

# CENTRAL FLORIDA EXPRESSWAY AUTHORITY

## MEMORANDUM

TO: Central Florida Expressway Authority Board Members

FROM: Linda S. Brehmer Lanosa, Deputy General Counsel *Linda B. Lanosa*  
Joseph A. Berenis, Chief of Infrastructure *Joseph A. Berenis*

DATE: February 23, 2016

RE: *Central Florida Expressway Authority v. Chiu-Hsia Huang and Rong Tsai Wu,*  
Case No. 2014-CA-005261, Parcel 233  
Location: East Side of Plymouth Sorrento Road, North of West Kelly Park Road,  
at 5024 Plymouth Sorrento Road, Apopka, Florida

### INTRODUCTION AND PROPERTY DESCRIPTION

Parcel 233 was mediated on January 7, 2015. Parcel 233 is a strip taking that runs along the front of the property, which is located on Plymouth Sorrento Road, just north of Kelly Park Road in Apopka. A map showing the general location of the property, aerials, photographs, and construction plans are attached hereto.

The taking is 36-feet deep and 165-feet wide, for a total area of 5,963 square feet. The strip taken reduces the size of the parent tract from 2.488 acres to 2.351 acres. The property is improved with two manufactured homes 1392 square feet and 500 square feet in size, both of which were built in 1973. Both manufactured homes are in poor condition. The owners do not live there.

The owners purchased the property in 2004 for \$70,000 and pay ad valorem taxes based upon an assessed value of roughly \$36,000 for the land or \$60,000 for the land and improvements. The property is zoned A-1 for Citrus Rural Agricultural District, with a future land use designation of Rural with a density of 1 unit per 10 acres.

### SUMMARY OF CFX'S APPRAISAL REPORT

The Central Florida Expressway Authority ("CFX") retained Walter Carpenter, MAI, CRE, to appraise the property. He valued the property with a highest and best use to hold for future commercial as follows:

Range of Comparable Sales:	\$1.66 to \$6.48/sf
Value of Land Taken (5963 sf @ \$3/sf)	\$17,890
Improvements (231 lf of 5' chain link fence plus 14' chain link gate, depreciated at 50%)	2,030
Severance Damages	0
Cost to Cure (contributory value of fence)	3,020
<b>Total</b>	<b>\$22,940</b>

4974 ORL TOWER RD. ORLANDO, FL 32807 | PHONE: (407) 690-5000 | FAX: (407) 690-5011

**SUMMARY OF THE OWNERS' APPRAISAL REPORT,**  
**EXPERT FEES, ATTORNEY'S FEES AND COSTS**

The owners' appraiser, Don K. Richardson, Ph.D., MAI, appraised the property with a highest and best use of commercial and estimated the value as follows:

Range of Comparable Sales:	\$3.32 to \$8.34/sf
Value of Land Taken (5963 sf @ \$4.25 sf)	\$25,343
Improvements (235 lf of 5' chain link fence, 14' chain link gate, depreciated at 25%, vegetative buffer)	6,900
Severance Damages (15% due to loss of access)	66,600
Cost to Cure (contributory value of fence)	3,200
<b>Total</b>	<b>\$102,000</b>
Expert Fees	
Dan K. Richardson, PhD, MAI	\$22,400
JMD Engineering, Inc.	4,245
Statutory Attorney's Fees	26,090
Total Request for Expert Fees and Costs and Attorney's Fees and Costs	<b>52,735</b>
All Inclusive Total	<b>\$154,735</b>

**ANALYSIS**

The largest difference in opinion between the appraisers involves the existence of severance damages. The owners' appraiser and engineer maintain that the value and use of the property in the after condition is diminished because the access to the property is within a right-turn lane. They conclude that this poses a safety issue and diminishes the value of the property. In contrast, Mr. Carpenter determined that the property was not damaged as a result of the taking.

Second, the owners' appraiser estimated the value of the property to be over 40% greater than Mr. Carpenter's estimate, even though both appraisers utilized two of the same sales.

Regarding expert fees, the owners' appraiser billed \$22,400 for his appraisal report, whereas, Pinel and Carpenter only charged \$12,152 for its appraisal report. Regarding engineering and planning fees, John M. Donaldson of JMD Engineering presented an invoice in the amount of \$4,245 for work done on behalf of the owners. whereas Landon, Moree & Associates and Speer Construction charged CFX \$600 and \$475, respectively.

At mediation, the parties reached a proposed all-inclusive settlement, subject to approval by the Board, of \$85,000. Although the settlement is not separated into components, the total could be allocated as follows: \$53,000 to the owners (or \$30,000 above the deposit, but nearly

half of the owner's estimate of value), \$22,000 for expert fees and costs (or a reduction of \$4,090 or about 20%), and \$10,000 for statutory attorney's fees.

### **RECOMMENDATION**

CFX staff requests that the Board approve the Right of Way Committee's recommendation of a settlement in the amount of **\$85,000** for all compensation arising from the taking of Parcel 233, including severance damages, business damages, interest, attorney's fees, expert fees, costs, and any other claim.

### **ATTACHMENTS**

Mediated Settlement Agreement

General Location of Property

Aerials of Property

Photographs of Property

Construction Plans

Invoices from the Owners' Experts

- Dan K. Richardson, Ph.D., MAI
- JMD Engineering

**IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT  
IN AND FOR ORANGE COUNTY, FLORIDA**

CENTRAL FLORIDA EXPRESSWAY AUTHORITY,  
a body politic and corporate, and an agency of  
the state under the laws of the State of Florida

CASE NO: 2014-CA-005261

Subdivision 39

Petitioner,

Parcel 233

vs.

CHIU-HSIA HUANG and RONG TSAI WU,  
et al,

Respondents.

**MEDIATED SETTLEMENT AGREEMENT**

At the Mediation Conference held on January 7, 2016, the parties reached the following Settlement Agreement:

1. Petitioner will pay to Respondents, CHIU-HSIA HUANG and RONG TSAI WU, ("Respondents") the sum of Eighty-Five Thousand and 200/100 Dollars (\$ 85,000.00 ), in full settlement of all claims for compensation from Petitioner resulting from the taking of Parcel 233, including severance damages, business damages, tort damages, interest, attorney's fees, expert fees, costs, and any other claim, subject to apportionment, if any.
2. Petitioner is entitled to a credit in the amount of Twenty-Two Thousand Nine Hundred Forty Dollars (\$22,940), which sum was previously deposited in the Registry of the Court in this case by Petitioner.
3. Petitioner will pay Respondent the balance due of Sixty-two Thousand Sixty Dollars and 200/100 Dollars (\$ 62,060 ), within twenty (20) days of the actual date of receipt by Petitioner's counsel of a conformed copy of the aforesaid Stipulated Final Judgment from the Court.
4. This Agreement is contingent upon the approval of the Central Florida Expressway Authority ("CFX") Right of Way ("ROW") Committee and the CFX Board of Directors.
5. Counsel for Petitioner and Respondent will jointly submit to the Court for signature a mutually approved Stipulated Final Judgment in this matter as soon as practicable after the approval of this mediated settlement agreement by the CFX Board.

6. This Agreement resolves all claims whatsoever, including claims of compensation arising from the taking of Parcel 233, such as severance damages, business damages, tort damages, interest, attorney's fees, expert fees, costs, and any other claim.

7. This Agreement, dated January 7, 2016, contain(s) all the agreements of the parties.

  
Joseph A. Berenis, Chief of Infrastructure,  
Central Florida Expressway Authority

  
Chiu-Hsia Huang, Owner

  
Linda Brehmer Lanosa, Esq. for  
Central Florida Expressway Authority

  
Rong Tsai Wu, Owner

  
Celeste F. Adorno, Esquire,  
Mediator

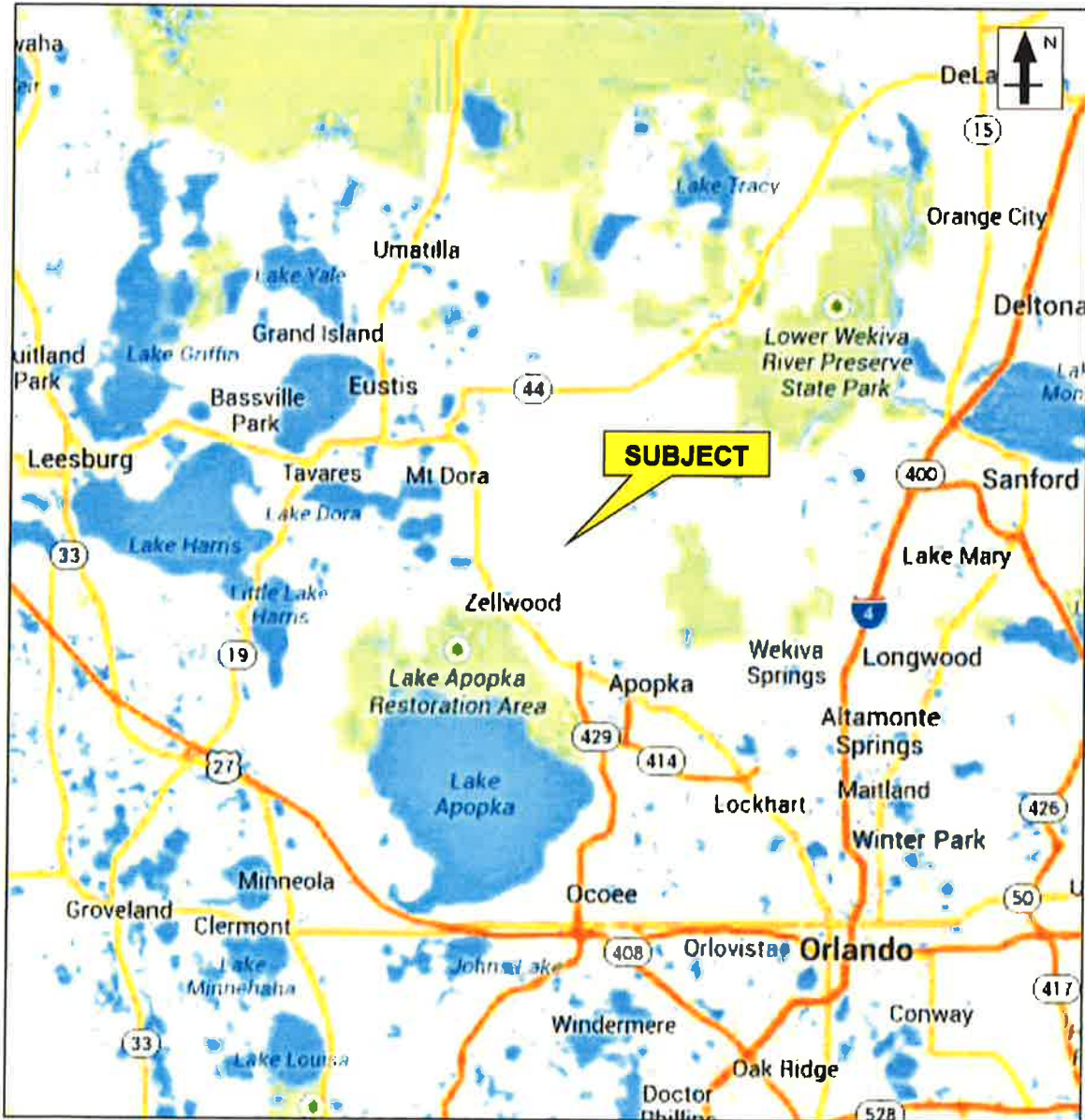
  
Meredith Delcamp, Attorney for Owner



PARCEL NO.: 233  
OWNER: HUANG AND WU  
PROJECT: SR 429 WEKIVA PARKWAY EXTENSION PROJECT NO. 429-203  
CITY/COUNTY: ORANGE

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### AREA MAP

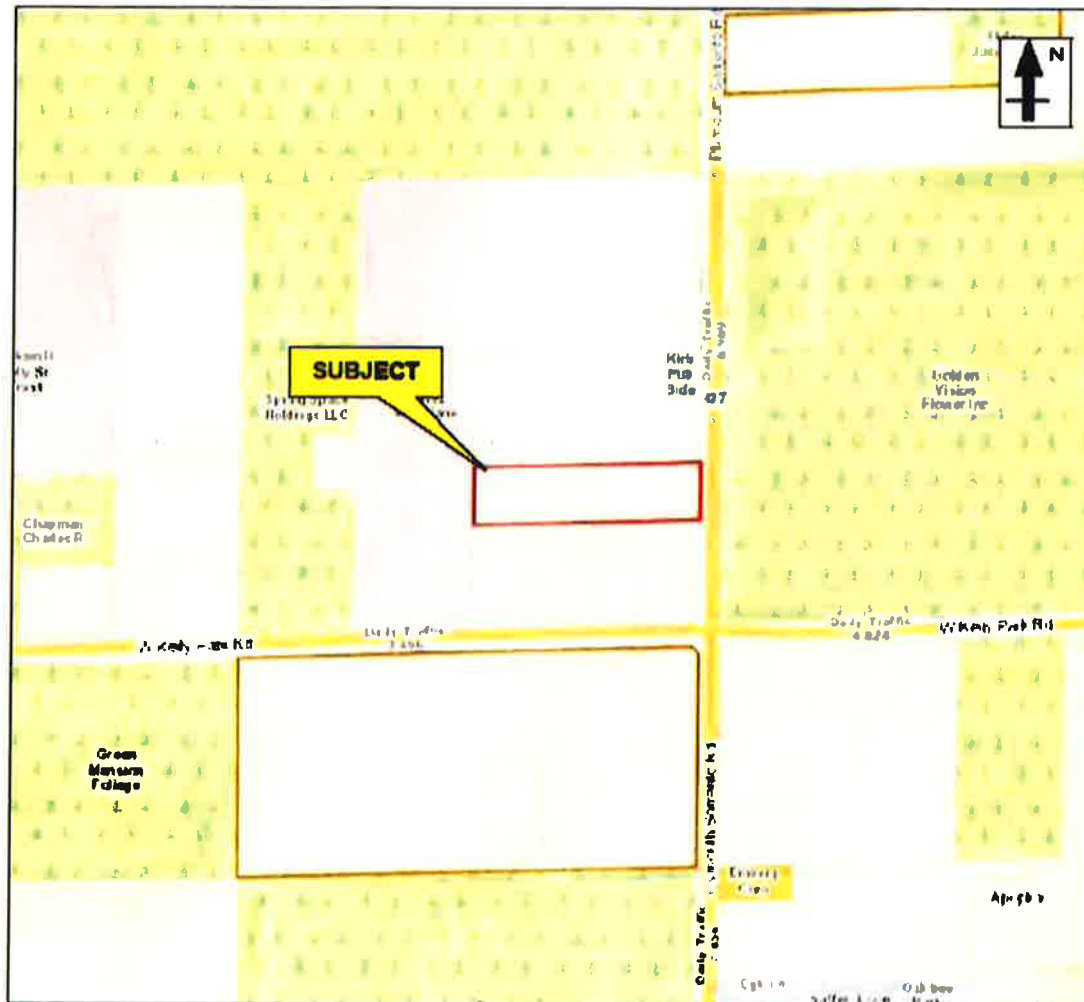


*Approximate Representation  
Source: Google Maps*

PARCEL NO.: 233  
OWNER: HUANG AND WU  
PROJECT: SR 429 WEKIVA PARKWAY EXTENSION PROJECT NO. 429-203  
CITY/COUNTY: ORANGE

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## TAX MAP



Approximate Representation  
Source: Orange County Property Appraiser

PARCEL NO.: 233  
OWNER: HUANG AND WU  
PROJECT: SR 429 WEKIVA PARKWAY EXTENSION PROJECT NO. 429-203  
CITY/COUNTY: ORANGE

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### AERIAL PHOTOGRAPH



*Approximate Representation  
Source: Orange County Property Appraiser*





BEFORE ACQUISITION  
WEKIVA PARKWAY  
HUANG  
PARCEL 233



SCALE: 1"=100'

**LMA**  
Landon, Mores & Associates, Inc.  
Civil & Environmental Engineers - Planners - Surveyors  
31622 U.S. 19 North Palm Harbor, Florida 34684  
Phone: (727) 789-8010, Fax: (727) 787-4394  
Toll Free: (800) 262-7860, WWW.LMAENGR.COM

LMA JOB: 663-01.233



Photo #3 - View South at Unoccupied residence and trailer:  
Photo taken by Dan K. Richardson on June 23, 2015



Photo #4-View of South and East Elevations of Occupied Residence  
Photo taken by Dan K. Richardson on June 23, 2015



Photo #5 - View South Elevation of Greenhouse  
Photo taken by Dan K. Richardson on June 23, 2015

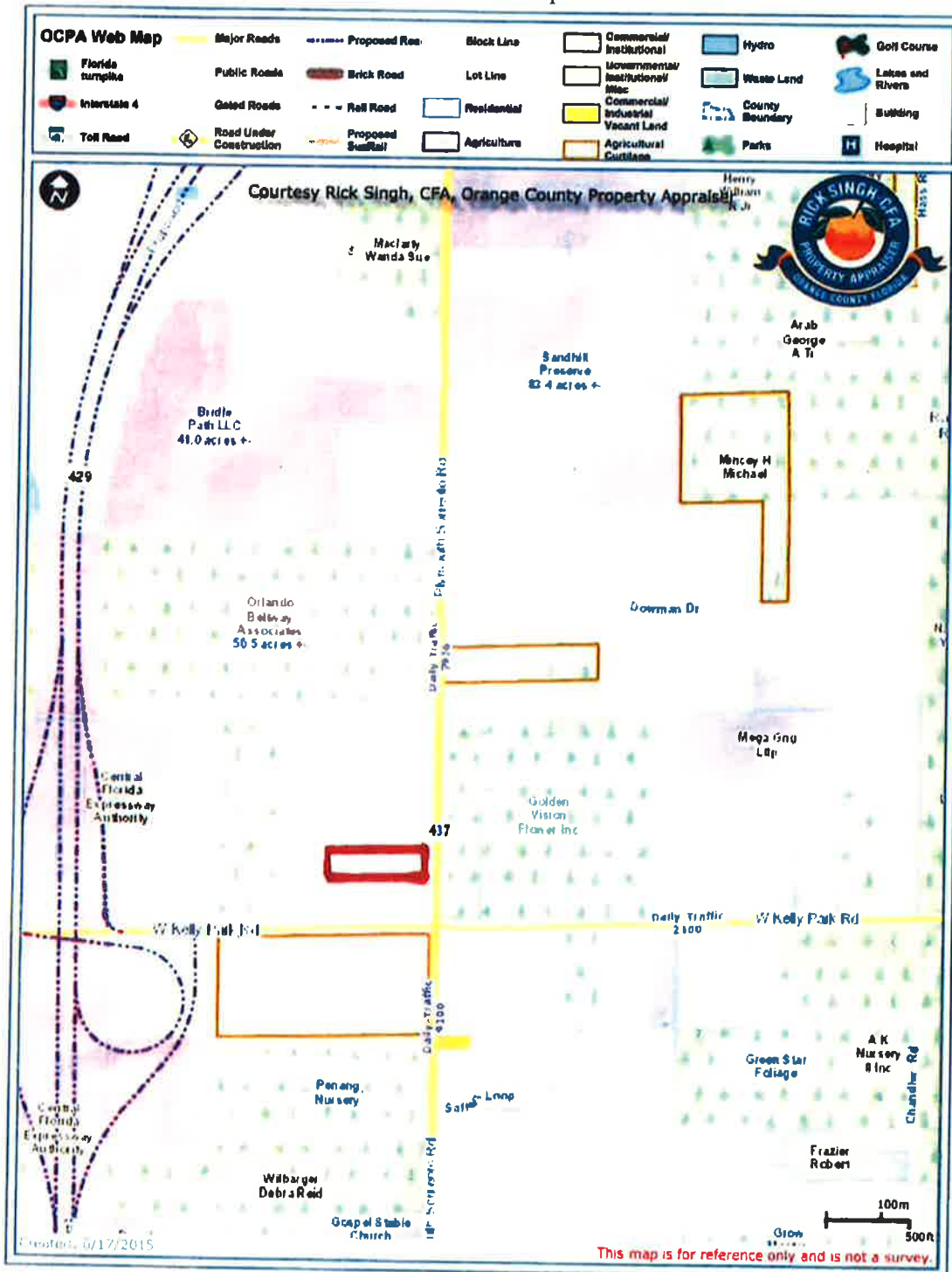


Photo #6-View Northbound Plymouth Sorrento Road-Subject at Left  
Photo taken by Dan K. Richardson on June 23, 2015





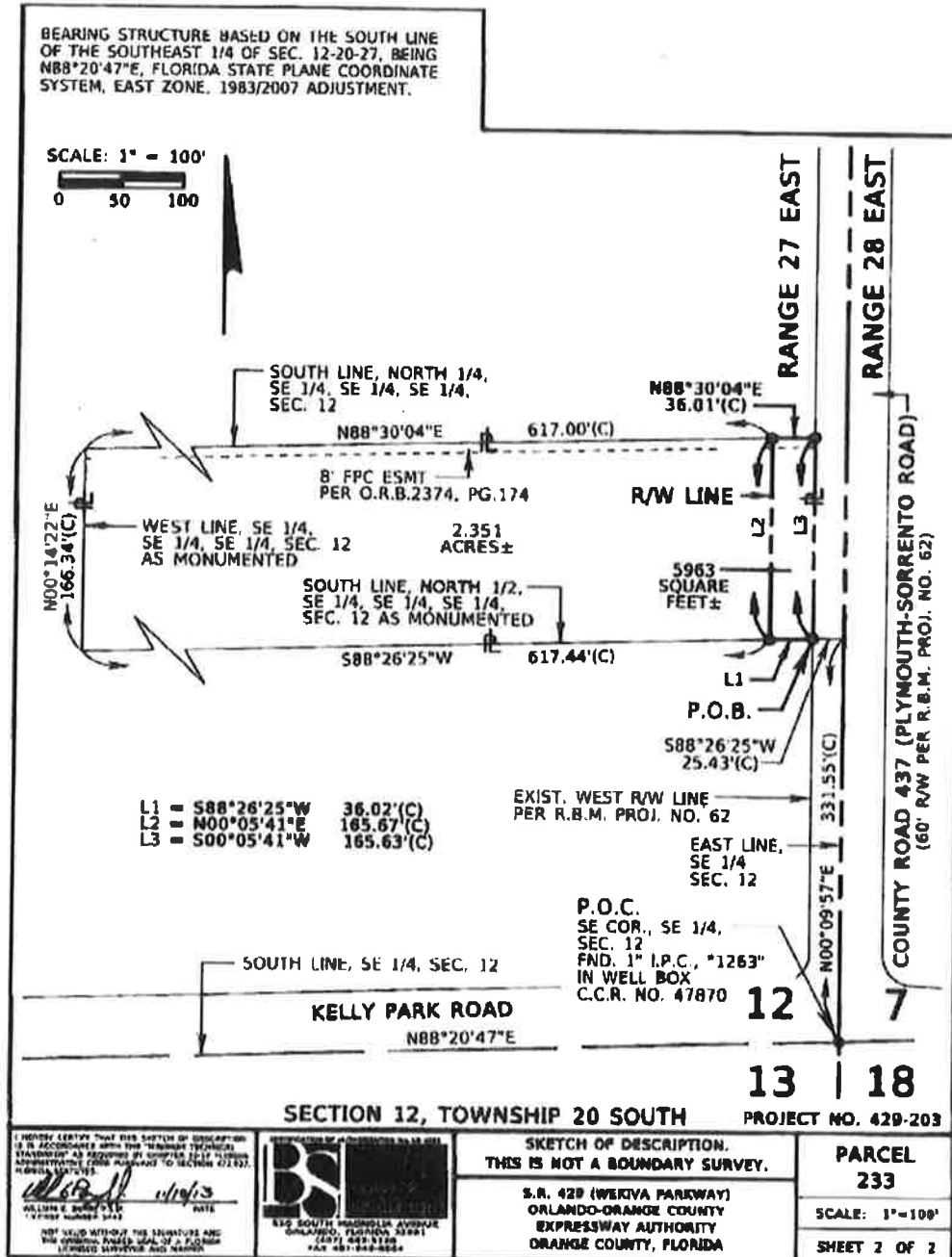
## Area Map



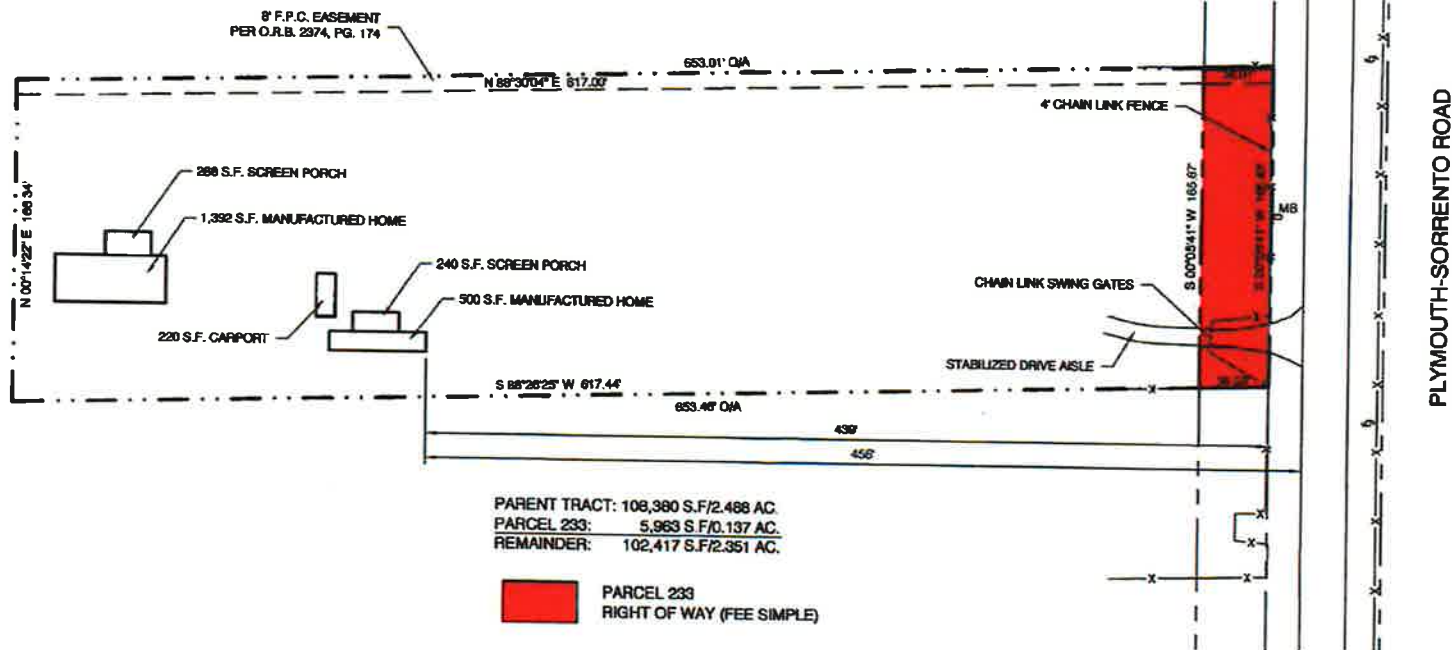
PARCEL NO.: 233  
 OWNER: HUANG AND WU  
 PROJECT: SR 429 WEKIVA PARKWAY EXTENSION PROJECT NO. 429-203  
 CITY/COUNTY: ORANGE

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# SKETCH





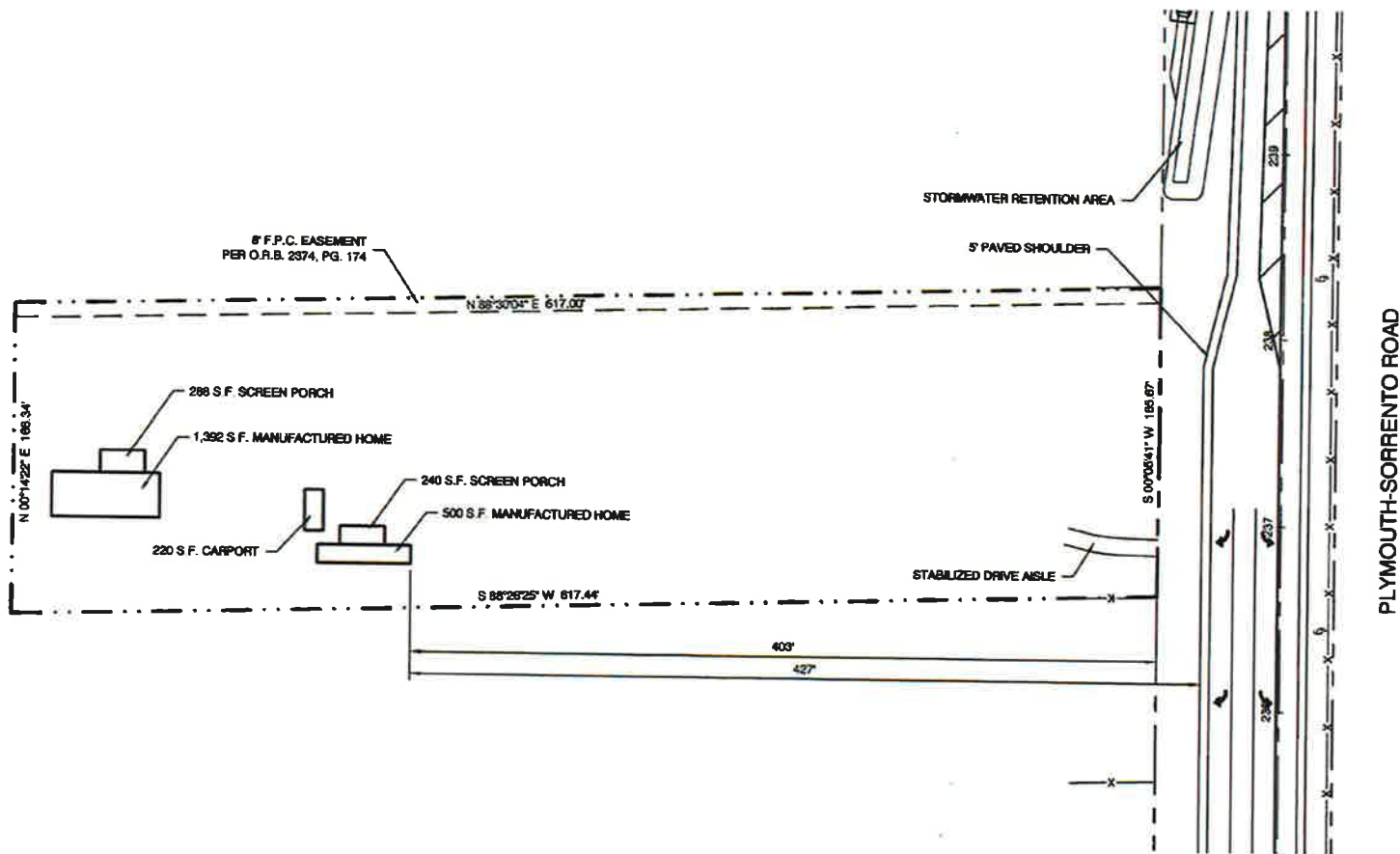


**BEFORE ACQUISITION  
 WEKIVA PARKWAY  
 HUANG  
 PARCEL 233**

SCALE: 1"=60'

**LMA**  
 London, Moore & Associates, Inc.  
 Civil & Environmental Engineers - Planners - Surveyors  
 31622 U.S. 19 North Palm Harbor, Florida 34884  
 Phone: (727) 789-5010, Fax: (727) 787-4304  
 Toll Free: (800) 252-7960, WWW.LMAENGR.COM

LMA JOB: 663-01.233



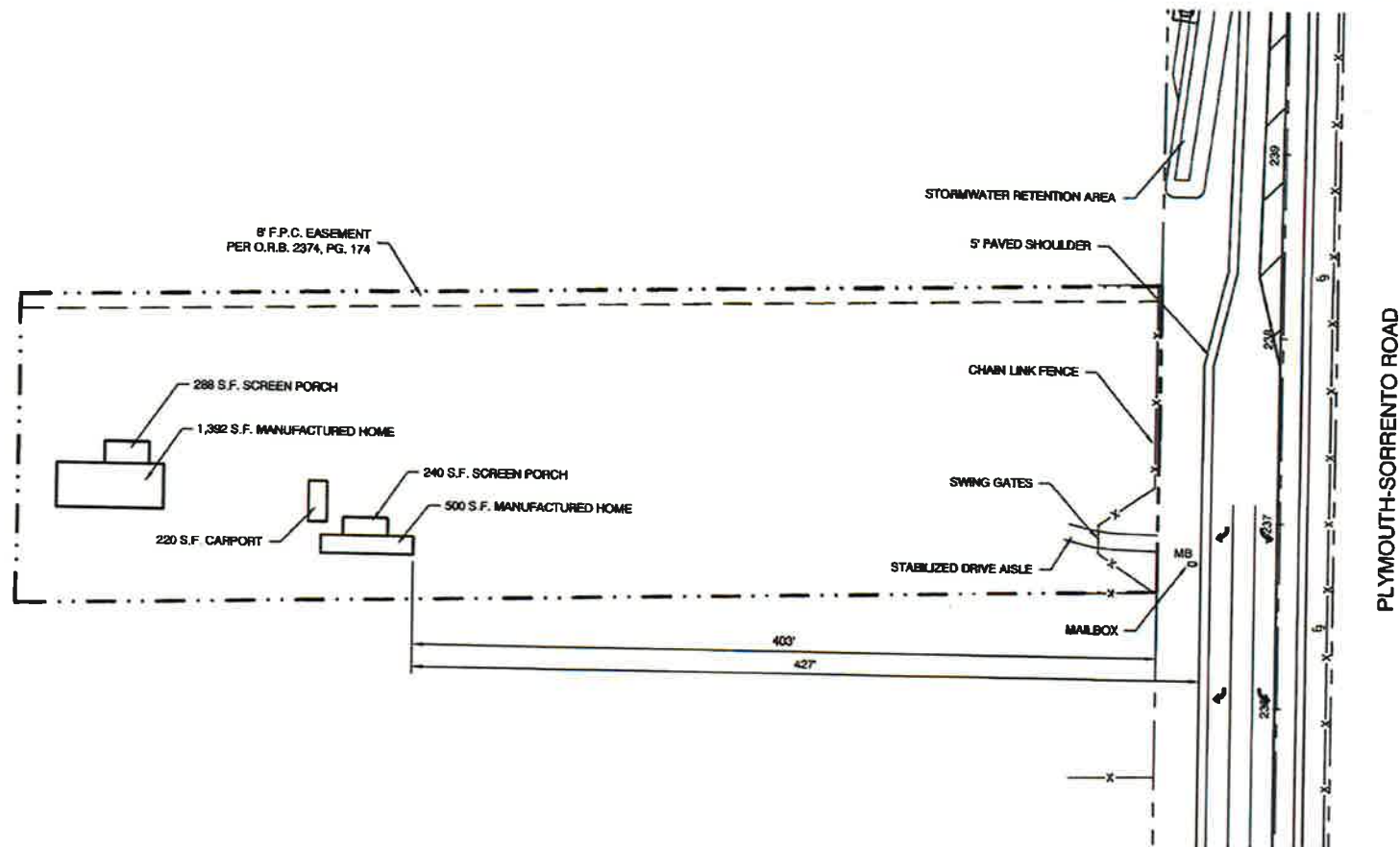
**AFTER ACQUISITION  
WEKIVA PARKWAY  
HUANG  
PARCEL 233**

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SCALE: 1"=60'

**LMA**  
Landon, Moree & Associates, Inc.  
Civil & Environmental Engineers - Planners - Surveyors  
31622 U.S. 19 North Palm Harbor, Florida 34684  
Phone: (727) 789-5010, Fax: (727) 787-4394  
Toll Free: (800) 282-7960, WWW.LMAENGR.COM

LMA JOB: 663-01233



**SITE MODIFICATION  
WEKIVA PARKWAY  
HUANG  
PARCEL 233**



**LMA**  
Landon, Moree & Associates, Inc.  
Civil & Environmental Engineers - Planners - Surveyors  
31622 U.S. 19 North Palm Harbor, Florida 34684  
Phone: (727) 769-5616, Fax: (727) 767-4384  
Toll Free: (800) 262-7968, WWW.LMAENGINE.com

LMA JOB: 663-01.233

**INVOICE**  
**Huang & Wu**  
**October 2, 2015**

Dan K. Richardson, PhD, MAI, AI-GRS  
R & W Enterprises, Inc.  
2186 Coffee Pot Blvd. N.E.  
St. Petersburg, Florida 33704  
TIN 59-1097321

**INVOICE NO. 15-033**

BUCHANAN INGERSOLL & ROONEY PC  
ATTN: MEREDITH DELCAMP  
501 E. KENNEDY BOULEVARD, SUITE 1700  
TAMPA, FLORIDA 33602

2-OCTOBER-2015

NOTICE TO PROCEED: April 8, 2015  
PROJECT TITLE: Central Florida  
Expressway Authority  
CASE NO.: 2014-CA-5261-O  
CASE NAME: Huang/Wu  
PARCEL NO.: 233

**APPRAISAL SERVICES:**

**LABOR HOURS:**

**Principal Appraiser:**

Establish Legal File (4/8/15)	1.50 hrs. @ \$200/hr.	\$ 300.00
Review Orig & Upd Appraisal (4/9/15)	3.75 hrs. @ \$200/hr.	\$ 750.00
Review Comps & Sales (4/9/15)	1.50 hrs. @ \$200/hr.	\$ 300.00
Prep & Teleconf w/Attys. (4/14/15)	2.00 hrs. @ \$200/hr.	\$ 400.00
Search for Engineer (4/17/15)	0.50 hrs. @ \$200/hr.	\$ 100.00
Review Road Plans (4/20/15)	2.25 hrs. @ \$200/hr.	\$ 450.00
Assemble Regional Data (4/22/15)	1.50 hrs. @ \$200/hr.	\$ 300.00
Research Neighborhood (4/23/15)	2.00 hrs. @ \$200/hr.	\$ 400.00
Investigate Tax Information (4/27/15)	1.50 hrs. @ \$200/hr.	\$ 300.00
Land Use Investigation (5/1/15)	1.50 hrs. @ \$200/hr.	\$ 300.00
Zoning Investigation (5/1/15)	1.00 hrs. @ \$200/hr.	\$ 200.00
Planning Overlay Info (5/1/15)	1.00 hr. @ \$200/hr.	\$ 200.00
Research Tax Information (5/6/15)	1.00 hr. @ \$200/hr.	\$ 200.00
Research Property History (5/6/15)	0.50 hrs. @ \$200/hr.	\$ 100.00
Research Subject Property (5/12/15)	1.00 hr. @ \$200/hr.	\$ 200.00
Research Sales (5/13/15)	3.50 hrs. @ \$200/hr.	\$ 700.00
Research Sales (5/21/15)	4.00 hrs. @ \$200/hr.	\$ 800.00
Research Utilities (5/27/15)	1.50 hrs. @ \$200/hr.	\$ 300.00
Subtotal Labor:	31.50 hrs. @ \$200/hr.	\$ 6,300.00

Principal Appraiser:			
Contact Engineer(6/1/15)	0.50	hr. @\$200/hr.	\$ 100.00
Verify EA Sales Data (6/2/15)	2.50	hrs. @\$200/hr.	\$ 500.00
Verify EA Sales Data (6/3/15)	1.75	hrs. @\$200/hr.	\$ 350.00
Research Sales (6/4/15)	3.50	hrs. @\$200/hr.	\$ 700.00
Research Sales (6/10/15)	3.50	hrs. @\$200/hr.	\$ 700.00
Teleconf w/Atty.(6/11/15)	0.25	hr. @\$200/hr.	\$ 50.00
Contact Engineer (6/11/15)	1.00	hr. @\$200/hr.	\$ 200.00
Contact Property Owner (6/17/15)	0.50	hr. @\$200/hr.	\$ 100.00
Review Engineering Report(6/17/15)	1.50	hrs. @\$200/hr.	\$ 300.00
Review EA Sales Market Area(6/18/15)	2.00	hrs. @\$200/hr.	\$ 400.00
Inspect, Measure & Photograph(6/23/15)	4.50	hrs. @\$200/hr.	\$ 900.00
Subject Property & Neighborhood			
Inspect Comparables &			
Market Area(6/24/15)	8.00	hrs. @\$200/hr.	\$ 1,600.00
Draft Reg/Ngh Analysis(6/25/15)	4.50	hrs. @\$200/hr.	\$ 900.00
Verify Sales (6/26/15)	1.50	hrs. @\$200/hr.	\$ 300.00
Draft Subject Description(6/26/15)	2.50	hrs. @\$200/hr.	\$ 500.00
Verify Sales (6/26/15)	1.50	hrs. @\$200/hr.	\$ 300.00
Prep Sales Summaries(6/27/15)	4.50	hrs. @\$200/hr.	\$ 900.00
Prep Maps & Exhibits(6/29/15)	6.50	hrs. @\$200/hr.	\$ 1,300.00
Assemble Addenda(6/30/15)	3.50	hrs. @\$200/hr.	\$ 700.00
Prep HBU Analysis (7/1/15)	3.50	hrs. @\$200/hr.	\$ 700.00
Verify Sale (7/2/15)	0.50	hr. @\$200/hr.	\$ 100.00
Analyze Land Sales (7/2/15)	3.50	hrs. @\$200/hr.	\$ 700.00
Draft Take Analysis (7/3/15)	1.50	hrs. @\$200/hr.	\$ 300.00
Remainder Valuation & Cure(7/6/15)	4.50	hrs. @\$200/hr.	\$ 900.00
Prep COV, TOC, Trans Let(7/7/15)	3.00	hrs. @\$200/hr.	\$ 600.00
Assemble Appraisal (7/8/15)	6.00	hrs. @\$200/hr.	\$ 1,200.00
Proof & Deliver Appraisal(7/9/15)	4.00	hrs. @\$200/hr.	\$ 800.00
PAGE TWO - LABOR HOURS:	80.50	hrs. @\$200/hr.	\$16,100.00
PAGE ONE - LABOR HOURS:	31.50	hrs. @\$200/hr.	\$ 6,300.00
TOTAL LABOR HOURS:	112.00	hrs. @\$200/hr.	\$22,400.00

EXPENSES: Travel & Direct Expenses	\$ -0-
<b>TOTAL AMOUNT DUE THIS INVOICE:</b>	<b>\$22,400.00</b>



Dan K. Richardson, PhD, MAI, AI-GRS  
Cert Gen #RZ735 (Florida)

DKR/BIR/15-033





**JMD ENGINEERING, INC.**

Meredith Delcamp  
Fowler White Boggs P.A.  
501 E. Kennedy Blvd, Suite 1700  
Tampa, Florida 33602

Invoice Date: 9/29/2015  
Invoice Amount: \$4,145.00

Project No: FW-15-04  
Project Name: PARCEL 233

Please send payments to:  
JMD ENGINEERING, INC.  
12773 FOREST HILL BLVD., SUITE 204  
WELLINGTON, FL 33414

Invoice No: FINAL BILL

Federal Tax Id: 08-1663562

Services through 9/29/2015

**HOURLY**

Description	Current Amount Due
PROFESSIONAL SERVICES	\$4,145.00
EXPENSES -	\$0.00
Subtotal	\$4,145.00
Total HOURLY	\$4,145.00

**TOTAL INVOICE \$4,145.00**



**JMD ENGINEERING, INC.**

**LABOR AND EXPENSE DETAIL**

Meredth Delcamp  
Fowler White Boggs P.A.  
501 E. Kennedy Blvd, Suite 1700  
Tampa, Florida 33602

Invoice No: Final Bill  
Invoice Date: 9/29/2015  
Project No: FW-15-04  
Project Name: PARCEL 233

**HOURLY**

Task	Description	Hrs/Qty	Rate	Current Amount
PROFESSIONAL SERVICES	PRINCIPAL	18.50	\$190.00	\$3,515.00
	CAD TECH	7.0	\$90.00	\$630.00
<b>TOTAL PROFESSIONAL SERVICES</b>		<b>25.5 hrs</b>		<b>\$4,145.00</b>
EXPENSES	OFFICE EXPENSE			\$0.00
	OTHER EXPENSES			\$0.00
<b>TOTAL LABOR AND EXPENSE DETAIL</b>				<b>\$4,145.00</b>

*This page is for informational purposes only. Please pay amount shown on cover page.*

## ***Work Descriptions for John M. Donaldson***

**FW-15-04**

***Job Name***

<b><i>Date</i></b>	<b><i>Hours</i></b>	<b><i>Task</i></b>	<b><i>Work Description</i></b>
2/20/2015	2.00	02	REVIEW DOCS
2/24/2015	2.00	02	ANALYSIS
3/11/2015	1.50	02	ANALYSIS
3/18/2015	1.50	02	ANALYSIS. COSTS
4/9/2015	1.00	02	DATA TO ATTY
5/19/2015	4.00	02	ANALYSIS. REPORT
5/28/2015	1.50	02	REPORT.COSTS REVISED.
6/11/2015	4.00	02	CONF CALL. REPORT. DW RESEARCH
6/17/2015	1.00	02	CONF CALL W/ ATTY APPRAISER

***Total Hours: 18.50***

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## ***Work Descriptions for CADD TECHNICIAN***

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**FW-15-04**

***Job Name***

<b><i>Date</i></b>	<b><i>Hours</i></b>	<b><i>Task</i></b>	<b><i>Work Description</i></b>
3/19/2015	5.00	BC, AOT, ACDN	
5/19/2015	2.00	ADDITIONAL CAD	
<b><i>Total Hours:</i></b>	<b><i>7.00</i></b>		