

MEMORANDUM

TO: CFX Members

FROM: Linda S. Brehmer Lanosa, Deputy General Counsel
Glenn Pressimone, Director of Engineering

DATE: May 4, 2016

SUBJECT: *Central Florida Expressway Authority v. Mega GNG, LLP, et al.*
Case No. 2014-CA-003590-O, Project: 429-203, Parcel 232
Owner: Mega GNG, LLLP
Location: 2809 W. Kelly Park Rd, Apopka, Florida 32712
Size of Land: Before: 39.849± gross / net acres
Taken: 0.170± gross / net acres (7,407± square feet)
Remainder: 39.679± gross / net acres

INTRODUCTION AND PROPERTY DESCRIPTION

Mega GNG's property is located on the northeast corner of Plymouth Sorrento Road and West Kelly Park Road, in unincorporated Orange County, Florida. The easterly portion of the parent tract is improved with a modular office building, a metal warehouse building, three greenhouses, asphalt driveways, a cylindrical storage container, perimeter chain link fencing with barbed wire, a chain link gate, and a decorative brick wall with columns and metal entrance gates. Primary access is available on the east side of Plymouth Sorrento Road and north side of West Kelly Park Road. The property is zoned A-1, Citrus Rural District by Orange County. The future land use is Rural.

Parcel 232 is a strip and corner clip taking consisting of 7,407 square feet along the south border of the parent tract and the southwest corner. According to construction plans, West Kelly Park Road and Plymouth Sorrento Road will be constructed with 12-foot wide lanes, 10-foot wide shoulders (5-foot paved, 5-foot stabilized) and roadside ditches. A center left-turn-only lane for traffic turning onto southbound Plymouth Sorrento Road will be constructed on West Kelly Park Road in front of the subject property.

SUMMARY OF CFX'S APPRAISAL REPORT

Walter N. Carpenter, Jr., MAI, CRE, appraised the property. He concluded that the highest and best use "as though vacant" is to hold for future commercial or mixed use development until economic conditions improve and as dictated by market demand. The highest and best use "as improved" is the existing use as interim until economic conditions improve and as dictated by market demand. Based upon the comparable sales approach, Mr. Carpenter estimated the value of Parcel 232 as of June 6, 2014 as follows:

Project: 429-203, Parcel 232
Owner: Mega GNG, LLLP

Description	Amount
Value of Land Taken (7,407 sf @ \$2/sf)	\$14,800
Improvements (740-ft chain link fence, sod)	11,680
Severance Damages	0
Cost to Cure (contributory value of fence based upon 15% depreciation)	5,490
Total	\$31,970

**SUMMARY OF THE OWNER'S DEMAND INCLUDING
ATTORNEY'S FEES, EXPERT FEES AND COSTS**

After consulting with Dan K. Richardson, PhD, MAI, AI-GRS, and John M. Donaldson of JMD Engineering, Inc., the owner, Mega GNG, made an initial demand of \$88,000, plus statutory attorney's fees, expert fees and costs. The owner's demand is itemized below.

Description	Amount
Value of Land Taken (7,407 sf @ \$6.48/sf)	\$48,000
Improvements (740-ft chain link fence, sod)	30,670
Severance Damages	0
Cost to Cure (contributory value of fence based upon 15% depreciation)	9,773
Total	\$88,000
Expert Fees	
Dan K. Richardson, PhD, MAI	\$ 1,950
JMD Engineering, Inc.	1,974
Statutory Attorney's Fees	18,490
Total Request for Expert Fees and Costs and Attorney's Fees and Costs	\$22,414
All Inclusive Total	\$110,414

Although the owner did not produce expert reports, the expert fees and costs were reasonable.

PROPOSED SETTLEMENT

After informal communications and discussions, the parties reached a proposed settlement in the amount of **\$59,000** resolving all claims for compensation from CFX resulting from the taking of Parcel 232, including severance damages, business damages, tort damages, interest, attorney's fees, attorney's costs, expert fees, expert costs, and any other claim, subject to apportionment, if any.

Project: 429-203, Parcel 232
Owner: Mega GNG, LLLP

REQUESTED ACTION

Board approval is requested to accept the proposed settlement in the amount of **\$59,000** resolving all claims for compensation from CFX resulting from the taking of Parcel 232, including severance damages, business damages, tort damages, interest, attorney's fees, attorney's costs, expert fees, expert costs, and any other claim, subject to apportionment, if any.

The Right of Way Committee recommended approval on April 27, 2016.

Attachment: Aerial Photograph

Reviewed by: _____

Joseph L. Passiatore



Project: 429-203, Parcel 232
Owner: Mega GNG, LLLP

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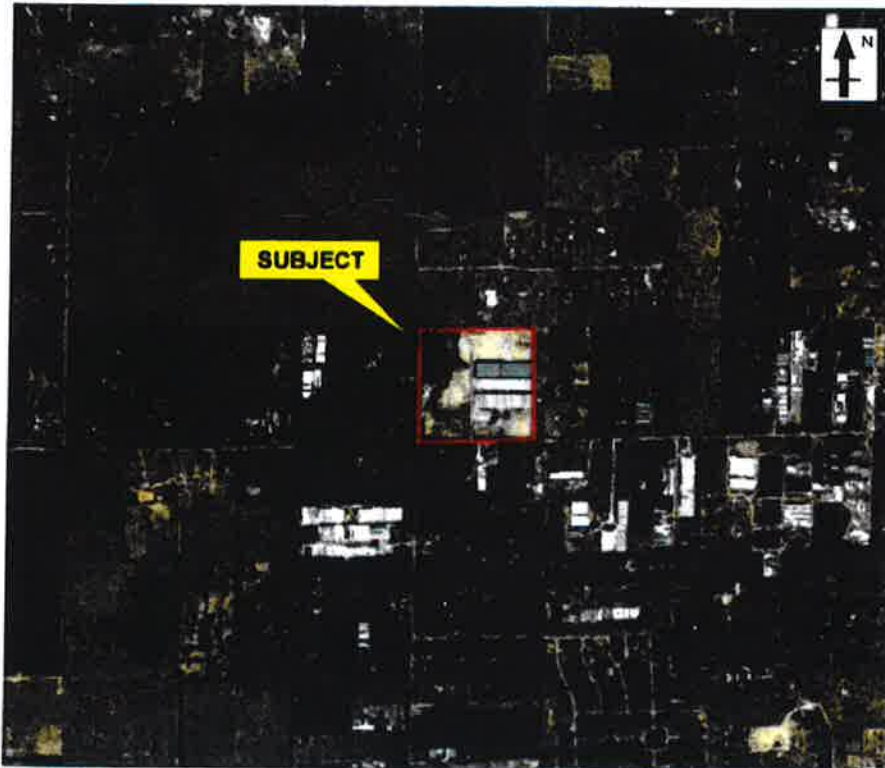
Attachment: Aerial Photograph

Project: 429-203, Parcel 232
Owner: Mega GNG, LLLP

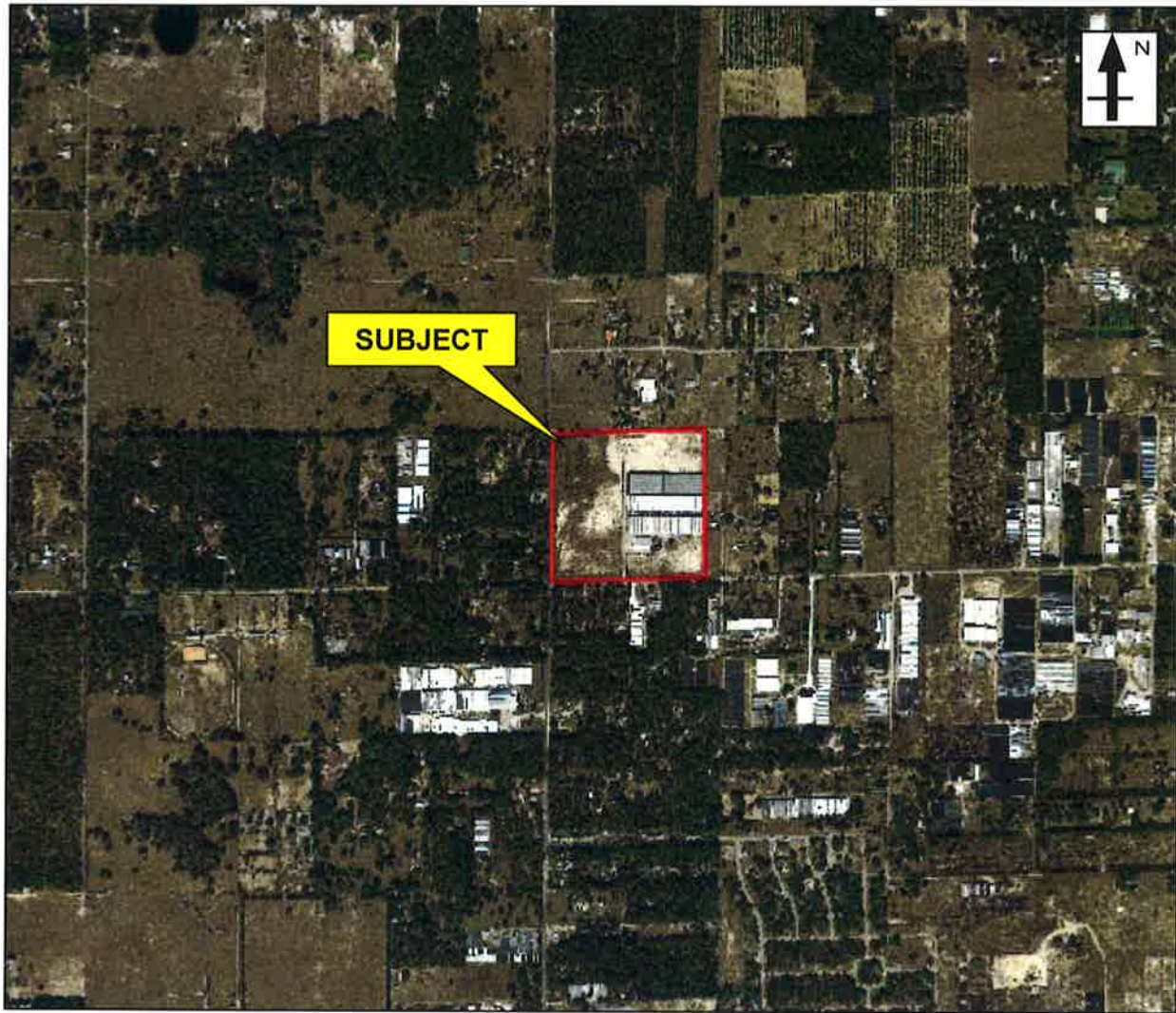
PARCEL NO. 232
OWNER MEGA GNG, LLLP
PROJECT SR 429 WEKIVA PARKWAY EXTENSION PROJECT NO. 429-203
CITY/COUNTY UNINCORPORATED/ORANGE

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AERIAL PHOTOGRAPH



*Approximate Representation
Source: Orange County Property Appraiser*



*Approximate Representation
Source: Orange County Property Appraiser*