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**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; Parcel 126 Part A, B & C-**  
**Approval of Settlement**

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Winderweedle, Haines, Ward & Woodman, P.A., right of way counsel, seeks the Board's approval of a settlement with Amco Property Group II, LLC, for Parcel 126, Part A, B & C (the "Taking" or "Property"), which was acquired for construction of the S.R. 429 Wekiva Parkway, Project 429-204. An Order of Taking was entered on July 10, 2015.

**DESCRIPTION and BACKGROUND:**

Parcel 126 involves a partial taking of 9.586 acres from a 14 acre property, leaving a 4.8 acre remainder. The property is comprised of two contiguous tax parcels, each improved with a single family residence. Both tax parcels are owned and managed by Amco Property Group II, LLC ("Amco" or "Owner"). CFX is basically acquiring the western tax parcel in its entirety, and leaving most of the eastern tax parcel. Amco purportedly purchased the property with an intention of developing it as a residential subdivision. Amco submitted to the City of Apopka a request to develop the property as a 35 unit subdivision called Blackstone Reserve.

CFX's appraisal of the property was prepared by Walter Carpenter of Pinel & Carpenter. Mr. Carpenter estimated that the value of the taking and damages totaled **\$696,175.00** on November 1, 2013. This amount was deposited in the Court Registry on July 10, 2014 as CFX's good faith deposit.

Mr. Carpenter's appraisal report is based on a value of **\$50,000 per acre** and **30% severance damages** to the 4.795 acre remainder. The report finds that the highest and best use of the property is for low-density residential development, and considers development of the property to be near term, with the existing residences utilized as rentals until final plans are approved. To determine land value, Mr. Carpenter relies on three comparable sales, one of which has an adjusted per acre value of \$79,000.00. He concludes that the value of the parent tract is \$972,000, and the value of the part taken is \$624,300.

Mr. Carpenter's severance damage analysis considers an Impact Adjacent Study that indicates that a limited access expressway can impact the value of residential sites located in close proximity from 0%-58.7%. In the instant case, the remainder will be located adjacent to the Wekiva Parkway and suffer a reduction in size of 66%. Mr. Carpenter concluded that severance damages to the remainder were 30%.

Amco has retained the appraisal services of Rick Dreggors, whose preliminary valuation was substantially higher than CFX's offer. Since a trial order has not yet been entered in this case, appraisal reports are not yet due from the landowners. However, Amco has submitted a compensation claim of **\$1,289,450.00** for this property, in addition to expert fees and costs. Mr. Dreggors considered five comparable sales ranging in value from \$75,308 per acre to \$157,712 per acre, and reconciled on a value of **\$85,000 per acre**. One of the comparable sales considered by Mr. Dreggors, which had a value of \$79,000 per acre, was also considered by Mr. Carpenter. In addition, Mr. Dreggors determined that the 4.705 acre remainder suffered **60% severance damages** based on a change in highest and best use from a residential subdivision to one single family home site.

The landowners have indicated a willingness to resolve this case for **\$1,000,000.00**, exclusive of attorney's fees. This value is based on a land value of \$75,000 per acre, and severance damages in the amount of 50%. Landowner's counsel, Kent Hipp and Nicholas Dancaescu, from Gray Robinson, P.A, would thereby be entitled to attorney's fees in the amount of \$100,262.00 based on statutory betterment.

The landowners retained the appraisal services of Rick Dreggors from Calhoun, Dreggors & Associates, Inc. Mr. Dreggors submitted a claim for \$17,674.00, but is willing to accept \$15,300.00. The firm of Tipton Associates Incorporated submitted a claim in the amount of \$787.50, but is willing to accept \$700.00. Finally, Rahenkamp Design Group, Inc., requested \$8,388.90 for engineering services, and is willing to accept \$7,500.00. Thus, expert fees can be resolved for \$23,500.00 (reduced from \$26,850.40).

Counsel has reviewed the amounts sought by the owners' experts and paid to CFX's experts and believes them to be reasonable.

A summary of the proposed settlement is as follows:

Compensation to Owner	\$ 1,000,000.00
Attorneys fees (statutory based on betterment)	100,262.00
<u>Expert Fees</u>	<u>23,500.00</u>
<b>Total Compensation</b>	<b>\$ 1,123,762.00</b>

In addition to the above settlement proposal, there were two displaced tenants who were entitled to make a relocation claim under the Uniform Relocation Act. A moving claim of \$2,650.00 and a rental assistance claim of \$26,355.00 were paid to Makram Nasr and Dina Zaki. The relocation component of this case is considered resolved.

**RECOMMENDATION:**

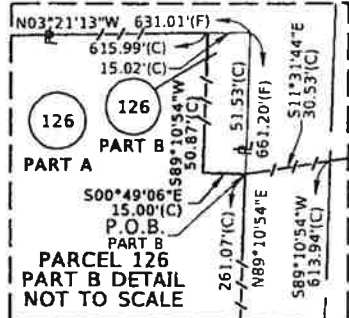
The proposed settlement was recommended for Board approval by the Right of Way Committee at the January 27, 2016 meeting. We respectfully request the Board's approval in the amount of **\$1,123,762.00** in full settlement of all compensation claims, attorneys' fees, and expert fees for Parcel 126.

**ATTACHMENT:**

Sketch of Subject Property

# SKETCH OF DESCRIPTION

## SECTION 36, TOWNSHIP 20 SOUTH, RANGE 27 EAST



APPROXIMATE  
CITY LIMITS LINE

NOT PLATTED

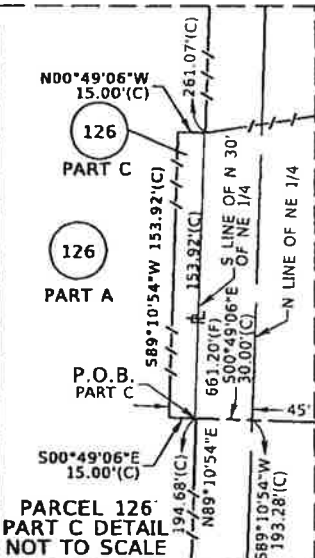


Scale: 1" = 200'

NE CORNER OF  
THE SE 1/4 OF  
SECTION 36-20-27  
FND 6"x6" CM  
NO IDENTIFICATION  
CCR 85451

STA 144+77.89  
382.40' RT(F)  
FND 4"x4" CM  
"LS 2494 PRM"

RANGE 27 E  
RANGE 28 E



LOT 6  
BLOCK 0

LOT 3

## MAP OF PLYMOUTH PB B, PGS 17-18

10' DISTRIBUTION  
EASEMENT TO  
FLORIDA POWER  
CORPORATION  
ORB 5632, PG 1195  
FND 1/2" IRC  
"LB 4596"

PLYMOUTH SORRENTO ROAD  
(R/W WIDTH VARIES)

## SECTION 31, TOWNSHIP 20 SOUTH, RANGE 28 EAST

FND 4"x4" CM  
"LS 2494 PRM"  
0.49'S, 0.01'W(F)  
FND 3 1/2"x3 1/2" CM  
W/ CAP "PLS 2511"  
0.79'N, 0.36'W(F)

NW CORNER OF  
THE NE 1/4 OF  
SECTION 36-20-27  
FND RAILROAD  
SPIKE NO ID  
N: 1592253.8508  
E: 474136.9390  
CCR 85449

NOT  
PLATTED

SEE PART B DETAIL ABOVE

CITY OF  
APOPKA

50' EASEMENT (BLANKET)  
TO FLORIDA PUBLIC SERVICE  
MISCELLANEOUS BOOK 41, PG 331  
(NE 1/4 OF NE 1/4 OF SECTION 36-20-27)

SEE PART C DETAIL BELOW

PART A AREA TAKEN = 9.516 ACRES±  
PART B AREA TAKEN = 768 SQ FEET±  
PART C AREA TAKEN = 2,309 SQ FEET±  
AREA REMAINING = 4.795 ACRES±

P.O.B.  
PART A PART C  
FND 4"x4" CM  
"LS 2494 PRM"  
0.54'S, 0.02'E(F)  
LA R/W LINE

P.O.C.  
PART A, B & C  
NE CORNER OF  
SECTION 36-20-27  
FND 6"x6" CM  
TOP BROKEN  
WITH 1" IP  
NO IDENTIFICATION  
N: 1592291.6144  
E: 476781.1709  
FND 5/8" IR  
NO IDENTIFICATION  
0.36'S, 0.04'W(F)  
CCR 85450

SEE SHEETS 1 & 2 FOR LEGAL DESCRIPTIONS  
SEE SHEET 3 FOR GENERAL NOTES AND LEGEND

SHEET 3 OF 4

FOR: ORLANDO-ORANGE COUNTY  
EXPRESSWAY AUTHORITY

DATE: FEBRUARY 28, 2013

PROJECT NO.: H20-01

DRAWN: PMM CHECKED: JMS

STATE ROAD 429  
OOCEA PROJECT NO. 429-202  
PARCEL NO. 126



GEODATA CONSULTANTS, INC.

SURVEYING & MAPPING

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