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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 131 (Parts A & B) (Monson)**  
**Recommendation of Approval for Settlement**

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Winderweedle, Haines, Ward & Woodman, P.A., right of way counsel, seeks the Board's approval of a settlement with 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."

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.

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

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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 its good faith deposit of \$222,800.00. 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).

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

**RECOMMENDATION:**

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

**Tax Map**



**Aerial Map**

