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M E M O R A N D U M

TO: Central Florida Expressway Authority Board Members

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

DATE: July 24, 2014

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

Winderweedle, Haines, Ward & Woodman, P.A., right of way counsel, seeks the Board's 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.

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

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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:

The proposed settlement was recommended for Board approval by the Right of Way Committee at the August 5, 2014 meeting. We respectfully request the Board's 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