


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 Board Members

FROM: James Edward Cheek, III, Right of Way Counsel 
Winderweedle, Haines, Ward & Woodman, P.A.

DATE: January 26, 2016

RE: S.R. 429 Wekiva Parkway, Project 429-202; Parcels 113 (Parts A & B)/713
Approval of Offer of Judgment

Winderweedle, Haines, Ward & Woodman, P.A., right of way counsel, seeks the Board's approval to serve an Offer of Judgment to Bruce Hatcher ("Owner") for Parcel 113 Part A & B. CFX filed its eminent domain action on December 4, 2013. The Court entered an Order of Taking on February 10, 2014.

DESCRIPTION and BACKGROUND:

The subject property is a triangular flag lot located on Plymouth Sorrento Road, in unincorporated Orange County, Florida. The parent tract contains 14.462 acres of land area. The Parcel 113 acquisition is a taking of approximately .282 acres of land and the Parcel 713 taking is approximately .025 acres. Parcel 713 is a temporary construction easement that will allow a connection between a proposed new cul-de-sac and the remainder driveway.

CFX retained the services of Mr. David Hall, ASA with Bullard, Hall & Adams Inc., to appraise the property. The subject property is improved with a 1,680 square foot single family residence that was built in 1991, along with other associated improvements. The subject property is zoned A-1 Citrus Rural District (agricultural) by Orange County. Mr. Hall concludes that the highest and best use, as improved, is for continued single family residential development.

To determine value, Mr. Hall considered four comparable land sales that ranged in value from \$18,029.00 to \$30,021.00 per acre. Mr. Hall concluded a fee simple market value estimate of **\$27,000.00 per acre**, or \$390,500.00 for the total parent tract land value. The residence and related site improvements total \$213,100, for a total parent tract value in the "before condition" of \$603,600.00. The value of the land taken was estimated to be **\$7,700.00** and the contributory value of the improvements in the taking were estimated to be **\$4,700.00**. All site improvements in the temporary construction easement will be replaced during construction at no cost to the property owners.

The remainder residence is 220 feet from the new limited access right of way line and 440 feet to the main line of the Wekiva Parkway. Mr. Hall opines that the market would recognize a 10% reduction in value to the remainder improvements due to functional obsolescence, for a total severance damage estimate of **\$66,700.00**. These valuation conclusions are summarized as follows:

Value of Part Taken	\$ 12,400
Damages, Incurable	\$ 66,700
Cost to Cure	\$ 2,100
Total Compensation Parcel 113	\$ 81,200
Value for Parcel 713	\$ 300
Total Compensation Parcels 113 and 713	\$ 81,500

The owners have retained the appraisal services of Rick Dreggors with Calhoun, Dreggors & Associates, Inc. Mr. Dreggors opined that the highest and best use of the subject property is for a residential subdivision. He considers six comparable sales that are already approved for residential subdivisions. These sales range in value from \$72,000 - \$157,000 per acre. He also considered the landowners' assertion that in 2006, they were offered \$1,000,000 for the property, or \$62,000 per acre. Mr. Dreggors concludes on a "before" value of **\$70,000.00 per acre**. This yields a total of **\$24,300.00** for the value of the land and improvements taken. Mr. Dreggors further notes that if the property had developable access (i.e. 50 foot-wide access), the property would be worth \$100,000 per acre.

Because CFX is acquiring such a small amount of property in this case, the difference between the parties regarding the value of the land and improvements is not significant. Rather, the most substantial issue in this case is the severance damages. Despite the fact that CFX is only acquiring about a quarter of an acre, the landowner is claiming severance damages in the amount of **\$756,200.00**. These severance damages are the result of Mr. Dreggor's opinion that the property is no longer suitable for a residential subdivision in the "after" condition, thus dropping the value of the property from \$70,000 per acre to \$30,000 per acre, minus another 30% in damages for proximity to the expressway. Mr. Dreggors' valuation conclusions are summarized as follows:

Value of Part Taken	\$ 24,300
Damages, Incurable	\$ 756,200
Cost to Cure	\$ 2,100
Total Compensation for Parcel 113	\$ 782,600
Value for Parcel 713	\$ 500
Total Compensation Parcels 113 and 713	\$ 783,100

OFFER OF JUDGMENT

Mediation was conducted on January 8, 2016 without a successful resolution. This case is scheduled to go to trial during the April 25, 2016 trial docket. It is requested that this Board approve service of an Offer of Judgment. Offers of Judgment are authorized in eminent domain

actions under §73.032, Florida Statutes, which provides that if a defendant rejects an Offer of Judgment and the verdict or judgment is less than the amount of that offer, the court shall not award any costs incurred by the defendant after the date the Offer was rejected.

The undersigned counsel seeks the Board's approval to serve an Offer of Judgment in the amount of **\$200,000.00**. CFX has already deposited \$75,300.00 as its good faith estimate of value. Therefore, if the Offer of Judgment is accepted, CFX will have to pay an additional \$124,700.00 to resolve this case.

RECOMMENDATION:

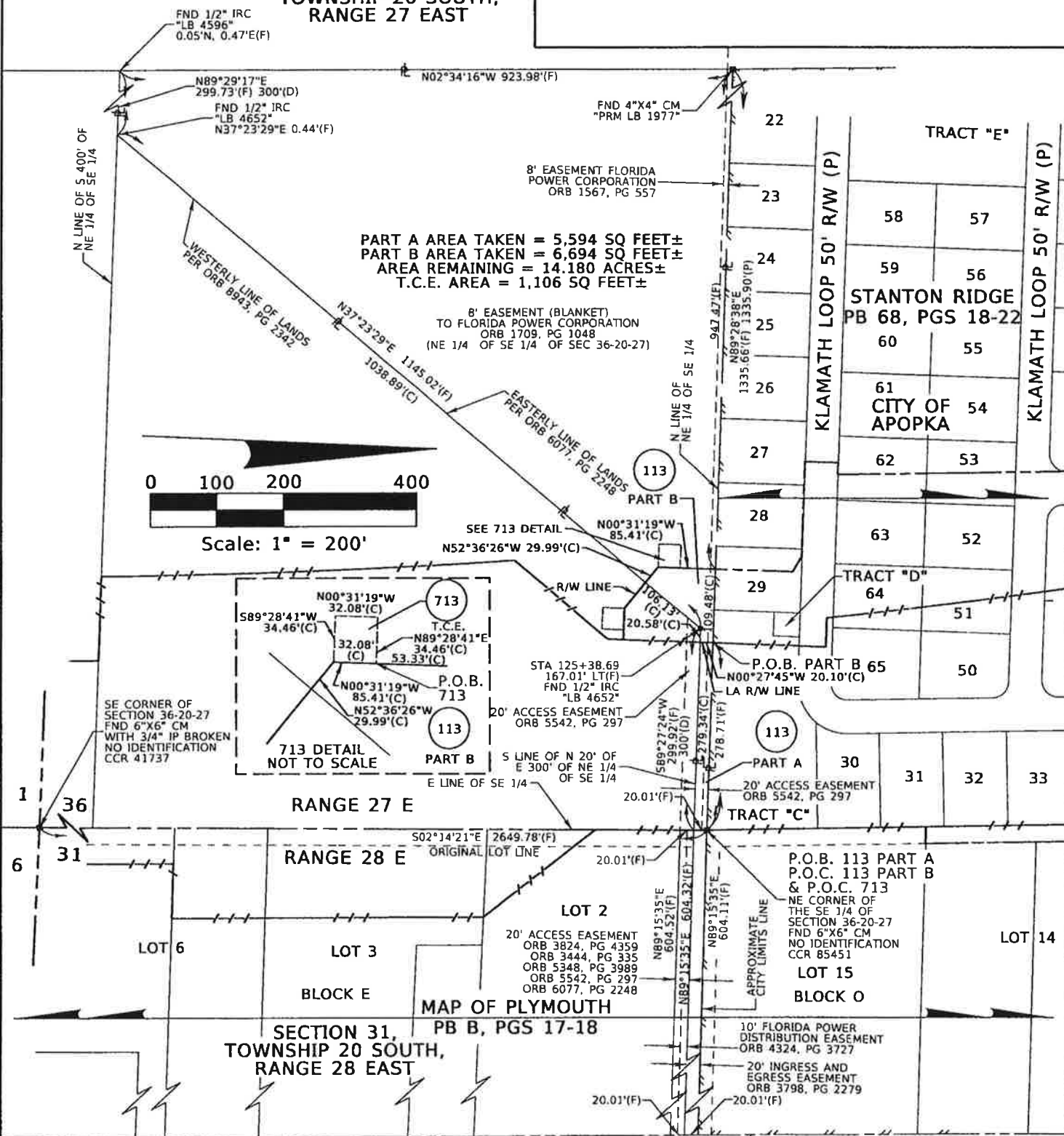
The proposed Offer of Judgment was recommended for Board approval by the Right of Way Committee at the January 27, 2016 meeting. We respectfully request the Board's approval for service of an Offer of Judgment in the amount of \$200,000.00 to fully resolve the landowners' interest in this case.

ATTACHMENTS:

Sketch of Subject Property

SKETCH OF DESCRIPTION

SECTION 36, TOWNSHIP 20 SOUTH, RANGE 27 EAST



SEE SHEETS 1 & 2 FOR LEGAL DESCRIPTIONS PLYMOUTH SORRENTO ROAD
SEE SHEET 4 FOR GENERAL NOTES AND LEGEND (R/W WIDTH VARIES) EXISTING R/W

SHEET 3 OF 4

FOR: ORLANDO-ORANGE COUNTY
EXPRESSWAY AUTHORITY

DATE: FEBRUARY 14, 2013

PROJECT NO.: H20-01

DRAWN: PMM CHECKED: JMS

STATE ROAD 429
OOCEA PROJECT NO. 429-202
PARCEL NO.'S 113 & 713



GEODATA CONSULTANTS, INC.

SURVEYING & MAPPING

2700 WESTHALL LANE

SUITE 137

MAITLAND, FLORIDA 32751

VOICE: (407) 660-2322 FAX: 660-8223

LAND SURVEYOR BUSINESS LICENSE NO. 6556