


**WINDERWEEDLE, HAINES, WARD & WOODMAN, P.A.**  
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**MEMORANDUM**

**TO: Central Florida Expressway Authority Board Members**

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

**DATE: January 25, 2016**

**RE: S.R. 429 Wekiva Parkway, Project 429-204; Parcel 254**  
**Approval for Attorney Fee Settlement**

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Winderweeidle, Haines, Ward & Woodman, P.A., right of way counsel, seeks the Board's approval of a settlement for attorneys fees related to the acquisition of Parcel 254 on S.R. 429 Wekiva Parkway, Project 429-204. An Order of Taking was entered on June 23, 2015.

**DESCRIPTION and BACKGROUND:**

Parcel 254 is a total taking of a .76 acre piece of property located along Ondich Road in unincorporated Orange County. The property is improved with a 3,140 square foot residence and other associated residential improvements. Compensation to the property owner has been resolved and the primary issue is resolution of the property owner's attorney's fees and expert costs.

CFX's appraisal of the property was prepared by David Hall of Bullard, Hall & Adams, Inc. Mr. Hall issued a final appraisal report with a date of value of January 22, 2015, in the amount of **\$336,200.00**. This amount was deposited in the Court Registry as CFX's good faith deposit.

Since a trial order was not entered in this case, appraisal reports did not become due from the landowners. However, the Merceds retained the services of Rick Dreggors, whose preliminary valuation was substantially higher than CFX's offer. The Merceds have submitted a compensation claim of **\$596,000.00** for this property, in addition to seeking federal relocation assistance.

Pursuant to calculations and findings made under the Uniform Relocation Act, the amount of compensation offered in CFX's appraisal report resulted in the landowners qualifying for a Supplementary Replacement Housing Payment, or Purchase Additive. A purchase additive is necessary in cases whether the current price of available comparable replacement dwellings is greater than the acquisition amount paid for the landowner's property.

The amount of compensation offered in CFX's appraisal resulted in the landowners being paid \$309,500 as a Purchase Additive, \$4,976.78 in incidental costs, and \$2,450.00 in moving costs, for a total relocation benefit of \$316,926.78.

The landowner is willing to accept CFX's appraised value in this case along with the Purchase Additive offered by CFX's acquisition agents.

The landowner retained the legal services of Kent Hipp and Nicholas Dancaescu, from Gray Robinson, P.A. Landowner has incurred legal fees in excess of \$85,000.00 in this case, but is willing to accept \$73,000.00.

The landowners also retained the appraisal services of Calhoun, Dreggors & Associates, Inc. An invoice has been submitted for appraisal services in the amount of \$9,543.00. This includes 5.0 hours at \$75.00 per hour for a researcher, 22.50 hours at \$125.00 per hour for Kevin Eaton, 18.75 hours at \$150.00 per hour for Courtney Abrams and 15.75 hours at \$225.00 per hour for Richard Dreggors. However, during settlement negotiations, Mr. Dreggors agreed to accept \$8,500.00 for his firm's services related to this parcel.

CFX retained the appraisal services of David Hall of Bullard, Hall & Adams, Inc. Mr. Hall has submitted invoices in a total amount of \$11,070.00 to appraise the subject property. This includes 37.5 hours at \$150.00 per hour for appraisers, 21 hours at \$40.00 per hour for administrative assistance, and a flat fee of \$4,500.00 for an appraisal update. Mr. Hall also appraised other properties in the same vicinity, and spread out certain costs over several parcels.

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

#### **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 for the payment of \$73,000.00 for attorney's fees and \$8,500.00 for expert fees, for a total of **\$81,500.00**. These payments will resolve all claims for compensation for the acquisition of Parcel 254. No approvals are necessary for the land compensation or relocation aspects of this parcel.

#### **ATTACHMENT:**

Exhibit A-Sketch of Subject Property

# SKETCH OF DESCRIPTION

PARCEL 254

PURPOSE: LIMITED ACCESS RIGHT OF WAY

ESTATE: FEE SIMPLE

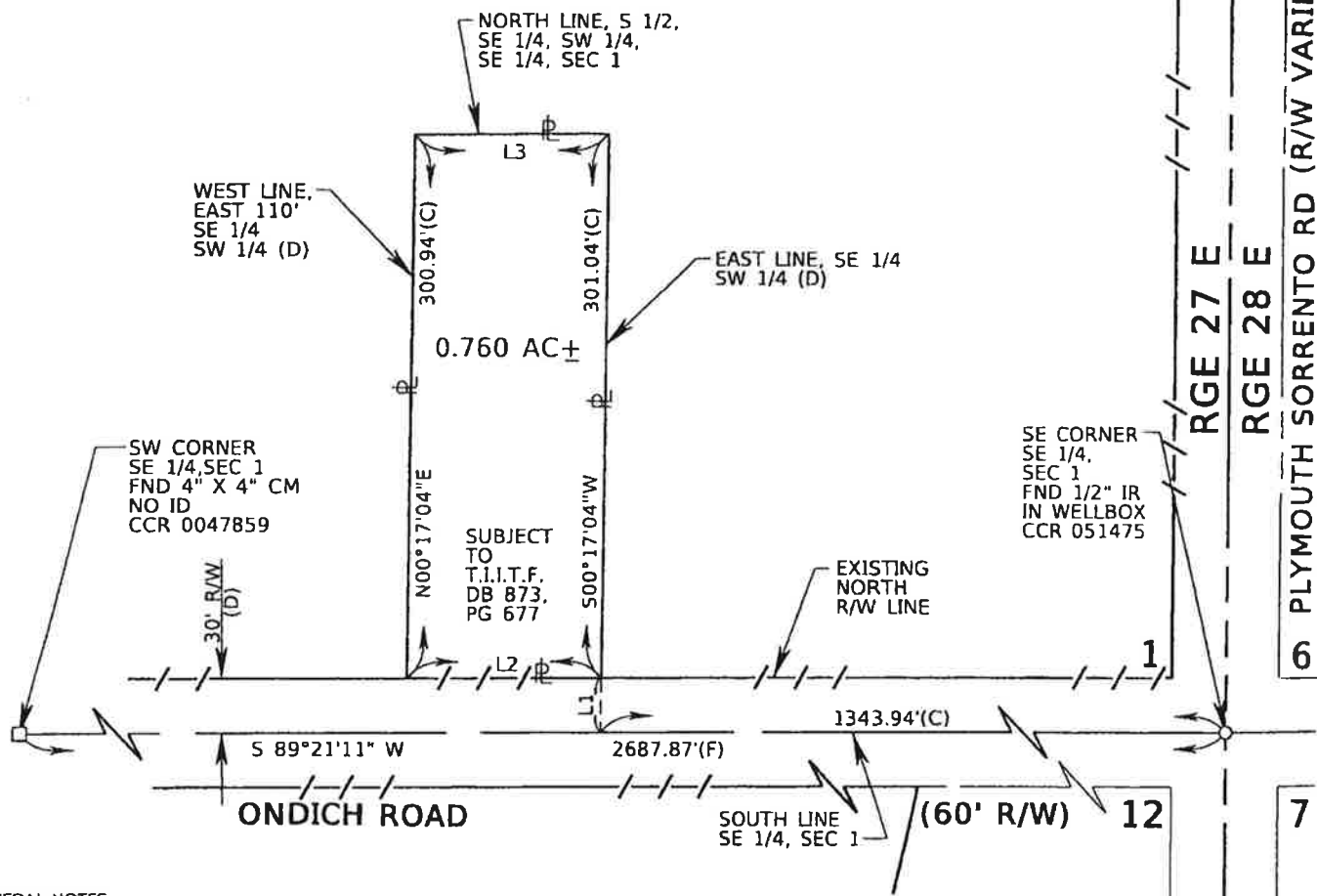
## TOWNSHIP 20 SOUTH, RANGE 27 EAST

LINE TABLE		
L1	N 00°17'04" E	30.00'(C)
L2	S 89°21'11" W	110.01'(C)
L3	N 89°18'06" E	110.02'(C)

SCALE:  
1" = 100'

### LEGEND

C = CALCULATED  
CCR = CERTIFIED CORNER RECORD  
CM = CONCRETE MONUMENT  
COR = CORNER  
D = DEED  
DB = DEED BOOK  
F = FIELD  
FND = FOUND  
ID = IDENTIFICATION  
IR = IRON ROD  
LA = LIMITED ACCESS  
LB = LICENSED BUSINESS  
OR = OFFICIAL RECORDS  
PB = PLAT BOOK  
PG = PAGE  
PL = PROPERTY LINE  
R = RADIUS  
RGE = RANGE  
R/W = RIGHT OF WAY  
SEC = SECTION  
TITF = THE INTERNAL IMPROVEMENT TRUST FUND  
TWP = TOWNSHIP



### GENERAL NOTES:

1. THE BEARINGS SHOWN HEREON ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, 1983 NORTH AMERICAN DATUM, 2007 ADJUSTMENT, WITH THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 20 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, HAVING A BEARING OF SOUTH 89°21'11" WEST.
2. THERE MAY BE OTHER RECORDED DOCUMENTS FOUND IN ORANGE COUNTY RECORDS AFFECTING THIS PROPERTY THAT ARE NOT SHOWN ON THIS SKETCH OF DESCRIPTION.
3. ATTENTION IS DIRECTED TO THE FACT THESE MAPS MAY HAVE BEEN ALTERED IN SIZE BY REPRODUCTION. THIS MUST BE CONSIDERED WHEN OBTAINING SCALE DATA.
4. A CERTIFICATE OF TITLE INFORMATION PREPARED BY "FIRST AMERICAN TITLE INSURANCE COMPANY" DATED OCTOBER 5, 2012, FILE NO. 2037-2832527 WAS REVIEWED BY THE SURVEYOR AND EXCEPTIONS (IF ANY) NOTED ON SAID CERTIFICATE ARE SHOWN HEREON.

FOR: ORLANDO ORANGE COUNTY EXPRESSWAY AUTHORITY

STATE ROAD 429

DESIGNED BY: RJM

DATE: 12/18/13

DRAWN BY: DJK

JOB NO:

APPROVED BY: RJM

OCEA PROJECT NO: 429-204

**URS**

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REVISIONS:

SHEET: 2 OF 2