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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 157 (Parts A & B) (George Arendt) - Recommendation of Approval for Settlement

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

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.

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

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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. 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).

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 Committee at the August 5, 2014 meeting. We respectfully request the Board's 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