Right-of-Way Committee recommend to the CFX Board the approval of the Mediated Settlement with a total settlement amount of \$450,000 in full settlement of all claims for compensation for the acquisition of Parcel 186.

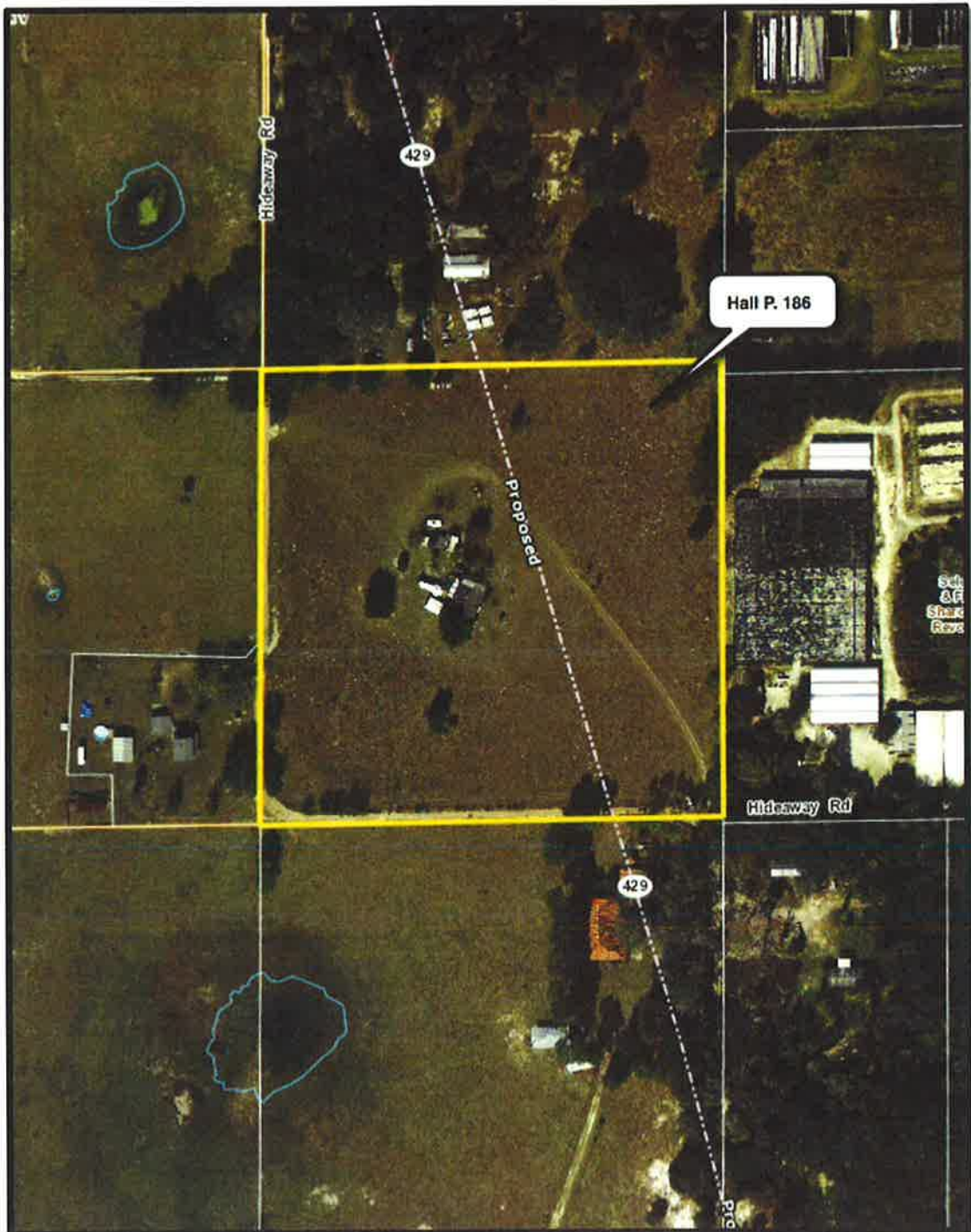
ATTACHMENTS

Exhibit "A" – Sketch of Subject Property

ORLDOCS 13819800 1



AERIAL MAP OF SUBJECT AREA



AERIAL/SKETCH

(Source: OCPARL.org – 2014 Image Date)

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

LEGAL DESCRIPTION:

PART A

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

COMMENCE AT A FOUND 1/2" IRON ROD WITH NO IDENTIFICATION IN A WELL BOX MARKING THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 20 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA; THENCE SOUTH 88°41'17" WEST ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 24, A DISTANCE OF 1325.20 FEET TO THE NORTHEAST CORNER OF THE WEST HALF OF SAID NORTHEAST QUARTER; THENCE DEPARTING SAID NORTH LINE, RUN SOUTH 00°16'44" WEST ALONG THE EAST LINE OF SAID WEST HALF, A DISTANCE OF 1333.18 FEET TO THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID NORTHEAST QUARTER FOR THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 00°16'44" WEST ALONG SAID EAST LINE, A DISTANCE OF 666.12 FEET TO THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER; THENCE DEPARTING SAID EAST LINE RUN SOUTH 89°15'16" WEST ALONG SAID SOUTH LINE AS MONUMENTED AND OCCUPIED, A DISTANCE OF 554.59 FEET TO A POINT ON A CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 220.00 FEET, A CHORD DISTANCE OF 147.75 FEET AND A CHORD BEARING OF NORTH 19°35'19" WEST; THENCE DEPARTING SAID SOUTH LINE, RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 39°14'33", A DISTANCE OF 150.68 FEET TO THE POINT OF TANGENCY; THENCE NORTH 00°01'58" EAST, A DISTANCE OF 374.05 FEET; THENCE NORTH 56°47'32" EAST, A DISTANCE OF 59.58 FEET TO A POINT ON A CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 11314.16 FEET, A CHORD DISTANCE OF 123.76 FEET AND A CHORD BEARING OF NORTH 18°11'08" WEST; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00°37'36", A DISTANCE OF 123.76 FEET TO ITS INTERSECTION WITH THE NORTH LINE OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER; THENCE DEPARTING SAID CURVE RUN NORTH 89°03'02" EAST ALONG SAID NORTH LINE, A DISTANCE OF 595.96 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 9.093 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. 2037-2777407 DATED 07/11/2012.


LEGEND & ABBREVIATIONS

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

ID. = IDENTIFICATION
I.R. = IRON ROD
L. = ARC LENGTH
L.A. = LIMITED ACCESS
LB = LICENSED SURVEY BUSINESS
LT = LEFT
NO. = NUMBER
O.R.B. = OFFICIAL RECORDS BOOK
P.C. = POINT OF CURVATURE
PGJPGS. = 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
Δ = PROPERTY LINE
Δ = SAME PROPERTY OWNER
Δ = DELTA (CENTRAL ANGLE)
Δ = CHANGE IN DIRECTION
Δ = LIMITED ACCESS RAW LINE
Δ = R/W LINE

DATE	NOVEMBER 18, 2013	 CERTIFICATION OF AUTHORIZATION No. LB 1221 520 SOUTH MAGNOLIA AVENUE ORLANDO, FLORIDA 32801 (407) 843-5126 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 186
DRAWN BY	M.ROLLINS			SCALE: N/A
CHECKED BY	S.WARE			SHEET 1 OF 4
BSA PROJECT NO.	EA11-11			
REVISION	BY	DATE		

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


LEGAL DESCRIPTION:

PART B

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

COMMENCE AT A FOUND 1/2" IRON ROD WITH NO IDENTIFICATION IN A WELL BOX MARKING THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 20 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA; THENCE SOUTH 88°41'17" WEST ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 24, A DISTANCE OF 1325.20 FEET TO THE NORTHEAST CORNER OF THE WEST HALF OF SAID NORTHEAST QUARTER; THENCE DEPARTING SAID NORTH LINE RUN SOUTH 00°16'44" WEST ALONG THE EAST LINE OF SAID WEST HALF, A DISTANCE OF 1333.18 FEET TO THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID NORTHEAST QUARTER; THENCE DEPARTING SAID EAST LINE RUN SOUTH 89°03'02" WEST ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER, A DISTANCE OF 595.96 FEET TO THE POINT OF BEGINNING; SAID POINT ALSO BEING ON A CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 11314.16 FEET, A CHORD DISTANCE OF 123.76 FEET AND A CHORD BEARING OF SOUTH 18°11'08" EAST; THENCE DEPARTING SAID NORTH LINE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00°37'36", A DISTANCE OF 123.76 FEET; THENCE DEPARTING SAID CURVE RUN SOUTH 56°47'32" WEST, A DISTANCE OF 59.58 FEET; THENCE SOUTH 00°01'58" WEST, A DISTANCE OF 374.05 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 220.00 FEET, A CHORD DISTANCE OF 147.75 FEET AND A CHORD BEARING OF SOUTH 19°35'19" EAST; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 39°14'33", A DISTANCE OF 150.68 FEET TO A POINT ON THE SOUTH LINE OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER AS MONUMENTED & OCCUPIED; THENCE DEPARTING SAID CURVE RUN SOUTH 89°15'16" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 112.21 FEET TO THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER; THENCE DEPARTING SAID SOUTH LINE RUN NORTH 00°22'58" EAST ALONG SAID WEST LINE AS MONUMENTED AND OCCUPIED, A DISTANCE OF 663.78 FEET TO THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER; THENCE DEPARTING SAID WEST LINE RUN NORTH 89°03'02" EAST ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER, A DISTANCE OF 69.68 FEET TO THE POINT OF BEGINNING.

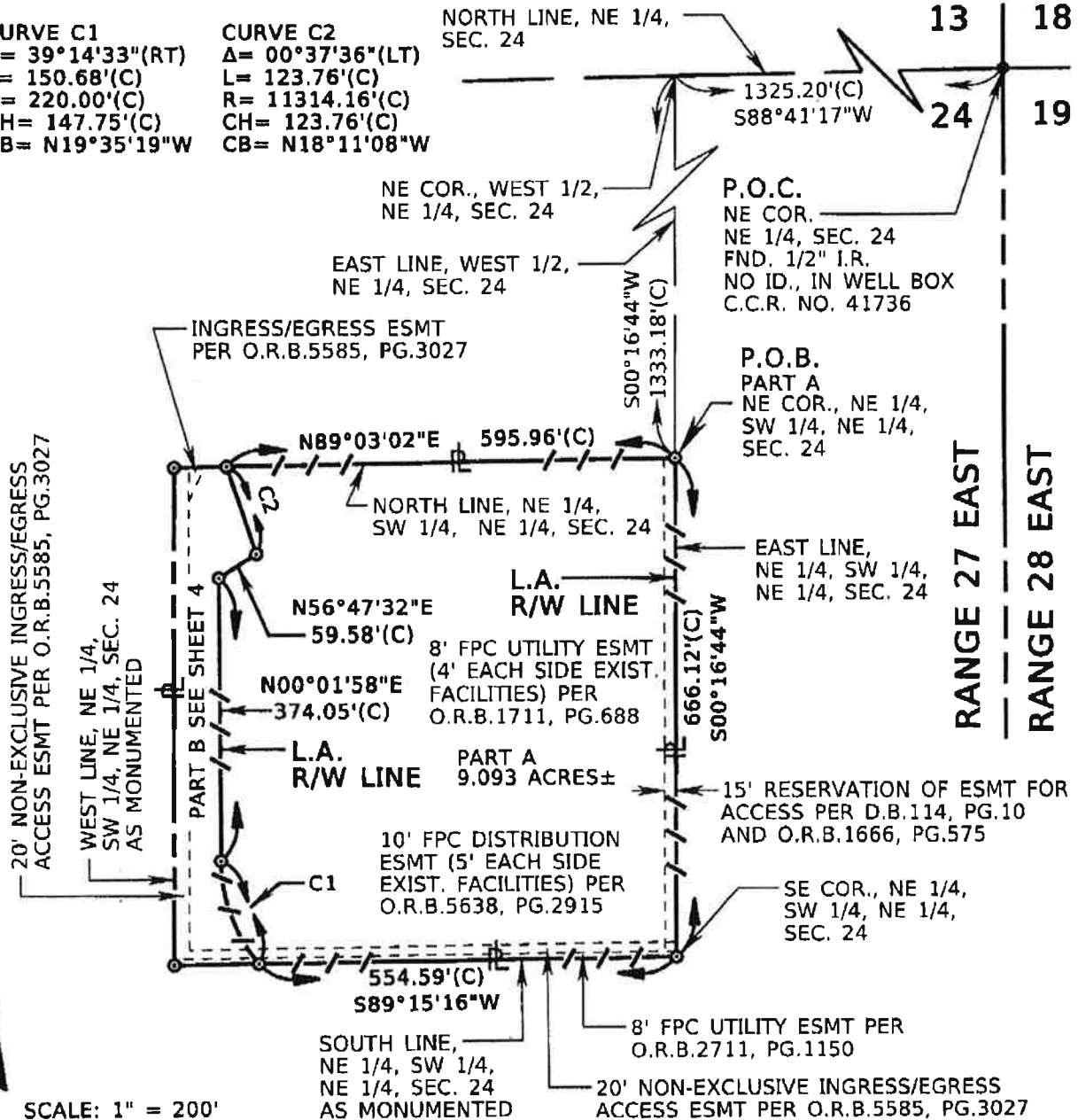
CONTAINING 1.075 ACRES, MORE OR LESS.

DATE	NOVEMBER 18, 2013	 520 SOUTH MAGNOLIA AVENUE ORLANDO, FLORIDA 32801 (407) 843-5120 FAX 407-649-8664	SKETCH OF DESCRIPTION. THIS IS NOT A BOUNDARY SURVEY.	PARCEL 186
DRAWN BY	M.ROLINS			SCALE: N/A
CHECKED BY	S.WARE		S.R. 429 (WEKIVA PARKWAY) ORLANDO-ORANGE COUNTY EXPRESSWAY AUTHORITY ORANGE COUNTY, FLORIDA	SHEET 2 OF 4
BSA PROJECT NO.	EA11-J1			
REVISION	BY	DATE		

BEARING STRUCTURE BASED ON THE NORTH LINE OF THE NORTHEAST 1/4 OF SEC. 24-20-27, BEING S88°41'17"W, FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, 1983/2007 ADJUSTMENT.

CURVE C1
 $\Delta = 39^\circ 14' 33''$ (RT)
 $L = 150.68'$ (C)
 $R = 220.00'$ (C)
 $CH = 147.75'$ (C)
 $CB = N19^\circ 35' 19''$ W

CURVE C2
 $\Delta = 00^\circ 37' 36''$ (LT)
 $L = 123.76'$ (C)
 $R = 11314.16'$ (C)
 $CH = 123.76'$ (C)
 $CB = N18^\circ 11' 08''$ W



SCALE: 1" = 200'

0 100 200

SECTION 24, TOWNSHIP 20 SOUTH

PROJECT NO. 429-203

DATE	NOVEMBER 18, 2013	
DRAWN BY	M.ROLLINS	
CHECKED BY	S.WARE	
BSA PROJECT NO.	EA11-J1	



SKETCH OF DESCRIPTION.
 THIS IS NOT A BOUNDARY SURVEY.

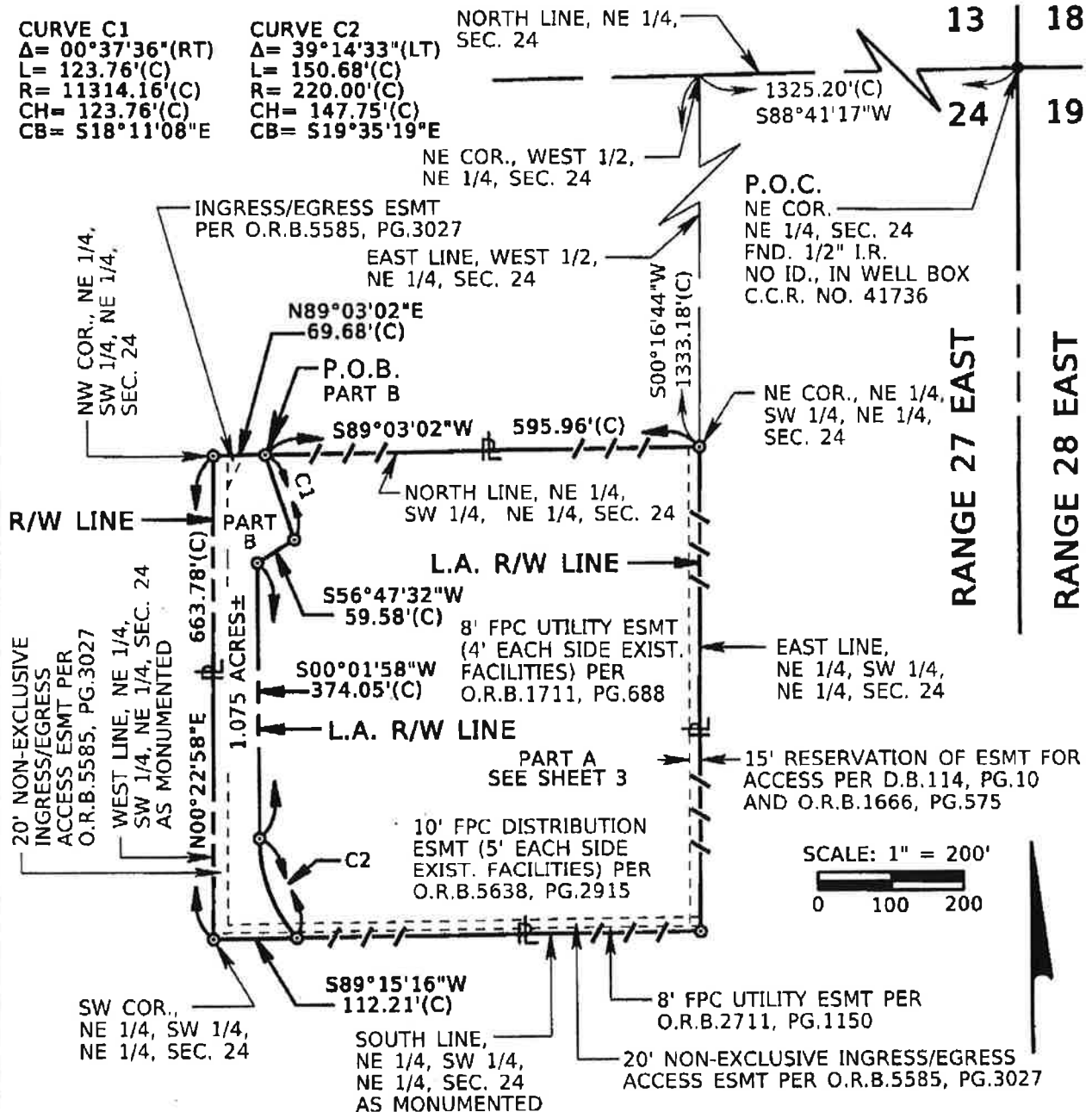
S.R. 429 (WEKIVA PARKWAY)
 ORLANDO-ORANGE COUNTY
 EXPRESSWAY AUTHORITY
 ORANGE COUNTY, FLORIDA

PARCEL
 186

SCALE: 1"=200'

SHEET 3 OF 4

BEARING STRUCTURE BASED ON THE NORTH LINE OF THE NORTHEAST 1/4 OF SEC. 24-20-27, BEING S88°41'17"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, P.E.
 LICENSE NUMBER 5442
 DATE 11/18/13

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

CERTIFICATION OF AUTHORIZATION No. LB 3221

BS 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
186

SCALE: 1"=200'

SHEET 4 OF 4